

RAXEN Bulletin No. 2

German NFP

Anti-discrimination bill provokes controversial debate

After the first parliamentary reading of the anti-discrimination bill in late January, a controversial debate continued, mainly focussing on the fact that the bill exceeds the minimum requirements outlined within the respective EU directives. One of the main arguments against the bill, according to its opponents, is that such a law would lead to further bureaucratic regulations for employers and, as a consequence, negatively affect the general employment situation. Furthermore, the employers are worried about being confronted with a high number of complaints.¹ Even some politicians within the coalition party SPD do not completely agree on the provisions in the bill.² As a reaction to this criticism the government incorporated several amendments into the bill; the main principles of the bill, however, remained unchanged³, so that the opposition parties continued to disapprove demanding to cut down the provisions to the minimum standards required by the EU directives.⁴

Similar to the political assessment of the bill, an expert hearing in parliament on March 7, also showed a variety of assessments, partly in favour, partly opposing the bill⁵. The bill will now be discussed further in a parliamentary committee before the second and third parliamentary readings in late April.

First official anti-discrimination office on state level in Berlin

On February 1, the nationwide first official anti-discrimination institution empowered by a decision of the Berlin Senate was established in the state of Berlin. This office focuses on unequal treatment on the ground of ethnic origin, religion and belief. Its main tasks are – similar to the specialised body according to Art. 13 (2000/43/EC) – to offer advice to victims, mediate in conflicts, publish reports and conduct surveys on discrimination and racist violence.⁶

¹ *die tageszeitung (taz)* (25.02.2005), p. 8; *Spiegel online* 07.03.2005

² *Frankfurter Rundschau (FR)* (05.03.2005), p. 1, *Handelsblatt* (09.03.2005)

³ *FR* (19.03.2005), p. 5

⁴ *taz* (21.03.2005), p. 6

⁵ *FR* (08.03.2005), p. 4

⁶ *Frankfurter Allgemeine Zeitung (FAZ)* (26.01.2005), p. 4; *taz Berlin* (26.01.2005), p. 24; <http://www.berlin.de/sengessozv/auslaender/leitstelle.html> (24.03.2005)

Discussion on legal ban of extreme right-wing party

In January there was a renewed discussion on whether the democratic parties should file an application at the Federal Constitutional Court to ban the extreme right-wing party NPD as anti-constitutional. In 2003, the Court had rejected such an application for formal reasons.⁷

After a debate with controversial assessments through all political parties the federal and the state ministers of the Interior reached an agreement on their conference according to which the “NDP is an anti-democratic, anti-Semitic and anti-constitutional party”. However, an application to ban the party will not be filed unless the procedure has good chances of success. The democratic parties should rather tackle extreme right-wing parties with all the political and legal means at hand.⁸

Xenophobia and anti-Semitism are core elements on the political agenda of the NPD. NPD posters for the election campaign in Schleswig-Holstein and North-Rhine Westphalia (NRW), for instance, show a Muslim woman and the slogan “Have a nice trip home” (“Gute Heimreise”).⁹ In February 2005, the deputy chairman of the NPD in NRW was sentenced to one year in jail on probation for inciting people to anti-Semitic sentiments.¹⁰

Amended legal provision to prohibit neo-Nazi demonstration

On February 13, some 5,000 neo-Nazis took part in a demonstration in Dresden to commemorate the victims of the Dresden bombing by the Allied Forces 60 years ago; they described these attacks as “American terror”¹¹. The NPD also announced their plan to organise a demonstration at the occasion of the 60th anniversary of the end of World War II (May, 8) at the Brandenburg Gate in Berlin.

This announcement of the NDP led to a political discussion on how to amend legal provisions to forbid such demonstrations more easily. After a debate with several suggestions the coalition and the conservative opposition parties agreed on a compromise and passed amendments of the Public Meetings Act (*Versammlungsgesetz*) and the Criminal Law (*StGB*) in mid-March.

