



European network against racism

# ENAR Shadow Report 2006

## ENAR SHADOW REPORT 2006

### RACISM IN GERMANY

**Dr. Andreas Hieronymus & Lena Schröder**  
(Assisted by Ines Fögen)

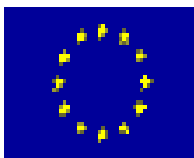
**iMiR – Institut für Migrations- und Rassismusforschung Hamburg, Germany**

**Supported in Germany by**  
**Aric-NRW, ADB Köln/ÖgG, iaf Leipzig, EXILE-Kulturkoordination e.V.**

*Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.*

*The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.*

*Published by the European Network against Racism (ENAR) in Brussels, October 2007, supported by a grant from Compagnia di San Paolo and from Foundation Open Society Institute (Zug).*



OPEN SOCIETY INSTITUTE

COMPAGNIA  
di San Paolo

## Table of contents

Table of contents .....	3
1. Executive summary.....	4
2. Introduction .....	7
3. Communities vulnerable to racism .....	9
4. Manifestations of racism and religious discrimination .....	13
4.1 Employment.....	13
4.2 Housing .....	15
4.3 Education.....	16
4.4 Health .....	19
4.5 Policing and racial profiling .....	20
4.6 Racist violence and crime .....	21
4.7 Access to goods and services in the public and private sector .....	23
4.8 Media, including the internet .....	25
5. Political and legal context .....	27
5.1 Anti discrimination.....	27
5.2 Migration and integration .....	29
5.3 Criminal justice .....	32
5.3.1 Racism as a crime.....	32
5.3.2 Counter terrorism .....	33
5.3.3 Racial profiling .....	34
5.4 Social inclusion .....	35
6. National recommendations .....	37
6.1 General .....	37
6.2 Anti discrimination .....	37
6.3 Migration and integration.....	38
6.4 Criminal justice.....	38
6.4.1 Racism as a crime.....	38
6.4.2 Counter terrorism .....	38
6.4.3 Racial profiling .....	39
6.5 Social inclusion .....	39
7. Conclusion .....	40
8. Bibliography .....	42
9. Annex 1: List of abbreviations and terminology.....	45

## 1. Executive summary

This report describes communities vulnerable to racism and the manifestations thereof in Germany as exhibited in the following areas:

**Employment** - Limited access to the German labour market is particularly harmful to specific migrant groups as they are generally more likely to be unemployed. The unemployment rate among migrants is nearly twice as high as the unemployment rate for German citizens, which varies regionally. The most vulnerable group are those who are tolerated (illegal entry) and therefore mostly denied the right to work. Undocumented migrants constitute an essential part of Germany's economy.

**Housing** - The new General Equal Treatment Act (AGG) was expected to benefit victims of discrimination in the housing market; however discrimination continues to be frequently experienced. Housing is withheld, usually on the basis of a name or the accent of the applicant.

**Education** - More discriminatory mechanisms are evident within the German education system. Administrative competencies for education are decentralized and transferred to the Länder-level. Contrary to the process of harmonisation of education in the EU, there is no uniform education, with the effect of reproducing inequalities on a large scale.

**Health** - Migrants create new challenges for the German health system. Specific health risks can arise from minority status and migration-related experiences, however, migrants do not necessarily suffer from poorer health than the German population.

**Policing and racial profiling** - The concern for security played an important role in 2006, beginning during the World Cup and intensified after an attempted terrorist attack on two regional trains in July. In a ruling, the constitutional court asked the legislator for a reasonable balance between freedom and security.

**Racist violence and crime** - Data in 2006 on right-wing extremist crime show the highest rate for the past five years.

**Access to goods and services in the public and private sector** - There is no anti-discrimination awareness among potential victims. Discrimination is seen as an everyday occurrence, with the effect of restricted freedom of movement. Companies value diversity and equal treatment as competitive advantages, although they do not take a firm stand in the discussions about the Equal

Treatment Act. 'Scoring' of candidates (such as for example, in reviewing credit applications) is considered a legitimate practice, although people are generally classified without individual circumstances being taken into consideration.

**Media, including the internet** - The representation of migrants in the media is mostly negative which increases prejudices and fears in society. Depictions of successful integration rarely appear in the media. Migrants are generally under-represented in the media, regarding an 'objective' representation of their lifestyle. The percentage of migrants employed in the media sector is very low.

The political and legal context of these manifestations is described according to four aspects:

**Anti-discrimination** - The EU equality directives have been introduced into German law (General Equal Treatment Act).

- *Recommendation:* Establishment of an independent anti-discrimination infrastructure at the Federal State level.

**Migration and integration** - The first integration summit in July 2006 was organised by the Commissioner for Integration, together with some NGO's. The implementation of the EU directives on residential and asylum rights is tightening migration legislation, rather than improving the situation for migrants.

- *Recommendation:* Immigration law must be made subordinate to children's' right to education; the headmasters of schools must immediately be relieved from the obligatory duty of alerting immigration authorities, about an illegal child.

### **Criminal justice (racism as a crime, counter-terrorism, racial profiling)**

**Racism as a crime** - Germany is known for its good data collection system, focusing on the activities of extreme right-wing groups/hate speech and associated acts that breach the constitution, but data on racist acts by non-extremists is not covered.

- *Recommendation:* Establishing an independent centre to monitor right wing extremism, racism and anti-Semitism in Germany.

**Counter terrorism** - After an attempted terrorist attack on two trains; further anti-terror measures were demanded. Islam has since been equated with terrorism. A lack of protection for migrants born in Germany has become obvious<sup>1</sup>.

---

<sup>1</sup> See the case of Murat Kurnaz who arrived in Germany in August after more than four and a half years of imprisonment at Guantánamo, never having received an official trial.

- *Recommendation:* Introducing public interventions promoting the differentiation between migration and terrorism.

**Racial profiling** - Profiling as a prevention strategy opposes the constitutional requirements. Sensitive data can only be processed if there are sufficient guarantees for the protection of the information and if there are special legal provisions.

- *Recommendation:* Initiating qualitative research about the structures and mechanisms of everyday profiling practices of police and administrations to overcome the gap between constitutional requirements and unconstitutional everyday practices in public institutions.

**Social inclusion** - The main focus has been on language education and training. Other factors which would facilitate the social inclusion of migrants and minorities are neglected.

- *Recommendation:* Providing adequate support in the area of migration and interculturalism for East Germany to stop the complete exodus of residents with a migration background.

The report ends with the full list of national recommendations for the various fields and a concluding chapter.

## 2. Introduction

Last year's report introduced a critical interpretation of Europeanization, which manifests itself in the 'whitening' of Europe through its restricted migration policies. It was argued that there is a preference for 'biological' instead of 'social' solutions ('body politics'). The effect is a 'whitening' of the privileged European population. In Germany, these effects are visible on a socio-political scale.

This report aims to explore the restricted access to the German labour market and the high unemployment rate among migrants, which has negative effects for migrants who are tolerated and therefore denied the right to work. The report further looks at the practices employed to withhold housing based on ethnicity and exploring discriminatory mechanisms in the German education system. It also looks at the specific health risks, which can arise from minority status and migration-related experiences.

Further issues are the concern for security, which played an important role. In a ruling, the constitutional court encouraged the legislator to maintain a reasonable balance between freedom and security. Data on right-wing extremist crime indicate the highest rate for 2006 for the past five years.

There is no anti-discrimination awareness among potential victims in Germany. Companies do not take an official stand regarding the new Equal Treatment Act (AGG), transposing the EU equality directives into German law. The representation of migrants in the media is generally negative which increases prejudice and fear in society.

The implementation of EU directives on residential and asylum rights is tightening migration legislation, rather than improving the situation for migrants. A positive initiative is the Framework Decision to combat racism and xenophobia; which was agreed upon during the German EU Presidency in 2007.

The lack of protection for migrants born in Germany became obvious in the case of Murat Kurnaz, who was imprisoned at Guantánamo for more than four and a half years. Profiling as a prevention strategy opposes the constitutional requirements. The main focus in the integration debate has been on language education and training. Other factors which would facilitate the social inclusion for migrants and minorities are neglected.

Even well established conservative migration researchers like Dieter Oberndörfer have harshly criticized German migration policy: 'The country is bleeding out

because of emigration and a lack of qualified labour force<sup>2</sup>. This was his response to the refusal by the Minister of labour to open up the labour market, at least for highly qualified migrants. The same tendency appears, when it comes to opening up the labour market for tolerated<sup>3</sup> migrants, who often live in Germany for a very long time, but do not have a work permit.

Despite the fact that the German government and other EU member states strive to limit the number of migrants and refugees, most European societies, like most of the German society, have become functioning and lively multi-cultural societies.

---

<sup>2</sup> BIM 100/2006 - Berliner Infodienst Migration, 01.11.2006.

<sup>3</sup> In the German context 'tolerated' refers to migrants that are obliged to leave Germany, but are allowed to stay on humanitarian grounds if they face persecution in their home countries. In practice, they can be sent home anytime because their residence permit is usually extended by sometimes less than three months each time. They thus live at the mercy of Germany's complicated immigration laws.



### 3. Communities vulnerable to racism

In 2006, new perceptions regarding Germany's population and vulnerable groups became evident due to new sets of questions included in the microcensus of 2005, which monitors the migrant population. The Federal Bureau of Statistics created three statistically independent groups to map the population of Germany<sup>4</sup>: 'foreigners', 'Germans with migration background' and 'Germans'. According to their definitions, '**foreigners**' include immigrants of 1<sup>st</sup> Generation, as well as German born 'foreigners' of 2<sup>nd</sup> and 3<sup>rd</sup> generation; which means that not all 'foreigners' have a migration background. '**Germans with migration background**' include immigrated Germans<sup>5</sup> and non-immigrated Germans with migration background<sup>6</sup>.

15.3 million (19%) of the population in Germany has a migration background according to these definitions. Consequently, the population with a migration background is now twice as high than the 'foreigner' population used to be. 8 million have a German passport and 7.3 million have a foreign passport<sup>7</sup>. This new way of counting is more in line with the evolution of a first (irrevocable) and second (revocable) class citizenship. The new minorities in Germany now have an official status - the German population with migration background.

A reduced set of residence permits of the new Residential Law of 2004 replaced the many residential permits used earlier provided by the old Aliens Act of 1990. These are being replaced by two types: a temporary (Aufenthaltserlaubnis) and an unlimited residence permit (Niederlassungserlaubnis). With this re-definition of the residential status of the migrant population, statistics changed dramatically as well<sup>8</sup>. This again shows that statistics, often regarded as absolutely objective, are themselves a discourse about shifting boundaries.

At the end of 2006, the Federal Bureau of Statistics<sup>9</sup> recorded a 'foreign' population of 6,751,002 persons according to the following types of residence permits: according to the old aliens act of 1990, a total of 2,877,623 persons

<sup>4</sup> Statistisches Bundesamt Deutschland, <http://www.destatis.de/basis/d/bevoe/bevoetab9.php>, last update 08 March 2007, accessed 5.6.07.

<sup>5</sup> This includes ethnic German from former USSR and naturalised immigrated foreigners.

<sup>6</sup> This includes naturalised and not immigrated foreigners, children of Ethnic Germans, children of immigrated foreigners or foreigners born in Germany, children of foreign parents, who additionally received German nationality by birth, children with one-sided migration background, whose parents are of mixed nationality or one parent is born in Germany and naturalised.

<sup>7</sup> All numbers refer to the data of the Federal Bureau of Statistics and do not include the revised data as mentioned in footnote 3.

<sup>8</sup> For example, in the shadow report of 2005 it was revealed that about half a million people had 'disappeared' in the statistics on 'foreigners'. The 'Central Register of Foreigners (Ausländerzentralregister)' explained the disappearance of 618,000 persons in the statistics of 2003 and 2004, which is a decrease of about 8.4% of the 'foreign' population in Germany, by 'cleaning up' its statistics. See: [http://www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/050501.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/050501.htm), accessed 5.6.07.

<sup>9</sup> Statistisches Bundesamt Deutschland, <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Statistiken/Bevoelkerung/Auslaendische/Bevoelkerung/Tabellen/Content50/AufenthaltsrechtlicherStatus.psml> last update 08 March 2007, accessed 5.6.07.

(43% of all 'foreigners') had a residential status<sup>10</sup>. 23% of them had temporary and 77% had an unlimited residential status. According to the new Residential law of 2004, 1,865,926 persons (28% of all 'foreigners') had a residential status. 61% of them had a temporary residence permit<sup>11</sup> and 30% had a permanent residence permit. 9% were classified as 'other cases'<sup>12</sup>. 7% of all 'foreigners' were registered as having no legal status. Those might be considered as official 'undocumented migrants'.

**Undocumented migrants** (migrants without official migration documents) are the most vulnerable; a heterogeneous group living outside of any legal protection. According to a recent journalistic investigation, it is estimated that about 50,000 undocumented migrants live in Hamburg alone, which would constitute about 3.2% of the population<sup>13</sup>. They make up a big share of the shadow economy (house keepers, cleaners, sex workers, etc.). Estimates range from 500,000 to one million<sup>14</sup> undocumented migrants across Germany.

