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GERMAN NATIONAL FOCAL POINT

STUDY ON RACIST VIOLENCE OF THE GERMAN NATIONAL FOCAL POINT

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TABLE OF CONTENTS

1 Executive Summary **3**

2 Introduction **6**

3 Registration of extreme right-wing, xenophobic and anti-Semitic criminal offences **9**

3.1 Police Crime Statistics (PKS) 9
3.2 Criminal Investigation Registration Service – State Security (KPMD-S) 10
3.3 Criminal Investigation Registration Service – Politically Motivated Criminality (KPMD-PMK) 13

4 Quantitative overview on extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes **20**

4.1 Development of extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes since the 1990s 20
4.2 Development of extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes since the modification of the registration system in 2001 24

5 Suspected perpetrators and Offenders **30**

5.1 Legal proceedings and convictions 30
5.2 Perpetrators` profiles 34

6 Victims **40**

6.1 Statistical data on victims 40
6.2 Assistance for the victims 41

7 Extreme Right-wing and Xenophobic Parties and Groups **44**

8 Good Practice **46**

9 Literature **54**

1 Executive Summary

The term "racial violence", as defined by the EUMC, is not in general use in Germany, neither in the political debate nor in academic discourse or statistics. The terms most widely used in Germany for incidents of "racial violence" are "right-wing extremism", "xenophobia" and "anti-Semitism".

Counter-measures against right-wing extremism, xenophobia and anti-Semitism have included both **repressive measures** (by police and criminal justice authorities) and, in particular since the early 1990s, **preventive measures**. The latter are mainly aimed at battling the growing trend among youths towards adopting extreme right-wing and xenophobic attitudes, showing violent tendencies or joining extremist organisations. This report will provide an outline of respective counter-measures, as well as a summary of quantitative developments concerning extreme right-wing, xenophobic and anti-Semitic criminal offences and violence, their perpetrators and victims.

As all efforts to battle extreme right-wing tendencies have to be based on sufficient and detailed data, a new system has been introduced for registering incidents of extreme right-wing, xenophobic and anti-Semitic violence and criminal acts. This register, which has been in operation since 1st January 2001, is called **KPMD-PMK**: "**Kriminalpolizeilicher Meldedienst – Politisch motivierte Kriminalität" (Criminal Investigation Registration Service - Politically Motivated Criminality)**. The new system replaces the KPMD-S, or "Kriminalpolizeilicher Meldedienst – Staatsschutz" (Criminal Investigation Registration Service - State Security), a register that defined extremism as efforts to overthrow Germany's democratic constitutional system. In practice, this definition has led to discrepancies in evaluating and registering criminal offences. The new register, on the other hand, is based on the **perpetrators' motivation**. However, as individual federal states are responsible for the criminal persecution of extreme right-wing, xenophobic and anti-Semitically motivated criminal acts, and individual cases are processed by local police authorities, it is difficult to say whether the new system has been applied in exactly the same way by all 16 German states.

Concerning the **quantitative development of extreme right-wing, xenophobic and anti-Semitic criminal offences**, respective figures have, after decreasing in the mid-1990s, increased once again since 1997, reaching their latest peak in the year 2000 with 15,951 crimes. In 2001, however, there has been a significant decrease in criminal acts and violent crimes over the previous year, even though it could have been expected that the introduction of the new and more detailed register would lead to an increase in statistically registered cases. In contrast to this decrease in extreme right-wing offences, the number of anti-Semitic offences has slightly increased in 2001 over the previous year, but, once again, this increase might also be due to the new system of statistical registration. At 6 to 8%, the percentage of **violent crimes**, in relation to all criminal offences, has remained fairly stable since 1995. The great majority of all offences concerns so-called " **propaganda crimes"**, the proportion of which has increased in recent years due to, among other factors, an increase in Internet criminality.

If one compares statistics for East and West Germany, it becomes obvious that the proportion of offences with a right-wing extremist background is significantly higher for the East-German states (in relation to the total of inhabitants); in addition, the likelihood of such crimes is generally also higher in areas with a low percentage of non-German residents (on average, the percentage of non-German residents is 2% in East-German, and 10.5% in West-

German states). As for anti-Semitic offences and violence, on the other hand, no significant differences have been found between the "old" and "new" federal states.

Based on the results of empirical research it is now possible to compile a **profile of xenophobic offenders**. Empirical studies have shown that the majority of offenders are male and between 15 and 24 years old. In addition, their educational achievements are lower than those of respective age groups within the general population. There are also indications that unemployed persons are over-represented among offenders.

Furthermore, the majority of **suspects or perpetrators** has not been first-time offenders, but has already been registered as criminal offenders, for politically motivated as well as other offences. This state of affairs indicates a significant overlap between politically motivated and general youth criminality. Concerning the affiliation of offenders with extremist organisations, it can be stated that 50% of offenders in West Germany, but only 10% in East Germany, have been registered as Skinheads. It can therefore be concluded that many offenders, particularly in the "new" German states, are not affiliated with organised right-wing extremist groups, but rather with informal or spontaneaous peer groups, i.e. groups of young people spending their free time together. This conclusion is also supported by the fact that offences are generally committed spontaneously from within a group, mostly on weekend nights and under the influence of alcohol.

Concerning the **victims** of xenophobic violence it can be stated that two thirds of the victims are foreign natinals, almost 50% of whom are asylum applicants. Moreover, the risk is higher for persons who, because of their outer appearance, are perceived as non-Germans (e.g. Turkish nationals or persons of African origin, Romany people or, particularly in East Germany, Vietnames nationals). Slightly more than 10% of victims are "Spätaussiedler", i.e. ethnic German immigrants, who are often labelled as non-Germans ("foreigners", "Russians"), too. Almost 20% of the victims of xenophobic violence are German citizens (excluding "Spätaussiedler").

Victims of racist violence are entitled to apply for **compensation**, according to the Law on Compensating Victims. In addition, they can also receive compensation from special funds for so-called "cases of hardship". Especially the Eastern German states have also set up **advice centres for victims** of racist violence. These centres offer different kinds of support for victims, and also become active to contact victims that do not get in touch with the authorities.

As for the number of **potential right-wing extremists**, it can be concluded that their number has decreased by about 25% between 1993 and 2001. At the same time, however, the number of **potentially violent right-wing extremists** has almost doubled. 50% of the potentially violent right-wing extremists live in the Eastern part of Germany (whereas only 21% of the German population lives in Eastern Germany).

Over the last years, there has been a significant rise in **measures, initiativies and projects**, both by the government and by non-governmental organisations, **to fight right-wing extremism, xenophobia and racism**, and foster Germany's democratic culture. One of these initiatives is the programme for action entitled "Young People for Tolerance and Democracy -

against right-wing extremism, xenophobia and anti-Semitism", working under the umbrella of the "Alliance for Democracy and Tolerance - against extremism and violence". The initiative comprises three programmes: "XENOS - Plural living and working", "CIVITAS - Initiative against right-wing extremism in the new federal states", "ENTIMON - Together against Violence and Right-wing Extremism". Furthermore, public (funded both by the federal and state governments) and private exit programmes have been set up for right-wing **extremists trying to leave their organisations**.

2 Introduction

In the fight against right-wing extremism, xenophobia and anti-Semitism, along with the employment of penal law and state repression (action by the police and judiciary), since the 1990s there has been an increased use of **preventative measures** (social work and pedagogical concepts). Thereby, attempts are made to combat the increasing influx of young people towards extreme right-wing and xenophobic positions and groups as well as the increasing willingness to commit violence.

Due to the complexity of the factors contributing to the appearance of extreme right-wing patterns of thought and action, the federal government in office since 1998 pursues, in its own words, a "multidimensional strategy of action (own translation)".[1] In doing so, preventative and repressive elements are combined together into a integrated system. The federal government cites the following main points in the fight against right-wing extremism and racism: human rights policy; strengthening of civil society/the courage to act according to one's convictions; fostering the integration of foreigners; measures which are aimed at the perpetrators and their environment (Bundesregierung 2002, pp. 13-14). It is thus reacting to a growth in extreme right-wing tendencies in Germany. As examples, one may mention the expansion of "Kameradschaften" (groups of comrades), as they are known; the attempts by extreme right-wing individuals and groups, particularly in Eastern Germany, to create "nationale befreite Zonen[2]" (national liberated zones), that is, areas ultimately free from the influence of the law with the aim of setting up a political and cultural dominance that leaves no room for "non-Germans and strangers" and those who are of a different opinion; the increasing number of extreme right-wingers who, according to the information of the Federal Office for Internal Security, are willing to commit acts of violence (cf. table X); the enormous election success of the extreme right-wing DVU in Saxony-Anhalt in 1998; the increasing number of extreme right-wing media (homepages, music CDs), but also particularly the greatly increased number of extreme right-wing, xenophobic and anti-Semitic crimes committed in 2000 (see chapter X). Especially the still unsolved attack on a underground station in summer 2000, the victims of which were mainly Jewish migrants from the former Soviet Union, as well as the publication of a document in the Tagespiegel and Frankfurter Rundschau newspapers on 14 September, 2002, regarding the number of deaths resulting from extreme right-wing violence in Germany within the period 1990 to 2000, which was significantly higher than the official figure (cf. chapter X), triggered widespread societal and political debate on right-wing extremism, xenophobia, anti-Semitism and racism in Germany. The federal government reacted with measures to strengthen civil society, to improve integration (preventative approach) as well as with measures aimed at the perpetrators and their environment (cf. Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 262).

The following measures can be mentioned:

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[1] Already in the coalition agreement of the new government of the SPD and Bündnis 90/The Green Party it is stated: “The new federal government intends to make the political confrontation with and the combating of right-wing extremism into a main point of focus” (own translation) (Coalition Agreement of SPD and Bündnis 90/The Green Party of 20.10.1998). In October 2000, the Chancellor Gerhard Schröder proclaimed an "uprising of the decent people" ("Aufstand der Anständigen") (own translation).

[2] This is a term coined by the extreme right-wing milieu. With this term regions and places are named which have been “cleansed” of non-Germans and members of other minorities by using violent attacks and the inhabitants have been intimidated and therefore do not oppose. (The term "national befreite Zone" has been awarded the "Unwort des Jahres" (No-word of the year) in 2000 by a jury of linguists.)

- The programme started in 2001 by the federal government **"Jugend für Toleranz und Demokratie – gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus"** (Young People for Tolerance and Democracy - against Right-wing Extremism, Xenophobia and Anti-Semitism), which falls under the auspices of the federal "Bündnis für Demokratie und Toleranz - gegen Extremismus und Gewalt" (Alliance for Democracy and Tolerance - against Extremism and Violence). The programme assumes in particular that "extremism does not represent a mere marginal problem of German society, in the combating of which, along with repression from the federal government via the federal states to the local community, integrated action by economic, social, labour, child, youth, family, education and media policy is required and the involvement of groups from society is to be fostered (own translation)" (Möller 2002, p. 76). Emphasis is placed here on preventative work with young people and both working with obvious problem groups as well as the strengthening of the civil commitment of young people who remain distant from extreme right-wing, xenophobic and anti-Semitic opinions are striven for. The programme comprises the three programme parts XENOS, CIVITAS and ENTIMON which are described in more detail in chapter 8.

- The state (from the federal government and federal states) and **private programmes** started programmes to **encourage right-wing extremists to leave this movement** (Aussteigerprogramme für Rechtsextreme) in the fist half of 2001. It is the objective to weaken the extreme right-wing milieu by encouraging leaders of the movement to leave and to prevent on the other hand so-called “Mitläufer” (hangers-on) who have not been connected to the right-wing scene yet from joining (see chapter 8).

