Brief Report:
Spotting Human Rights Violations against Muslims, Migrants and Refugees in Europe

Euro-Mediterranean Human Rights Monitor
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Introduction

Violations against Muslims, migrants and refugees in Europe have been on the rise in the recent three months as observed by the Euro-Med for Human Rights Monitor. In this report, the Euro-Med highlights the most important serious human rights violations against Muslims, Migrants and Refugees in Europe from March-May 2019. By doing so, the Euro-Med hopes that relevant bodies, governments, human rights defenders, and law enforcement authorities will take notice of these violations and do the necessary steps to curb this increasing phenomenon which contradicts the common Europeans values and adopted laws over the years. This policy has seen some changes with the rise of right-wing governments in some EU countries. The report falls into three sections: First: the increasing attacks against Muslims in Europe; Second: the mounting attacks against refugees and migrants in Europe; Third: the legal obligation of States. The report concludes by recommendations to the EU and UNHCR aiming to improve the status of minorities and refugees.
First: The Rise of Islamophobic and Anti-migrant Discourse in Europe

The recent few months has seen a remarkable increase in the number of hate crimes against Muslims in Europe. In London, far-right protesters, who took from “The St George’s Cross” an icon of far-right xenophobia, took to the streets to protest increasing Muslim presence in the country. Yet, they were encountered by pro-Muslims and migrants-activists who wear t-shirts saying St George was Syrian, in relation to his Middle Eastern roots.

“The prank was executed at St. George’s Day gatherings across London to champion the vital role that immigrants play in shaping the nation and to tackle the dramatic growth of far-right hate. According to a Home Office report, in 2017/18 there were 94,098 hate crime offences recorded by the police in England and Wales, an increase of 17 percent compared with the previous year,” said Iman Atta OBE, Director of Tell MAMA, adding: “In light of the recent surge in division and hate crime, we wanted to reclaim the St. George’s Cross from those who spread division and celebrate it as a symbol of diversity”. In Spain, anti-Muslim discourse surged with the general elections, where topics such as ‘reclaiming Granada’ has been expressed, referring to the Muslim-rule of the city for nearly 400 years. Santiago Abascal, a former PP member, and a right-wing politician chose to launch his campaign by a video in which he appears surrounded by armoured
knights on horses, in reference to what he dubs as “reclaiming Spain from the Muslims.” In Liverpool, UK, a Muslim woman was violently beaten by right-wing activists on the streets of the city for wearing Hijab, the Muslim headscarf. A video of the incident showed three men running after the woman with iron sticks as one of them punched her in the face before she fell to the ground. The police opened an investigation into the crime as a hate crime. Community Inspector Andy Gardiner said: “This is a shocking incident and we are still working to piece together the exact circumstances, however, to discriminate against anyone in this way is appalling behavior and hate crime of any kind will not be tolerated by Merseyside Police.”

In another incident, British Police were called after a masked man with a firearm fired at the Seven Kings Masjid in Ilford. Worshipers followed him until he left the mosque and he fired a number of shots before he left. In a statement by the Muslim Council spokesman, the mosque’s imam Mufti Suhail said, “the suspect’s motives had not been established.”

In Austria, the Austrian parliament has passed a resolution, which effectively banned Muslim primary school girls from wearing Hijab. The move was received by fury by the Muslim community in Austria. It was viewed by Muslims' rights to worship as the ban does not include Jewish or Seikh students wearing their religious caps. Muslims decided to go to the constitutional court to challenge the ban. Meanwhile, the French senate passed a resolution effectively banning Muslim women who wear Hijab from accompanying children on school trips; but the French government hopes to overturn it in the national assembly with the support of its MPs.
Second: The Attacks against Migrants and Refugees

The attack against migrants and refugees in Europe continued unchallenged. A spokesperson for the UN High Commissioner for Human Rights, Ravina Shamdasani, said that reports suggested that migrants in Hungary, who are held at detention centers, have been deliberately deprived of food, which violates international laws. “Pending the enforcement of the expulsion, adults -- with the sole exception of pregnant or nursing women -- are deliberately deprived of food, which can lead to malnutrition and is both detrimental to their health and inherently inhumane,” the UN noted.

A Palestinian-Lebanese boy named Danial has been found dead near a refugee camp in Belgium after he was reported missing. The police have charged five refugees, three of them are residing at the same camp, of killing him.

In Denmark, right-wing politicians have used migrants to justify their hate-discourse against people of color. “For me, it is becoming increasingly clear that the price of unregulated globalization, mass immigration and the free movement of labor is paid for by the lower classes,” Mette Frederiksen, leader of Denmark’s opposition Social Democrats said in a recent biography.

