Recognizing and recording anti-Muslim prejudiced incidents

Towards better prevention and more comprehensive protection for those affected

Anti-Muslim attitudes are widespread in Germany and Austria, as is reported by representative studies for both countries. According to the Leipzig Authoritarianism Study 2020,[1] almost half (46.8 percent) of respondents stated they sometimes feel like a stranger in their own country "because of the many Muslims." The results of a study[2] carried out in Austria in 2018 show that 79 percent of those living in Austria favor closer surveillance of Islamic communities, and 59 percent fear that there are terrorists among Muslims. These attitudes can be traced back to the political and media discourses. The attacks in Hanau and Halle (Germany) and the right-wing extremist murders committed by the NSU ("National Socialist Underground" in Germany) mark turning points in history that have caught the public's attention. Physical attacks and psychological violence with an anti-Muslim bias and discrimination in the education sector, the health system, the housing and labor market, and public space have been at a high level for years.[3] The German Federal Ministry of the Interior, Building and Community registered in 2020 at least 1129 Islamophobic crimes that took place all around Germany (provisional status).[4]

However, the European Union Agency for Fundamental Rights (FRA) survey suggests a much higher number of unreported incidents.[5]

Prevention and protection against anti-Muslim attacks and discrimination require an accurate understanding of the phenomenon and its actual scale. On the one hand, this requires a unified and profound knowledge of anti-Muslim racism and indicators that recognize and classify an incident by its anti-Muslim bias. On the other hand, a systematic, comprehensive, and coherent recording of anti-Muslim incidents is also necessary. The lack of reliable, disaggregated, and systemically recorded incident numbers in Germany and Austria distorts the scale and quantity of racially motivated discrimination and attacks. This paper presents a working definition of anti-Muslim racism and indicators for recognizing anti-Muslim racism,[6] developed in cooperation with experts, counseling centers, and anti-discrimination agencies from Germany and Austria.

Key recommendations for action:

→ **Unified and profound understanding of concepts:** A well-rooted and recognized working definition of anti-Muslim racism is required to protect people from discrimination and assault. Existing efforts by civil society organizations at the EU and national levels should be taken into account. Experts from these groups should be included in the development of a working definition. In addition, uniform indicators are required to record the anti-Muslim bias motivation in the event of discrimination and assault.

→ **Unified recording of anti-Muslim racism:** Anti-Muslim attacks above and below the threshold of punishability and anti-Muslim discrimination must be recorded better. A nationwide reporting system with extensive and unified recording and data collection processes is required. In addition, uniform incident documentation by counseling centers must be financed on a sustainable and long-term basis.

→ **Sustainable financing of counseling centers:** Affected persons should have the opportunity to report attacks to the police and the public prosecutor's office via counseling centers and be represented by them in criminal proceedings. This would relieve the affected persons[7] emotionally and financially and protect them from secondary victimization. Thus, both a legal basis and sustainable institutional financing of counseling centers are required. A low threshold would hence result in a smaller number of unreported incidents.

Status quo

Muslims and people perceived as such are often affected by inter-sectional discrimination and attacks. This means that different grounds of discrimination such as religion, origin, or gender can overlap during one single incident. An incident can be motivated by anti-Muslim racism regardless of whether the person affected is a practicing Muslim or whether a statement made by the perpe-trator during the incident explicitly refers to Islam. Therefore, it can often be challenging for counseling centers and officials in the justice system to recognize and record anti-Muslim prejudiced inci-dents correctly.

A study carried out by CLAIM[8] shows that counseling centers in Germany are not always well enough trained to support those affect-ed by anti-Muslim racism. For example, half of the 72 interviewed centers have no procedure for recognizing anti-Muslim racism. Additionally, almost a third have no counselors in their team who are specifically trained in anti-Muslim racism or counselors who have personal or family connections to the topic or know Muslim communities very well.

European Court of Human Rights (ECHR) has obliged EU member states to take all necessary steps in applying Article 14, that is, to make a possible bias motivation visible and punish such offenses more severely. The EU directive "Minimum Standards on the Rights, Support and Protection of Victims of Crime" also obliges member states to subject victims of crime to an individual interview to recog-nize a possible bias[9].

