

Geneva International Centre *for* Justice

# Xenophobia, Islamophobia, Antisemitism, and Racism in Germany, Austria, and the Netherlands

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**REPORT**



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# GERMANY

## Statistics

The latest country report by the European Commission against Racism and Intolerance of the Council of Europe in 2019 detected high levels of Islamophobia and an increase of xenophobia in the public discourse. Especially, sub-organizations of a new political party, probably alluding to the right-wing "Alternative für Deutschland" (AfD), revealed blatant racist opinions. This xenophobic narrative of the extreme right also influenced the mainstream political discourse. Furthermore, there were institutional lacks in systematically detecting and registering hate crimes and online hate speech to police and prosecution.

A statistic from the German interior ministry found that right-extremist crimes were on the highest level in 2020 since 2001. Thereby right-extremist crimes account for more than half of all politically motivated crimes, although there is also an apparent increase in left-extremist crimes (45%). According to the minister of the interior Horst Seehofer, right-wing extremism was the biggest threat to security in the country. What is more, since 2015, the number of people who have been radicalized and willing to use force without any prior criminal record increased by 8%. In the wake of the pandemic, the movement "Querdenken" was established opposing the Covid-19 prevention measures. Some parts are even radicalized so that the secret service observes them. Xenophobia and Racism



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## Xenophobia and Racism

On 19 February 2020, a 43-year-old man attacked a bar and a corner store in Hanau, in a neighborhood where primarily people with migration backgrounds live. He killed nine people, most of them in their twenties, some of them even younger, suspecting they were foreigners, although most of them were born in Germany having parents or grandparents who had immigrated to Germany decades ago. Afterward, he killed himself and his mother. Although a psychological report diagnosed that he had schizophrenia, he planned this attack out of racist motives. He was radicalized on the internet and a follower of conspiracy theories.

This incident revealed xenophobic and racist narratives that are present in specific social milieus. Xenophobic and racist tendencies target people who are German and have lived their whole life in Germany. These people face discrimination and hatred just because their ancestors had come some decades ago to Germany as immigrant workers.

As a consequence of this incident and the murder of Walter Lübke, a politician who had been killed by a right extremist because of Lübke's liberal ideas towards immigrants (*see GICJ's hate speech report linked in source 27*), the German government initiated a new law to combat racist and xenophobic discrimination and hatred.

This law should guarantee better protection of victims and establish programs to promote democratic values. Several ministries like the interior, the family, the foreign and defense ministries presented diverse projects to realize these goals. For example, they established a central authority to which victims of racism and hatred can report and seek protection. Another good measure is the obligation of organizations seeking state funding to pledge their commitment to democratic values explicitly. Overall, 89 measures are proposed. As of now, this law still must be passed by the legislative.

In line with the EU directive towards equal treatment, Germany has established an anti-discrimination agency, which supports people facing discrimination and works towards equal treatment. Cases of racist and xenophobic discrimination account for 25% of all discrimination reported to the agency (*see source 5*). However, the latest report by the European Commission against Racism and Intolerance by the Council of Europe criticized that the agency's mandate was too narrow, not fully independent, and underfunded. Mainly, it lacked fundamental victim support and litigation competencies. Furthermore, it argued that such an agency should also exist on the "Länder" level.

The high controversy received a new law enacted by the federal state, which enables state agencies of the "Länder" to forbid their employees to wear any religious symbols which would endanger their objectivity while representing state authority in their work. The "Länder" has the power over teachers, judges, police officers, etc. This law would also enable them to forbid headscarves. There have already been several verdicts on this issue. So far, none of the "Länder" has made use of it, and for example, the state of Berlin has explicitly allowed female judges to wear a headscarf.







### Antisemitism

On 9 October 2019, Yom Kippur Day, Stephan B. committed an attack on the Synagogue in the German city of Halle (Saale). Fortunately, he could not shoot down the entrance door of the temple and could not execute an anti-Semitic massacre, which would have been the most dramatic anti-Semitic crime in Germany since World War II. Instead, he shot two pedestrians and injured several more in front of the synagogue. Stephan B. has been radicalized in online forums and streamed his actions online. In court, he explicitly stated his anti-Semitic and racist motives and did not show any regret.

These incidents described above are some of the most brutal criminal acts motivated by racism, antisemitism, and xenophobia in the latest years. But these are just some examples of the increasing number of extremist crimes committed.

Overall, the fight against antisemitism, primarily due to Germany's Nazi history, receives close attention from the German government. For example, the government founded the office of the special delegate for Jewish life in Germany and the fight against antisemitism.

He consults with diverse independent actors to coordinate measures in all government departments to support Jewish culture and fight antisemitism.



# AUSTRIA

## Statistics

The number of documented racist incidents has dramatically increased in the last ten years. While in 2010, only around 700 incidents were reported, the number peaked at more than 3.000 in 2020. Let alone the increase within one year is alarming, comparing the number to 2019, when it was almost 2.000 (*see source 10*).

