



# Forgotten women: the impact of Islamophobia on Muslim women in Germany

## Key findings

There are no statistical data on the number of Muslim women in Germany as there is no comprehensive equality data collection disaggregated by ethnicity or religion. The lack of data disaggregated along ethnic/religious lines and the use of different proxies, definitions and categories were an obstacle during the research. Moreover, cases of discrimination and hate crime remain highly under-reported.

An estimate of 3.8 and 4.3 million Muslims live in Germany, around 5 % of Germany's total population. Germany has the largest presence of Muslims in Western Europe after France.

### German population by countries of origin with majority Muslim populations

63.2%	Turkish origin
13.6%	South Eastern European (Bosnia, Bulgaria, Albania)
8.1%	Middle East
6.9%	North Africa
4.6%	South/south East Asia
1.7%	Iranians
1.5%	Central Asia
0.4%	Commonwealth of Independence States

## **Situation and discrimination in employment: additional obstacles when a women and a Muslim**

### **Women**

In 2011, 1,9 million women reported not to be working because of family commitments while only 99,000 men mentioned this reason.

A study conducted by the Hans-Boeckler Stiftung shows the gender pay gap in Germany in 2012 was 22,4% (higher than in the UK, Spain, Netherlands, Sweden, France, Belgian, Romania, Italy and Poland).

Women work 23% less than men in their working life thus are more subject to poverty with a poverty rate of 17,4 % against 15,9% for men (2014).

### **Muslims**

Sectorial patterns have been observed for Muslims who are first generation migrants. They are overly represented in low-skilled occupations, in the fields of handicraft, textile, mining and car industries. Muslims are under-represented in the public service sector.

Unemployment is a huge issue. Turkish immigrants are reported to be in the worst situation compared to Germans and other immigrant groups. One of the reasons for high unemployment rates among Muslims can be related to lower levels of education. A recent PISA study indicated that compared to Germans, young immigrants including Muslims are less successful at school. They are more likely to be in less advanced schools and to quit school without a degree. However, a more nuanced analysis shows that younger generations of Muslim immigrants have higher educational attainments than their parents.

According to the Open Society Foundations' report "Muslims in Hamburg", 53 % of Muslims feel that employers do not sufficiently respect diverse religious customs.

### **Muslim women**

Discrimination towards Muslim women occurs in access to employment, both in the private and public sectors, and in the workplace.

The 2003 legislation banning the headscarf for teachers in public schools in eight federal states has sometimes influenced other employers in their attitudes towards veiled women. The headscarf tends to trigger stereotypes and prejudices toward Muslim women, who are seen as being politically violent and therefore as potential trouble makers within the company. Also, women wearing the headscarf are seen as more family oriented, which strengthens prejudices and discrimination related to pregnancy. Ultimately, employers may tend to not recruit women wearing the headscarf to prevent potential economic damages, which has been considered as legally justifiable in some case law.

A study conducted by the University Witten-Herdecke finds that more than half of the interviewed employers explicitly refuse to employ women wearing the headscarf.

Moreover, according to the same study, discrimination against Muslims is often not perceived as a 'real' form of discrimination by employers. This is also why accused employers would often explicitly say that their rejection is based on the headscarf, not understanding that this can be a form of religious discrimination.

Studies demonstrate that applicants wearing the headscarf are often not even invited to job interviews, independent of their qualifications. A recent study carried out by Linz University sent out more than 1,500 applications to various companies in Germany, using the same CV with different pictures and names. With regard to applicants with German-sounding names, 18% of the companies responded with an invitation to an interview, while only 13 % responded to an applicant with a Turkish-sounding name. In respect of applications depicting Muslim women wearing the headscarf on the CV, only 3 % of the companies responded with an invitation to an interview.

## **Violence against women, hate crime and hate speech: Muslim women at the intersection of violence**

### **Violence against women**

The European Union Agency for Fundamental Rights in 2014 finds in Germany, since the age of 15, that 60 % of all interviewed women have experienced sexual harassment. The majority of German women have suffered psychological abuse and 59% percent of the interviewed women reported that they had been threatened, belittled or bullied at least once. Also, 35 % of the interviewed have experienced physical or sexual violence and around 40 % before the age of 15. In respect of physical violence, a survey, conducted by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, shows that 37 % of the women have experienced at least one type of physical attack or threat of violence since the age of 16. As regards sexual violence 13 % of the women have experienced sexual violence since the age of 15. Finally, 1/4 to 1/5 of women have been confronted to sexual violence, which in most cases occurs in combination with physical violence. Most cases of violence towards women, nearly ¾ involve physical attacks. An important observation of the study is that violence towards women happens across all different socio-economic milieus.

### **Hate crime against Muslims**

German law only recognises politically motivated crime which takes into account the motivation of the alleged offender based on the victim's "political opinion, nationality, ethnicity, race, skin colour, religion, belief, sexual orientation, disability, appearance or social status". Islamophobic crimes are not collected as such by police, not even within reports about politically motivated crimes. In response to the "National Socialist Underground" crimes in 2011, Germany changed its penal code to not just take into account the motives of the perpetrators but also crimes committed with "racist, xenophobic and other anti-human motives". Statistics on politically motivated crimes are rarely published and only at the

parliament's request. Even with regard to those crimes reported as racist, there is a weak consideration of the racist bias when it comes to court decisions. The lawyer Kati Lang, who has analysed 122 cases in the Sachsen state from 2006 and 2007 which were considered racist by the police, finds that only 49% of these cases were discussed in relation to racism in court.

According Lenz Jakobsen, journalist at Die Zeit, in 2014, 3 attacks on mosques took place within 8 days. He also states that the percentage of attacks on mosques has risen from 22% per year between 2001 and 2011 and by 35 % in 2012 and 36% in 2013.

