Islamophobia or anti-Muslim racism poses a growing threat to the democratic foundations of European constitutions and social peace as well as the coexistence of different cultures throughout Europe. Both civil society actors and states should acknowledge the seriousness of this issue and develop concrete policies to counter Islamophobia.

As the leading think tank in Turkey, SETA felt an urgent need to address this problem. In fact, there are still people denying the very existence of racism against Muslims. Many state and civil society institutions, from the Fundamental Rights Agency (FRA) to the countless civil society organisations throughout Europe, have done priceless work to prove and establish the opposite. Yet, institutions like the FRA publish only irregular reports on a restricted number of countries while most civil society organisations tackle racism in general and only few focus on Islamophobia in particular—this is the urgent gap our report wishes to fill.

The European Islamophobia Report (EIR) is an annual report, which is presented for the first time this year. It currently comprises 25 national reports regarding each state and the tendencies of Islamophobia in each respective country. The current report features the work of 37 extraordinary scholars. In the years to come we will attempt to cover even more countries. This report aims to enable policymakers as well as the public to discuss the issue of Islamophobia with the help of qualitative data. At the same time, several of its unique characteristic features make a difference to the current state of the debate on Islamophobia. Studies on Islamophobia have in the past predominantly concentrated on Western Europe. This is especially the case with reports focusing on Islamophobia. The EIR is the first to cover a wide range of Eastern European countries like Serbia, Croatia, Hungary, Lithuania, and Latvia. This will enrich the debate on racism in general and Islamophobia in Europe in particular.

About SETA

Foundation for Political, Economic and Social Research (SETA) is a non-profit research institute based in Turkey dedicated to innovative studies on national, regional and international issues. SETA is the leading think tank in Turkey and has offices in Ankara, Istanbul, Washington D.C., and Cairo. The objective of SETA is to produce up-to-date and accurate knowledge and analyses in the fields of politics, economy, and society, and inform policy makers and the public on changing political, economic, social, and cultural conditions. Through research reports, publications, brainstorming sessions, conferences and policy recommendations, SETA seeks to guide leaders in government, civil society, and business, and contributes to informed decision making mechanisms.
EUROPEAN ISLAMOPHOBIA REPORT
2015

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INTRODUCTION

In June 2014, the website for reporting hate crimes to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) went public. In 2014, only five states officially reported on hate crimes against Muslims, whereas civil society reported in 21 countries. Still, for the majority of the 57 member countries of the OSCE, there is no official information available. Furthermore, if one were to assess the quality of these state reports, it becomes apparent that the collected data does not always rely on a comprehensive systematic collection.

Since Islamophobia or anti-Muslim racism has become a growing threat in European societies, we – the editors – felt an urgent need to address this problem. In fact, there are still people denying the very existence of racism against Muslims. Many state and civil society institutions have done priceless work to prove and establish the opposite: from the Fundamental Rights Agency (FRA) to the countless civil society organisations throughout Europe. Yet, institutions like the FRA publish only irregular reports on a restricted number of countries while most civil society organisations tackle racism in general and only few focus on Islamophobia in specific - this is the urgent gap our report wishes to fill.

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Contribution of this report

The national reports in the EIR look at significant incidents and developments in each country during the period under review. The authors look at the employment sector: has there been any discrimination in the job market based on the (assumed) Muslimness of a person? They look at education: has Islamophobic content become part of any curricula, textbooks, or any other education material? The political field in a narrow sense is also a central aspect of the EIR: has Islamophobia played any role in politics, from election campaigns to political programmes to personal statements, etc., be it on a regional or national level? Authors also take a close look at a central force where Islamophobia has spread: the media. Which media events have focused on Islam/Muslims in an Islamophobic way? The justice system is also featured in the national reports: are there any laws and regulations that are based on Islamophobic arguments or any laws restricting the rights of Muslims in their religious lifestyle? Cyberspace as a central space for spreading hate crime is also examined: which web pages and initiatives have spread Islamophobic stereotypes? In addition, central figures in the Islamophobia network are discussed: which institutions and persons have, among others, fostered Islamophobic campaigns, stirred up debates or lobbied for laws?

Since the EIR is not content with pointing a finger at the problem, the reports also look at observed civil society and political assessment and initiatives undertaken to counter Islamophobia in the aforementioned fields. This will empower politicians and NGO activists, who want to tackle the issue. Since the EIR is not a purely scholarly work, at the end of every report, authors offer policy recommendations for politics and NGOs. An executive summary at the beginning and a chronology at the end of every report give the reader an overview on the state and the development of Islamophobia in the respective countries.

Since the single reports share broadly the same structure, the EIR offers the possibility to compare Islamophobia in these countries. Despite the fact that the data in specific fields is not available in an identical way for all countries, the report still facilitates an impulse for identifying research gaps.

Studies on Islamophobia have in the past predominantly concentrated on Western Europe. This is especially the case with reports focusing on Islamophobia. The EIR is the first to cover a wide range of Eastern European countries like Serbia, Croatia, Hungary, Lithuania, or Latvia. This will enrich the debate on racism in general and Islamophobia in Europe in specific.

What is Islamophobia?

Although the term ‘Islamophobia’ has become widely recognised in the Anglo-Saxon world and has become established in academia as can be seen by the numerous conferences, journals, and research projects dedicated to it, in many European countries, there is still a great amount of opposition to the term. One can understand the opposition expressed by the public not merely as an academic debate, but, in fact, as a sign of the hegemonic power of Islamophobic prejudices. Acknowledging this situation,
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at the heart of this project lies the following working definition of Islamophobia:

“When talking about Islamophobia, we mean anti-Muslim racism. As Anti-Semitism studies have shown, the etymological components of a word do not necessarily point to its complete meaning, nor to how it is used. Such is also the case with Islamophobia studies. Islamophobia has become a well-known term used in academia as much as in the public sphere. Criticism of Muslims or of the Islamic religion is not necessarily Islamophobic. Islamophobia is about a dominant group of people aiming at seizing, stabilising and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed ‘we’. Islamophobia operates by constructing a static ‘Muslim’ identity, which is attributed in negative terms and generalised for all Muslims. At the same time, Islamophobic images are fluid and vary in different contexts as Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam”.

