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DISCRIMINATION AND HATE SPEECH AGAINST MUSLIM REFUGEES – LEGISLATION AND PRACTICE

ABSTRACT: This paper examines discrimination and hate speech directed at Muslim refugees in contemporary democratic societies, with particular focus on the gap between formally guaranteed human rights and their actual implementation in practice. Although international and national legal frameworks guarantee freedom of religion, equality, and refugee protection, Muslim migrants increasingly experience stigmatization, exclusion, and hostility in everyday social, political, and institutional contexts. The study proceeds from the premise that these phenomena should not be understood as isolated prejudice or sporadic xenophobia, but rather as a structural and systemic phenomenon embedded in political discourse, media narratives, and administrative practices. Drawing on interdisciplinary theoretical perspectives from law and sociology, the research conceptualizes discrimination as cumulative, institutional, and intersectional, operating through both direct and indirect mechanisms. Using qualitative methods—including content and discourse analysis, comparative case studies, and secondary empirical data—the paper analyzes developments in Germany, the United States,

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and Australia to identify recurring patterns of migration securitization, labor market exclusion, and symbolic stigmatization of Muslim refugees. Particular attention is devoted to the role of hate speech and digital platforms in normalizing hostility and legitimizing restrictive migration policies.

Keywords: *discrimination, hate speech, Islamophobia, migration management, human rights protection.*

1. Introduction

Freedom of religion or belief constitutes one of the foundational pillars of contemporary international human rights law. It is explicitly guaranteed under Article 18 of the Universal Declaration of Human Rights (1948) and reaffirmed in Article 18 of the International Covenant on Civil and Political Rights (1966), as well as subsequent international instruments prohibiting discrimination based on religion or belief. These norms are intended to protect individuals regardless of their faith affiliation and apply equally to believers, non-believers, and religious minorities. In principle, therefore, modern legal systems recognize religious pluralism as a necessary precondition for democratic coexistence.

However, despite the existence of comprehensive legal safeguards, the lived reality of many migrants and refugees—particularly those identified as Muslim—reveals a growing discrepancy between formal rights and practical implementation. Across Europe, North America, and Australia, Muslim refugees are increasingly exposed to discrimination, stigmatization, and hostility that undermine their legally guaranteed protections. Rather than being perceived primarily as individuals fleeing violence and persecution, they are frequently framed as security risks, cultural outsiders, or demographic threats. This transformation of refugees from rights-bearing subjects into objects of suspicion marks one of the most significant contradictions of the contemporary human rights regime.

Recent scholarship emphasizes that such exclusion is not merely the result of isolated prejudice or sporadic xenophobia. Instead, it reflects a broader process commonly described as Islamophobia—a multidimensional system of cultural, political, and institutional practices that portray Islam and Muslims as inherently incompatible with Western democratic values. Islamophobia operates through negative stereotyping, racialization, and the construction of Muslims as a monolithic and threatening “Other,” thereby legitimizing discriminatory measures in public policy, employment, and

everyday social interactions (Acim, 2019). Rather than addressing specific behaviors, this framework attributes fixed characteristics to an entire religious group, facilitating collective blame and generalized fear.

Empirical studies further demonstrate that these narratives have tangible consequences. Refugees routinely report discrimination in employment, housing, and public services. Evidence from refugee communities shows significant levels of labor market exclusion and everyday hostility, indicating that stigmatization translates into material disadvantage and reduced social integration (Fozdar & Torezani, 2008). Such patterns suggest that Islamophobia functions simultaneously at symbolic and structural levels: it shapes both how refugees are represented and how they are treated.

2. Aim and Methodology

The aim of this paper is to analyze manifestations of hatred and discrimination directed at Muslim refugees and migrants in contemporary societies and to demonstrate the gap between formally established human rights protections and their practical enforcement. The study seeks to identify mechanisms through which religious hostility is incited, normalized, and institutionalized in political discourse, public policy, and everyday life, while also evaluating existing international and national protection mechanisms.