**Asylum seekers and refugees** have legal status, which provides them with some protection, although some authorities practically deny them their rights. Applications for asylum show a further decrease of 29.8% (from 42 908 in 2005 to 30 100 in 2006)<sup>15</sup>. This is the lowest number in a long time. Most applications are submitted by people from Serbia, Iraq and Turkey.

The legal status has improved for **third-country nationals** and **EU citizens**<sup>16</sup>. 41% of all Europeans living in Germany are citizens of EU Member States (2,183,365). Italians (534,657) and Poles (361,696) represent the largest groups. Among third-country nationals, Turks are the largest group (1,738,831) and account for 32% of the European population in Germany. People from the former Yugoslavia constitute the second largest group (763,722)<sup>17</sup>.

**German citizens** can be divided between those who have irrevocable citizenship and those who have revocable citizenship. Although these **new minorities** have German citizenship, it does not offer them protection against racism nor discriminatory practices. No statistical data exists regarding the number of **Afro-Germans**, referring to the black population of Germany. **Ethnic Germans**<sup>18</sup>

<sup>10</sup> like for example, residence warranty [Aufenthaltsberechtigung], residence grant [Aufenthaltsbewilligung], residence warrant [Aufenthaltsbefugnis], temporary EU residence permit, unlimited EU residence permit, toleration [Duldung]).

<sup>11</sup> Among them have been 137,227 persons because of education, 72,096 because of work, 150,411 because of public international law, humanitarian or political reasons, 615,839 because of family reasons, and 66,709 had 'special' residential rights.

<sup>12</sup> Describing people exempt from the requirement of having a residence permit or those who have made an application for a residential title.

<sup>13</sup> Balasko, Sascha, 'Das Leben eines Lohnsklaven - Illegale Einwanderer schufteten oft für weniger als zwei Euro', *Hamburger Morgenpost*, 12 January 2007, p.12.

<sup>14</sup> Blasberg, A. and M., 'Verborgene Jobs - Wirtschaftsfaktor Migranten', *Die Zeit*, 8 March 2007, n.p.

<sup>15</sup> BAMF, [http://www.bamf.de/cln\\_043/nn\\_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-4-aktuell-asyl,templateId=raw,property=publicationFile.pdf/statistik-auflage14-4-aktuell-asyl.pdf](http://www.bamf.de/cln_043/nn_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-4-aktuell-asyl,templateId=raw,property=publicationFile.pdf/statistik-auflage14-4-aktuell-asyl.pdf).

<sup>16</sup> Foreign population 31 December 2006 according to nationality, [http://www.destatis.de/basis/d/bevoe/ausaenderbevoe\\_merkmalen.xls](http://www.destatis.de/basis/d/bevoe/ausaenderbevoe_merkmalen.xls), accessed 5.6.07

<sup>17</sup> without Slovenia, which is counted as an EU-member.

<sup>18</sup> According to the KfBG, 21 December 1992, BGBl. I S. 2094, the definition of 'ethnic German' entitled for German citizenship changed in 1992. Since then, one must have been born before 31 December 1992 in a listed area in the

came from the East and have settled in Germany. Many of them come from impoverished backgrounds with little knowledge of German society and language. 35,522 Ethnic Germans and their relatives arrived in 2005 which is 40% less than in 2004 (59,093)<sup>19</sup>. This is the lowest number since the peak of 1992 (230,565) when the law was changed.

**National minorities** and their languages are under special protection through the basic agreement of the European Council. Sinti, Roma, Danes, Sorbs and Friesians are recognized as national minorities; while Danes, Sorbs and Friesians are not similarly viewed. Roma and Sinti are the most vulnerable minority. The Sinti people have traditionally lived in Germany since the 14<sup>th</sup> and 15<sup>th</sup> centuries whereas the Roma arrived later. Most of the Roma first arrived in the 20<sup>th</sup> century, via the guest worker recruitment program and later, in the aftermath of the wars in Yugoslavia during the 1990s.

In Germany, there are many **religious groups**<sup>20</sup>. The hegemonic groups are **Christians** of Roman-Catholic (25,905,908) and protestant-Lutheran (25,385,618) denomination. There are also 300 Free Baptist communities e.g. among Ethnic Germans from GUS-States, Mennonites (40,000 – 50,000), independent African Communities (30) and MCC, a church for Gays and Lesbians (50). There also exists a variety of **orthodox and oriental churches** like the Autokephale Church of the Patriarchates of Constantinople (450,000) and Romanian (300,000), Serbian (250,000), Russian (150,000), Bulgarian (60,000), Macedonian-orthodox (500) and others.

Between 1993 and 2004 more than 190,00 **Jewish** migrants from the former Soviet Union came to Germany, the yearly rate being between 15,000 and 20,000 until 2003. In 2005 less than 6000 Jewish migrants came<sup>21</sup>. 102 Jewish Communities (105,000) are members of the central committee of the Jews in Germany, 80,000 of them came from Eastern Europe. 90,000 do not belong to a Jewish community. 50,00 belong to the Union of progressive Jews.

As a visible religious minority **Muslims**<sup>22</sup> (3,300,000; Muslims with German passports 1,000,000; German Muslims 15,000), especially Muslim women with head scarves, are most vulnerable. Sunnites (2,640,000), Alewi (400,000), Iranian Imamites and Turkish Shiites (225,500) constitute the largest Muslim communities. Mosque associations are very common in Germany, like the Council for Islam in the F.R.G (136,000) or the Turkish-Islamic union of the office for religious affairs (DITIB) in Turkey (118 000), the Islamic community Milli

---

former USSR, be of German origin, and speak the German language and share German education and culture. See: *Migrationsbericht des Bundesamtes für Migration und Flüchtlinge im Auftrag der Bundesregierung* 2005, p. 39.

<sup>19</sup> Ibid., p. 138.

<sup>20</sup> If not otherwise noted all citations from, *REMID* (2005), [http://www.remid.de/remid\\_info\\_zahlen.htm](http://www.remid.de/remid_info_zahlen.htm), accessed 20.6.07.

<sup>21</sup> The last East German government made it legal for Jews of the Soviet Union to settle in Germany with the objective to rebuild and strengthen Jewish communities in Germany. This was restricted through the migration law of 2005. See: *Migrationsbericht* 2005, p.47.

<sup>22</sup> *REMID* (2006): [http://www.remid.de/remid\\_info\\_zahlen.htm](http://www.remid.de/remid_info_zahlen.htm), accessed 21.6.07.

Görüs (26,500) which is under investigation by the Federal Office for the protection of the Constitution. Further Muslim associations are Islamic cultural centres (20,000), the Nurculuk-Union (12,000), the Central Community of the Muslims of Germany (12,000) and 19 umbrella organisations with associated mosques.

There are also **Hindu** and **Buddhist** communities in Germany: Tamil Hindus (Sri Lanka) (42,000 – 45,000), Indian Hindus (35,000 - 40,00), western Hindus (7500), and Afghan Hindus (5000); German Buddhists (130,000), Buddhists from Vietnam (60,000), Thailand (25,000) and other Asian countries (30).

## 4. Manifestations of racism and religious discrimination

### 4.1 Employment

Full access to the German labour market is primarily reserved for German citizens and participation in the employment sector is restricted to certain groups of migrants. The increasing unemployment in Germany in the recent years was particularly harmful to these groups as they are more likely to be affected by unemployment<sup>23</sup>. The rate of unemployment among migrants was at 25.2% in 2005<sup>24</sup> (compared to 13% among German citizens). In 1996, 495,956 migrants were unemployed, in comparison to 672,903 in 2005. This reflects the increasingly problematic situation for migrants with respect to access to the labour market. The unemployment rate of migrants is generally higher in the Eastern German states than in the Western states<sup>25</sup>.

German citizens and citizens of other EU Member States have full access to the labour market as well as migrants holding work permits. Usually these are migrants with temporary or unlimited residence permits. Third-country nationals' admission to the labour market is restricted. The most vulnerable group are tolerated migrants who are usually denied the right to employment. The draft on the 'right of residence' as adopted in November 2006 by the Conference of the Interior Ministers (IMK) aims at improving the situation of these people also with respect to the labour market, granting them 'probationary' work permits. However, only a minority of all tolerated migrants will fulfil the requirements to receive these permits.

Another group strongly affected by unemployment are Ethnic Germans. More than one third of this group is unemployed even though their educational qualifications are generally higher than that of other migrants: 52.1% finished professional training and 9.3% have received academic training, whereas the comparable figures for other migrants are 37.6% and 6.8%. 43.6% of the academics of this group are unemployed (compared to other migrants at 18.9 %, and Germans at 8.1%)<sup>26</sup>.

An important aspect was highlighted by NGOs: the recognition of foreign professional certificates and degrees. Third country nationals are particularly concerned with this, whereas the situation is improving for citizens of EU Member

<sup>23</sup> BAMF, [http://www.bamf.de/cln\\_043/nn\\_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-3-integration,templateId=raw,property=publicationFile.pdf/statistik-auflage14-3-integration.pdf](http://www.bamf.de/cln_043/nn_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-3-integration,templateId=raw,property=publicationFile.pdf/statistik-auflage14-3-integration.pdf), accessed 15.5.2007.

<sup>24</sup> Figures for 2006 were not yet available at the time the present report was written.

<sup>25</sup> BAMF, [http://www.bamf.de/cln\\_043/nn\\_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-3-integration,templateId=raw,property=publicationFile.pdf/statistik-auflage14-3-integration.pdf](http://www.bamf.de/cln_043/nn_564242/SharedDocs/Anlagen/DE/DasBAMF/Downloads/Statistik/statistik-auflage14-3-integration,templateId=raw,property=publicationFile.pdf/statistik-auflage14-3-integration.pdf), accessed 15.5.2007.

<sup>26</sup> DGB Bildungswerk Migration, Newsletter 5(2007), [http://www.migration-online.de/sub/jdown.\\_dGFibGU9cHVibGlrYXRpb25lbiZhbXA7ZmlibGQ9ZGF0ZWkmYW1wO2lkPTQ1MzA\\_.html](http://www.migration-online.de/sub/jdown._dGFibGU9cHVibGlrYXRpb25lbiZhbXA7ZmlibGQ9ZGF0ZWkmYW1wO2lkPTQ1MzA_.html), accessed 25.5.2007.

States. There is no central institution responsible for the recognition and accreditation of foreign certificates or degrees in Germany<sup>27</sup>.

The new anti-discrimination legislation (AGG) might improve migrants' access to the labour market, providing legal ground to combat discrimination. The negative consequences of the long delay of the AGG, however, were highlighted by the Refugee Council of Lower Saxony at the beginning of 2006. A German citizen with dark skin applied for a job at a company and was rejected because the company feared resentment by its clients towards the applicant due to his skin colour. Despite the obvious conflict with EU directives, the victim was prevented from taking legal action, on the basis of German law, because Germany had failed to implement the EU directives in time<sup>28</sup>.

The evaluation of the micro-census of 2005 for North Rhine-Westphalia that demonstrates that naturalized migrants are more successful in the labour market, are more rarely unemployed and have higher education qualifications in comparison to migrants with a foreign passport. Due to the fact that North Rhine-Westphalia is the most populous state of Germany and has a high percentage of migrants; this analysis can be viewed as representative of the situation in other parts of Germany as well. The labour-force participation rate lies at 68.8% for naturalized migrants in comparison to 61.9% for migrants with a foreign passport.<sup>29</sup>

Regulations of the 'Green-Card-Initiative' of 2000, which intended to attract highly qualified professionals to immigrate to Germany, have been altered and included in the new migration legislation of 2005<sup>30</sup>. Even though the new migration legislation still allows highly qualified workers from third countries to enter the German labour market, the new requirements are not very appealing<sup>31</sup>: In order to be admitted, either 84,000 Euros annual income or one million Euros in cash or the creation of at least ten further jobs are required. In 2004, 2,200 specialists entered via Green-Card. In 2005, due to the new legislation, only 900 entered in this way and in the first quarter of 2006 only 138 (which projects about 550 for the end of 2006, as concrete numbers are not available)<sup>32</sup>.

13% of the complaints registered at the ADB (Anti-discrimination Office, Antidiskriminierungsbüro) in Cologne for 2006 were related to the labour market. The complaints concerned recruitment, salary, upward mobility and transfer of

---

<sup>27</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend, [http://www.frauenmachenkarriere.de/Themen/Vielfalt\\_gewinnt/berufsleben/text\\_frauenportal/Anerkennung\\_von\\_auslaendischen\\_Abschluessen.html](http://www.frauenmachenkarriere.de/Themen/Vielfalt_gewinnt/berufsleben/text_frauenportal/Anerkennung_von_auslaendischen_Abschluessen.html), accessed 29.5.2007.

<sup>28</sup> Flüchtlingsrat Niedersachsen, <http://www.nds-fluerat.org/aktuelles/hat-arbeitgeber-aus-nordstemmen-einen-arbeitssuchenden-wegen-seiner-hautfarbe-diskriminiert/#more-55>, accessed 7.6.2007.