Central findings

That Islamophobia works without Muslims and tells us more about the anti-Muslim racists than it tells us about Islam and Muslims, can best be seen in the eastern region of Europe. In countries like Hungary, Finland, Lithuania, or Latvia, where only a small number of Muslims live, Islamophobia functions as a successful means to mobilise people. People not only greatly overestimate the country’s Muslim population but, although Muslims have not committed any violent acts in most countries in the name of Islam, they are still often deemed violent and are considered to be terrorists.

It could be observed that both attacks in Paris, which happened in 2015, became a discursive event that shaped the debates on Islam and Muslims throughout Europe. Above that, the so-called ‘refugee crisis’ was a central topic, which many actors linked to the issue of Muslims invading Europe. For example, the leader of the Hungarian Fidesz’ parliamentary club Antal Rogán warned of a future ‘United European Caliphate’,1 while former Secretary of State László L. Simon urged Hungarians to return to their Christian spirituality and make more babies in order to counter the negative cultural effects of mass migration such as the envisioned ‘impending victory of Islamic parties imposing polygamy and destroying the remainder of European culture’.2 This strong Islamophobic rhetoric is not restricted to the extreme right. In fact, the refugee-migration-Islam-terrorism nexus became the standard argument justifying a number of domestic and international measures. The social democrat Czech President Miloš Zeman claimed the influx of refugees into Europe was masterminded by Egypt’s Muslim Brotherhood as “an organised invasion” to “gradually control Europe”. 3

**Policy Recommendations**

Islamophobia poses a great risk to the democratic foundations of European constitutions and social peace as well as the coexistence of different cultures throughout Europe. Both civil society actors and states should acknowledge the seriousness of this issue and develop concrete policies to counter Islamophobia. Here we have summarised some of the important policy recommendations from the national reports.

- Islamophobia should be acknowledged as a crime and should be included in all national statistics throughout Europe.
- Hate crime legislations should be adopted in all European countries that acknowledge one’s religious identity as being a basis upon which one may be targeted.
- In order to collect data about Islamophobic incidents, victims registers must be introduced in all European states.
- In order to help the victims of Islamophobic attacks, counseling services for victims must be established in all European states.
- Journalists, lawyers, Police (security officials) and legal authorities in all European countries should be educated by qualified personnel in regards to Islamophobia.
- Muslim civil society has to be empowered with information to combat Islamophobia, especially in the direction of the creation of a consciousness of the illegality of hate crimes.
- Educational institutions and stakeholders have to work towards creating an alternative narrative of Muslims in the respective countries which will work to dispel the widely accepted negative image of Islam.
- Civil society actors must also push for legislative change in the context of school enrolment policies so that all members of the respective societies are treated fairly when accessing education.
- Governments must draft a policy that ensures that the rights of religious minorities to manifest their faith are respected in education and the workplace; this must not be left to the preferences of individual boards of management or principals.
- Discrimination on the job market towards Muslims and especially Muslims who wear veils is a widespread phenomenon. This should be recognised and seriously addressed by better legal regulations and the creation of a relevant consciousness.
- Civil society actors must engage with media actors/outlets in terms of the publication and broadcasting of standards in order to reduce/minimise the use of racialising discourses vis-à-vis Muslims and other minority communities.
- The civil rights violations experienced by women wearing headscarves should be addressed by lawmakers and politicians.
- An independent media watchdog should be established in order to monitor media reports in real time in all respective countries.
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EXECUTIVE SUMMARY

This report represents an overview of major events during 2015 in relation to violations of the rights of Muslims, as well as to incidents caused by Islamophobia and intolerance towards Islam and Muslims. This country report for Bosnia and Herzegovina is drafted as a part of the SETA foundation project entitled “European Islamophobia Report 2015”. After the introduction and country profile, part 3 of the report introduces verbal and physical incidents and incidents of desecration of mosques and other Muslim places and premises. In part 4, discussions of Islamophobic incidents and discursive events in various fields are presented, i.e. employment, education, politics, media, justice and security. Part 5 presents observed civil society initiatives. Part 6, as a conclusion, offers policy recommendations, followed by part 7 and a brief chronology of the most important events in 2015. This country report for B&H has been drafted by the Commission for Freedom of Religion of the Riyasat of the Islamic Community in Bosnia and Herzegovina. The methodology used for drafting this report consists of desk research, available reports, media analysis and interviews with important stakeholders. 13 people/institutions in total were contacted in order to gain relevant information on different topics: media, justice, education, etc.

SAŽETAK

Glossary of terms and abbreviations

B&H  Bosnia and Herzegovina
EIR  European Islamophobia Report
IC  The Islamic Community of Bosnia and Herzegovina
CVE  Countering violent extremism
INTRODUCTION

This country report for B&H has been drafted by the Commission for Freedom of Religion. The commission was established on 13 September, 2012 by a resolution of the Riyasat of the Islamic Community in Bosnia and Herzegovina. The commission is an independent expert and advisory body of the Riyasat, and its role is to help the Riyasat in performing its constitutional duty of protecting the rights of Muslims. The commission is in charge of: promoting respect of freedom of religion, documenting and mediating cases in which the right to freedom of religion has been violated, informing the members of the Islamic community about their religious rights and means of legal protection, cooperating with state institutions and similar organizations in the country and abroad, proposing a certain opinion or activity in regards to violations of the freedom of religion of members of the Islamic community to the Riyasat. The commission publishes a report once a year. The commission has nine members.¹

The methodology used for drafting this report consists of desk research, available reports, media analysis and interviews with important stakeholders. 13 people/institutions in total were contacted in order to gain relevant information on different topics that included the media, justice, education, etc.

