

Author: Dr. Asmaa Soliman, University College London

Published by the European Network Against Racism (ENAR) in Brussels, in May 2016, with the support of the Rights, Equality and Citizenship Programme of the European Union, the Open Society Foundations, the Joseph Rowntree Charitable Trust and the ENAR Foundation.

The contents of this publication can in no way be taken to reflect the views of the European Commission, the Open Society Foundations or the Joseph Rowntree Charitable Trust.



ENAR reserves the right not to be responsible for the accuracy, completeness or quality of the information provided in this report. Liability claims regarding damage caused by the use of any information provided, including any information which is incomplete or incorrect, will therefore be rejected.

Cover illustration by Soufeina Hamed / Tuffix.net

ENAR – European Network Against Racism aisbl
60 rue Gallait, B-1030 Brussels
Tel +32 2 229 35 70
Fax +32 2 229 35 75
Email: info@enar-eu.org
www.enar-eu.org

Table of contents

The impact of Islamophobia on Muslim women in Germany.....	1
Glossary.....	4
Introduction	8
Section 1: Snapshots of inequalities in employment and hate speech/hate crime	10
1.1 Gender.....	10
1.2 Muslims	17
Section 2: Climate and temperature test	26
2.1 Public opinion	29
2.2 Political debates, public discourses and media representation.....	33
2.3 Muslims in politics	35
Section 3: Muslim women in Germany and discrimination in employment	38
3.1 Discrimination in employment	38
3.2 Legislation, policy and case law.....	46
3.3 Case studies/examples and human dimension	51
3.4 Good practice	53
Section 4: Hate speech and hate crime against Muslim women in Germany.....	57
4.1 Hate speech and hate crime	57
4.2 Legislation, policy and case law.....	61
4.3 Case studies/examples and human dimension	66
4.4 Good practice	69
Section 5: Conclusions and recommendations	71
Bibliography	76

Glossary

- Islamophobia** is a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such. It is a form of racism in the sense that it is the result of the social construction of a group as a race and to which specificities and stereotypes are attributed, in this case real or perceived religious belonging being used as a proxy for race. Consequently, even those who choose not to practice Islam - but who are perceived as Muslim because of their ethnicity, migration background or the wearing of other religious symbols - are subjected to discrimination.¹ Furthermore, it is explicitly acknowledged that referring to Islamophobia is different from censorship and that critical discussions on religion and religious practices should still be possible.²
- Intersectionality** is the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination. It examines how various categories such as gender, race, ethnicity, class, disability, sexual orientation, religion, age interact on multiple and often simultaneous levels, proposing that each element or trait of a person is inextricably linked to all of the other elements.³ Researcher Kimberlé Crenshaw first defined the term in a 1989 article related to the experiences of Black women: “Discrimination, like traffic through an intersection, may flow into one direction and it may flow into another. If an accident happens at an intersection, it can be caused by cars travelling from any number of directions, and, sometimes, from all of them. Similarly, if a black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination”.⁴ Intersectional discrimination refers to situations where several grounds operate and interact with each other at the same time in such a way that they are inseparable.
- Headscarf** is a general term that indicates those types of veils that Muslim women wear that cover the hair and head but leave the face uncovered. The most common Arabic term used to describe such style today is ‘hijab’. This is also the most common type of veil worn by Muslim women in Europe.
- Niqab** is a type of face veil that covers the whole face leaving the area around the eyes clear. Muslim women in Europe who cover their face usually

¹ European Network Against Racism. 2015. *Briefing on Anti-Semitism and Islamophobia in Europe*.

² European Network Against Racism. 2016. *Forgotten Women - National Report for the Netherlands*.

³ De Francisco, Victoria P., Palczewski, Catherine H. 2014. *Gender in Communication*. Thousand Oaks, California: Sage: 9.

⁴ Crenshaw, K. 1989. *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*.

wear the niqab.

Veil is a piece of clothing intended to cover some part of the head or face. There are various types of veils that differently cover hair, ears, neck, and face.

Burqa is a type of female garment covering the full body, often leaving just a mesh screen for eyes. It is very rarely worn by Muslim women in Europe but often incorrectly used in public debates to refer to the niqab.

Feminism includes a range of diverse theoretical conceptions and social movements advocating women's rights in terms of emancipation, liberation and equality.⁵ Its general goal is to establish and achieve equal political, economic, personal and social rights for women, and equality of outcomes in all areas of social, political and personal life.⁶

Discrimination European law makes the distinction between two types of discrimination: direct and indirect. Direct discrimination occurs where one person is treated less favourably than another, in a comparable situation, on ground of protected characteristics. Indirect discrimination applies when people belonging to the same groups suffer from different consequences as the result of apparently neutral provisions, criteria or practices.

Multiple discrimination is a type of discrimination where two or more grounds of discrimination such as gender, religion, ethnicity, class, nationality, etc. might be the basis of discrimination. Generally the term 'multiple discrimination' is seen as umbrella term for several different and occasionally overlapping concepts like 'compound/aggravated' discrimination (discrimination on the basis of two or more grounds at the same time where one ground adds to discrimination on another ground).

Structural/institutional discrimination occurs when rules, norms, routines, patterns or attitudes and behaviour in institutions such as schools, work places, public authorities and other societal structures represent obstacles to certain people in achieving the same rights and opportunities that are available to the majority of the population. Institutional discrimination can also occur from institutions' inability to counteract structural inequality, for example when cases of unequal conditions are treated as equal. In the first case, a difference is assumed, but in the second, unequal conditions are overlooked.

⁵ Hawkesworth, M.E. 2006. *Globalization and Feminist Activism*. Rowman & Littlefield: 25–27; and Beasley, Chris. 1999. *What is Feminism?* New York: Sage: 3–11.

⁶ Hooks, Bell. 2000. *Feminism Is for Everybody: Passionate politics*. Cambridge, Mass.: South End Press.

Secularism (*laïcité*) and neutrality

According to Amnesty International, “Secularism can be defined differently according to the specific historical and political context where it is used. It could, for example, refer to the specific form of organisation of the relations between the state and religious authorities implying the separation between the two. The term neutrality likewise can have different meanings depending on the specific historical and political context where it is used. It could refer, for example, to the state adopting an impartial stance towards all political, religious and philosophical beliefs. In some countries the term could refer to the duty of civil servants and public officials to be impartial towards users of public services. In France, for instance, the neutrality of public servants directly stemming from secularism implies a prohibition on them wearing any form of religious and cultural symbols and dress.”⁷

The bias indicator is defined as a negative opinion or assumption, intolerance or hatred against a group sharing common characteristics, or protected characteristics, which can be race or ethnic origin, sexual orientation, gender, age, disability, religion or belief.⁸

Hate crimes are criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes. The term ‘hate crime’ describes a type of crime, rather than a specific offence within a penal code.⁹

Hate speech is defined as a public expression of hate towards a person or a community because of its race or ethnic origin, sexual orientation, gender, age, disability, religion or belief. There is no common legal definition of it within EU Member States and the prohibited content differs among countries. Some jurisdictions criminalise incitement to hatred or insult. Others recognise hate speech when it denigrates a person’s dignity or honour. In some jurisdictions, the concept of hate speech is linked to the historical background of the country.¹⁰

Violence against women is a violation of human rights and a form of discrimination against women and refers to all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹¹

⁷ Amnesty International. 2012. *Choice and Prejudice: Discrimination against Muslims in Europe*.

⁸ ENAR. 2014. *Racist Crime in Europe: Shadow Report 2013-14*.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Article 3 of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Racism is an ideological construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the “superior race exercises domination and control over others”.¹²

Sexism is prejudice or discrimination based on a person's sex or gender. Sexism particularly affects women and girls. It is linked to stereotypes and gender roles, and includes the belief that one sex or gender is intrinsically superior to another. Extreme sexism may foster sexual harassment, rape and other forms of sexual violence.¹³

¹² UN definition of racism – See: <http://www.unesco.org/most/migration/imrdx.pdf>.

¹³ See <https://en.wikipedia.org/wiki/Sexism>.

Introduction

ENAR's project "Forgotten Women: the impact of Islamophobia on Muslim women" aims to document the disproportionate impact of Islamophobia on women and to strengthen alliances between the anti-racism and feminist movements in order to better address the intersectional discrimination affecting Muslim women or those perceived as such. Through a unique and innovative joint effort between the anti-racist (ENAR) and feminist movements, this project is a key step in a broader advocacy strategy that aims to encourage the Member States of the European Union to adopt specific national strategies to combat Islamophobia and to demonstrate the need to improve and strengthen the implementation of EU equality laws.

It has taken place between 2015 and 2016 in eight countries, chosen to get a representative picture of the situation of Muslim women in the European Union: Belgium, Denmark, France, Germany, Italy, Netherlands, Sweden and the United Kingdom. The aims of the project are:

- documenting the disproportionate impact of Islamophobia on Muslim women;
- providing analysis to improve the implementation of equality law in cases of discrimination against Muslim women and women perceived as such;
- countering stereotypes about Muslim women and promoting more positive messages;
- fostering partnerships and strengthening alliances between the anti-racist and feminist movements in order to better address the intersectional discrimination affecting Muslim women (gender, race, class, nationality, migration status and religion)
- disseminating the findings of the research in advocacy settings (European and national) communication activities and lawyers' workshops.

The following report discusses the impact of Islamophobia on Muslim women in Germany. It provides an overview of the legislation, practices, debates and opinions related to Muslim women's experience of discrimination in employment and of racist violence/speech in Germany. The report draws on an extensive literature review of studies and articles dealing with this topic. In addition, it incorporates statements from several interviewees who were specifically approached for this project. Eight interviews were conducted in total. Seven of them were face-to-face interviews that took place in January 2015 in Berlin; the eighth was an email interview in February 2015. The interviews were with activists, lawyers and academics that work in the fields of racism, anti-discrimination, Islamophobia and Muslim women.¹⁴ The report is divided into 5 sections. The first section gives a general introduction

¹⁴ Interviewees include the academic Riem Spielhaus who conducts research about discrimination, racism and Islamophobia in Germany. She works at the Erlanger Zentrum fuer Islam & Recht in Europa (Erlanger Centre for Islam & Law in Europe). A further interviewee is Nathalie Schlenzka who works for the Antidiskriminierungsstelle des Bundes (Federal Anti-Discrimination Agency) and who acts as the office's research advisor. The lawyer Eva Maria Andrades was also interviewed. She works for the Antidiskriminierungsnetzwerk Berlin des Türkischen Bundes (Counselling Centre for Equal Treatment against Discrimination) Türkischer Bund Berlin-Brandenburg (Anti-Discrimination Network Berlin Turkish Association Berlin Brandenburg). The academic Iman Attia also belongs to the interviewees. She is based at the Alice Salomon University in Berlin. Her research focuses on migration, racism and Muslims in Germany. In addition, Aliyeh Yegane is the project manager of the Netzwerk gegen Diskriminierung und Islamfeindlichkeit (Network

into gender inequality and Muslim inequality in Germany. Secondly, the general climate regarding Muslims in Germany is elaborated on, with a particular focus on public opinion, media representations, political discourse and Muslims' involvement in politics. The third part discusses in more detail discrimination against Muslim women in employment while the fourth part reflects upon hate speech/hate crime towards Muslim women in Germany. Lastly, recommendations are given to improve the situation of Muslim women in Germany.

against Discrimination and Islamophobia), which was founded in 2010 by Inssan, a Muslim NGO. Gabriele Boos-Niazy is the chairwoman of Aktionsbündnis Muslimischer Frauen (Muslim Women Association for Action), a nationwide union of German Muslim women. From the Antirassistische Initiative Berlin (Antiracist Initiative Berlin) the activist Ulrich Schmidt was interviewed. Finally, Robin Laumann project manager at Junge Islam Konferenz-Deutschland (Young Islam Conference Germany), a youth forum for dialogue about Islam-related issues in Germany

Section 1: Snapshots of inequalities in employment and hate speech/hate crime

1.1 Gender

According to a recent study conducted by *Statistisches Bundesamt* in 2014, the total population of Germany was 81,197,500 on 31 December 2014 of which 41,362,100 were women.

Bevölkerung nach Geschlecht und Staatsangehörigkeit¹⁵

Bevölkerungsstand	31.03.2014	30.06.2014	30.09.2014	31.12.2014
	1 000			

Quelle: Ergebnisse der Bevölkerungsfortschreibung auf Grundlage des Zensus 2011.

Insgesamt	80 822,2	80 925,0	81 083,6	81 197,5
männlich	39 600,7	39 668,0	39 766,5	39 835,5
weiblich	41 221,5	41 257,0	41 317,1	41 362,1
Deutsche	73 704,5	73 682,5	73 678,6	73 657,8
männlich	35 963,4	35 957,6	35 960,8	35 955,2
weiblich	37 741,2	37 724,9	37 717,8	37 702,5
Nichtdeutsche	7 117,7	7 242,5	7 404,9	7 539,8
männlich	3 637,4	3 710,4	3 805,7	3 880,2
weiblich	3 480,3	3 532,1	3 599,2	3 659,6

Source:

With respect to living conditions and risk of poverty, studies show that women are more at risk of poverty than men. The table below shows that in 2014 the poverty rate for women was 17.4 % while that of men was 15.9 %.

Soziodemographische Untergliederung¹⁶ Erhebungsjahr

	2008	2009	2010	2011	2012	2013	2014
Armutgefährdungsquote nach Sozialleistungen nach dem Geschlecht, Anteil in %							
Insgesamt	15,2	15,5	15,6	15,8	16,1	16,1	16,7
Männer	14,2	14,7	14,9	14,9	14,9	15,0	15,9
Frauen	16,2	16,3	16,4	16,8	17,2	17,2	17,4

¹⁵ Ergebnisse der Bevölkerungsfortschreibung auf Grundlage des Zensus. 2011.

https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/Bevoelkerungsstand/Tabellen/Zensus_Geschlecht_Staatsangehoerigkeit.html

¹⁶

https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/EinkommenKonsumLebensbedingungen/LebensbedingungenArmutsgefaehrung/Tabellen/EUArmutsschwelleGefaehrung_SILC.html

Also, when it comes to retirement age, women are more at risk of poverty than men. The following graphic shows the average pension annuity of men and women in 2012. While women receive a monthly income of 554 EUR, men receive a monthly income of 1017 EUR, which is almost twice as much as that of women.



Source: http://www.boeckler.de/wsi_54029.htm

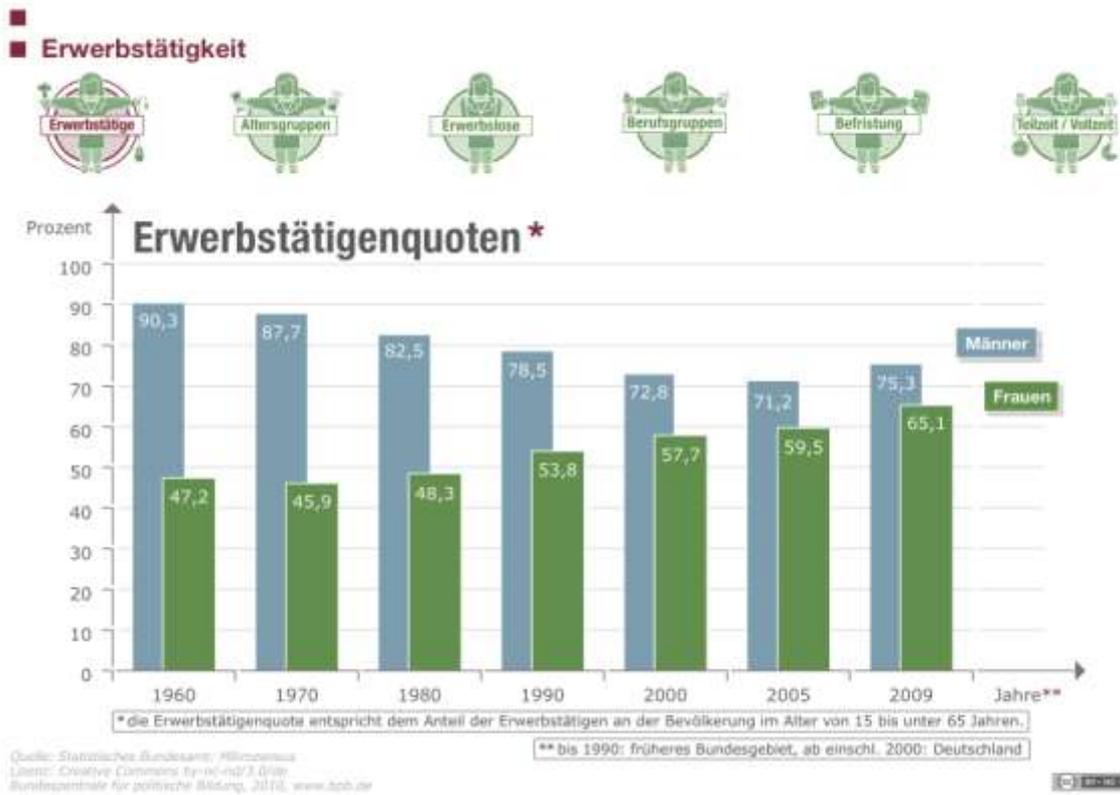
Employment

Studies show that even though the situation of women in employment has improved, women continue to lag behind men and have less influential leading positions than men.¹⁷ Men also have a higher income than women. Looking at statistics in more detail, one could say that there is a remarkable increase in women in the labour market. Compared to 2001 when 62% of women were employed in Germany, 71% were employed in 2011. On the EU level, Germany has the fifth highest percentage of women in employment.¹⁸ However, when one compares these figures to men, women still lag behind. The following chart shows the percentage of employed women and men between the age of 15 and 65 from the 1960s to 2009. It was published in 2010 by the *Bundeszentrale fuer politische Bildung* (Federal Agency for Civic Education). Whereas the blue bars represent the percentage of employed men, the green bars illustrate the percentage of employed women.

¹⁷ Mischke, J. & Wingerter, C. *Frauen und Maenner auf dem Arbeitsmarkt*. Statistisches Bundesamt. 2012. (Online) 22/04/2015 from https://www.destatis.de/DE/Publikationen/Thematisch/Arbeitsmarkt/Erwerbstaetige/BroeschuereFrauenMaennerArbeitsmarkt0010018129004.pdf?__blob=publicationFile;

Brylla, K. 'Formen der Diskriminierung von Frauen auf dem Arbeitsmarkt', in Diekow, S; Brylla, K. & Altmann, S. (eds.) *Weiblich, qualifiziert, unterbezahlt: Die Benachteiligung von Frauen am Arbeitsmarkt*. Science Factory. 2013.

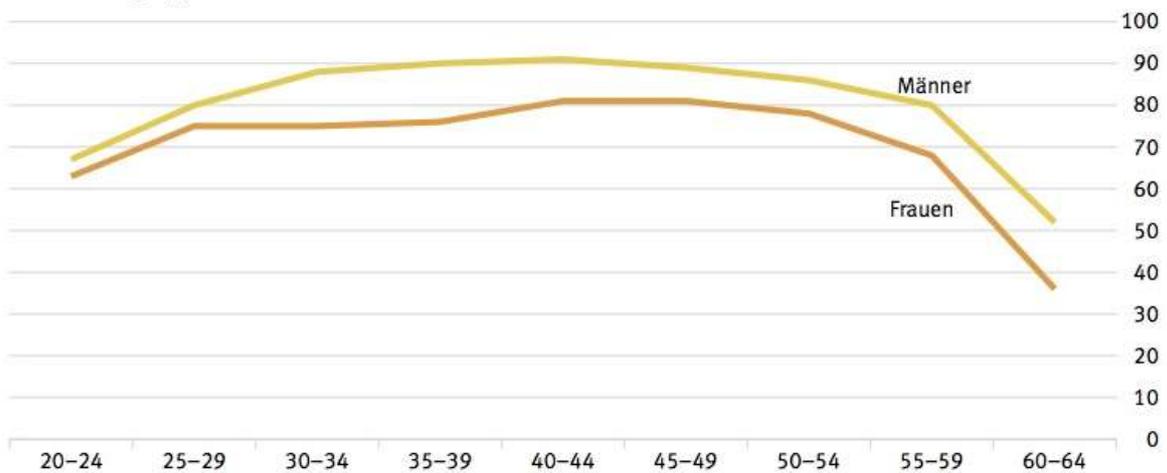
¹⁸ Mischke, J. & Wingerter, C. *Frauen und Maenner auf dem Arbeitsmarkt*. Statistisches Bundesamt. 2012. (Online) 22/04/2015 from https://www.destatis.de/DE/Publikationen/Thematisch/Arbeitsmarkt/Erwerbstaetige/BroeschuereFrauenMaennerArbeitsmarkt0010018129004.pdf?__blob=publicationFile;



Source: <http://www.bpb.de/gesellschaft/gender/frauen-in-deutschland/>

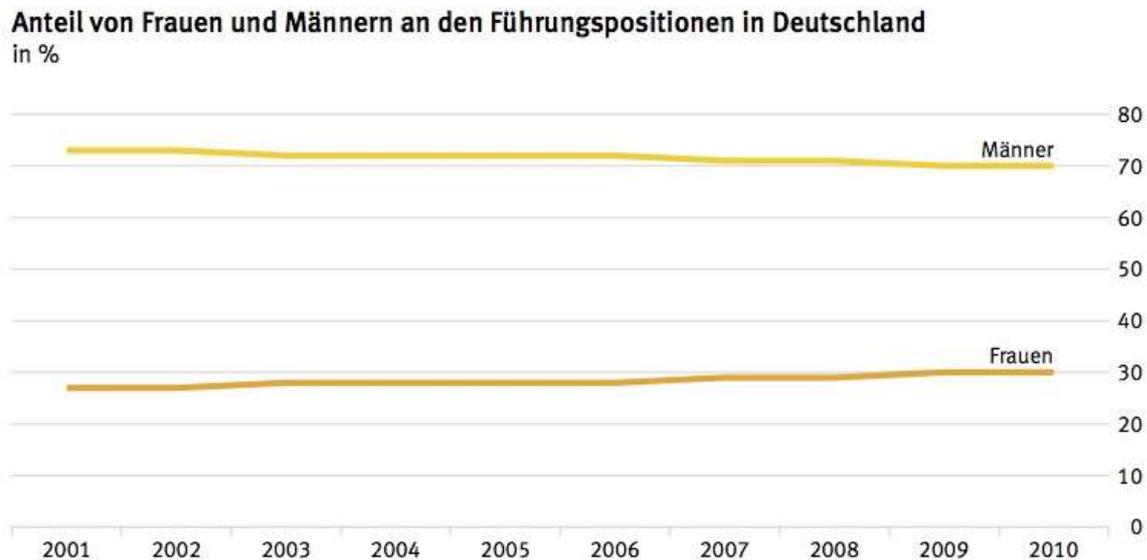
Another study conducted in 2011 by the *Statistisches Bundesamt Wiesbaden* shows that two years later there was still a gap between employed women and men. The yellow curve represents men and the brown one represents women. On the x-axis one can see that women and men have been divided into nine age groups between 20 and 64 years of age.

Erwerbstätigenquoten von Frauen und Männern in Deutschland 2011
 nach Altersgruppen, in %



Source: <http://www.bpb.de/gesellschaft/gender/frauen-in-deutschland/>

Men occupy more than 2/3 of leadership positions. The following graph by the *Statistisches Bundesamt Wiesbaden* shows the percentage of women and men occupying leading positions in Germany between 2001 and 2010.

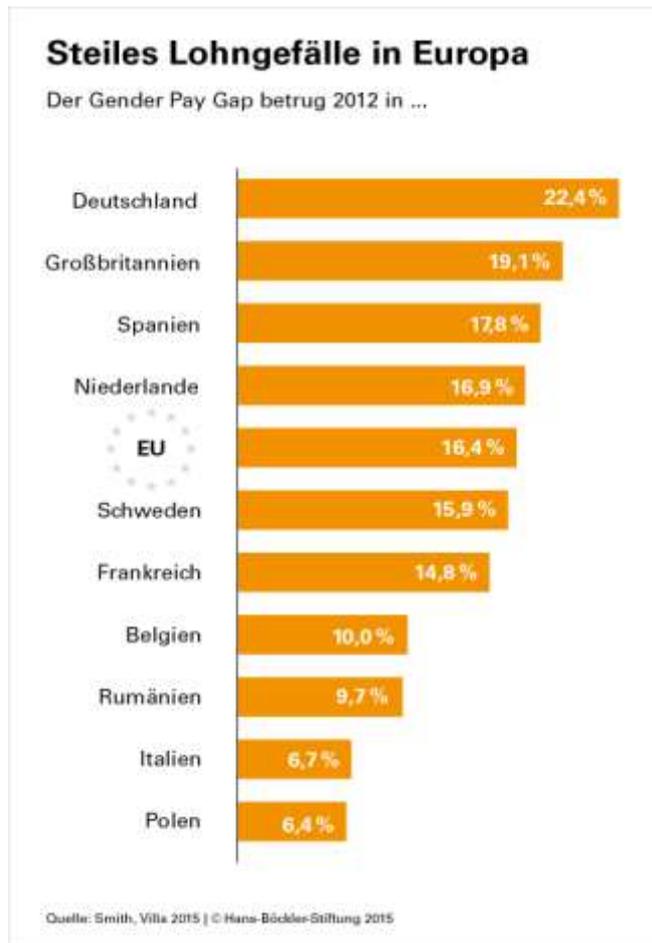


Statistisches Bundesamt, Frauen und Männer auf dem Arbeitsmarkt – Deutschland und Europa, 2012

The data also show that in 2011, 1.9 Million women were not working because of family commitments while only 99,000 men mentioned this reason. In 2011, almost half of employed women were working part-time, while only 10% of employed men had a part-time job. Again, the most frequently mentioned reason by women was that they had to look after their children.

With regard to salaries, there is still a noticeable pay gap between men and women, although it has improved in recent years. A study conducted by the *Hans-Boeckler Stiftung* shows that in 2012 the gender gap was 22.4% and that in comparison to other European countries, the gender gap in Germany is higher than in the UK, Spain, the Netherlands, Sweden, France, Belgium, Romania, Italy and Poland.¹⁹

¹⁹ Hans-Boeckler Stiftung. *Frauen, Beruf, Einkommen, Vermoegen*. 2012. (Online) 22/04/2015 from http://www.boeckler.de/hbs_showpicture.htm?id=53414&chunk=1



Source: http://www.boeckler.de/hbs_showpicture.htm?id=53414&chunk=1

Another study conducted in 2013 shows that the average gross income per hour was 15.56 EUR for women while that of men was 19.84 EUR.

Durchschnittlicher Bruttoverdienst 2013 von Männern und Frauen in EUR je Stunde



© Statistisches Bundesamt, Wiesbaden 2014

Source:

<https://www.destatis.de/DE/ZahlenFakten/GesamtwirtschaftUmwelt/VerdiensteArbeitskosten/VerdiensteVerdienstunterschiede/GenderPayGap.html>

Discrimination against women still plays a lead role in the labour market and in the selection process.²⁰ Furthermore, there is also discrimination with regard to employment sectors. Women often work in certain positions and in certain fields that pay less in comparison to other positions and fields. In terms of working life, studies find that women have a shorter working life compared to men. They work 23% less than men.²¹

Hate crime and speech

There are no studies focusing specifically on hate speech towards women. In fact, it is rather uncommon to use the term 'hate speech' in relation to women. What can be found, however, are more general studies about hate speech on the internet.²² However, when looking at verbal forms of sexual harassment and abuse of women, one comes across a few studies. Recent studies published by the European Union Agency for Fundamental Rights in 2014 find that 60% of all women interviewed have experienced sexual harassment since the age of 15.²³ Furthermore, the majority of German women have suffered psychological abuse. 59% of the women interviewed reported that they had been threatened, belittled or bullied at least once since the age of 15. This figure is remarkably high in comparison to other European countries, except for Lithuania and Denmark. Stalking was also repeatedly mentioned by women in Germany (29%).

With regard to hate crime towards women or gender-based violence, the European Union Agency for Fundamental Rights reports that 35% of the women interviewed in Germany have experienced physical or sexual violence since the age of 15 and around 40% before the age of 15.²⁴

²⁰ Brylla, K. 'Formen der Diskriminierung von Frauen auf dem Arbeitsmarkt', in Diekow, S; Brylla, K. & Altmann, S. (eds.) *Weiblich, qualifiziert, unterbezahlt: Die Benachteiligung von Frauen am Arbeitsmarkt*. Science Factory. 2013.

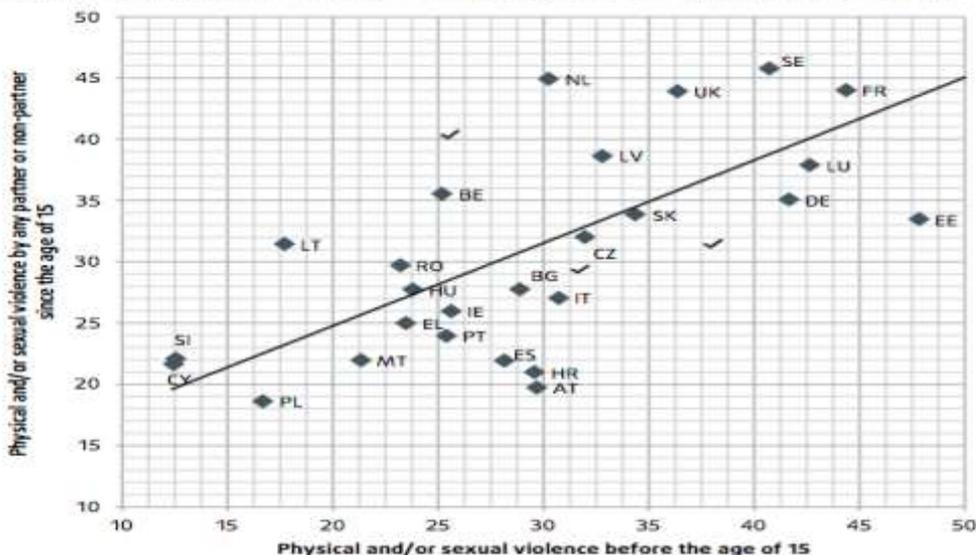
²¹ Hans-Boeckler Stiftung. Arbeitszeit: Frauen fallen zurück. 2015. Online http://www.boeckler.de/53399_53418.htm

²² Amadeu Antonio Stiftung. "'Geh sterben": Umgang mit Hate Speech und Kommentaren im Internet', Online 22/03/2015 from <https://www.amadeu-antonio-stiftung.de/w/files/pdfs/hatespeech.pdf>

²³ European Agency for Fundamental Rights. Violence against Women: An EU-Wide Survey. 2014. Online 18/04/2015 from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

²⁴ European Agency for Fundamental Rights. Violence against Women: An EU-Wide Survey. 2014. Online 18/04/2015 from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

Physical and/or sexual violence before the age of 15 and since the age of 15 (%)



Source: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

An earlier study titled *“Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland”* that was carried out in 2004 presents an even higher number. It states that 40% of the women interviewed were victims of physical or sexual violence.²⁵ 37% of the women had experienced physical violence while 13% had suffered sexual violence. Physical violence in relationships amounts to 23%, sexual violence to 7% and physical and/or sexual violence to 25%.