The research adopts a qualitative, interdisciplinary approach combining:

- Content and discourse analysis of legal documents, international conventions, policy reports, and academic literature addressing Islamophobia, refugee protection, and discrimination;
- Comparative analysis of selected national contexts (Germany, United States, Australia, and EU member states) to identify recurring patterns of anti-Muslim sentiment;

This methodology enables a comprehensive understanding of discrimination as both a legal and socio-political phenomenon rather than as isolated incidents.

2.1. Operationalization of Discrimination in This Study

Building on the conceptual and theoretical foundations outlined above, this study adopts a multidimensional understanding of discrimination that integrates legal, sociological, and systemic perspectives. Rather than limiting discrimination to explicit prejudice or overt exclusion, the analysis

operationalizes discrimination as a set of observable institutional, discursive, and structural mechanisms that systematically disadvantage refugees and religious minorities, particularly Muslims.

First, discrimination is treated as differential treatment based on protected group membership, consistent with legal doctrine and classical definitions of unjustified unequal treatment (Radcliffe Richards & Lucas, 1985). This includes formal restrictions, unequal administrative procedures, or practices that treat refugees or Muslims less favorably in employment, housing, public services, or legal protection. Such direct forms correspond to the traditional legal understanding of discrimination on enumerated grounds (Mercat-Bruns, 2016).

Second, following contemporary anti-discrimination law, the study also includes indirect or disparate-impact discrimination, defined as formally neutral policies that disproportionately burden particular groups without objective justification (Collins, 2003; Mercat-Bruns, 2016). In the context of refugees, this may involve integration rules, labor market requirements, or security procedures that appear neutral but systematically restrict access to opportunities for religious or ethnic minorities. The analysis therefore assesses not only intent but also outcomes, recognizing that inequality may emerge from routine institutional practices rather than deliberate hostility.

Third, the study adopts a sociological and organizational perspective, conceptualizing discrimination as embedded in everyday decision-making processes within institutions. In line with Small and Pager (2020), discrimination is operationalized as differential treatment that may be intentional or unintentional and may arise through organizational routines, gatekeeping, or discretionary judgments. Consequently, the analysis examines patterns such as exclusion from employment, limited access to housing, or administrative delays as indicators of institutionalized disadvantage, even where explicit discriminatory intent cannot be demonstrated.

Based on these principles, discrimination in this study is empirically identified through two main interconnected categories of indicators:

- Institutional indicators – unequal access to employment, housing, welfare benefits, or legal protection;
- Policy indicators – restrictive or disproportionate asylum, security, or integration measures affecting specific religious or ethnic groups;

This multidimensional operationalization provides the analytical basis for the subsequent case studies. It enables the identification of discrimination not only where explicit hostility is visible, but also where exclusion emerges

through routine institutional practices and interconnected social processes that systematically disadvantage refugees and religious minorities.

3. Theoretical and Legal Framework: Understanding Discrimination against Refugees and Religious Minorities

In addition to general anti-discrimination principles, the protection of refugees and religious minorities is grounded in several binding international and regional legal instruments. Article 18 of the Universal Declaration of Human Rights (1948) guarantees freedom of thought, conscience, and religion, while Article 26 establishes the principle of equality and non-discrimination. These guarantees are further elaborated in the International Covenant on Civil and Political Rights (1966, ICCPR), particularly Articles 18, 19, 20, and 26, which simultaneously protect freedom of religion, freedom of expression, and prohibit advocacy of religious hatred constituting incitement to discrimination or violence.

At the regional level, the European Convention on Human Rights (1950, ECHR) provides protection through Article 9 (freedom of religion), Article 10 (freedom of expression), and Article 14 (prohibition of discrimination). The jurisprudence of the European Court of Human Rights has repeatedly emphasized that democratic societies are based on pluralism, tolerance, and broadmindedness, and that states have positive obligations to protect vulnerable groups from hate speech and discriminatory treatment. Furthermore, refugee-specific protection derives from the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, which prohibit discrimination based on race, religion, or country of origin and require states to ensure equal access to courts, education, employment, and public assistance.

