



RAXEN BULLETIN II May – July 2009

GERMANY

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 nongovernmental organisations (NGOs), think tanks and intergovernmental organisations (IGOs).

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).

1. POLICY DEVELOPMENTS

UN Special Rapporteur on racism highlighted weak spots of Germany's struggle against racial discrimination

Following a standing invitation, the UN Special Rapporteur on racism, Githu Muigai, visited Germany in June 2009. He concluded his ten-day visit with a conference on which he noted that 'much has been achieved in the fight against racism (...). Yet much still needs to be done'. Welcoming the equality law and the establishment of the federal equality body, Muigai described it as a key challenge 'to make this anti-discrimination framework more active, robust and responsive to the victims, particularly at the State and Municipal level.' He called for special measures to address the under-representation of migrants in important institutions, including the political system, the police and the courts. Moreover, he pointed to the persisting discrimination against refugees in education, housing and employment.

www2.ohchr.org/english/issues/racism/rapporteur/docs/PRelease_end_mission010709.pdf (26.07.2009)

Report reveals anti-constitutional character of the extreme right-wing party NPD

In May 2009, the state ministers of the interior in Schleswig-Holstein, Saxony-Anhalt, Rhineland-Palatinate, Bremen and Berlin released a joint report on the racist, anti-Semitic and anti-constitutional character of the NPD. The documentation, which draws solely upon publicly accessible NPD sources (e.g. party programme, websites), seeks to give a new impetus to the political debate on whether there is sufficient evidence to ban the NPD without relying on the insights obtained by the Intelligence Service. In 2003, the government's attempt to ban the party was rejected by the Constitutional Court for formal reasons related to the infiltration of the party by the Intelligence Service.

www.sachsen-anhalt.de/LPSA/fileadmin/Elementbibliothek/Bibliothek_Politik_und_Verwaltung/Bibliothek_Ministerium_des_Innern/PDF_Dokumente/Referat_02/Dokumentation_NPD.pdf (26.07.2009)

New state body for diversity to be set up in Hamburg

In June 2009, the Hamburg State Senate formally decided to establish a state body for diversity and equality (*Arbeitsstelle Vielfalt*) at the justice department on 1 August 2009. This body will be the main contact point for issues related to intercultural affairs, gender equality and same sex partnerships; it will also seek to ensure an effective implementation of the federal anti-discrimination act and coordinate measures against racism and right-wing extremism in Hamburg.

<http://www.hamburg.de/pressearchiv-fhh/1559134/2009-06-23-ib-arbeitsstelle-vielfalt.html> (26.07.2009)



2. LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

Parliament rejects two motions to enhance the protection against discrimination

Two opposition parties, The Greens and the socialists LINKE, submitted two parliamentary motions, both aiming to enhance the existing anti-discrimination legislation (AGG) and to close legal loopholes for unequal treatment. Both motions also called for an amendment to the AGG ensuring its full compliance with EU equality legislation and for increased efforts of the government to raise public awareness on existing equality rights. Both motions were rejected by the federal parliament.

*German Bundestag, printed mater 16/13675 (01.07.2009); available at:
<http://dip21.bundestag.de/dip21/btd/16/136/1613675.pdf> (22.07.2009)*

Trade unions and anti-discrimination organisation call for a re-orientation of the federal equality body

In July 2009, the German Confederation of Trade Unions (DGB) released a public statement pointing to shortcomings in the work of the federal equality body ADS and making suggestion on how to improve the ADS' work, particularly regarding the assistance for victims of discrimination. The DGB called for scientific analyses of structural discrimination, an extension of the ADS' legal mandate and a clarification of its cooperation with other federal authorities. Moreover, the DGB asked the parliament to organise a broad parliamentary debate on discrimination in the education system and to discuss publicly with civil society actors the forthcoming first report of the ADS. The parliament was also asked to take a positive stand towards the planned fifth EU equality directive and to consider the aspects raised by EU infringement proceedings against Germany, launched due to the insufficient transposition of the Racial Equality and the Employment Directive.

