

## COMBATTING ISLAMOPHOBIA ON THE INTERNATIONAL STAGE: THE NEED FOR MUSLIM UNITY<sup>©Σ</sup>

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### ABSTRACT

Islamophobia has become the global norm, with governments in many countries blatantly discriminating against Muslims. Islamophobia should be recognized internationally as a violation of international human rights norms, and governments that adopt Islamophobic laws and policies should be held accountable for those violations. Muslim countries should take the lead in raising this issue at international fora, but unity on this front, like on other issues, remains elusive. Nevertheless, recent initiatives by Qatar and Malaysia show promise.

**Keywords:** Islamophobia; international human rights law; Muslim unity; United Nations

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**MEMERANGI ISLAMOFOBIA DI PERINGKAT ANTARABANGSA:  
KEPERLUAN PERPADUAN UMAT ISLAM**

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**ABSTRAK**

*Islamofobia telah menjadi norma global, dengan kerajaan di banyak negara secara terang-terangan mendiskriminasi umat Islam. Islamofobia harus diiktiraf di peringkat antarabangsa sebagai pelanggaran norma hak asasi manusia antarabangsa, dan kerajaan yang menerima pakai undang-undang dan dasar Islamofobia harus bertanggungjawab ke atas pelanggaran tersebut. Negara-negara Islam harus memimpin dalam membangkitkan isu ini di forum antarabangsa, tetapi kesatuan dalam aspek ini, seperti dalam isu-isu lain, masih sukar dicapai. Namun begitu, inisiatif oleh negara Qatar dan Malaysia baru-baru ini memberi harapan.*

**Kata Kunci:** *Islamofobia di peringkat antarabangsa, undang-undang hak asasi antarabangsa, perpaduan umat Islam, Pertubuhan Bangsa-Bangsa Bersatu*

## **Introduction: The Need for Holding Government Accountable**

On 29 May 2023, the government of Qatar held a one day Policy Dialogue Roundtable, bringing together over 30 international experts to discuss possible global policy approaches against Islamophobia. One of the stated precursors of this Roundtable was the coverage of the 2022 World Cup, held in Qatar in November 2022, in the Western media. Even a cursory examination of Western reporting on the 2022 World Cup shows that most of it went far beyond the usual scrutiny of human rights issues during a mega-sporting event. On the whole, Arabs – and Muslims - were generally portrayed as violent and uncivilized, with frequent of the usual Islamophobia tropes about the abuse of women and other issues. (See Bazian 2022a, Bazian 2022b)

The role of the media (including social media) in generating, and disseminating, negative stereotypes about Muslims, and Islam in general, is naturally an important issue. However, as many of the participants at the Roundtable stressed, it is equally, perhaps even more, vital that we focus on the role played by governments. It is governments, and political leaders broadly, that set the tone for society, through their statements, their actions, and in particular their laws and policies. It is governments that create an enabling environment for hate against Muslims, both within the media and on the individual level. It is also governments that are ultimately responsible under international law for ensuring the rights of individuals and of communities.

Governments must be held accountable for failing to live up to their obligations. We should focus our efforts against Islamophobia more on government actions and call out Islamophobic policies for what they are: a violation of international human rights norms that states are bound by.

### **Islamophobia as the New Normal**

Islamophobia is the new global norm. Governments openly brand Muslims as a threat to national security, or to national culture, or both (as the circumstances may require). Government policy and media narratives feed each other in a reinforcing cycle of hate production, creating an ever more enabling environment for hate crimes and an international Islamophobia industry. Islamophobia has been a feature in many societies for centuries, but it has of course been especially pronounced since the terrorist attacks on New York on 11 September 2001. Islamophobia continues to be a pillar of securitization and the Global War against Terror, with disastrous results not only for the rights of Muslim minorities, but also with military invasions of Muslim countries. As rightly stated by the Qatari Minister for International Cooperation in addressing the Roundtable, "The consequences of [Islamophobia] are not limited to Muslim countries and societies only. They also threaten the whole world, because of its long-term and cross-border repercussions". (Doha News 2023).