COUNTRY PROFILE

It is generally accepted that Islam arrived in Bosnia with the Ottoman armies in the fifteenth century. Today Bosnian Muslims are overwhelmingly Sunnis. Bosnian Muslims (Bosniaks) are an indigenous Slavic ethnic group. Due to more than 55 years of Communism (1945-1990) and a devastating war (which included interethnic and interreligious tensions and conflicts) today’s situation with interreligious understanding and tolerance is fragile and complex. The 1995 Dayton peace agreement brought to an end the bloodshed of the 1992-1995 war but entrenched the results of “ethnic cleansing”, cementing the divide in the country. Annex 4 of the Dayton accord is the Constitution of B&H in which two separate entities (territorial units) are established; a Bosniak-Croat Federation of Bosnia and Herzegovina, and the Republika Srpska, each with its own president, government, parliament, police and other bodies. Overarching these entities is a state of Bosnia government and rotating (three-member) presidency. In addition, there is the district of Brčko, a self-governing administrative unit established as a neutral area that is placed under joint Serb, Croat and Bosniak authority. This elaborate multi-tiered system of government, with cabinets and parliaments on state, entity and cantonal levels, means that Bosnia is now

overburdened with politicians and civil servants, many of whom continue to receive salaries not in keeping with the country’s impoverished condition.2

When it comes to the population of Muslims in B&H, according to the census conducted in 1991, 43.5% (1,902,956) of inhabitants declared themselves to be Muslims (out of a total 4,377,033). This identifies the national nomination for ethnic Bosnian Muslims; this term was replaced with the term Bosniak in 1993. Since, in the case of all three constituent ethnic communities3 in Bosnia, the ethnic and religious identities overlap to a large extent, this figure is usually taken as indicative of the number of adherents to Islam. Due to war-related death, expulsion and internal and external migration in the 1992-1995 aggression against B&H, the numbers and demographic distribution of ethnic groups have significantly changed. The results of the first after-war census held in October, 2013 are still not available. According to estimates by the Agency for Statistics of Bosnia and Herzegovina, the current population of the country is 3,831,555, while the CIA World Factbook estimates the total number of Bosnian citizens in 2013 at 3,871,643, 48% of whom are said to be Bosniaks, 37.1% Serbs, 14.3% Croats and 0.6% other nationalities.4

Today Bosnia and Herzegovina is a secular state with no state religion. In today’s post-war B&H, the increased presence of religion in the public arena is evident. Some welcome the religious revival as a healthy assertion of identity after the decades-long de-Islamisation process that occurred during the Communist period, while others see it as a rising threat to the secular and politically fragile state.5

Annex 1 of the Constitution of Bosnia and Herzegovina includes 15 main documents on human rights. The constitution states that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law. (Article 2.2). All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include: (...) (g) Freedom of thought, conscience and religion (Article 2.3).

A special law providing for the freedom of religion and religious non-discrimination, as well as the legal status of churches and religious communities was adopted in 2004. This is the Law on Freedom of Religion and the Legal Position of Churches and Religious Communities in Bosnia and Herzegovina. According to this law

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3. Most Croats are adherents to the Roman Catholic faith, while most Serbs are Orthodox Christians
5. Also see: State Department’s International Religious Freedom Report for B&H at http://www.state.gov/documents/organization/238574.pdf
everyone has the right to freedom of religion or belief, including the freedom to publically profess or not a religion. Also, everyone has a right to adopt or change his or her religion, and has the freedom - individually or in community with others, in public or private - to manifest his or her religion or belief in any manner, in worship, practice and observance, or in maintenance of customs or other religious activities. Everyone has the right to religious education, which shall be provided solely by persons appointed to do so by an official representative of the individual's church or religious community, whether in religious institutions or in public and private preschool institutions, primary schools and higher education, and this shall be regulated according to the specific regulations (Article 4.1).

Along with this also the Law on Prohibition of Discrimination was adopted in 2009; according to this law discrimination on the grounds of religion and belief consists of any different treatment, including any type of exclusion, limitation or preference based on real or assumed features towards any person or group of persons on grounds of religion or belief, and every other circumstance with a purpose or a consequence that inhibits or endangers recognition, enjoyment or realization of rights and freedoms in all areas of public life (Article 2.1). Prohibition of such discrimination shall be applied to all public bodies, all natural and legal persons, in the public and private sector, in all spheres; in particular, in employment, membership in professional organizations, education, training, housing, health, social protection, goods and services designated for public and public places together with performing economic activities and public services (Article 2).

Hate crime as a specific crime is motivated by intolerance towards certain groups in society. Some of the several criminal codes in B&H contain limited provisions that allow more severe punishment to be imposed for crimes committed with a motivation of bias. Use of these provisions is inconsistent and relatively rare. For example, the Federation of Bosnia and Herzegovina (FB&H) and the Brčko District criminal codes include aggravated forms of some criminal acts, such as murder, rape or causing grievous bodily injury when committed with a motivation of bias. The FB&H Criminal Code also includes an aggravated form of malicious mischief. Many laws on peace and public order at the cantonal level also include minor offences, punishable with a fine, which encompass insulting behaviour based on national, racial or religious grounds. The FB&H, Republika Srpska and Brčko District criminal codes also include provisions on incitement to national, racial or religious hatred, discord or hostility. According to OSCE B&H statistics hate crimes in B&H often target returnee communities (who are often isolated and vulnerable) and religious and sacred objects (mosques, churches and graveyards), as well as private property belonging to returnees or members of minority communities. OSCE B&H also records hate crimes through the Hate Monitor, which is a monthly visualization of the Mission's
hate crimes monitoring data. More than 85% of all hate crimes registered through the Hate Monitor are due to ethnicity/religion. Unfortunately, the statistics have not been segregated by religion.