<sup>29</sup> BIM 100/2006: Berliner Infodienst Migration vom 01.11.2006

<sup>30</sup> Flüchtlingsrat Niedersachsen, <http://www.nds-fluerat.org/aktuelles/hat-arbeitgeber-aus-nordstemmen-einen-arbeitssuchenden-wegen-seiner-hautfarbe-diskriminiert/#more-55>, accessed 7.6.2007.

<sup>31</sup> Hofmann, Sandra, *Deutsche Welle*, <http://www.dw-world.de/dw/article/0,2144,1934633,00.html>, accessed 18.6.07.

<sup>32</sup> Goddar, Jeanette, Das Parlament, <http://www.bundestag.de/dasparlament/2006/32-33/Thema/020.html>, accessed 18.6.07.

competences. Often, victims do not consider or realise that this treatment is discriminatory and instead view it as 'normal'<sup>33</sup>.

A survey among Sinti and Roma families conducted by the Central Council of German Sinti and Roma in 2006, revealed that concerned persons were dismissed from their jobs once their affiliation to a minority group became known (six cases). In the survey, people expressed their fear of losing their job if people became aware they were Sinti or Roma<sup>34</sup>.

### Examples of NGO good practice

The website **[www.migration-online.de](http://www.migration-online.de)** offers examples of a wide range of good practices regarding the German labor market, including agreements between employment committees and management.

## 4.2 Housing

Discrimination often occurs in the area of housing. Individuals are denied housing over the telephone; based on their name or accent<sup>35</sup>. In 2006, the association 'Planerladen' in North Rhine-Westphalia conducted a survey in which the method of 'testing', as it is regularly applied in the US, was used. In accordance with this method, two interested parties who were alike concerning characteristics except for origin or skin colour applied for the same residence. The 'Planerladen' approached 150 landlords, who offered their estates online, sending two emails to each landlord. The emails were formulated in correct German and differed only in style, word choice and in the name of the addresser (one an obviously German name, one an obviously Turkish name). Out of 105 responses from the landlords, 56% answered equally to both emails, but 42% only responded to the German applicant and did not respond to the Turkish applicant at all. Due to these results, the Planerladen demanded an 'Anti-Discrimination-Codex' as part of standard business conditions for housing companies<sup>36</sup>.

The new anti-discrimination legislation (AGG) was expected to benefit victims of discrimination in the housing market. However, the implementation of an exception clause in the context of private law provides legitimate grounds for discrimination. The clause states that unequal treatment in the housing market is permitted if it aims at creating 'economically, socially and culturally balanced conditions'<sup>37</sup> and serves the conservation of socially stable residential areas. The

<sup>33</sup> According to *Statistische Auswertung der bearbeiteten Diskriminierungsbeschwerden 2006* - ADB Köln/ÖgG.

<sup>34</sup> Zentralrat Deutscher Sinti und Roma (2006).

<sup>35</sup> Pfeffer, Jennifer and Reiners, Hartmut (2006).

<sup>36</sup> Planerladen,  
[http://www.planerladen.de/50.html?&tx\\_ttnews\[tt\\_news\]=115&tx\\_ttnews\[backPid\]=7&cHash=cc101908ee](http://www.planerladen.de/50.html?&tx_ttnews[tt_news]=115&tx_ttnews[backPid]=7&cHash=cc101908ee), accessed 6.6.07.

<sup>37</sup> Baerbrock, Annalena, Elisabeth Schroedter, [http://www.elisabeth-schroedter.de/meine\\_themen/gleichstellung/fr-06-10-18.htm](http://www.elisabeth-schroedter.de/meine_themen/gleichstellung/fr-06-10-18.htm), accessed 30.5.07.

German Institute for Human Rights therefore demanded the cancellation of this clause, fearing that it would serve as a justification of racial discrimination<sup>38</sup>. The Hamburg based association 'Tenants helping tenants' (MhM) has also experienced that big residential companies have already used the 'danger of ghettos' as an argument to refuse the acceptance of potential tenants with a Sinti or Roma background. Another weakness of the AGG is that comprehensive protection only exists with regards to grounds of 'race' or 'ethnic origin'. In case of other grounds, legal steps on the basis of the AGG can only be taken if it is a matter of 'mass business', meaning if the landlord lets more than 50 apartments<sup>39</sup>.

In a survey among the Sinti and Roma community, 54% felt discriminated against, when applying for housing<sup>40</sup>. 17% of all discrimination cases in Cologne happened in the housing sector on grounds of ethnicity and/or appearance/skin colour<sup>41</sup>.

### 4.3 Education

Key problem areas<sup>42</sup> are the lack of educational opportunities for children of migrant origin and as a result, their reduced chances of entering vocational training. Both facts must be seen as indicators for institutional discrimination in the education system.<sup>43</sup> Another problem area is the institutional discrimination by the Immigration law, which excludes refugees and so-called illegal persons from access to education. The withholding of systematic and regular bi-lingual education from children of immigrant origin is problematic.

Children and adolescents of migrant origin have less access to education, especially to higher education, than pupils of German origin. The report 'Education in Germany 2006' for the first time presents detailed and concise data illustrating educational opportunities for children of migrant origin on a national level. It supports the findings of recent years with the current figures<sup>44</sup>: Findings suggest that twice as many migrant children, than German children, finish school at a later age due to late enrolment and the need to repeat classes. Migrant children are more likely to be sent to special schools for learning difficulties as well as to attend secondary schools which provide the lowest qualification (Hauptschule): 31.8% of adolescents with a migrant origin but only 16.6% of those with German origin visit the Hauptschule. Fewer adolescents of migrant

---

<sup>38</sup> Deutsches Institut für Menschenrechte, [http://files.institut-fuer-menschenrechte.de/437/2006\\_pm\\_08-2006\\_Pressemitteilung\\_AGG\\_20-06-06.pdf](http://files.institut-fuer-menschenrechte.de/437/2006_pm_08-2006_Pressemitteilung_AGG_20-06-06.pdf), accessed 11.6.07.

<sup>39</sup> Mieter helfen Mietern, <http://www.mhmhamburg.de/>, accessed 11.6.07.

<sup>40</sup> Zentralrat Deutscher Sinti und Roma (2006).

<sup>41</sup> According to *Statistische Auswertung der bearbeiteten Diskriminierungsbeschwerden 2006 – ADB Köln/ÖgG*.

<sup>42</sup> These key problem areas have also been highlighted by the UN Special Rapporteur Vernor Munoz, who in February 2006 examined the realization of the right to education in Germany.

<sup>43</sup> Banu Bambal, *AntiDiskriminierungsBüro Köln 2007*, p. 277.

<sup>44</sup> All figures from: *Konsortium Bildung (2006)*, p. 72, 137, 146, 151-154, 293.



origin later change their decision to attend Hauptschule and move to a type of school which would lead to better qualifications.

Furthermore, pupils of migrant origin more often have to leave school types leading to an intermediate (Realschule) or high (Gymnasium) qualification: 77 out of 100 pupils of migrant origin remain at Gymnasium while 83 pupils of German origin do, 73 out of 100 pupils of migrant origin remain at Realschule while 84 pupils of German origin do. Additionally, 9.4% of the 25 – 35 year olds of migrant origin (but only 1.6% of those of German origin) do not have a secondary school qualification (allgemeinen Schulabschluss). Between 1994 and 2004 the trend has increased to the extent that the proportion of foreign<sup>45</sup> adolescent trainees is significantly less than their proportion of population (12.4%): it was 9.8% in 1994 and dropped to 5.6% in 2004. Finally, 40.7% of the 25 – 35 year olds of migrant origin (but only 15.2% of those of German origin) are without vocational qualification.

Studies by the Labour Office (BA/BIBB) in 2001/2002 and 2004 give evident clues for direct discrimination in the vocational training system. The chances of adolescents of migrant origin to get a traineeship/apprenticeship, although having the same qualifications, are significantly less than those of adolescents of German origin: 29% of adolescents of migrant origin with a low qualification (Hauptschulabschluss) get a traineeship/apprenticeship, compared to 41% of adolescents of German; 35% of adolescents of migrant origin with an intermediate qualification (Realschulabschluss) get a traineeship/apprenticeship, compared to 51% of adolescents of German origin<sup>46</sup>.

In addition to this disadvantage, statistics show that the disadvantage of adolescents of migrant origin increases with higher qualifications: in the case of low qualification (Hauptschulabschluss) the gap between adolescents of migrant origin and those of German origin amounts to 12 percentage points (29% to 41%); in the case of intermediate qualification (Realschulabschluss) the gap amounts to 16 percentage points (35% to 51%)<sup>47</sup>, this gap increases up to 23 percentage points for pupils with good mathematical competence: 41% of adolescents of migrant origin are likely to get a traineeship/apprenticeship compared to 64% of adolescents of German origin<sup>48</sup>.

---

<sup>45</sup> Until 2005, no statistics on the situation of adolescents of migration origin exist. Therefore the report presents data of foreign adolescents.

<sup>46</sup> *Berufsbildungsbericht 2005*, p. 102.

<sup>47</sup> *ibid*, p. 102.

<sup>48</sup> *Konsortium Bildung (2006)*, p.156.

### Examples of NGO good practice

In 2002 the **Hertie-Foundation** started a **grant program for pupils of migrant origin** to improve high qualifications among them. In 2006, 279 recipients from 50 different origins have been supported with a pc, internet access, a monthly amount of 100 €, consultations, seminars, excursions to enterprises and public administrations, and traineeships through the agency<sup>49</sup>.

Since 2005, **Verikom e.V.** runs a **mentoring project (kendi)**<sup>50</sup> **for pupils of migrant origin**. The program focuses on pairing pupils with mentors that are young students sharing the same ethnic background. The mentors are not only private tutors but also serve as role models for the pupils.

Despite the implementation of a positive reform concerning the inclusion of children with a refugee background in some Federal states, there are three States (Baden-Württemberg, Hessen, and Saarland) that still exclude children with an insecure residential status from the compulsory school system<sup>51</sup>. The UN Special Rapporteur Vernor Munoz, defines this fact as '*a discrepancy between immigration law and the right to education*' that draws a '*connection between the status of refugee under law and the right to education enshrined in international human rights instruments*', a connection that he rejects stating that it is '*in fact not evident*'<sup>52</sup>.

The situation of undocumented children has not changed. They are completely excluded from the compulsory school system in most of the Federal states<sup>53</sup>. Additionally, the pressure on headmasters to alert the Immigration office if they receive information about an illegal child has grown. In autumn 2006, for example, the school authority in Hamburg instructed the headmasters to ask pupils to show their passport or their registration papers when enrolling in school<sup>54</sup>. The fear of being discovered and possibly deported causes undocumented children to avoid school.

In January 2006, a secondary school in Berlin obliged its pupils to speak only German, not only during lessons but also in the school yard and at any other place within the school. The headmaster argued this would help children of migrant origin to improve their competency in German. The national representative for migration, integration and refugees welcomed this arrangement<sup>55</sup>. Since studies have shown that the specific language competence, which is needed to succeed in the educational process can not be

<sup>49</sup> Gemeinnützige Hertie Stiftung 2006.

<sup>50</sup> Verikom, <http://www.verikom.de/kendi.htm>, accessed 25.6.07.

<sup>51</sup> *Report of the Special Rapporteur on the right to education* (2006), p. 17, <http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.29.Add.3.pdf>. The consequences of this exclusion are described in the ENAR Shadow Report on Germany 2005.

<sup>52</sup> *ibid*, p. 17.

<sup>53</sup> *ibid*, p. 18.

<sup>54</sup> Hinz&Kunzt No. 165, 2006, p. 8/9.

<sup>55</sup> Böhmer, Maria (2006).

developed through everyday communication, this procedure must eventually be judged differently. Within the context of the German debate about the integration of people of migrant origin, the question of competency in German plays a major role. Within a discourse about integration, which is masterminded by the idea of cultural homogeneity, the theme of language has become a central disciplining instrument of integration<sup>56</sup>. As a result of this focus on German language competency, an integrated language education initiative, which provides tuition in both German and the mother tongue language, is still seen as a taboo. Currently the promotion of bilingualism as a specific resource for children of migrant origin is not accepted within the German education system.

#### 4.4 Health

Migrants are a heterogeneous group, which creates new challenges for the German healthcare system. Public health officers talk of specific health risks that can arise from minority status and migration-related experiences, however, migrants do not necessarily have poorer health than the German population:

*'The mortality of first generation migrants is lower than that of Germans of the same age and sex, (... but,) migrants more often report being limited by their health status. Their access to healthcare is frequently worse than that of the general population. The three main reasons are: communication problems, differing concepts of disease, and experiences during migration. (...) Together, they can create an often insurmountable barrier towards access. In Germany, population-based data on migrants' health are still inadequate'<sup>57</sup>.*

Access to the health system is particularly hard for migrants without or with an insecure residential status and migrants who are discriminated against because of their skin colour or socio-economic background<sup>58</sup>. Migrant girls and women who suffer from stereotyping often receive inadequate counselling or treatment<sup>59</sup>. The gynaecologist, Neslisah Terzioglu, investigated migration as a risk factor in pregnancies. For five years, she explored the deficits in healthcare provision for pregnant migrant women and accommodated prevention services to the needs of these women<sup>60</sup>. A study from Kassel, based on biographical everyday narratives of migrants about migration experiences and getting ill, explores the ways in which the biographical and social context shapes the experience of illness and how migrants talk about their illnesses<sup>61</sup>.

