

1. THE “POLITICAL HEADLINES”

Racist attacks provoked debate on racism and xenophobia

The former spokesman of the Federal Government, Uwe-Karsten Heye, now chairman of the national anti-racism organisation *Gesicht zeigen*, advised football supporters with “a different skin colour” not to go to certain areas in Eastern Germany (mainly small and medium-sized towns); they “might not get out alive,” Heye added. These warnings about **no-go areas** reinforced the heated debate on racism and xenophobia, which was triggered off by an extremely brutal incident on Easter Sunday (16 April) in Potsdam. A 37-year-old **German of Ethiopian origin** was beaten so severely by two assailants that he was in a coma for several days. The victim has since recovered, but has no recollection of the attack. On 26 May, the Federal Attorney handed the case back to the Public Prosecutor because the crime is no longer categorised as “attempted murder”, but as “grievous bodily harm”. Nevertheless, a xenophobic motivation is still assumed. In the meantime, only one of the two suspects has been arrested again after the warrants had been suspended; both suspects still deny the accusations.

Another racist attack attracted great public interest: On 19 May, a **left-wing politician of Turkish origin** (a member of the Berlin Senate) was brutally beaten by two unidentified assailants, who called him a “dirty foreigner”.

Only a few days before the World Cup started, two NGOs published “Recommendations on precautions for potential victims of racist attacks”, particularly addressing World Cup visitors with dark skins.

www.dradio.de/dkultur/sendungen/interview/501431/ (23.06.2006)

www.rbb-online.de/nachrichten/politik/beitrag.jsp?key=news4356582.html (23.06.2006)

www.ftd.de/politik/deutschland/75273.html (23.06.2006)

www.prevent-racist-attack.org (23.06.2006)

Disparities and discrimination of migrants in education

Since mid-May 2006, when the OECD published the results of its **special analysis of the PISA 2003 study** focussing on the educational success of migrant pupils, the problematic educational situation of migrants has received a great deal of public and political attention. The results confirmed once again the **striking disparities** between pupils with a migration background (i.e. with German not being their mother tongue) and those without a migration background. In contrast to most other countries, second-generation immigrant students born in Germany tend to perform even worse than foreign-born immigrant students.

www.oecd.org/dataoecd/52/55/36702054.pdf (26.06.2006)

2. UPDATE ON LEGAL DEVELOPMENTS

Federal government wants to pass the "General Equality Act" before the summer recess

On June 29, the **Bundestag**, Germany's Lower House of parliament, passed the "**General Equality Act**", as it is known, aiming at transposing four EU Equality Directives (including 2000/43/EC and 2000/78/EC). The content of the bill **exceeds the minimum standards** required by the EU Directives – mainly by applying legal provisions against discrimination on the grounds of religion or belief, disability, age or sexual orientation not only in the sphere of labour law, but also of civil law (e.g. access to goods and services).

The passed bill is based on a bill presented by the ruling coalition (Conservatives (CDU) and Social Democrats (SPD)) on June 8.

On June 16, the **Bundesrat**, the Upper House of German parliament, which is dominated by the Conservatives, **criticised the bill** as being too detailed and bureaucratic and requested the government to implement the EU guidelines on a "one-to-one basis". To accommodate the requirements of the Upper House and of the Conservatives respectively, the coalition had amended the bill before the Lower House gave its assent.

According to the **revised version**, employees who were discriminated against can only be supported by the **labour unions** if they are employed in an enterprise with more than five employees. Works councils and labour unions can only take legal proceedings without the agreement of the victim if the employer flouts the law in an exceptionally serious way. In the **sphere of civil law**, the scope is limited to **bulk businesses** which should accommodate protection against particularly abasing rejections with the freedom of contract. An exception is made for the housing companies. They still have the right to orchestrate a socially balanced mixture of their tenants. Another concession is made regarding **the reversal of the burden of proof**: Before the accused is obliged to proof non-discrimination the victim has to provide a piece of circumstantial evidence. An allegation is not enough.

