

RAXEN BULLETIN 4/20006
July and August

1. THE “POLITICAL HEADLINES”

Public burning of the „The diary of Anne Frank“

During a public midsummer night celebration (June 24) in the village of Pretzien (Saxony-Anhalt), several young men burnt a copy of the “Diary of Anne Frank” in a ritual-like manner which alluded to the book burnings of the Nazis in the Third Reich. According to the Office for Internal Security, the perpetrators are members of an extreme right-wing group. The public prosecutor started investigations („incitement of the people“).

The case triggered off a debate on the position of right-wing extremists in the community life in Pretzien and on the shortcomings of the police reactions to neo-Nazi activities in the region. An internal investigation on the reaction of the security authorities is being conducted. Awareness raising and information projects against antisemitism – especially for pupils, teachers and the police – were announced; some of them have already been started.

www.zentralratjuden.de/de/article/1046.html (Central Council of Jews)

<http://www.annefrank.de/index.php?neu> (Anne Frank Centre, Berlin)

Broad opposition against neo-Nazi's attempt to purchase a hotel

The well-known neo-Nazi Jürgen Rieger has announced his intention to purchase an empty hotel in Delmenhorst (Lower Saxony) on behalf of the Wilhelm Tietjen Foundation for Fertilisation Ltd. The hotel should then be turned into a national centre of the extreme right-wing scene to be used for conferences and training seminars.

To prevent this purchase, residents of Delmenhorst started a fund-raising initiative to buy the hotel. For this purpose, a homepage (www.fuer-delmenhorst.de) was set up, on which money can be donated and a support declaration can be signed. Furthermore, anti-Nazi demonstrations and a musical festival have been organised in the city. The case received national and even international attention.

Two court rulings against ban of Muslim headscarves

On July 7, 2006, the administrative court in Stuttgart decided that a Muslim teacher in Baden-Württemberg cannot be banned from wearing her headscarf at work. Although the court did not question the pertinent provisions in the State School law, it ruled that the school authority cannot ban the Muslim teacher from wearing a headscarf while nuns in the same federal state are allowed to wear their habits – which is the case in Baden-Württemberg. This violates the constitutional principle of equal treatment.

On June 27, the Federal Constitutional Court in Karlsruhe ruled that a judge cannot generally ban Muslim women with a headscarf from the court room. With this ruling the highest German court reprehended the decision of a judge at a Juvenile Court in Berlin: In February 2004 the judge had sent a Muslim woman (the mother of the defendant) off the court room because of her headscarf.

BVerfG, 2 BvR 677/05 (27.6.2006):

www.bverfg.de/entscheidungen/rk20060627_2bvr067705.html

Stuttgart / VerwG / 18 K 3562/05 (07.07.2006);

<http://vgstuttgart.de/servlet/PB/menu/1200794/index.html?ROOT=1192939>

2. UPDATE ON LEGAL DEVELOPMENTS

Germany transposed EU Equality Directives into national law

After several years of political debates, the first comprehensive anti-discrimination law in Germany came into force on August 18, 2006. With the “Law for the Transposition of European Directives on the Realisation of the Principles of Equal Treatment“ the German government transposed the four Equality Directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC. The most important provisions are laid down in the **General Equal Treatment Act** (*Allgemeines Gleichbehandlungsgesetz, AGG*), which was introduced as Article 1 of the new Law. After the Upper House (*Bundesrat*) had passed the bill on July 7 and the Federal President had concluded the examination and signed it on August 14, the law was officially published in the Official Federal Law Gazette (*Bundesgesetzblatt*) on August 17, 2006.

The AAG covers, on the one hand, the area of labour and civil law and, on the other hand, all grounds of discrimination in compliance with directive 2000/78/EC. The general part of the law (§§1-5 AGG) contains the purpose of the act, its scope and definitions of direct and indirect discrimination, harassment and positive action; these sections are worded very similarly to the EU directives. Sections 6 to 18 refer to discrimination in the employment sector covering all grounds of discrimination. The AGG makes use the provision in the EU directives which allow unequal treatment due to occupational requirements (§ 8 AGG), due to the special status of churches (§ 9 AGG) or on the grounds of age under certain circumstances (§ 10 AGG). Sections 19 to 21 prohibit discrimination in the sphere of civil law and exceed the minimum requirements of the directive 2000/78/EC by covering not only “race or ethnic origin”, but also sex, religion, disability, age or sexual identity“. Discrimination on these grounds is prohibited provided a respective contract is usually concluded without respect to the individual person (“mass businesses”). In the housing sector, unequal treatment is legal if it serves the purpose of establishing or maintaining socially stable housing structures and a balanced mixture concerning the economic, social and cultural composition of a neighbourhood (19 III AGG).