In 2020, the European Commission against Racism and Intolerance (ECRI), a body of the Council of Europe, presented its report on Austria. The results were concerning: It found an increasingly high level of Islamophobia and xenophobia in public opinion. In political speeches, the narrative has developed to transmit hatred and discrimination, especially against Muslims and refugees. The media supported this by giving right-wing and racist voices a stage. Furthermore, there is no sufficient documentation on hate speech in Austrian institutions. The commission, therefore, recommended establishing better cooperation and communication between the police and discriminated minorities. Furthermore, Austria lacks an integrative system of institutions to assist refugees; the government should ensure that asylum seekers have access to free and independent legal assistance.

In 2017, Austria implemented a law, which forbids girls under the age of ten to wear religiously or ideologically influenced headdresses, including headscarves, in school.

The ECRI criticized that this law would not comply with the principle of neutrality. It urged the government to change the law accordingly, not discriminating against a specific group of pupils.



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## Islamophobia

In 2017, Austria issued an anti-face-disguise law (Anti-Gesichtsverhüllungsgesetz, AGesVG), which prohibited covering your face in such a way that it is not recognizable anymore in any public spaces. A violation is fined 150 Euros (see source 13). According to Amnesty International, this practice constitutes grave violations of constitutional and human rights statutes; the law rather discourages all integration and social participation. The Anti-Discrimination Agency of the region Steiermark criticized that Muslim women were the only face-disguise the law was practically aiming for. It also points to the ECHR decision on a similar French law, setting narrow boundaries to such laws. Also, the Austrian Association of Lawyers (Österreichischer Rechtsanwaltskammertag) found the general anti-face-disguise law to be improper and unnecessary.

Recently, publishing an "Islam map" online by the Documentation Center for Political Islam, independent funds organized by the University of Vienna, caused a controversial debate.



This map shows all Muslim institutions in Austria on a map, including a short thematic description of it, links to their websites and names, phone numbers, and addresses of the heads of these institutions. While the Center itself stated that it aimed to promote an objective discourse over Islam and the minister of integration found this to encourage transparency for everybody, others argued that it stigmatized any Muslim, although not affiliated with political Islam or Islamism.

The special rapporteur for Muslim intolerance and hate crimes of the Council of Europe said it was counterproductive to engage in a dialogue and somewhat generalizing. He, along with several opposition parties and churches, demanded to take the website offline. Other voices criticized that this map promotes a polarized narrative between "we" and "they" and would even strengthen Salafists by depicting Muslims in a victim role. The association of the Muslim youth of Austria regarded this as an unprecedented crossing of the line and announced to file a lawsuit.

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Interpreting this map in one way or another, the problem is that right-wing opinions ultimately used this map. In the aftermath of the publishing, presumably right-wing extremists in several cities in Austria deployed warning signs in front of Muslim institutions saying “Watch out! Islamism is in your neighborhood”, also advertising the link to the “Islam map” on these signs. The police confiscated them, and the secret service has opened investigations. Some politicians viewed this act of hate as a harsh reminder of the persecution of Jews during the Nazi regime.



### **Antisemitism**

In November 2020, an Islamist attack took place in the city center of Vienna. The young male perpetrator had sympathized with ISIS and even tried to travel to Syria to take part in an ISIS camp there. Since he was arrested and sentenced to 11 months in prison, he had not conducted his plan. Although he had participated in a de radicalization training, he committed his attack and killed four people, many more injured. Afterward, this attack was presumably claimed by ISIS.



This Islamist attack has been the gravest in Austria for years. Since the attack took place near the most important synagogue of the city, Chancellor Kurz did not rule out the attack to be anti-Semitic motivated.

As a response to the anti-Semitic attack on a synagogue in Graz and a rabbi in Vienna in 2020, the current Austrian government prioritizes the fight against antisemitism and the protection of Jews and Jewish institutions. The measures focus more on meeting antisemitism from Muslims and Islamic groups and not on problematizing antisemitism from right-wing groups and the Center of society.



# THE NETHERLANDS

## Xenophobia and Racism

Like in other European countries, in the Netherlands, after 2015, centrist parties have felt pressured to take a more rigid stance on topics like Islam and immigration as right-wing parties have gained in popularity. So, did Mark Rutte, prime minister since 2010 and member of the center-right party, as he declared in the run-up of 2017 elections that "something is wrong with our country" and that "the silent majority will no longer tolerate, that immigrants who come and abuse our freedom."

Thereby he never mentioned Islam; implications should have been obvious. He received criticism for that from different political sides. Recent attention is called the "benefits scandal" in 2020. For more than 20 years, over 25,000 parents were wrongly accused of fraudulently claiming childcare allowances. Many of them had to pay back high sums leading to unemployment and bankruptcies. The Dutch Data Protection Authority investigated that the tax authority's methods to detect these people were discriminatory, choosing people for particular scrutiny due to their ethnic origin or dual nationality. Institutional racism in the Netherlands becomes even more dangerous using specific algorithms.