The Upper House will address the bill on July 7. After the amendments, its assent is regarded as assured. According to the government, this anti-discrimination bill will be passed and come into effect before the summer recess.

Printed matter 16/1780, available at: <http://dip.bundestag.de/btd/16/017/1601780.pdf> (26.06.2006)

Printed matter 16/1852, available at: <http://dip.bundestag.de/btd/16/018/1601852.pdf> (26.06.2006)

[http://de.today.reuters.com/News/newsArticle.aspx?type=domesticNews&storyID=2006-06-](http://de.today.reuters.com/News/newsArticle.aspx?type=domesticNews&storyID=2006-06-16T052733Z_01_HUB619648_RTRDEOC_0_DEUTSCHLAND-KOALITION-ANTIDISKRIMINIERUNG.xml)

[16T052733Z_01_HUB619648_RTRDEOC_0_DEUTSCHLAND-KOALITION-](http://de.today.reuters.com/News/newsArticle.aspx?type=domesticNews&storyID=2006-06-16T052733Z_01_HUB619648_RTRDEOC_0_DEUTSCHLAND-KOALITION-ANTIDISKRIMINIERUNG.xml)

[ANTIDISKRIMINIERUNG.xml](http://de.today.reuters.com/News/newsArticle.aspx?type=domesticNews&storyID=2006-06-16T052733Z_01_HUB619648_RTRDEOC_0_DEUTSCHLAND-KOALITION-ANTIDISKRIMINIERUNG.xml) (26.06.2006)

Press Release, Federal Ministry of Justice, 29.06.2006, available at:

<http://www.bmj.bund.de/enid/b10a73f8e843fb01defe47fac6e0b8bb,4ee69f707265737365617274696b656c>

[5f6964092d0932343937093a096d795f79656172092d0932303036093a096d795f6d6f6e7468092d0930360](http://www.bmj.bund.de/enid/b10a73f8e843fb01defe47fac6e0b8bb,4ee69f707265737365617274696b656c)

[93a095f7472636964092d0932343937/Presse/Pressemitteilungen_58.html](http://www.bmj.bund.de/enid/b10a73f8e843fb01defe47fac6e0b8bb,4ee69f707265737365617274696b656c), (30.06.2006)

3. RESEARCH

First official National Report on Education reveals discriminatory mechanisms

In early June, the first official **National Report on Education** was published in Germany by the Consortium Reporting on Education, commissioned by the Standing Conference of the Federal State Ministers for Education (KMK) and the Federal Ministry for Education and Research. This report for the first time provides comprehensive statistical data differentiating not only according to nationality, but also according to migration background. The results clearly show discriminatory mechanisms in the German education system particular in two crucial educational transition phases. 1.) **Elementary school teachers** assign lower marks on average to migrant pupils – for the same performance – than to pupils without a migration background, which influences the selection of the pupils for the different school types of secondary school. 2.) Young people with a migration background need better school performances to find a **regular vocational training position** than young people without a migration background.

<http://www.bildungsbericht.de/start.html> (27.06.2006)

Documentation of expert workshop: vocational education of migrants

On November 2005, the foundation Friedrich-Ebert-Stiftung and the Federal Institute for Vocational Education and Training (BIBB) conducted an expert workshop **on the vocational training of migrants**. The documentation of this workshop provides information on **different research projects** realised by the BIBB: A survey of **applicants for a vocational position** registered and advised by the Federal Labour Agency shows that only 40% of the applicants with a migration background have found fully qualifying vocational education compared to 58% of the applicants without a migration background.

Results of qualitative interviews with **skilled migrant employees** and their bosses concerning their intercultural awareness are presented as well as intercultural experiences of **teachers of IT-training** for unemployed people. Furthermore, **qualifying concepts** parallel to one's job are introduced as an important chance to improve the position of migrants on the labour market.