---

<sup>56</sup> Messerschmidt, Astrid (2007).

<sup>57</sup> Razum, Oliver; Geiger, Ingrid; Zeeb, Hajo; Ronellenfitsch, Ulrich (2004).

<sup>58</sup> Gib Aids keine Chance, <http://www.gib-aids-keine-chance.de/themen/migration/gesundheit.php>, accessed 14.6.07.

<sup>59</sup> Forum Sexualaufklärung und Familienplanung 3(2006), <http://www.sexualaufklaerung.de/index.php?docid=1031>, accessed 14.6.07.

<sup>60</sup> *ibid.*

<sup>61</sup> Schulze, Heidrun (2006).

Homosexuality up to now is a taboo in Turkish-Kurdish, Polish or Russian speaking families, but it is assumed that dramatic identity conflicts occur. The project 'Homosexuality as a topic in migrant families' based in Berlin tries to address this topic<sup>62</sup>. First generation Turkish males are confronted with many stereotypes. The study by Margret Spohn tries to challenge these stereotypes<sup>63</sup>.

The consumer organisations of North Rhine-Westphalia and Rhineland-Palatinate investigated clinics in their regions after receiving several complaints. Only one of 35 clinics in 11 cities stated that an external translation service was provided to deal with communication problems. All others did not have any binding policy for dealing with clients of migrant background. Only four clinics had a list of employees who speak a foreign language and who could help with translations. Four clinics refused to deal with communication problems at all. The consequence was insufficient information about illnesses, therapies, dosage of medicine and ultimately unprofessional treatment<sup>64</sup>.

#### Examples of NGO good practice

The **MiMi-Health project** (migrants for migrants) **trains migrants as inter-cultural health mediators**. After receiving training in the field of health, migrants are to organize events on health education on their own. The project started in 2004 in Lower Saxony and North Rhine-Westphalia. In 2005 Hesse, Hamburg and Bavaria joined and in 2007 it will extend to Bremen, Brandenburg, Baden-Württemberg and Rhineland-Palatinate. Topics covered include 'the German healthcare system', 'alcohol and its background', 'how to deal with medication', 'diet and physical training', 'oral hygiene', 'tobacco consumption' and others<sup>65</sup>.

**IKoM, an information service and contact point for elderly migrants** have built a network of over 3000 institutions and actors in the field of healthcare for the elderly<sup>66</sup>.

## 4.5 Policing and racial profiling

8.4 million data records have been searched in the aftermath of 9/11. Profiling delivered 95,271 possible suspects, but no proceedings have been taken against any of these suspects. In a decision ruled by the German Constitutional Court<sup>67</sup> it was stated that total security is only possible through the withdrawal of freedom.

<sup>62</sup> FORUM Sexualaufklärung und Familienplanung Nr. 3/2006, *ibid*.

<sup>63</sup> *Integration in Deutschland 1(2006)*, <http://www.isoplan.de/aid/index.htm?http://www.isoplan.de/aid/2006-1/gesundheit.htm>, accessed 14.6.07.

<sup>64</sup> *Integration in Deutschland 1/2006*, 22.Jg., 31 March 2006, <http://www.isoplan.de/aid/index.htm?http://www.isoplan.de/aid/2006-1/gesundheit.htm>, 14.06.07.

<sup>65</sup> Ethno-Medizinisches-Zentrum, <http://www.ethno-medizinisches-zentrum.de/index-aktivitaeten-MiMi.html>, accessed 14.6.07.

<sup>66</sup> *Aktion Courage*, <http://www.aktioncourage.org/www.ikom-bund.de/index.htm>, accessed 14.6.07.

<sup>67</sup> 4<sup>th</sup> of April 2006 – 1 BvR 518/02.

The constitution asked the legislator to maintain a reasonable balance between freedom and security<sup>68</sup>.

The concern for security again played an important role in 2006. Public attention was drawn to this issue after an attempted terrorist attack on two regional trains in North Rhine-Westphalia on 31 July 2006. Two Lebanese individuals had installed two suitcase-bombs in trains, both of which did not detonate due to construction flaws. One of the perpetrators was later linked to the Islamic and anti-Israeli party - Hizb ut-Tahrir ('Party of Liberation')<sup>69</sup>. The Hamburg Office for the Protection of the Constitution compares the profile of those attackers with the profile of other attackers in Europe (Madrid, London) in its 2006 report and comes to the conclusion that there is no uniform profile of the perpetrators, which can be used for profiling<sup>70</sup>.

According to a press release of 'The Voice', nine members of a refugee organisation were checked on 10 June 2006 at the newly opened Berlin main train station by the German border police. They had been on their way to an anti-racist conference in Hamburg. On inquiry about why they were being checked, the police answered that they were 'foreign looking' and could not speak German. Furthermore, the police claimed the action was part of the safety precautions for the world cup and that controls increased because many 'illegal' people had entered Germany<sup>71</sup>. Skin colour and lack of German language skills obviously serve as a profile which increases the hit rate for the police.

32% of the complaints which have been registered by the anti-discrimination bureau of Cologne involve police (4%), and administrative offices/public services (28%). Mostly involved are the Aliens Registration Authorities<sup>72</sup>. 45.9% of the Sinti and Roma who took part in a survey of the Central Council of German Sinti and Roma in 2006 responded that they experienced discrimination by administrative authorities, 31.7% answered that they were not sure<sup>73</sup>.

#### 4.6 Racist violence and crime

Data on right-wing extremist crime indicates the highest rate for 2006 within the last five years. So far, 12,240 cases of right-wing extremist felonies were estimated for 2006, among which 726 were acts of violence<sup>74</sup>. These initial figures are usually an under-estimation and final data is estimated at 18,000

---

<sup>68</sup> Junge, Barbara; Knapp, Ursula; Leber, Fabian, *Tagesspiegel*, <http://www.tagesspiegel.de/fragendestages/art4231.2197295>, accessed 14.6.07.

<sup>69</sup> *Focus*, [http://www.focus.de/politik/deutschland/kofferbomber\\_nid\\_34065.html](http://www.focus.de/politik/deutschland/kofferbomber_nid_34065.html), accessed 9.6.07.

<sup>70</sup> *Verfassungsschutzbericht Hamburg 2006*, <http://fhh.hamburg.de/stadt/Aktuell/behoerden/inneres/landesamt-fuer-verfassungsschutz/publikationen/pdf-bibliothek/vsb2006-nur-text-pdf,property=source.pdf>, accessed 14.6.07.

<sup>71</sup> The Voice Refugee Forum, <http://www.thevoiceforum.org/node/396>, accessed 15.6.07.

<sup>72</sup> According to *Statistische Auswertung der bearbeiteten Diskriminierungsbeschwerden 2006*, *ibid*.

<sup>73</sup> Zentralrat Deutscher Sinti und Roma (2006).

<sup>74</sup> Pau, Petra, [http://www.petrapau.de/16\\_bundestag/dok/down/2006\\_zf-rechtsextreme-straftaten.pdf](http://www.petrapau.de/16_bundestag/dok/down/2006_zf-rechtsextreme-straftaten.pdf), accessed 25.5.07.

cases, which means a 14% increase in comparison to the previous year<sup>75</sup>. Data differentiating East and West Germany is not available yet, but figures are usually considerably higher in the Eastern states<sup>76</sup>.

A survey conducted by the University of Leipzig in 2006 proved that right-wing extremism is prevalent throughout the German society and present within all social layers, regions and age groups. 26.7% of Germans agreed with xenophobic statements, 8.6% had a general right-wing extremist world view and a high percentage of people believed foreigners came to Germany in order 'to exploit our welfare state' (43.8 % in East Germany and 35.2% in West Germany). People also expressed their fear of 'a dangerously high level of foreign infiltration' (39.1%) and agreed with anti-Semitic statements. The authors of the survey advised against considering right-wing extremism as a youth problem but pointed out that, to the same extent, early retirees, senior citizens and the unemployed are supporters of these attitudes. The term 'right-wing extremism' was judged as being elusive as it relegated the phenomenon to the fringes of society instead of acknowledging it as a problem at the centre<sup>77</sup>.

The elections of the NPD (National Democratic Party of Germany, Nationaldemokratische Partei Deutschland) into the parliament of Mecklenburg-Western Pomerania lead to a new debate about their potential banning. A legal procedure on the prohibition had failed before in 2003. The NPD is broadly criticized for its xenophobic and anti-Semitic attitudes and it openly incites sentiment against foreigners, stating on its website that mass unemployment among Germans is due to mass immigration<sup>78</sup>. Since 2002, membership in right-wing associations called 'free comradeships', consisting of about 160 groups throughout Germany, has increased notably (2,600 in 2002 and 4,100 in 2005). The NPD cooperates with these associations, providing them with premises for activities and in return, receiving support during election campaigns<sup>79</sup>.

In the annual report of the German Federal Armed Force, 147 incidents with suspected right-wing or xenophobic nature were reported. The majority of these were propaganda offences, such as listening to corresponding music, giving the 'Hitler-salute', 'Sieg-Heil' shoutings, right-wing smearings and the expression of nationalist slogans. Several cases were reported in which soldiers of a darker skin colour were insulted (the word 'Nigger' was mentioned frequently in these cases) and Muslim colleagues were discriminated against due to their religious affiliation. Unfortunately, the incidents were generally understated in the report, claiming that in most cases 'a right-wing attitude of the soldiers could not be

---

<sup>75</sup> Klesman, Martin, Berliner Zeitung, [http://www.berlinonline.de/berliner-zeitung/spezial/dossiers/rechte\\_gewalt/75335/index.php](http://www.berlinonline.de/berliner-zeitung/spezial/dossiers/rechte_gewalt/75335/index.php), accessed 26.5.07.

<sup>76</sup> Wittrock, Philipp, Spiegel, <http://www.spiegel.de/politik/deutschland/0,1518,457997,00.html>, accessed 11.6.07.

<sup>77</sup> Die Zeit, [www.zeit.de/online/2006/45/Rechtsextremismus](http://www.zeit.de/online/2006/45/Rechtsextremismus), accessed 11.6.07.

<sup>78</sup> Migration und Bevölkerung 8(2006), [http://www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/060806.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/060806.htm), accessed 4.6.07.

<sup>79</sup> Ibid 3(2007), [http://www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/070302.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/070302.htm), accessed 21.5.07.

proven', that the actions were committed under the influence of alcohol or that the offenders were lacking 'maturity of character'<sup>80</sup>.

On Easter Sunday 2006, 37-year old Ermyas Mulugeta, of Ethiopian origin, was critically injured by two men who had verbally insulted him before the physical attack. As is likely to happen in the media, a reversal and attenuation of guilt took place after it was claimed that the victim was drunk at the time of the crime and might have provoked the incident<sup>81</sup>. More than a year after the incident, the potential perpetrators were found not guilty due to a lack of evidence<sup>82</sup>. Further incidents were witnessed in the Eastern region in Cottbus, where right-wing extremists beat foreign students and shops of foreign tenants were demolished in Rheinsberg<sup>83</sup>. Giyasettin Sayan, who is of Kurdish background and is an active member of the 'Left party' fell victim to an attack by two right-wing extremists in May 2006<sup>84</sup>.

These assaults in the run-up to the World Cup in Germany provoked a strong debate about 'no-go-areas', indicating areas which should be avoided by foreigners because they present higher risks for racist assaults. This generated strong disagreement in political ranks. Reactions of concerned persons in Germany, particularly of African origin, differed. Some agreed, whereas others feared that 'no-go-areas' would only contribute to right-wing extremists' ideas about 'foreigner free zones' ('ausländerfreie Zonen')<sup>85</sup>. The board of African Associations and the International League on Human Rights eventually published an advisory pamphlet about how to behave in case of racist assaults<sup>86</sup>. In the already mentioned survey of the Central Council of German Sinti and Roma, 34 cases of assault and harassment by neighbours and 26 cases of attacks by Neo-Nazis have been reported<sup>87</sup>.

#### 4.7 Access to goods and services in the public and private sector

In 2005-2006 the 'GET in' project focused on various forms of discrimination encountered in the area of publicly offered goods and services, especially in the private sector. According to project coordinators, anti-discrimination awareness hardly exists among potential victims and they are often unconvinced that laying

<sup>80</sup> Unterrichtung durch den Wehrbeauftragten, Jahresbericht 2006, <http://dip.bundestag.de/btd/16/047/1604700.pdf>, accessed 24.5.07.

<sup>81</sup> Richter, Gerhard, Stern, <http://www.stern.de/politik/panorama/:Der-Fall-Ermyas-M.-Ein-Jahr-%C3%9Cberfall/587017.html>, accessed 5.6.07.

<sup>82</sup> n-tv, <http://www.n-tv.de/814922.html>, accessed 22.6.07.

<sup>83</sup> bpd, [http://www.bpb.de/themen/B5SLBK,,0,Rassismus\\_in\\_Deutschland](http://www.bpb.de/themen/B5SLBK,,0,Rassismus_in_Deutschland), accessed 5.6.07.