The liberal state is based on the pretense that laws and policies must be forged and implemented in an impartial, non-discriminatory manner. More and more, that pretense

is being abandoned, with governments openly targeting Muslims (both foreign nationals and citizens) with blatantly discriminatory policies. One prominent example is France, where hundreds of Muslim organizations have been forcibly shut down following spurious government accusations that they support “separatism”. The hijab is banned in French secondary schools, as is the niqab in all public spaces, and prefects have tried to ban modest swimwear in beaches. With Muslims branded as an existential threat to secular French culture, CAGE argues that the discrimination against Muslims has reached the level that it amounts to persecution under international law. (CAGE 2022: 11)

France is merely an extreme manifestation of where most European states appear to be headed. In Denmark, for example, most Muslims are stigmatized with the official categorization of having come from a “non-Western” background – a category that has no geographical continuity, and in fact includes only predominantly white countries. Neighborhoods that have a high percentage of “non-Western” residents, together with high unemployment and other social criteria, are referred to in official government policy as “ghettos”, subject to special measures. For example, residents of “ghettos” must ensure their children attend daycare from the age of one year, to learn “Danish values”, and are prohibited from taking their children on long holidays to “their” countries. Penalties for crimes within the “ghettos” can be doubled. (See e.g. Open Society Justice Initiative 2022)

Muslim organizations in Austria must fulfill special requirements for legal recognition that other religious organizations do not have. In 2021, a government thinktank published a map of all Muslim mosques and organizations in the country, suggesting they were a fifth column not to be trusted. Racist attacks on mosques and Muslims increased dramatically afterwards. (See e.g. Hafez 2022 at 89) In the United States, the government maintains a secret “terrorist watch list” of more than 1.5 million people, over 98 percent of which are Muslim. There is no notification when a person is included on the list, and no way to challenge the inclusion. On 1 May 2023, the longstanding mayor of a city in New Jersey, who had been invited to an Eid celebration in the White House, was told over the phone as he was driving to the event that he would be barred from attending, due to his inclusion on the list. The Council on American-Islamic Relations, a major Muslim rights NGO in the US, pointed to the case and stated that “The federal government’s habit of abusing Muslims is so rooted that it repeatedly overwhelms reason itself”. (CAIR 2023: 1).

The situation is hardly confined to the global north. Muslims are the target of genocidal government measures in China, where Uyghurs are subject to constant surveillance, including at the hands of Chinese civil servants who live with Uyghur families and report on their activities. Adherence to religious tenets are taken to be a sign of terrorist inclinations, and Uyghurs are forced to eat pork, drink alcohol, and refrain from praying or fasting. Up to a million Uyghurs have been imprisoned in detention camps. In a hard-hitting report published in August 2022, the Office of the UN High Commissioner for Human Rights stated that “The extent of arbitrary and discriminatory detention of members of Uyghur and other predominantly Muslim groups ... in context of restrictions and deprivation more generally of fundamental

rights enjoyed individually and collectively, may constitute international crimes, in particular crimes against humanity." (Office of the High Commissioner for Human Rights 2022: 44).

In Myanmar, a sustained hate campaign against the Muslim Rohingya, and against Muslims in general, has led to mass killings and expulsions. The Rohingya, whom are often referred to as the most persecuted people in the world, had already suffered from denationalization at the hands of the government in the early 1980s. (See e.g. Human Rights Watch 2020) The government of India has also revoked the citizenship of millions of Muslims in the state of Assam, and political leaders have been encouraging online hate campaigns against Muslims. (See e.g. Thompson, Itoui, and Bazian 2019; New York Times 2021)

### **Inadequate Efforts at the International Level**

Islamophobia is truly a global issue that requires sustained international measures. Efforts at the intergovernmental level, in particular the United Nations (UN), are vital in addressing this global trend. Islamophobia should be understood as a serious violation of international human rights stipulated in various treaties: the relevant international standards are obvious and include the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination, both of which are ratified by (and therefore legally binding on) the overwhelming majority of UN members states.

No one denies the fact that North Korea has been provocative with its efforts to build nuclear weapons and threaten others. In September 2017, for instance, a North Korean state agency threatened a nuclear war that would "sink" Japan and reduce the United States to "ashes and darkness" because of their support for the UN Security Council resolution that imposed sanctions on Pyongyang over its latest nuclear test. But nothing has been done to carry out the threats and the supreme leader of this nuclear state subsequently declared that there would be no war because his country is now armed with nuclear weapons and thus safe. This state did start a war in 1950 but ended in defeat because of the international forces led by the United States that rolled back the communist forces and re-established the status quo, which remains today.