Land	Gewaltprävalenz unabhängig vom Täter-Opfer-Kontext			Gewalt in Partnerschaften		
	Körperliche Gewalt	Sexuelle Gewalt	Körperliche und/oder sexuelle Gewalt	Körperliche Gewalt	Sexuelle Gewalt	Körperliche und/oder sexuelle Gewalt
Deutschland 2004 (vorliegende Studie)	37%	13%	40%	23%	7%	25%

With respect to physical violence in particular, a survey of 10,000 randomly chosen women in Germany conducted by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shows that 37% of the women interviewed had experienced at least one type of physical attack or threat of violence since the age of 16.²⁶ Regarding sexual violence, 13% had experienced sexual violence since the age of 15.²⁷ The study also finds high

²⁵ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland*. 2004. (Online) 19/04/2015 from <http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Lebenssituation-Sicherheit-und-Gesundheit-von-Frauen-in-Deutschland,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>

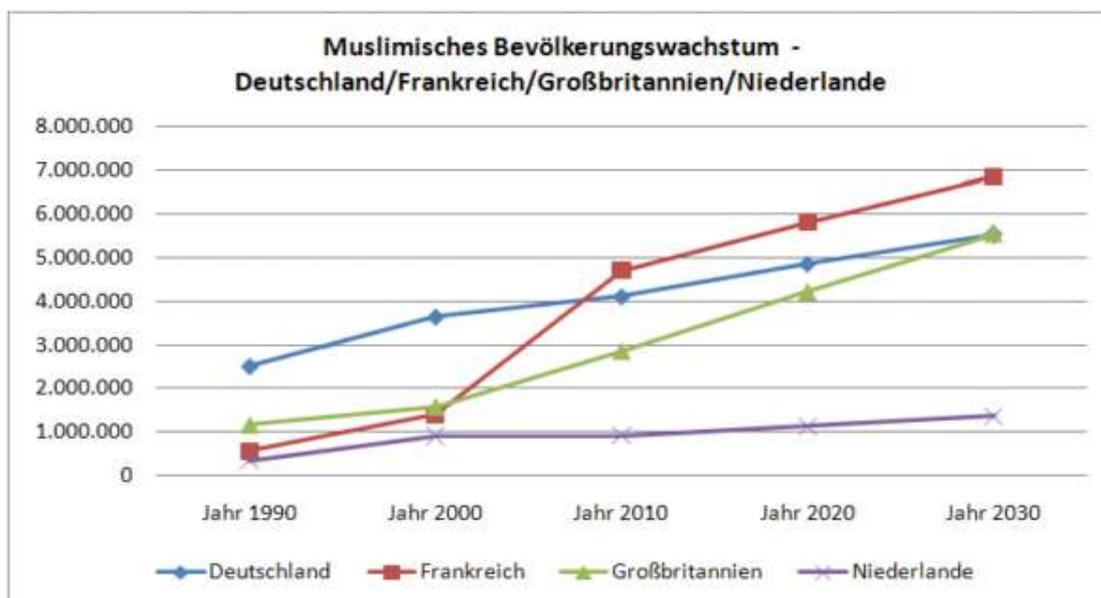
²⁶ European Agency for Fundamental Rights. *Violence against Women: An EU-Wide Survey*. 2014, p.24. Online 18/04/2015 from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

²⁷ European Agency for Fundamental Rights. *Violence against Women: An EU-Wide Survey*. 2014. Online 18/04/2015 from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

numbers of physical and sexual violence towards women.²⁸ Every fourth to fifth woman has been confronted with sexual violence, which in most cases occurs in combination with physical violence. Most cases of violence towards women--around three quarters, involve physical attacks. An important observation of the study is that violence towards women is not necessarily related to the victims' socio-economic status; it happens across all different socio-economic backgrounds.

1.2 Muslims

Germany has the largest presence of Muslims in Western Europe after France. Between 3.8 and 4.3 million Muslims live in Germany, constituting around 5 % of Germany's population.²⁹ The following graph shows the population growth of Muslims in Germany between 1990 and 2030. The blue line represents Germany.



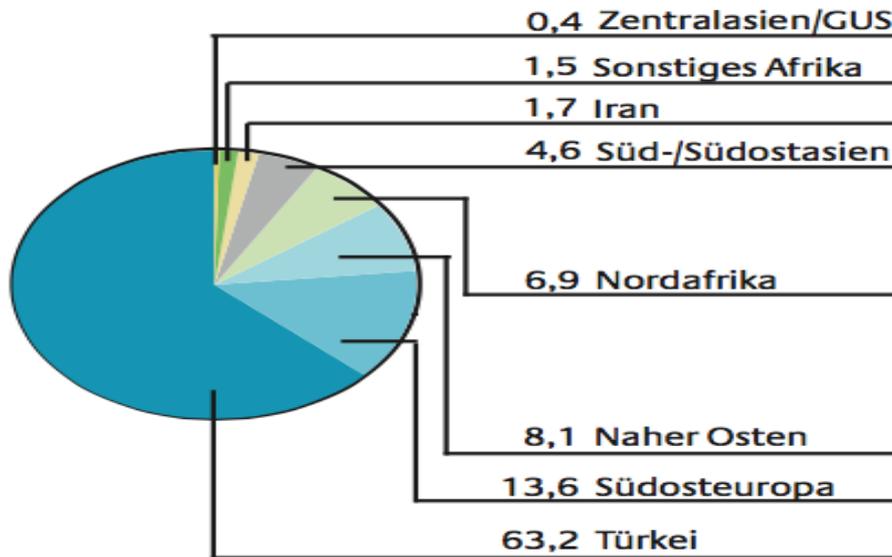
Source: <http://www.citizentimes.eu/2011/02/01/muslimische-bevoelkerungsentwicklung-1990-2030/>

As the graph below indicates, most Muslims in Germany are of Turkish origin, forming 63.2% of the Muslim population, followed by South-Eastern European Muslims from Bosnia, Bulgaria and Albania with 13.6%. The third largest group comes from the Middle East, constituting 8.1% and the fourth largest group of Muslims in Germany comes from North Africa with 6.9%. Smaller groups include Muslims from South/South East Asia with 4. %, Iranians with 1.7%, other African Muslims with 1.5%, and people from Central Asia and the Commonwealth of Independent States with 0.4%.

²⁸ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. *Gewalt gegen Frauen in Partnerschaften*. 2012. Online 01/05/2015 from <http://www.bmfsfj.de/blaetterkatalog/120790/blaetterkatalog/index.html>

²⁹ Haug, S.; Muessig, S. & Stichs, A. *Muslimisches Leben in Deutschland*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge, 2009.

Abbildung 10: Muslime nach Herkunftsregion (in Prozent)

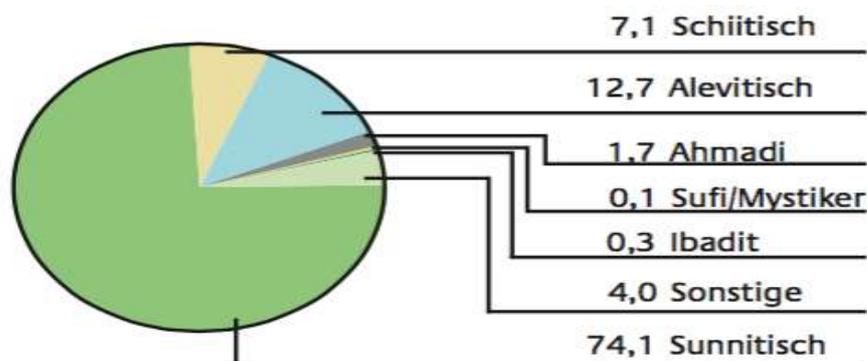


Source:

http://www.bmi.bund.de/cae/servlet/contentblob/566008/publicationFile/31710/vollversion_studie_muslim_leben_deutschland.pdf

The majority of German Muslims are Sunnites, forming 74.1% of the total Muslim population in Germany.

Abbildung 11: Muslime nach Glaubensrichtung (in Prozent)³⁷



Source:

http://www.bmi.bund.de/cae/servlet/contentblob/566008/publicationFile/31710/vollversion_studie_muslim_leben_deutschland.pdf

As for religiosity, most Muslims describe themselves as religious.³⁰ 36% regard themselves as very religious whereas 50.4% say they are just religious. The far right column shows the total percentage of German Muslims' degree of religiosity, starting with strongly religious at the top and moving down to religious, less religious and not religious.

³⁰ Haug, S.; Muessig, S. & Stichs, A. *Muslimisches Leben in Deutschland*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge, 2009.

Tabelle 18: Religiosität der befragten Muslime nach Regionen und Geschlecht (in Prozent)

	Südost-europa	Türkei	Zentral-asien/GUS	Iran	Süd-/Südost-asien	Naher Osten	Nord-afrika	sonstiges Afrika	Gesamt
	insgesamt								
Sehr stark gläubig	15,4	41,4	5,0	10,1	35,9	23,0	34,3	46,7	36,0
Eher gläubig	63,0	47,1	95,0	34,8	53,0	60,2	58,1	40,0	50,4
Eher nicht gläubig	18,8	8,4	—	24,6	8,5	8,9	5,2	6,7	9,6
Gar nicht gläubig	2,7	3,1	—	30,4	2,6	7,9	2,3	6,7	4,0

Source:

http://www.bmi.bund.de/cae/servlet/contentblob/566008/publicationFile/31710/vollversion_studie_muslim_leben_deutschland.pdf

A little less than 50% of Muslims in Germany are German citizens. Only 20% of Muslims are members of Muslim organisations. Today, there are first, second, third and in some instances fourth generation Muslims living in Germany.

The first wave of Muslims arrived to Germany in the 1960s and 1970s as labour immigrants.³¹ Although recruitment was officially brought to an end in 1973, only half of the 4,000,000 immigrants left the country. In addition, those who stayed in the country brought their families to Germany, which explains why family reunification increased dramatically after 1973.³² During the 1980s, most Muslims migrating to Germany were asylum seekers and refugees. Labour immigrants were often concentrated in 'ethnic districts', which can still be seen in today's residential distribution.

Regarding employment, the majority of first-generation Muslim immigrants are labourers. They often have unskilled or semi-skilled occupations, working in the fields of handicraft, textile, mining and car industries.³³ Muslims are extremely under-represented in the public sector. Unemployment is a huge issue, as Turkish immigrants are reported to be in the worst situation compared to Germans and other immigrant groups.³⁴ 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

³¹ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program, 2007.

Schiffauer, W. 'Turks in Germany', in Ember, M. (ed.) *Communities: Encyclopaedia of Diasporas*, New York: Springer, 2005.

³² Wolbert, B. *Migrationsbewältigung*. Goettingen: Edition Herodot, 1984

³³ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program, 2007.

Euro-Islam Info. (2013). 'Islam in Germany', *Euro-Islam Info*, 2013. (Online) 05/01/2015 from http://www.euro-islam.info/country-profiles/germany/#identifier_91_463

³⁴ Blaschke, J. (2004). 'Tolerated but Marginalised – Muslims in Germany', in

Anwar, M.; Blaschke, J. & Sander, A. (eds.) *State Policies towards Muslim Minorities: Sweden, Great Britain and Germany*. Berlin: Edition Parabolis, 2004.

Vollmer, B. 'German Employment Strategies Towards Immigrants and Ethnic

Minorities', in Blaschke, J. & Vollmer, B. (eds.) *Employment Strategies for Immigrants in the European Union*. Berlin: Edition Parabolis, 2004.

less successful in school.³⁵ 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 a higher educational attainment than their parents.³⁶

Several scholars such as Mario Peucker argue that research focusing on discrimination towards Muslims specifically is still in early stages, as the main focus has been mainly on ethnicity and in this case Turkish ethnicity rather than on Islamic religion.³⁷ It is stressed that discrimination on the basis of religion, especially against Muslims, was rarely dealt with by any professional organisation in Germany and that consequently there is a huge lack of data.³⁸ Generally, it is a challenge of identify discrimination or racism, as it is often latent and hidden. Riem Spielhaus elaborates on this problem as follows:

“Discrimination is very difficult to be captured because we can only restrict ourselves to perceptions, and it can be that one doesn’t perceive things that still happen or that one perceives things that are not real...This is a real problem in research”.³⁹

In addition, scholars argue that while a high number of Muslims experience discrimination on the basis of their religion, they often do not report these cases.⁴⁰ According to the Councelling Centre for Equal Treatment Against Discrimination, Türkischer Bund Berlin-Brandenburg (ADNB) and Inssan’s Network against Discrimination and Islamophobia, reported incidents of unequal treatment do not mirror those that actually make it to court or that become known to the public. Riem Spielhaus argues that often Muslims have already accepted unequal treatment related to their Muslim identity. The idea that they can be discriminated against is common among Muslims in Germany.⁴¹

It should be said that most studies that focus on inequalities affecting Muslims generally focus on discrimination, which includes various areas such as employment and hate speech/hate crime.

³⁵ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program, 2007.

³⁶ Haug, S. ‘Herkunft, Glaubensrichtung, Bildung, Partizipation: Vom Eins-Werden und vom Einssein’, *Islam-Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p. 5.

³⁷ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

³⁸ Riegert, B. ‘Kaum Daten zu Islamfeindlichkeit’, *Deutsche Welle*, 2013. (Online) 04/12/2014 from <http://www.dw.de/kaum-daten-zu-islamfeindlichkeit/a-17023310>

Baer, S.; Bittner, M. & Göttsche, A. et al. *Mehrdimensionale Diskriminierung-Begriffe, Theorien und juristische Analyse*. Federal Anti-Discrimination Agency. Berlin, 2011.;

Spielhaus, R. Counter-measures to religious Discrimination: The example of a local initiative in Berlin”, in Ast, F. (ed.) *Droit, société et risque*. L’Harmattan: Paris. 2012.

³⁹ Spielhaus in Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

⁴⁰ Spielhaus, R. Counter-measures to religious Discrimination: The example of a local initiative in Berlin”, in Ast, F. (ed.) *Droit, société et risque*. L’Harmattan: Paris. 2012.;

See more on this in Section 2 and Section 3

⁴¹ Spielhaus, R. Counter-measures to religious Discrimination: The example of a local initiative in Berlin”, in Ast, F. (ed.) *Droit, société et risque*. L’Harmattan: Paris. 2012.

Studies show that Muslims are often victims of discrimination in various spheres of life, such as education, work, housing, physical violence and verbal violence.⁴² It is important to note that according to anti-discrimination and anti-Islamophobia NGOs, most documented cases are first about harassment, followed by rejections for jobs and refusal for flats.⁴³ Many cases take place in the education field where teachers discriminate against Muslim pupils. Although harassment is the most common form of discrimination, it is the least researched one. In comparison to employment, for example, one hardly finds any studies about harassment, hate speech and hate crime towards Muslims and women in particular.

Studies that compare Muslim experiences of discrimination to that of non-Muslims observe that Muslims experience much more discrimination than their counterparts.⁴⁴ The Open Society Institute's (OSI) 2010 study of Muslims in Hamburg and experiences of discrimination found that 58.8% of Muslim men and 79.6% of Muslim women feel discriminated against. In comparison to this, only 18.4% of non-Muslim men and 9.8% of non-Muslim women report about experiences of discrimination.⁴⁵ The study also observes that in the field of employment the main reason for discrimination against Muslims that was given was Islamic belonging, unlike non-Muslims who mentioned age as the main factor of discrimination. OSI's 2010 study on Muslims in Berlin reports that 86% of Muslims in Berlin said that current levels of religious prejudice are greater than they were five years ago.⁴⁶ OSI's 2010 survey below shows that 57% of Muslims perceive that there is a high level of religious prejudice, and that 32% perceive a fair amount of religious prejudice, which makes for a total of 89% of Muslims who believe religious prejudice is present.

⁴² Kramer, S. 'Intoleranz gegen Muslime-Ein neues Feindbild', *Diskriminierung und Intoleranz gegenüber Muslimen*. Friedrich Ebert Stiftung. 2007

⁴³ Spielhaus, R. Counter-measures to religious Discrimination: The example of a local initiative in Berlin", in Ast, F. (ed.) *Droit, société et risque*. L'Harmattan: Paris. 2012.;

⁴⁴ Open Society Institute (OSI). *Muslims in Berlin*. New York, London & Budapest: OSI. 2010.

Open Society Institute (OSI). *Muslims in Hamburg*. New York, London & Budapest: OSI. 2010.

⁴⁵ Open Society Institute (OSI). *Muslims in Hamburg*. New York, London & Budapest: OSI. 2010.

⁴⁶ Open Society Institute (OSI). *Muslims in Berlin*. New York, London & Budapest: OSI. 2010.

Table 12. Current level of religious prejudice in the country (H4)

	Religion		Total
	Muslim	Non-Muslim	
A lot	57.0%	40.0%	48.5%
A fair amount	32.0%	43.0%	37.5%
A little	10.0%	14.0%	12.0%
None	1.0%		0.5%
Don't know		3.0%	1.5%
Total	%	100.0%	100.0%
	Number	100	100
			200

Source: Open Society Institute

Source: https://www.opensocietyfoundations.org/sites/default/files/a-muslims-berlin-corrected-en-20100527_1.pdf

Similarly to the study on Muslims in Hamburg, the OSI study on Muslims in Berlin found that Muslims experience discrimination to a much larger degree than non-Muslims. While 74% of Muslim interviewees felt discrimination on the basis of their religion, religious discrimination was stated by just 25% of non-Muslims. This is also confirmed in a recent study carried out by the Federal Anti-Discrimination Agency that was published in 2012. It states that Muslims have the highest experiences of discrimination in comparison to other groups.⁴⁷ 31.3% of the people with Turkish background and 33.3% of those with African/Asian/Latin American background, both of which include the largest groups of Muslims, report experiences of discrimination. Also, earlier statistics from the 1990s find that Muslims suffer more from discrimination than other migrant groups, especially those who are visibly identifiable as Muslims.⁴⁸

Recent research studies that focus specifically on Muslims in employment find that Muslims are discriminated against in the labour market and that attitudes of employers towards Muslims tend to be negative. Ahmet Toprac, who interviewed 124 Muslims in Germany, concluded that Muslims experience discrimination in various fields including employment.⁴⁹

⁴⁷ Federal Anti-Discrimination Agency. *Benachteiligung von Personen mit und ohne Migrationshintergrund im Ost-West-Vergleich*. 2012.

⁴⁸ Diehl, C. & Urbahn, J. *Die soziale und politische Partizipation von Zuwanderern in der Bundesrepublik Deutschland*. Bonn: FES. 1998. (Online) 12/04/2015 from <http://library.fes.de/fulltext/asfo/00258004.htm#E10E6>

⁴⁹ Toprac, A. *Integrationsunwillige Muslime? Ein Milieubericht*. Freiburg i. Breisgau: Lambertus. 2010

In his detailed report about discrimination against Muslims in employment, Paucker states the following:

“Quantitative research results and statistics indicate that migrants with an Islamic background are often disadvantaged in the job market. Also population surveys and studies show regularly that the level of subjective experiences of discrimination is higher among Muslims than among non-Muslims”.⁵⁰

This is also confirmed in a pan-European study conducted by the European Monitoring Centre on Racism and Xenophobia, in 2006 which includes Muslims from Germany in its survey.⁵¹ It finds that most Muslims experience discrimination in employment on the basis of their religion. They report that often a Muslim name is already a sufficient reason for not being invited to an interview. Other international surveys also state that in Germany individuals of Muslim faith are particularly exposed to exclusion, discrimination and racist violence.⁵² The OSI study on Muslims in Hamburg finds that 53% of Muslims feel that employers’ do not sufficiently respect diverse religious customs, as the table below shows.

Table 45. Employers’ respect for diverse religious customs

	Muslim %	Non-Muslim %	Total %
Too much	3.0	1.0	2.0
About right	22.0	19.0	20.5
Too little	53.0	34.0	43.5
Don’t know	22.0	46.0	34.0
Total	%	100.0	100.0
	Number	100	200

Source: <https://www.opensocietyfoundations.org/sites/default/files/a-muslims-hamburg-en-20100629.pdf>

⁵⁰ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010, p.58.

⁵¹ *European Monitoring Centre on Racism and Xenophobia (EUMC)*. ‘Perception of Discrimination and Islamophobia: Voices from members of Muslim communities in the European Union.’ Wien: EUMC. 2006.

⁵² *European Commission against Racism and Intolerance (ECRI)*. ‘ECRI Report on Germany’. 2009.;

United Nations, CERD. ‘Consideration of Reports submitted by state parties under Article 9 of the Convention. Concluding observations of the CERD: Germany’. 2008.;

United Nations General Assembly/Human Rights Council. ‘Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerances: Mission to Germany’. 2010.

Although studies focusing on hate crime and speech are few, different cases are reported.⁵³ Examples include violent attacks against two restaurants owned by Muslims living in Brandenburg or five crimes against mosques and Muslim-owned establishments that happened in 2004. Other examples are the recent attacks of the Berlin Islamic Centre '*Islamische Kultur-und Erziehungszentrum*', *Islamische Föderation Berlin* and As-Sahaba mosque, which all received threatening letters, saying "we will rebuild your mosques as concentration camps and then you will be so concentrated, that we can dispose of you in buckets of ash".⁵⁴ As-Sahaba mosque has actually suffered from two previous attacks. In the first instance, the perpetrator threatened a mosque visitor and entitled the threatening letter 'war'. With the second one, bloody body parts of a slaughtered pig were put in front of mosque. According to the Muslim umbrella organisation DITIB 60 pamphlets were sent to mosques as well as residences of Muslims in which Muslims were requested to leave Germany. These pamphlets also talked about goals to create a "Holy Atlantic Empire of European Nations". Mosques have been targeted more than 200 times between 2001 and 2011.⁵⁵ It is assumed that there are even more attacks, as some information is missing and not known to the public. Given the increase in hate crimes targeting mosques several Muslim figures, such as Ayman Mayzek, the representative of the *Zentralrat der Muslime*, have called for a police presence in front of mosques.

Even with regard to media and news articles, which represent the only source of information about anti-Muslim hate crime, many attacks are not mentioned and if they are mentioned they do not appear on mainstream media platforms. Various articles provide information about attacks on mosques, suggesting that hate crimes are increasing.⁵⁶

In his article, Lenz Jakobsen reports on three recent mosque attacks that happened in 2014 within 8 days of each other and were not covered by mainstream media.⁵⁷ He also states that the percentage of attacks on mosques has risen from 22% per year between 2001 and 2011 to 35% in 2012 and 36% in 2013. He argues that these numbers did not spark any genuine discussions about anti-Muslim racism and that attacks are still seen as isolated events. Another article reports on two recent mosque attacks in 2014 which took place in Niedersachsen on their Open Mosque Day.⁵⁸ It also says that there is a general rise of

⁵³ *European Monitoring Centre on Racism and Xenophobia*. 'Muslims in the European Union: Discrimination and Islamophobia', Part 2-Manifestations of Islamophobia. 2006.

⁵⁴ Nofal, L. 'Islamfeindlichkeit als wachsendes gesellschaftliches Phänomen', *Berliner Zustände 2012: Ein Schattenbericht über Rechtsextremismus, Rassismus und Antisemitismus*. Apabiz & MBR. 2013.

⁵⁵ Freudenreich, D. 'Über 200 islamfeindliche Angriffe auf Moscheen seit 2001', *WAZ*, 2012. (Online 15/12/2014) from <http://www.derwesten.de/politik/ueber-200-islamfeindliche-angriffe-auf-moscheen-seit-2001-id6623448.html>

⁵⁶ Jakobsen, L. 'Und im Stillen brennen die Moscheen', *Zeit Online*, 2014. (Online) 08/12/2014 from <http://www.zeit.de/gesellschaft/zeitgeschehen/2014-08/moscheen-anschlaege-islamfeindlichkeit-ignoranz>;

Freudenreich, D. 'Über 200 islamfeindliche Angriffe auf Moscheen seit 2001', *WAZ*, 2012. (Online 15/12/2014) from <http://www.derwesten.de/politik/ueber-200-islamfeindliche-angriffe-auf-moscheen-seit-2001-id6623448.html>

Die Welt. 'Zahl der Angriffe auf Moscheen steigt deutlich'. 2014. Online from <http://www.welt.de/politik/deutschland/article130660759/Zahl-der-Angriffe-auf-Moscheen-steigt-deutlich.html>

Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>

⁵⁷ Jakobsen, L. 'Und im Stillen brennen die Moscheen', *Zeit Online*, 2014. (Online) 08/12/2014 from <http://www.zeit.de/gesellschaft/zeitgeschehen/2014-08/moscheen-anschlaege-islamfeindlichkeit-ignoranz>

⁵⁸ Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>

various forms of anti-Muslim crime including damages, threats, insults, incitement [to hatred], arson attacks and physical attacks.

Apart from attacks on mosques, murders of Muslims are rarely published and often not associated with racism or Islamophobia. An example of this is the Bosphorus serial murders that were committed by the National Socialist Underground (NSU) between 2000 and 2007 primarily targeting ethnic Turks. It was only in 2011 that the attacks were ascribed to the right-wing terrorist organisation NSU. Public opinion generally does not make a link between these murders and Islamophobia, although for many Muslims the relation is clear. Lenz Jakobsen argues that for many Muslims these murders and the dubious failure of German authorities were proof of German society's indifference. Ulla Jelpke from the political party Die Linke (The Left) argues that politicians and police often downplay anti-Muslim attacks.⁵⁹

It is important to mention that words and deeds should not be seen in isolation from each other when it comes to Islamophobia. As Riem Spielhaus argues, "hate speech and discrimination are related to each other".⁶⁰ She adds, "in a society where hate speech is generalised, where denigrating minorities is normalised, discrimination happens more easily and is seen as normal".⁶¹ She mentions the present example of the debate around ISIA, saying that since ISIS's appearance there have been more Islamophobic statements. At the same time Muslims have been facing more Islamophobic attacks. Lydia Nofal, the chairwoman of INSSAN, is also of the opinion that there is a strong relation between statements and actions. However, she says, many people are not aware of this connection.⁶² This is also confirmed by several studies, such as the one carried out by Beate Küpper, Andreas Zick and Andreas Hövermann, showing that Islamophobic attitudes go hand-in-hand with discrimination.⁶³

⁵⁹ Freudenreich, D. 'Über 200 islamfeindliche Angriffe auf Moscheen seit 2001', WAZ, 2012. (Online 15/12/2014) from <http://www.derwesten.de/politik/ueber-200-islamfeindliche-angriffe-auf-moscheen-seit-2001-id6623448.html>

⁶⁰ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

⁶¹ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

⁶² Nofal, L. 'Islamfeindlichkeit als wachsendes gesellschaftliches Phänomen', *Berliner Zustände 2012: Ein Schattenbericht über Rechtsextremismus, Rassismus und Antisemitismus*. Apabiz & MBR. 2013.

⁶³ Küpper, B; Zick, A. & Hövermann, A. *Islamfeindlichkeit in Deutschland und Europa*. Universität Berlin, 2013.

Section 2: Climate and temperature test

Islamophobia is very present in Germany and manifests itself in open as well as more indirect ways. Nathalie Schlenzka from the Federal Anti-Discrimination Agency reflects on Islamophobia as follows:

“Muslims are often seen as the most disadvantaged or the most rejected groups, also more than Sinti and Roma people who are also of course negatively viewed and partly also more than asylum seekers...They always belong to those groups who are practically not seen as part of the German system. With regard to that what distinguishes this group or what makes Islamophobia particularly dramatic is this doubling, meaning that hatred towards religion, a religious group, is mixed with hatred towards ethnicity...It is a multidimensional discrimination...because this doubling happens the marginalisation is also stronger”.⁶⁴

On a more general level, studies show an increase in right-wing extremism. A recent study conducted by the *Friedrich-Ebert-Stiftung* finds that right-wing extremist expression has risen from 2006 to 2012 from 6.6% to 15.8%, and most statements target Muslims specifically.⁶⁵ Researcher Nina Muehe, who has conducted extensive research in the field of Islamophobia in Germany, reflects upon anti-Muslim racism as follows:

“The last years have witnessed rising intolerance towards difference in basically all parts of German society and across the political spectrum. This mainly shows in the area of religious difference and in particular towards Islam, as intolerance against Muslims can be perceived as socially acceptable, whereas blunt anti-immigrant, traditionally racist, neo-fascist or anti-Semitic views are still sanctioned by public opinion. Different surveys however found, that even the latter manifestations of intolerance have grown in the last years. We can therefore point to a generally rising intolerance towards people and groups who are perceived as others, which is mainly visible and manifest in anti-Muslim views and actions, because they have become the quintessential other in society. Opposition or even denigration of these others is perceived as acceptable and is done publicly by officials of all political parties. Even if this tendency can probably be observed in all Western European countries, it seems especially severe in Germany. Recent surveys have found that in Germany the rejection of different kinds of non Christian religions is stronger than in neighbouring countries and particularly in the case of Islam”.⁶⁶

With regard to Muslims themselves, a recent survey conducted by Vodafone Foundation, the British Council and the Institute of Strategic Dialogue states that almost 90% of

⁶⁴ Schlenzka in Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

⁶⁵ Burchianti, F. & Zapata, R. *Assessing Tolerant and Intolerant Discourses and Practices in Political Life*. *Accept Pluralism*, 2013.

⁶⁶ Muehe, N. *Intolerance Discourses in Political Life*. Manuscript. 2012.

interviewed Muslims in Germany do not feel represented by mainstream media, which they perceive as stereotypical and disrespectful.⁶⁷ On a more general level, a study on Western European Muslims' experiences of discrimination finds that they feel excluded from economic, social and cultural life.⁶⁸ They also feel under surveillance since 9/11. The sentiment that they are unwelcome has strengthened. In addition, they often feel frustrated about discrimination.