According to the new provisions, a demonstration can be prohibited if it is planned at a location of national importance for the commemoration of the victims of the Nazi regime (e.g. the Memorial for the Murdered Jews in Berlin and other places which are to be defined by state laws) and if the dignity of these victims is affected by the demonstration (§ 15 Public Meetings Act). Furthermore, the Criminal Law was amended: A person who publicly violates

⁷ *faz.net* (29.01.2005)

⁸ Press release Ministry of the Interior Baden-Wuerttemberg (11.02.2005)

⁹ *taz* (11.02.2005), p. 7

¹⁰ *taz* (18.02.2005), p. 6

¹¹ *taz* (14.02.2005), p. 1

the dignity of the victims by justifying, glorifying or endorsing the NS regime faces a prison sentence of up to three years (§ 130 StGB).¹²

Neo-Nazi group convicted of serious arson and formation of a terrorist organisation

On February 7, the Upper District Court in Potsdam (Brandenburg) sentenced a 20-year-old neo-Nazi to four and a half years in prison for serious arson and formation of a terrorist organisation (“Freikorps”); the other eleven right-wing extremist defendants, all underage and members of the “Freikorps”, were given suspended sentences of between eight months and two years. It was the first time in years that a neo-Nazi group had been convicted as a “terrorist organisation” by a German court.

The twelve young men were convicted for ten arson attacks on Turkish and Vietnamese fast-food bistros in Havelland (a region east of Potsdam). No one was injured, however; the material damage amounted to almost € 800,000. According to the Court, they have explicitly followed the aim of expelling foreigners from Havelland by spreading fear among them.¹³

Right-wing parties face loss of members

According to a parliamentary inquiry, extreme right-wing parties lost a considerable number of members between 1999 and 2003. The government assumes that this decline continued in 2004. With regard to the most recent developments, the NPD seems to be an exception: After the Federal Constitutional Court had rejected the application (merely on formal reasons) to legally ban the NPD as anti-constitutional in March 2003, this party has gained new members – a development which was reinforced by the success of the NPD in the Saxony state election in fall 2004. During the time when the Constitutional Court was inquiring the possibility of a party ban, the NPD has lost about 1,000 members.

The number of members of the extreme right-wing party “Republikaner” dropped from 14,000 (1999) to 8,000 members (2003), with a still declining tendency.¹⁴

According to the parliamentary inquiry, the extreme right-wing scene is – since numerous extreme right-wing organisations have been legally banned – mainly organised in about 160 *Kameradschaften* (type of informal group). These neo-Nazi groups, which are considered extreme right-wing and ready to use violence, gained about 800 new members in 2004 and comprise about 3,800

¹² *Süddeutsche Zeitung (SZ)* (12./13.03.2005), p. 5

¹³ *FR* (08.03.2005), faz.net 07.03.2005

¹⁴ Press release German Parliament No. 063/2005 (03.03.2005); *FR* (04.03.2005), p. 4

people now.¹⁵ Most recently, the Berlin Senator for the Interior, prohibited two of these extreme right-wing *Kameradschaften* in Berlin.¹⁶

Study on right-wing violence in Berlin

The Office for the Protection of the Constitution in Berlin has published the study “Right-wing violence in Berlin”¹⁷, based on the evaluation of right-wing offences committed between 1998 and 2003 in Berlin.

The study not only deals with the extent of right-wing violence in Berlin, but also focuses on the social, educational and economic background of the perpetrators as well as on their motivation and connections to extreme right-wing organisations.

Anti-Semitic and xenophobic incidents

Several anti-Semitic and xenophobic incidents have been reported lately. In Berlin, for instance, the police detected two swastika and several anti-Semitic slogans sprayed on a Jewish memorial.¹⁸

An arson attack on a hostel for asylum seekers was reported in Essen. None of the 24 foreign residents was injured and the material damage remained low due to the fact the fire was detected rather quickly. The police found two “Molotov cocktails”.¹⁹

Near Bernau (Brandenburg) a Turkish fast-food bistro was smeared with 20 swastikas and right-wing slogans. The perpetrators’ attempt to set the bistro on fire, however, failed. According to the owner of the bistro, neo-Nazis have attacked the bistro several times before and foreigners have been repeatedly attacked in the neighbourhood.²⁰

Official statistical data on extreme right-wing crimes²¹

The official statistics show an increase of extreme right-wing crimes in 2004. The annual statistics list 7,943 right wing offences (Tab. 1 in the annex). In

¹⁵ *taz* (07.02.05), p. 1

¹⁶ Press release Senate for the Interior No. 6 (09.03.2005)

¹⁷ available at:

www.berlin.de/imperia/md/content/seninn/verfassungsschutz/regewalt.pdf.