- The introduction of a **new, more exact registration system** for extreme right-wing, xenophobic and anti-Semitic crimes at the beginning of 2001 since an "effective and targeted combating of extreme right-wing tendencies, for example, assumes precise knowledge of them (own translation)" (Bundesregierung 2002, p. 64; for more detail, see chapter 3).

- Also at the beginning of 2001 the initiation of a **procedure to ban the NPD** that is supported both by the opposition parties as well as the Bundesrat (Upper House of Parliament) was started. The federal government submitted the motion to ban the NPD on 30 January, 2001 to the Bundesverfassungsgericht (Federal Constitutional Court) and justified this with the xenophobic ideology of this party. According to the government, the party maintains a comprehensive concept that is similar to the strategies for seizing power employed by the National Socialists and it pursues this concept, amongst others, with totalitarian, anti-Semitic and racist agitation as well as with threats against, and intimidation of political opponents and foreigners (see here the Antrag der Bundesregierung auf Feststellung der Verfassungswidrigkeit der Nationaldemokratischen Partei (NPD) (Motion of the Federal Government to Establish the Unconstitutionality of the National Democratic Party (NPD)) of 29 January, 2001; on the status of the procedure to ban the NPD, see http://www.bundesregierung.de/Anlage 4357/NPD-Verbotsantrag ohne Anlagen.pdf)). Nevertheless, the planned ban of the NPD, as welcome as it would be, is also regarded sceptically as it has a more decorative than a political significance.[3] In addition, it is

[3] Cf. Benz, p. 11: “The real problem of present day right-wing extremism lies not in the organised ideologies of German nationalist (*deutschvölkisch*), German national, neo-Nazi or revisionist observance; it lies in the elements of a sub-culture protest movement that is willing to commit violent acts and which articulates itself

feared that the failure of these proceedings might strengthen the party. The missions of "V-Leute" in the NPD (agents by the Federal Office for Internal Security) by the offices for internal security on the federal level as well as in the federal states might have negative consequences for the proceedings, especially when their activities in the party will be integrated in the reasons for the ban (see Printed matter of the German parliament 14/8367 of February 26, 2000).[4] In addition, in recent years **extreme right-wing organisations have frequently been banned**, most recently in the case of skinhead groups (such as the "Hamburger Sturm" (Hamburg Storm) (own translation) on 11.8.2000, 'Blood + Honour Division Deutschland' (sic) and its youth organisation 'White Youth' [sic] on 14.9.2000 as well as the 'Skinheads Sächsische Schweiz' on 5.4.2001).

The fight against right-wing extremism and xenophobia is supported - with differing emphases - by all the parties represented in parliament. This is shown by the motions submitted by the individual parties[5] as well as the joint motions by the factions of the SPD, Bündnis 90/The Green Party, FDP and PDS, "Gegen Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus und Gewalt" (Against Right-wing Extremism, Xenophobia, Anti-Semitism and Violence) of 6 March, 2001 (Printed matter of the German perliament 14/5456). This cross-party motion forms the basis for various measures of the federal government, in part also those mentioned above, in which, amongst others, an improvement in the protection of victims of extreme right-wing, xenophobic and anti-Semitic violence is demanded.

The variety of measures and initiatives against right-wing extremism and xenophobia that have been started during the last years shows that the fight against racism in Germany still constitutes an important and current topic. Considering the still high numbers of xenophobic and anti-Semitic criminal acts and violent crimes, however, suggests that the topic will remain up-to-date for a long time to come.

In the following, the registration of extreme right-wing criminal acts and the difficulties involved will be discussed. Based on that the quantitative development of extreme right-wing, xenophobic and Anti-semitic criminal acts and violent crimes will be presented. Apart from the quantitative devlopment special features of the xenophobic perpetrators will be looked into, which will be done on the basis of results of sociological studies. Another important aspect of this report is taking the victim's perspective into account; victims of right-wing violence as well as organisations that assist the victims will be dealt with. After a chapter on xenophobic parties and groups some current measures against right-wing extremism and xenophobia will be described in greater detail.

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anti-democratically, xenophobically, nationalistically and in a racist manner in a quite heterogeneous way" (own translation).

[4] The Printed matters of the German parliament are available on the internet at http://dip.bundestag.de/parfors/parfors.htm.

[5] Motion of the FDP faction "Rechtsextremismus entschlossen bekämpfen" (Decisively Combat Right-wing Extremism) of 5 April, 2000 (Printed matter of the German parliament 14/3106), motion of the SPD, Bündnis 90/The Green Party faction "Gegen Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus und Gewalt" (Against Right-wing Extremism, Xenophobia, Anti-Semitism and Violence) of 7 June, 2000, (Printed matter of the German parliament 14/3516), motion of the CDU/CSU faction "Nachhaltige Bekämpfung von Extremismus, Gewalt und Fremdenfeindlichkeit" (Lasting Combating of Extremism, Violence and Xenophobia) of 11 September, 2000 (Printed matter of the German parliament 14/4067) and motion of the PDS faction "Handeln gegen Rassismus, Antisemitismus, Fremdenfeindlichkeit und daraus resultierender Gewalt" (Action Against Racism, Anti-Semitism, Xenophobia and the Resulting Violence) of 27 September, 2000 (Printed matter of the German parliament 14/4145) (own translations).

3 Registration of extreme right-wing, xenophobic and anti-Semitic criminal offences

The most important data sources that register such crimes are the police crime statistiscs as extreme right-wing, xenophobic and anti-Semitic criminal offences are only recorded by the official authorities systematically and extensively. In thar respect individual case studies and researches of other institutions can shed light on a part of the phenomenan – regarding the backgrounds – they do not deliver an alternative overall picture of the criminality though[6].

Until the end of 1995 criminal offences with extreme right-wing as well as xenophobic background have been recorded by the Federal Criminal Police *(Bundeskriminalamt)* as well as by the the Federal Office for Internal Security *(Bundesamt für Verfassungsschutz)*. Due to different information sources this resulted in a differing number of registered cases. In order to avoid this discrepancy only the criminal offences with presumably extreme right-wing or xenophobic motivation which were reported by the police authorities of the federal states have been registered since 1996.[7]

Particularly relevant are here the Police Crime Statistics (PKS) as well as the Criminal Investigation Registration Service (KPMD).

3.1 Police Crime Statistics (PKS)

The Police Crime Statistics register the number of cases finished by the police and handed over to the federal prosecutor. Accordingly, one cannot talk about statistics on 'perpetrators' here, but only on 'suspects'. The police crime statistics are collated on a state level as the police are under the jurisdiction of the federal states in Germany and every State Office of Criminal Investigation (LKA) keeps its own statistics. The practical registration happens when the 'completed' cases are sent to the relevant State Office of Criminal Investigation (LKA). The respective Department of Statistics then assign each case to the relevant paragraph of the law. In cases where several laws are broken, the most serious crime is usually registered, that is, that paragraph is taken which carries a higher punishment according to the Penal Code. In this process, the crime, which was assessed by the police department that first dealt with the case, can be reassessed if the LKA is of the opinion that the police officers have wrongly judged the legal background. Although the law is the same for all federal states, there has been a certain degree of divergence in the past due to the different determination of emphasis by the individual state police departments (Rügemer 2001). This means that the number of extreme right-wing, xenophobic and anti-Semitic offences also depends on the assignment strategy in the individual federal state (cf. Falk 2001). On the federal level, the state police crime statistics are collected together into Federal Police Crime Statistics that are then collated annually by the Federal Office of Criminal Investigation (BKA) and published by the Ministry of the Interior.

Although the prosecution of extreme right-wing, xenophobic and anti-Semitic criminal offences is within the **jurisdiction of the federal states**, the Chief Federal Prosecutor can take on the prosecution, when the offences aimed at "disturbing the internal structure of the state or the fundamental principles of the constitution" (own translation) or if the case is of particular significance. This happened, for example, in the case "Eggesin" (cf. press announcement by the Federal Supreme Court *(Bundesgerichtshof)*, No 98/2000): In this case

[6] This does not mean that the police crime statistics are free of deficits and inconsistencies.

[7] In order to ensure the comparability of the registered number of cases in retrospective the Federal Office for Internal Security has altered its statistics accordingly back to 1990.

five youths, who were between 16 and 20 years old at the time of the offence and who belonged to the extreme right-wing oriented youth milieu of Eggesin, were sentenced because of attempted murder and serious physical injury of two Vietnamese citizens to youth detentions between four and six years. The perpetrators had thrown stones at their victims, had beaten them up and had kicked them for several minutes while the victims were already on the floor. While doing that the perpetrators were shouting xenophobic slogans. The victims were seriously injured, one of them will be seriously handicapped.

Criminal acts against the state, which also include criminal offences with a xenophobic background, are registered in a special PKS, the Police Crime Statistics - State Security (PKS-S). However, no distinction is made here between crimes of an extreme right-wing or left-wing nature, but only according to the elements of the offence (for example, endangering the democratic constitutional state). In contrast to the 'normal' PKS, no categorisation into the federal states or the age or sex structure of the perpetrators is made. If elements of offences also constitute general criminality (murder, robbery, theft, forgery, etc.), then a double entry occurs in both the 'normal' PKS and in the PKS-S (Bundesministerium des Innern 2001, p. 67). In addition there are crimes contained in individual paragraphs of the Penal Code such as § 130 (incitement to hatred and violence, for example, by the dissemination of extreme right-wing propaganda) which can practically only be carried out by politically motivated perpetrators. Although they do not constitute violent crimes in the narrow sense of 'racist violence', they are nevertheless important to demonstrate xenophobic trends.

Particular difficulties and deficits have occured in the registration of xenophobically motivated crimes in the police statistics. These problems as well as the modifications of the registration will be briefly presented in the following paragraph.

It was only in the 1990s - at least according to the official interpretation - that there was a significant increase in the number of extreme right-wing acts of violence as previously such crimes were not registered as such - whether they were already present or not. The traditional definition of 'crimes against the state' was accordingly restricted to the intention to overthrow the free democratic constitution, which usually did not apply to xenophobic acts of violence. In addition, the requirement for evidence of 'primarily extreme right-wing or xenophobic or anti-Semitic motivation' allowed a great deal of room for interpretation and thus also different manners of dealing with it on the spot. This led, for example, to crimes of violence of right-wing perpetrators frequently not being registered in statistics against those who were marginalised in society (for example, the homeless), but also against foreigners because there was no relation to crimes against the state, even if such crimes were perpetrated by extreme right-wing groups (BMI / BMJ 2001, p. 262).

Due to the time having elapsed since the crime (several months or more can pass between a crime and the completion of the investigation), but in particular due to the aforementioned weaknesses in definition, the PKS is hardly used within the police in the departments concerned with state security.

3.2 Criminal Investigation Registration Service - State Security (KPMD-S)

The actual tool for police investigation work and a better indicator of 'racist violence' is the Criminal Investigation Registration Service (KPMD). The KPMD is a statistic of ongoing police investigations in which cases are reported internally to the State Office of Criminal Investigation almost simultaneous to their first investigation by the police. A great advantage

is the greater proximity to the actual time of the crime. For the area of 'racist violence', this means, for example, that, unlike in the PKS, the increase in crimes with an extreme right-wing background which regularly occur in the months of April (to coincide with Adolf Hitler's birthday) and in August (on the anniversary of Rudolf Hess's death) can be observed directly. The great disadvantage is also apparent, however, in the degree of uncertainty regarding the reported cases which, in the course of further investigation, may turn out to be false alarms (the crime did not take place) or, with respect to the statistical categorisation, must be corrected in retrospect (the crime had a different background than was first suspected). In other cases, crimes may also be identified later, too. All in all, the number of cases in the PKS are much lower due to retrospective corrections than the number of cases registered in the KPMD.[8]

Chronology of the KPMD-S

Until the end of the year 2000, there was the Criminal Investigation Registration Service in Matters of State Security (KPMD-S). In a similar way as in the PKS-S, the perpetrator's motivation only played a role for registration in the KPMD-S if the crime was directed against the free democratic constitution. Thus, for example, an attack by skinheads on a homeless person was frequently not registered because the 'subversive' motivation was lacking. Several state police forces realised this problem and registered such cases in the KPMD-S nonetheless.