The German anti-discrimination association *advd* also publicly criticised the ADS. It called for a stronger legal mandate enabling the ADS to take cases of discrimination to court and strengthening its counselling work, also by developing a systematic infrastructure of independent anti-discrimination bodies. Instead of focussing its efforts on alliances with businesses, the ADS should cooperate more with civil society actors.

*DGB statement (16.07.2009): www.dgb.de/2009/07/16_antidiskriminierung/ (22.07.2009)
advd press release (17.07.2009): www.antidiskriminierung.org/files/090717%20-%20PM_advds_Neuausrichtung%20AD-Arbeit.pdf (22.07.2009)*



3. RESEARCH

Open Society Justice Initiative released report on ethnic profiling in Germany

Based on legal analyses, consultations with national authorities, expert interviews and additional desk research, the Open Society Justice Initiative (OSJI) compiled the report on ethnic profiling covering several European countries, including Germany. The study provides an analysis of ethnic profiling both in ordinary policing and in counterterrorism and detects various forms of discriminatory ethnic profiling practices. OSJI concluded that 'it is not just a violation of European laws and international human rights norms—it is also an ineffective use of police resources'.

OSJI (2009) Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory, New York: OSI; available at: <http://www.justiceinitiative.org/> (30.07.2009)

Report reveals widespread xenophobic attitudes among vocational students in Saxony

The Heinrich Böll Foundation in Saxony released a report on extreme right-wing attitudes among vocational school students which offers a comprehensive overview on racist, xenophobic and anti-Semitic attitude among youngsters in Germany and Europe. The empirical part of the study is based on a questionnaire-based survey, carried out in 2008 and early 2009 among more than 500 students of vocational schools in Saxony. It reveals that 19.8 per cent of the respondents show extreme right-wing attitudes, with further 14.2 per cent appearing open to such attitudes. 68.2 per cent stated that no more foreigners should be allowed to Germany (xenophobia item). 23 per cent agreed (fully or partly) that 'whites are ruling the world for good reasons' (racism item) and almost 18 per cent think that 'Jews are partly responsible themselves for being persecuted' (anti-Semitism item).

The study discovered that an authoritarian personality and a (perceived) lack of access to material and cultural goods and are two factors that may contribute to the development of extreme right-wing attitudes. The researcher also gained insights into the association between attitudes and (potential) behaviour: 52.5 per cent of those with extreme right attitudes would vote for an extreme right-wing party, almost three quarters of them would attend an event of the extreme right-wing party NPD and one third approved of using violence to push through their interests.

M. Nattke (2009) Rechtsextreme Einstellungen von Berufsschülern. Eine empirische Untersuchung, Dresden: Weiterdenken, available at: www.weiterdenken.de/downloads/Studie_Rechtsextremismus_Berufsschule_wd_v2.pdf (30.07.2009)



4. Official / unofficial statistical data

Right-wing extremist, xenophobic and antisemitic crimes registered in 2008

According to the latest Annual Report of the Office for Internal Security, a historic peak of 20,422 politically motivated right-wing crimes was registered by the police in 2008 (2007: 17,607). 19,894 of these extreme right-wing crimes were categorised as **right-wing extremist** (a specific sub-category used by the Internal Security for those crimes that are 'aimed at overcoming the constitutional principles of the state'), which represents an increase of 15.8 per cent compared to the previous year (2007: 17,176). Among these right-wing extremist crimes the police registered 14,262 propaganda offences (2007: 11,935), 2,173 cases of incitement (2007: 2,472) and 1,042 violent crimes (i.e. 6.3 per cent more than in 2007), including two cases of homicide (2007: 0), four cases of attempted homicide (2007: 1), 893 cases of bodily harm (2007: 845) and 29 cases of arson (2007: 24).

The number of right-wing extremist violent crimes with a **xenophobic** background dropped slightly to 395 in 2008 (2007: 414); among these xenophobic crimes the police counted three cases of attempted homicide (2007: 1), 361 cases of bodily harm (2007: 377) and 17 cases of arson (2007: 17). In 2008, the police also registered 1,477 right-wing extremist crimes committed with an **anti-Semitic** background – 4.2 per cent less than in 2007 (1,641). The number of right-wing extremist, anti-Semitic crimes deemed as violent dropped from 59 (2007) to 44 in 2008.