As it stands now, however, UN human rights bodies have been slow in addressing the issue. This is perhaps unsurprising, given that many of the most powerful states in the UN are themselves engaged in large scale abuses against Muslims. UN human rights bodies occasionally do make statements of concern in specific cases, but the UN as a whole is beholden to its political masters, many of which also fund the bulk of the human rights programme. For example, the above UN paper about the Uyghurs was published only after Michelle Bachelet, the UN High Commissioner for Human Rights, had received a barrage of criticism subsequent to her having gone on a Chinese government tour of the predominantly Uyghur region of Xinyang, seemingly lending legitimacy to the government's genocidal policies in the region. (See e.g. Human Rights Watch 2022)

In April 2021, Ahmed Shaheed, the Special Rapporteur on Freedom of Religion of the UNs Human Rights Council, submitted a ground-breaking report on the need to combat Islamophobia. Special Rapporteurs are independent experts appointed by the Human Rights Council, and have the scope to operate, and make pronouncements, without government interference. In his report, Shaheed examines several areas in which the rights of Muslims are subject to systemic discrimination, and places responsibility for the situation squarely on states, noting that “it is essential to identify and evaluate how State structures perpetuate and legitimize Islamophobia and actively discriminate against Muslim individuals and communities.” Shaheed concludes that “The obstacles created [by Islamophobia] in both the public and the private spheres often make it difficult for a Muslim to be a Muslim. The totality of this experience, in some contexts, may amount to coercion of such a level as to be prohibited by article 18 (2) of the International Covenant on Civil and Political Rights”. (Shaheed 2021: 21) Nevertheless, though the importance of this report as an official UN statement should not be underestimated, it remains the case that little has come of it in terms of concrete measures.

On 15 March 2022, the UN General Assembly adopted a resolution declaring 15 March, the anniversary of a 2019 armed attack on a mosque in Christchurch, New Zealand, as the International Day to Combat Islamophobia. The debate preceding the adoption of the resolution shows the resistance of many states to taking effective measures against the problem. The delegate of France, for example, argued that the resolution infringed on the rights of Muslims to change their religion, by “suggesting that the religion itself is protected but not its adherents”. (United Nations General Assembly 2022b: 8) The European Union (EU) likewise attempted to argue that adopting a position against Islamophobia could “undermine the protection of people’s human rights ... including the right to debate and criticize religion”. (United Nations General Assembly 2022b: 8) The argument of the EU in particular is essentially a rehashing of the Islamophobic trope that Islam is a violent religion that does not tolerate any criticism of its tenets, and, as such, is incompatible with human rights and European civilization broadly. The notion that any definition of Islamophobia must state explicitly that criticism of Islam as a religion must be allowed is a common one in European and other capitals and is often advanced as an attempt to weaken any approach against Islamophobia.

Indeed, the double standards are particularly apparent when one takes into account that both France and the European Union have adopted the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism, which of course contains no such proviso that criticism of Judaism should be allowed. (See e.g. International Holocaust Remembrance Alliance n.d.) In addition, the IHRA definition attempts to preempt criticism of Israeli policies, by asserting that actions such as “claiming that the existence of a State of Israel is a racist endeavor”, “Applying double standards by requiring of [Israel] behavior not expected or demanded of any other democratic nation”, or “Drawing comparisons of contemporary Israeli policy to that of the Nazis” amount to anti-Semitic acts.” Many countries have used the IHRA definition to restrict or even prohibit popular efforts in support of the Palestinian people, falsely denouncing them as “anti-Semitic”.

The GA resolution was eventually adopted by consensus, but it is a textbook example of "both side-ism", with no specific references to rights violations suffered by Muslims qua Muslims. Indeed, there is almost no mention at all of Islamophobia, with only generic references to religious intolerance and the need for "interreligious and intercultural dialogue" throughout the text. (United Nations General Assembly 2022a: 2) Islamophobia only appears in the preamble, where the General Assembly "[Recognizes] with deep concern the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of many religious and other communities ... including cases motivated by Islamophobia, antisemitism and Christianophobia and prejudices against persons of other religions or beliefs". (United Nations General Assembly 2022a: 1) Therefore, while the creation of an international day to emphasize the need to combat Islamophobia is of course important, the language of the resolution itself is disappointing, ignoring the specific violations Muslims face, and speaking only in general terms about religious bigotry.