In the European Union legal framework, the Charter of Fundamental Rights of the European Union (2000) prohibits discrimination on grounds including religion and ethnic origin (Article 21), while the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) establish minimum standards of protection against discrimination in employment and social life. These instruments demonstrate that the legal protection of refugees is not limited to humanitarian admission but includes broader obligations related to equality, dignity, and social inclusion. Nevertheless, the implementation gap between formal guarantees and everyday institutional practice remains one of the central challenges identified in contemporary scholarship.

At the normative level, the objectives of anti-discrimination law cannot be reduced to the simple principle of identical treatment. Collins (2003) argues that equal treatment alone may reproduce existing hierarchies when social starting positions are unequal; consequently, the broader aim of anti-discrimination law is better conceptualized as social inclusion—that is, enabling marginalized groups to participate fully in economic, social, and political life. From this perspective, discrimination concerns not only whether individuals are treated the same, but whether institutional arrangements systematically exclude particular populations from opportunities and resources. Formal equality may therefore coexist with substantive exclusion.

Sociological research further broadens this understanding by conceptualizing discrimination as a process embedded in organizational practices rather than solely in individual prejudice. Small and Pager (2020) define discrimination as differential treatment based on group membership that may be intentional or unintentional and that often operates through routine institutional decisions. This approach challenges the classical economic dichotomy between “taste-based” and “statistical” discrimination by demonstrating that many disparities cannot be explained solely by personal animus or imperfect information. Instead, organizational gatekeeping, network effects, and bureaucratic routines frequently generate unequal outcomes even when actors perceive themselves as neutral.

Importantly, contemporary theory increasingly conceptualizes discrimination as systemic rather than episodic. Reskin (2012) proposes a systems perspective, arguing that disparities across domains—housing, employment, education, health, credit, and criminal justice—are mutually reinforcing and constitute an integrated structure of cumulative advantage and disadvantage. Within such a system, inequality in one sphere generates disadvantages in others, creating feedback loops that sustain group-based disparities over time.

Empirical studies illustrate how these theoretical mechanisms operate in practice. Research on refugee integration demonstrates that discrimination is frequently experienced in everyday interactions with employers, landlords, and institutions. For example, studies of refugee communities report significant levels of employment discrimination and social exclusion even where formal legal protections exist (Fozdar & Torezani, 2008).

Taken together, these perspectives suggest several analytical principles relevant to the present study. First, discrimination should be conceptualized as structural, institutional, and cumulative rather than episodic or purely interpersonal (Reskin, 2012; Small & Pager, 2020). Second, legal equality of

treatment does not guarantee substantive inclusion, as formally neutral rules may perpetuate disadvantage (Collins, 2003). Third, multiple and intersecting identities—race, religion, and migrant status—intensify vulnerability and require analysis beyond single-category frameworks (Mercat-Bruns, 2016). Finally, discrimination frequently becomes embedded in organizational and policy practices rather than in overt hostility alone (Small & Pager, 2020; Acim, 2019).

4. Religious Hatred toward Refugees and Migrants: Comparative Case Studies

The rise of hostility toward Muslim refugees in contemporary Western societies cannot be explained solely through episodic xenophobia or isolated political radicalism. Rather, scholarship increasingly conceptualizes anti-Muslim discrimination as a structural and discursive phenomenon embedded within political rhetoric, media representation, and institutional practices. Islamophobia, in this sense, operates not merely as prejudice but as a systematic mode of racialization through which Muslims are constructed as culturally incompatible, socially dangerous, and politically suspect (Acim, 2019). By attributing static and negative characteristics to an entire religious group, this process legitimizes exclusion and provides moral justification for discriminatory policies.

A growing body of research demonstrates that Islamophobia intersects directly with migration governance. Refugees, especially those from Muslim-majority regions, are frequently reframed as security threats rather than rights-bearing individuals. This securitization transforms humanitarian protection into a matter of national defense, thereby normalizing restrictive policies and hostile public discourse (Watson, 2009). As a result, discrimination is not confined to interpersonal hostility but becomes institutionalized within legal and administrative frameworks.