Studies imply that bias is often not recorded or determined by secu-rity authorities regardless of existing legal frameworks. According to the Organization for Security and Co-operation in Europe (OSCE), the Austrian Ministry of the Interior (BMI) recorded six incidents of anti-Muslim hate crime in 2019 (incident numbers for 2020 are not yet available, as of April 2021). However, according to the Organiza-tion for Security and Co-operation in Europe (OSCE), civilian coun-seling centers recorded 113 incidents of anti-Muslim hate crime in Austria for the same period. A lack of understanding of anti-Muslim racism by security authorities can lead to a possible bias motivation being not recognized or not taken into account during crime inves-tigations and thus not recorded. The Austrian Ministry of the Inte-rior seeks to improve the recording of hate crimes with the specific

training of civil servants and a revision of interrogation tools and the police database. Since 2017, Islamophobic hate crimes have been recorded in Germany separately under "Politically motivated crime." Since 2019, the authorities have used a so-called target catalog for a nationwide uniform recording of attack targets. Despite the efforts in Austria and Germany, studies show that the rights of persons affected by hate crime can be violated and/or not enforced due to institutional racism[10], the lack of an intersectional understanding[11] of racism, and lack of cooperation with counseling centers. This means that those affected can experience secondary victimization by the police, that a racist bias motivation is not recorded and/or is not legally investigated, and that proceedings of criminal offenses with alleged racist bias motivations are discontinued early.[12]

Counseling centers must be trained to forward cases to the police and to represent affected persons in criminal proceedings. This would be an emotional and financial relief for affected persons. An example of such a measure is Belgium, where the ombudsman can complain on behalf of the person affected and initiate (civil and criminal) proceedings with their consent.[13] An exhaustive investi-gation of the offense is also necessary to identify the special protec-tion needs of the person affected and determine whether and to what extent such special measures would benefit the person affected, considering the context of secondary and repeated victimization, intimidation, and retaliation.

For evaluating attacks and discrimination incidents concerning their anti-Muslim content, indicators are an essential tool. Indica-tors are objective facts, circumstances, or patterns associated with a discriminatory or an abusive/violent act which, alone or in connec-tion with other attributes or offenses, indicate that the perpetrator's action was motivated in whole or in part by some form of bias. However, indicators can only be helpful if there is a comprehensive understanding of anti-Muslim racism.

It should be emphasized that anti-Muslim racism manifests in many ways and forms and is not restricted to "attacks" and "discrimina-tion," as mentioned in this paper repeatedly. Hence, the indicators for recognizing anti-Muslim racism presented in this paper are not regarded as "definite" but as a guideline for recording incidents.

Understanding the Concept of anti-Muslim racism: A Working Definition

As part of the EU project "I Report," Dr. Farid Hafez from Paris Lodron University of Salzburg conducted a study on developing a working definition of anti-Muslim racism. Academics, consultants, and politicians were involved in the development of the definition. The resulting working definition is not "concluded" but rather contributes to similar federal and EU efforts.

Anti-Muslim racism is thus defined "as a form of racism that targets specifically Muslims or persons perceived as Muslims.

Anti-Muslim racism describes a relationship of dominance directed against individuals, groups, and institutions that define themselves as Muslim or are marked as Muslim by external attribution. (...) Anti-Muslim racism can manifest itself in different ways, such as discrimination, hate crime, verbal assaults, and gestures by individuals, groups, and institutions. Thus, anti-Muslim racism manifests itself as a structural element of society on institutional, discursive, and individual levels."

Indicators for recognizing anti-Muslim racism

The indicators presented here are based on the bias indicators of anti-Muslim hate crimes[14] of the Office for Democratic Institutes and Human Rights (ODIHR). They are intended to help authorities recognize anti-Muslim bias motivation in crimes and thus record hate crimes more effectively. The development of the indicators goes back to ODIHR's long-standing work, in which representatives of states and civil society were involved. The indicators were further developed together with anti-discrimination, counseling, and documentation centers from Austria and Germany and extended to include forms of discrimination. The indicators include (guiding) questions to help organizations and authorities to recognize an anti-Muslim bias motivation. The list of questions is not exhaustive and can be developed further and adapted depending on the context.