<http://library.fes.de/pdf-files/asfo/03665.pdf> (27.06.2006)

4. ANNEX

1. Statistical data on racist crimes and selected incidents

1.1 Official Data

In May 2006, the Federal Ministry of the Interior released the annual statistics on **politically motivated crimes (PMK)** for 2005. 15,914 of these PMK crimes were registered as extreme right-wing, which represents the highest number since the modification of the registration system.

The number of *violent* crimes in the category “PMK/right-wing” also increased in 2005 - for the first time since the introduction of the new registration system in 2001, and reached a historic peak (1,034). In 2004, 832 such crimes were counted.

The number of PMK/right-wing crimes with a **xenophobic** background dropped slightly from 2,553 in 2004 to 2,493 in 2005.

In contrast, the number of right-wing crimes deemed to be **anti-Semitic** increased from 1,346 in 2004 to 1,682 in 2005 and reached the highest level since the modification of the registration system (2001).

http://www.bmi.bund.de/cln_028/mn_662928/Internet/Content/Nachrichten/Pressemitteilungen/2006/05/politisch_motivierte_20Kriminalitaet_2005.html (27.06.2006)

The statistics on right-wing **extremist** crimes (i.e. crimes aiming at overcoming the state) is presented by the Federal Office on the Protection of the Constitution, whose preliminary version was published in May 2006. The figures for right-wing extremist crimes increased from 12,501 in 2004 to 15,361 in 2005. The number of such crimes which were registered as “violent” displayed a similar tendency: These figures rose from 776 in 2004 to 958 in 2005 (differentiation according to the type of crime is presented in Table 1).

http://www.bmi.bund.de/cln_028/Internet/Content/Common/Anlagen/Broschueren/2006/Verfassungsschutzbericht_2005_de.templateId=raw.property=publicationFile.pdf/Verfassungsschutzbericht_2005_de.pdf (27.06.2006)

Latest official number on extreme right-wing crimes: from January to April 2006

According to the monthly parliamentary inquiries, 3,489 **politically motivated (PMK) right-wing crimes** were reported in the first four months of the year 2006. This is an increase compared to the first four months of 2005, when the same data source listed 3,086 such crimes. 180 of the PMK right-wing crimes in the first four months of 2006 were registered as violent crimes (respective period in 2005: 147), 2,535 as propaganda offences. 140 people were hurt as a result of the PMK right-wing crimes (first four months 2005: 116).

In the first four months of 2006, 562 of a total of 3,489 crimes were deemed to be xenophobic (comparable period 2005: 446), including 135 propaganda offences and 71 violent crimes. 53 people were injured as a result of one of these xenophobic crimes. In the first four months of 2005, the number of violent crimes with a xenophobic background amounted to 61; 37 people were injured as a result of these crimes (see Table 2 and 3).

http://www.petrapau.de/16_bundestag/dok/down/2006_zf-rechtsextreme-straftaten.pdf (30.06.2006)

Latest official data on anti-Semitic crimes: first quarter 2006

In the first quarter of 2006, 232 crimes with an **anti-Semitic** background were registered within the category “politically motivated crimes/right-wing”. This shows a decrease of 64 such crimes compared to the same period in 2005 (296). In the first three months of 2006, no one was injured as a result of these crimes (first quarter 2005: 5 people).

http://www.petrapau.de/16_bundestag/dok/down/2006_zf_antisemitische_straftaten.pdf (30.06.2006)

1.2 List of selected incidents

On May 25, Ascension Day and therefore a bank holiday in Germany, several cases of bodily harm with an (assumed) xenophobic background were reported by the media. This day is also known as Father`s Day on which, according to a widespread custom, groups of men go on trips celebrating “their” day.

http://focus.msn.de/politik/deutschland/rechtsextremismus_nid_29536 (28.06.2006)

In the following, we will present two selected cases that took place on May 25:

A 46-year-old Mozambican was badly injured; another 45-year-old Mozambican and a Cuban of the same age were injured, too, when they were insulted and attacked by 8 assailants. The victims were celebrating a private party in a courtyard in the city centre of **Weimar** (Thuringia). According to the police, 7 of the 8 assailants are known to the police to be “right-wing orientated”. The 8 perpetrators were initially arrested.