4.1. Germany

Germany provides one of the clearest European illustrations of this dynamic. Following the 2015–2016 refugee influx, the country admitted the largest number of asylum seekers within the European Union. Although grounded in constitutional commitments to human dignity and international protection obligations, this policy provoked strong backlash from right-wing actors. Movements such as Alternative für Deutschland (AfD) and PEGIDA

systematically framed Muslim refugees as agents of “Islamization” and cultural erosion, portraying Islam as fundamentally incompatible with the German constitutional order (Rommel, 2017).

Empirical evidence further illustrates the social normalization of anti-Muslim sentiment in Germany. Reports of the European Commission against Racism and Intolerance (ECRI) and the European Union Agency for Fundamental Rights (2020, FRA) indicate a continued rise in anti-Muslim hostility, discriminatory rhetoric, and hate incidents across several European states. Also, reports of the ECRI additionally documented an increase in anti-Muslim hate crimes and discriminatory rhetoric during the post-2015 migration period.

The German Federal Anti-Discrimination Agency has also warned that individuals perceived as Muslim frequently experience unequal treatment in employment, housing, and access to services. Such findings support the argument that discrimination extends beyond isolated extremist incidents and increasingly affects institutional and everyday social relations.

Public opinion data reveal the normalization of such narratives. Surveys indicate that substantial proportions of the German population perceive Islam as a threat to national identity and question the belonging of Muslims within society (Alaverdov, 2020; Reuters, 2016). At the institutional level, these sentiments have coincided with increased deportations and stricter asylum practices, measures that critics argue contradict the constitutional protections of life, dignity, and freedom of religion (Selipsky, 2019). The European Commission against Racism and Intolerance (ECRI) has repeatedly warned that the trivialization of far-right ideologies correlates with rising anti-Muslim hate crimes and violent incidents (Council of Europe, 2020).

4.2. Comparative Patterns beyond Germany

Importantly, Germany is not an isolated case. Similar processes can be identified across other Western democracies, indicating that religious hatred toward refugees reflects broader transnational trends rather than country-specific anomalies.

In Australia, research on refugee well-being reveals that discrimination is experienced as a routine aspect of everyday life. Survey evidence shows that refugees frequently encounter unequal treatment in employment and social interactions, with nearly half reporting labor market discrimination. These findings illustrate how stigmatization translates into material exclusion, limiting opportunities for economic integration. Despite formal anti-discrimination

protections, negative public attitudes toward asylum seekers—particularly those perceived as Muslim—continue to shape institutional outcomes. Research conducted by Fozdar and Torezani (2008) demonstrated that many refugees in Australia reported experiences of discrimination in employment, housing, and everyday interactions. Nearly half of surveyed respondents perceived labor market discrimination as a significant barrier to integration, while many also described feelings of social exclusion and stigmatization linked to religious or ethnic identity.

These findings are particularly important because they reveal that formal legal protections alone do not necessarily eliminate structural barriers affecting refugees and migrants. Instead, discrimination frequently persists through informal institutional practices and negative social perceptions.

In the United States, the nexus between Islamophobia and refugee policy is even more explicit. Anti-Muslim advocacy networks have promoted the idea that Muslim migration constitutes a national security risk, linking refugees to terrorism or “civilization jihad.” These narratives have directly influenced policy decisions, culminating in executive actions such as travel bans targeting Muslim-majority countries and drastic reductions in refugee admissions (Watson, 2009). Analyses of federal practice further indicate that surveillance, “extreme vetting,” and selective border controls disproportionately affect Muslim communities, embedding religious suspicion within the administrative apparatus of the state.

At the cultural level, Islamophobia is reinforced by media and digital ecosystems. Studies of fringe social media platforms show that large volumes of online content portray Islam in derogatory or conspiratorial terms, frequently associating Muslims with violence, demographic replacement, or moral decline.

Across these contexts, similar mechanisms are observable. First, refugees are symbolically constructed as threats to security or cultural cohesion. Second, such constructions justify social and economic exclusion, including labor market discrimination and limited access to services. Third, political actors mobilize demographic or civilizational anxieties to gain electoral support. Finally, these narratives may crystallize into restrictive laws or administrative practices that institutionalize unequal treatment. Scholars describe this pattern as the transformation of Islamophobia into anti-Muslim racism, whereby a dominant group stabilizes power by designating a religious minority as a scapegoat (Acim, 2019).

