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**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

**Joint written statement\* submitted by International Organization for the Elimination of All Forms of Racial Discrimination, Association Ma'onah for Human Rights and Immigration, International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

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\* Issued as received, in the language(s) of submission only.



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

## **Introduction**

The following report describes current developments regarding xenophobia, islamophobia, antisemitism, and racism in the Federal Republic of Germany, Austria, and the Netherlands. It aims to give an overview of incidents and political and social narratives regarding this topic and outline government responses. Thereby, international human rights standards will be taken into account.

## **Germany**

### **Statistics**

The latest country report by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe in 2019 detected high levels of islamophobia in public discourse. Xenophobic narratives of the extreme right, including suborganizations of the “Alternative for Germany” (AfD), reveal blatant racist opinions that influence public discourse. There are institutional gaps lacking in systematically detecting and registering hate crimes and online hate speech to police and prosecution.

Right-extremist crimes are at the highest level since 2001 and left-extremist crimes are also increasing. More people, without any criminal record, have been radicalized and are willing to use force. Some parts of the new movement “Lateral Thinking” opposing COVID-19 prevention measures have radicalized and are observed by the secret service.

### **Xenophobia and racism**

On 19 February 2020, a man radicalized online and follower of conspiracies, killed nine people in Hanau in a neighbourhood primarily of people with migration background, then his mother and himself. He suspected they were foreigners, although most were born in Germany with parents or grandparents who immigrated decades ago. Xenophobia and racism target Germans who have lived their whole life in Germany, simply because of their heritage.

This, and the murder of Walter Lübke, a politician killed by a right extremist due to his liberal ideas towards immigration, prompted Germany to initiate a law combatting racist hatred. Its ministries presented projects that include establishing a central authority for victims to report and seek protection.

Aligning with the EU directive towards equal treatment, Germany has an anti-discrimination agency. Racist and xenophobic discrimination account for 25% of cases reported. However, the ECRI criticizes the mandate as too narrow, not fully independent, underfunded, and lacking victim support and litigation competences.

A controversial new federal law enables agencies to forbid employees from wearing religious symbols that could endanger their objectivity while representing the state, including headscarves.

### **Antisemitism**

On 9 October 2019, Yom Kippur Day, Stephan B. shot two and injured several in front of a synagogue in Halle. Stephan B. was radicalized in online forums, streamed his actions live, and stated his anti-semitic motives in court, with no regret. This is just one of many rising extremist crimes in recent years.

Due to the history of German Nazism, Germany strongly combats antisemitism, including through the office of Federal Government Commissioner for Jewish Life in Germany and the Fight against Anti-Semitism.

## **Austria**

### **Statistics**

Documented racist incidents have increased dramatically: from around 700 in 2010, to 2,000 in 2019 and 3,000 in 2020. In 2020, the ECRI found increasing islamophobia and xenophobia in public opinion. Political speeches transmit discriminatory narratives against Muslims and refugees and media gives right-wing and racist voices a stage. There is no sufficient documentation of hate speech in institutions and communication between police and discriminated minorities is insufficient. Austria lacks an integrative system of institutions to assist refugees; it should ensure free and independent legal assistance to asylum seekers.

### **Islamophobia**

In 2017, Austria issued an anti-face-disguise law (AGesVG) prohibiting unrecognizably covering your face in public spaces, practically aiming at Muslim women. This discourages the integration of all and may violate fundamental rights. The Austrian Association of Lawyers deems it unnecessary and the ECHR decision on a similar French law set narrow boundaries to such laws.

Recently, the Documentation Center for Political Islam, an independent fund organized by the University of Vienna, published an “Islam map” online pointing to all Muslim institutions in Austria, including links to websites and names, phone numbers, and addresses of the heads of these institutions. The Center claims to promote an objective discourse over Islam, but many argue it stigmatizes any Muslim, regardless if not affiliated with political Islam or Islamism. The Special Representative on Muslim intolerance of the Council of Europe calls it counterproductive and supports removing the website. It promotes a narrative of “us” versus “them” and crosses an unprecedented line.