The Dutch government had promised compensation and apologized, but no concrete steps have been taken to address this institutional racism. A parliamentary inquiry on the "benefits scandal" will take place in 2022. Some voices criticize that legislation and party campaigning even promoted to extend the creation of blacklists and the government's power to profiling algorithms.



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## **Islamophobia**

Public debate on immigration in the Netherlands is concentrated chiefly on non-Western immigrants, especially those of Moroccan and Turkish descent, who primarily are Muslim and account for around 6% of the Dutch population (see source 23).

The most popular Islamophobic voice is the right-wing politician Geert Wilders and his freedom party, of which he is the only member. He once claimed that the only reason why he entered politics was "to fight Islam." What was initially a confrontation of political Islam becoming more and more a confrontation with Islam itself. Wilders claimed that "Islam was the biggest problem of the Netherlands," a statement he repeatedly used in the run-up of the 2017 election, where his party gained the second most votes. In 2019, the Netherlands passed a law prohibiting disguising your face in public buildings, including hospitals. This applies to, for instance, the wearing of a Burqa, a *Niqab*, and motorcycle helmets. A poll indicated that a majority of the Dutch society favors this, although many questions how this should be enforced practically (see source 24).



Geert Wilders, leader of the right-wing party, celebrated this law as a "first act against Islam," while other authorities like the mayor of Amsterdam declared that the enforcement of this rule would not have any priority in her city, other municipalities followed. Wilders gained a majority for this law in 2005. However, since it was so controversial, it took until 2019 to formulate a regulation. The UN expert on racism criticized harshly that this law constitutes a consolidation of Islamophobia.

## **CONCLUSION**

**DURING THE LAST YEARS, XENOPHOBIA, RACISM, AND ISLAMOPHOBIA HAVE INCREASED. NOT ONLY IN SOCIETY BUT ALSO IN THE POLITICAL DISCOURSE. GOVERNMENT AND THE PUBLIC SPHERE ARE UNDER PRESSURE TO REACT TO BRUTAL ACTS AND ATTACKS OF HATRED COMMITTED. THESE CRIMES ARE OFTEN COMMITTED BY RIGHT-WING EXTREMISTS OR BY TERRORISTS, OFTEN WITH AN ISLAMIST BACKGROUND. THE NUMBER OF CRIMES, ESPECIALLY BY THE RIGHT-WING, IS SERIOUSLY ALARMING.**

# GICJ POSITION

Geneva International Centre for Justice (GICJ) is concerned about increasing xenophobia and Islamophobia in European countries. As current incidents show, these sentiments can lead to serious hate crimes and human rights violations.

We urge the German government to detect xenophobic and Islamophobic voices and not let them take the lead in the political discourse. Although political discourse naturally should be controversial, it must never be discriminatory and violate the rights of minorities. GICJ calls on the German authorities to strengthen their mechanisms to detect and prosecute hate crimes more effectively.

Furthermore, it needs to promote its anti-discrimination agency so that the rights of victims of racism are fully protected. Although Germany has not implemented a law to forbid face-disguises or headscarves of Muslim women, tendencies to limit the religious freedom of Muslim women in that sense can be detected. The right to religious freedom is a human right and must be protected. Furthermore, the German government should pay more attention to the racism against ancestors of former immigrant workers, who have been part of society for a long time, but still, face profoundly rooted discrimination. German authorities must take more and more effective measures to combat any forms of discrimination.

GICJ is concerned about the alarming increase in hate crimes in Austria during the last few years. In line with the report of the European Commission against Racism and Intolerance, we reiterate that the levels of xenophobia and Islamophobia are concerning. It is unacceptable that xenophobic voices increasingly influence the public and political discourse.

The Austrian government must better document hate crimes and their institutional systems to coordinate with police, prosecution, and victims. Furthermore, we urge the Austrian government to change its legislation to ensure that no minority group is discriminated against through the prohibition of wearing headscarves in elementary schools. In line with international law, the principle of neutrality must be ensured.

Moreover, GICJ considers the anti-face disguise law as discriminatory and a violation of human rights. Muslim women must be able to execute their religious freedom. We encourage the Austrian government to combat and fight hate campaigns, mainly against Muslims, by right-wing forces. The Austrian government must protect the religious liberty and human rights of any group, especially minorities.

GICJ is concerned about the increasing influence of xenophobic and Islamophobic voices in the political discourse. Although extreme Islamophobic parties do not participate in government, they still gain a high percentage of votes and pressure conservative governing parties to take over more and more opinions that show xenophobic tendencies. We are concerned about this development. Furthermore, we call on the Dutch government to actively take measures to combat institutional racism. People discriminated against because of their ethnicity must be protected by the state and must not experience discrimination by state authorities. GICJ criticizes the Dutch law that prohibits face-disguise in public spaces and, therefore, violates Muslim women's rights. The Dutch government must protect these minorities.



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