Taken together, the German, American, and Australian examples demonstrate that the incitement of religious hatred toward Muslim refugees is

not episodic but systemic. Although legal frameworks such as constitutional guarantees, anti-discrimination statutes, and international refugee conventions formally protect rights, these mechanisms often fail to prevent exclusion when political and social narratives depict entire communities as inherently suspect. Consequently, addressing discrimination requires more than formal compliance with international standards. It demands confronting the discursive foundations of Islamophobia itself—namely, the narratives that equate Muslim identity with danger. Without challenging these constructions, legal protections remain largely symbolic.

5. Protection of Migrants from Hate Speech and Discrimination

The protection of migrants and refugees from hate speech and discriminatory expression presents one of the most contested dilemmas in contemporary human rights law. On the one hand, freedom of expression is widely regarded as a cornerstone of democratic societies and enjoys strong constitutional and international protection. On the other hand, states are simultaneously obligated to safeguard equality, dignity, and security for vulnerable populations, including migrants and religious minorities. The resulting tension is neither merely theoretical nor exceptional; rather, it lies at the structural core of modern constitutional orders, where liberty interests in speech frequently collide with equality interests in protection from hostility and exclusion.

Article 21 of the Charter of Fundamental Rights of the European Union (2000) explicitly prohibits discrimination based on religion, ethnic origin, or minority status, reinforcing broader European anti-discrimination standards. The Human Rights Committee emphasized in General Comment No. 34 (2011) that freedom of expression carries special duties and responsibilities, particularly where speech may incite discrimination, hostility, or violence against vulnerable groups. Within EU anti-discrimination law, the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) establish minimum standards of protection against unequal treatment in employment and social life.

From a classical First Amendment perspective, even highly offensive or hateful expression receives broad protection. As Juhan (2012) demonstrates, constitutional doctrine in the United States has historically shielded a wide range of disturbing, profane, or extremist speech on the premise that government must not prescribe orthodoxy or regulate expression merely

because it is offensive. This expansive protection is justified by concerns over viewpoint discrimination and governmental overreach. However, such an approach creates a paradox: speech that is formally protected may nevertheless generate environments of intimidation or exclusion that undermine the effective participation of targeted groups. Juhan therefore identifies the problem of a “hostile speech environment,” in which protected speech can operate cumulatively to restrict the practical freedom and equality of those subjected to it.

Critical legal scholarship further questions whether unrestricted speech truly serves democratic equality. Delgado (1982) argues that absolute free-speech doctrines often ignore the lived realities of subordinated groups, for whom racist or misogynistic speech functions less as abstract opinion and more as a tool of intimidation and social control. From this perspective, protecting hate speech without regard to its effects may entrench rather than challenge existing hierarchies.

Judicial practice has played an important role in defining the balance between freedom of expression and protection from religious hatred. The European Court of Human Rights has consistently emphasized that freedom of expression constitutes one of the foundations of democratic society, but that this freedom may be subject to limitations where speech promotes intolerance, hatred, or violence. In the case of *Norwood v. United Kingdom* (application no. 23131/03, decision of 16 November 2004), the Court considered a complaint involving anti-Muslim expression displayed publicly after the September 11 attacks. The applicant had exhibited a poster depicting the Twin Towers in flames alongside the words “Islam out of Britain – Protect the British People.” The Court declared the application inadmissible, holding that such expression constituted a general and vehement attack against a religious group incompatible with the values of the Convention. Similarly, in *Garaudy v. France* (application no. 65831/01, decision of 24 June 2003), the Court reaffirmed that expressions aimed at promoting hatred or undermining the rights of others do not enjoy unlimited protection under Article 10 of the European Convention on Human Rights. The Court stressed that tolerance and respect for the equal dignity of all human beings constitute the foundation of democratic societies.

The jurisprudence of the Court also demonstrates that states possess positive obligations to combat discriminatory treatment. In *Nachova and Others v. Bulgaria* (applications nos. 43577/98 and 43579/98, judgment of 6 July 2005), the Court emphasized the duty of national authorities to investigate possible discriminatory motives behind acts of violence and institutional

misconduct. Although the case concerned ethnic discrimination, its principles are highly relevant for understanding state obligations regarding religious hatred and anti-Muslim discrimination.

