

RAXEN BULLETIN
Germany
August – October 2009

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 (European Commission, Member State governments, members of European/national parliament) as well as for experts from non-governmental organizations (NGOs), think tanks and intergovernmental organizations (IGOs).

This RAXEN Bulletin focus on information related to racism, xenophobia and related intolerance. It 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).

1. UPDATE ON POLICY DEVELOPMENTS

New expert council to deal with anti-Semitism established

The independent *Expertenkreis Antisemitismus* [Expert Council Anti-Semitism] was established on initiative of the federal government. The expert council, which came together for the first time on 9 September 2009, is commissioned by the government to monitor and analyse anti-Semitic developments in Germany, assess measures and projects against anti-Semitism and develop new concepts for a sustainable struggle against any forms of anti-Jewish attitudes and manifestations. The council, which consists of ten experts of different academic backgrounds, will present a report on its activities and results, including policy-oriented recommendations at the end of 2011. The basis for the council's work is a joint parliamentary motion of the conservative (CDU/CSU), the liberal (FDP), the Green and the social democratic (SPD) parties dating back to 4 November 2008.

http://www.bmi.bund.de/clin_173/DE/Themen/PolitikGesellschaft/PolitBildGesellZusammen/Expertenkreis/expertenkreis.html; <http://dip21.bundestag.de/dip21/btd/16/107/1610775.pdf> (15.10.2009)

New local forum against racism and discrimination in Cologne

On 21 September 2009, several statutory institutions and civil society organisations in Cologne jointly set up the new *Kölner Forum gegen Rassismus und Diskriminierung* [Cologne Forum against Racism and Discrimination]. The forum seeks to strengthen the anti-discrimination work as an important policy field in the municipality, to increase public awareness for discrimination and to enhance local measures against direct as well as structural and institutional discrimination. The new forum was founded by several institutions of the municipality, the police, a large company, a welfare organisation, and other non-governmental anti-discrimination organisations such as the ADB Cologne.

www.stadt-koeln.de/1/presseservice/mitteilungen/2009/03768/index.html; www.koelner-fluechtlingsrat.de/download/PM_Gruendung_Koelner%20Forum%20gegen%20Rassismus%20und%20Diskriminierung_22.09.2009.pdf?PHPSESSID=e40jvu3pv5rvfmi56d6hfp0cq2 (15.10.2009)

2. UPDATE ON LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

Administrative court permits young Muslim to pray in school

The 3rd Chamber of the Administrative Court Berlin ruled that the claimant, a 16 year old high school student of Islamic faith, has the right to pray once every day at his school in Berlin-Wedding during his lesson breaks. The student explained that he can not meet his religious obligation if he is prohibited to pray at least once at school. After an expert hearing, the court held that the constitutional freedom of religion also includes the right to practice the religious faith. Provided the praying does not cause concrete interferences at school, the students is entitled to pray during his breaks; the school is obliged to provide a suitable room.

The school had tried to ban the student from praying arguing that the school is obliged to remain religiously neutral – an argument that was rejected by the court in its verdict on 29 September 2009 as well as in a preliminary court ruling in March 2008. The school authority has the possibility to appeal.

Berlin, Verwaltungsgericht, VG 3 A 984.07 (29.09.2009); press release of the Berlin Senate for Justice on 29.09.2009 (www.berlin.de/sen/justiz/gerichte/vg/presse/archiv/20090929.1540.140720.html) (19.10.2009); preliminary ruling: Berlin, Verwaltungsgericht, VG 3 A 983.07 (10.03.2008); available at: www.berlin.de/imperia/md/content/senatsverwaltungen/justiz/gerichte/vg2/entscheidungen/3_a_983.07.beschluss.pdf?start (19.10.2009)

Court ruling: students excluded from their high school after anti-Jewish harassment

The Administrative Court of Justice (VGH) Baden-Württemberg held that two high school (*Gymnasium*) students, aged 17, had been lawfully excluded from their school and obligated to enrol in another school after they had repeatedly harassed and bullied their fellow student in a partly anti-Semitic way. One night they even went to where the Jewish student lives with the intention to 'really scare him'; they set off a firecracker, urinated against the building and shouted anti-Jewish slogans. The principal of the school banned the two students from school without notice; they took legal action against their exclusion.

The VGH ruled that the ban was lawful given the particularly severe character of the incident; the VGH verdict confirmed the appeal of the school authority against a previous (first instance) ruling according to which the ban without notice was disproportionate (Administrative Court Karlsruhe).

Baden-Württemberg, Verwaltungsgerichtshof, 9S 1077/09 and 1078/09 (28.07.2009) (press release: <http://vghmannheim.de/servlet/PB/menu/1244936/index.html?ROOT=1153033>)

3. RESEARCH

Survey reveals high, but slightly decreasing level of discrimination against migrants

In August 2009, the research institute *Zentrum für Türkeistudien* [Centre for Studies on Turkey] released the results of a survey among 1,000 migrants of Turkish origin in North Rhine-Westphalia (NRW). The survey, which was conducted for the ninth time since 1999, covers, amongst others, experienced discrimination; it was supplemented – for the first time – by an additional survey in the other German *Länder*.