<sup>84</sup> Klesman, Martin, *Berliner Zeitung*, [http://www.berlinonline.de/berliner-zeitung/spezial/dossiers/rechte\\_gewalt/060522\\_4/index.php](http://www.berlinonline.de/berliner-zeitung/spezial/dossiers/rechte_gewalt/060522_4/index.php), accessed 5.6.07.

<sup>85</sup> Schuler, Katharina, Zeit, <http://www.zeit.de/online/2006/22/Rassismus>, accessed 6.6.07.

<sup>86</sup> Migration und Bevölkerung 5(2006), [http://www.focus-migration.de/Einzelansichten.1316.0.html?&tx\\_wilpubdb\\_pi1\[keyword\]=43&tx\\_wilpubdb\\_pi1\[submit\]=Suchen&tx\\_wilpubdb\\_pi1\[article\]=190&cHash=fa9a9c089c](http://www.focus-migration.de/Einzelansichten.1316.0.html?&tx_wilpubdb_pi1[keyword]=43&tx_wilpubdb_pi1[submit]=Suchen&tx_wilpubdb_pi1[article]=190&cHash=fa9a9c089c), accessed 7.6.07.

<sup>87</sup> Zentralrat Deutscher Sinti und Roma (2006).

a charge would be beneficial. Moreover, clients are afraid of complaining because they fear a backlash e.g. concerning residence permits.

The project work revealed that discrimination extended into nearly all spheres of life<sup>88</sup>. An experience that is as similarly widespread as discrimination in housing, is that of being criminalised, be it in the form of selective ticket inspections on buses and trains or arbitrary checking of bags in department stores and supermarkets. Interviewees in group discussions also reported being discriminated against when shopping in places such as bakeries or in banks. A black woman reported that she was regularly ignored in queues at counters and that other customers were served first. Some banks are known not to give loans to migrants or to reject applications for accounts. In addition, there are frequent reports of access being denied to clubs and fitness studios. One participant in the discussion reported having an application to join a fitness studio rejected.

The project also focussed on identifying coping mechanisms. For many of those affected, discrimination has become an everyday occurrence which is often simply accepted. Some victims make a distinction between 'important' and 'unimportant' discrimination. One strategy adopted is to avoid places and situations where there is a risk of discrimination. This may mean avoiding going to the nearer supermarket and being forced to make longer trips, so as to avoid discrimination. Victims may confide in relatives and friends about their experiences, which is often their only coping mechanism.

Most suppliers regard the Equal Treatment Act as redundant and harmful to the economy. Some large, mostly international, companies value diversity and equal treatment as competitive advantages, however, they do not take a firm stand in the discussions about the Equal Treatment Act.

The implementation of the AGG has general effects on data protection as well. Except for 'age', all other grounds of discrimination are considered as producing sensitive data<sup>89</sup>. However, in the public and private sector there is hardly any awareness of the sensitivity of data related to the diverse grounds of discrimination. In an article in the Fundamental Rights Report<sup>90</sup> the ombudsman for data protection in Schleswig-Holstein, takes up the issue of 'scoring' and considers 'scoring' (such as for example, in reviewing credit applications) as a legitimate practice of enterprises, which claim that their methods have been scientifically proven and verified. According to him, it is problematic that people are generally classified and that individuality, personal opinions or the will of the individual are unimportant in this practice.

The 'Schufa' e.g., an enterprise which scores all people applying for credit, is expanding its scoring business and produces scores for cash. A score from

---

<sup>88</sup> Pfeffer, Jennifer and Reiners, Hartmut (2006).

<sup>89</sup> *Jahresbericht BlnBDI 2006*, p.163.

<sup>90</sup> Weichert, Thilo (2006).



‘Schufa’ is compulsory in most credit related businesses. The consequences for applicants can be disastrous: credit is denied on the basis of bad scores although the applicant does not know about pecuniary difficulties and presents enough securities. Others have to pay higher interest rates because they live in a ‘bad’ area with a majority of migrants. Negative scores can also be the effect of too many credit applications. If a consumer asks different banks for credit offers for comparison, he or she is scored worse than consumers who ask only one bank. There is a lack of transparency for the consumer as to how scoring is done, which categories are seen as relevant and how they are weighed. While the consumer is stripped of all information, enterprises keep their information a secret which contradicts the idea of informational self-determination of the consumer.

#### 4.8 Media, including the internet

The representation of migrants in the media is generally negative which increases prejudices and fear in society. Migrants are under-represented with respect to an ‘objective’ view of their lifestyle. Furthermore, the rate of migrants employed in the media sector is very low and amounts to only 2 - 3%. Similarly, the participation of migrants in training programs in this field is marginal<sup>91</sup>. The first National Summit Conference on Integration in July, demanded a stronger inclusion of migrant journalists, TV and radio hosts, pointing out their under-representation.

Media coverage in several cases revealed a biased approach to the topic of migration and integration. Christoph Butterwegge<sup>92</sup> has provided several examples of this: Hatun Sürücü, a young female of Kurdish origin was shot to death in February 2005. The incident was judged as an ‘honour killing’ by the media. The alleged murderer, the youngest brother of the victim, was sentenced to nine years and three months detention in a reform school. Two further brothers were acquitted for lack of evidence which again aroused strong debate in the media. In April, the weekly mainstream newspaper *Spiegel* commented on the incident with the headline ‘Migration: The murder of Hatun Sürücü and crimes in the cause of honour’<sup>93</sup>. This article claimed that the expulsion of migrants and a more stringent legislation were demanded by the majority of society. The use of expressions such as ‘self-imposed isolation’ and ‘the merciless violence exerted by young, mostly Muslim migrants’ blames mainly male migrants for failing integration, supports prejudices and Islamophobic fears existent throughout mainstream society and promotes stereotypical images of migrants<sup>94</sup>.

---

<sup>91</sup> Bundesamt für Migration und Flüchtlinge, Blickpunkt Integration (2007).

<sup>92</sup> cp. Butterwegge, Christoph (2006).

<sup>93</sup> Spiegel online, <http://service.spiegel.de/digas/find?DID=46707628>, accessed 4.6.07.

<sup>94</sup> cp. Butterwegge, Christoph, *ibid*.

In March 2006, teachers at the Rütli-Schule in Neukölln/Berlin requested assistance in a letter, expressing their helplessness in dealing with problematic students and working under threatening conditions. The headline-catching event was exploited by the media to re-invent a debate about the failing integration of migrants in the German school system. The situation was blamed on the above-average number of foreign students at the school, whereas the generally weaker social situation of all students in this region was barely considered as a possible explanation. The Munich news magazine *Focus* titled its cover story on the topic as 'The multi-cultural lie: How integration in Germany is failing - Will this bring about a rebound in the policy on foreigners?' Commenting on a picture of violent students it claimed that the integration of Muslim migrants had failed<sup>95</sup>. The Berlin newspaper *Tagesspiegel* claimed that students of German background were discriminated against - being called 'pork-eaters' and that these students were adapting to the customs of the majority by consciously speaking broken German in order to avoid standing out<sup>96</sup>. The incident was generally judged as a problem due to failing migration and the reluctance or inability of students with a migrant background to adapt to German customs. In contrast, another incident at a Berlin school was appraised favourably by the media and judged as a laudable effort to support integration: The secondary school forced its students to speak German with no exceptions in the schoolyard and during school trips<sup>97</sup>.

For years, the Central Council for German Sinti and Roma has been fighting the practice of naming ethnic background in reports about misbehaviour or criminality of minorities. This illegal naming increases prejudice against Sinti and Roma. In an older study of the German public opinion research institutes EMNID and Allensbach, 60% of the public majority stated that they did not want to have Roma or Sinti neighbours and 13 % rejected having Jewish neighbours. Consequently, many parents tell their children not to mention their background to friends, teachers or at job applications. In the survey by the Central Council of German Sinti and Roma, 90.3% answered yes to the question whether negative media coverage made them afraid of increased prejudice, 70.9% affirmed that they had been addressed by neighbours, colleagues or other persons about their minority background after an article or a TV report was published and 63.1% answered yes to the question of whether their children noticed if a neighbour addressed them about such coverage<sup>98</sup>.

There are several initiatives aimed at broadening the inclusion of migrants in the media. Radio stations adapt their programs to comply with the demands of a multicultural society. They offer diverse programs in different languages and on multicultural topics (e.g. WDR 'Funkhaus Europa' or 'Multikulti' in Berlin). In 2006, the topic of integration was dealt with more often and openly in television series' and movies (for example, the TV series 'Turkish for beginners' and the movie 'Anger').

<sup>95</sup> Ibid.

<sup>96</sup> Der Tagesspiegel, <http://www.tagesspiegel.de/politik/archiv/30.03.2006/2442388.asp>, accessed 4.6.07.

<sup>97</sup> Randow, Gero von, Zeit, [http://www.zeit.de/2006/05/Lsp\\_Lau\\_oben](http://www.zeit.de/2006/05/Lsp_Lau_oben), accessed 4.6.07.

<sup>98</sup> Zentralrat Deutscher Sinti und Roma (2006).

## 5. Political and legal context

Major legislative developments in 2006 include the final realization of the EU equality directives and the new Regulation on the Right of Residence for long-term tolerated refugees. Furthermore, radical tightening of the Law for Control and Limitation of Immigration was intended, two years after its implementation in January 2005. At the elections in September in Mecklenburg Western-Pommern, the right-wing NPD party obtained 7.2% of the votes and consequently gained six seats in the Parliament of Schwerin<sup>99</sup>. Since the elections in Berlin in the same month, the NPD is now also present in four parliaments of Berlin's districts. Fortunately however, they did not receive enough votes to enter the State Parliament<sup>100</sup>. Instead, the left-wing coalition of Social Democratic Party (SPD) and the Left party were re-confirmed in the elections. Berlin, being the first state to introduce an anti-discrimination body as part of their Senate in 2005, decided on the enhancement of their Integration Concept. This concept includes strategic measures and projects for integration for the legislative period until 2011<sup>101</sup>.

### 5.1 Anti discrimination

In August 2006, the General Equal Treatment Act (AGG) was finally introduced, transposing the EU equality directives. The legislation reveals weaknesses in several areas<sup>102</sup>. The AGG counteracts discrimination with respect to 'race', ethnic background, gender, religion, world-view, disability, age and sexual orientation. The inclusion of all these grounds goes beyond the standards set by the EU; a development which has been broadly appraised<sup>103</sup>.

Shortly before its implementation, the AGG caused a heated debate in the coalition of the Christian Democratic Union (CDU) and SPD, because larger trade associations feared competitive disadvantages for Germany. As a consequence, the coalition rejected some of the intended regulations of the AGG<sup>104</sup>. As a result, the AGG has several regulations which allow for criticism and areas that demand improvement:

- The EU directives intend the full coverage of the occupational sector, including cancellations. However, redundancies were taken out of the range of applications of the AGG (§ 2 clause 4), thereby breaching EU law.

<sup>99</sup> n-tv, <http://www.n-tv.de/711676.html>, accessed 18.6.07.

<sup>100</sup> berlin.de, [http://www.berlin.de/sen/inneres/verfassungsschutz/aktuell/am\\_wahlen\\_2006.html](http://www.berlin.de/sen/inneres/verfassungsschutz/aktuell/am_wahlen_2006.html), accessed 18.6.2007.

<sup>101</sup> Ibid., <http://www.berlin.de/lb/intmig/integrationskonzept.html>, accessed 18.6.07.

<sup>102</sup> Busch, Sebastian (2006).

<sup>103</sup> Jäger, Torsten; Mesovich, Bernd, *Interkultureller Rat*, [http://www.interkultureller-rat.de/Presse/Presse\\_2006/Presse\\_07\\_31.shtml](http://www.interkultureller-rat.de/Presse/Presse_2006/Presse_07_31.shtml), accessed 13.6.07.

<sup>104</sup> Lagemann, Andree (2006).

- § 9 of the AGG provides religious communities with more discretionary rights than other employers, giving them the right to treat potential employees differently due to their religious affiliations. This, too, opposes EU law which prohibits unequal treatment, unless religious affiliation plays an *essential role* within the particular profession applied for.
- Due to the fact that discrimination is considered a violation of human rights, the General Assembly of the UN decided in December 2005 that victims would be granted compensation for all losses suffered; which includes that they are not obligated to bear the court and lawyer costs. In Germany, the victim has to pay all costs even if he asserted his claim (§ 12a ArbGG, Law for Labour Court). The AGG failed to include a clause which defers § 12a in case of discrimination.
- Labour legislation provides that a discriminating entity in the labour market has to compensate for the loss suffered. The AGG, however, does not consider a retrospective claim for employment but only financial compensation, which usually amounts to a three-month salary. This amount appears disproportionate, considering the fact that the fine for employing a foreign worker without work permit can amount to € 500,000<sup>105</sup>.
- The AGG determines that claims have to be submitted within a two month period. This is problematic as victims often approach counselling bodies quite late or do not recognize discrimination immediately. Also, it is highly unrealistic to be expected to submit a well documented claim with sufficient evidence within the short, two month period<sup>106</sup>.
- The anti-discrimination body of the Ministry of Family, Seniors, Women and Youth in Berlin serves as a contact point for people who encounter discrimination. However, this body lacks the capacity to directly deal with cases and can only provide referrals to other institutions for concrete help<sup>107</sup>.