Published in: Official Federal Law Gazette (*Bundesgesetzblatt* Part I, No. 39, pp. 1897-1910); www.bgblportal.de/BGBL/bgbl1f/bgbl106s1897.pdf#search=%22Bundesgesetzblatt%20AGG%22

3. RESEARCH

Study on the Exclusion of Turkish migrants in the labour and housing market

The publication “Processes of Integration and Exclusion. Second Generation Turkish Migrants ” is based on a research study examining factors which affect the processes of integration and marginalisation of second generation migrants with a Turkish background in Germany. The project, conducted at the University of Oldenburg, focussed on the issues of employment, housing and social networks and gained insights through secondary data analysis and qualitative interviews with migrants and with gate-keepers in the labour and housing market.

The research study concluded that discriminatory practices – often based on cultural prejudices – aggravate the Turkish migrants’ access to the labour market, especially in the service sector. In the housing market, migrants sometimes face discriminatory quotas imposed by housing companies.

Gestring, N., Janßen, A.; Polat, A. (2006) Prozesse der Integration und Ausgrenzung. Türkische Migranten der zweiten Generation. Wiesbaden: VS Verlag für Sozialwissenschaften

Study on young migrants’ access to vocational training

The publication “Occupational integration and plural society” is based on the experiences collected within the project VERSUS on the integration of Italian migrants in Germany. The report focuses mainly on the integration into the vocational training system, its pitfalls and possible solutions. Apart from several contributions on the educational or occupational integration of young migrants of Italian origin in general, one contribution deals particularly with the unequal chances of migrants concerning the access to vocational training. Based on empirical analysis, the author concludes that a young person with a migration background has significantly lower chances to find a vocational training than someone without a migration background with the same level of school attainment.

Granato, M. (2006) „Ungleichheiten beim Zugang zu einer beruflichen Ausbildung. Entwicklungen und mangelnde Perspektiven für junge Menschen mit Migrationshintergrund“, in: Libbi, M. et al. (eds.) *Berufliche Integration und plurale Gesellschaft. Zur Bildungssituation von Menschen mit italienischem Migrationshintergrund in Deutschland*, Düsseldorf: DGB Bildungswerk e.V., pp. 125-144.

4. ANNEX

1. Statistical data on xenophobic/antisemitic crimes and selected incident

1.1 Official statistics on extreme right-wing and xenophobic crimes

According to the preliminary figures based on the monthly parliamentary inquiries, in the first six months of 2006, 5,901 politically motivated (PMK) right-wing crimes were registered; this represents an increase of 26% compared to the comparable period in 2005 (4,685). The number of violent PMK right-wing crimes rose from 260 in the first half of 2005 to 335 in the comparable period of 2006 (+28.9%); 256 people were injured as a result of these crimes (01-06/2005: 217). The number of propaganda offences also increased from 3,780 in the first half of 2005 to 4,291 (01-06/2006).

The latest figures also show a rising tendency concerning **xenophobic** crimes. In the first six months of 2006, 1,003 of all PMK right wing crimes were categorised as xenophobic; i.e. 41.1% more than in the comparable period in 2005 (01-06/2005: 711). The number of those xenophobic PMK crimes which were registered as *violent* crimes increased by 50% from 102 (01-06/2005) to 153; 110 people were injured as a result of these crimes (01-06/2005: 66).

Politically motivated right-wing crimes (January – June 2006)

	Criminal acts			
	Total number		of which xenophobic criminal acts	
		of which violent crimes		<i>among those: violent crimes</i>
January	807	54	107	18
February	953	43	183	17
March	915	28	139	11
April	814	55	133	25
May	1,177	88	201	43
June	1,235	67	240	39
Total	5,901	335	1,003	153

Source: BMI (preliminary data)

www.petra-pau.de/16_bundestag/dok/down/2006_zf-rechtsextreme-straftaten.pdf

1.2 Selected (alleged) xenophobic incidents

On July 10, a **22 year-old African man** was first insulted by four drunken perpetrators because of his African origin and then attacked. The victim was able to defend himself and to escape. This incident took place in Viersen (North Rhine-Westphalia). Due to the alleged xenophobic background, the state security unit took over the investigations.

(press release police Mönchengaldbach 12.07.2006)

In the morning of July 21, **two young Iraqis** (18 and 19 years) were insulted with xenophobic slogans by two young Germans in a city bus in Magdeburg (Saxony-Anhalt). In the subsequent fight, one of the Iraqis was injured. The police started investigations (suspected incitement of the people, severe bodily harm and the usage of anti-constitutional symbols).

(taz 22.07.2006, p. 6)

On July 29, four **foreigners from Egypt and Pakistan** were harassed in a xenophobic way by a 23 year-old man on a street festival in Oschersleben (Saxony-Anhalt). Later on the perpetrator, who is already known to the police due to the usage of Nazi symbols, threw an iron pole at the car of the victims. The State Security unit of the police started its investigations due to the alleged xenophobic background.

Only one week later, on August 5, another xenophobic attack was registered by the police in Oschersleben: A 38 year-old **Vietnamese owner of a restaurant** was forced to stop his car by four young men who instantly started to kick and hit the car with different objects. Whilst trying to smash the window, the perpetrators threatened that they will put his restaurant on fire and kill him. The victim managed to escape and reported the attack to the police. The perpetrators were caught; the State Security unit took over the investigations.