When it comes to hate speech regulations, the FB&H and RS laws do not specifically proscribe hate speech, but prohibit acts that cause ethnic, racial or religious hatred. Nevertheless, usage of incendiary language (in the media, by politicians and others) usually goes unpunished. Islamophobic hate speech is particularly common online, but until now there have been no procedures initiated that would limit or sanction this. More information on hate speech in media will be given under media section.

SIGNIFICANT INCIDENTS AND DEVELOPMENTS

The following incidents were collected through media reporting, direct reporting to the commission and personal contacts. The Interreligious Council of B&H also published a Report on Monitoring and responding to attacks on religious buildings and other holy sites in BiH. From the date of the writing of this report, the data for 2015 have not yet been published.

Verbal and Physical Incidents

- Bijeljina (Republika Srpska) on 19 January, 2015: offensive graffiti in Cyrillic on a building stating: Ko će brže, a ko prije tursku krv da prolje (Who will be faster and swifter to drink the blood of Turks). The returnees were of the conviction that this graffiti would not be quickly covered up, as such incidents had occurred even without reaction.
- 13 March 2015 in Višegrad (Republika Srpska) was the place for a large parade of Chetnik guards who chanted the slogan: “We are a Serb army, prepared to return the territories seized from us.”
- March 2015 in Doboj (Republika Srpska) 25th anniversary of a hooligan group “Dukes” was celebrated with the slogan: “Disgusting Islam converts (poturice), we hate you so much, Doboj has been and shall remain a Serb city.” During Ramadan, at the time of an iftar organized in the centre of Doboj, the same group

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6. For more information, see: http://hatemonitor.oscebih.org/Default.aspx?pageid=10&clang=EN
7. For more information, see: http://zalbe.vzs.ba/index.php/zakonska-rjesenja
chanted Chetnik slogans, calling for the killing of Muslims.

- In the city of Doboj (Republika Srpska), on 23 June, 2015, a group of about 50 Serbs swore at and threatened Muslims - Bosniaks who had gathered for an iftar organized in the open, in front of the Donja mosque-Trnjak.
- In the city of Zvornik (Republika Srpska), on 26 June, 2015, a group of young men disturbed Muslims during their morning fajr prayer in Riječanska Mosque, swearing and uttering offensive remarks about the mosque and Ramadan.
- Tomislavgrad, on 29 June, 2015: During Ramadan, an unknown person sprayed offensive graffiti on the house of Izet Tiro Opet Vlah se noću kreće, Rudan biti zaboravljen neće (Vlahs will again roam in the night, Rudan will not be forgotten). This is related to a war criminal convicted for war crimes against Bosniaks in this village in August, 1993.
- In the city of Bijeljina (Republika Srpska), on 02 July 2015, a group of young men disturbed Muslims during their morning fajr prayer, banging at the door of Sultan Sulejman Atik Mosque, yelling: “Are you there, Turks?”
- On 14 July, 2015, in the same city of Bijeljina (Republika Srpska), a young Serb man insulted the imam of Sultan Sulejman Atik Mosque, using abusive words and issuing threats.
- July, 2015 in Kotor Varoš (Republika Srpska): A brutal attack on Nermin Hanić occurred when unknown attackers engraved “four S” on his stomach.
- Vlasenica (Republika Srpska), on 20 July, 2015: A Bosniak returnee Mehmed Kuljančić was beaten up by four Serb young men. The Bijeljina police confirmed that Stevan Garić had been arrested and that he will be punished for violation of public order.
- Čelić (in Federation of B&H, bordering with Republika Srpska), on 21 July, 2015. At a commemoration monument for dead members of the Bosnian and Herzegovina Army the nationalistic Serbian “four S” were engraved.

Incidents of Desecration of Mosques and Other Muslim Places and Premises

- In the city of Bijeljina (Republika Srpska), on 26 January, 2015, the windows of Salihbegović Mosque were broken.
- In Višegrad (Republika Srpska), on 21 May, 2015, a hand grenade was found in the yard of Gazanfer-bey Mosque.
- Bijeljina (Republika Srpska), on 25 June, 2015: A cemetery and commemorative monument to army and civilian war victims was desecrated. The B&H flag had been torn down. Surveillance cameras recorded everything. It remains unclear why police did not protect the mosque, as there is an order for physical police protection during the month of Ramadan. Ljubiša Burić admitted urinating in the cemetery and taking down the flag. He will be further prosecuted for this.
• In Tomislavgrad, on 14 August, 2015, a group of young men placed a gas bottle next to the entrance door of the mosque and released the gas. A group of young men were shouting and cursing, and threatening: “You are done.”

• In Ljubuški, on 18 November, 2015, a masjid was desecrated, its doors and windows broken, as well as the some things in the masjid.

DISCUSSION OF ISLAMOPHOBIC INCIDENTS AND DISCURSIVE EVENTS IN VARIOUS FIELDS

a. Employment

Legislation in Bosnia and Herzegovina provides limited protection of the right to freedom of religion in the employment sector and at the workplace. Specific problems Muslims face in the employment sector are: exercising the right to take break during working hours on Friday in order to attend jumaah prayer, performing daily prayers during working hours and wearing the headscarf at the workplace. In Bosnia and Herzegovina, the right to be absent from work in order to attend jumaah prayer is not explicitly regulated by the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina or in the labour legislation. The Labour Law of the Federation of Bosnia and Herzegovina stipulates the right of an employee to one hour off work during a business week, but it does not specify the employer’s obligation to meet the employee’s request for an hour off on Friday to attend the jumaah prayer. The Labour Law of Republika Srpska stipulates that the employer can approve one hour off work during working hours at the end of the week for workers whose work allows such an absence.