71 per cent of the respondents in NRW have experienced discrimination (Germany: 72 per cent). Discrimination occurs especially in areas characterised by a 'high degree of economic or social competition and conflicts over limited resources' (167), like the labour and housing market. The findings show a decreasing tendency of experienced unequal treatment in all social areas.

M. Sauer (2009) Türkischstämmige Migranten in Nordrhein-Westfalen und Deutschland: Lebenssituation und Integrationsstand. Ergebnisse der neunten Mehrthemenbefragung. Essen: ZfT, available at: www.zft-online.de/UserFiles/File/NRW-Mehrthemenbefragung%202008.pdf (19.10.2009)

Expert report on disadvantaged access to vocational training of young migrants

The Friedrich Ebert Foundation released a report on the barriers young migrants face in the access to vocational training. Based on a statistical analysis of data from the *BIBB Übergangsstudie*, the study shows that young migrants succeed significantly less often, compared to their native counterparts, to start a vocational training – even when controlling for their educational qualifications. The researchers offer several explanations for these disparities, taking into account individual and structural factors, including discriminatory selection mechanism.

U. Beicht; M. Granato (2009) Übergänge in eine berufliche Ausbildung. Geringere Chancen und schwierige Wege für junge Menschen mit Migrationshintergrund, Bonn: FES, available at: <http://library.fes.de/pdf-files/wiso/06687.pdf> (18.10.2009)

OECD report shows disadvantaged labour market position of young immigrants

The OECD released a comparative report on the labour market situation of 'children of immigrants' (aged 20 to 29) in 16 OECD countries. For Germany, the study unveils that young second generation migrants have significantly lower chances on the labour market than natives – even when controlling for educational qualifications. Young migrants with higher educational attainments are particularly disadvantaged, while there are only minor disparities between lower qualified migrants and natives. According to the co-author of the study, the results suggest that discriminatory barriers are among the main explanatory factors: employers often appear to disregard the educational attainments of migrants.

T. Liebig; S. Widmaier (2009) Children of Immigrants in the Labour Market of EU and OECD Countries: An Overview, Paris: OECD; available at: www.oecd.org/document/63/0,3343,de_34968570_35008930_43880255_1_1_1_1,00.html (20.10.2009)

4. OFFICIAL / UNOFFICIAL STATISTICAL DATA

Preliminary police statistics on extreme right-wing and xenophobic crimes: January to August 2009

During the first eight months of 2009 the police registered 9,537 politically motivated (PMK) right-wing crimes – only slightly less than in the comparable period of 2008 (I-VIII 2008: 9,750) when an historic peak was recorded. Between January and August 2009, 436 of these **extreme right-wing crimes** were registered as violent crimes (I-VIII 2008: 528); 461 people were injured as a result of these crimes (I-VIII 2008: 556).

1,151 of all these PMK/right-wing crimes were categorised as **xenophobic crimes** (I-VIII 2008: 1,362). 179 of these xenophobic incidents were deemed as violent crimes (I-VIII 2008: 217); 197 people were injured as a result of these crimes (I-VIII 2008: 222).

Since May 2008, the Federal Ministry of the Interior has also released – in response to monthly parliamentary queries – data on the number of extreme right-wing hate crimes: In the first eight months of 2009, 1,870 such PMK right-wing **hate crimes** were recorded by the police. 208 of these cases were deemed as violent crimes with 220 people being injured as a result of them. The category of hate crimes is only applied to politically motivated right-wing crimes: an extreme right-wing crime is regarded as a hate crime if the crime was directed against someone because of his/her ethnicity, race, skin colour, religion, origin, sexual orientation, disability, his/her outward appearance or social status.

www.petra-pau.de/16_bundestag/dok/down/2009_zf-rechtsextreme-straftaten.pdf (19.10.2009)

www.petra-pau.de/16_bundestag/dok/down/2008_zf-rechtsextreme-straftaten.pdf (19.10.2009)

Preliminary police statistics on extreme right-wing, anti-Semitic crimes: fist half year 2009

The police registered 547 PMK/right-wing crimes committed with an **anti-Semitic motivation** during the first six months of 2009; this is slightly more than in the comparable period in 2008, when 530 such crimes were registered. The number of extreme right-wing, anti-Semitic crimes registered as violent crimes, however, dropped from 15 (I-VI 2008) to nine in the first half year of 2009, when eight people were injured as a result of these crimes (I-VI 2008: 24 injured people).

www.petra-pau.de/16_bundestag/dok/down/2009_zf_antisemitische_straftaten.pdf (19.10.2009)

www.petra-pau.de/16_bundestag/dok/down/2008_zf_antisemitische_straftaten.pdf (19.10.2009)