

RAXEN BULLETIN
Germany
May – July 2008

The information provided in the RAXEN bulletins feeds into the FRA Bulletin. The FRA Bulletin offers a snapshot overview on developments in the EU, which are relevant to FRA's mandate and work. Its purpose is to provide factual up-to-date and accurate information for policy-makers as well as for experts from non-governmental organisations (NGOs), think tanks and intergovernmental organisations (IGOs).

1. UPDATE ON POLICY DEVELOPMENTS

Federal Ministry launched follow-up programme *XENOS – Integration and Diversity*

The Federal Ministry of Labour and Social Affairs launched the funding programme *XENOS – Integration and Diversity*, a follow-up programme of *XENOS – Living and Working in Diversity*, supported by the European Social Fund (ESF).

The aim of the new *XENOS* initiative, which encompasses two funding rounds (2008-2011 and 2011-2013), is to foster tolerance and to redress xenophobia and racism; *XENOS* focusses in particular on preventive measures that apply tried and tested methods to combat exclusion and discrimination in the labour market and the society at large. As of 30 May 2008, (deadline for submission of proposals), 832 organisations and initiatives have applied for funding in the following thematic areas:

- Further qualification and training programmes in schools, apprenticeships and at work (346 proposals submitted)
- Trans-national measures (32)
- (Educational) measures in private companies and public administration (65)
- Integration measures for migrants (21)
- Information and awareness rising against right-wing extremism (281)
- Fostering civil commitment and strengthening civil societal structures in communities and the rural area (87)

All 832 project proposals are currently being reviewed by independent experts; this review process is expected to be finalised by August 2008.

www.xenos-de.de/Xenos/Navigation/integration-und-vielfalt.html (24.07.2008)

www.xenos-de.de/Xenos/Navigation/integration-und-vielfalt,did=245790.html (24.07.2008)

North Rhine-Westphalia state ministries set up body to enhance struggle against xenophobia and right-wing extremism

In May 2008, the NRW State Ministries of the Interior and of Generations, Families, Women and Integration set up a new body in charge of coordinating and enhancing the state-wide struggle against right-wing extremism and xenophobia. The body aims at assisting governmental and non-governmental organisations and initiatives on the local level in their effort to combat rising extreme right-wing developments. Local and regional networks will be established which are offered professional advice by external experts with the goal to enable local actors to cope effectively with xenophobic and extreme right-wing crises. The initiative receives funding within a federal programme until 2010.

www.mgffi.nrw.de/presse/pressemitteilungen/pm2008/pm080508a/index.php (24.07.2008)

www.lzpb.nrw.de/imperia/md/content/heute-themen/2008/3.pdf (24.07.2008)

2. UPDATE ON LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

Upper House passed bill to introduce hate crime concept into criminal law

On 4 July 2007, the *Bundesrat* (Upper House of the German Parliament) agreed on a bill that seeks to introduce the concept of hate crime into the German Penal Code. According to the bill, the provisions on the principles for determining the penalty (Sec. 46 Penal Code, StGB) should be amended so that the perpetrator's "inhumane, racist or xenophobic" motivation is to be considered an aggravating factor by the courts when determining the sentence. The Upper House agreed that perpetrators of such hate crimes should, firstly, "in general be sentenced to imprisonment" – instead of a fine (amendment to Sec. 47 (1) StGB); secondly, the sentence of imprisonment on *probation* should be avoided (amendment to Sec. 56 (3) StGB). The bill is now passed on to the Federal Government, which has to present it – together with a statement – in the German Parliament.

Germany, Upper House, printed matter 458/08 (04.07.2008); available at:

[www.bundesrat.de/cln_051/nn_8336/SharedDocs/Drucksachen/2008/0401-500/458-08_28B_29,templateId=raw,property=publicationFile.pdf/458-08\(B\).pdf](http://www.bundesrat.de/cln_051/nn_8336/SharedDocs/Drucksachen/2008/0401-500/458-08_28B_29,templateId=raw,property=publicationFile.pdf/458-08(B).pdf) (24.07.2008)

Open Society Justice Initiative submits legal expert opinion on a case of discrimination against a non-Christian job applicant

The case of a non-Christian German woman of Turkish origin, who had been refused a vacant job at the *Diakonie* (welfare organisation of the Protestant Church in Germany) is currently pending at the Regional Labour Court Hamburg (second instance). The claimant had been rejected because of her Muslim (i.e. non-Christian) faith. The Labour Court Hamburg held in 2007 that the refusal constitutes a case of unlawful direct discrimination on the grounds of religion and hence a violation of General Equal Treatment Act (20 Ca 105/07). The *Diakonie* appealed the decision.