At the international level, the Human Rights Committee has repeatedly interpreted Article 20 of the ICCPR as requiring states to prohibit advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence. The Rabat Plan of Action (2012), adopted within the UN framework, additionally provides criteria for distinguishing protected speech from unlawful incitement. Human rights law attempts to reconcile these competing values through calibrated limitations. The International Covenant on Civil and Political Rights (1966, ICCPR) recognizes freedom of expression in Article 19 but simultaneously permits restrictions necessary for the protection of the rights and reputations of others, and in Article 20 explicitly requires states to prohibit advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence (Ghanea, 2013). This dual framework illustrates that freedom of speech is not absolute but operates within a system of “special duties and responsibilities,” particularly where expression threatens the safety or dignity of vulnerable communities.

Taken together, these perspectives reveal that the protection of migrants from hate speech cannot be reduced to a binary choice between censorship and unrestricted speech. Instead, contemporary legal theory increasingly adopts a contextual and harm-sensitive approach. Freedom of expression remains fundamental, yet it coexists with obligations to protect dignity, equality, and social cohesion. For migrants and refugees, this balance is particularly consequential. As newcomers who often lack political power, linguistic fluency, or social capital, they are disproportionately vulnerable to stigmatizing narratives that portray them as threats or outsiders. Hate speech targeting such groups does not merely offend; it may impede integration, limit access to employment or housing, and foster climates conducive to violence.

Hate speech threatens democratic values, social stability, and peace. It must be fundamentally prevented at all stages, as it can lead to armed conflicts, atrocities, acts of terrorism, violence against women, and other serious human rights violations, and threaten peaceful, inclusive, and just societies. In May 2019, the UN Strategic Plan to Combat Hate Speech was published, highlighting that there is an alarming wave of xenophobia, racism, and intolerance around the world. Social media and other forms of communication are used as platforms for intolerance.

The EU Fundamental Rights Agency's 2020 report states that for many, criminalizing insult to religious feelings is in direct conflict with the

fundamental role of freedom of expression, which can only be limited in exceptional cases, regardless of whether such expression is likely to cause offense, outrage, or anxiety (FRA, 2020). Thus, the response of some states was to remove restrictions on the expression of religion or belief, especially anti-blasphemy laws, which, in my opinion, was a huge mistake, since this fact led to the freedom of hate speech, which made life more difficult for migrants who found themselves in a very difficult situation. It is also worth noting the approach of some states that certain views may be so offensive or misanthropic that they need to be suppressed. Unfortunately, there is certain evidence that the cases of religious and ethnic-based discrimination, violence, and negative stereotyping continue to increase worldwide. States are encouraged to take effective measures against those who call for violence, hostility, and discrimination, or as set out in this resolution, follow their obligations under international human rights law, to combat such cases. The same document calls on states to take appropriate measures to criminalize incitement to imminent violence based on religion or belief (UNHCR, 2014).

6. Conclusion

This paper set out to examine the relationship between religious hatred, discrimination, and the protection of Muslim refugees within contemporary democratic societies. Although modern legal systems formally recognize freedom of religion, equality, and the protection of refugees as fundamental human rights principles, the analysis demonstrates a persistent and troubling gap between normative guarantees and lived reality. The experiences of many migrants reveal that legal recognition alone does not automatically translate into substantive protection or social inclusion.

Across the theoretical, empirical, and legal dimensions explored in this study, discrimination emerges not as an occasional deviation from democratic standards, but as a structural and systemic phenomenon. Rather than taking the form of isolated acts of prejudice, exclusion often operates through routine institutional practices, public discourse, and political narratives that gradually normalize suspicion toward specific communities. In this context, Muslim refugees are not merely perceived as newcomers requiring protection, but are frequently framed as cultural, demographic, or security threats. Such framing transforms vulnerability into liability and redefines humanitarian protection as a matter of national defense.