Even though Islamophobia is very visible in Germany, it is not really recognised as an important issue. There is not much awareness of its seriousness.⁶⁹ Sabine Schiffer underlines that anti-Muslim racism is often not recognised as racism.⁷⁰ It is rather presented as legitimate 'Islam criticism' and as a right to freedom of expression, which is supposedly meant to criticise Islamic violence and ends up demonising the whole Muslim community.

It is argued that there is a clear lack of interest in making racism against Muslims in Germany taboo, and that denigrating expressions about Muslims are more acceptable in German society than other racist statements.⁷¹ The German public does not take anti-Muslim attacks seriously. There is a distant coldness of Germans towards Muslims and matters that concern them. Lenz Jacobsen is of the opinion that even after the Bosphorus serial murders came to light, little empathy was expressed towards Muslims.⁷² Awareness about anti-Muslim racism is low. According to Jacobsen in reality Muslims in Germany are unfortunately often left 'on their own' when it comes to anti-Muslim racism.

Anti-Muslim prejudices are not only expressed by Nazis. In fact, they are spread within German society and are shared by people from various backgrounds.⁷³ Researcher Iman Attia also stresses that it is visible across various sectors of German society. She elaborates on this as follows:

“Anti-Muslim racism is not something that only right-wing parties share, but instead it is widespread...It is seen as knowledge, not as a cliché or as a stereotype”.⁷⁴

⁶⁷ Burchianti, F. & Zapata, R. *Assessing Tolerant and Intolerant Discourses and Practices in Political Life*. Accept Pluralism, 2013.

⁶⁸ *European Monitoring Centre on Racism and Xenophobia (EUMC)*. 'Perceptions of Discrimination and Islamophobia. Voices from Members of Muslim Communities in the European Union'. Wien. 2006.

⁶⁹ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

⁷⁰ Schiffer, S. 'Antimuslimischer Rassismus und Rassismuseugnung'. *Migazin*. 2010. (Online) 24/04/2015 from <http://www.migazin.de/2010/12/03/antimuslimischer-rassismus-und-rassismuseugnung/>

⁷¹ Hockenos, P. 'Die neuen Kreuzritter-Europa stilisiert den Massenmörder Anders Breivik munter zum Promi des Bösen: So lässt sich der breite Hass auf Muslime ignorieren'. *TAZ*. 2012. (Online) 10/04/2015 from <http://www.taz.de/!93183/>;

Haug, E. & Wirkner, P. 'Einleitung', *Diskriminierung und Intoleranz gegenüber Muslimen*. Friedrich Ebert Stiftung. 2007.

⁷² Jacobsen, L. 'Und im Stillen brennen die Moscheen', *Zeit Online*, 2014. (Online) 08/12/2014 from <http://www.zeit.de/gesellschaft/zeitgeschehen/2014-08/moscheen-anschlaege-islamfeindlichkeit-ignoranz>

⁷³ *Interkulturelle Woche*. 'Was ist antimuslimischer Rassismus? Handreichung der DGB-Jugend'. 2013. (Online) 22/04/2015 from <http://www.interkulturellewoche.de/hefteintrag/2013/wer-offen-ist-kann-mehr-erleben/was-ist-antimuslimischer-rassismus-handreichung-der>

⁷⁴ Attia in Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

Ulrich Schmidt explains that in the 1970s, racism targeted mainly 'guest migrant workers' (*Gastarbeiter*), while in the 1980s and '90s its main reference points were Turks. Since 2001, Muslims have been the main victims of racism, which is also observed by his organisation *Antirassistische Initiative Berlin*. Schmidt reflects on this development, highlighting that "forms of racism have partially changed over the decades, but it is something that is very deeply rooted in German political culture and society".⁷⁵ In other words, racism has not ended, but changed the label of those targeted. He stresses one that there has only recently been talk about racism in Germany, using the excuse that Germany has been 'cleared' of racism after WW2. In the late 1980s when ARI started to talk about racism, it was perceived as a controversial organisation because it used the term 'racism'. He adds "until today there is a resistance in society to admit that it has [something] to do with racism".⁷⁶

The most popular recent movement in Germany targeting Muslims specifically is called Pegida (Patriotic Europeans against Islamisation of Occident). It has become more popular in the last months. In December 2014 it had more than 66,000 likes online and by the beginning of January 2015 the numbers had increased to 120,000.⁷⁷ This is also reflected in the offline world. While there were 15,000 protesters in December 2014, the number of Pegida protestors reached 18,000 in January 2015. Members were not only active in Dresden but also in Düsseldorf, Bayern, Leipzig, Berlin and other cities across Germany. Apart from Pegida, there is the Gida movement, which is also an anti-Muslim movement in Germany. Even though it is not as popular as Pegida, it is still influential. There is another national movement called HoGeSa (Hooligans against Salafists). HoGeSa members are mainly active on the Internet. Nevertheless they are also vocal on the streets. They became more popular following a demonstration in 2014 during which followers used violence. In addition to these movements, there are also right-wing parties including Pro NRW, Die Rechte and the NPD whose constituencies should not be underestimated.

According to researcher Riem Spielhaus, Islamophobia is not necessarily stronger towards women than towards men.⁷⁸ She argues that what differs are the stereotypical associations between women and men. In other words, there are gendered forms of anti-Muslim racism. While women are associated with oppression and lack of agency, men are associated with criminality, terrorism and being the oppressor. This argument is echoed by Inssan's Network against Islamophobia and Discrimination, which states that "not only [do] women suffer from discrimination", but also Muslim men., Particularly young men who are visibly identifiable as Muslim through their dress or beard experience discrimination and have to confront the cliché of the 'Muslim men'".⁷⁹

⁷⁵ Schmidt cited in Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*. Berlin, 2015.

⁷⁶ Schmidt cited in Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*. Berlin, 2015.

⁷⁷ *No-Nazi-Net*. 'Dossier: Antimuslimischer Rassismus'. 2015. (Online) 02/04/2015 from <http://no-nazi.net/dossiers/antimuslimischer-rassismus-2/> 2015

⁷⁸ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

⁷⁹ Netzwerk gegen Diskriminierung von Muslimen. 'Und du?', 2012, p. 13. (Online 12/11/2015 from [http://www.tbb-](http://www.tbb-berlin.de/downloads_adnb/Broschuere_Netzwerk_Muslime_2012_Endversion_Webversion.pdf)

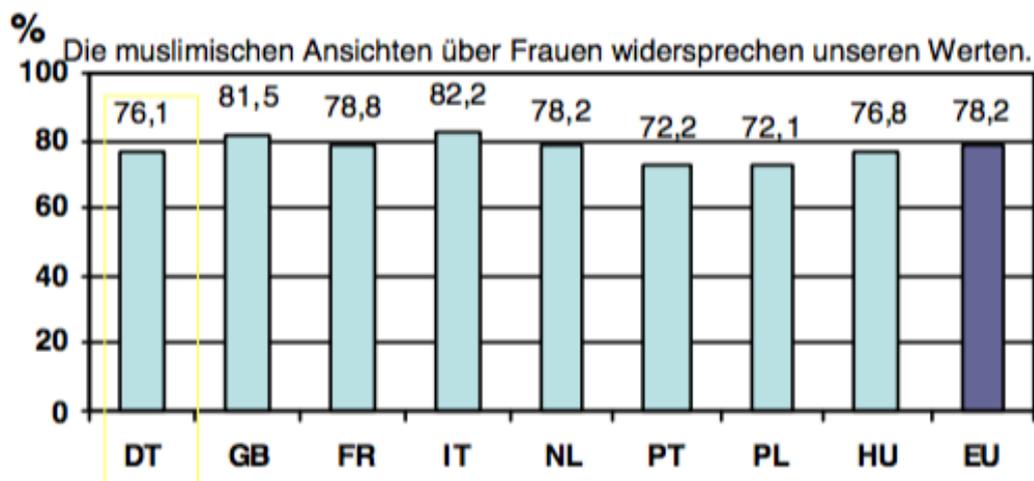
[berlin.de/downloads_adnb/Broschuere_Netzwerk_Muslime_2012_Endversion_Webversion.pdf](http://www.tbb-berlin.de/downloads_adnb/Broschuere_Netzwerk_Muslime_2012_Endversion_Webversion.pdf)

This section discusses Islamophobia in Germany in more general terms, looking at media, political discourse, public opinion and Muslims' involvement in politics. When there are specific references to women, these will be outlined. Although Islamophobia manifests itself in various ways in real life, it is argued that Islamophobic hate speech is very visible in the online world.⁸⁰

2.1 Public opinion

Public opinion in Germany about Islam and Muslims is rather negative. The 2010 report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance published by the UN Human Rights Council, brings together various surveys about public opinion towards Muslims in Germany.⁸¹ In relation to views about Muslim women specifically, Robin Laumann stresses that the headscarf is “a problem for Germany” and a problem of visibility.⁸² He states that it is almost solely associated with oppression of women and lack of emancipation, also among left-wing and liberal people. Several surveys disclose Germans' attitudes towards Muslim women specifically. In a GMF (*Gruppenbezogene Menschenfeindlichkeit/ Group-Based Hostility*) survey, questions were asked about whether parents would register their children in a school where veiled Muslim women teach. Only about 30% of the respondents said that they would not have a problem with that.⁸³ In another GMF survey more than three quarters of respondents said that Muslim views about women are not compatible with German values.⁸⁴ While in Germany (DT) the percentage is 76.1%, other European countries also show high percentages.

Islamfeindlichkeit



Source: http://www.uni-bielefeld.de/ikg/zick/Islam_GFE_zick.pdf

⁸⁰ No-Nazi-Net. 'Dossier: Antimuslimischer Rassismus'. 2015. (Online) 02/04/2015 from <http://no-nazi.net/dossiers/antimuslimischer-rassismus-2/> 201

⁸¹ United Nations General Assembly/Human Rights Council. 'Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerances: Mission to Germany'. 2010.

⁸² Laumann in Soliman, A. *Interview with Robin Laumann from the Junge Islamkonferenz*. Berlin, 2015.

⁸³ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

⁸⁴ Zick, A. and Küpper, B. *Meinung zum Islam und Muslimen in Deutschland und Europa*. Universität Bielefeld, 2009.

A further survey conducted by Gallup asked about what Germans associated with the headscarf.⁸⁵ While 44% linked the veil to fanaticism, 60% linked it to oppression.

Figure 41. Associations With Headscarf – Courage

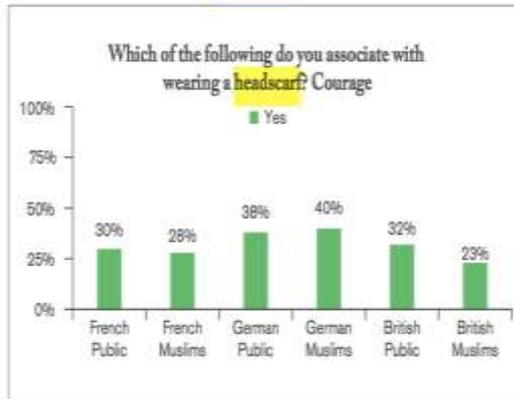
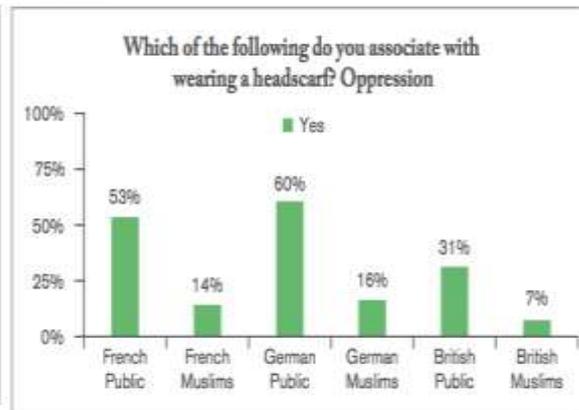


Figure 44. Associations With Headscarf – Oppression

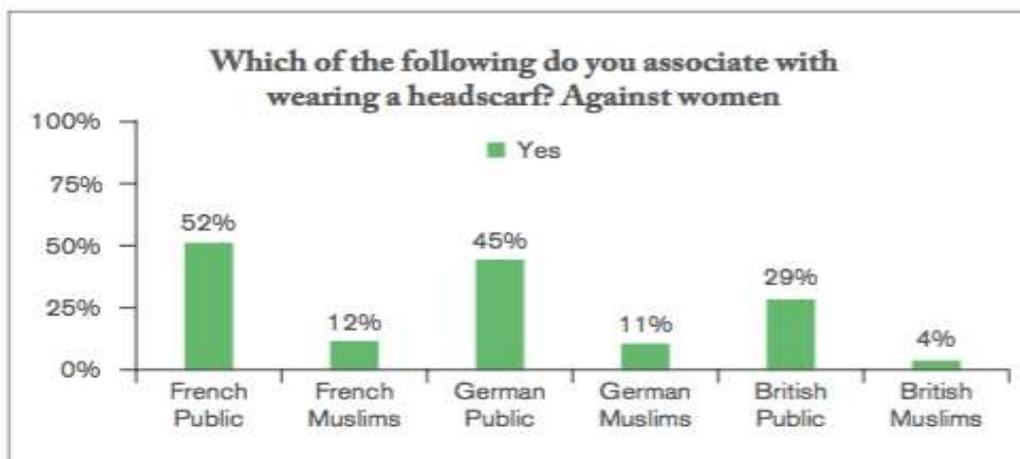


Source:

http://www.euro-islam.info/wp-content/uploads/pdfs/gallup_coexist_2009_interfaith_relations_uk_france_germany.pdf

45% of the German public perceive the headscarf to be against women.

Figure 45. Associations With Headscarf – Against Women



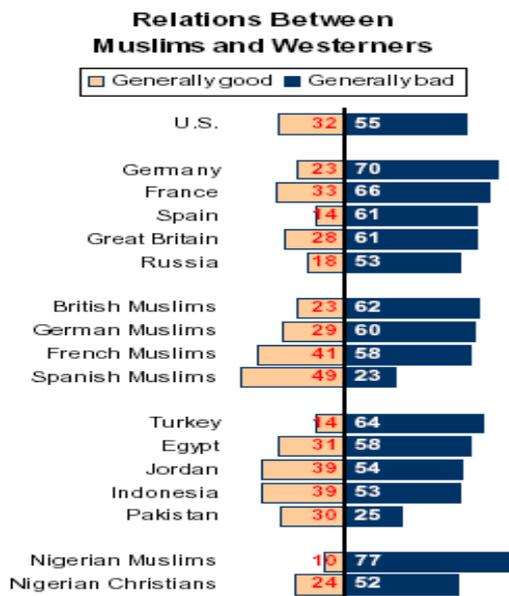
Source:

http://www.euro-islam.info/wp-content/uploads/pdfs/gallup_coexist_2009_interfaith_relations_uk_france_germany.pdf

Surveys that investigate German society's opinion about Islam and Muslims more generally show that there is a remarkable unease with this religious community. The Allensbach survey confirms the widespread negative attitude towards Islam. It finds that 93% of the interviewees associate Islam with the oppression of women while 83% associate it with terrorism. A further Allensbach survey concludes the majority of Germans do not believe in the possibility of a peaceful coexistence between Christians and Muslims due to huge

⁸⁵ Gallup. (2009). 'The Gallup Coexist Index 2009: A Global Study of Interfaith Relations', Gallup (Online) Last accessed date 10/10/2013 from http://www.euro-islam.info/wp-content/uploads/pdfs/gallup_coexist_2009_interfaith_relations_uk_france_germany.pdf

differences between both religions.⁸⁶ A Pew Global Attitudes survey states that 70% of interviewed Germans are of the opinion that there will be repeated conflicts when religious Muslims live in modern societies. This number is noticeably higher than those of other European countries.



Source: <http://www.pewglobal.org/2006/06/22/the-great-divide-how-westerners-and-muslims-view-each-other/>

A frequently cited study is “*Deutsche Zustände*” (German Conditions), conducted by Wilhelm Heimerl and published in 2006. The study finds that anti-Muslim views are not only common among less-educated people, but that they are also spreading among highly educated people. It notices a strong tendency towards Islamophobia in various statements of respondents, such as “Muslims should not be allowed to migrate to Germany”, “Sometimes I feel like a foreigner in my own country due to the presence of many Muslims here”, “It would be better if there were no Muslims in Germany”, “Every form of religious practice should be forbidden for Muslims in Germany”, “Islamic terrorists find strong support among Muslims”, “I wouldn’t like to move to an area where many Muslims live” and “I will only elect parties that oppose further influx of Muslims”. A further study carried out by Andreas Zick and Beate Küpper which was published in 2009 found the following: Only 16.6% of respondents said that Muslim culture fits well with Germany; 46% argued that there are too many Muslims in Germany; 52.2% saw Islam as an intolerant religion.⁸⁷ Another study undertaken in 2010 shows that 58.4% of the respondents are of the opinion believed that the religious practices of Muslims should be restricted.⁸⁸ A 2010 poll by ARD Infratest-dimap in 2010 reports the following results: 35% of 1000 respondents are concerned about the spread of Islam in Germany; 37% think that Germany would be better

⁸⁶ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

⁸⁷ Zick, A. & Küpper, B. *Meinungen zum Islam und Muslimen in Deutschland und Europa*. 2009, Universität Bielefeld.

⁸⁸ Küpper, B; Zick, A. & Hövermann, A. *Islamfeindlichkeit in Deutschland und Europa*. Universität Berlin, 2013.

without Islam and 44% state that since Thilo Sarrazin's anti-Muslim book one can criticise Islam more openly.⁸⁹ A further study conducted in 2011 by Andreas Zick and other researchers came to the following conclusions: 76.1% say that Muslim views about women contradict Western values; 46.1% say there are too many Muslims; 54.1% say that Muslims have too many requests; 52.5% see Islam as an intolerant religion and 17.1% say that the majority of Muslims justify Islamic terrorism.⁹⁰

Some studies also compare Islamophobia in Germany to several other European countries. According to one of the main studies on religious diversity in Europe, German society is much more intolerant towards Islam than its Western European neighbours.⁹¹ Sociologist Detlef Pollack emphasises "differences between Germany and other countries are particularly dramatic when it comes to personal attitudes towards Muslims".⁹² The study finds that in Germany only 34% in the West and 26% in the East think positively about Islam. 42% of West Germans and 55% of East Germans argue that Islamic practices have to be more strongly restricted. Less than 5% of Germans think of Islam as a tolerant religion. It observes that Germans oppose the buildings of new mosques more often than in other countries. Less than 30% in West Germany and less than 20% in East Germany support the building of mosques. Most Germans are also less ready to ascribe equal rights to other religions. Contacts between majority society and Muslims are fewer in Germany than in other countries, which influences the way in which Islam is seen. According to Pollack, in Germany there has not been a serious and open debate about Islam.

There are also various, more recent surveys. A study about group-related xenophobia that was undertaken in 2011 concludes the following: 1/3 of Germans surveyed say that they feel like a foreigner in their own country due to the presence of Muslims; 55% see that Islam and Western European values are not compatible; 58% oppose the statement that Muslim culture fits in well with German culture; 36% do not trust Muslims and 61% see Islam as a threat.⁹³ Another study conducted by the University of Leipzig in 2014 shows that every 1/3 of Germans want Muslim immigration to Germany to be forbidden.⁹⁴ A very recent study published in 2015 by the *Bertelsmann-Stiftung*, which is the most up-to-date survey, confirms results of previously mentioned surveys.⁹⁵ It also observes a spread of Islamophobia. The following chart shows in more detail Germans' attitudes towards Muslims in the years 2012 and 2014. The first statement with which 57% agreed in 2014 and 53% in

⁸⁹ *Spiegel*. 'Integrationsdebatte: ARD-Umfrage Zeigt Zunahme der Islamfeindlichkeit', 2010. (Online) 25/11/2014 from <http://www.spiegel.de/politik/deutschland/integrationsdebatte-ard-umfrage-zeigt-zunahme-der-islamfeindlichkeit-a-722521.html>

⁹⁰ Küpper, B; Zick, A. & Hövermann, A. *Islamfeindlichkeit in Deutschland und Europa*. Universität Berlin, 2013.

⁹¹ *Migazin*. 'Islamophobie 2010-Deutschland ist Europameister'. 2010. (Online) 15/04/2015 from <http://www.migazin.de/2010/12/03/islamophobie-2010-deutschland-ist-europameister/>;

Pollack, D. (2011). 'Akzeptanz und Wahrnehmung des Islams: Zu den Ergebnissen einer Studie der Westfälischen Wilhelms-Universität Münster', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p.10.

⁹² Pollack cited in *Migazin*. 'Islamophobie 2010-Deutschland ist Europameister'. 2010. (Online) 03/02/2015 from <http://www.migazin.de/2010/12/03/islamophobie-2010-deutschland-ist-europameister/>

⁹³ Küpper, B; Zick, A. & Hövermann, A. *Islamfeindlichkeit in Deutschland und Europa*. Universität Berlin, 2013.

⁹⁴ *N24*. "Islamfeindlichkeit ist das neue Gewand des Rassismus". 2014. (Online) 18/04/2015 from <http://www.n24.de/n24/Nachrichten/Politik/d/4854512/-islamfeindschaft-ist-das-neue-gewand-des-rassismus-.html>

⁹⁵ *Tagesschau*. 'Studie der Bertelsmann-Stiftung-Mehrheit fühlt sich vom Islam bedroht'. 2015. (Online) 01/05/2015 from <http://www.tagesschau.de/inland/islam-101.html>

2012 is “Islam is threatening”. The second statement is “Islam does not fit into the Western world”. 61% supported this statement in 2014 and 52% supported it in 2012. The third statement reads as follows: “Through Muslims like a foreigner in one’s own country”. 40% agreed with this in 2014. The last statement, which was embraced by 24% of German society, says “Forbid Muslim immigration”.

Abbildung 1: Einstellungen zum Islam und zu Muslimen in den Jahren 2012 und 2014



Source: https://www.bertelsmann-stiftung.de/fileadmin/files/Projekte/51_Religionsmonitor/Zusammenfassung_der_Sonderauswertung.pdf

2.2 Political debates, public discourses and media representation

Political debates and public discourse about Muslims and Islam in Germany are gaining increasing prominence. Hans-Peter Friedrich, Germany’s previous Minister of the Interior and current CSU (Christian Democratic Union) and Christian Wulff, Germany’s former Federal President expressed opposing statements about Islam’s place in Germany. While the latter says that Islam belongs in Germany, the former disagrees with this view. Opinions about this question are still divided across the German political spectrum, however the idea that Islam belongs in Germany is still not very welcome.

On a more general level, political and public debates about Muslims and Islam are often shaped by misunderstanding, fear and negative associations. According to Robin Laumann from the *Junge Islamkonferenz* (Young Islam Conference) “there is a toxic discourse, everything that one hears about Islam is always negative”.⁹⁶ Public and political discourse often illustrates a rather polarised relationship between Germany and Muslims.⁹⁷ Notably since 9/11, Muslims in Germany are often linked with terrorism.⁹⁸ They are often seen

⁹⁶ Laumann in Soliman, A. *Interview with Robin Laumann from the Junge Islamkonferenz*. Berlin, 2015.

⁹⁷ Coruh, A. ‘Wo Muslime Fremd Sind, Sind Wir es Auch: Plaedoyer fuer ein Atelier der Kosmopolitischen Wissenschaftler und Kuenste in Berlin’, *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, pp. 21-22.

⁹⁸ Bosse, D. & Vior, E. *Politische Partizipation von Migranten mit muslimischem Hintergrund in Deutschland: Entwicklung und Probleme*. Magdeburg: Institut fuer Politikwissenschaften. 2005.

through the security lens, which hinders discussions about tolerance and non-discrimination towards Muslims.⁹⁹ The image of Islam as an obstacle to integration and of Muslims as distant from German culture is very prevalent.¹⁰⁰ Ideas that Islam and Germany are not compatible and that Muslims do not really belong to Germany echo in public discourses. Apart from terrorism, Muslims are predominantly associated with criminality, backwardness, violence and the oppression of women. Public discourses in Germany often talk about Muslim parallel communities, indicating that they are segregated from mainstream society.¹⁰¹ Generalising, biased and disdainful statements about Muslims are often promoted in the public sphere, which legitimises prejudices. According to Werner Schiffauer, there is “moral panic” in discourses about Islam and Muslims in Germany, which are dominated by sentiments of danger and threat.¹⁰² It is argued that policies towards Muslims in Germany can be described as a “rationalised tolerance policy”, which is a liberal strategy of exclusion not recognising Muslims’ differences.¹⁰³

In respect of anti-Muslim statements within political parties, Nina Mühe emphasises that there is a general tendency to express Islamophobic views, which are not only restricted to right-wing extremist parties.¹⁰⁴ She mentions various examples in relation to the NPD (National Democratic Party of Germany), which is Germany’s main far-right political party. She elaborates on the party’s letters that were sent in 2009 to all political representatives with a migrant background in which they were asked to be ready to return to their “home countries”. Another instance deals with NPD’s open use of very offensive anti-immigrant and anti-Muslim slogans during the 2011 electoral campaigns in Berlin. These include statements, such as “*Gas geben*”, which means “to gas”, referring to the murderous practices of National Socialists. New parties have been established more recently, using fear of ‘Islamisation’ in Germany as their main political discourse. However, they do not consider themselves as racist. The two newly formed parties are Bürgerbewegung Pro Deutschland (People’s Movement Pro Germany) and Die Freiheit (Freedom), which stood for the Berlin 2011 elections. Their slogans included proposals such as “*Wählen gehen für Thilos Thesen*”, meaning “vote for Thilo’s statements”, which includes Islamophobic content which will be discussed in further detail in section 4.¹⁰⁵

⁹⁹ Halm, D. ‘Pauschale Islamfeindlichkeit? Zur Wahrnehmung des Islams und zur soziokulturellen Teilhabe der Muslime in Deutschland.’ in Jäger, S. & Halm, D. (eds.) *Mediale Barrieren. Rassismus als Integrationshindernis*, DISS: Unrast. 2006.

¹⁰⁰ Foroutan, N. *Muslimbilder in Deutschland: Wahrnehmungen und Ausgrenzungen in der Integrationsdebatte*. Friedrich Ebert Stiftung. 2012. (Online) 22/03/2015 from <http://library.fes.de/pdf-files/wiso/09438.pdf>;

Interkulturelle Woche. ‘Was ist antimuslimischer Rassismus? Handreichung der DGB-Jugend’. 2013. (Online) 22/04/2015 from <http://www.interkulturellewoche.de/hefteintrag/2013/wer-offen-ist-kann-mehr-erleben/was-ist-antimuslimischer-rassismus-handreichung-der>

¹⁰¹ Haug, E. & Wirkner, P. ‘Einleitung’, *Diskriminierung und Intoleranz gegenüber Muslimen*. Friedrich Ebert Stiftung. 2007.

¹⁰² Schiffauer, W. ‘Vom Exil- zum Diaspora-Islam: Muslimische Identitäten in Europa’, *Soziale Welt- Zeitschrift fuer sozialwissenschaftliche Forschung und Praxis*, 2004, vol.55, no.4, p.347-268.

Schiffauer, W. ‘Enemies Within the Gates’, in Moddod, T.; Triandafyllidou, A. & Zapata-Barrero (eds.) *Multiculturalism, Muslims and citizenship: a European approach*. London: Routledge. 2006.

¹⁰³ Peter, F. ‘Welcoming Muslims Into the Nation, Tolerance, Politics and Integration in Germany’, in Cesari, J. *Muslims in the West after 9/11: Religion, Politics and Law*. New York: Routledge. 2009.

¹⁰⁴ Mühe, N. ‘Extending the Limits of Intolerance: The Sarrazin-Debate and its Effects on Members of the Targeted Minority’. *Accept Pluralism*. 2012.

¹⁰⁵ For more information on Thilo Sarrazin’s statements see Section 3

As for the media, various studies highlight its negative portrayal of Muslims.¹⁰⁶ Kai Hafez, who has conducted extensive research on the portrayal of Islam and Muslims in media, claims that a number of empirical social studies confirm that media projects an image of Islam as the enemy.¹⁰⁷ Islam is primarily associated with radicalisation, oppression of women, fanaticism and terrorism. A visible politicising of Islam can be observed. Furthermore, there is a very restricted selection of topics when depicting Islam in media, which is mainly connected to violence and threat. In another study, which Hafez carried out with Carole Richter, the output of different talk shows, reports and documentaries on major public TV channels was analysed. Here, the results were equally shocking. They found that in only 11 out of 133 instances discussion about the everyday lives of Muslims and social issues concerning Muslims took place. In 40% of the instances, the broadcast items were concerned with issues of terrorism, extremism and international conflicts.¹⁰⁸

2.3 Muslims in politics

Political representation of Muslims in Germany is very limited.¹⁰⁹ Despite the fact that there are some individual politicians with a Muslim background, only few of them identify strongly as Muslims and stand for Muslims' interests. Concerning Muslim female politicians in particular, one rarely finds women who call for the rights of Muslims or who identify publicly as Muslim with the exceptions of Aydan Özuguz, Cemile Giousouf and Sawsan Chebli. Lale Akguen, for example, an SPD politician with a Muslim background, supported the headscarf ban in schools arguing that it ensures political and religious peace in schools.¹¹⁰ Mühe argues that even those Muslim politicians who do not make their Muslim affiliation public and who do not promote Muslims' interests in their policies, can have a hard time.¹¹¹ Their Muslim background is often a sufficient reason to trigger political disputes. She mentions the example of a 2010 debate when Aygül Özkan, the first politician with Turkish background, was appointed Minister in the German federal state of Lower Saxony. When the politician

¹⁰⁶ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program. 2007.

Schiffer, S. *Die Darstellung des Islams in der Presse- Sprache, Bilder, Suggestionen: Eine Auswahl von Techniken und Beispielen*. Wuerzburg: Ergon Verlag. 2005.

Macgilchrist, F & Boehmig, I. 'Blogs, Genes and Immigration: Online media and Minimal Politics'. *Media, Culture & Society*, vol. 34, no. 1, pp. 83–100. 2012.

Frindte, W.; Boehnke, K.; Kreikenbom, H. & Wagner, W. (2011). *Lebenswelten Junger Muslime in Deutschland*. (Online) Last accessed date 07/12/2014 from http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2012/junge_muslime.pdf?__blob=publicationFile

Ramm, C. 'The Muslim Makers', *Interventions: The International Journal of Postcolonial Studies*, 2010, vol 12, no. 2, pp.183–197.

¹⁰⁷ Hafez, K. 'Aufgeklärte Islamophobie: Das Islambild deutscher Medien', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p. 25.