The proposed text of the agreement between Bosnia and Herzegovina and the Islamic Community in Bosnia and Herzegovina, which as mentioned has still not been approved by the B&H Presidency or the Parliamentary Assembly of Bosnia and Herzegovina, includes provisions protecting the aforementioned rights of Muslim employees, both in public and private employment sectors. Enactment of these provisions would ensure equality for Muslims with members of other religious communities and churches in Bosnia and Herzegovina, given that some specific Christian requests have been accepted in previously signed agreements, for example, the integrity of confession.

When it comes to celebration of holidays, the labour legislation of the Federation of Bosnia and Herzegovina and of the Brčko District of Bosnia and Herzegovina stipulate employee’s right to four days of leave in a calendar year for religious or traditional purposes, with two days being paid. In Republika Srpska, employees are entitled to three days of unpaid leave in a calendar year for religious or national-traditional purposes. Since the 1995 constitution went into force, a single state-level law on holidays has not been passed in Bosnia and Herzegovina. This issue is regulat-
ed at the levels of the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District of Bosnia and Herzegovina. A proposed separate law on non-working days during religious holidays in Bosnia and Herzegovina which applies to employees in all institutions, organizations and companies throughout the entire territory of Bosnia and Herzegovina entered the parliamentary procedure this year, but was not discussed, finally being removed from the parliamentary agenda.

Below are some complaints about violations of Muslims’ right to freedom of religion in the employment sector which were received by the Commission for Freedom of Religion during 2015:

• On 5 March 2015, the Commission received a complaint from an employee of a state-owned company that her supervisor had prohibited her from performing the noon prayer at her workplace during a break. The complainant believes that her rights to freedom of religion and non-discrimination were violated in this way, given that managers of other departments allowed their employees to perform prayers.

• On 3 July, 2015 in Srebrenica a petition was organized against a public kindergarten teacher Lejla Avdić who wore a headscarf. It was initiated by a Serbian Orthodox Church priest Aleksandar Mladenović and a teacher Jadranka Lalović (the petition was signed by 10 Serbian parents). They requested that she take off the headscarf or resign.

• In October, 2015 the issue of banning the wearing of religious symbols for all employees in judicial and prosecutorial institutions appeared in an internal, publicly non-disclosed letter sent internally by the HJPC (High Judicial and Prosecutorial Council). This raised a great deal of controversy, as it seemed to indirectly target only one specific category, namely Muslim women who wore the headscarf. The ban is currently continuing, although it violates international human right obligations. It still remains to be seen how this will further evolve, since there have as yet been no cases in which this internal act has been implemented.

• On 30 November, 2015, a complaint was received from a person working in a federal public institution. After she had passed both written and oral tests, she was informed that she had been selected for the position. Having worked for over two months, she was invited for a conversation and informed that her headscarf in the workplace was in contradiction of the law and that she should refrain from public manifestation of her religious beliefs. She believes that her headscarf does not interfere in her professional work or ability to do her job professionally and honestly, and that it this decision thus violated her right to freedom of religion at the workplace.

• On 10 December, 2015, the Commission received a complaint about the dress

code procedure in a cantonal hospital. The procedure, among other things, stipulates that if an employee wants to wear a different uniform for cultural or religious reasons, he/she must request approval from their immediate supervisor and that only if the immediate supervisor agrees can the employee be allowed to wear a different uniform.

• On 28 December, 2015, a complaint was received from an employee of the ministry of the interior on the cantonal level; the complaint states that a commander of the special support unit did not allow policemen to go to a mosque to perform their prayers. The complainant specified that this constituted violation of the right to perform religious duties according to the right to freedom of religion.

b. Education
The institutional image of the education sector in Bosnia and Herzegovina is a reflection of the state structure, is defined by the B&H constitution, entity-level and cantonal constitutions, and the Brčko District Statute which serve as the basis for the legal definition of competencies in education. Republika Srpska, ten cantons in the B&H Federation and B&H Brčko District all have full and undivided competencies in education. The B&H Ministry of Civil Affairs is in charge of performing duties and tasks within the competency of B&H, as related to the establishment of the main principles for coordinating activities, harmonizing plans of entity-level authorities and defining an international strategy; this is true in many subjects, as well as for education, which means that there is no state-level ministry of education. All laws in the RS entity, cantons and B&H Brčko District, as well as other regulations in the field of education should be harmonized with provisions of framework laws in B&H.

Jumaah Prayer Attendance
Flexibility of some employers (mostly in Muslim majority parts of the country) decreases the dimensions of this problem in Bosnia and Herzegovina, but it is still present, both in private and public employment sectors. The right to attend jumaah prayer has not systematically been resolved in education either, and thus teachers and other staff in schools encounter problems in this matter. Students in B&H schools and universities are also faced with problems, as classes and exams are organized at the time of jumaah prayer and they are unable to obtain permission for absence. Currently the resolution of this issue mostly depends on the good will of the management in the educational institutions.

Two Schools under the Same Roof
Another problem in education in B&H is the issue of “two schools under the same roof.” This is a form of ethnic segregation of children, where pupils and students from two ethnic groups attend education in the same school building. These two groups are Bosniaks and Croats, but they are physically separated, mostly using sep-
arate entrances to the school building, and following two different educational curricula (a FB&H one and the neighbouring Croatia one). They often learn different things about the recent history and conflict in the country.

c. Politics
Local or general elections were not organized in Bosnia and Herzegovina in 2015, and thus political parties did not run active political election campaigns which had often previously abounded with offensive and Islamophobic contents.

The social and political environment, characterized by the poor economic situation and the legacy of armed conflicts from the period of aggression against B&H favours dissemination of hatred and intolerance, especially in the entity of B&H known as the Republika Srpska. Bosnian Serbs have full and effective power and dominance in this entity, and returnees (Bosniaks and Croats) who return to their pre-war homes face various types of difficulties in exercising their rights; these sometimes include evident discrimination.