The Inter-cultural Council and PRO ASYL claimed in a joint press statement that protection from discrimination should not be restricted to the private and employment sector but that discrimination from the state also needed legal grounds to be counteracted. Laws which discriminated against minorities would need to be abolished, among these the residential obligation for asylum

---

<sup>105</sup> Busch, Sebastian (2006).

<sup>106</sup> Lagemann, Andree (2006).

<sup>107</sup> For more information about the Anti-discrimination body see the concluding chapter

seekers<sup>108</sup>, the deprivation with regard to social benefits for asylum seekers and tolerated migrants and the prohibition of work for asylum seekers<sup>109</sup>.

## 5.2 Migration and integration

An important event was the first Integration Summit in July 2006 organised by the Commissioner for Integration, Ms. Böhmer. 86 participants from politics, business and society agreed to establish working groups and present a national integration plan for Germany by the summer of 2007. This is in line with the Common Basic Principles of the EU Commission, which insists that the development of *'clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective'*<sup>110</sup>.

Heavily debated was the first draft law on the implementation of EU directives on residential and asylum rights which was published in January 2006 by the Federal Government and which aimed at tightening migration legislation rather than improving the situation for migrants. In July 2006, the Federal Ministry of the Interior published an evaluation report on the migration legislation of 2005, mentioning further aggravating changes<sup>111</sup>. This contradicted the expectations which the 'Süssmuth-Commission' had formulated in 2001: *'to enhance a liberal and tolerant society of immigration, to promote integration and protect refugees'*<sup>112</sup>.

In joint press releases from January<sup>113</sup> and July<sup>114</sup> NGOs criticized the intended changes in migration legislation:

- The increase of the minimum age for immigrating family members/spouses to 21. These changes aim at limiting 'forced marriages'. However, the upgrading of the minimum age could lead to a perennial waiting period. The Federal Constitutional Court has ruled this to be unconstitutional as it breaches the right of protection of family life.

---

<sup>108</sup> Asylum-seekers and tolerated people are obliged to settle in the town or county or sometimes state where the aliens authority in charge resides. This is called residential obligation. If they want to leave this area, e.g. to visit relatives, they must ask for a written permit. Violations of the residential obligation are subject to fines and in case of repeated breaches, a criminal procedure is imminent.

<sup>109</sup> Jäger, Torsten; Mesovich, Bernd, *Interkultureller Rat*, [http://www.interkultureller-rat.de/Presse/Presse\\_2006/Presse\\_07\\_31.shtml](http://www.interkultureller-rat.de/Presse/Presse_2006/Presse_07_31.shtml), accessed 13.6.07.

<sup>110</sup> 11 CBP in: EU-Commission, COM(2005) 389 final, 1.9.2005, A Common Agenda for Integration. Framework for the Integration of Third-Country Nationals in the European Union, [http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0389en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf), p. 11.

<sup>111</sup> Bundesministerium des Inneren, Evaluierungsbericht (2006).

<sup>112</sup> Jäger, Torsten, Heinrich Böll Stiftung, [http://www.migration-boell.de/web/migration/46\\_59.asp](http://www.migration-boell.de/web/migration/46_59.asp), accessed 18.5.07.

<sup>113</sup> Burkhardt, Günter, *Interkultureller Rat*, [http://www.interkultureller-rat.de/Presse/Presse\\_2006/Presse\\_03\\_21\\_2.shtml](http://www.interkultureller-rat.de/Presse/Presse_2006/Presse_03_21_2.shtml), accessed 25.5.07.

<sup>114</sup> Burkhardt, Günter; Jäger, Torsten, *Interkultureller Rat*, [http://www.interkultureller-rat.de/Presse/Presse\\_2006/Presse\\_07\\_24.shtml](http://www.interkultureller-rat.de/Presse/Presse_2006/Presse_07_24.shtml), accessed 25.5.07.

- The obligation of family members/spouses to learn German in their home countries and the demand to prove their language skills. This demand discriminates against people who live in the countryside and therefore only have restricted access to language classes. Furthermore, attendance of language schools is a privilege affordable to the wealthy.
- The prohibition of subsequent immigration of spouses if the marriage took place '*with the sole purpose to allow for entry and residence on federal territory*'. The regulation implies that all binational marriages are suspect and leads to a reversal of the burden of proof.
- The obligation of migrants to provide evidence of 'stable and constant income' in order to receive a permanent residence permit (instead of account for 'earning one's livelihood'). This regulation is problematic since migrants in particular are affected by unemployment or uncertain employment. Their chances of getting unlimited work contracts (which would be needed to provide for 'stable and constant income') are minimal and thereby the possibility of achieving permanent residence is reduced.

Some further intended changes were:

- The increase of the required duration of a marriage in order to receive a residence permit independent of the spouse; extended to three years of marriage (instead of two).
- The creation of legal grounds to deport migrants who receive government benefits (HartzIV).
- The demand to hold a limited residence permit for seven years (instead of five years as before) as a prerequisite for receiving an unlimited residence permit.
- The provision of Aliens Departments with the right to contest paternity which in consequence can determine the residence of a migrant.
- The enhancement of legal possibilities to arrest asylum seekers. Asylum applicants can be arrested throughout the asylum seeking procedure without magisterial adjudication. Furthermore, the mere assumption that another country might be responsible for the application for asylum is enough to reject the applicant<sup>115</sup>.

In the meantime, Germany failed to implement the EU directive 2004/83/EC<sup>116</sup> in time. Asylum seekers profited from this delay as it lead to an immediate

<sup>115</sup> Ibid., Pro Asyl, [http://www.proasyl.de/de/archiv/presseerklaerungen/presse-detail/news///bundesministerium\\_des\\_innern\\_legt\\_evaluationsbericht\\_zum\\_zuwanderungsgesetz\\_vor/browse/1/back/64/pS/1178399466/chash/d7f4eec103/index.html](http://www.proasyl.de/de/archiv/presseerklaerungen/presse-detail/news///bundesministerium_des_innern_legt_evaluationsbericht_zum_zuwanderungsgesetz_vor/browse/1/back/64/pS/1178399466/chash/d7f4eec103/index.html), accessed 29.5.07.

<sup>116</sup> Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or persons who otherwise need international protection and content of protection granted.

execution of the directive, which is much more liberal than German legislation as it is based on the Geneva Refugee Convention. The protection of refugees was enhanced e.g. in case of persecution due to religious affiliation. German Asylum legislation only considered the protection of 'inner freedom of religion', whereas EU legislation now also protects practising religion in public. Prosecution because of conscientious objection is a further reason for asylum which Germany is now obliged to acknowledge. Rejected asylum seekers can no longer be deported if their exits a general '*threat to life or physical condition*', whereas before they had to prove that they were *personally* threatened.<sup>117</sup>

The resolution dealing with the status of tolerated migrants in Germany was adopted by the IMK (Conference of the Ministers of the Interior of all Länder, Innenministerkonferenz) in November. The Green and the Left party had introduced bills demanding the granting of work permits for persons who had resided legally in Germany for five years which were discussed in the Bundestag in January 2006. Whereas the majority appreciated the proposals, representatives of CDU and its Bavarian sister Christian Social Union (CSU) opposed them<sup>118</sup>.

In addition to the resolution, the Government (CDU/SPD) announced the adoption of a law on the 'right of residence'. The concrete implementation of these regulations differs from one Federal State to another which renders general evaluation difficult<sup>119</sup>. The final adoption of the law is expected in August 2007.

The resolution was intended to benefit persons who had resided in Germany over a longer period of time and who are 'economically and socially' integrated into German society. Tolerated migrants have to comply with the following requirements in order to receive a temporary residence permit:

- Permanent employment which provides economic livelihood without receiving subsistence money;
- Residency in Germany either for eight years for singles or for six years for families with minor children;
- 'Adequate living space';
- Proof of school attendance of children under obligation;
- Proof of 'sufficient German language skills' (level A2, GERR) by 30 September 2007.

---

<sup>117</sup> [http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news/ablauf\\_der\\_umsetzungsfrist\\_der\\_eu\\_asylanerkennungsrichtlinie\\_am\\_10\\_oktober\\_2006/browse/1/back/64/pS/1181122897/chash/828c137928/index.html](http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news/ablauf_der_umsetzungsfrist_der_eu_asylanerkennungsrichtlinie_am_10_oktober_2006/browse/1/back/64/pS/1181122897/chash/828c137928/index.html), 05.06.2007.

<sup>118</sup> Ibid., <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-108/index.html#c1903>, accessed 11.6.07.

<sup>119</sup> Ibid., [http://www.proasyl.de/fileadmin/proasyl/fm\\_redakteure/Dokumente\\_Infos/Bleiberecht/BleibeRBeschluss\\_IMK\\_17.11.06/Kurzinfo\\_Bleiberechtsregelung\\_22.12.2006\\_2.pdf](http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Dokumente_Infos/Bleiberecht/BleibeRBeschluss_IMK_17.11.06/Kurzinfo_Bleiberechtsregelung_22.12.2006_2.pdf), accessed 12.6.07.

Those who fulfil all prerequisites except for employment have the possibility to search for employment and are guaranteed '*residence permits on probation*' for this purpose<sup>120</sup>. Persons who committed certain felonies are entirely excluded from the regulation. If this is the case for one member of a family, the whole family is affected by the exclusion; a regulation criticized for its inequality<sup>121</sup>. Furthermore, the Ministers emphasized that the expulsion of all persons who did not fulfil the requirements should be pressed ahead. They demanded to continue the dialogue with the Iraqi Government in order to expand deportations to Iraq '*as soon as possible*'<sup>122</sup>.

Furthermore, it was anticipated by the Ministers themselves that the regulation would benefit only about 20,000 of the 100,000 tolerated migrants in Germany<sup>123</sup>. Initial figures after the implementation, supported this assumption and bureaucratic procedures hampered the execution of the resolution. Five months after the resolution, 2336 applications had been made at the aliens department in Berlin, but only 172 people had been granted limited residence permits<sup>124</sup>. In Schleswig-Holstein, 435 applications had been submitted by December 2006 and 23 limited permits of residence were granted, 12 people received tolerances with the obligation to find employment by 30 September 2007 and 9 cases were rejected<sup>125</sup>.

## 5.3 Criminal justice

### 5.3.1 Racism as a crime

As has been stated in previous shadow reports<sup>126</sup>, the discourse and legal practice in Germany is not about racism, but about right-wing extremism. Germany is known for its good data collection system focusing on the activities of extreme right-wing groups/hate speech and associated acts that breach the constitution<sup>127</sup>. Although there was no public debate in 2006 in the run-up to the

---

<sup>120</sup> There are some exceptions to the obligation to fulfill all requirements, e.g. in the case of single parents, adolescents in training, persons who are permanently unable to work, persons over 65 years of age who have no family in their country of origin but who have relatives in Germany, and families with children who are depend on supplemental social benefits only temporarily.

<sup>121</sup> Bayerisches Staatsministerium des Inneren, [http://www.stmi.bayern.de/imperia/md/content/stmi/ministerium/imk/pressemitteilungen/pm\\_21\\_anlage\\_bleiberecht.pdf](http://www.stmi.bayern.de/imperia/md/content/stmi/ministerium/imk/pressemitteilungen/pm_21_anlage_bleiberecht.pdf), accessed 11.6.07.

<sup>122</sup> Flüchtlingsrat NRW e.V., <http://www.fluechtlingsrat-nrw.de/2411/index.html>, accessed 25.5.07.

<sup>123</sup> Interkultureller Rat in Deutschland e.V., [http://www.interkultureller-rat.de/Ueber\\_uns/jahresberichte/Jahresbericht-06.pdf](http://www.interkultureller-rat.de/Ueber_uns/jahresberichte/Jahresbericht-06.pdf), accessed 25.5.07.

<sup>124</sup> Pro Asyl, <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-123/index.html#c3892>, accessed 29.5.07.

<sup>125</sup> Flüchtlingsrat Schleswig-Holstein e.V., [http://www.frsh.de/behoe/Doku\\_online/IMSH\\_zahlen\\_31\\_12\\_06.pdf](http://www.frsh.de/behoe/Doku_online/IMSH_zahlen_31_12_06.pdf), accessed 30.5.07.

<sup>126</sup> see German Shadow Report 2005, [http://www.enar-eu.org/en/national/germany/Germany\\_2005.pdf](http://www.enar-eu.org/en/national/germany/Germany_2005.pdf), accessed 19.6.07.

<sup>127</sup> For example, paragraph 86a in the Penal Code of Germany prohibits use of symbols of anti-constitutional organisations. Incitement to hatred, to violence or to arbitrary measures against sections of society, impairment of the human dignity of others, and agitation against another national, racial, religious or ethnic group (Criminal Code, Sec.130) are punishable.