¹⁰⁸ Hafez, K & Richter, C. 'Das Islambild von ARD und ZDF', *Wochenschau für politische Erziehung, Sozial- und Gemeinschaftskunde*, 2007, vol.58, no. 6, pp. 239–240.

¹⁰⁹ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program. 2007.

¹¹⁰ *Human Rights Watch*. 'Diskriminierung im Namen der Neutralität: Kopftuchverbote für Lehrkräfte und Beamte in Deutschland'. Human Rights Watch. 2009. (Online) 23/03/2015 from http://www.hrw.org/sites/default/files/reports/germany0209deweb_0.pdf

¹¹¹ Mühe, N. 'Extending the Limits of Intolerance: The Sarrazin-Debate and its Effects on Members of the Targeted Minority'. *Accept Pluralism*. 2012.

said that both Christian crucifixes and Muslim veils should be banned from public schools, her statement was not viewed as a secular statement like those expressed by non-Muslim Germans. Instead, it was perceived as a Muslim attack on Christian crucifixes and religiosity. Özkan was also accused of intolerance, despite the fact that her viewpoints about crucifixes were in accordance with what the constitutional court had ruled. Mühe stresses that calling the minister's tolerance into question was clearly related to her Muslim background.

Bearing this huge political gap of Muslim representatives in mind, Muslim umbrella organisations play a significant role in representing Muslims' concerns. There are four main organisations in Germany: the '*Verband der Islamischen Kulturzentren*' (VIKZ), the '*Zentralrat der Muslime in Deutschland*' (ZMD), the '*Tuerkisch-Islamische Union der Anstalt und Religion*' (DITIB) and the '*Islamrat fuer die Bundesrepublik Deutschland*' (IRD).¹¹² Since the late 1970s, Muslim umbrella organisations have tried in vain to be publicly recognised.¹¹³ Compared to Christians and Jews whose religions are publicly recognised, Muslims do not enjoy the same privileges. According to German law, Muslims do not fulfil the necessary requirements to be publicly recognised.¹¹⁴ Mark Bodenstein, scholar of Islamic Studies, explains that there is a demand for a high degree of organisational structure and inner constitution, usually applied for the recognition as corporation by public law according to Article 140 of the '*Grundgesetz*' (German Constitution), in conjunction with article 137 '*Weimarer Reichsverfassung*' (Constitution of the Weimar Republic). Being established as a public corporation guarantees religious communities several rights which require clear structures such as transparent procedures for decision making and reliable bodies deciding authentically about doctrine. Bodenstein argues that Muslims in Germany are still quite far from meeting these requirements. Special rights for publically recognised religious communities involve financial support, pastoral care for forces personnel and institutions, public welfare, cemeteries and inclusion in media.¹¹⁵

Relations between the German political sphere and Muslim organisations are rather weak and cooperation is lacking.¹¹⁶ Muslim organisations are often primarily seen through the security lens. The *Verfassungsschutz*, Germany's Internal Intelligence Service, is actually charged with differentiating between moderate and dangerous Muslim organisations.¹¹⁷ In

¹¹² Amiraux, V. 'Turkish Islam in Germany', in Shadid, W. & van Koningsveld, P. (eds.) *Political Participation and Identities of Muslims in Non-Muslim States*. The Netherlands: Kok Pharos Publishing House.1996.;

Engelbrecht, M. 'Through the Maze of Identities: Muslims in Germany Trying to Find Their Way Between Religion, Traditionalism, Nationalism and the Question of Organisation', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge.2010.

¹¹³ Thielmann, J. 'The Turkish Bias and Some Blind Spots: Research on Muslims in Germany', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

¹¹⁴ Bodenstein, M. 'Organisational Developments towards Legal and Political Recognition of Muslims in Germany', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

¹¹⁵ Rhode, U. 'Vorlesung-Religion und Religionsgemeinschaften im staatlichen Recht', Kirchenrecht Online, 2014. (Online) 22/11/2015 from <http://www.kirchenrecht-online.de/lehrv/religionsrecht/skriptum.pdf>

¹¹⁶ Muehe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program. 2007.

¹¹⁷ Schiffauer, W. 'Enemies Within the Gates', in Moddod, T.; Triandafyllidou, A. & Zapata-Barrero (eds.) *Multiculturalism, Muslims and Citizenship: a European Approach*. London: Routledge. 2006.

several cases, its categorisation of Muslim organisations as dangerous was said to be based on hasty decisions that lack clear evidence.¹¹⁸ It is also said to have harmed relations between the German government and Muslim organisations. Werner Schiffauer, who challenges the view that *Milli Goerues* has an Islamist orientation, argues that Muslim organisations often create suspicion within political circles.¹¹⁹

Regarding state-led organisations targeting Muslims, in 2006 the German state launched the *Deutsche Islamkonferenz* (German Islam Conference) with the aim to speak to a unified group of Muslim representatives about Islam-related matters.¹²⁰ One might expect that the German Islam Conference offers Muslims the possibility to share their concerns and to accommodate their wishes. However, critics and Muslim members question the conference's goals and intentions. It is perceived as a top-down initiative, which seems to be primarily concerned with security issues.¹²¹ Critics argue that this platform does not enable a genuine dialogue with Muslims where their concerns are taken seriously.¹²² In addition, several representatives of Muslim umbrella organisations are critical of the government's selection of Muslim participants.¹²³ According to them, they do not select Muslim-led organisations.

¹¹⁸ Schiffauer, W. (2010). *Nach dem Islamismus: Die Islamische Gemeinschaft Milli Goerues. Eine Ethnographie*. Germany: Suhrkamp Verlag.;

Lemmen, T. (2000). *Islamische Organisationen in Deutschland*. Bonn: FES Library.;

Ozkan, M. (2011). 'Transnational Islam, Immigrant NGOs and Poverty Alleviation: The Case of the IGMG', *Journal of International Development*, vol.23, no.3.

¹¹⁹ Schiffauer, W. (2006a). 'Enemies Within the Gates', in Moddod, T.; Triandafyllidou, A. & Zapata-Barrero (eds.) *Multiculturalism, Muslims and citizenship: a European approach*. London: Routledge.;

Schiffauer, W. (2010). *Nach dem Islamismus: Die Islamische Gemeinschaft Milli Goerues. Eine Ethnographie*. Germany: Suhrkamp Verlag.

¹²⁰ Kerber, M. 'Furthering Muslim Self-Organisation: The Task of the German Islam Conference', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

¹²¹ Silvestri, S. 'Public Policies Towards Muslims and the Institutionalization of 'Moderate Islam' in Europe', in Triandafyllidou, A. (ed.) *Muslims in 21st Century Europe: Structural and Cultural Perspectives*. UK: Routledge. 2010.

¹²² Amir-Moazami, S. 'Pitfalls of consensus-oriented dialogue: The German Islam Conference (Deutsche Islamkonferenz)', *Approaching Religion*, 2011, vol. 1, no.1, pp. 22-15.

¹²³ Lau, M. 'Die Vielen Stimmen des Islam in Deutschland'. *Welt Online*. 2006. (Online) 16/02/2015 from http://www.welt.de/print-welt/article155672/Die_vielen_Stimmen_des_Islam_in_Deutschland.html.;

Riedel, S. 'Muslim Self- Organization between Etatism and Civil Society: Countries and Concepts', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

Section 3: Muslim women in Germany and discrimination in employment

3.1 Discrimination in employment

According to several studies, Muslim women are often discriminated against in the labour market and during their working life--independent of their qualification and education levels.¹²⁴ Scholars like Albert Scherr and Mario Peucker are among the few researchers who have studied discrimination against Muslim women in this particular field. Discrimination against Muslim women happens in the public sector as well as in the private sector. Researchers observe that veiled women in particular face an extra burden. It is argued that in many cases the headscarf ban for teachers has influenced other employers in their attitudes towards veiled women.¹²⁵ Nathalie Schlenzka from the Federal Anti-Discrimination Agency (ADB) expresses her view on this process of transmission as follows:

“Due to the fact that there is a prohibition on public schools hiring veiled women, the private sector says consequently: ‘Ok if this is the case in the

¹²⁴ Peters, F. ‘Bundesarbeitsgericht bestätigt Kopftuch-Verbot’, *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>;

Interkultureller Rat in Deutschland. ‘Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft’. Darmstadt, 2010;

Schaedler, K. ‘Diskriminierung muslimischer Frauen- Ohne Kopftuch gibt’s Karriere’, *TAZ*, 2010. (Online) 12/12/2014 form <http://www.taz.de/!59226/>;

Deutsch Tuerkische Nachrichten. ‘Trotz Qualifikation und Bildung: Arbeitgeber stellen Frauen mit Kopftuch nicht ein’, 2013. (Online) 20/11/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/484847/trotz-qualifikat%E2%80%8Bion-und-bildung-arbeitgebe%E2%80%8Br-stellen-frauen-mit-kopftuch-nicht-ein/>;

Bös, N. ‘Karriere mit Kopftuch – Zwischen Schreibtisch und Gebet’, *Frankfurter Allgemeine Zeitung*, 2010. (Online) 23/11/2014 form <http://www.faz.net/aktuell/beruf-chance/arbeitswelt/karriere-mit-kopftuch-zwischen-schreibtisch-und-gebet-1590137.html>;

Berliner Senatsverwaltung für Integration, Arbeit und Soziales. ‘Mit Kopftuch außen vor?’. Schriftenreihe der Landesstelle für Gleichbehandlung – gegen Diskriminierung, 2010;

Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010;

Open Society Institute. ‘Muslime in Berlin’. New York, London & Budapest: OSI, 2010;

Antidiskriminierungsstelle des Bundes. ‘Gemeinsamer Bericht der Federal Anti-Discrimination Agency und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages’, 3.3.3. Muslimische Migrantinnen/Migranten, 2010;

Frings, D. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Rechtswissenschaftliche Expertise*. Federal Anti-Discrimination Agency, 2010.

Scherr, A. *Nichtmuslime bevorzugt-Warum Frauen mit Kopftuch oft keine Lehrstelle bekommen*, Federal Anti-Discrimination Agency. 2013. (Online) 05/01/2015 from http://www.antidiskriminierungsstelle.de/SharedDocs/Kurzmeldungen/DE/2013/nl_03_2013/nl_03_gastkommentar.html?nn=4193562;

Scherr, A. & Gründer, R. *Toleriert und Benachteiligt: Jugendliche mit Migrationshintergrund auf dem Ausbildungsmarkt im Landkreis Breisgau-Hochschwarzwald*. Pädagogische Hochschule Freiburg, 2011. (Online) 02/01/2015 from http://www.wi-jhw.de/tl_files/Bilder/WI-Bilder/PDFs/Forschungsprojekte/Scherr_Gruender_2011_Toleriert_und_-benachteiligt_final.pdf

¹²⁵ Schaedler, K. ‘Diskriminierung muslimischer Frauen- Ohne Kopftuch gibt’s Karriere’, *TAZ*, 2010. (Online) 15/11/2014 form <http://www.taz.de/!59226/>

Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

public sector, we see it in a similar way', even though there is no legal requirement".¹²⁶

Also Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination *Türkischer Bund Berlin-Brandenburg* (ADNB) observes a process of transmission:

"I think that the neutrality law plays an important role in people's consciousness. They ask themselves: 'When the government itself doesn't want visibly religious people to work for it, why do I have to put up with it?'"¹²⁷

A clear disadvantage can be observed when it comes to veiled women and their chances in the labour market.¹²⁸ The ADS argues in a report that veiled women "experience a particularly strong exclusion when accessing employment".¹²⁹ It states further:

"It seems that cultural stereotypes and prejudices are strongest, regardless of the applicants' qualifications as well as of reservations regarding supposedly negative impacts on customers."¹³⁰

Also the '*Berliner Senatsverwaltung für Integration, Arbeit und Soziales*' (Senate Administration for Integration, Employment and Social Affairs in Berlin) echoes this observation and states the following:

"Explicitly and without doubt there are massive disadvantages for veiled women when it comes to looking for jobs. There were numerous cases where job and internship offers were called off once it was known that the applicant wears a scarf. Furthermore, it was also reported that individual companies did not even accept applications because of this reason. In addition to clear refusals with an indication of the headscarf, there are also those non-quantifiable refusals for which the reason for rejection was not identifiable. Here the headscarf could have played a role in some cases, even if not evidently. Also job centres explicitly confirm that it is more difficult to put Muslim women wearing a headscarf in contact with potential employers."¹³¹

¹²⁶ Schlenzka in Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

¹²⁷ Andrades in Soliman, A. *Interview with Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹²⁸ Toprak, A. *Integrationsunwillige Muslime? Ein Milieubericht*. Freiburg i. Breisgau: Lambertus, 2010.

¹²⁹ ADS cited in *Deutsch Tuerkische Nachrichten*. 'Trotz Qualifikation und Bildung: Arbeitgeber stellen Frauen mit Kopftuch nicht ein', 2013. (Online) 09/11/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/484847/trotz-qualifikat%E2%80%8Bion-und-bildung-arbeitgebe%E2%80%8Br-stellen-frauen-mit-kopftuch-nicht-ein/>

¹³⁰ Ibid.

¹³¹ *Berliner Senatsverwaltung für Integration, Arbeit und Soziales*. 'Mit Kopftuch außen vor?' Schriftenreihe der Landesstelle für Gleichbehandlung – gegen Diskriminierung, 2010, p.10/11.

It should be stated that in Germany employers often ask applicants to include a picture in their CV, even if it is not compulsory. This is especially the case for small and medium-sized businesses.¹³²

Generally, it is argued that women are more discriminated against than men in the labour market, and women with a migrant background are more discriminated against than women without a migrant background.¹³³ Nesrin Odabasi from the Federal Foreigners' Advisory Council calls the discrimination which veiled Muslim women have to encounter in the job market a "threefold discrimination". She elaborates as follows:

"Women already have a more difficult situation in working life than men. Additionally, these women often have a migrant background and they have to fight particular prejudices. If they wear a headscarf on top of that, it is usually already over".¹³⁴

Eva Maria Andrades from the ADNB argues that it is often the visibility of Muslim affiliation that leads to discrimination.¹³⁵ She explains that there are cases where non-veiled Muslim women were welcomed to work while visible Muslim women were not. This indicates that it is not always a problem with Islam *per se*, but with visible Islam in particular. Professor Iman Attia also argues that while there are some general experiences of racism that are shared by Muslims, there are also gender-specific experiences.¹³⁶ For example, the experiences of women wearing a headscarf are specific and different from other experiences. According to her, "the biggest challenge is the permanent confrontation with this cliché image", which associates Muslim women with negative characteristics, such as lack of emancipation and stupidity.¹³⁷

The following section aims to give a deeper insight into a number of studies dealing with Muslim women and discrimination in the labour market. It will elaborate on Muslim women's experiences of applying, invitations to job interviews, employment, traineeships, and employers' attitudes towards Muslim women, as well as teaching degree or law students. Six main shortcomings will be discussed with regard to existing studies.¹³⁸ First, there is no national system that gathers complaints of discrimination and assesses them.¹³⁹ Local anti-discrimination helpdesks are not asked to forward their individual cases of discrimination to a national body. Second, they mostly focus on ethnicity, mainly of Turkish origin, rather than on religion. Third, a problem in relation to data collection is that often

¹³² Berlin.de. Online 03/11/2015 from <https://www.berlin.de/special/jobs-und-ausbildung/bewerbung-und-arbeit/bewerbung/2471314-999400-bewerbungsfoto-pflicht-oder-ueberfluessi.html>

¹³³ *Interkultureller Rat in Deutschland*. 'Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft'. *Interkultureller Rat in Deutschland*: Darmstadt, 2010.

¹³⁴ Odabasi cited in Bös, N. 'Karriere mit Kopftuch – Zwischen Schreibtisch und Gebet', *Frankfurter Allgemeine Zeitung*, 2010. Online 05/12/2014 form <http://www.faz.net/aktuell/beruf-chance/arbeitswelt/karriere-mit-kopftuch-zwischen-schreibtisch-und-gebet-1590137.html>

¹³⁵ Soliman, A. *Interview with Eva Maria Andrades from the Counselling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹³⁶ Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

¹³⁷ Attia in Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

¹³⁸ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen*. Europäisches Forum für Migrationsstudien: Bamberg, 2010.

¹³⁹ Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

discrimination can be on the ground of ethnicity, as well as religion, even if the victim of discrimination is not aware of it. Religion and ethnicity are often intertwined. Nathalie Schlenzka from the ADS argues that a major challenge when it comes to data collection about discrimination is that the formulated categories do not necessarily exclude one another. When individuals tick the category of ethnicity, for example, one does not know whether religion is included in that or not.¹⁴⁰ Fourth, researchers do not often consider women as an isolated category in itself. In other words, when they conduct studies they often treat religious and cultural minorities as a homogenous group without focusing specifically on women as a relevant sub-category. These shortcomings are particularly true when it comes to hard data and statistical figures. One rarely finds statistics focusing on Muslim women specifically. In addition to these weaknesses, a main challenge is that many individuals facing discrimination do not report their experiences of discrimination.¹⁴¹ A study conducted by the European Union Agency for Fundamental Rights discovered that 79% of Muslim respondents did not report experiences of discrimination.¹⁴² 59% of these respondents argued that reporting incidents of discrimination would not change anything. They rarely decided to file a complaint against the employer. The majority of Muslims expressed a critical lack of trust in state anti-discrimination measures and in anti-discrimination work of civil society organisations.¹⁴³ 28% of those who have faced discrimination expressed their concerns of negative consequences when reporting incidents of discrimination. Researcher Riem Spielhaus, who has taken a closer look at this study, argued that “[Basically], Muslim respondents voiced the sentiment that there was an overwhelming consensus in society to exclude them and that they were, to a greater extent, left alone with this problem”.¹⁴⁴ The majority of Muslim respondents were unaware that discrimination against them might be illegal. According to Spielhaus, high levels of discrimination exist in combination with low levels of rights awareness as well as awareness of and trust in anti-discrimination aid centres. Aliyeh Yegane from the *Netzwerk gegen Diskriminierung und Islamfeindlichkeit*, which is an important contact point for victims of discrimination and Islamophobia, argued that “there is a huge gap between experiences of discrimination among Muslims and documentation about these experiences”.¹⁴⁵ Among various reasons, she stressed that there are psychological obstacles to publicly talking about discrimination and being perceived as victims. She also stated:

“The shame hurdle is very high, only speaking about it...Many (Muslim women) do not want to raise awareness about it and they don’t want to come out as victims.”¹⁴⁶

¹⁴⁰ Ibid.

¹⁴¹ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen*. Europäisches Forum für Migrationsstudien: Bamberg, 2010.

¹⁴² Söylemez, R. ‘Interview mit Henri Nickels-Islamfeindlichkeit: Viele Muslime melden Diskriminierung nicht’, *Islamiq*, 2014. (Online) 19/11/2014 from <http://www.islamiq.de/2014/11/02/islamfeindlichkeit-viele-muslime-melden-diskriminierung-nicht/>

¹⁴³ Spielhaus, R. ‘Counter-measures to religious Discrimination: A Local Initiative in Berlin’, in Frédérique Ast (Hrsg.). *Droit, société et risque*. Paris: L’Harmattan, 2012.

¹⁴⁴ Spielhaus in Spielhaus, R. ‘Counter-measures to religious Discrimination: A Local Initiative in Berlin’, in Frédérique Ast (Hrsg.). *Droit, société et risque*. Paris: L’Harmattan, 2012, p.246-247.

¹⁴⁵ Yegane in Soliman, A. *Interview with Aliyeh Yegane from Inssan’s Network against Discrimination and Islamophobia*. Berlin, 2015.

¹⁴⁶ Yegane in Soliman, A. *Interview with Aliyeh Yegane Inssan’s Network against Discrimination and Islamophobia..* Berlin, 2015.

Finally, a further-reaching problem is that many Muslims do not necessarily know about their rights in relation to discrimination and do not know whom to contact, either. Nathalie Schlenzka from the ADS elaborated on this issue as follows:

“It is still a problem that many individuals generally, but also many Muslims don’t know about the problem of discrimination and about their rights, so to speak. When I don’t know my rights, or maybe I know them but I don’t know that I can complain because of that and that there are places to go to that will also support me, then I don’t complain... Of course this is a problem, when one has fewer cases, one takes the group less into account and also demands less”.¹⁴⁷

Generally, different studies find that with regard to the application process for regular vacancies, women with Turkish-sounding names who have equal qualifications and education are disadvantaged in comparison to women with German names.¹⁴⁸ Even though these are based on ethnicity rather than on religion, they can still serve as proxy illustrations. Studies about discrimination experiences of Muslim men and women show that Muslim names carry with them higher risks of refusal in application processes.¹⁴⁹ Looking more specifically at Muslim women, studies demonstrate that veiled applicants are often not even invited to job interviews, independent of their qualifications. It has been noted that women wearing a headscarf, who do not display a picture of themselves in their application documents and who fulfil the vacancy’s qualification requirements, are initially invited to interviews. However, they are then often asked to take off the veil at work. In case they say no, they do not hear back from the company.¹⁵⁰ A recent study carried out by Linz University sent out more than 1500 applications to various companies in Germany, using the same CV with different pictures and names.¹⁵¹ With regard to German-sounding applicants, 18% of the companies responded with an invitation to an interview, while only 13% responded to a Turkish-sounding name. For applications with a veiled Muslim woman on the CV, only 3 % of the companies responded with an invitation to an interview. In addition, repeated cases of dismissal were reported with regard to Muslim women who decided to wear the headscarf after being employed,. Long-time employees, such as in help desks, special care homes,

¹⁴⁷ Schlenzka in Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

¹⁴⁸ *Interkultureller Rat in Deutschland*. ‘Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft’. Darmstadt, 2010;

Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

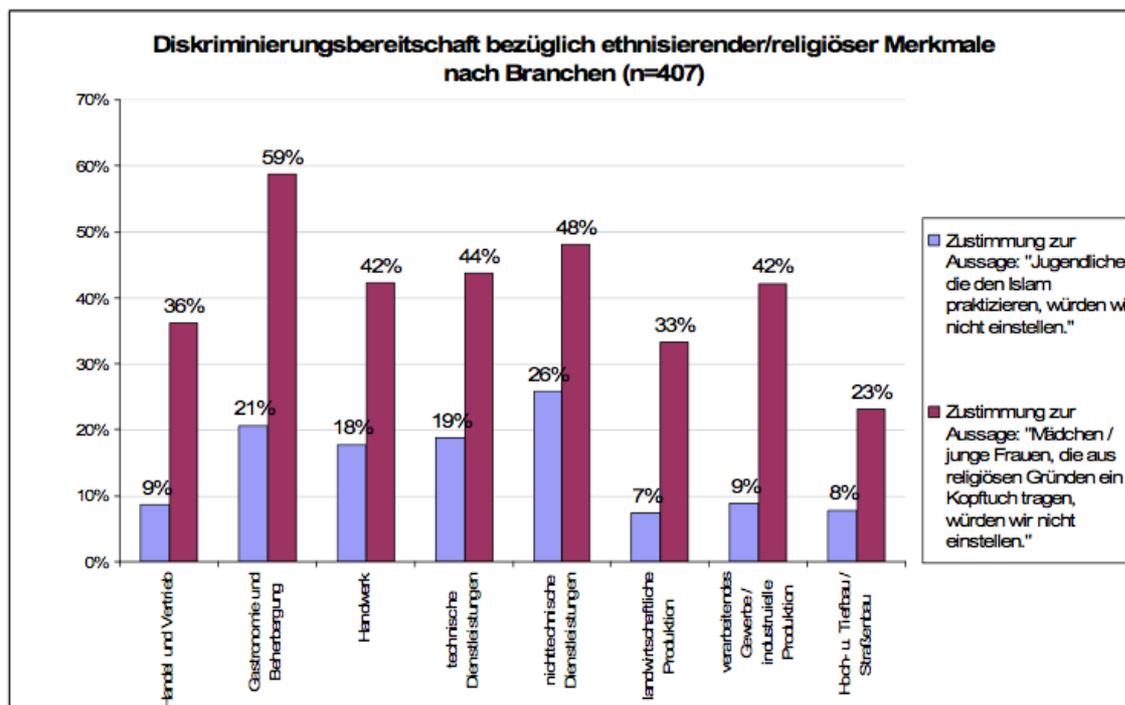
¹⁴⁹ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010;
Antidiskriminierungsstelle des Bundes. ‘Gemeinsamer Bericht der Federal Anti-Discrimination Agency und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages’, 3.3.3. Muslimische Migrantinnen/Migranten, 2010.

¹⁵⁰ *Interkultureller Rat in Deutschland*. ‘Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft’. Darmstadt, 2010.

¹⁵¹ *Islamiq*. ‘Studie belegt Diskriminierung von Frauen mit Kopftuch’, 2013. Online 16/11/2014 from <http://www.islamiq.de/2013/09/12/studie-belegt-diskriminierung-von-frauen-mit-kopftuch/>

hospitals and kindergarten were fired after deciding to wear a headscarf.¹⁵² Arguments used by employers were that clients, patients or customers could feel uncomfortable, which can be legally justified and which will be discussed in part 3.2 of this section.

One observes discriminatory tendencies in employers' attitudes towards the headscarf. Many companies, especially in the field of service provision, seem to have a very hostile and skeptical attitude towards veiled Muslims, which is also manifested in recruiting processes.¹⁵³ A study conducted by the university Witten-Herdecke finds that more than half of the interviewed employers explicitly refuse to employ veiled women.¹⁵⁴ Another study conducted by the *Pädagogische Hochschule Freiburg* comes to similar conclusions. It states that every third employer refuses to hire veiled women.¹⁵⁵ The following graphic shows employers' discriminatory tendencies towards practicing Muslims in general and veiled women in particular across various sectors. The purple charts depict employers' approval of the following statement: "We would not hire youths who practice Islam". The wine-red charts stand for employers' approval of the statement: "We would not hire girls/young women who wear the headscarf for religious reasons".



¹⁵² Interkultureller Rat in Deutschland. 'Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft'. Darmstadt, 2010.

¹⁵³ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

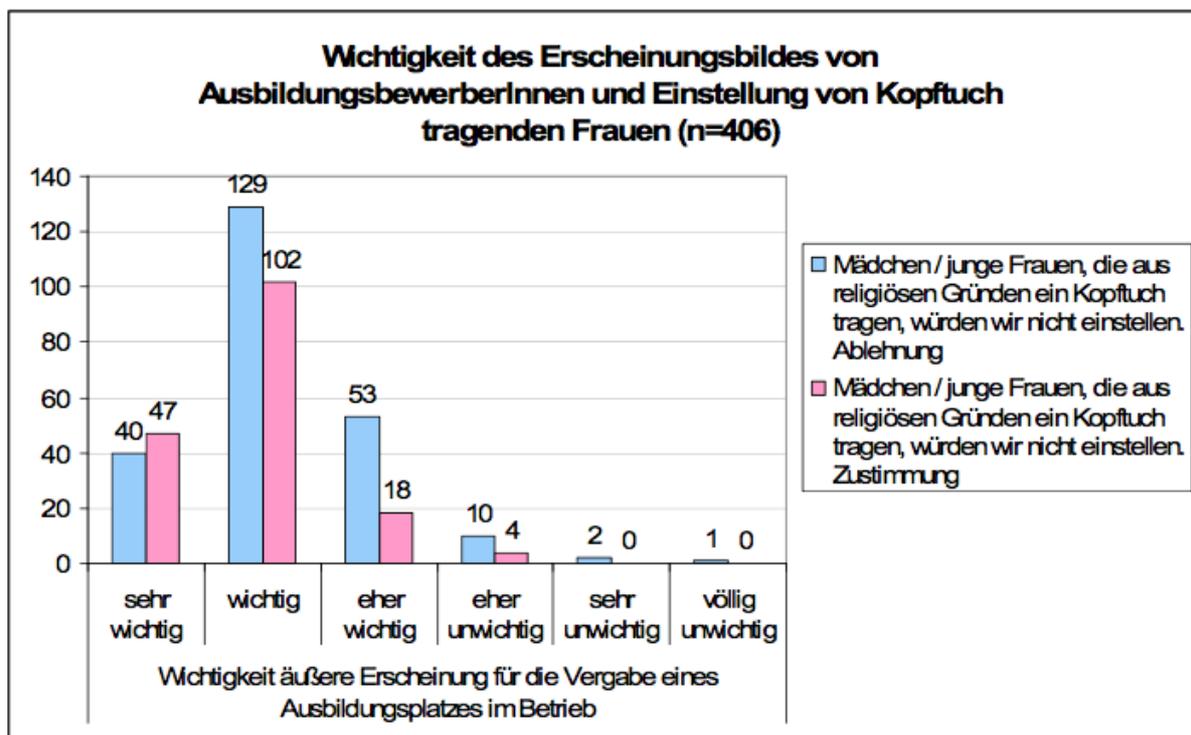
¹⁵⁴ Peters, F. 'Bundesarbeitsgericht bestätigt Kopftuch-Verbot', *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>

¹⁵⁵ Migazin. 'Jeder dritte Arbeitgeber lehnt Frauen mit Kopftuch ab', 2013. (Online) 02/12/2014 from <http://www.migazin.de/2013/08/15/diskriminierung-arbeitgeber-frauen-kopftuch/>;

Scherr, A. *Nichtmuslime bevorzugt-Warum Frauen mit Kopftuch oft keine Lehrstelle bekommen*, Federal Anti-Discrimination Agency. 2013. (Online) 05/01/2015 from http://www.antidiskriminierungsstelle.de/SharedDocs/Kurzmeldungen/DE/2013/nl_03_2013/nl_03_gastkommentar.html?nn=4193562

Source: [http://www.wi-jhw.de/tl_files/Bilder/WI-Bilder/PDFs/Forschungsprojekte/Scherr Gruender 2011 Toleriert und - benachteiligt_final.pdf](http://www.wi-jhw.de/tl_files/Bilder/WI-Bilder/PDFs/Forschungsprojekte/Scherr_Gruender_2011_Toleriert_und_-_benachteiligt_final.pdf)

It can be noted that there are anti-Muslim tendencies across all sectors, with the highest percentage in gastronomy and lodging, but also that discriminatory tendencies are much stronger towards veiled Muslims than non-veiled Muslims. A further illustration shows the relevance that employers attach to applicants' visual appearance with regard to veiled women specifically. While the blue chart represents negative answers to the following statement: "We would not hire girls/young women who wear a headscarf for religious reasons", the pink one represents approvals of this statement. The replies are divided into several degrees of relevance, starting with very relevant on the very left to totally irrelevant on the very right. With regard to the two highest levels of importance one can find high numbers of approval among employers. Out of 406 respondents, 47 attach very strong relevance to applicants' visual appearance saying that they would not hire veiled girls/women, while 102 attach strong relevance to it.