Nevertheless, it is important to highlight here that the previously mentioned Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina defines general rights and obligations related to the freedom of religion, churches and religious communities. However, in addition to this, the Catholic Church, or the Holy See which is its universal authority, first joined the contractual regulation of religious issues with Bosnia and Herzegovina on 19 April, 2006. Another religious community that has entered into an agreement with Bosnia and Herzegovina is the Serbian Orthodox Church; this agreement dates back to 3 December 2007.

The Islamic community is in process of negotiating signing an agreement between B&H and the Islamic community, but until now the agreement has not been signed. The absence of such agreement significantly impedes Muslims in exercising their right to freedom of religion. The Islamic community submitted its draft proposal in 2010, but the content is still being negotiated. The negotiated draft agreement has only been adopted by the council of ministers of B&H during 2015, and now should be discussed and adopted by the three-member presidency (representing three constitutive peoples/ethnic groups) and the B&H parliament. There is no objective reason for the Islamic community not to sign the agreement. Unfortunately, political parties with a Serb majority have used the situation to fight amongst themselves. The draft agreement includes allowing Muslims to have time to perform jumaah prayer during working hours or to be able to take unpaid leave once in their life time to perform Hajj. The agreement is compatible and consistent with other agreements that have been signed with other two major religious communities. But Milorad Dodik’s SNSD (Union of Independent Social-Democrats), a Serb national party, accused Serb representatives in the Council of Ministers (who do not belong
to this party, but to Savez za promjene/Union for Change) that they are making way for a “Sharia dictatorship”. Due to these tensions, Mladen Ivanić, a Serb member of the three-member presidency (also from Union for Change) stated that the agreement will not be signed if not approved by the other two major religious communities. Such approval is not foreseen for any other regulation and such approval was not necessary for the other two agreements. It remains to be seen what will happen next.

d. Media

During 2015, leading print and electronic media in the territory of Bosnia and Herzegovina shaped the image of Islam and Muslims in their own way, presenting them mostly in two ways: the first treats Muslims and the IC in B&H institutionally and solemnly on the occasion of holidays, whereas the other deals with the topic of Muslims and the official IC in B&H through press releases and appearances after certain incidents or events, e.g. the January attack at the Charlie Hebdo editorial office in Paris; an attack on a Serb policeman and police station in Zvornik in May; autumn bomb attacks in Paris and the murder of two members of the armed forces of Bosnia and Herzegovina in Rajlovac. Media outlets are partly responsible for anti-Muslim and Islamophobic sentiment due to their insufficiently balanced and sensationalist approach, unprofessional attitude and inconsiderate and inflammatory rhetoric. The shiftlessness of B&H media when the attack in Zvornik took place, and especially after the attack in Rajlovac, was immense. The media have demonstrated that they use sensationalism, that they rushed to qualify the offenses as “terrorism” and established connections with certain religious and ideological movements without much proof. For example, following the Zvornik attack, the RS police arrested and persecuted 32 Bosniaks in an operation “Rubin”; this was carried out under terrorism charges. All were released without being indicted.

The first way of focusing on Islam and Muslims was present in both the media in the federation and in the RS. While print and electronic media in the federation highlighted important dates in the life of Muslims and the IC both on the cover pages and in breaking news (beginning of Ramadan, Eid al-Fitr and Eid al-Adha, Hijri New Year, birthday of Prophet Muhammad - peace be upon him), and through special shows and contents, some of these events (mostly Eid) were treated more modestly in the RS, more with a daily informative content.

The second way of thematising Islam, Muslims and the IC of B&H was also in the media focus in both parts of Bosnia and Herzegovina. For example, the entry of FTV cameras into apartments and bedrooms of people who were suspected of preparing terrorist attacks was far from journalist professionalism or ethics. At the same

In the RS, media used the aforementioned events to present severe Islamophobic appearances of Serb politicians, especially the president of RS, Milorad Dodik, who used several opportunities before RTRS cameras to, e.g. “proclaim the Islamic Community as a dangerous and radical Islamic organization,” thus instigating religious and ethnic hatred that severely undermined attempts to stabilize coexistence in the RS. While such statements were aimed at diverting attention from important economic and social issues, the most exposed victims in the RS were Muslim-Bosniak returnees, their property, imams and their families; this was due to a dissemination of prejudice, intolerance and fear, as well as insults and mocking of religious ceremonies and sentiment, physical attacks on mosques and cemeteries, discrimination attempts in education, discrimination in employment, putting Islamic terminology, symbols, as well as putting the profession of the imam in improper context. Similar inflammatory and irresponsible statements were given by some other political representatives and political analysts, e.g. the statement by Šrdan Trifković, foreign politics editor of the US Chronicles in the talk show “Aspekt”, which has been aired since 23 November, 2015 on the RTRS. Here he stated that the events in Europe and B&H are “ideologically motivated by a 14 centuries-long tradition”, that “Muslims are the enemies of Europe” and that “Muslims are not French, German, etc...”. Another statement, that is, that it is necessary to “make a triage among refugees” was stated by Miroljub Jeftić, a scholar of politics and religion. These are some of clear examples of anti-Muslim racism. Similarly, in his column in Press magazine Nenad Kecmanović stated that: “Not all Bosnian Muslims are Islamic terrorists, but all local Islamic terrorists are Bosnian Muslims”. Also, Radio Free Europe and the National Endowment for Democracy produced a show with a secondary school student Ante from Mostar who fearfully spoke about dark-skinned and wild Bosniaks from the other side of Neretva (the other side of the town). Books about Al-Qaida could be seen on the shelf behind Ante. Other media include Poskok.info, GlasSrpska, Blic, Press RS, RTRS (e.g. airing documentaries about the danger of radical Islam and mujahedeen in Bosnia or showing films such as Nož at Christmas). Some web pages have propagated Islamophobic stereotypes more than others; most are viewed in B&H, but also in the region, like Croatian newspapers Slobodna Dalmacija portal (slobodnadalmacija.hr), e.g. “Me an Islamophobe? Why not!” or “Nest of militant wahabis only 100 km from Croatian border”.