Anti-Muslim motives in attacks on refugees and/or people with a migratory biography

In the medial and political discourse connecting Islam and migration/integration, a significant shift can be observed since September 11, 2001, wherein "guest workers," "Turks," and "foreigners" have become "Muslims"[15]. This has generally also affected the perception of people with a migratory background in society.

This connection can also be seen in discourses that problematized the arrival of many refugees in the summer of 2015 because their origin from Muslim majority countries or their supposed religious belonging to Islam represents an integration and security policy challenges.[16]

These discursive connections are expressed in negative attitudes and positions towards refugees[17] and are based on racist and Islamophobic characteristics attributed to Muslims.

Therefore, to recognize an anti-Muslim bias motivation, it is essential to consider that regardless of religious affiliation, someone can be perceived as Muslim based on phenotypic characteristics, name, language, attributed/actual origin, and/or residence status. This means that especially refugees from Muslim majority countries and/or people with a migratory background from Muslim majority countries are (can be) perceived as Muslims.

In the case of attacks and discrimination with an anti-Muslim bias motivation, factors of alleged/actual religious affiliation and alleged/actual ethnicity often overlap. The focus on only one bias motivation (race or religious affiliation) can lead to the anti-Muslim bias remaining unrecognized – although it may weigh more as a ground of the offense. Therefore, in the following, we present indicators to help recognize an anti-Muslim bias motivation in attacks on refugees and people with a migratory background from Muslim majority countries.

Indicator 1: Victim's and/or witness's perception of the incident

An immediately apparent indicator that should be given special attention in the recording process is the victim's and/or witness's perception of the incident.

→ Does the person affected, or the witness, believe that the incident was motivated by anti-Muslim racism?
→ Do the details about the person affected contain grounds of another possible bias motivation? Could the person be targeted due to overlapping several identity categories (e.g., Black Muslim)?

Indicator 2: Context

It often happens that the person affected is not Muslim and therefore excludes the possibility of being perceived as such, e.g., based on appearance or use of a particular language. This can apply, amongst others, to Jewish women wearing a headscarf or Sikhs wearing a turban.

→ Was the person affected perceived as – actually or presumably – Muslim? Examples include dress (e.g., headscarf, dastar/Sikh turban, the thobe, and other long clothing perceived as "Muslim clothing," burkini), appearance such as a full beard, the use of a particular language at the time of the incident, and/or the name.

→ Is the person affected committed to Muslim communities, or is he or she active in the political or activist field, such as combatting anti-Muslim racism or generally concerning anti-racism work?

→ Were there statements and/or symbols, signs, a manifesto, or written comments pointing to an anti-Muslim bias motivation? For example: "All Muslims are terrorists" or statements that equate migration with "Islamization."

→ Attacks can also be directed against an institution/organization/association or business. To recognize the anti-Muslim bias motivation of the incident, it is also essential to consider the context in such cases. Was the shop/institution/association perceived as "Muslim" because of its name, for example? Do smears/stickers or graffiti point to an anti-Muslim bias motivation (e.g., "No to Islamization")? Does the business owner's name seem "Muslim" and is easily visible (e.g., in a doctor's practice)?

Indicator 3: Location

The question of the incident's location – the environment in which the incident took place – can be instructive in recognizing the anti-Muslim bias.

→ Did the incident take place in the vicinity of a mosque or an Islamic educational institution?

→ Did the incident take place in a place perceived as potentially "Muslim"? Examples: café ("shisha bar"), cultural club, kebab stand, restaurant or supermarket, Muslim sports club or a refugee center, district with a high proportion of residents with a migratory background, etc.

→ Was the incident's location near an event perceived as part of Muslim life and culture? For example, religious gatherings, weddings, funerals, etc.

Indicator 4: Time

→ Which temporal aspects of the incident can be associated with events (religious or non-religious) and/or with public discourses related to Islam and Muslims?

→ Examples: Friday prayers, breaking the fast in Ramadan, Islamic holidays, election advertisement, discourses in the context of the election campaign, or publicly perceived speeches that problematize Islam and Muslims one-sidedly, etc.