German EU Presidency, the Council of EU Justice Ministers surprisingly achieved political agreement on a Framework Decision<sup>128</sup> on combating racism and xenophobia in April 2007. This ended long-lasting negotiations under way since 2001, to be concluded under the German EU Presidency. The focus is on the prohibition of public incitement to violence and hatred against persons of a different 'race', colour, religion, or national or ethnic decent. However, unlike in the German constitution, the Framework Decision does not prohibit specific symbols per se, such as swastikas. It includes regulations concerning:

- Racist or xenophobic agitation;
- Public approval, denial or gross trivialisation of genocide, crimes against humanity and war crimes if this amounts to racist or xenophobic agitation;
- Racist and xenophobic motives are to be considered aggravating factors in other criminal offences;
- No criminal complaint necessary;
- Protecting the right to freedom of expression.

### 5.3.2 Counter terrorism

Due to the attempted terrorist attack on regional trains in North Rhine-Westphalia on 31 July 2006, the Federal minister of the interior (CDU), demanded further anti-terrorist measures, such as stronger surveillance of the internet, particularly Arabic language web pages, video surveillance on railway stations and public places and the development of an anti-terror data file collating information from intelligence services and police.

An anti-terror file has been under discussion for years in Germany; however its implementation has failed so far due to interference with German data privacy and constitutional law<sup>129</sup>. During the discussion, the Interior Minister demanded that religious affiliation be included in the file, thereby putting members of the Islamic community under general suspicion. In an interview, he demanded Islamic organisations in Germany to participate more strongly in the fight against terrorism<sup>130</sup>. Such statements increase suspicion and bias toward Islamic organisations and lead to irritation among moderate Muslim associations<sup>131</sup>.

On 4 September, the Interior Ministers agreed on a two-stage anti-terror data file; the first stage providing general information about an individual's identity and accessible by all authorities and the second stage accessible only upon justified

---

<sup>128</sup> Federal Ministry of Justice, EU: Common Criminal Provisions Against Racism and Xenophobia, Luxembourg, 19 April 2007, [http://www.bmj.bund.de/enid/Press\\_Releases\\_and\\_Speeches/Press\\_Releases\\_zg.html?druck=1&pmc\\_id=4368](http://www.bmj.bund.de/enid/Press_Releases_and_Speeches/Press_Releases_zg.html?druck=1&pmc_id=4368), accessed 19.6.07.

<sup>129</sup> *Migration und Bevölkerung* 7(2006), [http://www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/060707.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/060707.htm), accessed 20.6.07.

<sup>130</sup> Ibid.

<sup>131</sup> Gräßler, Bernd, *quantara*, [http://www.qantara.de/webcom/show\\_article.php/\\_c-469/\\_nr-557/\\_p-1/i.html](http://www.qantara.de/webcom/show_article.php/_c-469/_nr-557/_p-1/i.html), accessed 20.0.07.

request. Critics judged the inclusion of religious affiliation in the anti-terrorist file as unconstitutional<sup>132</sup>.

Another case reflecting recent questionable proceedings in counteracting terrorist threats is that of German born Turkish national, Murat Kurnaz, who arrived at Ramstein/Germany in August. He had spent more than four and a half years in prison at Guantánamo, never having received an official trial. At the beginning of 2006, Amnesty International Germany delivered a petition with more than 10.000 signatures to the US-Embassy demanding the release of Murat Kurnaz. Following this, German chancellor Angela Merkel had pleaded for Kurnaz's release during a meeting with President Bush in January 2006. In March and April 2006, there were several reports which, under reference to a secret enquiry commission, claimed that the US had made the offer to release already in October of 2002; however this had been rejected by the German intelligence service (BND). The case is presently still under investigation and the former Ministry of Defence has to justify its decision, rejecting Kurnaz's release before 2006. This decision had been made even though an American court had ruled in 2005 that the imprisonment of 50 inmates, among them Murat Kurnaz, at Guantánamo was unconstitutional and breached the Geneva Convention. Furthermore, the judge had expressed that there was neither proof that Kurnaz had planned any violent terrorist actions nor that he intended to attack American interests<sup>133</sup>.

### 5.3.3 Racial profiling

The Federal State and the Länder are responsible for data protection in Germany. In Berlin e.g., special categories of personal data (like 'racial' and ethnic background, political opinion, religious or philosophical convictions, membership in trade unions or health or sexual life) are regulated in § 6 a BlnDSG (Berlin Law on Data Protection) and § 3 Abs. 9 BDSG (Federal Law on Data Protection). This sensitive data can only be processed, if there are sufficient guarantees for the protection of the information self-determination and if there are special legal provisions, which define the objective of the process<sup>134</sup>.

In a ruling of April 2006, the Federal Constitutional Court concluded that the objective of 'total security' is only achievable at the price of total loss of freedom, but the constitution called for a balance between freedom and security<sup>135</sup>. The first senate of the Constitutional Court restricted the profiling of terrorists as Islamic as done after 9/11. Profiling is only legitimate when there is the direct threat of real danger to the population. Profiling as a prevention strategy does not

<sup>132</sup> [http://www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/060707.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/060707.htm).

<sup>133</sup> *Amnesty International Deutschland*, <http://www.amnesty.de/download/MuratKurnazChronologie.pdf>, accessed 20.6.07.

<sup>134</sup> *Jahresbericht BlnBDI 2006*, p.59,60.

<sup>135</sup> Junge, Barbara; Knapp, Ursula; Leber, Fabian, *Tagesspiegel*, <http://www.tagesspiegel.de/fragendestages/art4231,2197295>, accessed 18.6.07.

meet the constitutional requirements<sup>136</sup>. Although profiling is unconstitutional, it is an everyday practice of policing as was already mentioned in the chapter 'Manifestations of racism'.

## 5.4 Social inclusion

The Federal Office for Migration and Refugees (BAMF) was authorized to develop a nation-wide Integration program as intended by § 45 of the new migration legislation. This program aims at restructuring existing initiatives serving the enhancement of integration and generating recommendations for the advancement of these initiatives. The main areas under scrutiny are language education, general education, integration in the labour market and social integration<sup>137</sup>. So far, the main focus has been on language education and training, as this is often considered the most important factor to allow for integration and social inclusion of migrants. Consequently, the BAMF conducted research in 2006 to assess all language training programs for migrants in Germany<sup>138</sup>.

The Integration Summit in July 2006 re-confirmed the primary concern of Federal institutions to be the lack of German language skills on the side of migrants and the promotion of language training<sup>139</sup>. Thereby, other factors which would facilitate the social inclusion for migrants and minorities are often neglected.

Projects initiated by the Länder and NGO's have proven to be more successful in this context. North Rhine-Westphalia conducted the pilot project 'Local strategic concept Inter-culture'. The basis for this was the recognition that there were weaknesses in cultural policy which did not sufficiently adapt to the needs of a multicultural society. The project aimed at developing strategic concepts regarding art and culture. These should adapt to the cultural diversity of North-Rhine Westfalian cities, promote the active and passive involvement of migrants in cultural activities and open up cultural facilities for new target groups. Six cities were selected for the pilot project. Interim results highlighted problematic areas such as marketing, which failed to target and reach migrants. Furthermore, the production and staffing of cultural facilities did not correspond with the cultural diversity of the city and cultural activities were often too expensive for migrants.

---

<sup>136</sup> Bundesverfassungsgericht - Pressemitteilung nr. 40/2006, 23 Mai 2006. Zum Beschluss vom 4. April 2006 – 1 BvR 518/02, <http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg06-040.html>, accessed 18.6.07.

<sup>137</sup> BAMF, [http://www.bamf.de/nn\\_565190/DE/Integration/Integrationsprogramm/02Aktuelles/ip-aktuelles-node.html\\_\\_nnn=true](http://www.bamf.de/nn_565190/DE/Integration/Integrationsprogramm/02Aktuelles/ip-aktuelles-node.html__nnn=true), 18.06.2007.

<sup>138</sup> AiD 4(2006), Isoplan, <http://www.isoplan.de/aid/index.htm?http://www.isoplan.de/aid/2006-4/integration.htm>, accessed 18.6.2007. Pro Asyl, [http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news///integrationsgipfel\\_der\\_bundesregierung/back/64/pS/1136070000/chash/ac1f478cce/index.html.07](http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news///integrationsgipfel_der_bundesregierung/back/64/pS/1136070000/chash/ac1f478cce/index.html.07).

<sup>139</sup> Pro Asyl, [http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news///integrationsgipfel\\_der\\_bundesregierung/back/64/pS/1136070000/chash/ac1f478cce/index.html](http://www.proasyl.de/de/archiv/presseerklarungen/presse-detail/news///integrationsgipfel_der_bundesregierung/back/64/pS/1136070000/chash/ac1f478cce/index.html), accessed 18.6.07.

Improvement of these structures and further projects, e.g. providing inter-cultural training for the staff of cultural institutions, are planned for 2007<sup>140</sup>.

In contrast to social inclusion concepts and policies, it is more often social exclusion that is witnessed in practice. One particularly vulnerable group are migrants in East Germany, who suffer even more from social exclusion than migrants in the Western part of Germany. Since social and economic conditions are exceedingly harsher in the East, restrictive legislative regulations affect them even more. Among many bi-national couples in East Germany, one partner often moves to Western German states for better employment. Regulations require that the couple actively live together in order to receive a residence permit. The Aliens Departments often question this and suspects these couples of fraudulent marriages due to job requirements. This can unjustly result in residence permits being revoked.

Furthermore, the new regulations on the Right of Residence and the intended aggravation of migration legislation are particularly harmful to migrants in East Germany. In the case of family reunion for example it is hard for this group to fulfil the requirements of proving sufficient financial means as economic structures are weak and wages are lower in the East. All regulations bound to employment are problematic as unemployment is higher in East Germany and even twice as high among migrants (42% in Saxonia)<sup>141</sup>.

Minority groups, such as the Sinti and Roma, also suffer from social exclusion as demonstrated by a survey by the Central Council of German Sinti and Roma. 76% of the Sinti and Roma respondents confirmed being discriminated against at work, by neighbours, in restaurants or other public places. 44% had suffered concrete discrimination when applying for a job. 54% of the respondents felt discriminated against when applying for housing<sup>142</sup>.

---

<sup>140</sup> According to information by Tina Jerman, EXILE-Kulturkoordination e.V., Kommunales Handlungskonzept Interkultur, Pilotprojekt des Landes NRW.

<sup>141</sup> according to information by Verband binationaler Familien und Partnerschaften iaf e.V., Beratungs- und Geschäftsstelle Leipzig.

<sup>142</sup> Zentralrat Deutscher Sinti und Roma (2006).

## **6. National recommendations**

### **6.1 General**

- There is a need for public interventions by politicians, intellectuals and NGO's on the negative effects of the migration legislation on German society. The inequality between first and second class citizenship harms Germany as a democratic society.
- The long-term and continuous struggle against racist, institutional and structural discrimination is an obligation of the whole society. Therefore the role of civil society as a main actor in the prevention, the counselling and the research about discrimination needs to be acknowledged and financed.
- Protection from discrimination must not be restricted to the private and employment sector but there also needs to be effective legal protection from discrimination by the state. Laws which discriminate against minorities would need to be abolished; among these the residential obligation for asylum seekers, the deprivation with regard to social benefits for asylum seekers and tolerated migrants and the prohibition of work for asylum seekers.

### **6.2 Anti discrimination**

- There is a need for the establishment of a professional and independent anti-discrimination infra-structure at the Länder level. This is highly recommended and inevitable in the long-term. Furthermore, the strong dependency on the government hinders necessary 'objective' judgement and independent action in the field of anti-discrimination.
- There is a need to increase legal awareness and support (e.g. of anti-discrimination offices) available to those affected by discrimination (e.g. migrants). Many people from a migrant background are often unaware of their legal rights with regard to discrimination. Many accept discrimination as a normal part of everyday life.
- It is also necessary to engage in public awareness work on the issue of discrimination in order to sensitise the wider public to the issue and its extreme importance. An awareness of discrimination must be created so that, on the one hand, perpetrators of discrimination can view their

behaviour as discriminatory and consequently try and change it, and on the other hand, an awareness of what is regarded as discrimination must be created among those affected. Public awareness work is important in order to create contact between the people who are committed to fighting unequal treatment and victims of discrimination. This unity aims to show perpetrators that discrimination is unacceptable in society.

- There is a need for extensive qualitative research about the social and economic effects of discrimination and the coping mechanism of victims.
- An anti-discrimination codex should be part of standard business conditions for housing companies.

### **6.3 Migration and integration**

- The Immigration law must be rendered subordinate to children's' right to education; the headmasters of schools must immediately be relieved of the duty to alert the immigration office if they receive information about an illegal child.
- Recognition of 'testing' as a legitimate procedure to produce evidence is necessary as well as condemning law firms operating with the concept of 'AGG-hopping'<sup>143</sup>.

### **6.4 Criminal justice**

#### **6.4.1 Racism as a crime**

- There is a need for the establishment of an independent centre to monitor right-wing extremism, racism and anti-Semitism in Germany, thereby following EU standards, to override the trivialisation of right-wing extremism and xenophobic movements throughout Germany.

#### **6.4.2 Counter terrorism**

- Public interventions are needed to promote the separation of the discourses about migration and terrorism.