Meanwhile, the Italian authorities proposed to impose a fine of 5,500 Euros on any NGO that provides help to the refugees and migrants. The proposal will be discussed in the government before being passed to the parliament to be officially adopted as a law. Médecins Sans Frontières would have had to pay €440m for saving 80,000 migrants throughout the last three years. “The new decree is threatening legal principles and the
duty of saving lives,” said Claudia Lodesani, president of MSF Italy. “It is like fining ambu-
lances for carrying patients to the hospital.” A database revealed by Open Democracy
showed that 250 people in Europe have been arrested or criminalised for providing shel-
ter, transport, food, and other “basic acts of human kindness” to migrants.
Human rights defenders of migrant origin have been at risk even in Europe. The Guard-
ian has reported that the Central Intelligence Agency (CIA) has warned prominent hu-
man rights defender, İyad el-Baghdadi, who now lives under asylum protection in Nor-
way of potential threat. “The way I understood it was, the Saudis have a crosshair on me,
but there is no idea of what they are going to do,” El-Baghdadi said in a phone interview
with the Guardian.
In the same context, three activists, including Majed Abusalama, who received the Free-
dom of Expression Award in 2011 for his writing on different critical topics on human
rights and social justice in Palestine was brought before a Germany court for protesting
a speech given by an Israeli. In fact, Germany has gone so far by issuing a resolution in
the parliament, which considers the Boycott, Divestment and Sanctions (BDS) Move-
ment as a form of Antisemitism, becoming the first EU country to do so. It is worth
mentioning that two of the three activists brought before the court in Berlin are Jew-
ish-Israelis. Earlier, a poster appeared at the Central Train Station in Berlin, which called
in Arabic on migrants and refugees “to go back home.”
In the same context, with the EU elections a few days away, an NGO based in the Brussel
has revealed that more than 500,000,000 fake news items have been shared on social
media about the elections by 7,000 Facebook pages. The NGO, according to a report by
Aljazeera Arabic, has noticed that what these fake accounts have in common is their
anti-Muslim, and anti-migrant rhetoric and their support for populist and right-wing
parties in Europe. In France, Marine Le Pen’s party, a right-wing party, won 23.5% of the
vote while the more liberal part of Macron and his allies won 22.5% of the votes.
Meanwhile in Turkey, following his election as the mayor of the governorate of Bolu,
opposition candidate Tanju Özcan has decided to stop all help given to refugees by the
local council, mainly targeting Syrian refugees. The International Refugee Rights Asso-
ciation, in response, filed a criminal complaint against the mayor. “Tanju Özcan’s state-
ments claiming that Syrians are taking wages from multiple foundations and living in
better conditions than Turkish people are unfair and baseless. Without investigating the
validity of these claims, acting with populist and fascist intentions is not appropriate of a
municipal mayor and also a crime,” said LawyerUGHU HRD İRRA
Third: The Legal Obligations of States

The right to freedom of expression is protected under article 19 of the 1948 Universal Declaration on Human Rights (UDHR); article 10 of the 1950 European Declaration for the protection of human rights and fundamental freedoms (ECHR); and article 19 of the 1966 International Covenant on Civil and Political Rights (ICCPR).

Nevertheless, this right is a derogueable one, meaning it can be derogated upon for necessary reasons – decided by the State – as the respect of the rights or reputations of others or the protection of national security or of public order, or of public health or morals (article 19.3 ICCPR); in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary (article 10.2 ECHR).

Discrimination, as such, is prohibited in European countries. This prohibition is enforced by the 1965 International Convention on the Elimination of All Forms of Discrimination (ICERD). Article 4 of the ICERD calls on States Parties to “condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discriminations”.

This article is particularly relevant in the ongoing context of hate speech and islamophobia and, even most alarming, the rise of hate crimes – being “crimes motivated by intolerance towards certain groups in society”.
Recommendations for the EU and UNHCR

- The EU must ensure that the discourse adopted by right-wing groups is not welcome and that national governments take serious steps to curb the anti-Muslim propaganda.

- The EU should not allow right-wing politicians from running the EU parliament elections since their discourse in a stark violation of the EU principles. The EU should make sure that governments that have anti-refugees, anti-migrants and anti-Muslim discourse abide by EU founding principles.

- The EU and the UNHCR should make sure that Muslims can practice their religion without restriction based on the principle and the right to worship which is stipulated in national, regional and international laws.

- The EU and the UNHCR should highlight success stories of refugees, Muslims and migrants in the media to educate the EU public about the great potential they have.

- The EU should make sure that some of its member states are not complicit in providing arms that are used in civil wars in the Middle East, the majority of refugees from the Middle East left because of it.

- The EU should award NGOs helping refugees not punishing them and laws passed to punish human rights and migrant and refugee NGOs should be revoked.

- The EU should ensure that human rights defenders are protected and that their lives are not threatened by anti-human rights regimes both at home and in the Middle East.

- The EU should ensure the respect and implementation of European and International commitments by its Member States.
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For more information, you could watch this report about the boy in Arabic https://www.youtube.com/watch?v=_YFeMWUF79U&fbclid=IwAR1wu1oTfC2Mf-vdEbx53Ompx-YuL0EHFbttZ0ang953DPEhv8Zl0abue-Fqs

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