Germany/Bundesamt für Verfassungsschutz, Verfassungsschutzbericht 2008, available at: www.bmi.bund.de/cae/servlet/contentblob/463552/publicationFile/23343/vsb_2008.pdf (30.07.2009)

Preliminary statistics on extreme right-wing crimes during the first months of 2009

According to the preliminary statistics, the police registered 5,815 politically motivated right-wing crimes between January and May 2009, slightly less than in the comparable period in 2008 (5,950). 261 of these offences were deemed as violent crimes (I-V 2008: 350); 286 people were injured as a result of them (I-V 2008: 370). Among these extreme right-wing crimes, the police counted 671 offences with a **xenophobic** motivation in the first five months of 2009 (I-V 2008: 833), including 99 violent crimes (I-V 2008: 148); 110 people were injured as a result of these xenophobic offences.

The preliminary police statistics show a rise in the number of extreme right-wing **antisemitic** crimes in the first quarter of 2009: 315 such crimes were registered between January and March 2009 (I-III 2008: 264); however, the number of *violent* antisemitic offences dropped to two (I-III 2008: 8).

http://www.petra-pau.de/16_bundestag/dok/down/2009_zf-rechtsextreme-straftaten.pdf (26.07.2009)

http://www.petra-pau.de/16_bundestag/dok/down/2009_zf-antisemitische-straftaten.pdf (26.07.2009)



5. Additional information

Islamophobic murder of Egyptian woman in the court room

The xenophobic and anti-Islamic murder of an Egyptian woman during a court proceeding in the *Landgericht* [Regional Court] Dresden received a great deal of public attention across the country and abroad and triggered a debate on Islamophobia in Germany. The victim, a pregnant mother of a three year-old son, was stabbed to death by the 28 year-old man, who was accused of having insulted the headscarf wearing woman earlier in a racist and anti-Islamic manner ("terrorist", "Islamist", "bitch"). The woman was in the court room to testify against the accused man in an appeal court proceeding. After the testimonies were concluded, the accused man addressed the victim saying that she had no right to be in Germany, pulled out a knife and stabbed the woman and her husband, who tried to save his wife. A police officer who ran into the court room from next door accidentally mistook the husband as the attacker and shot him in the leg.

In the preceding (first instance) trial, the accused man had been found guilty of insult and sentenced to a fine. He appealed against the sentence – and so did the public prosecutor after the man had repeated his racist slurs in court saying that 'such people were no human beings'. The perpetrator was described by the public prosecutor as fanatically xenophobic.

With a delay of a few days, the media reported on the murder and about the subsequent public debate on the extent of Islamophobic attitudes in German society, which was triggered by, amongst others, the Central Council of Jews, several Muslim organisations and the NGO *Interkultureller Rat*. In Dresden, some 1,500 people gathered to jointly express their solidarity with the victim and their rejections of racism and Islamophobia. The murder sparked fierce reactions in Islamic countries (especially in Egypt) and the rest of the world; the British *The Guardian*, for example, described it as the 'first murderous anti-Islamic attack in Germany'.

German politicians were criticised for taking very long to react publicly to the racist and Islamophobic murder. More than a week after the murder, however, numerous political leaders strongly condemned the racist act; the federal commissioner for integration and other leading politicians offered their condolences to the husband, and the German chancellor Merkel expressed her condolences directly to the Egyptian president.

www.welt.de/vermischtes/article4037645/Zeugin-nach-Streit-um-Schaukel-im-Gericht-getoetet.html;

www.mut-gegen-rechte-gewalt.de/news/meldungen/mord-in-dresden-aus-antiislamischer-motivation/;

www.guardian.co.uk/world/2009/jul/07/german-trial-hijab-murder-egypt,

www.taz.de/1/politik/deutschland/artikel/1/mord-mit-islamfeindlichem-hintergrund/,

www.taz.de/1/politik/deutschland/artikel/1/%5Csie-hat-unser-leben-vergoldet%5C/;

www.sueddeutsche.de/politik/613/480097/text/print.html (all 24.07.2009);

Frankfurter Rundschau (15.07.2009), p. 7; *Interkultureller Rat*, press release (06.07.2009)