---

<sup>143</sup> This term was defined by a Munich law firm. They register people who frequently apply for jobs with the purpose of 'illegitimate' discrimination claims to get financial compensation. Under this definition 'testing' can be considered an unlawful practice.

### **6.4.3 Racial profiling**

- There is a need to establish qualitative research about the structures and mechanisms of everyday profiling practices of police and administrations to overcome the gap between constitutional requirements and unconstitutional everyday practices of public institutions.
- There is a need to increase awareness of the issue of ethnic profiling through additional initiatives together with the upcoming the European ethnic profiling report 'Terror, Crime and Suspect Communities; Ethnic profiling by Police in Europe' of the Open Society Justice Initiative.

## **6.5 Social inclusion**

- Systematic and extensive research is needed in the education system, especially qualitative (case) studies and documentation to understand its mechanisms.
- Appropriate support must be provided in the area of migration/interculturalism for East Germany to stop the complete exodus of residents with migration background.
- Transparency for scoring practices must be ensured (e.g. Schufa).
- Training and Campaigning about anti-discrimination work and its fundamentals for all counsellors in migrant services are necessary.
- There is a need to develop comprehensive guidelines for anti-discrimination work.

## 7. Conclusion

*'Essential to so many political movements is the claim of bodily integrity and self-determination. (...) they are part of any normative aspiration of a movement that seeks to maximize the protection and the freedoms of sexual and gender minorities, of women, and of racial and ethnic minorities, especially as they cut across all the other categories'<sup>144</sup>.*

One of the main events in 2006 was the passing of the General Equal Treatment Act (AGG) in August. It took another six months until the head of the Anti-discrimination body (ADSt), Mrs. Martina Köppen, was appointed. Until June 2007, the body received about 1,850 submissions, most of them related to discrimination in the labour market because of age (30%), followed by gender (25%) and disability (25%), ethnicity (13%), sexual orientation (6%) and religion (1%). In the private sector most submissions are also mainly related to age (e.g. credit). This shows that there is a huge demand in mainstream society for anti-discrimination measures, particularly in the fields of age, gender and disability.

By the beginning of August 2007, all staff (18 persons) in three departments (law, public relations, and research) should be active. Nearly all positions had been filled internally, by re-shuffling public servants from other areas. Up to now there is no official information available, whether qualified staff from civil society was recruited. The ADSt has a budget of 2.7 million. €<sup>145</sup>. The advisory board of 16 members covering social groups and organisations active in the field should have been established by July 2007. Three databases, covering research networks, a network of regional, national and international actors and a database of the documentation of discrimination cases, should be established. It is already obvious, that one centralised body in Berlin cannot effectively deal with the amount of submissions and give adequate counselling. There seems to be little support in most of the Länder<sup>146</sup>. Exceptions are Berlin, Brandenburg and Saxony, where officially horizontal (covering all target groups) anti-discrimination bodies or offices have been established.

Within the European year of Equal Opportunity 2007, there is an initiative for a Federal association of regional anti-discrimination offices (advd), which aims to provide research from the victims' perspective. They point out, that anti-discrimination offices have been generating knowledge for more than 10 years. This experience includes counselling, reporting, documentation, research and

---

<sup>144</sup> Butler, Judith (2006).

<sup>145</sup> Lesbian and Gay Liberation Front e.V., <http://www.lglf.de/antidiskriminierung/information/antidiskriminierungsstelle.htm>, accessed 25.6.07.

<sup>146</sup> For example, in Hamburg there is no political will in any of the parties to implement a local anti-discrimination infrastructure. When asked about the proceedings, they referred to the announcements of the Federal Anti-discrimination Body.



even databases, which had been established through private and public funding. In a press conference held in May 2007<sup>147</sup> in Berlin, the advd claimed a seat in the advisory board of the ADSt.

---

<sup>147</sup> Antidiskriminierungsverband Deutschland - advd, <http://www.antidiskriminierung.org/?q=node/15>, 25.6.07.

## 8. Bibliography

Bambal, Banu, 'Ethnische Diskriminierung junger Migranten beim Zugang zur Berufsausbildung', in Bernd Overwien and Annedore Prengerl, eds., Recht auf Bildung- Zum Besuch des Sonderberichterstatters der Vereinten Nationen in Deutschland (Leverkusen: Verlag Barbara Budrich, 2007), 274-284.

Berliner Beauftragter für Datenschutz und Informationsfreiheit (ed.), Jahresbericht BlnBDI 2006, (Berlin: Brandenburgische Universitätsdruckerei und Verlagsgesellschaft Potsdam mbH, 2007).

Bosch, Nicole and Peucker, Mario, National Data Collection Report 2005. RAXEN 6 Report on Discrimination and Racism in Germany on behalf of the European Monitoring Centre on Racism and Xenophobia (Bamberg: EUMC 2006) at [http://web.uni-bamberg.de/~ba6ef3/pdf/Bulletin%206\\_2006.pdf](http://web.uni-bamberg.de/~ba6ef3/pdf/Bulletin%206_2006.pdf)

Böhmer, Maria, 'Deutschpflicht an Schulen sollte Schule machen', Presse- und Informationsamt der Bundesregierung, 24 January 2006 at [http://www.bundesregierung.de/nn\\_56680/Content/DE/Pressemitteilungen/BPA/2006/01/2006-01-24-ib-deutschpflicht.html](http://www.bundesregierung.de/nn_56680/Content/DE/Pressemitteilungen/BPA/2006/01/2006-01-24-ib-deutschpflicht.html), accessed 25.06.07.

Bundesamt für Migration und Flüchtlinge (ed.), Migrationsbericht des Bundesamtes für Migration und Flüchtlinge im Auftrag der Bundesregierung (Berlin: Bundesministerium des Inneren, 2005).

Bundesamt für Migration und Flüchtlinge (ed.), Blickpunkt Integration- Aktueller Informationsdienst zur Integrationsarbeit in Deutschland: Abbau oder Verstärkung von Vorurteilen? Integration und Migranten in den Medien (Bonn 2007) at [http://www.bamf.de/cln\\_043/SharedDocs/Anlagen/DE/Integration/Publikationen/Blickpunkt/2007/0004-2007-02,templateId=raw,property=publicationFile.pdf/0004-2007-02.pdf](http://www.bamf.de/cln_043/SharedDocs/Anlagen/DE/Integration/Publikationen/Blickpunkt/2007/0004-2007-02,templateId=raw,property=publicationFile.pdf/0004-2007-02.pdf).

Bundesministerium des Inneren (ed.), Bericht zur Evaluierung des Gesetzes zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern (Zuwanderungsgesetz) (Berlin 2006) at [http://www.bmi.bund.de/Internet/Content/Common/Anlagen/Themen/Auslaender\\_\\_Fluechtlinge\\_\\_Asyl/DatenundFakten/Evaluierungsbericht\\_\\_zum\\_\\_Zuwanderungsgesetz,templateId=raw,property=publicationFile.pdf/Evaluierungsbericht\\_zum\\_Zuwanderungsgesetz.pdf](http://www.bmi.bund.de/Internet/Content/Common/Anlagen/Themen/Auslaender__Fluechtlinge__Asyl/DatenundFakten/Evaluierungsbericht__zum__Zuwanderungsgesetz,templateId=raw,property=publicationFile.pdf/Evaluierungsbericht_zum_Zuwanderungsgesetz.pdf).

Bundesministerium für Bildung und Forschung (ed.), Berufsbildungsbericht 2005 (Berlin, 2006).

Busch, Sebastian, 'Ziel verfehlt- Weshalb das AGG keine Umsetzung des europarechtlich vorgegebenen Mindestschutzes darstellt', *Arbeitsrecht*, 8 (2006), 467.

Butler, Judith, *Precarious Life- The Powers of Mourning and Violence* (New York: Verso, 2006).

Butterwegge, Christoph, 'Das Thema Migration in den deutschen Massenmedien: Medienberichterstattung – Abbau oder Verstärkung von Vorurteilen?', *Der Bürger im Staat*, 4 (2006), 254-259.

Konsortium Bildung (ed.), *Bildung in Deutschland – Ein indikatorengestützter Bericht mit einer Analyse zu Bildung und Migration* (Bielefeld: Bertelsmann Verlag, 2006).

Lagemann, Andree, 'Schutz gegen Diskriminierungen- Das Allgemeine Gleichbehandlungsgesetz (AGG) ist da', *MhM die Zeitung*, 4 (2006), 8-9.

Messerschmidt, Astrid, 'Leitbild Integration? – Leitbilder in Integrationskursen', lecture at Diakonisches Werk Hamburg (April 2007) at [http://www.abpaed.tu-darmstadt.de/arbeitsbereiche/eb/documents/LeitbildIntegration\\_000.pdf](http://www.abpaed.tu-darmstadt.de/arbeitsbereiche/eb/documents/LeitbildIntegration_000.pdf).

Migration.works – Zentrum für Partizipation and basis & woge e.V. (eds.), *Diskriminierung erkennen und handeln! Ein Handbuch für Beratungsstellen und MigrantInnenorganisationen auf der Grundlage des Allgemeinen Gleichbehandlungsgesetzes (AGG)* (Hamburg 2007).

Villalobos, Vernor Muñoz, Report of the Special Rapporteur on the right to education, (2006) at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2006/45&Lang=E>.

Pfeffer, Jennifer and Reiners, Hartmut, 'Discrimination in the private sector. Experiences and strategies of those affected. Group discussions' assessment report as part of the GET In Project (2006).

Razum, Oliver; Geiger, Ingrid; Zeeb, Hajo; Ronellenfisch, Ulrich, 'Gesundheitsversorgung von Migranten', *Deutsches Ärzteblatt*, 101 (2004), A-2882 / B-2439 / C-2326.

Schulze, Heidrun, *Migrieren – Arbeiten - Krankwerden: eine biographietheoretische Untersuchung* (Bielefeld: Transcript-Verl., 2006).

Spohn, Margret, *Türkische Männer in Deutschland. Familie und Identität. Migranten der ersten Generation erzählen ihre Geschichte* (Bielefeld: Transcript-Verl., 2002).

Unterrichtung durch den Wehrbeauftragten, Jahresbericht 2006 (Berlin: H. Heenemann GmbH & Co., 2006) at <http://dip.bundestag.de/btd/15/026/1502600.pdf>.

Weichert, Thilo, 'Scoring- die statistische Verbraucher-Diskriminierung', in Müller-Heidelberg, Till, Finckh, Ulrich & et al., Elke Steven, eds., Grundrechte-Report – Zur Lage der Bürger- und Menschenrechte in Deutschland (Frankfurt/M.: Fischer Taschenbuch, 2006), 37-41.

Zentralrat Deutscher Sinti und Roma, Ergebnisse der Repräsentativumfrage des Zentralrats Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma (Heidelberg, 2006) at <http://zentralrat.sintiundroma.de/content/downloads/stellungnahmen/UmfrageRassismus06.pdf>.

## 9. Annex 1: List of abbreviations and terminology

<b>advd</b>	Antidiskriminierungsverband Deutschland = Anti-discrimination Association Germany
<b>ADB</b>	Antidiskriminierungsbüro = Anti-discrimination Office
<b>ADSt</b>	Antidiskriminierungsstelle = Federal Anti-discrimination Body
<b>AGG</b>	Allgemeines Gleichbehandlungsgesetz = General Equal Treatment Act
<b>BA</b>	Bundesagentur für Arbeit = Federal Labour Office
<b>BAMF</b>	Bundesamt für Migration und Flüchtlinge = Federal Office for Migration and Refugees
<b>BIBB</b>	Bundesinstitut für Berufsbildung = Federal Institute for Vocational Training
<b>BIM</b>	Berliner Infodienst Migration = Berlin Information Service on Migration
<b>BInBDI</b>	Berliner Beauftragter für Datenschutz und Informationsfreiheit = Commissary for Data Protection and Freedom of Information of Berlin
<b>CDU</b>	Christlich Demokratische Union = Christian Democratic Union
<b>CSU</b>	Christlich Sozial Union = Christian Social Union
<b>DGB</b>	Deutscher Gewerkschaftsbund = German Federation of Trade Unions
<b>EMNID</b>	Erforschung der öffentlichen Meinung, Marktforschung, Nachrichten, Informationen und Dienstleistungen = Researching of public opinion, market research, news, information and services
<b>Get In</b>	Guide to Equal Treatment in the Private Sector
<b>IMK</b>	Innenministerkonferenz = Conference of the Ministers of the Interior of all Länder.

**Interkultureller Rat** NGO 'Inter cultural council'

<b>KfbG</b>	Kriegsfolgenbereinigungsgesetz = Law on clearing the consequences of wars
<b>Länder</b>	Federal States of Germany
<b>NPD</b>	Nationaldemokratische Partei Deutschland = National Democratic Party of Germany
<b>PRO ASYL</b>	NGO 'Pro Asylum'
<b>REMID</b>	Religionswissenschaftlicher Medien- und Informationsdienst = Media and Information Service for Science on Religion
<b>SPD</b>	Sozialdemokratische Partei Deutschland = Social Democratic Party of Germany



european network against racism

## ENAR Shadow Report 2006