→ Did the incident occur during or shortly after an announcement, demonstration, or event that spread racist or right-wing extremist ideas? For example, were the windows of a Turkish restaurant smashed on the day of a Pegida demonstration?

Important note: This indicator can also be used in subsequent analyses to determine whether the increase in incident cases can be associated with a specific event, such as an anniversary of a racist assassination. Key questions could be:

→ Did the incident occur when Islam, Muslims, Muslim life, or refugees were portrayed negatively in the media or political election campaigns?

→ Has a public figure (e.g., a politician) recently made a derogatory statement about Muslims, refugees, or Islam?

Indicator 5: Threats

→ Did the affected person or the institution receive verbal or written anti-Muslim threats in advance?

→ Before or after the incident, was there an appearance or appeal in social media against refugees, Muslims, and/or Islam (e.g., by the Identitarians, Pegida, or NPD)?

Indicator 6: Intersectionality

The multiple-choice for grounds of discrimination/prejudice (ethnicity, religion, and gender) is vital because people who are perceived as belonging to several marginalized social groups have an increased risk of becoming affected by anti-Muslim racism. The intersectionality of different social categories such as race[18], religion, residence status, gender, sexual orientation, gender identity, disability, and other axes of identity also creates very specific victimization to anti-Muslim-racist hate crime. Good questions in this context are:

→ How does the affected person self-identify?

→ Are there other identity features that have played a role in the victimization (e.g., age, gender identity, disability, sexual orientation)?

→ Were there any statements, symbols, signs, messages, or a manifesto that pointed to another bias motivation of the offense (antisemitism, anti-Black racism, anti-Gypsyism, ableism, homophobia, transphobia, etc.)?

Indicator 7: Perpetrator

This indicator, when recorded, is also used to understand perpetrator groups and victimization processes better.

→ Does the perpetrator have a connection to organized extremist groups and/or right-wing populist movements, organizations, and parties (NSU 2.0, Pegida, fraternities in which verifiable right-wing extremist and nationalist ideas are represented, etc.)?

→ Has the perpetrator made anti-Muslim statements in the past (e.g., Internet, public event)?

Indicator 8: Patterns of incidents

→ Does the reported incident resemble previously reported incidents? Are the (hate) messages similar regarding the color and/or writing material used? Are identical signatures such as "NSU 2.0" or stickers of the same group used?

→ Does the incident repeatedly occur in the same place or against the same person, institution, or organization?

This indicator can be beneficial in the later analysis if, e.g., smears repeatedly occur in one place, but the contents of the smears are not always explicitly anti-Muslim. Identifying such connections and patterns can also be essential to determine whether the actions originate from an organized group.

Examples of anti-Muslim attacks and discrimination from counseling work from the point of view of those affected

Example 1: Mr. C. works in an ironworks and complains that his boss gives him tasks that are not within his area of responsibility and are too difficult for him as an individual worker.

Although Mr. C. talks about this with his boss and asks for additional help, the boss does not give these tasks to colleagues without migratory background. In addition, the boss tells his colleagues several times: "The Arab can do that." As a result of this division of labor, Mr. C. repeatedly is in conflict with his colleagues. Later, the colleagues waylay him and urge him not to play the "good Muslim because that is not what he is." Mr. C. then talks to his supervisor about the incident. One colleague, who learns about this conversation, visits Mr. C. and hits him on the back of the head with the shaft of a knife. Mr. C. is severely injured and is on sick leave for three weeks. There is no complaint. (Dokustelle Austria, incident 2019)

Example 2: A woman is on her way from kindergarten to the subway station. A man makes "pistol fingers" and "gunshots" gestures as he walks by her. The woman does not confront him and distances herself from the scene of the incident. The man laughs mischievously. The incident occurred shortly after the coverage of the terrorist attack on two mosques in Christchurch, New Zealand. The woman reported the case as an anti-Muslim assault. (Dokustelle Austria, incident 2019)

Example 3: The workshop of a mechanic with a Turkish migratory background was repeatedly smeared. The smears read: "A Christian who does not kill a Muslim in the Easter Vigil has probably failed in his faith! God with us", "We are full of hate" (Dokustelle Austria, incident 2019).