As there has been a dramtaic increase in criminal offences against asylum seekern and other foreigners in 1991, one was looking for possibilities to register these offences systematically, too. The BKA and the State Offices of Criminal Investigation (LKÄ) have decided as a result to differentiate the the Criminal Investigation Registration Service in Matters of State Security (KPMD-S) and to **include also xenophobic criminal acts.** For this purpose the following **definition** has been put down by the BKA and the LKÄ: Criminal acts are *xenophobic* if
"they are are aimed and commited against persons, whose right of stay or residence in their residential area or in the whole Federal Republic of Germany is disputed because of their actual or supposed nationality, ethnicity, race, skin colour, religion, ideology, origin or because of their outward appearance, or acts that are commited against other persons/institutions/objects/things, in which the perpetrator acts with a xenophobic motivation (own translation)" (BKA Staatsschutz 1993).

Since January 1, 1992 this registration service has been in force. *Anti-Semitic* criminal acts have also been registered since July 1, 1993 by this registration service by the police in a differentiated manner. Due to the lack of a legal definition, however, there are no guidelines on what should be defined as a anti-Semitic criminal act; the categorization is done on the basis of motives of the perpetrator and the objects of the crime (cf. BMI/BMJ 2001, p. 269).

It is possible that a criminal act is categorized as xenophobic as well as extreme right-wing or anti-Semitic. The slogan "Heil Hitler! Foreigners out! Jews out!" could be registered as a xenophobic, extreme right-wing and anti-Semitic criminal offence. In order to avoid statistical double countings a case constellation like this will only be assigned to one of the available

[8] In contrast to the PKS, the KPMD is updated on a monthly basis and, in the case of politically motivated criminality, is also published regularly as printed matter for parliament. However, this does not happen automatically, but is requested pro forma by members of the German parliament in so-called “minor requests”. Consequently, different periods of publication can result; for example, in the case of crimes motivated by anti-Semitism, at the moment publication takes place on a quarterly basis.

categories. In order to guarantee an unambiguous assigning, the criminal acts that have - beside a xenophobic - also an extreme right-wing and/or anti-Semitic background, are counted as xenophobic criminal acts in practice (cf. Peucker/Gaßebner/Wahl 2001, S. 22).

There was, however, great confusion on the part of the police regarding which crime had to be registered where. At the Federal Office of Criminal Investigation (BKA) autumn conference in 2000, the Vice-president of the BKA reported, for example, that there were 'state police forces who generously classified nearly all [...] offences under the rubric 'extreme right-wing' and others who tend towards a rather narrow interpretation of this term and thus in contrast differentiate sharply as to whether an offence was motivated for 'extreme right-wing', anti-Semitic or 'only' xenophobic reasons. [...] Registration obviously does not even take place when, although suspects keep silent about their motives, they indisputably belong to groups of neo-Nazis or skinheads or are already well-known to the authorities because of racially motivated attacks." (Falk 2000, p. 4). Also in an "Additional information on the new Criminal Investigation Registration Service 'politically motivated criminality'" by the Federal Ministry of the Interior deficits of the previous registration system due to a considerable room for interpretation in the federal states and registration deficits for certain case groups were pointed out.

If these different procedures had already given cause for concern amongst the Interior Ministers of the federal states, the general public became aware of the problem in another way: Firstly, the political TV programme "Panorama" from August 24, 2000 stated a figure of at least 117 deaths "since reunification" in their documentary "The concealed deaths: Authorities hush up the extent of extreme right-wing violence" (own translation). Secondly, on 14.9.2000, two major daily German newspapers published in special supplements the results of their research on 93 cases of death in which 'right-wing perpetrators had had a significant involvement' (Frankfurter Rundschau, 14.9.2000)[9]. In the period under investigation from 1990 to 2000, the police (and in this case the KPMD-S) had determined only 25 of these deaths as being consequences of right-wing violence. Due to this significant discrepancy - and not least because of public pressure - an internal investigation of the aforementioned cases was started which came to the conclusion that now 36 victims of extreme right-wing violence were registered[10]. Even if the high figure of the journalists' research was not attained, within the police, too, the obviously inadequate method of registration had to be acknowledged in this point. As reasons for the discrepency, among others, the previously problematic registration critieria and catogories as well as the differing evaluation of politically motivated criminal acts by the local police authorities, also caused by aspects of appropriateness (the city or federal state in question does not want its reputation damaged), are named (BMI/BMJ 2001, p. 272; Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 267). After groups of experts (Working group II - Criminal Investigation Department/Project leadership of the Police Crime Prevention of the States and the Federal Republic/German Forum for Crime Prevention) had been entrusted with developing a better registration service, the new system was agreed upon in the committees of the Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic with effect from 1.1.2001.[11]

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[9] On the web site of the Frankfurter Rundschau a continually updated chronology on extreme right-wing criminal acts is also available (www.fr-aktuell.de/fr/spezial/rechts/index.htm).

[10] In February 2001 another murder case as a consequence of right-wing violence was reported by the State Offices of Criminal Investigation which was not included in the lists published by Tagesspiegel and Frankfurter Rundschau. The official number of deaths therefore rose to 37 persons in the reported period (BMI/BMJ 2001, p. 272).

[11] The Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic took place in May, 2001; thus the introduction of the new registration system was backdated. However, the

3.3 Criminal Investigation Registration Service - Politically Motivated Criminality (KPMD-PMK)

The **new registration service** is now called the Criminal Investigation Registration Service - Politically Motivated Criminality (KPMD-PMK). It offers the chance to clearly assign crimes by right-wing perpetrators that were previously insufficiently reflected in the statistics. The information on the police's definition system 'Politically Motivated Criminality', it is also stated that 'the terms and terrorism [...] within the area of the police protection of the state only
partially [fulfil] their classification function. [...] This requires a change in the terminology to be used, in particular detachment from the previously dominant orientation towards the extremism terminology to a system of definition which puts the political element triggering the crime in the forefront' (BKA 2001, p. 6). Terms such as 'politically motivated criminality', 'politically motivated violent crime' and 'terrorism' were to be distinguished from each other selectively.

In the new KPMD-PMK, as in the KPMD-S, the evaluation of criminal acts is also carried out in principle by the police authorities of the federal states according to factual and geographical jurisdiction.This applies to the primary registration of a criminal act as well as to the retrospective categorisation. The guidelines for the evaluation of the federal states are the "objective circumstances of the the crimnal act and/or the motivation of the perpetrator as well as "additional information" which the relevant police police offices has available." (Printed matter of German parliament 14/7003 from October 1, 2001, p. 4). This evaluation by the police offices in the federal states is taken over by the BKA and only in ambiguous cases the BKA queries. In very few cases, in which the BKA itself is responsible for the investigation, the classification is carried out by the BKA itself.

Structure of the Criminal Investigation Registration Service - Politically Motivated Criminality[12]

In the Criminal Investigation Registration Service - Politically Motivated Criminality, every offence is only registered *once*. Although each crime is only registered once, it can be assigned to three different areas in order to describe the individual offence better: according to the quality of the offence, according to topic areas and according to areas of phenomena.

Diagram 1: KPMD-PMK according to the Quality of the Offence

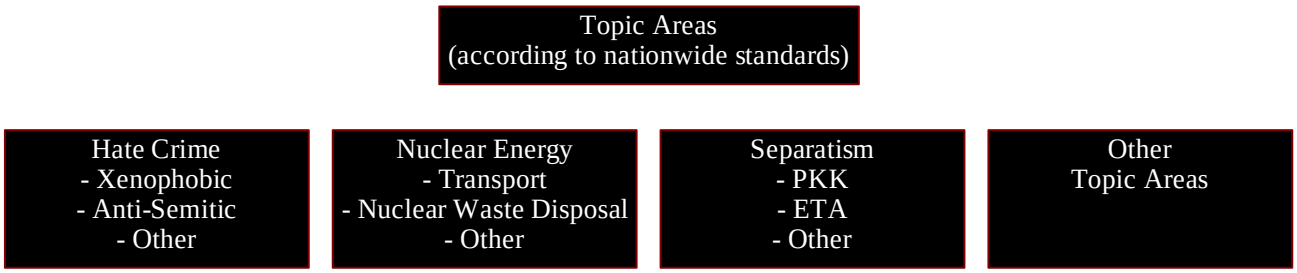
groups of experts mentioned were given the task of creating a new registration service at the Conference of 24.11.2000.

[12] The structure of the KPMD-PMK and the case construction were copied from the Final Report of the German National Focal Point for RAXEN 2, Bamberg 2001, in a slightly changed version.

In the field of the quality of the offence, there is a scale going from left to right relating to the seriousness of the crime. In the left field, that is, practically on the lowest level, are propaganda offences, such as the use and dissemination of symbols of organisations acting against the state. In the meantime, more than two thirds of all politically motivated crimes can be placed in this category. The next level can be seen to a certain extent as the residual category of all politically motivated crimes which are not registered as propaganda offences, but which also do not involve the use of violence (for example, intimidation). The third field is politically motivated violent crime in which an assignment according to the so-called 'catalogue of violence' occurs in which the relevant paragraphs of the Penal Code are given. The definition of violence in the KPMD-PMK does not match that of the PKS in all its points. Whilst crimes such as murder, manslaughter, robbery, extortion, very serious bodily harm (means of offence) and grievous bodily harm (consequences of offence) are contained in both catalogues, such crimes as simple bodily harm, arson or causing an explosion are additionally integrated into the KPMD catalogue due to their 'special significance'.

In the topic areas, the field of 'hate crime' is the only one, which is interesting for our study. This term was newly introduced into police work in Germany following the model used in the United States.[13]

Diagram 2: KPMD-PMK according to the Topic Areas



[13] In criminology, however, there are two differing definitions of hate crime. According to one definition hate crimes are not a special sort of criminal offence, but they are traditional criminal acts in which the perpetrator is motivated by hate. According to the perpetrator-oriented view hate crimes mean criminal acts against a person or property which is totally or partly decided by racist, ethnic, religious or sexist motives or other perpetrator's prejudices. According to this (victim-oriented) concept of hate crimes they are a special sort of violation of law, with special damages to victims and community. Hate crimes are criminal acts which are aimed at a person or an object exclusively or mainly because of race, religion, ethnic belonging, sex, the political and sexual orientation, age, mental or physical handicaps of this person or the proprietor or owner of an object (cf. Schneider 2001, p. 358-359).