However interpreted, this map ultimately was used by right-wing opinions. Presumably right-wing extremists deployed warning signs in front of Muslim institutions saying “Watch out! Islamism is in your neighbourhood” with links to the “Islam map.” Some have viewed this as a serious reminder of the persecution of Jews during the Nazi regime.

### **Antisemitism**

In November 2020, a young ISIS sympathizer killed four and injured many more in the center of Vienna. Before, he had tried to travel to the Syrian Arab Republic to take part in an ISIS camp, had been arrested and sentenced to 11 months in prison, and participated in deradicalization training. The attack was presumably claimed by ISIS and since it happened near the most important synagogue of the city, antisemitic motivations cannot be ruled out.

Following an antisemitic attack on a synagogue in Graz and a rabbi in Vienna in 2020, the government prioritized fighting antisemitism, especially among refugees, while less so among the right-wing and center of society.

## **The Netherlands**

### **Xenophobia and Racism**

Like in other European countries, after 2015, centrist parties felt pressured to take a harder stance on topics like Islam and immigration as right-wing parties gained in popularity. This included Mark Rutte, prime minister since 2010, who pre-2017 elections stated that “the silent majority will no longer tolerate immigrants who come and abuse our freedom.”

In 2020, the “benefits scandal” uncovered institutional racism by means of specific algorithms. For over 20 years, the tax authority wrongly accused over 25,000 parents of fraudulently claiming childcare allowances and many had to pay back high sums. The Dutch Data Protection Authority found that the methods were discriminatory, specially scrutinizing people based on their ethnic origin or dual nationality. The government has apologized but not yet taken concrete steps. A parliamentary inquiry will take place in 2022.

## **Islamophobia**

Public debate on immigration in the Netherlands mostly focuses on non-Western immigrants, especially those of Moroccan and Turkish descent, who are primarily Muslim.

The most popular Islamophobic voice is right-wing politician Geert Wilders and his freedom party, of which he is the only member. In the 2017 election, where his party gained the second most votes, he repeatedly voiced that “Islam was the biggest problem of the Netherlands.”

In 2019, the Netherlands passed a law prohibiting face disguises in public buildings, for instance a Burqa, a Niqab, or motorcycle helmet. The majority of the Dutch society favours this but the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance criticized this law as Islamophobic.

## **Conclusion**

Xenophobia, racism and islamophobia is on the rise. Governments and the public sphere are under pressure to react to serious acts of hatred. The number of crimes, especially right-wing, is seriously alarming.

## **NGO Position**

The NGOs who are signatories to this statement are concerned about the increasing xenophobia and islamophobia in some European countries, which have led to serious hate crimes and human rights violations.

We urge the German government to counter discriminatory voices before they lead public discourse. Authorities must promote their anti-discrimination agency and strengthen mechanisms to detect and prosecute hate crimes more effectively. This includes detecting tendencies to limit religious freedom early. The German government should pay more attention to ethnic racism against immigrant workers, who have been part of society for a long time, but still face deeply-rooted discrimination.

We are concerned by the rising hate crimes in Austria and find it unacceptable that xenophobic voices increasingly influence political discourse. The government must step up its measures to document hate crimes and improve its institutional systems to coordinate with police, prosecution, and victims. We find the anti-face disguise law discriminatory and violating human rights including religious freedom. We encourage Austria to combat hate campaigns, mostly against Muslims, by right-wing forces.

We are concerned by the rising influence of racist voices in the political discourse in the Netherlands. Although extreme Islamophobic parties do not participate in government, they still gain a high percentage of votes and therefore pressure conservative governing parties to adopt xenophobic opinions. Further, we call on the Dutch government to take measures to combat institutional racism. Discrimination based on ethnicity by state authorities is unacceptable. The Dutch law prohibiting face disguises in public spaces may violate the rights of Muslim women. Governments have the obligation to protect these minorities.

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Geneva International Centre for Justice (GICJ) Just Atonement Inc., The Arab Lawyers Association- UK, Human Rights Defenders (HRD) The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.