## **Muslim women**

Few studies have examined whether Muslim women are more strongly affected by Islamophobic offences than other groups. A recent report by the Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes) indicates that Muslim women are increasingly becoming targets of Islamophobic attacks. However, most of these cases go unreported. Research shows that verbal and physical incidents against Muslim women have become more aggressive, direct, threatening and destructive. Physical assaults cover instances where women are being spit at, where their headscarves are pulled down, where people barge into them or where they are beaten up.

A survey of Muslim women in Germany, conducted by the Antidiskriminierungsstelle des Landes Brandenburg, finds that 59 % of the respondents reported they were intentionally insulted, verbally abused or accosted.

Inssan's Network against Discrimination and Islamophobia also reports that women are often victims of hate speech and hate crime, which were predominantly perpetrated by men.

Research shows that a considerable number of Muslim women do not go out by themselves, fearing potential attacks. Others only go out in groups, avoid going out when it is dark or avoid going to particular places in Germany where there is more racism. Self-defence classes are becoming more popular among Muslim women.

## **Good practices**

**Inssan's Network against Discrimination and Islamophobia** is an important contact point for victims of Islamophobia. It aims to raise awareness about Muslims' rights, conducts empowerment trainings to encourage Muslims to act against discrimination and Islamophobia, contribute to documentations and statistics about racism towards Muslims. Most importantly, it has a crucial bridging function, as it forwards victims of Islamophobic discrimination who need further counselling and legal advice to helpdesks, such as the Councelling Centre for Equal Treatment Against Discrimination. They have worked together for a couple of years to counter Islamophobia, with the support of Berlin's Commissioner for Integration and Migration.

**The Network against Islamophobia and Racism** focuses on raising awareness about Islamophobia and on documenting Islamophobic attacks. It encourages Muslims from Leipzig to report any incidents of Islamophobic discrimination, offers counselling and support to victims.

**The Counselling Centre for Equal Treatment Against Discrimination (CCETAD)** has a specific focus on Turkish communities and offers mainly legal and psychological counselling, empowerment trainings for victims of discrimination and establishes networks with other actors, such as networks of jurists.

**Women-specific Muslim groups**, such as the Islamic Women's Group Muenster; Nafisa and the Muslim Women Association for Action, also focus on the issue of Islamophobia.

## **Court case**

One of the most shocking racist attacks in Germany was the murder of 31-year old Marwa Elshebini, an Egyptian woman living in Germany, in July 2009. This incident highlights how hate speech and hate crime can be connected. Marwa, pregnant at the time of the aggression, was stabbed to death at the Dresden courtroom where she was pressing charges against her assailant for insulting her for wearing a headscarf at a playground. She was stabbed to death 18 times. Security personnel and policemen arrived too late and her husband, who ran to save her, was also attacked by the murderer and later shot by a police officer, who was assuming he was the attacker. Her husband survived, even though he was critically injured. The perpetrator was eventually given a life sentence. This case highlights the combination of institutional racism and societal racism. Critics observe that the incident attracted little publicity. They also argue that the main focus was on issues related to court security rather than on the problem of Islamophobia.

## **Media**

A study by Kai Hafez & Carole Richter shows that reports and documentaries on major public TV channels, only 11 out of 133 deal with the everyday lives of Muslims and their social issues. 40 % of the time, the broadcast items concerned terrorism, extremism and international conflicts.

## **Case law on wearing the headscarf in education**

Since 2003 Germany has witnessed law changes in eight federal states in reaction to the case of a German Afghan teacher, who was refused the right to teach wearing a headscarf and won the case at the Federal Constitutional Court. As a result, some federal states adopted a ban on headscarves for teachers, by arguing that the headscarf endangers the state's neutrality as well as the school's peace. Wearing the headscarf was presented as disrespecting essential constitutional rights and carrying ambiguous political Islamic connotations. Christian symbols were exempted from the ban. The situation with regard to headscarf bans at schools changed in March 2015 with a Federal Constitutional Court case. The Court ruled that blanket headscarf bans cannot be justified unless it can be proven that the headscarf poses a concrete threat to a school's peace or to the state's neutrality and that the headscarf ban is not compatible with freedom of religion. This decision should have an effect on the laws of all Federal States that have introduced a headscarf ban. It also suspends the regulation of Nordrhein-

Westfalen's school law that privileges Christian values and traditions. The case has been well-received by Muslims and non-discrimination stakeholders, who are aware that it does not stand for a general allowance of the headscarf.

## **Main recommendations**

- 1- Adopt a clear criminal law framework that recognises and defines racially motivated crimes, including islamophobic crime, provides for clear obligations to investigate the real or supposed racist motivation, to reflect the full extent of 'enhanced penalties' (Article 4 of the Framework Decision 2008/913/JHA) and punishes these crimes more severely.
- 2- Ensure the implementation of the Federal Constitutional Court's decision concerning blanket headscarf bans in schools that cannot be justified unless it can be proven concretely that the headscarf poses a major threat to school's peace.
- 3- Implement training for administration, trade unions, media outlets and civil society to raise awareness on islamophobia and debunk myths on Muslim communities and Muslim women.
- 4- Raise awareness about the multiple discrimination targeting Muslim women. NGOs, anti-discrimination agencies, lawyers, legal scholars and representatives from the Muslim community should work together to raise awareness about this.

*This factsheet is based on the findings of research undertaken by Asmaa Soliman in Germany in the frame of ENAR's project "Forgotten women: the impact of Islamophobia on Muslim women". The research was conducted between December 2014 and January 2016.*

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