Effective measures for the prevention of anti-Muslim attacks and discrimination

A working definition of anti-Muslim racism and indicators for categorization and recording

Strategies against anti-Muslim racism require profound knowledge about the phenomenon, which is why a well-rooted and recognized working definition that understands anti-Muslim racism in its intersectional, institutional, and structural mode of action is essential. Existing efforts of the European Commission and civil society organizations at the national level should be considered, and experts from these groups should be involved in developing a working definition. In addition, counseling centers, the police, and the judiciary must have a uniform system for recording bias motivation in attacks and discrimination based on indicators.

Reliable, disaggregated, and systemically recorded incident numbers are essential for effective policies to prevent anti-Muslim racism. Accurate incident numbers are also significant for analyzing the effectiveness of existing measures to prevent attacks and discrimination.

Comprehensive coverage

A unified, comprehensive, and nationwide recording of anti-Muslim incidents enables a more precise assessment of the dangerous situation for affected communities and society, forming the basis for designing prevention measures.

Development of counseling and support structures

Many interrelated steps are needed to record and combat anti-Muslim attacks and discrimination better. A unified working definition and indicator-based recording can only be adequate if affected persons have low-threshold legal and psychosocial counseling. For this reason, the OSCE and the ODIHR see the expansion of civil society counseling, documentation, and support structures that offer help for those affected as crucial in the combat of hate crime and prejudice.[19] Community-based counseling centers are already doing important work in this regard. It is fundamental to expand these services nationwide and equip the centers with the necessary resources to support affected persons better. To be less burdened emotionally and financially, affected persons should have the opportunity to report assaults to the police via counseling centers and be

represented by them in criminal proceedings. To make this possible, both a legal basis and sustainable structural financing of counseling centers are necessary. This would also help to decrease the number of unreported anti-Muslim attacks.

Empowerment of those affected

Empowerment and educational opportunities are needed for persons affected by anti-Muslim racism. Those affected do not often know that there are legal options for action against anti-Muslim discrimination and attacks and/or where they can report incidents. In addition, there is also a need for activities (e.g., workshops) for those affected that facilitate the exchange of experiences, raise awareness about manifestations of anti-Muslim racism, and inform about possible courses of action in the event of an attack/or discrimination.

Promoting anti-racist thinking and action

Anti-Muslim racism, just as antisemitism, anti-Gypsyism, anti-Black and anti-Asian racism, is a structural feature of society. To combat racism effectively, its individual, institutional, and structural dimensions must be considered, including all areas of life.

An important step here is expanding and promoting existing educational offers on anti-racism in all areas of life – from educational institutions to the workplace and the health sector. The promotion of tolerance, solidarity, and civil courage are fundamental prerequisites for preserving a pluralistic democracy. Implementing Recommendation No. 15(9) of the European Commission against Racism and Intolerance (ECRI) is significant concerning political and social discourse. It recommends the member state governments to "withdraw all financial and other forms of support by public bodies from political parties and other organizations that use hate speech or fail to sanction its use by their members and provide, while respecting the right to freedom of association, for the possibility of prohibiting or dissolving such organizations regardless of whether they receive any form of support from public bodies where their use of hate speech is intended or can reasonably be expected to incite acts of violence, intimidation, hostility or discrimination against those targeted by it."

Endnotes

1   Decker, O.; Brähler, E. (eds.) (2020): "Autoritäre Dynamiken. Neue Radikalität – alte Ressentiments", Leipziger Autoritarismus-Studie 2020, p. 64.

2   Aschauer, W. (2018): "Einstellungen zu Muslimen in Österreich – Ergebnisse des Sozialen Survey 20218", p. 1. Accessible online: aussda.at/fileadmin/user_upload/p_aussda/Documents/ Einstellung_zu_Muslimen_in_OEsterreich.pdf

3   Mediendienst Integration (2021): "Infopapier Antimuslimischer Rassismus in Deutschland: Zahlen und Fakten". Accessible online: mediendienst-integration.de/fileadmin/Dateien/Info papier_Antimuslimischer_Rassismus.pdf

4   The figure is provisional, as according to experience incidents are also recorded in retrospective. The number of crimes is the sum of the preliminary quarterly figures for 2020. The Left Party asks for the numbers quarterly: Bundestagsdrucksache 19/26359, p. 2; 19/24774, p. 2; 19/22886, p. 2; 19/20631, p. 2.