The comparative case studies illustrate that these dynamics are not confined to a single national setting. Germany's experience following the

refugee influx, the securitized approach to migration governance in the United States, and patterns of everyday discrimination reported in Australia reveal striking similarities despite different legal traditions. In each context, public rhetoric, media narratives, and policy choices converge to produce environments in which refugees face barriers to employment, housing, and full participation in social life. The recurrence of these patterns suggests that religious hostility toward migrants is not an anomaly but part of a broader transnational logic of exclusion that accompanies contemporary migration politics.

Taken together, the findings of this study indicate that effective protection of migrants requires a multidimensional approach. Legal prohibitions against discrimination and incitement are necessary but insufficient. They must be complemented by institutional accountability, inclusive integration policies, responsible political leadership, and sustained efforts to counter stigmatizing narratives in both traditional and digital media. Without addressing the structural and discursive foundations of hostility, formal safeguards risk remaining symbolic.

Furthermore, the normalization of hostile rhetoric carries long-term consequences that extend beyond individual harm. Public discourse that repeatedly associates migrants with danger or incompatibility reshapes collective perceptions and gradually lowers the threshold for restrictive measures. What begins as symbolic stigmatization may evolve into administrative obstacles, intensified surveillance, or reduced access to protection. In this way, language precedes policy. The cumulative effect is the gradual shrinking of the moral and legal space within which refugees are recognized as rights-bearing individuals.

The findings of this research also suggest that protection cannot rely exclusively on reactive legal enforcement. Courts and criminal sanctions play an important role, but they intervene only after harm has occurred. Preventive strategies—such as education, community dialogue, inclusive public communication, and equitable access to social services—are equally essential. Integration policies that promote everyday interaction between newcomers and host societies can reduce the fear and misinformation that often fuel hostility. In this sense, social cohesion and legal protection should be understood as mutually reinforcing rather than competing objectives.

Conflict of Interest

The authors declare no conflict of interest.

Author Contributions

Conceptualization A. E., G., M. and B., M.; methodology, A. E., G., M. and B., M.; analysis and writing of the original draft, A. E., G., M. and B., M.; review and editing of the manuscript A. E., G., M. and B., M.; All authors have read and approved the final version.

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DISKRIMINACIJA I GOVOR MRŽNJE PREMA MUSLIMANSKIM IZBEGLICAMA – ZAKONODAVSTVO I PRAKSA

APSTRAKT: Ovaj rad analizira diskriminaciju i govor mržnje usmeren prema muslimanskim izbeglicama u savremenim demokratskim društvima, sa posebnim fokusom na jaz između formalno garantovanih ljudskih prava i njihove stvarne primene u praksi. Iako međunarodni i nacionalni pravni okviri garantuju slobodu veroispovesti, jednakost

i zaštitu izbeglica, muslimanski migranti sve češće se suočavaju sa stigmatizacijom, isključivanjem i neprijateljstvom u svakodnevnim društvenim, političkim i institucionalnim sferama. Rad polazi od stava da se ove pojave ne mogu tumačiti kao pojedinačni slučajevi predrasuda ili sporadične ksenofobije, već kao strukturni i sistemski fenomen ukorenjen u političkom diskursu, medijskim narativima i administrativnim praksama. Oslanjajući se na interdisciplinarne teorijske pristupe iz oblasti prava i sociologije, diskriminacija se konceptualizuje kao kumulativna, institucionalna i interseksionalna pojava koja deluje kroz direktne i indirektne mehanizme. Kvalitativnim metodama, uključujući analizu sadržaja i diskursa, komparativne studije slučaja i pregled sekundarnih empirijskih podataka, ispituju se primeri Nemačke, Sjedinjenih Američkih Država i Australije kako bi se identifikovali ponavljajući obrasci sekuritizacije migracija, isključenosti sa tržišta rada i simboličke stigmatizacije muslimanskih izbeglica. Posebna pažnja posvećena je ulozi govora mržnje i digitalnih platformi u normalizaciji neprijateljstva i opravdavanju restriktivnih migracionih politika.

Ključne reči: *diskriminacija, govor mržnje, islamofobija, upravljanje migracijama, zaštita ljudskih prava.*

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