¹⁸ *taz Berlin* (21.03.2005), p. 21

¹⁹ *taz* (16.03.2005), p. 7; <http://de.news.yahoo.com/050315/12/4ggtr.html> (22.03.2005)

²⁰ *FR* (22.03.2005), p. 4

²¹ German Parliament, printed matter BT 15/4611 (30.12.2004), printed matter BT 15/4806 (04.02.2005); data for January 2005 available at: www.petrapau.de/15_bundestag/dok/down/2005_zf-rechtsextreme-straftaten.pdf (15.03.2005)

comparison to 2003 (6,965), this constitutes an increase of 14 per cent (+ 978). The figure for 2004 includes 5,634 propaganda offences and 498 violent crimes (2003: 526). 1,446 of all right-wing offences were deemed xenophobic, including 250 violent crimes. In 2003, “only” 1,290 xenophobic offences were reported; however, more cases were registered as xenophobic violent crimes (2003: 295).

In 2004, the number of people injured as a result of a crime registered as “politically motivated crime – right-wing” amounted to 375 (Tab. 2 in the annex) (2003: 462). 182 of them were victims of xenophobic crimes (2003: 198). Furthermore, 869 anti-Semitic crimes were registered in the field of “politically motivated criminality – right-wing”. Eleven people were injured as a result of those offences. In 2003, 1,059 crimes with an anti-Semitic motivation were registered, 22 people were injured (Tab. 3 in the annex).²²

In January 2005, 745 crimes were registered in the field of “politically motivated criminality - right-wing” (January 2004: 554), 568 of them as propaganda offences and as 39 violent crimes. In 106 of all right-wing crimes a xenophobic motivation was registered (January 2004: 94).

Unofficial data on extreme right-wing and racist violence in East Germany²³

The victim support association *Opferperspektive e.V.* has published its (unofficial) annual statistics on extreme right-wing and racist violence (2004) in East Germany.²⁴ In the year 2004, the association registered 551 acts of extreme right-wing violence with at least 805 victims. Most of the violent acts happened in Saxony (146) followed by Brandenburg (136) and Saxony-Anhalt (109).

285 people of the total number of 805 victims were refugees, migrants or ethnic Germans (*Aussiedler*), who were attacked for racist reasons. Five people were victims of anti-Semitic attacks. The other victims are, among others, people not belonging to the right-wing milieu, homeless or homosexuals.

The level of extreme right-wing violence remains on a consistently high level: In 2003, 551 acts and 808 victims were registered.

²² Printed matter BT 15/4816 (16.02.2005)

²³ Press release *Opferperspektive e.V.* 09.02.2005

²⁴ *Opferperspektive* assesses violent crimes as extreme right-wing if directed towards typical victim groups (e.g. migrants, homosexual or handicapped persons); the victim’s perception also plays an important role (cf. *Jahrbuch 2004*, p. 8).

Annex

Table 1: Politically motivated criminality – right-wing: Criminal acts and violent crimes 2004

	Criminal acts			
	Total number		of which xenophobic criminal acts	
		of which violent crimes		<i>among those: violent crimes</i>
January	554	29	94	14
February	587	45	102	25
March	679	30	125	17
April	687	44	128	19
May	740	56	151	27
June	567	34	119	18
July	572	36	106	22
August	741	37	115	20
September	609	38	124	24
October	738	48	144	17
November	680	36	112	19
December	789	65	126	28
Total	7943	498	1446	250

Source: Criminal Investigation Registration Service – politically motivated criminality

Table 2: Politically motivated criminality - right-wing 2004: Injured people

	Injured people as a result of "politically motivated criminality - right-wing"	people injured as a result of xenophobic crimes
January	30	14
February	39	20
March	14	8
April	45	14
May	45	21
June	24	14
July	20	13
August	32	21
September	30	18
October	30	6
November	27	15
December	39	18
Total	375	182

Source: Criminal Investigation Registration Service - politically motivated criminality

Tables 3: Anti-Semitic crimes (2003 and 2004)

	Anti-Semitic Criminal acts 2003			Anti-Semitic Criminal acts 2004		
	<i>Total</i>	violent crimes	injured people	<i>Total</i>	violent crimes	injured people
first quarter	222	7	6	263	6	3
second quarter	245	9	8	206	7	2
third quarter	253	7	6	191	8	4
fourth quarter	339	6	2	209 ¹	-*	2 ¹
Total	1059	29	22	869	-*	11

* not available

¹ preliminary data