5   The survey showed that only one in ten Muslim respondents reported the most recent incident of hate-motivated discrimination to the police or another organization. Only four out of 100 Muslim respondents who said they had been discriminated against reported the incident to an equality body, a human rights institution, or an ombudsman. European Union Agency for Fundamental Rights (2018): "Second European Union Minorities and Discrimination Survey Muslims – Selected findings," p. 11.

6   The indicators for recognizing anti-Muslim racism include anti-Muslim as well as Islamophobic motives.

7   The term "person affected" refers to persons who have experienced anti-Muslim assault or discrimination. The term "victim" is deliberately not chosen, as it has negative connotations and often suggests passivity, defenselessness, and inability to act. However, the term can be found in the Criminal Code and EU directives, so it is used here occasionally. The terms "victim" and "person affected" are hence to be understood synonymously in this paper.

8   Winterhagen, J. (2021): "Betroffene von antimuslimischem Rassismus unterstützen – Beratung nachhaltig ausbauen", p. 3.

9   Directive 2012/29/EU of the European Parliament and of the Council of October 25 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Accessible online: eur-lex.europa.eu/legal-content/DE/TXT/ PDF/?uri=CELEX:32012L0029&from=EN

10   European Network Against Racism (2019): "Racist Crime and Institutional Racism in Europe: ENAR Shadow Report 2014–18".

11   European Network Against Racism (2020): "Hate crime provisions in EU member states: the importance of an intersectional approach to ensure victims' rights."

12   European Network Against Racism (2019): "Racist Crime and Institutional Racism in Europe: ENAR Shadow Report 2014–18".

13   OSCE/ODIHR (2020): "Hate Crime Victims in the Criminal Justice System A Practical Guide," p. 44.

14   OSCE (2018): "Anti-Muslim Hate Crime." Accessible online: osce.org/files/f/documents/1/6/373441_1.pdf

15   Shooman, Y. (2014): "»... weil ihre Kultur so ist«. Narrative des antimuslimischen Rassismus". Transcript Verlag, Bielefeld, p.38.

16   Pickel G., Pickel S. (2019): "Der "Flüchtling" als Muslim – und unerwünschter Mitbürger?" In: Hidalgo O., Pickel G. (eds.): Flucht und Migration in Europa. Politik und Religion. Springer VS, Wiesbaden.

17   Ibid.

18   The controversial term "race" is understood as a historical and socio-political construct, not a biological category. "Race" is a generic term for all socio-political categories racialized in Germany and Austria, such as ethnicity, nationality, religion, language, culture and migration status. See also Barskanmaz, C. (2019): "Recht und Rassismus. Das menschenrechtliche Verbot der Diskriminierung aufgrund der Rasse".

19   OSCE/ODIHR (2020): "Hate Crime Victims in the Criminal Justice System A Practical Guide", p. 116.

About CLAIM

CLAIM currently unites and networks 47 Muslim and non-Muslim civil society actors. We form a solid and broad alliance against anti-Muslim racism and Islamophobia. CLAIM is supported by Teilseiend e.V., funded by the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ) as part of the federal program "Live Democracy!"

About I Report

I Report aims to capture better and to make visible the scale of anti-Muslim attacks and discrimination. The project aims to create greater awareness of anti-Muslim racism in Germany, Austria, and Europe. Furthermore, the aim is to build a nationwide database on anti-Muslim attacks and discrimination. I Report is a project of CLAIM in cooperation with the Documentation and Counselling Centre for Islamophobia & Anti-Muslim Racism (Dokustelle Austria), the Paris Lodron University Salzburg, and is funded by the EU within the framework of the program "Rights, Equality and Citizenship" (2014-2020) and Stiftung Mercator.

Since June 2021, persons affected, and witnesses have been able to report anti-Muslim incidents nationwide online via the **i–report.eu/melden** reporting portal.

After the pilot phase in Germany, we aim to support and develop regional reporting and support networks operated by civil society actors and facilitate nationwide data aggregation.

The reporting portal complements the already existing and critical regional reporting, counseling, and support services.

All information about I Report can be found at **i–report.eu**

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