There are two bodies that monitor the media in B&H. The first is a press council in B&H which is a self-regulatory body for print and online media. They supervise

15.http://www.slobodnadalmacija.hr/Hrvatska/tabid/666/articleType/ArticleView/articleId/308311/Default.aspx
the application of the BH Press Code. During 2015 173 complaints in total were received. Of these, three reported headlines seem pertinent for this report. In January, 2015 a complaint was received against the online “portal depo.ba”; they had published a cover with cartoons depicting Prophet Muhammad. The complaint was not upheld, and the Council did not establish that any violation of the code had occurred. In March, 2015 a complaint was received against the online portal “poskok.info” due to their article “Wahabis: Islamic state is close to Sarajevo”. The complaint referred to incitement to inter-ethnic and inter-religious hatred. The complaint was not upheld, and the council was unable to establish that any violation of the code had occurred. In July, 2015 seven complaints were received in relation to an article in the newspaper Oslobodenje, entitled “Reich-ul-ulema Adolf ef. Hitler”, alluding to the reisu-l-ulema (grand mufti of B&H). The complaint was not upheld, and the council was unable to establish that any violation of the code occurred.

The second body is the Communications Regulatory Agency, whose competences include among others “development and promotion of rules in the sectors of telecommunications and broadcasting”. While this report was being written, it was stated in correspondence with the agency that there were no cases relating to hatred against Muslims reported during 2015.

e. The Justice System

As mentioned before, generally speaking B&H is signatory to a number of major international human rights documents. Article 11 of the Anti-Discrimination Law states that any person or group of persons who think that they have been discriminated against can seek protection of their rights through the existing judicial and administrative proceedings. In addition, the law provides that any person or group of persons who has been exposed to any form of discrimination is authorized to file a lawsuit for protection against discrimination. That is, the lawsuit would initiate civil proceedings and the entire system of granting legal protection would be applicable in civil cases. Therefore, this procedure is initiated by the injured party and not ex-officio. Unfortunately, victims of discrimination have to date rarely decided to file such suits, so there is virtually no experience or practice of such cases. What is particularly important and something that is an absolute novelty in the B&H legal system is the introduction of the transfer of the burden of proof in cases of discrimination, as provided in Article 15 of the Anti-Discrimination Law. The main objective of this is to protect the weaker party; this is important as very often the victim of discrimination would not have access to all the relevant information necessary to prove discriminatory actions.

Nevertheless, there are several laws in the country which, if interpreted in a biased manner, could limit freedom of religion and thus directly influence the position of Muslims. Such laws are not in line with international human rights standards on freedom of religion or belief and should be amended accordingly. Generally, the main concern here is related to laws which stipulate that public officers or officials “shall refrain from public manifestation of their religious beliefs”. Although there is no official interpretation of what this means, often in practice it happens that employers prohibit their Muslim employees from fasting or take a break for the daily prayers or wearing the headscarf. The most flagrant case that occurred in the HJPC (High Judicial and Prosecutorial Council) was described above.

There are three possibilities with the agency in B&H to initiate a complaint related to human rights violations: at the B&H Ombudsman’s office, the Ministry for Human Rights and Refugees and in regular courts.

The Ombudsmen Office in B&H stated that there were no claims of discrimination against Muslims in 2015. The Ministry for Refugees and Human Rights in B&H stated that there had not been one single case of discrimination against Muslims in connection with being prevented from attending the jumaah prayer during working time.

f. Security, CVE

Following the recommendations of the Council of Europe for EU member states and neighbouring states on launching Countering Violent Extremism (CVE) projects, several states and international organizations allocated significant funds to this end. The preparations for several such projects were conducted in B&H. The new 2015-2020 National Strategy for Fighting Terrorism was adopted at the 14th session of the B&H Council of Ministers on 08 July, 2015, foreseeing several activities in this regard. What is noticeable in most of these strategies is their exclusive focus on violent extremism inspired by the abuse of Islam. Indeed, numerous radical, extremist and violent groups inspired by svetosavlje (Orthodox ideology) and Croat and Serb nationalism that are active in B&H have not been included in such strategies or security measures. This creates a justified feeling among Muslims that they are subjects of special measures, and thus additionally labelled and stigmatized. Although official Islamic religious and political authorities support the fight against terrorism, the CVE project primarily focus on Islam.

It is important to mention here that Husein Bilal Bosnić was arrested in the police operation code-named “Damascus”. He was charged with public incitement to terrorist activities in connection to recruitment of persons for terrorist activities and organizing terrorist groups. In November, 2015 he was sentenced to 7 years in prison. This case allowed an opportunity for occasional Islamophobic public and media statements about an alleged inherent connection with Islam and violence.

OBSERVED CIVIL SOCIETY ASSESSMENTS AND INITIATIVES UNDERTAKEN TO COUNTER ISLAMOPHOBIA

• Centre for education and research Nahla from Sarajevo is a member of the European Forum of Muslim Women, which is a partner on a project entitled “Forgotten Women: the Impact of Islamophobia on Muslim Women,” which was implemented by European Network Against Racism (ENAR) and will last until April, 2016.
• Centre for Advanced Studies from Sarajevo in 2014 published a useful collection of texts entitled “Islamophobia: terms, occurrence, response”; here there are many texts written by experts on various issues related to Islamophobia. In 2015 the Centre published a valuable “Deskbook: Freedom of Religion or Belief”.