<http://www.stern.de/politik/deutschland/:Fremdenfeindlichkeit-Ausl%E4nder-Weimar-Wismar-%FCberfallen/561915.html> (28.06.2006)

<http://www.abendblatt.de/daten/2006/05/26/566873.html> (28.06.2006)

A man of Turkish origin was beaten by four male assailants in **Berlin-Prenzlauer Berg**. The victim was accompanied by his girlfriend and two friends when the four perpetrators jostled the girlfriend without any reason. A scuffle ensued between the man and the four people. The four assailants beat and kicked him and shouted xenophobic slogans. They were initially arrested by the police. The State Security has started its investigations.

Press Releases, Police Berlin, 25.05.2006/26.05.2006

Besides the attacks on May 25, the media reported several xenophobic attacks within May and June. We will present two cases of xenophobically motivated bodily harm in which the State Security has started its investigations.

On June 15, a 27-year-old woman originating from the Ivory Coast was attacked by six young people in **Berlin-Lichterfelde**. Two of the unidentified perpetrators slapped her in the face several times; another one kned the woman in her stomach. The perpetrators stole her money and fled while insulting her with xenophobic slogans.

Press Release, Police Berlin, 16.06.2006

<http://www.rp-online.de/public/article/nachrichten/politik/336243> (28.06.2006)

On June 18, a 26-year-old Serb was attacked by three 17 and 26-year-old assailants on a regional train **between Merseburg and Querfurt** (Saxony-Anhalt). The perpetrators beat and kicked him. He managed to escape during a stopover. In the meantime, the police have arrested two of the three suspects; a xenophobic motivation is assumed.

<http://www.n24.de/politik/inland/index.php/n2006061914392800002> (28.06.2006)

<http://www.rp-online.de/public/article/nachrichten/politik/deutschland/336629> (28.06.2006)

Table 1: Politically motivated criminality – right-wing: Violent acts and other offences with extremist background in 2005 (Federal Report on the Protection of the Constitution)

<i>Type of crime</i>	<i>2004</i>	<i>2005</i>
Violent crimes (total)	776	958
Murder/man slaughter	0	0
Attempted murder/man slaughter	6	2
Bodily harm	640	816
Arson	37	14
Causing an Explosion	2	3
Violation of the public peace	25	39
Other violent crime	66	84
Other (non-violent) offences (total)	11,275	14,406
Damage of Property	243	445
Threat/coercion	97	90
Propaganda offences	8,337	10,881
Disturbing the Peace of the Dead	20	30
Other crimes, mainly Incitement of the people	2,578	2,957
Total number of PMK right-wing crimes with an extremist background	12,051	15,361
Total number of all PMK right-wing crimes	12,553	15,914

Source: Federal Annual Report on the Protection of the Constitution 2005; numbers based on the statistics of the Federal Criminal Office (Bundeskriminalamt)

Table 2: Politically motivated criminality – right-wing: Criminal acts and violent crimes in the first four months of 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
Total: 1st quarter	3,489	180	562	71

Source: Criminal Investigation Registration Service - politically motivated criminality (KPMD-PMK); Federal Ministry of the Interior (according to the monthly parliamentary inquiries on extreme right-wing and xenophobic crimes)

* preliminary data

Table 3: Politically motivated criminality – right-wing: Injured people in the first four months of 2006 *

	Injured people as a result of "politically motivated criminality – right-wing"	people injured as a result of xenophobic crimes
January	53	26
February	37	9
March	16	4
April	34	14
Total	140	53

Source: Criminal Investigation Registration Service - politically motivated criminality (KPMD-PMK); Federal Ministry of the Interior (according to the monthly parliamentary inquiries on extreme right-wing and xenophobic crimes)

* preliminary data