In support of the claimant, the Open Society Justice Initiative (OSJI) submitted a legal expert opinion. The OSJI argues that the job refusal is both a case of direct religious discrimination and a case of indirect ethnic discrimination as the "impugned recruitment criterion of belonging to a Christian church adversely affected the ethnic Turkish minority (...) without an objective justification". The OSJI calls upon the Regional Labour Court to make a request at the ECJ for a preliminary ruling because the issues concerned require principle clarification

www.justiceinitiative.org/db/resource2?res_id=104039 (24.07.2008)

www.osji.org/ (24.07.2008)

3. RESEARCH

Qualitative study on the formation of anti-democratic and xenophobic attitudes

The Friedrich-Ebert Foundation (FES) commissioned a research team at the University of Leipzig to carry out a qualitative research study on the formation and causes of anti-democratic and xenophobic attitudes. The researchers conducted twelve qualitative group discussions with 60 participants, who had previously been interviewed for a quantitative survey on extreme right-wing and xenophobic attitudes. In June 2008, the analysis of the qualitative research study was published. The researchers found that xenophobic resentments were often expressed very blatantly – even by those who had not been considered xenophobic in the previous quantitative survey. Such attitudes were primarily based on ‘culturalistic’ arguments (e.g. “they don’t fit in”); whereas the request to assimilate was brought up very often, not a single participant stated that migrants would “take away our jobs“.

The researchers found that the ability to empathise, gained particularly within the family and through childhood experiences, plays a major role in the formation of democratic attitudes and reduces the likelihood of developing xenophobic attitudes.

O. Decker et al. (2008) Ein Blick in die Mitte. Zur Entstehung rechtsextremer und demokratischer Einstellungen in Deutschland, FES; available at: <http://library.fes.de/pdf-files/do/05433.pdf> (24.07.2008)

OECD report points to ethnic discrimination on the labour market

In its Employment Outlook 2008, the OECD reached the conclusion that employment opportunities for young second generation immigrants (aged between 20 and 29) in Germany are “far from evenly distributed”. Their employment chances are 15 per cent lower than the chances of their German counterparts without migration background. According to the OECD, differences in educational attainment explain only half of these disparities, while labour market discrimination appears to be a decisive explanatory factor.

The OECD also noted that the enforcement of Germany’s comprehensive anti-discrimination legislation still leaves room for improvement; it is suggested, for instance, that the Equality Body ADS “should be empowered to provide investigative support to individual complaints”.

www.oecd.org/dataoecd/33/54/40912588.pdf (24.07.2008)

OECD (2008) Employment Outlook – Edition 2008. OECD Publishing

4. Official / unofficial statistical data

Federal Ministry released annual report on right-wing extremist crimes in 2007

According to the annual report of the Federal Office for the Protection of the Constitution (*Verfassungsschutz*), released by the Federal Ministry of the Interior in May 2008, the police registered 17,607 politically motivated (extreme) right-wing crimes (PMK) in 2007. This represents a slight decrease compared to the historical peak in 2006 (18,142). 17,176 of all these PMK/right-wing crimes were categorised as *extremist* right-wing; the majority of these extremist crimes were propaganda offences (11,935) or cases of incitement against the people (2,472). 980 of all right-wing extremist crimes were registered as violent crimes (2006: 1,047). 414 of these violent right-wing extremist crimes were committed with a xenophobic motivation (2006: 484); further 59 were categorised as antisemitic violent acts (2006: 43).

www.bmi.bund.de/Internet/Content/Common/Anlagen/Broschuere/2008/VSB_Vorabfassung_templatId=raw.property=publicationFile.pdf/VSB_Vorabfassung.pdf (24.07.2008)

Preliminary police statistics indicate rise of right-wing crimes in the first months of 2008

According to the official (preliminary) statistics, 5,950 extreme right-wing (PMK) crimes were registered by the police during the first five months of 2008 (I-V 2007: 4,450). 350 of these offences were categorised as violent crimes (I-V 2007: 271); 370 people were injured (I-V 2007: 264). This drastic increase also occurs in the sub-category of xenophobic PMK/right-wing crimes: between January and May 2008, 833 such xenophobic crimes were registered by the police (I-V 2007: 601), 148 of them were violent crimes (I-V 2007: 119). 147 people were injured (I-V 2007: 106).

The number of extreme right-wing crimes that were deemed as antisemitic increased in the first three months of 2008 – from 242 in the first quarter of 2007 to 264 in 2008. Eight of these antisemitic crimes were registered as violent crimes, as many as in the comparable period in 2007, ten people were injured (I-III 2007: 9)

www.petra-pau.de/16_bundestag/dok/down/2008_zf-rechtsextreme-straftaten.pdf (24.07.2008)

www.petra-pau.de/16_bundestag/dok/down/2008_zf_antisemitische_straftaten.pdf (24.07.2008)

Unofficial annual statistics on right-wing violence in Eastern Germany (2007)

Several non-governmental victim support organisations counted 861 acts of right-wing violence in Eastern Germany in 2007 – a slight decrease compared to the extreme high number in 2006 (904). 84 per cent of these acts were categorised as cases of bodily harm. A racist motivation was assumed in 265 of all registered acts (2006: 311); eight attacks were registered as antisemitic (2006: 13). The annual statistics were compiled and published by the NGO *Opferperspektive*, based on information gathered by eight victim support organisations in Eastern Germany.

www.opferperspektive-potsdam.org/service/print?id=725 (24.07.2008)

This RAXEN Bulletin was compiled by the *European Forum for Migration Studies* (efms) within the framework of the RAXEN project, commissioned by the EU Agency for Fundamental Rights (FRA).