POLICY RECOMMENDATIONS

• Cooperation between governments (state level, entity level, and district Brčko level), the Islamic community and NGOs in fighting discrimination against Muslims should be fostered.
• Cooperation between parliaments (state level, entity levels and District Brčko level), the Islamic community and NGOs in fighting discrimination against Muslims should be fostered.
• Public awareness about human rights and freedom of religion and belief (NGOs, media, etc.) should be raised.
• Methods of documentation of cases of violation of the rights of Muslims (Islamic community, NGOs, police and judiciary) should be enhanced.
• Awareness about hate crimes against Muslims, their proper registration and prosecution (Islamic community, NGOs, police and judiciary) should be raised.
• Hate speech (on-line and off-line) for media, politicians, etc. should be raised.
• Awareness about Islamic practice (prayer, jumaah, and headscarf) and available ways to accommodate this in education and employment should be raised. Regulations should be adjusted accordingly.
• Laws that stipulate that public officers or officials “shall refrain from public manifestation of their religious beliefs”, which discriminate against Muslim employees in fasting, taking a break for daily prayers or wearing of the headscarf should be amended. The most flagrant case should be referred to the HJPC (High Judicial and Prosecutorial Council).
• Awareness of citizens and NGOs about reporting offensive media language to the
Press Council in B&H and Communications Regulatory Agency should be raised.

- Awareness of citizens and NGOs about filing complaints related to human rights violations at the B&H Ombudsman’s office, Ministry for Human Rights and Refugees and in regular courts should be raised.
- There should be a commitment to countering violent extremism, but not at the expense of freedom of religion and not solely focusing on Islam or Muslims

**CHRONOLOGY**

**January**
- Bijeljina (Republika Srpska), offensive graffiti
- Bijeljina (Republika Srpska), mosque desecrated

**March**
- Višegrad (Republika Srpska), offensive language/hate speech
- Doboj (Republika Srpska), offensive language/hate speech
- An employee of a state company prohibited from performing the noon prayer in the workplace during a break

**May**
- Višegrad (Republika Srpska), hand grenade found in the yard of a mosque

**June**
- Doboj (Republika Srpska), offensive language/hate speech, at iftar
- Zvornik (Republika Srpska), offensive language/hate speech, at prayer
- Tomislavgrad, offensive graffiti
- Bijeljina (Republika Srpska), desecrated cemetery and commemorative monument

**July**
- A petition against a public kindergarten teacher for wearing a headscarf in Srebrenica, Republika Srpska
- Bijeljina (Republika Srpska), offensive language/hate speech, at prayer
- Bijeljina (Republika Srpska), offensive language/hate speech, at imam
- Kotor Varoš (Republika Srpska), Nermin Hanifić attacked with “four S” engraved on his stomach.
- Vlasenica (Republika Srpska), a Bosniak returnee beaten up
- Čelić (in Federation of B&H, bordering with Republika Srpska), offensive graffiti

**August**
- Tomislavgrad, a gas released next to the mosque entrance door

**October**
- Prohibition of wearing religious symbols for all employees in judicial and prosecutorial institutions by HJPC (High Judicial and Prosecutorial Council)
November
• Ljubuški, mosque desecrated
• A lady working in a Federal public institution is told that she should refrain from public manifesting of her religious beliefs and stop wearing the headscarf
• The draft agreement between B&H and the Islamic community adopted by the Council of Ministers of B&H

December
• Cantonal hospital stipulates that if an employee wants to wear a uniform that is adjusted for cultural or religious reasons, he/she must request approval from their immediate supervisor and that only if the immediate supervisor agrees, shall the employee get approval to wear a different uniform
• An employee in a cantonal ministry of the interior was prohibited from going to the mosque to perform prayers
Islamophobia or anti-Muslim racism poses a growing threat to the democratic foundations of European constitutions and social peace as well as the coexistence of different cultures throughout Europe. Both civil society actors and states should acknowledge the seriousness of this issue and develop concrete policies to counter Islamophobia.

As the leading think tank in Turkey, SETA felt an urgent need to address this problem. In fact, there are still people denying the very existence of racism against Muslims. Many state and civil society institutions, from the Fundamental Rights Agency (FRA) to the countless civil society organisations throughout Europe, have done priceless work to prove and establish the opposite. Yet, institutions like the FRA publish only irregular reports on a restricted number of countries while most civil society organisations tackle racism in general and only few focus on Islamophobia in particular — this is the urgent gap our report wishes to fill.

The European Islamophobia Report (EIR) is an annual report, which is presented for the first time this year. It currently comprises 25 national reports regarding each state and the tendencies of Islamophobia in each respective country. The current report features the work of 37 extraordinary scholars. In the years to come we will attempt to cover even more countries. This report aims to enable policymakers as well as the public to discuss the issue of Islamophobia with the help of qualitative data. At the same time, several of its unique characteristic features make a difference to the current state of the debate on Islamophobia. Studies on Islamophobia have in the past predominantly concentrated on Western Europe. This is especially the case with reports focusing on Islamophobia. The EIR is the first to cover a wide range of Eastern European countries like Serbia, Croatia, Hungary, Lithuania and Latvia. This will enrich the debate on racism in general and Islamophobia in Europe in particular.

About SETA

Foundation for Political, Economic and Social Research (SETA) is a non-profit research institute based in Turkey dedicated to innovative studies on national, regional and international issues. SETA is the leading think tank in Turkey and has offices in Ankara, Istanbul, Washington D.C. and Cairo. The objective of SETA is to produce up-to-date and accurate knowledge and analyses in the fields of politics, economy, and society, and inform policy makers and the public on changing political, economic, social, and cultural conditions. Through research reports, publications, brain storming sessions, conferences and policy recommendations, SETA seeks to guide leaders in government, civil society, and business, and contributes to informed decision making mechanisms.