Hate Crime

Hate crime refers to politically motivated offences if, in the assessment of the circumstances of the crime and/or the attitude of the perpetrator, there is reason to suspect that they are directed against a person because of his/her

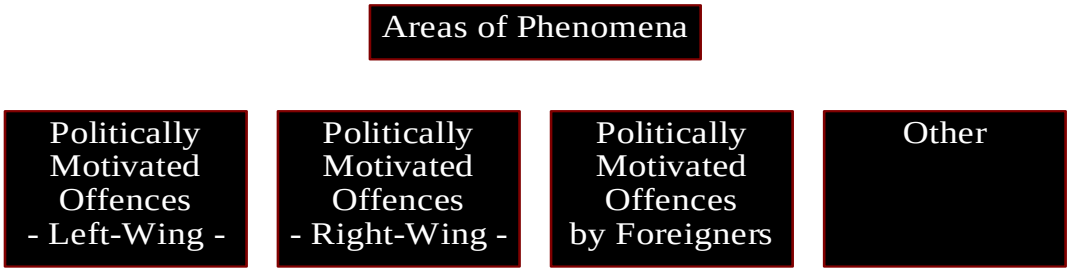
- Affiliation to a particular people
- Nationality
- Political attitude
- Religion
- Physical appearance
- 'Race'
- Status in society
- Skin colour
- Sexual orientation
- Origin
- Disability

... and the offence is thus in a causal relationship to it... (BKA 2001)

The perpetrator's motivation, along with the assessment of the circumstances of the offence, is thus of importance, unlike in the PKS. Whilst the fields marked in grey correspond to the classical image of xenophobic convictions and frequently were assessed as such before the KPMD-PMK was introduced, the motives marked in black take into account the new definition. Thus, violence against homeless people (status in society, physical appearance), against 'left-wing sympathisers' (political attitude) or also homosexuals (sexual orientation) can certainly be registered as a part of politically motivated criminality. This was previously not the case.

The third opportunity for assignment happens according to so-called 'areas of phenomena'. For RAXEN, only the area of phenomena 'politically motivated criminality - right-wing' is relevant.

Diagram 3: KPMD-PMK according to the Areas of Phenomena



Case Construction

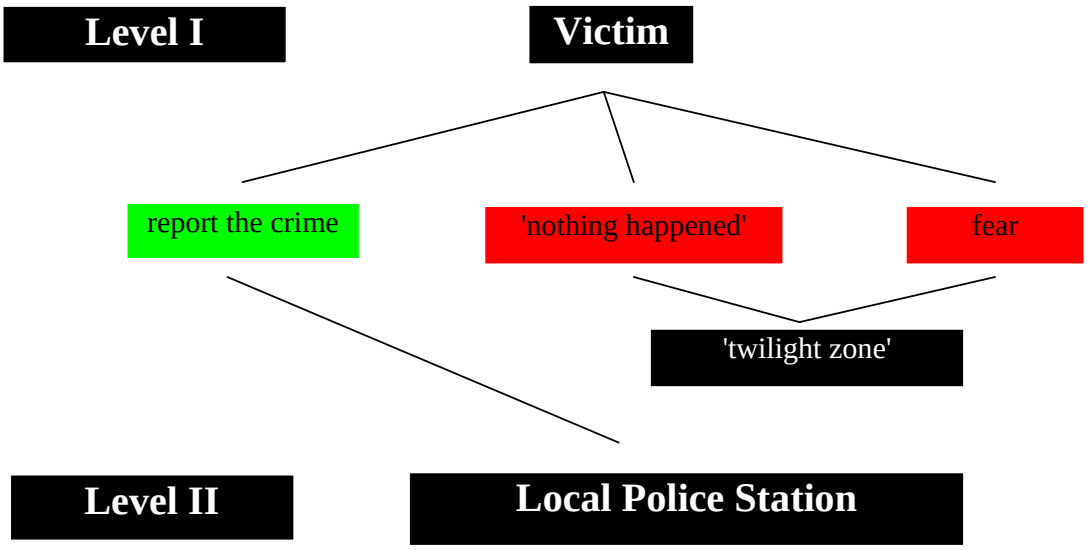
In order to correctly interpret the statistics, one must be aware of how they come about. Thus, not only the theoretical structure of a police registration service should be presented, but a hypothetical case study will help in the understanding of the investigative proceedings.

THE CASE

A., a German citizen, son of a German mother and a Ghanaian father, is stopped on his usual way home by a group of young men who, in his opinion, unmistakably display xenophobic tendencies.
The leader of this group speaks to A.; he had better hand over a cigarette, otherwise he would at once take a beating, which 'would do a nigger like him good'.
A. then gives the group leader a cigarette and the young men, who in the meantime have formed a circle around him, let him go on his way without any further threats.

The victim (A.) represents the first decision level in this case.

Diagram 4: Decision levels in the processing of the case



Firstly, he thinks to himself, 'well, nothing happened', a cigarette is not worth much and is not worth reporting it officially to the police. Then he considers the fact that the perpetrators could cause a great deal of problems for him if he reported this case. The police would investigate the incident and the group would know who had been responsible for this trouble. Since A. was on his usual way home, it would be easy for the perpetrators to catch him a second time. As he is afraid, he thus does not go to the police. These two reasons, but also other motivations, lead to the case coming to a dead-end. It is not reported and can be assigned to the rubric, 'twilight zone' of unreported crimes.

The size of this 'twilight zone' is naturally unknown. Estimations based on criminological research suggest approximately 20-25% within the realm of violent crimes, but this figure

remains speculation. The better the victim and perpetrator know each other (for example, in a village), the greater is the probability that such a case will repeat itself ('normality' in an environment with many radical right-wingers) and the larger the 'twilight zone' is likely to be.

Level II **Local Police Station**

Fear about the reputation of the neighbourhood

'No foreigner'

In the end, A. does decide to report the incident and goes to the local police station. The second decision level is thus reached. The investigating officer listens to the details of the case, initially in shock. As he himself lives in this neighbourhood, he worries about the reputation of 'his' neighbourhood, if the media 'shout about this case from the rooftops'. He then sends A. back home with the remark that it must have been a 'stupid, childish prank'.

The case again enters the 'twilight zone' in this way. Another possibility is that the police officer actually registers the case, but is subject to the misapprehension that the victim is not a foreigner and thus this is not a case of xenophobic violence.

Erroneous reporting

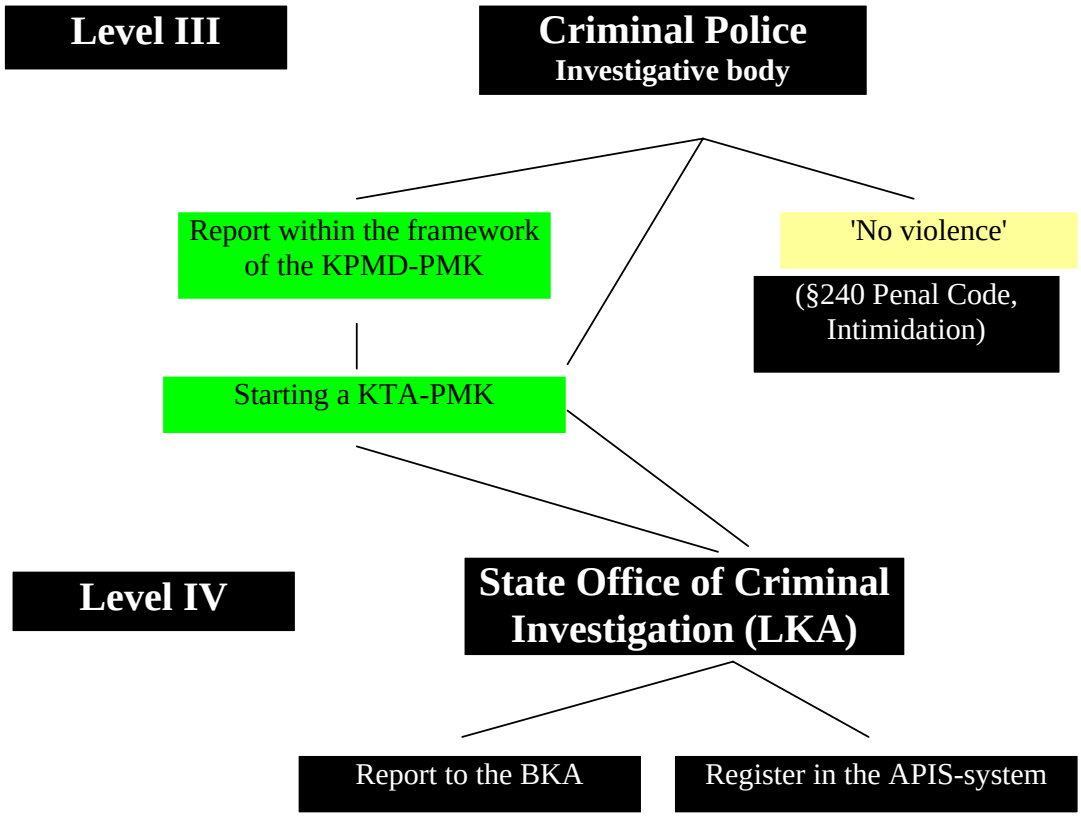
'Xenophobia is an offence when it occurs on the basis of actual or assumed membership of an ethnic group, on the basis of 'race', skin colour, religion or the origin of the victim.'
BKA 2001
Information to the Reporting Service KPMD-PMK

Although the misjudgement on the part of the police officer leads to the case being registered in the police statistics, it appears there in the wrong rubric.

The third possibility is that the case is handed on to the criminal investigation department who, as the third decision level, should investigate the case further.

Passing on the case

Usually, the department of crimes against the state, which is located on the regional or county level or is part of the State Office of Criminal Investigation (LKA), becomes involved when the case reaches the criminal investigation department. As the police are the responsibility of the federal states, there are also different organisational structures. Let us look at the case where the investigating department is not located directly at the State Office of Criminal Investigation.



As an example for misjudgement, the investigating officers could assume that it is not a case of violent crime, but only intimidation according to §240 of the Penal Code, which is not contained in the catalogue of violent offences. Although the crime would be registered within the framework of the KPMD-PMK, but 'only' as politically motivated criminality and not as politically motivated violent crime. In contrast to the PKS, in the case of the KPMD on a federal state level, no 'revision' usually takes place since the case is still open after all and changes may still take place.

Should the officers decide to pass on the case within the framework of the KPMD-PMK to the State Office of Criminal Investigation, then they will also start a 'criminal-tactical inquiry' (KTA-PMK). Through the description of the place of the offence, the suspects, the manner of the perpetrators, the victim, the circumstances of the offence, etc., similarities can be searched for within the police's internal information systems. The results are sent back again from the State Office of Criminal Investigation to the investigating police station in order to support the investigation.

The State Office of Criminal Investigation does not really represent a concrete decision level in this case any more. The cases registered in the KPMD-PMK are handed on from the State Office of Criminal Investigation to the Federal Office of Criminal Investigation (BKA) and there they are sorted according to federal state. The case itself is registered as data in the APIS-system.

Whether the new system of registration with its complex structure has been applied in exactly the same way is difficult to assess. The correct processing of the case depends considerably of the first and second level of decision-making though. What the victim doesn't report or what the police officer at the scene of the crime doesn't note down can hardly be corrected later.

It is a known fact that in the practical use of the new system there are considerable regional differences, what cannot be seen directly in the statistics. According to an assessment by the LKA (Expert interview with the LKA Bavaria on November 14, 2001) some police offices (or only some managing personnel or only individual police officers) have applied the changes registration service immediately, whereas others would pass over it in silence and still use the other system. This cannot be put down to lacking information service as there have been courses on the Polizeiführungsakademie Münster and in the BKA with key personnel who were supposed to pass on the information to the lowest levels. Police-internal printed matters on this topic have also been distributed. Such a process of "trickling through" needs some time though. The interview partners agreed on the qualitative improvement of the new system.

The new registration system was, for instance, critized in a report by the PDS parliamentary party in which it was pointed out that even after the introduction of KPMD-PMK no standardized registration practice was recognizable in the individual federal states and that, in addition, a dicrepancy between the reports by the State Offices for Internal Security and the Federal Office for Internal Security for the year 2001 was established concerning the violent acts with extreme right-wing background (cf. Sellkens/Wilde 2002, p. 8-14 as well as the Printed matter of German parliament 14/9639 from June 28, 2002).