Source: [http://www.wi-jhw.de/tl_files/Bilder/WI-Bilder/PDFs/Forschungsprojekte/Scherr Gruender 2011 Toleriert und - benachteiligt_final.pdf](http://www.wi-jhw.de/tl_files/Bilder/WI-Bilder/PDFs/Forschungsprojekte/Scherr_Gruender_2011_Toleriert_und_-_benachteiligt_final.pdf)

Albert Scherr argues that unlike other forms of discrimination, discrimination against Muslims is often not perceived as a 'real' form of discrimination by employers.¹⁵⁶ They are often not aware of their discriminatory recruitment behaviour towards Muslims in general and veiled women in particular. This is also why accused employers would often explicitly say that their rejection is based on the headscarf, ironically providing Muslim women with

¹⁵⁶ Ibid.

evidence of discrimination. Even among lawyers in some instances, discrimination against veiled women in employment is still perceived as legitimate.¹⁵⁷ Pauker reports that the most commonly used stereotypes expressed by heads of Human Resources across various sectors against Muslim women are that veiled women are backwards and only conditionally willing to integrate. For them the headscarf represents a “disconcerting symbol of cultural difference”, an Islamist attitude and political oppression.¹⁵⁸ Moreover, they argue that they can frighten potential customers. In addition, Muslim women are seen to have a supposedly strong family orientation and to be oppressed by Muslim men.¹⁵⁹ They are also associated with an intolerant Islam that is incompatible with Western culture. Employers also argue that they tend not to recruit veiled women to prevent anticipated conflicts and potential economic damages, which are legally justifiable reasons. The next section will discuss this issue in more detail.

For veiled teaching degree students or law degree students, prospects for work in many federal states are hopeless. Since 2003, eight federal states have introduced a neutrality law in the public sector that prohibits the wearing of headscarfs, mainly in schools and courts. In some federal states, the headscarf ban also applies to kindergarten teachers and parts of the civil service sector in the judiciary department, penal system and police force.¹⁶⁰ When it comes to traineeships, it can also be said that Muslim women face more discrimination in comparison to non-Muslims. Studies show that Muslim students are often unsuccessful in obtaining traineeships despite their good qualifications.¹⁶¹ While non-Muslims looking for traineeships in areas such as kindergarten, hospitals, special care homes or helpdesks are often invited to job interviews, Muslims applying for the same positions are refused or ignored. A young Muslim who was rejected for several traineeships while her friend with fewer qualifications was accepted for one of the positions she applied for elaborated on her experiences as follows:

“I have often applied for a traineeship before my A-levels. I always received strange excuses. A friend, however, who does not wear the headscarf and whose grades were worse than mine was accepted for a position for which I also applied and was rejected”.¹⁶²

¹⁵⁷ Soliman, A. *Interview with Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹⁵⁸ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010, p. 46.

¹⁵⁹ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

¹⁶⁰ *Interkultureller Rat in Deutschland*. (2010). *Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft*. Darmstadt, 2010.

¹⁶¹ *Ibid.*

¹⁶² Muslim girl cited in Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010, p.50.

Researchers and activists working with Muslim women argue that many of them have developed different 'strategies' to deal with discrimination in the labour market, which has become an everyday normality for many of them.¹⁶³ They avoid, for example, sending out applications to companies, where they are unsure about the employers' attitudes towards the headscarf, where there is no diversity among the people employed, or where they have heard that previous applications of Muslims were rejected. Many Muslim women tend to apply only within their own known circles and ethnic networks. Some others start their own small businesses. Riem Spielhaus criticises the fact that often victims of discrimination just live with it by developing strategies to cope with it, rather than acting against it.¹⁶⁴

3.2 Legislation, policy and case law

In respect of legislation, policy and case law in relation to Muslim women in Germany one observes a conflict between different rights. This is mostly visible when looking at the right to religious freedom, equal treatment, gender equality and minority rights on the one hand, and the neutrality law of as well as freedom of enterprise on the other hand. Principles of religious freedom and equal treatment rank high in the German Constitution. These main rights are underlined in Articles 3 and 4 of the German Constitution.¹⁶⁵ It is explicitly stated in these articles that freedom of conscience is inviolable and that discrimination against religious belief is prohibited. In addition, Article 33 calls for a prohibition of discrimination based on religious affinity and belief with regard to access to public offices. This constitutional prohibition has been explicitly integrated into civil and labour law-related regulations of the General Equal Treatment Act.¹⁶⁶ The General Equal Treatment Act (AGG) was introduced in August 2006 to complement Article 3 of the Constitution, as equal treatment was not directly applicable to the relationship between citizens, referring primarily to the relation between the state and its people only.¹⁶⁷ The AGG is the core piece of legislation with regard to Germany's anti-discrimination framework. It prohibits discrimination based on ethnic origin, gender, disability, religion, worldview, age and sexual identity.¹⁶⁸ However, there is no specific category for discrimination against Muslims specifically.¹⁶⁹ Moreover, discrimination in the field of employment is not subject to any

¹⁶³ Soliman, A. *Interview with Aliyeh Yegane from Inssan's Network against Discrimination and Islamophobia*. Berlin, 2015.

Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

¹⁶⁴ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

¹⁶⁵ Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

¹⁶⁶ Scherr, A. *Nichtmuslime bevorzugt-Warum Frauen mit Kopftuch oft keine Lehrstelle bekommen*, Federal Anti-Discrimination Agency. 2013. (Online) 05/01/2015 from http://www.antidiskriminierungsstelle.de/SharedDocs/Kurzmeldungen/DE/2013/nl_03_2013/nl_03_gastkommentar.html?nn=4193562;

Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

¹⁶⁷ Van Bon, S; Dinsbach, W.; Lechner, C. & Peucker, M. *Registration of Complaints about Discrimination in the Netherlands and in Germany*. European Union Programme for Employment and Social Solidarity, 2011.

¹⁶⁸ AGG (Allgemeines Grundgesetz)

http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/AGG/agg_gleichbehandlungsgesetz.pdf?__blob=publicationFile

¹⁶⁹ Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

Criminal Code provision.¹⁷⁰ In addition to these laws, Germany is a party to the Council of Europe's Convention on the Protection of minorities, which obliges Germany to also secure religious rights of minorities, even if it is not binding.¹⁷¹

With regard to gender equality, the AGG as well as several internationally-binding laws such as the International Covenant on Civil and Political Rights (ICCPR), the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) or the EU law prohibiting gender-based discrimination, oblige Germany to allow for equal access to jobs for women and men.¹⁷² It should, however, be said that legislation with regard to gender equality is rarely considered when it comes to discrimination against Muslim women. The ICCPR incorporates measures that aim at securing women's access to positions in public service and in judiciary. According to the CEDAW, Germany has to take all measures to prohibit discrimination of women in employment and it has to make sure that women have equal chances in the job market.

While all previously mentioned laws speak for the right of Muslims to practice their religion freely, to have equal access to every public office, and not to be discriminated against based on their belief and gender, the following other two can restrict these very values. Germany's law of state neutrality is based on Article 140, which incorporates various articles of the 1919 Constitution of the German Empire.¹⁷³ The most relevant among these articles is Article 137, which is used as the main basis for state neutrality, stating that "there is no state church". It should be said that the constitution itself does not use the term "state neutrality", even if this article is seen as Germany's state neutrality law and interpreted as such by the courts.¹⁷⁴ According to the courts, state neutrality obliges the state to forbid any form of positioning with regard to religious denomination or world-view related convictions. It should neither intervene nor take sides. Even if the constitutional law of neutrality does not restrict Muslim women's religious visibility as such, different *Bundesländer* of Germany draw on this law while adding specific provisions on the banning of religious symbols, which will be discussed below in more detail. These federal state-specific laws allow employers to ban the employment of veiled Muslim women. As for the right to freedom of enterprise, it allows public and private companies and institutions to refuse applicants as long as they can justify the headscarf's incompatibility with in-house requirements and its association with economical loss or working disturbances.¹⁷⁵ One can see that these laws can infringe upon Muslim women's right to practice their religion publicly. All different values are part of the German Constitution, federal state-specific laws or international treaties. However, it is

¹⁷⁰ Ibid.

¹⁷¹ Human Rights Watch. 'Diskriminierung im Namen der Neutralität: Kopftuchverbote für Lehrkräfte und Beamte in Deutschland'. Human Rights Watch. 2009. (Online) 23/03/2015 from http://www.hrw.org/sites/default/files/reports/germany0209deweb_0.pdf

¹⁷² Ibid.

Hensche, M. 'Diskriminierungsverbote-Geschlecht', *Hensche.de*. (Online) 01/05/2015 from http://www.hensche.de/Rechtsanwalt_Arbeitsrecht_Handbuch_Diskriminierung_Verbote_Geschlecht.html

¹⁷³ Kommers, D. and Miller, R. 'Religion, Conscience, and Family Rights', *The Constitutional Jurisprudence of the Federal Republic of Germany*. Durham and London: Duke University Press, 2012, pp. 538-620.

¹⁷⁴ Von Campenhaus, A. F. 'Staat und Religion', *Humboldt Forum Recht*, 2008 (Online) 22/11/2015 from <http://www.humboldt-forum-recht.de/druckansicht/druckansicht.php?artikelid=188>

¹⁷⁵ Baur, M. 'Kopftuchverbot: Stress mot der Kleiderordnung', *Rechtsboard Handelsblatt*, 2014 (Online 25/11/2015) from <http://blog.handelsblatt.com/rechtsboard/2014/09/30/kopftuchverbot-stress-mit-der-kleiderordnung/>

obvious that they can contradict each other. It is then the judge's responsibility to weigh out the different laws and rights, as well as to look at additional laws that are specific to the respective federal state and to finally come to a decision. One can see that this is a very complex task, which might include subjectivity and bias. Especially when it comes to state neutrality, several legal scholars criticise the law saying that it is used in contradictory ways.¹⁷⁶ Michael Wrase, for example, argued "on one hand the state pretends to be neutral. On the other hand, it 'de facto' privileges the Christian religion".¹⁷⁷

It is important to mention that the AGG only guarantees the right to compensation and omission, not of being employed or re-employed.¹⁷⁸ In other words, if a victim of discrimination decides to go to court and wins the case, he/she will only be given compensation, not the right to work at the company/institution that he/she filed a case against. Professor Iman Attia, who comments on the AGG, argues that it "is not an effective protection".¹⁷⁹ The right to compensation is warranted on the basis of violation of one's personhood. Furthermore, the AGG's legal requirement is that one has to make a claim at least two months after the discrimination. If one does not do it within this time period one cannot go to court. Eva Maria Andrades from the ADNB criticises this requirement as rather restrictive.¹⁸⁰ As a victim one does not necessarily know about the law, or consequently, about the law's particular requirements. A further challenge when it comes to court cases is the difficulty to find evidence of discrimination.¹⁸¹ A major limitation is that employers do not have to publicly mention the reasons for rejecting applicants, which exacerbates the case for Muslims who feel that the rejection is based on their religion. Eva Maria Andrades from the ADNB elaborated on this as follows:

"Finding evidence is a major problem in these cases. Especially considering that in many, many cases simply nothing is being said...One just says: 'Many thanks and good-bye'. This is a huge problem that one can't really overcome because one doesn't have the right to obtain information about reasons of refusals".¹⁸²

It should be stressed that whoever wants to know about the reasons for being refused has no right to the information.¹⁸³ A major obstacle that victims of discrimination encounter is that people generally do not tend to admit that they discriminate against someone and they cover up the reasons for not employing a person. An additional problem is that Muslim women are sometimes privately told that the rejection is based on their religious visibility.

¹⁷⁶ Göroglu, R. 'Wie neutral muss der deutsche Staat sein', *Mediendienst Integration*. 2015 (Online) 25/11/2015 from <http://mediendienst-integration.de/artikel/laizismus-versus-saekularismus-wie-neutral-ist-deutscher-staat-kopftuch-schule-lehrerin.html>

¹⁷⁷ Ibid.

¹⁷⁸ Soliman, A. *Interview with Eva Maria Andrades from the Counselling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹⁷⁹ Attia in Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Andrades in Soliman, A. *Interview with Eva Maria Andrades from the Counselling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹⁸³ *Spiegel*. 'Firmen müssen Ablehnung von Bewerbern nicht begründen', 2012. (Online) 28/11/2015 from <http://www.spiegel.de/karriere/berufsleben/urteil-arbeitgeber-muessen-gescheiterten-bewerbern-keine-auskunft-geben-a-828531.html>

However, once they go to court the accused person denies this explanation, which decreases the likelihood of the case's success. In these instances, where there is a lack of evidence and where the statements of the accuser and accused contradict each other, it is one person's word against the other's, as the lawyer Eva Maria Andrades explained.¹⁸⁴ It is then the judge's responsibility to decide who is right and who is wrong by examining the statements' credibility and coherence. For this reason Muslims who have only a little evidence or who do not have written/recorded proof of the employer's statements are not advised to file a complaint, which is of course unfortunate.

A further shortcoming with regard to how lawyers and judges deal with the AGG is that they often do not consider multi-dimensional forms of discrimination. Regarding Muslim women this is very relevant. Discrimination against Muslim women in the labour market not only involves a religious element, but also a gender-specific aspect. Aliyeh from the *Netzwerk gegen Diskriminierung und Islamfeindlichkeit* reflected on this matter as follows:

“A major dilemma when it comes to the AGG is that charges that are multi-dimensional are not considered. With regard to all the cases that concern Muslim women, the gender aspect doesn't come up at all”.¹⁸⁵

The most known legislation in Germany that targets Muslim women specifically is related to the headscarf debate, which was adopted by the public sector, private enterprise companies, and Christian-based institutions. The following section goes into more depth discussing all three fields. With regard to legal headscarf bans in public service, mainly education but occasionally also judiciary, kindergarten, penal system and police have been affected.¹⁸⁶ Since 2003, Germany has witnessed law changes in eight federal states. They developed in reaction to a court decision in 2003 where a veiled German Afghan teacher, who was not allowed to teach, won the case at the Federal Constitutional Court. It was argued that as long as there is no legal basis for banning veiled teachers to work, they cannot be forbidden on the basis of the veil. In other words, the right to religious freedom and equal treatment is stronger than the state neutrality law of the German Constitution as it does not specifically target the banning of veiled teachers. As a consequence eight federal states in Germany introduced the neutrality law in their legal system, which specifically targets Muslim women wearing a headscarf, putting it under the category of religious symbols. These states include Baden-Württemberg, Bayern, Berlin, Bremen, Hessen, Niedersachsen, Nordrhein-Westfalen and Saarland. Their argument was based on the

¹⁸⁴ Soliman, A. *Interview with Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

¹⁸⁵ Soliman, A. *Interview with Aliyeh Yegane Inssan's Network against Discrimination and Islamophobia..* Berlin, 2015.

¹⁸⁶ *Deutsche Islam Konferenz, "Kopftuchgesetze" der Länder*. (Online) 07/12/2014 from <http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/SchwerpunktKopftuch/Urteile/urteile-node.html>;

Peters, F. (2014). 'Bundesarbeitsgericht bestätigt Kopftuch-Verbot', *die Welt*, (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>;

Landeszentrale für politische Bildung Baden-Württemberg. 'Der Kopftuchstreit', 2014. (Online) 18/12/2014 from <http://www.lpb-bw.de/kopftuchstreit.html>

Antidiskriminierungsstelle des Bundes. 'Gemeinsamer Bericht der Federal Anti-Discrimination Agency und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutsches Bundestages', 3.3.3. Muslimische Migrantinnen/Migranten, 2010.

principle of neutrality. Three further federal states--Brandenburg, Rheinland- Pfalz and Schleswig-Holstein discussed the ban. However, they failed due to the parliament's refusal.

Baden-Wuerttemberg was the first federal state to introduce a law banning the headscarf. However, the law does not ban Christian or Jewish symbols from classrooms and it allows nuns to wear religious clothes, confirming that it specifically targets the Muslim veil. Although the headscarf as such is not mentioned in the law, the motivations behind the law, as well as its implications are directly related to headscarf-wearing women. Baden-Wuerttemberg's minister of education Annette Schavan, who belongs to the Christian Democratic Union of Germany (CDU) and who was keen to introduce the headscarf ban, argued that "the headscarf is less a religious symbol than a sign for political oppression in Islam".¹⁸⁷ The federal constitution of Baden-Württemberg formulated the educational mandate on the basis of Christian and occidental education and norms, as expressed in Articles 12, 15 and 16. In 2004, the Council of Ministers approved this law, despite the Greens' criticism. The ban is seen as a statement showing that the headscarf endangers the state's neutrality as well as the school's peace. It is also accused of disrespecting essential constitutional rights and carrying ambiguous political Islamic connotations.¹⁸⁸

However, the situation with regard to headscarf bans at schools has recently changed. In March 2015, the Federal Constitutional Court has decided that blanket headscarf bans cannot be justified unless it can be proven that the veil poses a concrete threat to a school's peace or to the state's neutrality.¹⁸⁹ This decision was made in reaction to two complaints from Muslim women who were not allowed to work in schools because of their headscarves. This decision should have an effect on the laws of all Federal States that have introduced a headscarf ban. Nordrhein-Westfalen and Berlin have already announced they would consider changes to their school laws and introduce the required legal measures. The Federal Constitutional Court argued that a blanket headscarf ban is not compatible with religious freedom. It also suspended the regulation of Nordrhein-Westfalen's school law that privileges Christian values and traditions and therefore discriminates against other groups. Even though Muslims and anti-discrimination stakeholders see this as a step forward towards religious freedom, they are aware that it does not stand for a general allowance of the headscarf. Nurhan Soykan from the Zentralrat der Muslime in Deutschland expressed her satisfaction about this decision while emphasising it "doesn't mean that there is a general permission of the veil".¹⁹⁰ It should also be said that this decision has sparked great controversy across Germany where various critics including politicians such as Berlin's senator Frank Henkel and SPD politician Heinz Buschkowsky did not welcome this change.¹⁹¹ Buschkowsky described this verdict as a catastrophe, arguing that the ban has helped to

¹⁸⁷ Schavan cited in *Landeszentrale für politische Bildung Baden-Württemberg*. 'Der Kopftuchstreit', 2014 (Online) 18/12/2014 from <http://www.lpb-bw.de/kopftuchstreit.html>

¹⁸⁸ Ibid.

¹⁸⁹ *Tagesschau*. 'Kopftuchverbot für Lehrerinnen gekippt', 2015 (Online) 22/04/2015 from <https://www.tagesschau.de/inland/kopftuch-109.html>

¹⁹⁰ Nurhan cited in *Tagesschau*. 'Kopftuchverbot für Lehrerinnen gekippt', 2015 (Online) 22/04/2015 from <https://www.tagesschau.de/inland/kopftuch-109.html>

¹⁹¹ Meyer, F. & Schlesinger, K. 'Skepsis nach dem Kopftuch-Urteil', *Deutschlandradio Kultur*, 2015. (Online) 25/04/2015 from http://www.deutschlandradiokultur.de/bundesverfassungsgericht-skepsis-nach-dem-kopftuch-urteil.1008.de.html?dram:article_id=314148

Titze, C. 'Senat reagiert verhalten auf Kopftuch-Urteil', *RBB*, 2015. (Online) 01/05/2015 from <http://www.rbb-online.de/politik/beitrag/2015/03/bundesverfassungsgericht-hebt-kopftuch-verbot-auf.html>

fight against fundamentalism and against individuals who force women to wear the headscarf. One can observe that wearing the veil in public spaces remains a contested issue in Germany.

With regard to regulations in the private sector, wearing the headscarf falls under the right to religious freedom. However, exceptions are made when the headscarf is perceived as incompatible with internal requirements for processes, hygiene and security. Exceptions also apply when veiled employees' are seen to lead to clear economical damage or working disturbances.¹⁹² Regarding legislation in Christian faith-based institutions, the law guarantees churches the right of self-determination, which is stated in Germany's constitution. This right is seen as stronger than veiled Muslims' right to religious freedom. There is a case law showing that wearing the headscarf can be banned on the basis of the institution's Christian identity. This is often translated into the contract's agreements where employees are asked to respect the institution's confessional identity and Christian faith.¹⁹³

3.3 Case studies/examples and human dimension

There are several examples of veiled Muslim female teachers who are not allowed to work with the headscarf and who lost their cases or gave up their teaching career because of the headscarf ban. Examples include the case of a veiled teacher from Niedersachsen who lost a legal case to be allowed to teach.¹⁹⁴ A further example deals with a veiled Muslim teacher from Baden-Württemberg who was not allowed to wear the headscarf and lost the case.¹⁹⁵ Another example deals with the case of Serife Ay. Sherife Ay, a young German Muslim from Nordrhein-Westfalen, gave up her teaching career because she cannot work as a teacher with the headscarf.¹⁹⁶ She elaborated on a teaching offer which required her to take off her veil:

"I had to decide whether I want to follow my faith and be authentic or whether I want to have a career in the school without the headscarf".¹⁹⁷

She decided not to take the position as wearing the headscarf is essential to her. Serife argued that it is also difficult to be accepted with the headscarf in private schools. She argued that this is related to deep-rooted prejudices rather than only the neutrality law :

¹⁹² *Antidiskriminierungsstelle des Bundes*. 'Gemeinsamer Bericht der Federal Anti-Discrimination Agency und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages', 3.3.3. Muslimische Migrantinnen/Migranten, 2010.

¹⁹³ Peters, F. 'Bundesarbeitsgericht bestätigt Kopftuch-Verbot', *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>

¹⁹⁴ *Frankfurter Allgemeine*. (2002) 'Auch Niedersachsen verbietet Lehrerinnen Kopftuch', Online from <http://www.faz.net/aktuell/politik/justiz-auch-niedersachsen-verbietet-lehrerinnen-kopftuch-149741.html>

¹⁹⁵ *Spiegel*. 'Muslimische Lehrerin: Kopftuch im Unterricht bleibt verboten', 2009. (Online) 20/11/2014 from <http://www.spiegel.de/unispiegel/jobundberuf/muslimische-lehrerin-kopftuch-im-unterricht-bleibt-verbotten-a-603617.html>

¹⁹⁶ Herber, L. 'Kopftuch als Karrierekiller', *Deutsche Welle*, 2013. (Online) 17/11/2014 from <http://www.dw.de/kopftuch-als-karrierekiller/a-17114724>

¹⁹⁷ Ay cited in Herber, L. 'Kopftuch als Karrierekiller', *Deutsche Welle*, 2013. (Online) 17/11/2014 from <http://www.dw.de/kopftuch-als-karrierekiller/a-17114724>

“The discriminatory regulations also hinder an engagement in private schools. There the ones who are responsible fear that parents could complain about veiled teachers”.¹⁹⁸

In addition to cases that deal specifically with teaching in schools, there are numerous articles about Muslim women who were refused work in other areas or who were fired because of the headscarf. Human Rights Watch documents several cases of veiled Muslim jurors who were forced by judges to take off their headscarf during hearings and who had to leave the hearings if they kept their veils.¹⁹⁹ A very recent case is the example of a 36-old veiled nurse who was fired by a Christian hospital because she started to wear the headscarf after three years of parental leave.²⁰⁰ She filed an action against the hospital, however without success. The federal court confirmed that Christian institutions are allowed to prohibit the wearing of headscarves, as their right of self-determination is stronger than the right to religious freedom. The court states that by wearing the headscarf, the nurse shows that she “visibly stands for another faith”, which can damage “the Church’s credibility”.²⁰¹ It adds that one might perceive “the Church as not taking its articles of faith and proclamation tasks seriously, instead it could be seen as considering expressions of faith interchangeable”.²⁰²

There are also some qualitative insights into Muslim women’s experiences of discrimination in the application process. An example for the public sector is the case of a veiled lawyer who initially included her photo in application documents. She sent 60 applications to different chambers. However they were all in vain. Once she removed the picture from her CV, she was invited to several job interviews. She described the situation during the job interview as follows:

“...I sit in front of several ladies and gentlemen who scrutinise me from top to bottom. At the end someone always asks if I were ready to take off my scarf at work. I say ‘no’, and in the following days I always receive a refusal”.²⁰³

Another example is about a teaching degree student, named Serpil Efe, who experienced various rejections when she applied for internships in various schools.²⁰⁴ She asked herself: “How can this school director judge me without even knowing me?”²⁰⁵ She reflects in more detail on a job interview:

¹⁹⁸ Ibid.

¹⁹⁹ *Interkultureller Rat in Deutschland*. (2010). *Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft*. Darmstadt, 2010.

²⁰⁰ Peters, F. ‘Bundesarbeitsgericht bestätigt Kopftuch-Verbot’, *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>

²⁰¹ Court cited in Peters, F. ‘Bundesarbeitsgericht bestätigt Kopftuch-Verbot’, *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>

²⁰² Ibid.

²⁰³ Lawyer cited in *Interkultureller Rat in Deutschland*. ‘Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft’. *Interkultureller Rat in Deutschland*: Darmstadt, 2010.

²⁰⁴ Dohm, K. ‘Das Kopftuch im Berufsleben’, *Deutsche Islam Konferenz*, 2009. (Online) 15/11/2014 from http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/SchwerpunktKopftuch/ImBeruf/im-beruf-node.html;jsessionid=7DE3EECBF9A77B5A98E47FEE06BA0A93.1_cid359

“After a job interview I felt very humiliated. The school director said that she stands for the image of an enlightened woman and that is why she could not tolerate the headscarf at her school. She suggested that I could take off the headscarf to be allowed to do my internship in her school. She didn’t understand what this actually meant to me!”²⁰⁶

An example from the private sector is the case of a veiled Muslim who applied for a dental assistant job and who was rejected because of her headscarf. She was given a compensation of 1.500 EUR after filing a complaint against the dentist.²⁰⁷

Generally, court cases are few and far in between.²⁰⁸ It can be related to several factors. Even though there are some success stories that can encourage Muslim women to initiate legal proceedings, the feeling that one is supported by Germany’s legal system might not be very strong. Quite the contrary, one might perceive Muslim women who go to court as worsening the situation for other Muslim women. As Riem Spielhaus argued, the popular case of the Afghan teacher who filed a suit against the school that did not allow her to teach with the headscarf and that prompted several Federal States to introduce headscarf bans can discourage women from going to court, even if they are clearly discriminated against.²⁰⁹ They can fear further, more restrictive laws that expand the headscarf ban in schools to other areas.

3.4 Good practice

Looking at good practice with regard to discrimination against Muslim women in the labour market, there are no organisations that specifically deal with this particular group and this particular field, nor is there a women’s rights organisation that deals with discrimination against Muslims specifically. However, there are some, even if not many, initiatives that aim to tackle Islamophobia in general, regardless of gender or field of discrimination. They are mostly led by German Muslims. These initiatives include Inssan’s Network against Discrimination and Islamophobia, which is an important contact point for victims of Islamophobic discrimination.²¹⁰ It aims to raise awareness about Muslims’ rights when being confronted with racism. It organises information events to explain to Muslims what to do and whom to contact. It strives to strengthen their consciousness about the seriousness of Islamophobia, but also within wider society. In addition, it conducts empowerment trainings to encourage Muslims to act against discrimination and Islamophobia. It also strives to contribute to documentations and statistics regarding racism towards Muslims. Most

²⁰⁵ Efe cited in Dohm, K. ‘Das Kopftuch im Berufsleben’, *Deutsche Islam Konferenz*, 2009. (Online) 15/11/2014 from http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/SchwerpunktKopftuch/ImBeruf/im-beruf-node.html;jsessionid=7DE3EECBF9A77B5A98E47FEE06BA0A93.1_cid359

²⁰⁶ Ibid.

²⁰⁷ Kornmeier, C. & Kahrman, J. ‘Entschädigung nach Diskriminierung wegen Kopftuch-“Ein wichtiges Urteil”’, *Legal Tribune Online*, 2012. (Online) 10/11/2014 from <http://www.lto.de/recht/hintergruende/h/entschaedigung-kopftuch-diskriminierung-agg-arbeitsgericht-berlin/>

²⁰⁸ Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

²⁰⁹ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

²¹⁰ Soliman, A. *Interview with Aliyeh Yegane from Inssan’s Network against Discrimination and Islamophobia*. Berlin, 2015.

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 Counselling Centre for Equal Treatment Against Discrimination. In fact, the Counselling Centre for Equal Treatment Against Discrimination and Inssan's Network against Discrimination and Islamophobia have worked together for a couple years to counter Islamophobia, with the support of Berlin's Commissioner for Integration and Migration.²¹¹ This project was introduced in 2010 and entitled "Active against Discrimination of Muslims". They were particularly keen to reach out to Berlin's mosques and Islamic associations, aiming to empower Muslims in the face of discrimination, to train people at mosques about anti-discrimination measures, to raise awareness about their rights, to offer counselling to victims of discrimination, and to document cases of discrimination.

An additional association is the *Netzwerk gegen Islamophobie und Rassismus Leipzig* (Network against Islamophobia and Racism Leipzig), which focuses on raising awareness about Islamophobia and on documenting Islamophobic attacks. They encourage Muslims from Leipzig to inform them any incidents of Islamophobic discrimination. They also offer counselling and support for victims. A recent movement initiated by German Muslim youths in cooperation with Black Germans is the Twitter Hashtag *#Schauhin* (Look Closely), which asks people in Germany to report about any experience of racism on Twitter. It is not only focused on Islamophobia. However, its founders are mainly Muslims and the majority of participants report about Islamophobic discrimination. Apart from encouraging people to report racist incidents, this movement also aims to raise awareness about the seriousness of racism and Islamophobia in Germany.

There are also state-led and non-state led institutions that focus on anti-discrimination work in general, which includes discrimination against Muslims. State-led institutions are the following:²¹²

- Federal Anti-Discrimination Agency (Federal Anti-Discrimination Agency)
- *Landesstelle für Gleichbehandlung- gegen Diskriminierung bei der Berliner Senatsverwaltung für Integration, Arbeit und Soziales* (The Berlin State Office for Equal Treatment and Against Discrimination)
- *Antidiskriminierungsstelle Brandenburg* (Anti-Discrimination Agency Brandenburg)
- *Arbeitsstelle Vielfalt Justizbehörde Hamburg* (Agency for Pluralism Judicial Authority Hamburg)
- *Antidiskriminierungsstelle für Menschen mit Migrationshintergrund München* (Anti-Discrimination Agency for People with Migration Background)
- *Antidiskriminierungsstelle-Das Amt für multikulturelle Angelegenheiten Frankfurt am Main* (Anti-Discrimination Ombudsman-Department for Multicultural Affairs Frankfurt on the Main)
- *Antidiskriminierungsstelle Hannover* (Antidiscrimination Agency Hannover)

Non-state led anti-discrimination offices include the following:²¹³

²¹¹ Spielhaus, R. 'Counter-measures to religious Discrimination: A Local Initiative in Berlin', in Frédérique Ast (Hrsg.). *Droit, société et risque*. Paris: L'Harmattan, 2012.