(press release police Halberstadt, No. 105/06 on 07.08.2006; FR 01.08.2006, swr.de 01.08.2006)

The public prosecutor in Halle (Saxony Anhalt) started investigations against an employee of a jail in Halle, who is accused of having insulted a **prisoner from Burkina Faso** in a racist manner (“nigger”) and having driven the door of the prison cell against the man’s back. The incident was reported by another prisoner immediately after the attack on July 8. The spokesperson of the Saxony-Anhalt State Ministry of Justice stated that the incident is taken very seriously and that the question whether the attack was motivated by xenophobia has not yet been solved. The head of the jail confirmed that a disciplinary proceeding against the accused guard was opened instantly.

(Volksstimme, 04.08.2006; Neues Deutschland 07.08.2006)

On August 19, a 27 year-old **man from Sudan** reported to the police that a man spat at him and hit him with a bottle against the shoulder and in the face. Then three more men emerged and shuffled him around and insulted him. The victim could escape slightly injured. The incident took place in the Berlin district of Pankow at around midnight.

(press release police Berlin, No. 1804, 19.08.2004)

On August 21, a 44 year-old **German of Mozambique origin** was insulted and injured in a public park in Chennitz (Saxony). The two perpetrators (24 and 27 years old) yelled “Sieg Heil”, and one of them punched the victim in the face. Investigations were started by the police (bodily harm and the usage of symbols of anti-constitutional organisations).

(FR 24.08.2006)

In late August, the police reported about **two racist incidents** in Berlin: On August 24, a 33 year-old man from Cameroon was attacked by three apparently extreme right-wing men. The victim was spit at, hit with an umbrella and insulted in a xenophobic and racist way. A witness reported the incident to the police. On August 26, a 32 year-old man also from Cameroon was spit at, threatened with a broken bottle and insulted in a racist manner by four men. The victim managed to escape.

(press releases police Berlin, No. 1837, 1854; 24./26.08.2006)

1.3 Antisemitic incidents

In July and August 2006, several antisemitic offences were registered by the police – some of them were committed by people who are assumed to belong to the extreme right-wing milieu, other incidents were related to the escalation of violence in the Middle East. In the following, selected cases are briefly presented.

In the night from July 16 to July 17, four young Germans damaged a **memorial** for those who were murdered in the concentration camp of Auschwitz. Police officers happened to hear the perpetrators damaging the memorial and yelling antisemitic slogans (“Jews should all die!”). The incident took place on a school ground in Viersen (North Rhine-Westphalia).

(press release police Mönchengladbach, 17.07.2006; Westdeutsche Zeitung 19.07.2006)

In the Berlin district Lichtenberg, numerous **posters with antisemitic caricatures and slogans** were found, on which, for instance, Jews (“the internationally acting World Judaism”) are made responsible for triggering off World War II. The perpetrators put pieces of broken glass into the glue so that one can easily get hurt when trying to remove the posters. The state security unit of the police started its investigations (incitement of the people and attempted severe bodily harm).

(press release police Berlin 08.08.2006; FR 09.08.2006, p.4; Berliner Morgenpost 09.08.2006)

On some **demonstrations against the Israeli attacks** on Lebanon several banners with pro-Hiszbollah and anti-Israeli slogans were displayed. In some cases, the criticism towards Israeli politics was expressed in a clearly antisemitic way (“swastika = Star of David”). Some banners which were shown on a demonstration in Bremen (in late July) read “kill Israel“ (however, written in Arabic so that the police was not capable of reading it). During one of the demonstrations in Bremen, the chairwoman of the local Jewish Community and her companion, a Jewish man who was wearing a kippa, were insulted and spat at. The police started investigations (incitement of the people, insult and bodily harm). Politicians publicly condemned the attack and the antisemitic statements.

(FR. 28.07.2006, taz Nord 25.07.2006).

According to the Central Council of Jews in Germany, the number of **emails and letters with antisemitic statements** has significantly increased since the escalation of the situation in the Middle East; currently, the Central Council receives “up to 200 emails” mostly with a “very negative” tone towards Israel and Jews (e.g. “its time for a new “Führer” who shows the Jews their bounds”, behaviour of Israel politics is “worse than the Holocaust”). The Jewish Community in Berlin has also registered an increase in the number of antisemitic phone calls; furthermore, parents have reported to the Jewish Community that aggressive behaviour towards their children has generally increased – not only among young Muslims.

(Jewish Forum 25.07.2006; Berliner Zeitung 15.08.2006)

2. Media coverage of EUMC reports

There was no media coverage of EUMC reports in July and August 2006.

3. Important upcoming events

The Centre for Research on Antisemitism (Technical University of Berlin) conducts the three-day conference “Summer University against Antisemitism” with presentation, workshops and excursions from September 4 to September 6, 2006. The event should impart “cognitive knowledge” on antisemitism and its various facets and targeted “multipliers” such as teachers, journalists, local politicians, and representatives of large companies and trade unions.

For more information see: www.tu-berlin.de/presse/pi/2006/pi168.htm