It has to be emphasised again that the criminal acts registered by the police only represent a part of the incidents of racist, xenophobic and anti-Semitic violence and don't register the more subtle forms, such as exclusion or discrimination. The needs for counselling and the number of counselled person in advice centres for victims and in antidiscrimination offices draw attention to the fact that immigrants in general are exposed to much more racial violence and discrimination as it is registered by the authorities or perceived in society. The Federal Commissioner mentions in her fifth report on the situation of migrants in Germany that about a quarter of vioelt attacks are not reported. The reason for the fact that **violent incidents are only reported so hesitantly** are, among others: uncertainty concerning the residence status, fear of consequences for the asylum application, perception of police and authorities as being restrictive and discriminating, negative self-assessment of the own status in society and experienced societal exclusion as well as fear of victimization (cf. Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 268).

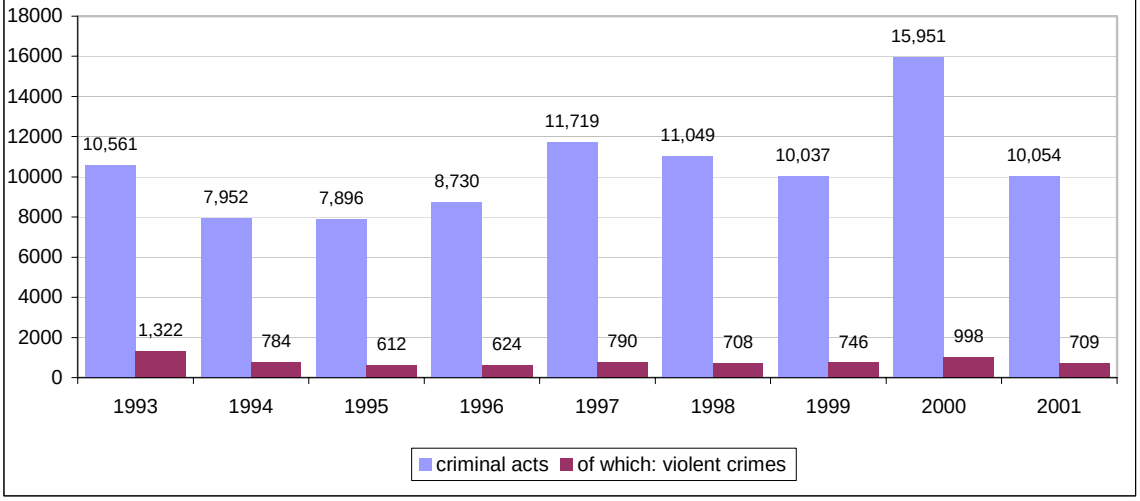
4 Quantitative overview on extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes

Beforehand it has to be mentioned that the relevant forms that constitute criminal acts of right-wing extremism, xenophobia, anti-Semitism and racism represent only a part of xenophobic phenomena and hostility to foreigners. The whole range includes racist, ethnic-cultural or religiously-founded prejudices as well as various forms of discrimination (Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 264).

4.1 Development of extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes since the 1990s

Beforehand it has to be mentioned that the term "criminal act with extreme right-wing background" (as general term) includes xenophobic as well as anti-Semitic and other extreme right-wing criminal acts (for instance, which are aimed at political opponents).

Diagram 5: Extreme right-wing, xenophobic and anti-Semitic criminal acts 1993-2001[1]



Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 2001a, www.verfassungsschutz.de/news

1) Annotation: Due to the introduction of a new registration system at the beginning of 2001 the figures of 2001 cannot be compared with the previous years.

Diagram 5 illustrates that the number of criminal acts with extreme right-wing background has risen again, since the calming of the situation in the mid-nineties, to over 10,000 criminal acts per year since 1997, culminating in 2000 with almost 16,000 crimes. This is based on the figures provided by the Criminal Investigation Registration Service. (The figures provided by the Police Crime Statistics - State Security (PKS-S) reveal smaller values due to retrosepctive corrections.)

It should be noted here that the *total* number of crimes in this area are given; the *violent* crimes[14] in total only constitute since 1995 a proportion of some 6-8% of them. Due to the increase in Internet criminality (so-called 'propaganda crimes'), the number of 'minor' crimes in particular has increased proportionally in recent years. In contrast, the number of violent offences reached its peak in 1992 and 1993. At the onset of the massive xenophobic riots at that time, which were also reported internationally (Hoyerswerda, Rostock-Lichtenhagen, Mölln, Solingen), particularly asylum seekers and former contracted workers of the GDR in the new federal states were affected. Parallel to the reduction in the numbers of asylum seekers since 1994, although the attacks against this group have also reduced, extreme right-wing and xenophobic attitudes have become established amongst a milieu with a propensity for violence[15]. Compared to the previous years, however, a significant increase in violent crimes to almost 1,000 violent crimes in 2000 has to be stated, with three completed murders among them.[16]

Compared to the previous year, however, there has been **a significant reduction of criminal acts and violent crimes in 2001**. Due to the introduction of the new regsitration system these figures cannot be compared though. (According to the old registration system an even much greater drop would have been expected). Taking the deficits of the old regsitration system and the improvements made by the introduction of the new system into account, the following has to be pointed out: It is possible that the overall number of criminal acts in this area has indeed risen until 2000. But it is quite conceivable, too, that the so-called "Dunkelfeld" (twilight zone) has decreased, as a result of which the number of registered criminal acts rises without quantitative changes in criminality. Another very important fact is that for many years neither policy nor society have been sensitive towards the topic "right-wing extremism" which is also very important for the interpretation of the very low figures in the 1970s and 1980s.

After several spectacular cases of extreme right-wing violence had taken place in the first half of 2000, there was increasing discussion in the media from June onwards about a ban being imposed on the NPD (the German National Democratic Party, which is at present regarded as conforming to the Constitution, but which is widely considered to be an institutionalised melting pot for right-wing forces). Since the election campaigns in North Rhine-Westphalia, by far the most populous federal state, the recruitment of foreign IT-experts has also been discussed (the introduction of a Green Card). This 'competition for the best minds', which was approved by the majority of industry, most likely also heightened the general public's sensitisation to the problem of right-wing extremism. The success of such a recruitment drive, as it is also seen in political circles, consequently depends to a great degree on the extent to which subjective and objective threats, to which migrants to Germany would be subjected, can be removed. On the other hand, this debate may have also stimulated extreme right-wing groups into taking action themselves again (BMI/BMJ 2001, p. 283).

It must also be noted in this context that the high amount of media attention can also influence the behaviour of potential perpetrators, in particular of so-called 'copycats'. It is thus assumed that the increase in 2000 will possibly remain a unique case and that it will not characterise

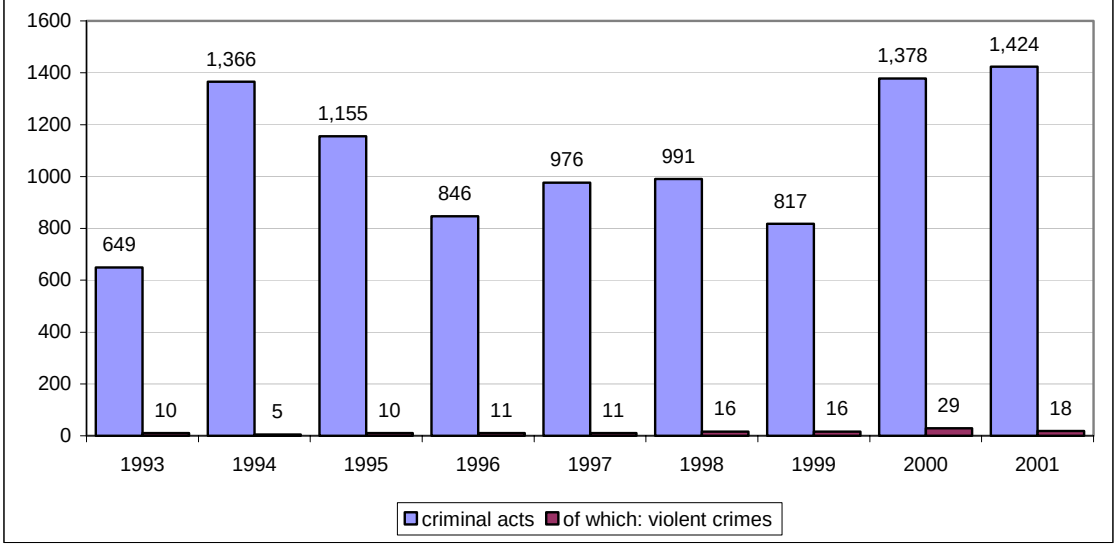
[14] The violent crimes include, apart from attacks against persons (completed and tried killings, bodily harm), also wrongful detention, blackmail, breach of the peace as well as arson and explosions. However, wilful damage of property, intimidation and threatening (next to propaganda crimes and incitement of the people) are part of other crimes.

[15] The Report on the Protection of the Constitution 2001 mentions about 10,400 extreme right-wingers in Germany as a whole with a readiness for violence.

[16] One of the three victims, a family dad from Mosambique, was slain by three neo Nazis with racist motives in June 2000. The perpetrators were found guilty of joint murder on August 30, 2000. The principal defendant was sentenced to a life imprisonment, the other two perpetrators were sentenced to nine years youth detention each.

the picture forever (Fraktionsvorsitzendenkonferenz der SPD 2001, p. 1). This is also confirmed by a glance at the monthly statistics which clearly show that, after the (as yet unsolved) underground-train attack in Düsseldorf on 27 July, 2000 and the correspondingly intensive reporting, the number of offences rose explosively. At the end of the year, parallel to the reduced presence of the topic of right-wing extremism in official discourse, the figures dropped again. In December then, the level at the beginning of the year - which was not a low one, it must be said - was more or less reached again, which has since sunk continually up to October 2001 (cf. table X) and has remained since on a relatively constant level (between 188 (March 2002) and 578 criminal acts (August 2001)).

Diagram 6: Criminal acts with anti-Semitic background 1993-2001

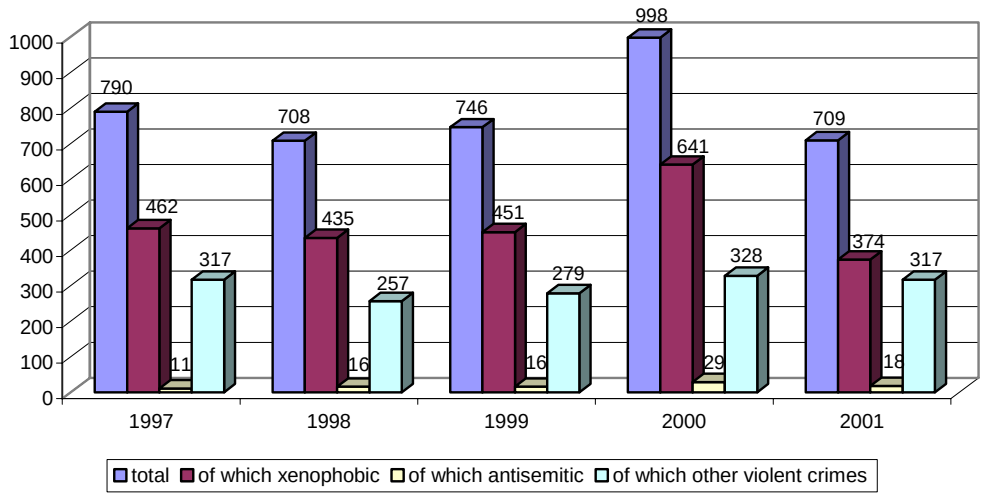


Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 2001a, www.verfassungsschutz.de/news

Diagram 6 illustrates that also the number of anti-Semitic criminal acts - parallel to the development of criminal acts with xenophobic background in total - has increased considerably from 1999 to 2000 (by 69%), the number of anti-Semitic criminal acts even by more than 80% (underground-train attack in Düsseldorf in July 2000).