²¹² *Europäisches Forum fuer Migrationsstudien*. 'Ausgewählte Antidiskriminierungsstellen in Deutschland', 2010. (Online) 16/11/2014 from http://www.tbb-berlin.de/downloads_adnb/efms_Liste_Antidiskriminierungsstellen_Nr19_April2010.pdf

²¹³ Ibid.

- Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg (Councelling Centre for Equal Treatment Against Discrimination)
- *Anti-Diskriminierungsbüro Berlin* (Anti-Discrimination Agency Berlin)
- *Bund gegen ethnische Diskriminierung in der Bundesrepublik Deutschland* (Alliance against ethnic Discrimination in the Federal Republic Germany)
- *Anti-Diskriminierungsbüro Sachsen* (Anti-Discrimination Agency Sachsen)
- *Mittendrin und Aussenvor-Antidiskriminierungsnetzwerk Baden-Württemberg* ('Mittendrin und Aussenvor'-Anti-discrimination Network Baden-Württemberg)
- *Anti-Rassismus Informations-Centrum* (Anti-Racism Information Centre)
- *Anti-Diskriminierungsbüro Köln* (Anti-Discrimination Office Cologne)
- *Gleichbehandlungsbüro Aachen* (Equal Treatment Office Aachen)
- *Antidiskriminierungsstelle IBIS* (Anti-Discrimination Unit IBIS)
- *Opferperspektive* (Victims' Perspective)
- *Basis & Woge-Antidiskriminierungsberatung für Migranten und Migrantinnen Hamburg* (Basis & Woge- Anti-Discrimination Agency for Migrants)
- *Antidiskriminierungsstelle Frankfurt/Oder* (Anti-Discrimination Agency Frankfurt/Oder)
- *Antidiskriminierung in der Arbeitswelt Bremen* (Anti-discrimination in Workplace Bremen)
- *Antidiskriminierungsverband Deutschland* (Anti-discrimination Union Germany)
- *Stiftung Leben ohne Rassismus* (Foundation Life without Racism)
- *Interkultureller Rat Deutschland* (Intercultural Council Germany)
- *Antirassistische Initiative Berlin* (Anti-Racist Initiative Berlin)
- *Büro zur Umsetzung von Gleichbehandlung* (Bureau for the Implementation of Equal Treatment)
- Reach Out

All these offices mainly offer counselling for victims of discrimination as well as research and information about discrimination. Some of them are also campaign against discrimination. With regard to the Federal Anti-Discrimination Agency (FADA) in particular, the main national equality body, its main service includes offering legal advice and mediation.²¹⁴ Through mediation, the FADA aims to negotiate with the discriminated person to find an out of court settlement. In case the victim of discrimination decides to go to court, the FADA can only provide the victim with legal advice. However, FADA is not allowed to accompany victims during legal processes. Every couple years the FADA focuses on particular forms of discrimination, such as gender or disability. It commissions scholars to conduct research in the chosen field. It also raises awareness and organises events as well as discussions. The field of religion will be its focus in the near future. With regard to FADA's influence on the government, it can only offer advice and suggestions. Even though it is a state-led institution, it is not part of the Federal Government, which means it does not have any binding power and its chances of impact are limited. Every four years, the FADA drafts an advisory report for the German Federal Parliament about various areas of discrimination. It is then left to the government to take it into account.

²¹⁴ Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

Also, the Counselling Centre for Equal Treatment Against Discrimination (CCETAD) plays an important role. It has a specific focus on Turkish communities, and therefore includes huge numbers of Muslim cases. The CCETAD offers mainly legal and psychological counselling.²¹⁵ It also offers empowerment trainings for victims of discrimination and establishes networks with other actors, such as networks of jurists. Similarly to the FADA, its counselling consists of advising victims on whether they should take legal action or not. It helps them claim their rights. They help them write letters to employers and put them in touch with lawyers. Even though the lawyer will then take care of the legal process, the CCETAD is allowed to offer additional assistance. For example, the CCETAD can testify in court in support of the victim. CCETAD members do not only act as supporters, but also have an awareness raising role. Notably in the aftermath of successful court cases, the CCETAD creates publicity about these cases.

Additionally, there are Muslim NGOs voicing various interests, views and concerns of Muslims. They occasionally involve issues related to Islamophobia, such as public statements about their worries regarding anti-Muslim discrimination or campaigns against Islamophobia. Main groups include all umbrella Muslim organisations, namely the *Türkisch-Islamische Union der Anstalt und Religion* (Turkish-Islamic Union for Religious Affairs), the *Islamrat für die Bundesrepublik Deutschland* (Islamic Council for the Federal Republic of Germany), the *Verband der Islamischen Kulturzentren* (Association of Islamic Cultural Centres) and the *Zentralrat der Muslime in Deutschland* (Central Council of Muslims in Germany). They also incorporate various mosques as well as local Muslim associations. Furthermore, there are also women-specific Muslim groups, such as the *Islamische Frauengruppe Muenster* (Islamic Women's Group Muenster); Nafisa and the *Aktionsbündnis muslimischer Frauen* (Action Alliance of Muslim Women), where the theme of Islamophobia is addressed.

Ayman Mazyek, for example, who is the chairperson of the Central Council of Muslims in Germany, has publically raised his concerns about a notable increase in Islamophobic resentment. He requests "the establishment of autonomous and specialised departments within the federal states' administration to be able to capture and observe anti-Muslim racist offences."²¹⁶ A further example is the open criticism by Action Alliance of Muslim Women as well as the general secretary of the *Islamische Gemeinschaft Milli Görüs* (Islamic Community Milli Görüs) of headscarf bans in Germany.²¹⁷ Activists from Action Alliance of Muslim Women argue that in recent years misinterpretations of legal frameworks have had a negative effect on Muslim women in various fields that go beyond the headscarf ban in schools.

²¹⁵ Soliman, A. *Interview with Eva Maria Andrades from the Counselling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

²¹⁶ Mazyek cited in *Die Welt*. 'Zahl der Angriffe auf Moscheen steigt deutlich', 2014. (Online) 06/12/2014 from <http://www.welt.de/politik/deutschland/article130660759/Zahl-der-Angriffe-auf-Moscheen-steigt-deutlich.html>

²¹⁷ *Islamiq*. 'Muslime fordern Ende der staatlichen Diskriminierung', 2013. (Online) 11/12/2014 from <http://www.islamiq.de/2013/11/10/muslime-fordern-ende-staatlichen-diskriminierung/>

Section 4: Hate speech and hate crime against Muslim women in Germany

4.1 Hate speech and hate crime

There is a significant lack of data when it comes to hate speech and hate crime towards Muslim women in Germany. In comparison to studies dealing with discrimination of Muslim women in employment, research in the field of hate speech and hate crime is even less developed. Nathalie Schlenzka from the Federal Anti-Discrimination Agency criticises the fact that “Islamophobic hate crime is not really taken into account”.²¹⁸ One faces similar shortcomings that were previously raised with regard to studies on discrimination in employment. First, there is often a focus on ethnicity, mainly Turkish, rather than on religion, which even if closely related to ethnicity needs to also be studied as a category in itself. Second, women are often not considered as a separate category in itself that should be focused on in studies. In addition, as previously mentioned, a main challenge is that many individuals facing discrimination do not report these incidents.²¹⁹ Furthermore, Muslims do not necessarily always know about their rights in relation to discrimination, nor do they know whom to contact.²²⁰ They rarely decide to file a complaint against the perpetrator. Last, there is no national system that gathers complaints of discrimination and assesses them.²²¹

It should be said that unlike some other European countries, German police and public prosecutors do not register instances of racist crimes, as these are not incorporated into the German Criminal Code.²²² They record hate speech and hate crime cases that are politically motivated. They can sometimes overlap with the phenomenon of racism, depending on the definition that is used. In respect of data collection on hate speech and hate crime, the previous *European Monitoring Centre on Racism and Xenophobia* argued that it remains inadequate in the majority of Member States.²²³ In Germany Islamophobic incidents are not captured separately within police crime statistics, or within reports about Politically Motivated Criminality (PMC).²²⁴ Racist attacks all come under the general category of “hate crime”, defined as Politically Motivated Criminality, even though anti-Semitism and homophobia, for example, are separate categories within PMC.²²⁵ This makes it impossible

²¹⁸ Schlenzka in Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

²¹⁹ Söylemez, R. ‘Interview mit Henri Nickels-Islamfeindlichkeit: Viele Muslime melden Diskriminierung nicht’, *Islamiq*, 2014. (Online) 19/11/2014 from <http://www.islamiq.de/2014/11/02/islamfeindlichkeit-viele-muslime-melden-diskriminierung-nicht/>

²²⁰ Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

²²¹ Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

²²² Van Bon, S; Dinsbach, W.; Lechner, C. & Peucker, M. *Registration of Complaints about Discrimination in the Netherlands and in Germany*. European Union Programme for Employment and Social Solidarity, 2011.

²²³ *European Monitoring Centre on Racism and Xenophobia*. ‘Muslims in the European Union: Discrimination and Islamophobia’, Part 2-Manifestations of Islamophobia, 2006.

²²⁴ Nofal, L. ‘Islamfeindlichkeit als wachsendes gesellschaftliches Phänomen’, *Berliner Zustände 2012: Ein Schattenbericht über Rechtsextremismus, Rassismus und Antisemitismus*. Apabiz & MBR. 2013.

²²⁵ Dernbach, A. ‘Gewalttaten gegen Muslime sollen gesondert erfasst werden’, *der Tagesspiegel*, 2014. (Online) 20/12/2014 from <http://www.tagesspiegel.de/politik/islamhass-gewalttaten-gegen-muslime-sollen-gesondert-erfasst-werden/10171102.html>

to find any official statistics about Islamophobic attacks. Since 2001, PMC has been given a uniform definition and the term 'hate crime' was explicitly introduced into criminal police registration on a nation-wide basis for the first time.²²⁶ There are four categories within PMC: PMC right, PMC left, politically motivated criminality by foreigners, and non-definable crimes. PMC covers crimes against the state and other crimes that target the democratic constitution, political decisions and individuals because of their political attitudes, nationality, ethnicity, race, colour, religion, worldview, origin, outer appearance, disability, sexual orientation or class.²²⁷ In that sense, hate crimes can represent a sub-category of politically motivated crimes that are further broken down into anti-Semitic and xenophobic offences.²²⁸ One main problem is that statistics on politically motivated crimes registered by German public prosecutors, are rarely published, if at all; they are only published at the parliament's request.²²⁹ Another limitation is that there are politically motivated crimes that the police do not recognise as such.²³⁰ As a result, these attacks are not registered. Several NGOs have raised their concerns with regard to this problem. A recent example is the series of six arson attacks on mosques in Berlin between 2010 and 2011 which were not registered as PMC as it was argued that the perpetrators had weak criminal responsibility.

Recently, Wilfried Albishausen, the representative deputy of the Federation of German Police Officers, requested a special register for anti-Muslim attacks. He argued that Germany should follow the example of anti-Semitic acts that are reported separately. On a more general level, in response to the Bosphorus serial murders that were committed by the National Socialist Underground (NSU) between 2000 and 2007 targeting primarily ethnic Turks, various parliaments in Germany started to call for statistics on crimes targeting Muslims specifically. The NSU committee of enquiry of the German Bundestag states in its final report that using politically motivated criminality as a definition for hate crime has flaws that need to be revised. Muslim representatives, academics, anti-discrimination organisations and civil society initiatives have been pleading for years for an official recognition of racist crime and speech, including those with an Islamophobic bias. Riem Spielhaus argued that there are some cases where Muslims did not feel like they were being taken seriously when they reported Islamophobic insults to policemen.²³¹ Even with regard to those crimes that are reported as racist, there is a rather weak consideration of racism when it comes to court decisions. The lawyer Kati Lang, who analysed 122 cases considered racist by the police in Sachsen from the years 2006 and 2007, found that only 49% of these

Die Welt. 'Zahl der Angriffe auf Moscheen steigt deutlich', 2014. (Online) 06/12/2014 from <http://www.welt.de/politik/deutschland/article130660759/Zahl-der-Angriffe-auf-Moscheen-steigt-deutlich.html>

²²⁶ Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>

²²⁷ *Bundesministerium des Innern*. 'Politisch motivierte Kriminalität'. (Online) 13/12/2014 from http://www.bmi.bund.de/DE/Themen/Sicherheit/Kriminalitaetsbekaempfung/Politisch-motivierte-Kriminalitaet/politisch-motivierte-kriminalitaet_node.html

²²⁸ Glet, A. 'The German Hate Crime Concept', *Internet Journal of Criminology*, 2009, Online (14/12/2014) from http://www.internetjournalofcriminology.com/Glet_German_Hate_Crime_Concept_Nov_09.pdf

²²⁹ Van Bon, S; Dinsbach, W.; Lechner, C. & Peucker, M. *Registration of Complaints about Discrimination in the Netherlands and in Germany*. European Union Programme for Employment and Social Solidarity, 2011.

²³⁰ Burchianti, F. & Zapata, R. *Assessing Tolerant and Intolerant Discourses and Practices in Political Life*. *Accept Pluralism*, 2013.

²³¹ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

cases were discussed in relation to racism in court.²³² What is even more worrying is that only in 12% of the cases was the phenomenon of racism actually considered in the court's final decision.

Bearing this huge gap in research in mind, what one mainly finds are individual news articles about cases of hate speech and violence against Muslims. However, most of these articles talk about hate speech or hate against Muslims as a general group or about attacks of mosques and restaurants.²³³ Among the very few studies that were carried out in this field, it was concluded that Muslim women are more strongly affected by Islamophobic offences than other groups.²³⁴ Studies and statistics of a recent report by the *Antidiskriminierungsstelle des Bundes* indicate that Muslim women are more often becoming the targets of Islamophobic attacks. Also, on right-wing websites the image of the veiled woman is used to represent the main enemy. Another survey conducted by the *Antidiskriminierungsstelle des Landes Brandenburg* among Muslim women in Germany, found that 59% of the respondents were intentionally insulted, verbally abused or accosted.²³⁵ Also, Inssan's Network against Discrimination and Islamophobia reported that women are often victims of hate speech and hate crime, and the perpetrators were predominantly men.²³⁶ There is an increasing concern among Muslim women in Germany of becoming victims of Islamophobic attacks.²³⁷ For this reason, self-defence classes are becoming more popular among Muslim women. The researcher Riem Spielhaus argued that there are a considerable number of Muslim women who 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.²³⁸ Aliyeh Yegane from Inssan's Network against Discrimination and Islamophobia reported that the network has witnessed an increase in hate crime cases in the last year, even though there are no nation-wide statistics.²³⁹ The network stated that only a small part of the Muslim community

²³² Dernbach, A. 'Mit dem Strafrecht gegen Hassverbrechen', *der Tagesspiegel*, 2014. (Online) 01/05/2015 from <http://www.tagesspiegel.de/politik/motiv-rassismus-oder-frauenfeindlichkeit-mit-dem-strafrecht-gegen-hassverbrechen/9999412.html>

²³³ The Local. 'German Muslims rally against extremism', *The Local*, 2014. (Online) 29/11/2014 from <http://www.thelocal.de/20140919/german-muslims-rally-against-extremism>;

Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>;

Freudenreich, D. 'Über 200 islamfeindliche Angriffe auf Moscheen seit 2001', *WAZ*, 2012. (Online 15/12/2014) from <http://www.derwesten.de/politik/ueber-200-islamfeindliche-angriffe-auf-moscheen-seit-2001-id6623448.html>

Jacobsen, L. 'Und im Stillen brennen die Moscheen', *Zeit Online*, 2014. (Online) 08/12/2014 from <http://www.zeit.de/gesellschaft/zeitgeschehen/2014-08/moscheen-anschlaege-islamfeindlichkeit-ignoranz>
European Monitoring Centre on Racism and Xenophobia. 'Muslims in the European Union: Discrimination and Islamophobia', Part 2-Manifestations of Islamophobia, 2006.

²³⁴ *Islamiq*. 'Selbstverteidigungskurse fuer muslimische Frauen', 2013. (Online) 14/12/2014 from <http://www.islamiq.de/2013/10/08/selbstverteidigungskurse-fuer-muslimische-frauen/>

²³⁵ Schaedler, K. 'Diskriminierung muslimischer Frauen- Ohne Kopftuch gibt's Karriere', *TAZ*, 2010. (Online) 15/11/2014 from <http://www.taz.de/!59226/>

²³⁶ Netzwerk gegen Diskriminierung von Muslimen. 'Und du?', 2012. (Online 12/11/2015 from http://www.tbb-berlin.de/downloads_adnb/Broschuere_Netzwerk_Muslime_2012_Endversion_Webversion.pdf

²³⁷ *Islamiq*. 'Selbstverteidigungskurse fuer muslimische Frauen', 2013. (Online) 14/12/2014 from <http://www.islamiq.de/2013/10/08/selbstverteidigungskurse-fuer-muslimische-frauen/>

²³⁸ Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

²³⁹ Soliman, A. *Interview with Aliyeh Yegane from Inssan's Network against Discrimination and Islamophobia*. Berlin, 2015.

actually reports incidents to them.²⁴⁰ Also Gabriele Boos-Niazy from the *Aktionsbündnis Muslimischer Frauen* confirmed that for years Muslim women have repeatedly reported attacks that include verbal and physical offences.²⁴¹ Physical assaults include instances where women are being spat at, where their headscarves are pulled off, where people barge into them or where they are beaten up. Unfortunately, most of these cases are not reported. Spielhaus observed that it is not only the quantity that has changed with regard to hate speech and hate crime towards Muslims, but also the quality. Expressions and actions have become more aggressive, direct, threatening and destructive.²⁴²

On a more general level, 2008 statistics of violent and non-violent hate crime according to offender category shows that right-wing offenders represent by far the main group, with 4,360 cases. Even though there are no details about the particular form of xenophobia, it is still an alarming figure.²⁴³ The EU Report on Racism and Xenophobia in the Member States of the EU states that racially motivated attacks have increased in Germany from 15,914 incidents in 2005 to 18,142 incidents in 2006.²⁴⁴ A more recent study conducted by ENAR shows the numbers of crimes and complaints with racial bias in 2013 across several European countries.²⁴⁵ It looks at three types of crimes: physical assault, incitement to violence and hatred, and damage. The data included are from official sources and civil society organisations. Regarding Germany the figures are as follow: 443 cases of physical assault, 2,931 incidents of violence and hatred and 1,016 cases of damage and vandalism. These numbers are high in comparison to other European countries. It should also be added that these numbers only reflect cases that are actually known to the public and that are associated with racism. Thus, unknown cases, as well as cases that have not been recorded as racist even if they might have a racist bias, are not covered. In other words, the numbers might be even higher.

²⁴⁰ Nofal, L. 'Islamfeindlichkeit als wachsendes gesellschaftliches Phänomen', *Berliner Zustände 2012: Ein Schattenbericht über Rechtsextremismus, Rassismus und Antisemitismus*. Apabiz & MBR. 2013.

²⁴¹ Soliman, A. *Interview with Gabriele Boos-Niazy from the Aktionsbündnis Muslimischer Frauen*. 2015.

²⁴² Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

²⁴³ See Statistic in Glet, A. 'The German Hate Crime Concept', *Internet Journal of Criminology*, 2009, p.9. Online (14/12/2014) from

http://www.internetjournalofcriminology.com/Glet_German_Hate_Crime_Concept_Nov_09.pdf

²⁴⁴ *Spiegel*. 'EU Xenophobia Report: Racism on the Rise in Germany', 2007. (Online) 09/02/2015 from <http://www.spiegel.de/international/germany/eu-xenophobia-report-racism-on-the-rise-in-germany-a-502471.html>

²⁴⁵ ENAR. *Racist Crime in Europe*, 2014. (Online) 22/12/2015 from http://enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf

Table 4: Number of crimes and complaints with a racial bias in 2013

	Physical assault	Incitement to violence and hatred / Verbal assault	Damage / vandalism
Austria	11	8	176
Bulgaria	20	8	-
Croatia	4	-	-
Czech Republic	38	13	3
Denmark	4	33	1
Finland	259	256	75
France	58	243	302
Germany	443	2,931	1,016
Greece	133	27	2
Ireland	23	154	9
Italy	68	-	4
Latvia	1	1	-
Lithuania	8	6	3
Luxembourg	8	1	-
Netherlands	925	1,933	243
Poland	176	651	108
Spain	99	-	-
Sweden	834	-	538
United Kingdom	3,988	21,087	1,856

Source: http://enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf

4.2 Legislation, policy and case law

This section gives insight into legislation dealing with violence and harassment against women, as well as with hate speech and hate crime. As for violence and harassment against women, there is no gender-specific law. Instead, there is a general law, namely the Protection against Violence Act, which was established in 2002 and which made violence in partnerships a criminal act.²⁴⁶ This law incorporates prohibitions of harassment and stalking, as well as physical injuries or any other damage to a person's health and freedom. Based on this law, the police have the power of intervention at any point.

With regard to legislation in the field of hate speech and hate crime, the main law tackling this particular area is the Law on Incitement to Hatred. It can be found in Section 130 of the German Criminal Code.²⁴⁷ Unlike several other countries, the German Criminal Code does not have specific hate speech legislation. Instead, it criminalises hate speech under various different laws, most importantly, "*Volksverhetzung*", or incitement to hatred, which will be discussed later. Within the German legal framework, the motivation of the perpetrator is not taken into consideration when one identifies the offence. Nevertheless, the judge can define particular principles to determine the punishment. Section 46 of the German Criminal Code states that motives and aims of perpetrators can be taken into account when a sentence is established.²⁴⁸ Motivations of hate have been considered in some previous cases.²⁴⁹ Before

²⁴⁶ Bundesministerium für Familie, Senioren, Frauen und Jugend. Gewaltschutzgesetz, 2014. (Online) 25/11/2015 from <http://www.bmfsfj.de/BMFSFJ/gesetze,did=72358.html>

²⁴⁷ German Criminal Law, Section 130, *Juris*. (Online) 12/12/2014 from http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1200

²⁴⁸ Criminal Code (*Strafgesetzbuch, StGB*), Section 46. (Online) 02/02/2015 from <http://www.iuscomp.org/gla/statutes/StGB.htm#46>

moving to the hate speech and hate crime paragraph, the paragraph dealing with insults will be discussed as it is relevant in this context, even if insults are not necessarily exactly the same as hate speech. Section 185 of the German Criminal Code covers insults. The paragraph states:²⁵⁰

“Insult shall be punished with imprisonment for not more than one year or a fine and, if the insult is committed by means of violence, with imprisonment for not more than two years or a fine”

Insults are legally relevant when they target an individual and when they involve content that violates an individual’s dignity. Also demeaning and degrading allegations of facts are covered under insults.²⁵¹ In case allegations of facts that violate an individual’s dignity are made in front of a third party or in public, one can be accused of defamation or slander. In another way, hate speech deals with hate-instigating content that targets a whole community within a population, not a single individual and this is what differentiates it from an insult. Insults have to have a particular degrading nature from an objective perspective. Moreover, the vilification has to be intended by the insulter. In other words, if the insulter argues that his statement was not intended to be demeaning, it can be difficult for the person insulted to win the case. Mere impoliteness, loudness and bad manners do not count as insults.

The hate speech paragraph states the following:

- “(1) Whosoever, in a manner capable of disturbing the public peace,
1. incites hatred against segments of the population or calls for violent or arbitrary measures against them; or
 2. assaults the human dignity of others by insulting, maliciously maligning, or defaming segments of the population,
- shall be liable to imprisonment for three months to five years.
- (2) Whosoever
1. with respect to written materials (Section 11(3)) which incite hatred against segments of the population or a national, racial or religious group, or one characterised by its ethnic customs, which call for violent or arbitrary measures against them, or which assault the human dignity of others by insulting, maliciously maligning or defaming segments of the population or a previously indicated group
 2. disseminates a presentation of the content indicated in No 1 above by radio, media services, or telecommunication services
- shall be liable to imprisonment not exceeding three years or a fine.
- (3) Whosoever publicly or in a meeting approves of, denies or downplays an act committed under the rule of National Socialism of the kind indicated in

²⁴⁹ Coester, M. *Das Konzept der Hate Crimes aus den USA unter besonderer Berücksichtigung des Rechtsextremismus in Deutschland*. Peter Lang: Frankfurt; Berlin; Bern; Bruxelles; New York; Oxford; Wien, 2008.

²⁵⁰ *Criminal Code (Strafgesetzbuch, StGB)*, Section 185. (Online) 13/02/2015 from <http://www.iuscomp.org/gla/statutes/StGB.htm#185>

²⁵¹ *Anwalt.de*. (Online) 12/02/2015 from http://www.anwalt.de/rechtstipps/beleidigung-boese-worte-und-ihre-strafrechtlichen-folgen_002994.html

section 6 (1) of the Code of International Criminal Law, in a manner capable of disturbing the public peace shall be liable to imprisonment not exceeding five years or a fine.

(4) Whosoever, publicly or in a meeting, disturbs the public peace in a manner that violates the dignity of the victims by approving of, glorifying, or justifying National Socialist rule of arbitrary force shall be liable to imprisonment not exceeding three years or a fine.”

As mentioned earlier, the main criteria that needs to be fulfilled with regard to hate crime is that it incites hatred against explicit segments or groups of the population.

Section 130a deals specifically with Instructions for Crimes:²⁵²

“(1) Whoever disseminates, publicly displays, posts, presents, or otherwise makes accessible a writing (Section 11 Subsection (3)) which is capable of serving as instructions for an unlawful act named in Section 126 Subsection (1) [Disturbance of the Public Peace by Threatening to Commit Crimes], and is intended by its content to encourage or awaken the readiness of others to commit such an act, shall be punished with imprisonment for not more than three years or a fine.

(2) Whosoever:

1. disseminates, publicly displays, posts, presents, or otherwise makes accessible a writing (Section 11 Subsection (3)) which is capable of serving as instructions for an unlawful act named in Section 126 Subsection (1); or

2. gives instructions for an unlawful act named in Section 126 Subsection (1), publicly or in a meeting, in order to encourage or awaken the readiness of others to commit such an act,

shall be similarly punished.

(3) Section 86 Subsection (3), shall apply correspondingly”.

With regard to insults and incitement to hatred, it is often difficult to define the limits between the right to freedom of expression on one hand, which is guaranteed in Article 5 of the German Constitution, and insulting or hate-instigating speech on the other. It should be said that racism and Islamophobia as a form of racism are not incorporated as particular forms of insults, hate speech or hate crime in criminal law. Looking at legislation that deals with incitement to hatred, judges admit that it is often difficult to draw a distinction between speech instigating hate and speech that does not instigate hate. One judge argues that there is a “very fine line” between acceptable and unacceptable speech.²⁵³ Moreover, as Nina Mühe states, it is easier to prove an act of incitement to hatred if the perpetrators can be easily ascribed to right-wing extremist organisations. If this link is missing it can become more complicated.²⁵⁴ Also in respect of hate crime it has been criticised that it is

²⁵² *Criminal Code (Strafgesetzbuch, StGB)*, Section 130a. (Online) 13/12/2014 from <http://www.iuscomp.org/gla/statutes/StGB.htm>

²⁵³ Judge cited in Harrod, A. '74 year-old German Woman Convicted of 'Hate Speech' against Muslims', *Frontpage Mag*, 2013. (Online) 15/12/2014 from <http://www.frontpagemag.com/2013/andrew-harrod/74-year-old-german-woman-convicted-of-hate-speech-against-muslims/>

²⁵⁴ Burchianti, F. & Zapata, R. *Assessing Tolerant and Intolerant Discourses and Practices in Political Life*. Accept Pluralism, 2013.

“open to selective interpretations and subjective judgments”.²⁵⁵ As discussed earlier the prosecution and police system do not single out racist or Islamophobic motives, which makes it more difficult to prove that a hate crime might be motivated by racism or Islamophobia. With respect to police investigations regarding racially motivated murder, Ulrich Schmidt, an active member of the *Antirassistische Initiative Berlin* who has followed several cases of racially-motivated murders, points out a major problem.²⁵⁶ He states that the potentiality of racially motivated murder is ruled out until the opposite is proven. According to him, police investigations are not doing well when it comes to racist murder in Germany. One often tends to look for other motives to escape any potential links with racism.

A current example where some critics perceive certain statements about Muslims as hate speech while the prosecution does not is Harald von Fehr’s case.²⁵⁷ Von Fehr, an animal rights activist from Thüringen, opposes the murder of pigs in an email that he circulates. He argues that these animals behave in more civilised manner than Muslims, targeting specifically veiled women. He writes the following about pigs, comparing them to Muslims:

“Somewhere in Europe on a Sunday morning trip with the whole family, it is nice to see how the older protect their younger ones. What strikes me? They use the sidewalk to cross the road! They use the pavement! They don’t wear scarves! They don’t use stolen bikes/scooters or BMWs! They show discipline. They don’t carry knives! They don’t enter other people’s houses! They don’t spit on the ground! And they don’t hit other women!! Yet the worst thing is: it is allowed to shoot at them”.²⁵⁸

These statements were discussed in the *Thüringer Landtag*. The representative of the socialist party *Die Linke* argued that they meet the criteria for a hate speech offence according to Article 130 and called for an inquiry by the prosecution. However, the investigation procedure has ceased. According to the prosecution, the accusation of hate speech cannot be undoubtedly proven, arguing “not everything that is distasteful is punishable”.²⁵⁹ It stated that the hate speech paragraph requires affected members of a group to be clearly marked out, which is not seen to be the case in this instance.

Generally, there are several popular German figures who are known for their offending anti-Muslim statements, but whose expressions are not seen as hate speech. They are instead perceived to use their right to freedom of speech. Examples include the German SPD politician and author Thilo Sarrazin, the feminist and author Alice Schwarzer, the feminist and social scientist Necla Kelek and the writer Akif Pirncci. Sarrazin, for example, said that

²⁵⁵ Glet, A. ‘The German Hate Crime Concept’, *Internet Journal of Criminology*, 2009, p.1. (Online) 14/12/2014 from http://www.internetjournalofcriminology.com/Glet_German_Hate_Crime_Concept_Nov_09.pdf

²⁵⁶ Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*. Berlin, 2015.