### **The Need for Muslim Unity**

Within this context, Muslim countries have a vital role to play in bringing Islamophobia to the forefront of international concern as a serious violation of internationally recognized human rights, and holding to account governments that adopt Islamophobic policies. In the current international arena, states are expected to protect their own people and their own interests. It is incumbent upon Muslim countries, as a collective, to step up for Muslim victims of human rights violations: no other state will do it for us. There is little question that some (mainly Western) governments will be object to Muslim countries using human rights standards to protect Muslims, but such objections are at their core hypocritical: Islamophobic laws and policies are undoubtedly violative of human rights, so using international standards for that purpose is beyond rebuke. Ultimately, human rights must involve constructive dialogue between all countries – not just criticism by one grouping of others.

When the concept of democratic preponderance power is assessed, several factors can be established. Together North Korea and China will be in no position to start a sustainable war. China's rapid rise may now be questionable. Economically, China's rise is not inevitable and may be slower than faster. Japan provides a good example of how the new economic superpower in the 1980s experienced a lost decade in the 1990s. It is no longer the super economic power that observers had once expected to see emerge on the world stage. Whether a dictatorship like Chia can prevent such a lost decade is a matter of debate. However, growing evidence further suggests that China's mounting national debt and is likely going to get worse. *The Straits Times* (TST-Singapore) wrote the following: "Goldman Sachs estimates that China's total government debt is about US\$23 trillion (US\$ 31 trillion)" (TST May 22, 2023). China's local governments' collective debt alone stands at an astounding US\$10 trillion (He 2023). Its real estate crash (Farrer August 29, 2022; Chen July 14, 2022) and growing domestic protests make it increasingly difficult for the Chinese economy to keep growing fast. The dictatorial regime is also likely to limit technological innovation.

Unfortunately, as with many other issues, the approach of Muslim states towards raising Islamophobia internationally as a human rights violation has, in most cases, lacked unity. Many important Muslim countries, including Iran, Pakistan, Saudi Arabia, and the United Arab Emirates, openly defended China's persecution of the Uyghurs at the UN Human Rights Council. (United Nations Human Rights Council 2019) The issue of Palestine remains an important rallying point for Muslim countries at the UN, but the credibility of some states have been severely damaged through their normalization with the state of Israel.

It is true that in 2019, Gambia, with the support of the Organization of Islamic Cooperation, petitioned the International Court of Justice to prevent Myanmar's genocidal treatment of the Rohingya. While this is a positive example that should not be belittled, it is also hard to overlook the fact that, for most Muslim states, challenging Myanmar poses far fewer difficulties politically and economically than doing the same to China, or to Israel and its patron, the United States. It remains that case that, in the majority of cases, Muslims states make calculations based on their narrowly defined national interests, and they may conclude that standing up for the rights of Muslims in other countries is not advantageous.

Within this context, initiatives such as the recent Roundtable in Doha and the Kuala Lumpur Summit held by the Malaysian government in 2019, are both important steps towards forging greater unity amongst Muslim states – even if, at the beginning, efforts will inevitably involve a core of like minded Muslim countries that are dedicated to this effort.

It is submitted that there is also a pressing need to include civil society. Governments should actively fund reputable human rights organizations dedicated to combating Islamophobia, using an appropriate mechanism to ensure the independence and impartiality that is so vital in ensuring the legitimacy of those organizations in international circles. Those human rights organizations would conduct advocacy nationally and internationally, and at human rights bodies of the United Nations, for example when offending countries are being reviewed by UN treaty bodies. Once again, Western governments would undoubtedly object, but they themselves fund human rights organizations as a matter of course, through development agencies, independent funds, and other means.

Both governmental and non-governmental efforts on the international stage would contribute towards creating an international recognition that Islamophobia is a grave violation of human rights. This is vital, for the rights of Muslims to be protected globally.

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