Contrary to the trend of a decreasing number of extreme right-wing criminal acts in 2001, the number of anti-Semitic criminal acts shows a further (slight) increase compared to 2000 (taking the limited comparibility of the figures of 2000 and 2001 due to the introduction of the new regsitration system into consideration). There has been a drop, however, of the number of anti-Semitic violent crimes.

Diagram 7: Violent crimes with extreme right-wing background 1997-2001



Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 1999, 2001b, 2001

Looking at the figures of violent crimes with extreme right-wing background more closely, one can note that the proportion of xenophobic criminal acts has dropped from 64% in 2000 to 52% in 2001. The proportion of other extreme right-wing criminal acts (for example attacks of political opponents or homeless people), however, has increased.

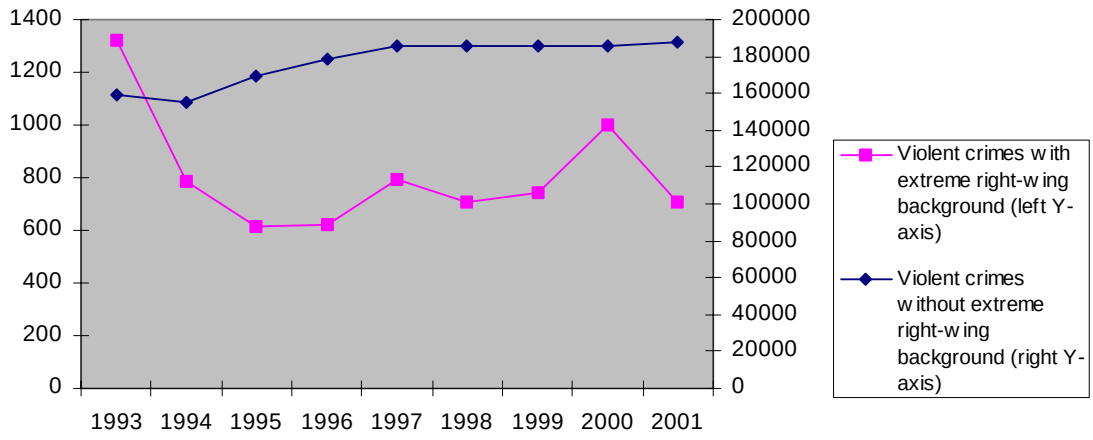
Table 1: Violent crimes with extreme right-wing background according to federal states 1996 to 2001

Federal state	1996	1997	1998	1999	2000	2001
Baden-Wurttemberg	50	61	51	61	100	61
Bavaria	30	39	40	58	60	72
Berlin	38	66	81	30	39	21
Brandenburg	85	97	59	62	76	67
Bremen	5	5	2	6	5	3
Hamburg	34	18	19	23	42	34
Hesse	21	17	15	21	43	31
Mecklenburg-West Pomerania	54	68	53	51	49	0
Lower Saxony	73	59	42	80	129	79
North Rhine Westphalia	130	119	77	87	153	48
Rhineland Palatinate	16	18	16	24	37	34
Saarland	4	5	3	2	10	9
Saxony	89	86	89	86	62	85
Saxony-Anhalt	47	66	89	81	66	45
Schleswig-Holstein	49	24	36	24	35	66
Thuringia	56	42	36	50	92	54
In total	781	790	708	746	998	709

Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security)1997, 1999, 2001b, 2002

A comparison of the quantitative development of violent crimes with right-wing extremist background and the quantitative development of other violent crimes shows that those developments do not run parallel. Whereas the number of violent crimes with a right-wing extremist background varies considerably, the number of violent crimes without right-wing extremist background has more or less steadily increased since 1994. This might be put down to the fact, on the one hand, that the political climate as well as other right-wing extremist incidents play a more important role for the number of violent crimes with a right-wing extremist background. On the other hand, in the area violent crimes without right-wing extremist background, where the number of cases is very large, quantitative changes do not so easily become apparent as it is the case in the area right-wing extremist violent crimes where the number of cases is much smaller.[17]

Diagram 7a: Development of violent crimes with and without extreme right-wing background



Source: Bundesministerium des Inneren 2001, Bundesamt für Verfassungsschutz 2002, Bundeskriminalamt 2002, own calculations

4.2 Development of extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes since the modification of the registration system in 2001

When the KPMD-PKS was introduced, attention was repeatedly drawn to the fact that, on the one hand, the numbers could not be compared with those of previous years and, on the other hand, they would automatically turn out to be higher as the spectrum had been expanded. This had to be taken into account in the interpretation of the figures in order not to 'simulate' a high increase which, in reality, was not one at all. In fact, at the end of the year 2000, based on pure numbers, Germany found itself faced with a ominously high level which had not been reached before. In the first months of 2001, the development initially continued and then successively decreased and has then settled down on a constant level of below 500 criminal acts per month since September 2001.

[17] In order to be able to present the quantitative development of violent crimes with and without right-wing extremist background in one diagram and in order to be able to highlight changes in the area violent crimes with right-wing extremist background, too, two different scales were used. The y-axes indicate the absolute numbers of violent crimes. Comparable are therefore not the absolute numbers of the data sequences, but only trends.

Table 2: Politically motivated criminality - Right-wing: Criminal acts and violent crimes 2001/2002

	Criminal acts		of which xenophobic criminal acts	
		of which violent crimes		of which violent crimes[1]
January 2001	1,625	90	478	not available
February 2001	1,587	76	467	not available
March 2001	1,560	76	456	not available
April 2001	1,225	66	357	not available
May 2001	1,080	78	276	not available
June 2001	652	44	178	not available
July 2001	491	26	97	14
August 2001	578	41	111	21
September 2001	333	22	66	10
October 2001	362	26	55	10
November 2001	350	24	66	12
December 2001	270	10	51	6
January 2002	475	49	94	22
February 2002	267	19	48	12
March 2002	188	16	38	13
April 2002	263	10	49	7
May 2002	355	24	60	5
Juny 2002	398	28	88	17

Source: Criminal Investigation Registration Service – politically motivated criminality

1) Annotation: In the first six months of 2001 226 violent crimes with xenophobic and/or anti-Semitic motivation have been registered (due to the modification of the regsitration system there is no monthly list available). The added-up monthly figures do not exactly match the figures provided by the Federal Office for Internal Security because of retrospective corrections.

One must also note that two third of the slightly more than 10,000 criminal acts in 2001 in the area "Politically motivated criminality - right-wing" are so-called "propaganda crimes". Another quarter are so-called crimes of incitement of the people. About 6% of the criminal acts have been actual violent crimes. Among the remaining criminal acts of almost 5% are, for instance, wilful damage to property, coercion, threats as well as desecration of Jewish cemetries and memorials.

The decreasing overall number of criminal acts and violent crimes compared to the previous year - which was even more surprising as increasing numbers were expected as a consequence of the introduction of the new registration system - should, however, not be seen as the 'all-clear'. Especially after the events of September 11, police work - and here especially in the protection of the Constitution - has been subject to changed priorities. As a result, the concentration on radical right-wing offences may have lessened (interview with an expert, Bavarian State Office of Criminal Investigation), and that for reasons of personnel. Similarly, the sensitisation amongst the general public for this topic may have reduced with the result that the "Dunkelfeld" (twilight zone) of unreported crimes may have increased again. In the estimation of experts interviewed (interview with an expert, PP Mittelfranken), after the discussion in summer 2001 regarding the banning of the NPD and large-scale agreement amongst the parties in the immigration question, we were on the right track, which is now under threat again. However, these assessments are very provisional and only one of the possible explanations for the low numbers of the last two months.

Development according to federal states

In the distribution of crimes in the field of "politically motivated criminality – right-wing"'according to the federal states, it must be noted that, firstly, the federal police forces are principally independent, secondly, a regionally varied "Dunkelfeld" (twilight zone) of unreported crimes can exist.

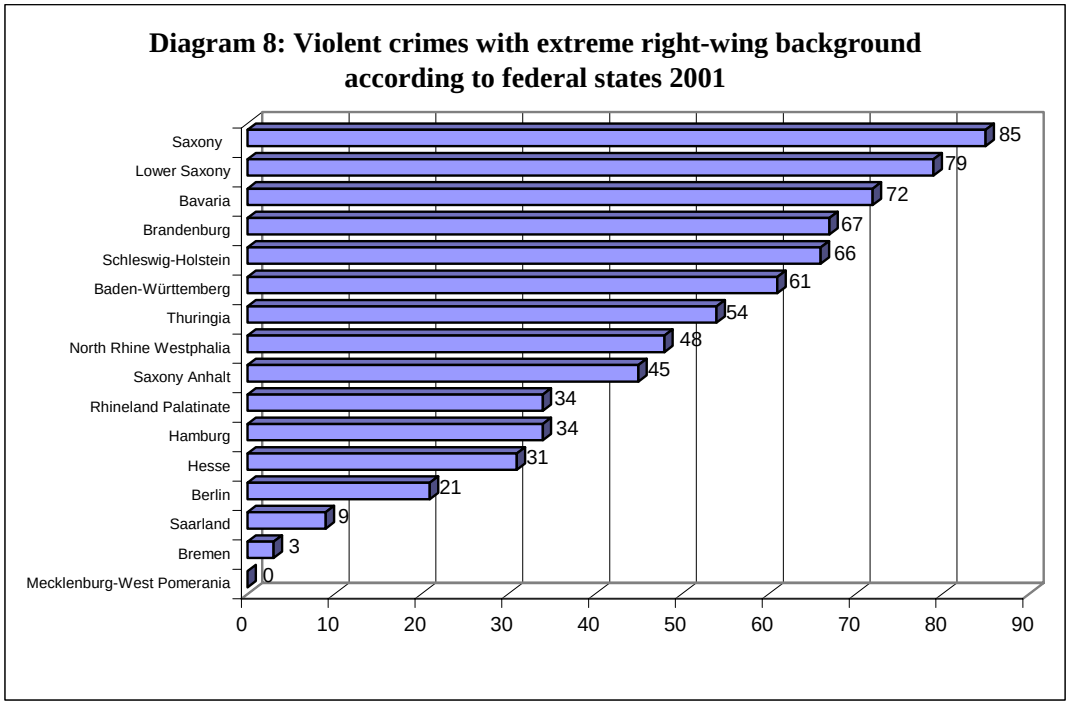
Table 3: Criminal acts with extreme right-wing background according to federal states 2001, in comparison to population and number of non-Germans (per 31.12.2000)

Federal state	Criminal acts 2001	per 100,000 inhabitants	per 1,000 non-German inhabitants
Brandenburg	900	34.6	14.5
Saxony	1,365	30.8	12.8
Saxony-Anhalt	467	17.9	10.6
Bremen	111	16.8	1.4
Schleswig-Holstein	452	16.2	3.0
Hamburg	270	15.7	1.0
Hesse	630	10.4	0.9
Bavaria	1,247	10.2	1.1
Rhineland Palatinate	394	9.8	1.3
Thuringia	238	9.8	5.5
Mecklenburg-West Pomerania	164	9.2	4.8
Baden-Wurttemberg	939	8.9	0.7
Lower Saxony	673	8.5	1.3
North Rhine Westphalia	1,158	6.4	0.6
Saarland	58	5.4	0.7
Berlin	92	2.7	0.2
In total	9,158	11.1	1.3

Source: Own calculations, Criminal Investigation Registration Service – politically motivated criminality