²⁵⁷ *Deutsch Türkische Nachrichten*. ‘Diskriminierung: Thüringer Tierschützer attackiert Kopftuchträgerinnen’, 2013. (Online) 17/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/04/473223/rassismus-thueringer-tierschuetzer-attackiert-kopftuchtraegerinnen/>

²⁵⁸ von Fehr cited in *Deutsch Türkische Nachrichten*. ‘Diskriminierung: Thüringer Tierschützer attackiert Kopftuchträgerinnen’, 2013. (Online) 17/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/04/473223/rassismus-thueringer-tierschuetzer-attackiert-kopftuchtraegerinnen/>

²⁵⁹ Prosecution cited in *MDR Thüringen*. ‘Verfahren gegen Tierschutzpartei-Chef eingestellt’, 2014. (Online) from <http://www.mdr.de/thueringen/verfahren-gegen-tierschutzpartei-landeschef-eingestellt100.html>

Turks and Arabs “keep producing new young girls with headscarves”, that they “don’t want integration” and that they are “conquering Germany”.²⁶⁰ He associated Arab women, who according to him give continuous births to be provided with bigger flats by social services, with a partially-inherited low intelligence. He argued that the immigration of Muslims explains why the intelligence quotient has decreased demographically in Germany.

In reaction to Sarrazin’s demeaning statements about Turks, Arabs and Muslims, the *Antidiskriminierungs-netzwerk Berlin Türkischer Bund Berlin-Brandenburg* (ADNB) filed a complaint against him, accusing him of both insult and incitement to hatred.²⁶¹ However, it was unsuccessful. The prosecution stated that the requirements for the criminal offence of insult were not met because Sarrazin’s statements did not target single individuals, thereby weakening the violation of one’s dignity. It also did not perceive his statements as inciting hatred, even though according to the ADNB the legal requirements were clearly fulfilled. Consequently, the ADNB has lodged a complaint to the UN Anti-Racism Committee, which took almost three years. It received the UN decision in 2014, which stated that Sarrazin’s statements violate the Convention on the Elimination of Racial Discrimination, which Germany has ratified, and that he should be charged of incitement to hatred. It has also recommended that the German prosecution track racist offences more effectively. However, the UN committee is not a court. In other words, it cannot force Germany to follow its decisions. Instead it can only express recommendations, such as that Germany should scrutinise practices of prosecution and change them in case they do not respect the UN Convention on the Elimination of Racial Discrimination. This example shows that the right to freedom of speech was perceived to be stronger by the German prosecution than the racist offence. However, the UN committee stated that when there is a racist offence, freedom of speech should be restricted. Until now, the committee’s recommendation has not been implemented in Germany and Sarrazin has not been charged. Eva Maria Andrades from the ADNB criticises the fact that racism is not included in the German law and not recognised as a criminal offence. Andrades underlines, however, that it is not sufficient to define racism as a criminal offence. One should also train people and particularly judges to recognise racist statements and acts. She expresses her views as follows:

“The ones who will decide (judges) have to be trained to recognise racism. In the case of Sarrazin these statements were explicitly racist and even this wasn’t recognised by the prosecution as such...The solution is not only to define it (racism) in the law but also to train people”.²⁶²

Even though putting individuals on trial for being involved in hate speech against Muslims is difficult, there are a few instances where offenders have been convicted of hate speech against Muslims. An example is the case of Maria Frank, a 74-year old pensioner, who was convicted for a sign that she used during a Munich protest, organised by the anti-Islam party

²⁶⁰ Lau, J. ‘Das Islambild in den Medien’, *Zeit Online*, 2010. (Online) 05/12/2014 from http://blog.zeit.de/joerglau/2010/07/08/das-islambild-in-den-medien_4000

²⁶¹ Soliman, A. *Interview with Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

²⁶² Andrades in Soliman, A. *Interview with Eva Maria Andrades from the Antidiskriminierungsnetzwerk Berlin Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

'Die Freiheit', to oppose the building of a mosque.²⁶³ Her sign referred to the Ottoman Empire's 1683 defeat at the siege of Vienna, representing a historic turning point in driving back their progress into Europe. She sarcastically wrote on the sign that Turks peacefully bombarded Vienna and that the allied troops who relieved the siege are original Nazis. She compared 1683 with the present day stating the following:

"Now the presumptuous Turks and Muslims from all over the world threaten Europe again."²⁶⁴

It was this particular statement that evoked criticism and that prompted a member of the Green Party's youth group to lodge a complaint. The state prosecutor confirmed that this statement provokes a hostile attitude towards all Muslims and Turks. It is also perceived to incite hate. In that sense the sentence involved elements that are outlined in Section 130 of the German Criminal Code regarding incitement to hatred. The presiding judge sentenced Frank to pay 3,600 EUR and put her on probation for three years provided that she pays 1,000 EUR to Amnesty International. The court also warned her to gain awareness of what is acceptable and what is unacceptable. The *Sueddeutsche Zeitung* argued that this warning was relevant, especially because Frank's hostile expressions towards Turks and Muslims can also be found more frequently on the internet in even more controversial ways than her statements on the poster. She said, for example, that Germany should restrict the immigration of "Muslims ripping us off or even deport them".²⁶⁵

In respect to Muslim women in particular, and legal cases regarding hate speech or hate crime, there is only one known case so far, namely the case of Marwa Elsherbini, which will be discussed in the following section. As the following section shows, there are various examples of hate speech and hate crime towards Muslim women. However, unlike with cases that deal with discrimination in the field of employment, victims of hate speech and hate crime hardly ever make it to court.

4.3 Case studies/examples and human dimension

There are several examples of hate speech and hate crime directed specifically towards Muslim women, which are mainly captured in news articles rather than in qualitative studies.

The most popular attack is the murder of 31-year old Marwa Elsherbini, a woman of Egyptian origin living in Germany, which took place in July 2009.²⁶⁶ This incident brings

²⁶³ Harrod, A. '74 year-old German Woman Convicted of 'Hate Speech' against Muslims', *Frontpage Mag*, 2013. (Online) 15/12/2014 from <http://www.frontpagemag.com/2013/andrew-harrod/74-year-old-german-woman-convicted-of-hate-speech-against-muslims/>

²⁶⁴ Frank cited in Harrod, A. '74 year-old German Woman Convicted of 'Hate Speech' against Muslims', *Frontpage Mag*, 2013. (Online) 15/12/2014 from <http://www.frontpagemag.com/2013/andrew-harrod/74-year-old-german-woman-convicted-of-hate-speech-against-muslims/>

²⁶⁵ Ibid.

²⁶⁶ Connolly, K. & Shenker, J. 'The headscarf martyr: murder in German court sparks Egyptian fury', *The Guardian*, 2009. (Online) 09/12/2014 from <http://www.theguardian.com/world/2009/jul/07/german-trial-hijab-murder-egypt>

Dernbach, A. 'Gedenken an Marwa El-Sherbini', *der Tagesspiegel*, 2014. (Online) 13/12/2014 from <http://www.tagesspiegel.de/politik/fuenf-jahre-nach-dem-mord-gedenken-an-marwa-el-sherbini/10127968.html>

together both hate speech and hate crime. Marwa, who was pregnant at the time of the aggression, was stabbed to death in the Dresden courtroom during the trial of the murderer for insulting her for wearing a headscarf. She had initiated legal proceedings against him because he had offended her at a playground in relation to her Muslim appearance, after asking him to let her son use the swing. He called her a terrorist and Islamist. On the day of the trial Alexander Wiens plunged a knife into her 18 times, while Marwa was in the dock telling the judge about the playground incident. Security personnel and policemen arrived too late. Her husband, who ran to her to save her, was also attacked by the murderer and later shot by a police officer who had assumed that he was the attacker. Unlike Marwa, who died on the spot, her husband survived, although critically injured. The murderer was given a life sentence. Ulrich Schmidt from the *Antirassistische Initiative Berlin* argued that the fact that the police officer targeted Marwa's husband rather than the murderer "highlights the combination of institutional racism and societal racism".²⁶⁷

Marwa was seen as the first victim of a clear Islamophobic murder in Germany, even though the NSU Bosphorus serial murders, where ethnic Turks were the primary targets, are also associated with Islamophobia. As Marwa's death was clearly related to a deep hatred towards her Islamic appearance, she is being referred to as the "Headscarf Martyr".²⁶⁸ Wiens was arrested at the crime scene and tried for murder, as well as for attempted murder.²⁶⁹ He was found guilty of both indictments. Wiens' offence was also categorised as an outrageous crime because it was committed against two people, in a courtroom and in front of a child. According to the chief prosecutor Christian Avenarius, this case was a "xenophobic crime committed by a fanatic single perpetrator".²⁷⁰ Wiens was sentenced to life imprisonment.

Even though it was an explicit Islamophobic attack, 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 as well as politicians were accused of deferred and sparse reactions to the murder. Critics have also raised their concerns about the lack of security personnel on the day, particularly because the court already knew Alex's hatred towards Muslims. Looking back at the incident, various individuals contend that there has not been any discussion about Islamophobia since the attack. Mustafa, Yeneroglu, the chairman of the *Islamic Community Milli Görüs*, for example, expressed his view in a press release of 2013 as follows:

"Four years have passed since the murder of Marwa El-Sherbini at the Federal Court of Dresden. Four wasted years during which there has not been one profound or broad debate about Islam and xenophobia. We observe with great concern that offences towards Muslim women in the public are

²⁶⁷ Schmidt in Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*. Berlin, 2015.

²⁶⁸ Ibid.

²⁶⁹ *WebCite*, 'Strafverfahren gegen Alex W. beim Landgericht Dresden. Urteil vom 11. November 2009', Press Release, 2009. (Online) 14/11/2015 from <http://www.webcitation.org/query?url=http%3A%2F%2Fwww.justiz.sachsen.de%2Ffgdd%2Fcontent%2F709.php&date=2009-12-07>

²⁷⁰ Heitkamp, S. 'Blutbad im Gerichtssaal-Polizei ermittelt wegen heimtückischen Mordes', *Die Welt*, 2009. (Online) 22/11/2015 from <http://www.welt.de/vermischtes/article4051592/Polizei-ermittelt-wegen-heimtueckischen-Mordes.html>

trivialised or hardly paid attention to and that attacks on mosques are increasing.”²⁷¹

Another example of hate crimes towards Muslim women which happened a couple of years ago, is the case of a 24-old Muslim student from Göttingen who was beaten up by four young men, leaving her with bruises and wounds.²⁷² The veiled woman was coming out of the university library, heading towards her car in the car park where the four men approached her. Initially, they insulted her and abused her verbally in relation to her headscarf. Then, they started to attack her physically and left her on the ground. They managed to escape before the police arrived. The victim’s mother reported this incident to the police, arguing that it is very difficult for her daughter to speak publicly about the attack. The young Muslim stated that it was not the first time that she was a victim of violence.

More recent cases of hate speech and hate crime can also occasionally be found in news articles. For example, a 29-year old Muslim student was verbally attacked by a woman on the tube. She described the scene as follows:

“I was spat at by a woman. She was grumbling about my headscarf, my appearance. She screamed that I should go back to my country. The people around us just watched us. No one came to my aid. If the woman had attacked me physically, who knows what would have happened?”²⁷³

It was this event that prompted her to start an Islam-compliant self-defence class for women. A further case of hate speech towards Muslims concerns a passenger from Koblenz who refused to make an emergency call for a Muslim woman who fainted.²⁷⁴ He was asked to call the SOS by another woman who tried to help the collapsing Muslim woman. He replied to her saying “For such a dirty headscarf-wearer I won’t do anything”.²⁷⁵

Another recent example of hate crime is the case of a 32-year old veiled Muslim from Berlin who was attacked with a bottle of beer by a man.²⁷⁶ She was inside her car, stopping to let her sister get out of the car. The offender, who passed by the car, started to insult and threaten her because of her headscarf. He then became violent and threw a full bottle of beer at the woman. Pedestrians who witnessed the attack intervened and called the police. He tried to escape, but luckily two pedestrians managed to catch him.

²⁷¹ IGMG. ‘Marwa El-Sherbini: Vier vergeudete Jahre, 2013. (Online) 15/12/2014 from <http://www.igmg.org/nachrichten/artikel/2013/06/30/marwa-el-sherbini-vier-vergeudete-jahre.html>

²⁷² Wrusch, P. ‘Kopftuch bedeutet Schläge’, TAZ, 2009. (Online) 17/12/2014 from <http://m.taz.de/!44199/m/>

²⁷³ Muslim student cited in *Islamiq*. ‘Selbstverteidigungskurse fuer muslimische Frauen’, 2013. (Online) 14/12/2014 from <http://www.islamiq.de/2013/10/08/selbstverteidigungskurse-fuer-muslimische-frauen/>

²⁷⁴ *Deutsch Türkische Nachrichten* ‘Wegen Kopftuch: Passant verweigert Notruf für Muslimin’, 2013. (Online) 18/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/482853/wegen-kopftuch-passant-verweigert-notruf-fuer-muslimin/>

²⁷⁵ Man cited in *Deutsch Türkische Nachrichten* ‘Wegen Kopftuch: Passant verweigert Notruf für Muslimin’, 2013. (Online) 18/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/482853/wegen-kopftuch-passant-verweigert-notruf-fuer-muslimin/>

²⁷⁶ *Deutsch Türkische Nachrichten*. ‘Berlin: Mann greift muslimische Frau mit Kopftuch an’, 2013. (Online) 14/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/07/482496/berlin-mann-greift-muslimisch%E2%80%8Be-frau-mit-kopftuch-an/>

These are only a few examples that have become known through the media. However, there are other cases of Muslim women whose stories are not known to the public. As stated before, none of these cases, apart from Marwa Elsherbini, filed a complaint against the perpetrator. It might be that because Marwa Elsherbini was brutally murdered in the courtroom, other women have become discouraged from turning to the law. A further problem that Muslim women encounter with regard to filing a complaint in relation to hate crime or hate speech specifically is the fact that they cannot identify the perpetrator, as it happens mostly in public spaces where the attacker can easily escape.²⁷⁷ In addition, there is a deficit on the part of investigation authorities who often do not recognise racism and Islamophobia or who would not even put it under the category of “Politically Motivated Criminality”. As a consequence, when Muslim women report cases of racist hate speech, racist motivation is not necessarily taken seriously. This in turn discourages victims from acting against it. Aliyeh from the *Netzwerk gegen Rassismus und Islamophobie* elaborates on this as follows:

“This (lack of recognising racism and Islamophobia) goes down to investigation authorities. So when a criminal charge is filed the question is how will the case be received? Will the case in the end be perceived as a Politically Motivated Criminality? We actually don’t have Islamophobia as a form of Politically Motivated Criminality, but will it at least be perceived as politically motivated? We have major problems with this...This is why people don’t really like to report (about Islamophobic incidents) because they are often sent back home, it is not recorded or nothing really happens...It is a problem when the prosecution itself reinforces this discouragement”.

She also reflects on the Bosphorus serial murders and criticises the failure of investigation authorities to act quickly and efficiently when it comes to racist attacks. Even though the series of attacks took place between 2000 and 2007, it was only in 2011 that the attacks were ascribed to the right-wing terrorist organisation NSU. Furthermore, she did not see strict measures being taken in reaction to this scandal in respect of racist offences. In her opinion, these shortcomings have a strong influence on the way in which Muslims deal with racist attacks, and undermine their trust in the prosecution system.

4.4 Good practice

There are no organisations that specifically deal with hate speech and hate crime towards Muslim women. Nor is there a women’s rights organisation that deals with hate speech and hate crime against Muslims women specifically. However, as stated previously in the section about discrimination in employment, there are a few initiatives that aim to tackle Islamophobia in general, regardless of gender or field of discrimination.²⁷⁸ Although initiatives like Inssan’s Network against Discrimination and Islamophobia are a step forward, it is criticised that unlike the British organisation “Tell MAMA”, which records Islamophobic attacks on the street as well as on the Internet which the victims themselves report, Germany does not have such a well-established nation-wide organisation. There is therefore

²⁷⁷ Soliman, A. *Interview with Aliyeh Yegane from Inssan’s Network against Discrimination and Islamophobia..* Berlin, 2015.

²⁷⁸ See Section 3, part D-Good Practice

a huge lack of data about Islamophobic incidents, argues Bernd Riegert.²⁷⁹ He emphasises that in the rest of Europe the fight against Islamophobia is only slowly starting to be taken more seriously. As stated before, there are also state-led and non-state led institutions that focus on anti-discrimination work in general, which includes discrimination against Muslims.²⁸⁰ Additionally, there are Muslim NGOs voicing various interests, views and concerns of Muslims. They occasionally work on issues related to Islamophobia, such as public statements expressing concerns regarding anti-Muslim discrimination or campaigns against Islamophobia.²⁸¹

²⁷⁹ Riegert, B. 'Kaum Daten zu Islamfeindlichkeit', *Deutsche Welle*, 2013. (Online) 04/12/2014 from <http://www.dw.de/kaum-daten-zu-islamfeindlichkeit/a-17023310>

²⁸⁰ See Section 3, part D-Good Practice

²⁸¹ See Section 3, part D-Good Practice

Section 5: Conclusions and recommendations

The report shows that Islamophobia towards Muslim women is a serious problem in Germany, affecting them in employment as well as in the areas of hate crime and hate speech. Numbers and stories about discrimination and attacks are alarming and steps to tackle this issue need to be taken as soon as possible. With regard to employment, there is a significant amount of discrimination towards Muslim women in both the public and private sectors which has been confirmed by several studies, news articles and anti-discrimination activists. The headscarf is a major issue, and veiled women are the main targets of discrimination. Although there is some literature about discrimination towards Muslim women in employment, it needs to be further expanded. As for hate speech and hate crime towards Muslim women, one also finds many cases targeting Muslim women specifically. However, there are very few online news articles and statements by anti-discrimination workers. Studies and research focusing on hate speech and hate crime towards Muslim women are completely lacking. Also here, the headscarf is a major issue and veiled women are the main targets of discrimination. The most popular case combining hate speech and hate crime is the murder of Marwa Elshehri.

In conclusion, research in both fields is not sufficiently developed. While one can find some studies in the sphere of employment, there are no studies regarding hate crime and hate speech against Muslim women. In addition to huge gaps in research, there are several shortcomings that need to be dealt with. The following section presents 15 recommendations that should be taken into consideration to fight Islamophobia in Germany. These recommendations are based on the previously mentioned studies and literature as well as on the interviews that were conducted with activists and scholars in the field of anti-racism and anti-Islamophobia work.

1. Change legal framework of discrimination law and the law on incitement to hatred

The AGG paragraph on discrimination should include a specific category for Islamophobic/anti-Muslim discrimination. It is not only relevant for the field of employment, but for all other fields as well. Discrimination should also be subject to the Criminal Code Provision. Currently, the AGG only guarantees the right to compensation and omission, not of being employed or re-employed, which is a major limit. The AGG should give victims of discrimination the right to be employed. AGG's legal requirement, asking victims to make a claim at the latest two months after the discrimination occurs, should be changed. The time period should be extended so that victims have a chance to take things further. Also, a major limitation is that employers do not have to publicly mention reasons for rejecting applicants, which makes it difficult for Muslims to prove that the rejection is based on their religion. Employers should be requested to mention reasons of refusal, so that victims can have evidence of discrimination.

As for hate speech and hate crime, the German Criminal Code should include specific provisions addressing hate speech and hate crime more clearly, which is not yet the case. Currently, it criminalises hate speech under various different laws, most importantly '*Volksverhetzung*' (incitement to hatred), which is insufficient. The law also needs to include a specific category for racism and Islamophobic/anti-Muslim attacks. It is not enough to cover them under Politically Motivated Criminality. Although this suggestion has been

discussed in the aftermath of the NSU scandal, no changes have been made thus far. Another limit is that in the German legal framework the perpetrator's motivation is not necessarily taken into consideration when one identifies the offence. However, this is essential in the context of Islamophobic attacks. Furthermore, the right to freedom of expression should be limited, especially when it comes to hate speech and racist expressions. Several Islamophobic statements, such as those expressed by Thilo Sarrazin, are considered as protected by the right to freedom of speech, even though they clearly carry Islamophobic hate-instigating content.

2. Suspension of headscarf bans

Although the Federal Constitutional Court has recently decided that blanket headscarf bans in schools cannot be justified unless it can be proven that the veil poses a major threat to a school's peace, this decision has not affected all concerned federal states yet. It should have an immediate effect on the school laws of the different states. Generally, laws on religious freedom and the AGG law should have more weight than laws on state neutrality and freedom of enterprise, which can restrict employment of Muslim women. The European convention on Human Rights and its anti-discrimination provisions should be applied.

3. Police have to record Islamophobic attacks

Currently, police and law enforcement authorities do not register Islamophobic/anti-Muslim attacks. All attacks fall under the general category of Politically Motivated Criminality, which is a major limit. The collection of hate crime data should be disaggregated by the type of attacks including Islamophobic attacks. It should also take victimisation surveys into account. Another problem is that statistics on politically motivated crimes are rarely published. Statistics should be published on a regular basis and made available to the public.

4. Public recognition of the Muslim community

It is important for all federal states to publically recognise the Muslim community in the same way as the Christian and Jewish communities are recognised. In this way, Muslims can be guaranteed special rights that come along with the status of being publicly recognised, such as inclusion in media, which will be particularly helpful in fighting Islamophobia. In this way, any concerns and issues raised by the Muslim community will be heard and taken into account.

5. Public sector equality acts

Germany should introduce equality acts (as is the case in the UK) in the public sector to ensure that public sector institutions hire employees from minority groups. The inclusion of minorities in employment should be a major principle that all employers follow to implement equality and anti-discrimination laws.

6. Assign special commissioners who stand for rights of religious communities

In Germany there are no commissioners who deal specifically with the concerns of religious minority groups, let alone of the Muslim community, unlike with other minority groups such as people with disabilities. It is important to delegate local and national commissioners who focus specifically on the Muslim community and who support Muslims' concerns, interests and rights. Islamophobia and discrimination are major concerns of the Muslim community, which should be tackled by the respective commissioners. There is a need for an institutional agency that has a particular focus on the rights of Muslims and anti-Islamophobia work.

Commissioners should also make sure that discrimination is being tackled in all spheres of life and that the laws are always supportive of victims of discrimination. . In addition, they should raise awareness about Islamophobia and reach out to media platforms.

7. Institutional agency researching Islamophobia

As the report has shown, research is lacking in the field of Islamophobia. There should be an expert group conducting research on Islamophobia in various areas and with various focuses including gender. They should work locally and on a national level. The group should be responsible for drafting regular reports about Islamophobic discrimination and attacks. Unlike existing research that focuses more on ethnicity rather than on religion, this research group should take the phenomena of religion more seriously. It should also have a specific focus on women as a separate group that needs to be researched.

8. Assign advisers who support victims of Islamophobia

It is important to have counselling services and anti-discrimination offices that focus specifically on victims of Islamophobia/anti-Muslim racism on the local and national levels. These services should be extended to main venues and institutions of the Muslim community, such as mosques and Muslim organisations. They should provide victims with advice about how to proceed and inform them of their rights. They should help them with filing complaints, put them in contact with lawyers and accompany them throughout the entire legal process. In addition, they should direct them to psychologists if necessary.

9. Raising awareness among the Muslim community

It is important to raise awareness among the Muslim community about their rights, anti-discrimination laws and counselling helpdesks. As the literature has shown, many Muslims do not report cases of discrimination or attacks and often do not know whom to contact or where to go. Muslims need to be aware of the importance of reporting Islamophobic attacks and they need to know that it will make a difference, even if not immediately. As the literature has suggested, many Muslims have already accepted discrimination or they do not have strong hope for a positive change. This needs to be tackled by awareness raising campaigns and on the significance of reporting instances of discrimination or attacks.

10. Raising awareness about Islamophobia throughout all of society

Within the German non-Muslim community there is ignorance about the seriousness of Islamophobia and the fact that there are numerous victims of discrimination and attacks. It concerns society as a whole, including politicians, stakeholders, teachers, lawyers, investigation authorities, media professionals and normal citizens. Awareness about Islamophobia needs to be raised within all spheres of society. Media and politicians can play a significant role in doing so, as they are the most heard. The role of teachers should also not be underestimated, as they interact on a daily basis with young individuals and transmit significant knowledge. Talking about Islamophobia and its negative effects should be included in the school curriculum. All these different actors play a key role in making society aware of the seriousness of Islamophobia and in moving people to fight against it.

11. Anti-Islamophobia trainings

There is a strong need to introduce anti-Islamophobia trainings within various spheres, targeting different actors including politicians, police officers, judges, investigation authorities, teachers, lawyers, employers etc., as we have seen that Islamophobia is

widespread across society. Especially police officers, investigation authorities, lawyers and judges have to embody anti-Islamophobic attitudes, as they often play a key role in the whole registration and legal process of Islamophobic cases. In that sense, they have a strong impact on any decisions made, and steps taken in this context. These trainings should make them aware of their possible Islamophobic views/behaviour. They should help them tackle these attitudes. Almost all interviewees stress the importance of this aspect. They argue that it would be insufficient to change laws without changing people's attitudes.

12. Open stand against Islamophobia and more positive narrative about Muslims

It is essential to have open criticism about anti-Muslim racism. Islamophobia should be publicly condemned. Currently, it is mostly ignored in public and political discourse. Even in the aftermath of the very dramatic murder of Marwa Elsherbini there was a noticeable silence, which has been criticised by various stakeholders. Here again, media, politicians, public figures and high-level civil servants carry huge responsibility. The narrative about Muslims has to be changed to a more inclusive and Muslim-friendly narrative. Germany has to acknowledge diversity and Islam more clearly and change the negative image of Islam and the idea that Muslims do not really belong to Germany.

13. Cooperation between police, state and Muslim community

Cooperation between the Muslim community, the government, the police and NGOs, which is crucial to effectively tackle Islamophobia, is almost completely lacking. Often NGOs and the Muslim community are left with few resources and power. Support from the government and from the police is necessary. Ironically, the police and the state seek cooperation with the Muslim community when it comes to Islamic extremism, but not when it comes to anti-Muslim extremism.

14. Awareness of multiple discrimination towards Muslim women

Within existing research as well as within the legal framework, one realises that there is a lack of awareness of the multiple discrimination experienced by Muslim women. It is particularly important for judges, lawyers and decision makers to include the fact that discrimination against Muslim women is a double or even triple discrimination in their prosecutions or policies, and in that sense it has even more severe consequences. The gender aspect is barely taken into consideration. One observes that with regard to court cases and legal procedures the focus is solely on discrimination based on religion, which completely ignores a further level of discrimination, namely discrimination based on gender. NGOs, anti-discrimination agencies, lawyers, legal scholars and representatives from the Muslim community should work together to raise awareness about this.

15. Implementation of EU and UN standards including judgments

There are several EU laws as well as international conventions that ban acts of racism and discrimination more clearly and directly, such as the UN Anti-racism Convention or EU anti-discrimination legislation. However, their influence is still not as strong as it should be. As discussed in Section 3, for example, the UN Anti-racism Convention's decision with regard to Sarrazin's Islamophobic statements did not have a clear effect on Germany. Several requests by the EU or the UN are not taken seriously. A recent example is the EU's call for member

states to take measures to support reporting of hate crimes and to provide protection for victims, which also has not had an effect yet.²⁸²

²⁸² Söylemez, R. 'Interview mit Henri Nickels-Islamfeindlichkeit: Viele Muslime melden Diskriminierung nicht', *Islamiq*, 2014. (Online) 19/11/2014 from <http://www.islamiq.de/2014/11/02/islamfeindlichkeit-viele-muslime-melden-diskriminierung-nicht/>

Bibliography

Interviews:

Soliman, A. *Interview with the Researcher Riem Spielhaus*. Berlin, 2015.

Soliman, A. *Interview with Nathalie Schlenzka from the Federal Anti-Discrimination Agency*. Berlin, 2015.

Soliman, A. *Interview with Researcher Iman Attia*. Berlin, 2015.

Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*, Berlin. 2015.

Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*, Berlin. 2015.

Soliman, A. *Interview with Robin Laumann from the Junge Islamkonferenz*. Berlin, 2015.

Soliman, A. *Interview with Aliyeh Yegane from Inssan's Network against Discrimination and Islamophobia*. Berlin, 2015.

Soliman, A. *Interview with Ulrich Schmidt from the Antirassistische Initiative Berlin*, Berlin. 2015.

Soliman, A. *Interview with Gabriele Boos-Niazy from the Aktionsbündnis Muslimischer Frauen*, 2015.

Soliman, A. *Interview with Aliyeh Yegane from Inssan's Network against Discrimination and Islamophobia*. Berlin, 2015.

Soliman, A. *Interview with Eva Maria Andrades from the Councelling Centre for Equal Treatment Against Discrimination Türkischer Bund Berlin-Brandenburg*. Berlin, 2015.

Bibliography

AGG (Allgemeines Grundgesetz)

http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/AGG/agg_gleichbehandlungsgesetz.pdf?__blob=publicationFile

Amadeu Antonio Stiftung. "Geh sterben": Umgang mit Hate Speech und Kommentaren im Internet', Online 22/03/2015 from <https://www.amadeu-antonio-stiftung.de/w/files/pdfs/hatespeech.pdf>

Amiriaux, V. 'Turkish Islam in Germany', in Shadid, W. & van Koningsveld, P. (eds.) *Political Participation and Identities of Muslims in Non-Muslim States*. The Netherlands: Kok Pharos Publishing House.1996.

Amir-Moazami, S. 'Pitfalls of consensus-oriented dialogue: The German Islam Conference (Deutsche Islamkonferenz)', *Approaching Religion*, 2011, vol. 1, no.1, pp. 22-15.

Antidiskriminierungsstelle des Bundes. 'Gemeinsamer Bericht der Federal Anti-Discrimination Agency und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages', 3.3.3. Muslimische Migrantinnen/Migranten, 2010.

Anwalt.de. (Online) 12/02/2015 from http://www.anwalt.de/rechtstipps/beleidigung-boeseworte-und-ihre-strafrechtlichen-folgen_002994.html

Baer, S.; Bittner, M. & Götttsche, A. et al. *Mehrdimensionale Diskriminierung-Begriffe, Theorien und juristische Analyse*. Federal Anti-Discrimination Agency. Berlin, 2011.