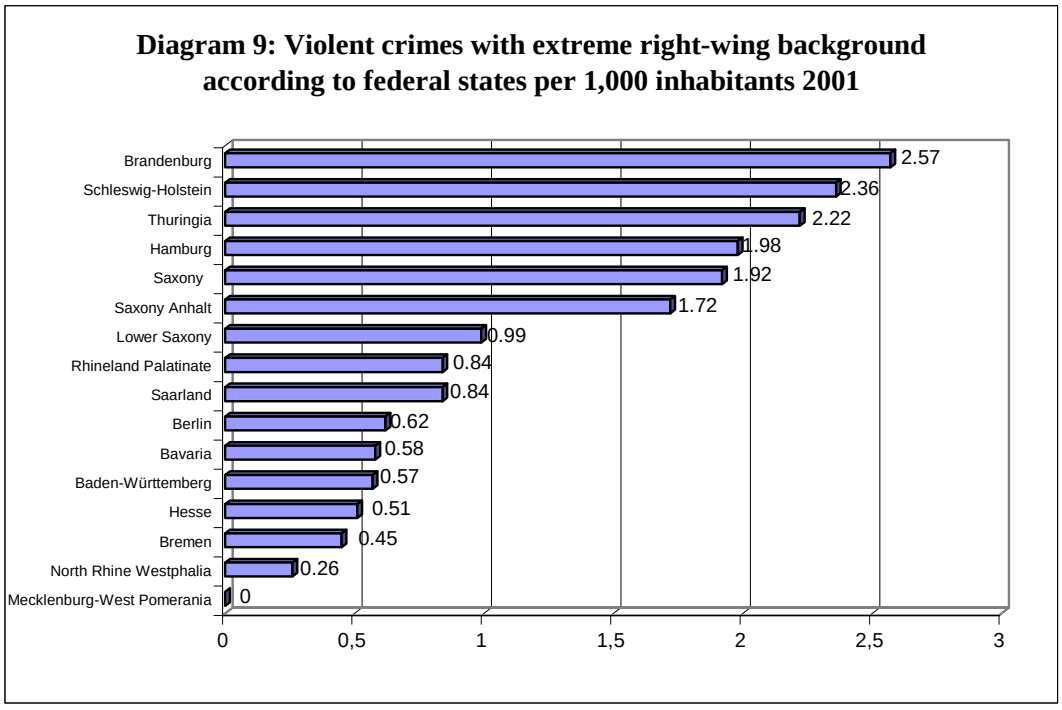
If one regards the number of offences in the relevant area of phenomenon in relation to the number of inhabitants and the number of non-Germans (as potential victims) in the respective states, the following points become apparent: Right-wing offences occur more frequently in the eastern federal states than in the western ones. They are (in the western federal states) more frequent in the North than in the South. They are generally higher in number where there is a lower percentage of foreigners (on average, the percentage of non-German residents is 2% in East-German, and 10.5% in West-German states).

Along with the power of definition of the police officers first dealing with the crime or the quota of solved crimes, the **willingness to report offences can be regionally very different**. Thus, amongst those responsible for the protection of the Constitution, it is largely agreed that, particularly in a high number towns and cities in the new federal states, there are meeting places and youth centres which are dominated by right-wing groups and thus constitute a very real danger for 'left-wingers' and those who are easily identified as strangers (*Bundesamt für Verfassungsschutz* (Federal Office for Internal Security) 2000, p. 54 f.). It is also noticeable that local residents themselves mostly do not feel threatened there and thus frequently tolerate this situation or even latently support it. 'Left-wingers' and 'foreigners' know these meeting places and consequently avoid them. Therefore, although these places represent a new escalation level of threatened extreme right-wing violence, it does not become immediately apparent in an increase of right-wing violent crimes.



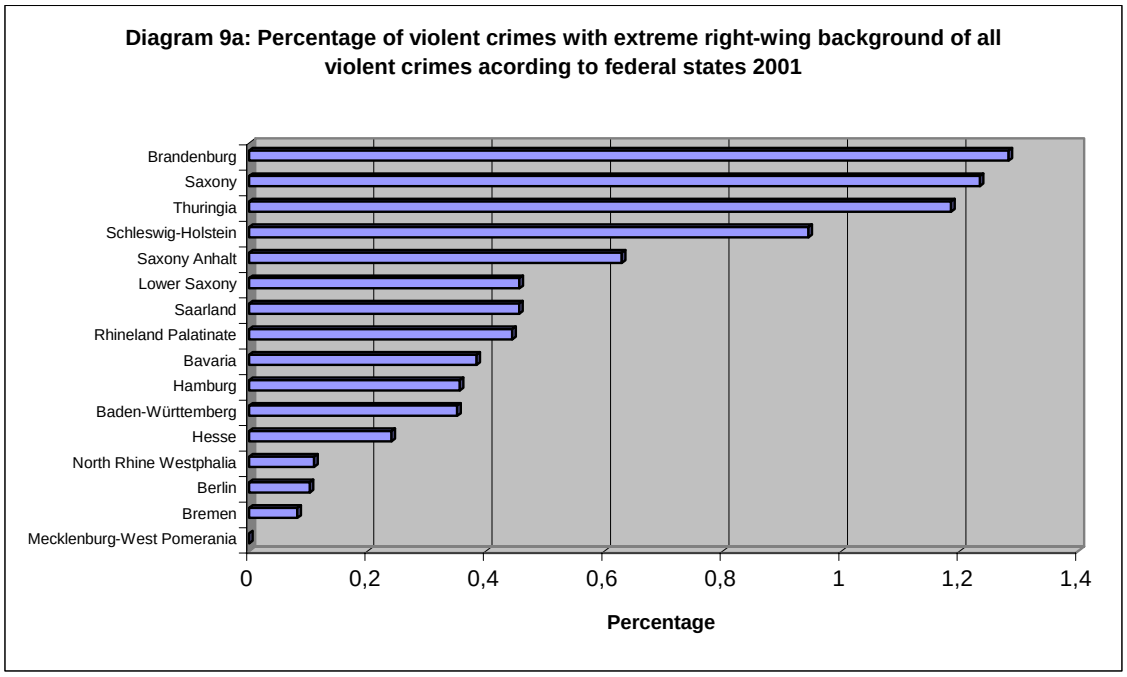
Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 2002

Most of the violent crimes with extreme right-wing background in 2001 happened, with 85 registered crimes, in Saxony, followed by Lower Saxony (79), Bavaria (72), Brandenburg (67) and Schleswig-Holstein (66). In relation to the respective number of inhabitants, however, one can note that in the new federal states more violent crimes with extreme right-wing background occurred. On average, with more than 1.57 violent crimes per 100,000 inhabitants, more than twice as much crimes have been registered than in the old federal states (0,67).



Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 2002

Comparing the violent crimes with right-wing extremist background with the number of other violent crimes in the respective federal states a similar picture emerges. In the Eastern federal states, particularly in Brandenburg and Saxony, the number of violent crimes with right-wing extremist background has the biggest share of all violent crimes. The large number of right-wing extremist violent crimes in the new federal states can therefore not be explained by a generally high number of violent crimes.



Source: Bundeskriminalamt 2002, Bundesamt für Verfassungsschutz 2002, own calculations

The following two tables illustrate the distribution of criminal acts and violent crimes with extreme right-wing background for the years 2001 and 2002 according to federal states, whereas a further differentiation for the year 2002 has not been made available yet. Of special interest for the research on "racist violence" are the numbers of attacks against people, which represent 90% of the total violent crimes.

The data given in table 4 are added-up numbers of the monthly published figures on “politically motivated criminality – rightwing” in the printed matter of the German parliament. The added-up monthly figures for the year 2001 do not concur with the data provided by the Federal Office for Internal Security due to retrospective corrections and registrations. This, however, is not the only explanation for the discrepency of the numbers. Also a varying willingness to report by the individual State Offices of Criminal Investigation (LKAs) can contribute to that. The Office for Internal Security in Mecklenburg West Pomerania, for instance, reports in its annual report for the year 2001 40 violent crimes in the area “politically motivated criminality – right-wing”, to the BKA, however, they didn’t report a single violent crime.[18] The reason for this is that none of the reported violent crimes in the area “right-wing” has been registered as *extreme* right-wing. In the sense of trying to overthrow the free democratic constitutional structure, and only those should have been

[18] See for further discrepancies, on the one hand between the numbers given by the Federal Government in the printed matters of the German parliament and the Offices for Internal Security in the federal states, and on the other hand between the federal state numbers and the Federal Report on the Protection of the Constitution the “shadow report” of the working group for interior policies and justice of the PDS parliamentary party as well as the printed matter of the German parliament 14/9639.

reported to the BKA. In the tageszweitung of June 3, 2002 a speaker of the Ministry of the Interior of Mecklenburg West Pomerania was quoted, "regarding registration of criminal acts we stick to the definition of extremism as it is has been defined by law. (own translation)." Everything else is only "right-wing" – or "left-wing" otherwise.[19] This illustrates that the new regsitration system for extreme right-wing criminal acts is not applied in a standardized way yetand that some federal states still have reservations against it.

Table 4: Distribution of Politically motivated criminality - right-wing, according to federal states 2001

Federal state	Arson/ Explosion	Attacks against people	Violetion of the public peace	Other acts of violence	Other crimes
Baden-Wurttemberg	5	53	0	0	881
Bavaria	0	50	0	2	1,195
Berlin	0	8	0	0	84
Brandenburg	3	51	3	1	842
Bremen	0	1	3	0	107
Hamburg	0	31	0	4	235
Hesse	0	17	3	1	609
Mecklenburg-West Pomerania	1	11	1	0	151
Lower Saxony	0	49	0	2	622
North Rhine Westphalia	2	61	0	1	1,094
Rhineland Palatinate	0	27	2	1	364
Saarland	0	5	0	0	53
Saxony	2	60	8	5	1,290
Saxony-Anhalt	1	17	2	3	444
Schleswig-Holstein	1	41	1	2	407
Thuringia	0	9	0	2	227
In total	15	491	23	24	8,605

Source: Criminal Investigation Registration Service – politically motivated criminality

Table 5: Distribution of Politically motivated criminality - right-wing - according to federal states January to June 2002

Federal state	Attacks against people	Other acts of violence	Total number of acts of violence
Baden-Wurttemberg	11	0	11
Bavaria	10	0	10
Berlin	10	3	13
Brandenburg	3	0	3
Bremen	0	1	1
Hamburg	2	0	2
Hesse	3	2	5
Mecklenburg-West Pomerania	2	1	3
Lower Saxony	8	0	8
North Rhine Westphalia	16	1	17
Rhineland Palatinate	6	0	6
Saarland	3	0	3
Saxony	23	9	32
Saxony-Anhalt	13	2	15
Schleswig-Holstein	6	1	7
Thuringia	9	1	10
In total	125	21	146

Source: Criminal Investigation Registration Service – politically motivated criminality

[19] Cf. Tageszeitung of June 3, 2002, page 7: „The statistical chaos is produced by a definition problem which is used by Mecklenburg West Pomerania in a provocative manner." (own translation).

The following table 6 shows the number of Anti-semitic violent acts in the first six months of 2002. These were mainly incitement of the people (about two third) and propaganda crimes (almost a fifth). In this period also 8 violent crimes have been recorded though. An East-West-comparison shows that - in contrast to the criminal acts with an extreme right-wing background – the number of Anti-semitic criminal acts is not overproportionally frequent in the new federal states, in relation of the respective population.

Table 6: Anti-semitic criminal acts in the first six months of 2002 according to federal states

Federal state	Attacks against People	Other acts of violence	Other crimes
Baden-Württemberg	2	0	52
Bavaria	0	0	98
Berlin	0	0	28
Brandenburg	0	0	19
Bremen	0	0	5
Hamburg	0	0	12
Hesse	0	0	41
Mecklenburg-West Pomerania	0	1	13
Lower Saxony	2	0	39
North Rhine Westphalia	1	0	56
Rhineland Palatinate	0	0	15
Saarland	0	0	7
Saxony	0	1	17
Saxony-Anhalt	0	0	7
Schleswig-Holstein	1	0	15
Thuringia	0	0	14
In Total	6	2	438

Source:Own calculations on the basis of printed matters by the German parliament

5 Suspected perpetrators and Offenders

5.1 Legal proceedings and convictions

In contrast to the statistics of police investigations, the statistics of the judicial authorities are, in part, subject to a great length of time since the offence was committed. In 'closest' proximity to the offence are the cases under investigation by the Federal Prosecutor and for which the statistics from 2000 are available.