Baur, M. 'Kopftuchverbot: Stress mot der Kleiderordnung', *Rechtsboard Handelsblatt*, 2014 (Online 25/11/2015) from <http://blog.handelsblatt.com/rechtsboard/2014/09/30/kopftuchverbot-stress-mit-der-kleiderordnung/>

Berlin.de. Online 03/11/2015 from <https://www.berlin.de/special/jobs-und-ausbildung/bewerbung-und-arbeit/bewerbung/2471314-999400-bewerbungsfoto-pflicht-oder-ueberfluessi.html>

Berliner Senatsverwaltung für Integration, Arbeit und Soziales. 'Mit Kopftuch außen vor?'. Schriftenreihe der Landesstelle für Gleichbehandlung – gegen Diskriminierung, 2010.

Blaschke, J. (2004). 'Tolerated but Marginalised – Muslims in Germany', in Anwar, M.; Blaschke, J. & Sander, A. (eds.) *State Policies towards Muslim Minorities: Sweden, Great Britain and Germany*. Berlin: Edition Parabolis, 2004.

Bodenstein, M. 'Organisational Developments towards Legal and Political Recognition of Muslims in Germany', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State - European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

Bös, N. 'Karriere mit Kopftuch – Zwischen Schreibtisch und Gebet', *Frankfurter Allgemeine Zeitung*, 2010. (Online) 23/11/2014 form <http://www.faz.net/aktuell/beruf-chance/arbeitswelt/karriere-mit-kopftuch-zwischen-schreibtisch-und-gebet-1590137.html>

Bosse, D. & Vior, E. *Politische Partizipation von Migranten mit muslimischem Hintergrund in Deutschland: Entwicklung und Probleme*. Magdeburg: Institut fuer Politikwissenschaften. 2005.

Brylla, K. 'Formen der Diskriminierung von Frauen auf dem Arbeitsmarkt', in Diekow, S; Brylla, K. & Altmann, S. (eds.) *Weiblich, qualifiziert, unterbezahlt: Die Benachteiligung von Frauen am Arbeitsmarkt*. Science Factory. 2013.

Bundesministerium des Innern. 'Politisch motivierte Kriminalität'. (Online) 13/12/2014 from http://www.bmi.bund.de/DE/Themen/Sicherheit/Kriminalitaetsbekaempfung/Politisch-motivierte-Kriminalitaet/politisch-motivierte-kriminalitaet_node.html

Bundesministerium für Familie, Senioren, Frauen und Jugend. Gewaltschutzgesetz, 2014. (Online) 25/11/2015 from <http://www.bmfsfj.de/BMFSFJ/gesetze,did=72358.html>

Burchianti, F. & Zapata, R. *Assessing Tolerant and Intolerant Discourses and Practices in Political Life*. *Accept Pluralism*, 2013.

Coester, M. *Das Konzept der Hate Crimes aus den USA unter besonderer Berücksichtigung des Rechtsextremismus in Deutschland*. Peter Lang: Frankfurt; Berlin; Bern; Bruxelles; New York; Oxford; Wien, 2008.

Connolly, K. & Shenker, J. 'The headscarf martyr: murder in German court sparks Egyptian fury', *The Guardian*, 2009. (Online) 09/12/2014 from <http://www.theguardian.com/world/2009/jul/07/german-trial-hijab-murder-egypt>

Coruh, A. 'Wo Muslime Fremd Sind, Sind Wir es Auch: Plaedoyer fuer ein Atelier der Kosmopolitischen Wissenschaftler und Kuenste in Berlin', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, pp. 21-22.

Criminal Code (Strafgesetzbuch, StGB), Section 46. (Online) 02/02/2015 from <http://www.iuscomp.org/gla/statutes/StGB.htm#46>

Criminal Code (Strafgesetzbuch, StGB), Section 130a. (Online) 13/12/2014 from <http://www.iuscomp.org/gla/statutes/StGB.htm>

Criminal Code (Strafgesetzbuch, StGB), Section 185. (Online) 13/02/2015 from <http://www.iuscomp.org/gla/statutes/StGB.htm#185>

Dernbach, A. 'Gewalttaten gegen Muslime sollen gesondert erfasst werden', *der Tagesspiegel*, 2014. (Online) 20/12/2014 from <http://www.tagesspiegel.de/politik/islamhass-gewalttaten-gegen-muslime-sollen-gesondert-erfasst-werden/10171102.html>

Dernbach, A. 'Mit dem Strafrecht gegen Hassverbrechen', *der Tagesspiegel*, 2014. (Online) 01/05/2015 from <http://www.tagesspiegel.de/politik/motiv-rassismus-oder-frauenfeindlichkeit-mit-dem-strafrecht-gegen-hassverbrechen/9999412.html>

Dernbach, A. 'Gedenken an Marwa El-Sherbini', *der Tagesspiegel*, 2014. (Online) 13/12/2014 from <http://www.tagesspiegel.de/politik/fuenf-jahre-nach-dem-mord-gedenken-an-marwa-el-sherbini/10127968.html>

Deutsch Tuerkische Nachrichten. 'Trotz Qualifikation und Bildung: Arbeitgeber stellen Frauen mit Kopftuch nicht ein', 2013. (Online) 20/11/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/484847/trotz-qualifikat%E2%80%8Bion-und-bildung-arbeitgebe%E2%80%8Br-stellen-frauen-mit-kopftuch-nicht-ein/>

Deutsch Türkische Nachrichten. 'Diskriminierung: Thüringer Tierschützer attackiert Kopftuchträgerinnen', 2013. (Online) 17/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/04/473223/rassismus-thueringer-tierschuetzer-attackiert-kopftuchtraegerinnen/>

Deutsch Türkische Nachrichten 'Wegen Kopftuch: Passant verweigert Notruf für Muslimin', 2013. (Online) 18/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/08/482853/wegen-kopftuch-passant-verweigert-notruf-fuer-muslimin/>

Deutsch Türkische Nachrichten. 'Berlin: Mann greift muslimische Frau mit Kopftuch an', 2013. (Online) 14/12/2014 from <http://www.deutsch-tuerkische-nachrichten.de/2013/07/482496/berlin-mann-greift-muslimisch%E2%80%8Be-frau-mit-kopftuch-an/>

Deutsche Islam Konferenz, "'Kopftuchgesetze" der Länder'. (Online) 07/12/2014 from <http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/SchwerpunktKopftuch/Urteile/urteile-node.html>

Diehl, C. & Urbahn, J. *Die soziale und politische Partizipation von Zuwanderern in der Bundesrepublik Deutschland*. Bonn: FES. 1998. (Online) 12/04/2015 from <http://library.fes.de/fulltext/asfo/00258004.htm#E10E6>

Die Welt. 'Zahl der Angriffe auf Moscheen steigt deutlich'. 2014. Online from <http://www.welt.de/politik/deutschland/article130660759/Zahl-der-Angriffe-auf-Moscheen-steigt-deutlich.html>

Dohm, K. 'Das Kopftuch im Berufsleben', *Deutsche Islam Konferenz*, 2009. (Online) 15/11/2014 from http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/SchwerpunktKopftuch/ImBeruf/im-beruf-node.html;jsessionid=7DE3EECBF9A77B5A98E47FEE06BA0A93.1_cid359

ENAR. *Racist Crime in Europe*, 2014. (Online) 22/12/2015 from http://enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf

Engelbrecht, M. 'Through the Maze of Identities: Muslims in Germany Trying to Find Their Way Between Religion, Traditionalism, Nationalism and the Question of Organisation', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge.2010.

Euro-Islam Info. (2013). 'Islam in Germany', *Euro-Islam Info*, 2013. (Online) 05/01/2015 from http://www.euro-islam.info/country-profiles/germany/#identifier_91_463

Europäisches Forum fuer Migrationsstudien. 'Ausgewaehlte Antidiskriminierungsstellen in Deutschland', 2010. (Online) 16/11/2014 from http://www.tbb-berlin.de/downloads_adnb/efms_Liste_Antidiskriminierungsstellen_Nr19_April2010.pdf

European Agency for Fundamental Rights. Violence against Women: An EU-Wide Survey. 2014. Online 18/04/2015 from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

European Commission against Racism and Intolerance (ECRI). 'ECRI Report on Germany'. 2009.

European Monitoring Centre on Racism and Xenophobia (EUMC). 'Perception of Discrimination and Islamophobia: Voices from members of Muslim communities in the European Union.' Wien: EUMC. 2006.

European Monitoring Centre on Racism and Xenophobia. 'Muslims in the European Union: Discrimination and Islamophobia', Part 2-Manifestations of Islamophobia. 2006.

Federal Anti-Discrimination Agency. *Benachteiligung von Personen mit und ohne Migrationshintergrund im Ost-West-Vergleich*. 2012.

Foroutan, N. *Muslimbilder in Deutschland: Wahrnehmungen und Ausgrenzungen in der Integrationsdebatte*. Friedrich Ebert Stiftung. 2012. (Online) 22/03/2015 from <http://library.fes.de/pdf-files/wiso/09438.pdf>

Frankfurter Allgemeine. (2002) 'Auch Niedersachsen verbietet Lehrerinnen Kopftuch', Online from <http://www.faz.net/aktuell/politik/justiz-auch-niedersachsen-verbietet-lehrerinnen-kopftuch-149741.html>

Freudenreich, D. 'Über 200 islamfeindliche Angriffe auf Moscheen seit 2001', WAZ, 2012. (Online 15/12/2014) from <http://www.derwesten.de/politik/ueber-200-islamfeindliche-angriffe-auf-moscheen-seit-2001-id6623448.html>

Frindte, W.; Boehnke, K.; Kreikenbom, H. & Wagner, W. (2011). *Lebenswelten Junger Muslime in Deutschland*. (Online) Last accessed date 07/12/2014 from http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2012/junge_muslime.pdf?__blob=publicationFile

Frings, D. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Rechtswissenschaftliche Expertise*. Federal Anti-Discrimination Agency, 2010.

Gallup. (2009). 'The Gallup Coexist Index 2009: A Global Study of Interfaith Relations', Gallup (Online) Last accessed date 10/10/2013 from http://www.euro-islam.info/wp-content/uploads/pdfs/gallup_coexist_2009_interfaith_relations_uk_france_germany.pdf

German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland*. 2004. (Online) 19/04/2015 from <http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Lebenssituation-Sicherheit-und-Gesundheit-von-Frauen-in-Deutschland,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>

German Criminal Law, Section 130, *Juris*. (Online) 12/12/2014 from http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1200

German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. *Gewalt gegen Frauen in Paarbeziehungen*. 2012. Online 01/05/2015 from <http://www.bmfsfj.de/blaetterkatalog/120790/blaetterkatalog/index.html>

Glet, A. 'The German Hate Crime Concept', *Internet Journal of Criminology*, 2009, p.9. Online (14/12/2014) from http://www.internetjournalofcriminology.com/Glet_German_Hate_Crime_Concept_Nov_09.pdf

Göroglu, R. 'Wie neutral muss der deutsche Staat sein', *Mediendienst Integration*. 2015 (Online) 25/11/2015 from <http://mediendienst-integration.de/artikel/laizismus-versus-saekularismus-wie-neutral-ist-deutscher-staat-kopftuch-schule-lehrerin.html>

Harrod, A. '74 year-old German Woman Convicted of 'Hate Speech' against Muslims', *Frontpage Mag*, 2013. (Online) 15/12/2014 from <http://www.frontpagemag.com/2013/andrew-harrod/74-year-old-german-woman-convicted-of-hate-speech-against-muslims/>

Hafez, K & Richter, C. 'Das Islambild von ARD und ZDF', *Wochenschau für politische Erziehung, Sozial- und Gemeinschaftskunde*, 2007, vol.58, no. 6, pp. 239–240.

Hafez, K. 'Aufgeklärte Islamophobie: Das Islambild deutscher Medien', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p. 25.

Halm, D. 'Pauschale Islamfeindlichkeit? Zur Wahrnehmung des Islams und zur soziokulturellen Teilhabe der Muslime in Deutschland. in Jäger, S. & Halm, D.(eds.) *Mediale Barrieren. Rassismus als Integrationshindernis*, DISS: Unrast.2006.

Hans-Boeckler Stiftung. *Frauen, Beruf, Einkommen, Vermoegen*. 2012. (Online) 22/04/2015 from http://www.boeckler.de/hbs_showpicture.htm?id=53414&chunk=1

Hans-Boeckler Stiftung. *Arbeitszeit: Frauen fallen zurück*. 2015 Online http://www.boeckler.de/53399_53418.htm

Harrod, A. '74 year-old German Woman Convicted of 'Hate Speech' against Muslims', *Frontpage Mag*, 2013. (Online) 15/12/2014 from <http://www.frontpagemag.com/2013/andrew-harrod/74-year-old-german-woman-convicted-of-hate-speech-against-muslims/>

Haug, E. & Wirkner, P. 'Einleitung', *Diskriminierung und Intoleranz gegenüber Muslimen*. Friedrich Ebert Stiftung. 2007.

Haug, S.; Muessig, S. & Stichs, A. *Muslimisches Leben in Deutschland*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge, 2009.

Haug, S. 'Herkunft, Glaubensrichtung, Bildung, Partizipation: Vom Eins-Werden und vom Einssein', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p. 5.

Heitkamp, S. 'Blutbad im Gerichtssaal-Polizei ermittelt wegen heimtückischen Mordes', *Die Welt*, 2009. (Online) 22/11/2015 from <http://www.welt.de/vermishtes/article4051592/Polizei-ermittelt-wegen-heimtueckischen-Mordes.html>

Hensche, M. 'Diskriminierungsverbote-Geschlecht', *Hensche.de*. (Online) 01/05/2015 from http://www.hensche.de/Rechtsanwalt_Arbeitsrecht_Handbuch_Diskriminierung_Verbote_Geschlecht.html

Herber, L. 'Kopftuch als Karrierekiller', *Deutsche Welle*, 2013. (Online) 17/11/2014 from <http://www.dw.de/kopftuch-als-karrierekiller/a-17114724>

Hockenos, P. 'Die neuen Kreuzritter-Europa stilisiert den Massenmörder Anders Breivik munter zum Promi des Bösen: So lässt sich der breite Hass auf Muslime ignorieren'. *TAZ*. 2012. (Online) 10/04/2015 from <http://www.taz.de/!93183/>

Human Rights Watch. 'Diskriminierung im Namen der Neutralität: Kopftuchverbote für Lehrkräfte und Beamte in Deutschland'. Human Rights Watch. 2009. (Online) 23/03/2015 from http://www.hrw.org/sites/default/files/reports/germany0209deweb_0.pdf

IGMG. 'Marwa El-Sherbini: Vier vergeudete Jahre, 2013. (Online) 15/12/2014 from <http://www.igmg.org/nachrichten/artikel/2013/06/30/marwa-el-sherbini-vier-vergeudete-jahre.html>

Interkulturelle Woche. 'Was ist antimuslimischer Rassismus? Handreichung der DGB-Jugend'. 2013. (Online) 22/04/2015 from <http://www.interkulturellewoche.de/hefteintrag/2013/wer-offen-ist-kann-mehr-erleben/was-ist-antimuslimischer-rassismus-handreichung-der>

Interkultureller Rat in Deutschland. 'Starke Frauen, Schwerer Weg! Zur Benachteiligung muslimischer Frauen in der Gesellschaft'. Darmstadt, 2010

Islamiq. 'Muslime fordern Ende der staatlichen Diskriminierung', 2013. (Online) 11/12/2014 from <http://www.islamiq.de/2013/11/10/muslime-fordern-ende-staatlichen-diskriminierung/>

Islamiq. 'Selbstverteidigungskurse fuer muslimische Frauen', 2013. (Online) 14/12/2014 from <http://www.islamiq.de/2013/10/08/selbstverteidigungskurse-fuer-muslimische-frauen/>

Islamiq. 'Studie belegt Diskriminierung von Frauen mit Kopftuch', 2013. Online 16/11/2014 from <http://www.islamiq.de/2013/09/12/studie-belegt-diskriminierung-von-frauen-mit-kopftuch/>

Jacobsen, L. 'Und im Stillen brennen die Moscheen', *Zeit Online*, 2014. (Online) 08/12/2014 from <http://www.zeit.de/gesellschaft/zeitgeschehen/2014-08/moscheen-anschlaege-islamfeindlichkeit-ignoranz>

Kerber, M. 'Furthering Muslim Self-Organisation: The Task of the German Islam Conference', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

Kommers, D. and Miller, R. 'Religion, Conscience, and Family Rights', *The Constitutional Jurisprudence of the Federal Republic of Germany*. Durham and London: Duke University Press, 2012, pp. 538-620.

Kornmeier, C. & Kahrman, J. 'Entschädigung nach Diskriminierung wegen Kopftuch-“Ein wichtiges Urteil”', *Legal Tribune Online*, 2012. (Online) 10/11/2014 from <http://www.lto.de/recht/hintergruende/h/entschaedigung-kopftuch-diskriminierung-agg-arbeitsgericht-berlin/>

Kramer, S. 'Intoleranz gegen Muslime-Ein neues Feindbild', *Diskriminierung und Intoleranz gegenüber Muslimen*. Friedrich Ebert Stiftung. 2007.

Küpper, B; Zick, A. & Hövermann, A. *Islamfeindlichkeit in Deutschland und Europa*. Universität Berlin. 2013.

Lau, M. 'Die Vielen Stimmen des Islam in Deutschland'. *Welt Online*, 2006. (Online) 16/02/2015 from http://www.welt.de/print-welt/article155672/Die_vielen_Stimmen_des_Islam_in_Deutschland.html.

Lau, J. 'Das Islambild in den Medien', *Zeit Online*, 2010. (Online) 05/12/2014 from http://blog.zeit.de/joerglau/2010/07/08/das-islambild-in-den-medien_4000

Landeszentrale für politische Bildung Baden-Württemberg. 'Der Kopftuchstreit', 2014. (Online) 18/12/2014 from <http://www.lpb-bw.de/kopftuchstreit.html>

Lemmen, T. (2000). *Islamische Organisationen in Deutschland*. Bonn: FES Library.

Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>

Macgilchrist, F & Boehmig, I. 'Blogs, Genes and Immigration: Online media and Minimal Politics'. *Media, Culture & Society*, vol. 34, no. 1, pp. 83–100. 2012.

MDR Thüringen. 'Verfahren gegen Tierschutzpartei-Chef eingestellt', 2014. (Online) from <http://www.mdr.de/thueringen/verfahren-gegen-tierschutzpartei-landeschef-eingestellt100.html>

Meyer, F. & Schlesinger, K. 'Skepsis nach dem Kopftuch-Urteil', *Deutschlandradio Kultur*, 2015. (Online) 25/04/2015 from

http://www.deutschlandradiokultur.de/bundesverfassungsgericht-skepsis-nach-dem-kopftuch-urteil.1008.de.html?dram:article_id=314148

Migazin. 'Islamophobie 2010-Deutschland ist Europameister'. 2010. (Online) 15/04/2015 from <http://www.migazin.de/2010/12/03/islamophobie-2010-deutschland-ist-europameister/>

Migazin. 'Jeder dritte Arbeitgeber lehnt Frauen mit Kopftuch ab', 2013. (Online) 02/12/2014 from <http://www.migazin.de/2013/08/15/diskriminierung-arbeitgeber-frauen-kopftuch/>

Mischke, J. & Wingerter, C. *Frauen und Maenner auf dem Arbeitsmarkt*. Statistisches Bundesamt. 2012. (Online) 22/04/2015 from https://www.destatis.de/DE/Publikationen/Thematisch/Arbeitsmarkt/Erwerbstaetige/BroeschuereFrauenMaennerArbeitsmarkt0010018129004.pdf?__blob=publicationFile

Mühe, N. *Muslims in the EU: Cities Report-Germany*. Open Society Institute: EU Monitoring and Advocacy Program, 2007.

Mühe, N. *Intolerance Discourses in Political Live*. Manuscript. 2012.

Mühe, N. 'Extending the Limits of Intolerance: The Sarrazin-Debate and its Effects on Members of the Targeted Minority'. *Accept Pluralism*. 2012.

N24. "'Islamfeindlichkeit ist das neue Gewand des Rassismus'". 2014. (Online) 18/04/2015 from <http://www.n24.de/n24/Nachrichten/Politik/d/4854512/-islamfeindschaft-ist-das-neue-gewand-des-rassismus-.html>

Netzwerk gegen Diskriminierung von Muslimen. 'Und du?', 2012. (Online) 12/11/2015 from http://www.tbb-berlin.de/downloads_adnb/Broschuere_Netzwerk_Muslime_2012_Endversion_Webversion.pdf

Nofal, L. 'Islamfeindlichkeit als wachsendes gesellschaftliches Phänomen', *Berliner Zustände 2012: Ein Schattenbericht über Rechtsextremismus, Rassismus und Antisemitismus*. Apabiz & MBR. 2013.

No-Nazi-Net. 'Dossier: Antimuslimischer Rassismus'. 2015. (Online) 02/04/2015 from <http://no-nazi.net/dossiers/antimuslimischer-rassismus-2/> 2015

Open Society Institute (OSI). *Muslime in Berlin*. New York, London & Budapest: OSI. 2010.

Open Society Institute (OSI). *Muslime in Hamburg*. New York, London & Budapest: OSI. 2010.

Ozkan, M. (2011). 'Transnational Islam, Immigrant NGOs and Poverty Alleviation: The Case of the IGMG', *Journal of International Development*, vol.23, no.3.

Peter, F. 'Welcoming Muslims Into the Nation, Tolerance, Politics and Integration in Germany', in Cesari, J. *Muslims in the West after 9/11: Religion, Politics and Law*. New York: Routledge. 2009.

Peters, F. 'Bundesarbeitsgericht bestätigt Kopftuch-Verbot', *die Welt*, 2014. (Online) 14/11/2014 from <http://www.welt.de/politik/deutschland/article132585160/Bundesarbeitsgericht-bestaetigt-Kopftuch-Verbot.html>

Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen: Erkenntnisse der sozialwissenschaftlichen Forschung und Handlungsempfehlungen*. Federal Anti-Discrimination Agency, 2010.

Peucker, M. *Diskriminierung aufgrund der islamischen Religionszugehörigkeit im Kontext Arbeitsleben-Erkenntnisse, Fragen und Handlungsempfehlungen*. Europäisches Forum für Migrationsstudien: Bamberg, 2010.

Pollack, D. (2011). 'Akzeptanz und Wahrnehmung des Islams: Zu den Ergebnissen einer Studie der Westfälischen Wilhelms-Universität Muenster', *Islam- Kultur- Politik: Dossier zur Politik und Kultur*, 2011, vol.1, p.10.

Ramm, C. 'The Muslim Makers', *Interventions: The International Journal of Postcolonial Studies*, 2010, vol 12, no. 2, pp.183–197.

Rhode, U. 'Vorlesung-Religion und Religionsgemeinschaften im staatlichen Recht', *Kirchenrecht Online*, 2014. (Online) 22/11/2015 from <http://www.kirchenrecht-online.de/lehrv/religionsrecht/skriptum.pdf>

Riedel, S. 'Muslim Self- Organization between Etatism and Civil Society: Countries and Concepts', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge, 2010.

Riegert, B. 'Kaum Daten zu Islamfeindlichkeit', *Deutsche Welle*, 2013. (Online) 04/12/2014 from <http://www.dw.de/kaum-daten-zu-islamfeindlichkeit/a-17023310>

Schaedler, K. 'Diskriminierung muslimischer Frauen- Ohne Kopftuch gibt's Karriere', *TAZ*, 2010. (Online) 12/12/2014 form <http://www.taz.de/!59226/>

Scherr, A. *Nichtmuslime bevorzugt-Warum Frauen mit Kopftuch oft keine Lehrstelle bekommen*, Federal Anti-Discrimination Agency. 2013. (Online) 05/01/2015 from http://www.antidiskriminierungsstelle.de/SharedDocs/Kurzmeldungen/DE/2013/nl_03_2013/nl_03_gastkommentar.html?nn=4193562

Scherr, A. & Gründer, R. *Toleriert und Benachteiligt: Jugendliche mit Migrationshintergrund auf dem Ausbildungsmarkt im Landkreis Breisgau-Hochschwarzwald*. Pädagogische Hochschule Freiburg, 2011. (Online) 02/01/2015 from http://www.wi-jhw.de/tl_files/Bilder/WI-

[Bilder/PDFs/Forschungsprojekte/Scherr Gruender 2011 Toleriert und - benachteiligt final.pdf](#)

Schiffauer, W. 'Vom Exil- zum Diaspora-Islam: Muslimische Identitäten in Europa', *Soziale Welt- Zeitschrift fuer sozialwissenschaftliche Forschung und Praxis*, 2004, vol.55, no.4, p.347-268.

Schiffauer, W. 'Turks in Germany', in Ember, M. (ed.) *Communities: Encyclopaedia of Diasporas*, New York: Springer, 2005.

Schiffauer, W. 'Enemies Within the Gates', in Moddod, T.; Triandafyllidou, A. & Zapata-Barrero (eds.) *Multiculturalism, Muslims and citizenship: a European approach*. London: Routledge. 2006.

Schiffauer, W. *Nach dem Islamismus: Die Islamische Gemeinschaft Milli Goerues. Eine Ethnographie*. Germany: Suhrkamp Verlag, 2010.

Schiffer, S. *Die Darstellung des Islams in der Presse- Sprache, Bilder, Suggestionen: Eine Auswahl von Techniken und Beispielen*. Wuerzburg: Ergon Verlag. 2005.

Schiffer, S. 'Antimuslimischer Rassismus und Rassismuseugnung'. *Migazin*. 2010 . (Online) 24/04/2015 from <http://www.migazin.de/2010/12/03/antimuslimischer-rassismus-und-rassismuseugnung/>

Silvestri, S. 'Public Policies Towards Muslims and the Institutionalization of 'Moderate Islam' in Europe', in Triandafyllidou, A. (ed.) *Muslims in 21st Century Europe: Structural and Cultural Perspectives*. UK: Routledge. 2010.

Söylemez, R. 'Interview mit Henri Nickels-Islamfeindlichkeit: Viele Muslime melden Diskriminierung nicht', *Islamiq*, 2014. (Online) 19/11/2014 from <http://www.islamiq.de/2014/11/02/islamfeindlichkeit-viele-muslime-melden-diskriminierung-nicht/>

Spiegel. 'EU Xenophobia Report: Racism on the Rise in Germany', 2007. (Online) 09/02/2015 from <http://www.spiegel.de/international/germany/eu-xenophobia-report-racism-on-the-rise-in-germany-a-502471.html>

Spiegel. 'Muslimische Lehrerin: Kopftuch im Unterricht bleibt verboten', 2009. (Online) 20/11/2014 from <http://www.spiegel.de/unispiegel/jobundberuf/muslimische-lehrerin-kopftuch-im-unterricht-bleibt-verbotten-a-603617.html>

Spiegel. 'Integrationsdebatte: ARD-Umfrage Zeigt Zunahme der Islamfeindlichkeit', 2010 (Online) 25/11/2014 from <http://www.spiegel.de/politik/deutschland/integrationsdebatte-ard-umfrage-zeigt-zunahme-der-islamfeindlichkeit-a-722521.html>

Spiegel. 'Firmen müssen Ablehnung von Bewerbern nicht begründen', 2012. (Online) 28/11/2015 form <http://www.spiegel.de/karriere/berufsleben/urteil-arbeitgeber-muessen-gescheiterten-bewerbern-keine-auskunft-geben-a-828531.html>

Spielhaus, R. 'Counter-measures to religious Discrimination: A Local Initiative in Berlin', in Frédérique Ast (Hrsg.). *Droit, société et risque*. Paris: L'Harmattan, 2012.

Tagesschau. 'Kopftuchverbot für Lehrerinnen gekippt', 2015 (Online) 22/04/2015 from <https://www.tagesschau.de/inland/kopftuch-109.html>

Tagesschau. 'Studie der Bertelsmann-Stiftung-Mehrheit fühlt sich vom Islam bedroht'. 2015. (Online) 01/05/2015 from <http://www.tagesschau.de/inland/islam-101.html>

The Local. 'German Muslims rally against extremism', *The Local*, 2014. (Online) 29/11/2014 from <http://www.thelocal.de/20140919/german-muslims-rally-against-extremism>;

Malkowski, J. 'Angriffe auf Moscheen', *TAZ*, 2014. (Online) from <http://www.taz.de/!147206/>

Thielmann, J. 'The Turkish Bias and Some Blind Spots: Research on Muslims in Germany', in Kreienbrink & Vardar (eds.) *Muslim Organisations and the State -European Perspectives*. Nuernberg: Bundesamt fuer Migration und Fluechtlinge. 2010.

Titze, C. 'Senat reagiert verhalten auf Kopftuch-Urteil', *RBB*, 2015. (Online) 01/05/2015 from <http://www.rbb-online.de/politik/beitrag/2015/03/bundesverfassungsgericht-hebt-kopftuch-verbot-auf.html>

Toprak, A. *Integrationsunwillige Muslime? Ein Milieubericht*. Freiburg i. Breisgau: Lambertus. 2010.

United Nations, CERD. 'Consideration of Reports submitted by state parties under Article 9 of the Convention. Concluding observations of the CERD: Germany'. 2008.

United Nations General Assembly/Human Rights Council. 'Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerances: Mission to Germany'. 2010.

Van Bon, S; Dinsbach, W.; Lechner, C. & Peucker, M. *Registration of Complaints about Discrimination in the Netherlands and in Germany*. European Union Programme for Employment and Social Solidarity, 2011.

Von Campenhaus, A. F. 'Staat und Religion', *Humboldt Forum Recht*, 2008 (Online) 22/11/2015 from <http://www.humboldt-forum-recht.de/druckansicht/druckansicht.php?artikelid=188>

Vollmer, B. 'German Employment Strategies Towards Immigrants and Ethnic Minorities', in Blaschke, J. & Vollmer, B. (eds.) *Employment Strategies for Immigrants in the European Union*. Berlin: Edition Parabolis, 2004.

WebCite, 'Strafverfahren gegen Alex W. beim Landgericht Dresden. Urteil vom 11. November 2009', Press Release, 2009. (Online) 14/11/2015 from

<http://www.webcitation.org/query?url=http%3A%2F%2Fwww.justiz.sachsen.de%2Ffgdd%2Fcontent%2F709.php&date=2009-12-07>

Wolbert, B. *Migrationsbewaeltigung*. Goettingen: Edition Herodot, 1984

Wrusch, P. 'Kopftuch bedeutet Schläge', *TAZ*, 2009. (Online) 17/12/2014 from <http://m.taz.de/!44199;m/>

Zick, A. & Küpper, B. *Meinungen zum Islam und Muslimen in Deutschland und Europa*. 2009. Universität Bielefeld.