In the following table, investigations are listed according to the elements of an offence which, in the opinion of the judicial authorities, possess an extreme right-wing or xenophobic background. It cannot be examined here how far this categorisation matches the definitions of the KPMD. Similar to the PKS, a division occurs relating to paragraphs of the Penal Code and not according to the assumed motivation of the perpetrator.

Table 7: Investigations according to the elements of an offence 1995 to 2000

Crimes	1995	1996	1997	1998	1999	2000
Propaganda crimes §§ 86, 86a Penal Code	8,291	9,363	11,158	12,827	10,966	15,824
Incitement of the people and glorification of violence §§ 130, 131 Penal Code	2,422	2,381	2,592	2,917	2,533	5,672
Crimes resulting in death §§ 211, 212 Penal Code	23	15	17	21	12	16
Bodily harm §§ 223 ff. Penal Code	617	634	695	774	915	1,060
Violation of the public peace §§ 125, 125a Penal Code	211	442	507	395	271	331
Arson §§ 306 ff. Penal Code	59	46	33	52	33	47
Anti-semitic actions (desecration of graves etc.)	319	238	321	224	331	540
Other crimes	1,678	1,277	1,320	1,514	1,421	1,785
Total number	13,620	14,396	16,643	18,724	16,482	25,275
Total of above due to offences against foreigners[1]	2,389	2,160	2,495	2,480	2,180	3,083

Source: Printed matter of German parliament 14/4464, 14/8703

1) Since the second half of 1999 the federal state Brandenburg does not register criminal acts against foreigners statistically any more.

In the judicial statistics, as in the KPMD, the propaganda crimes and incitement of the people clearly outweigh the other crimes with extreme right-wing background. Among these crimes are:

§ 86 Penal Code („Distribution of propaganda material of anticonstitutional organisations“) makes the distribution of nazi slogans and flyers an offence. It is therefore prohibited to distribute "propaganda material" of an anticonstitutional party/organisation or of a former National Socialist party or to prepare the distribution by certain actions. This material must neither be produced nor kept in stock or be imported or exported or kept in data files (keyword: internet) and must not be made available to a great number of people. The mere possession and the production of such material without the intention to distribute it, however, does not constitute an offence. "Propaganda materials" are such texts, or something similar, which contain statements that are against democracy and understanding between nations. Anyone could be sentenced to up to three years in prison who commits one of this potential offences, for example, not only the author of flyers, but also the printer and distributor or somebody who stores the material in his appartement in order to distribute it later.

§ 86a Penal Code („Using of symbols of anticonstitutional organisations“) makes the using of swastika or other Nazi symbols an offence. Anybody who uses symbols - particularly flags, military insignia, parts of uniforms, slogans and salutations - of a former National Socialist organisation in public, in a meeting or in publications, commits an offence: swastika in various forms, the Horst-Wessel-song, Hitler salutations, portraits of the "Führer" or SS runes as well as the finishing solgan "with the German salute" when the rest of the letter shows an extremist tendency, could be sentenced with prison up to three years. In the meantime it has also become an offence to use symbols that are extremely similar to symbols of anticonstitutional organisations.

Acoording to **§ 130 Penal Code ("incitement of the people")** anyone can be sentenced to prison between three months and five years who calls on hate and violence against parts of the population (for example non-Germans or Jewish people) or "against a national, racial, religious group or a group defined by national customs and traditions" (own translation) or who abuses, disparages or slanders these groups and thereby attacks human dignity.

According to **§ 131 Penal Code („glorification of violence“)** the production and distribution of texts is prohibited which illustrate the cruel or otherwise inhuman violence against people of all kind in a way that expresses a glorification or plays down such acts of violence.[20]

The table 7 illustrates an increase in the overall number of legal proceedings from 1995 to 2000 by 86%. In addition, the table shows a continuous increase of the number of investigations because of bodily harm between 1995 and 2000 (by 72%). The majority of the investigations was opened because of various propaganda crimes. The increase in these areas can also be attributed to the growing number of internet criminality. The number of web site run by German right-wingers rose in 2001 to about 1,300 (2000: 800, 1999: 330). In the case of web sites which offend against paragraphs of the Penal Code, the following model has been agreed upon: the place in which the crime was reported is the scene of the crime. If someone in Bamberg comes across a web site with extreme right-wing propaganda while surfing the Internet and reports this to the police in Bamberg, then the latter will start their investigations until the 'real scene of the crime' has been found. In larger cases or as a consequence of 'research without a concrete cause' by the State Office of Criminal Investigation (LKA), then this will be carried out by the central Federal Prosecutor as a collective proceeding. It becomes problematic, however, if the provider is in the USA, for example, where Nazi propaganda is not prohibited. The Federal Court, however, has pronounced judgement (Az 1 StR 184/00) that under certain circumstances German law can be applied to web sites which have been put on the internet abroad. This is the case, for instance, when the contents of theis web sites can be used to violate public peace in Germany. In practice, however, such investigations are mostly difficult and frequently become stuck.

Whereas the number of opened investigations because of crimes against non-Germans remained relatively constant from 1995 to 1999, a clear increase can be stated in 2000. A similar development can be seen with investigations against anti-Semitic actions (an increase of 63% in 2000 compared to the previous year).

Table 8: Completed cases 1995 to 2000 (extreme right-wing as well as xenophobic crimes)

	1995	1996	1997	1998	1999	2000
Dismissal according to § 170 Section 2 Code of Criminal Procedure (StPO) in total	8,867	8,488	9,423	10,780	9,932	14,242
of which perpetrators not determined	5,503	5,398	5,756	6,517	5,848	8,224
Dismissal according to §§ 153 ff. StPO	844	910	1,105	1,282	1,225	1,549
Dismissal according to §§ 45, 47 Juvenile Court Procedure (JGG)	562	622	873	1,024	949	1,191
Total number of convictions	1,484	1,425	1,478	2,177	1,929	2,325
of which offences against non-Germans	422	335	295	395	375	509
Acquittals	148	146	128	138	108	135
Other decisions / by other means	1,527	1,676	1,962	1,925	1,513	3,477
In total	13,432	13,267	14,969	17,326	15,656	22,919

Source: Printed matters of German parliament 14/4464, 14/8703

Table 8 illustrates that only slightly more than 10% of all opened investigations have been completed with convictions. About a fifth of the convictions are criminal acts against non-Germans. The majority of the investigations are dismissed, mostly because the incident is not sufficient to justify preferring charges (§170 Abs. 2 StPO), for example because the

[20] Cf. for the individual paragraphs in more detail: Hessische Landeszentrale für politische Bildung (Hrsg.) 2000: Recht gegen Rechts. Infos – Fallbeispiele – Ratschläge. (Rights against right-wing: information - cases - advice) Wiesbaden.

perpetrator could not be determined. Numerous cases are also dismissed according to §§ 153 ff StPO (with youths §§ 45, 47 JGG). According to § 153a charges might not be pressed in case the accused will be given certain directives and instructions[21]. The degree of guilt, however, must not be too high in these cases.

Table 9: Convictions 1995 to 2000 (extreme right-wing as well as xenophobic criminal acts)

	1995	1996	1997	1998	1999	2000
Total number of convictions	1,484	1,425	1,478	2,177	1,929	2,325
Convictions resulting in detentions or imprisonment	486	419	392	559	506	660
Total of above under 6 months	147	142	132	175	162	223
Total of above on probation	107	107	99	119	107	145
Total of 6 months to 1 year	174	149	151	209	176	237
Total of above on probation	142	117	119	177	146	194
Total of 1 to 2 years	128	107	66	142	122	160
Total of above on probation	83	62	46	95	83	94
More than 2 years	37	21	43	33	46	40
Total on probation	332	286	264	391	336	433

Source: Printed matters of the German parliament14/4464, 14/8703

In 30% of the cases the accused are sentenced with youth detention or imprisonment, though the majority is put on probation. Only very few of the convictions to imprisonment are longer than two years; a detailed differentiation of the sentences cannot be made on the basis of the printed matter of the German parliament.

Suspected perpetrators from the year 2001

Table 10: Politically motivated criminality - right-wing 2001/2002: suspects

	Suspects	People arrested	Warrant for arrest
January 2001	1,182	102	42
February 2001	1,092	87	7
March 2001	1,161	103	20
April 2001	957	91	20
May 2001	964	86	11
June 2001	546	58	7
July 2001	389	53	14
August 2001	357	20	0
September 2001	197	7	0
October 2001	291	90	19
November 2001	186	31	15
December 2001	141	3	0
Januar 2002	353	36	3
Februar 2002	119	12	2
März 2002	135	11	5
April 2002	223	20	0
Mai 2002	193	17	0
Juni 2002	225	20	2

Source: Criminal Investigation Registration Service – politically motivated criminality

[21] As directives or instructions the following might be considered: 1. carrying out certain tasks in compensation for the damage caused by the crime, 2. paying a certain amount of money to a charitable institution or to the treasury, 3. carrying out other charitable tasks, 4. paying a certain amount of maintanance costs or 5. making a serious effort for compensation with the victim (perpetrator - victim - compensation) by making amends for the crime completely or partly or to seek its compensation (§ 153a StPO).

The numbers given in the table above are based on the KPMD-PMK. Parallel to the development of the criminal acts, the number of suspected perpetrators has dropped after reaching a very high level in the first six month of 2001 and since July 2001 the number has regularly been less than 400 persons per month.

5.2 Perpetators' profiles

Whereas the quantitative development of extreme right-wing, xenophobic and anti-Semitic violence in the previous chapters was presented on the basis of official statistics, **sociological empirical studies** will be used to look into the socio-economic background of the perpetrators.

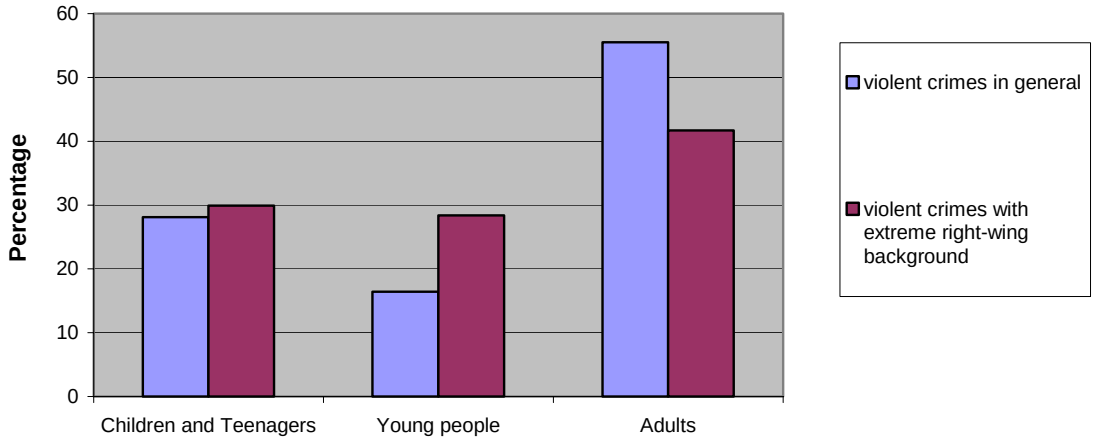
Table 11: Number of accused 1995 to 2000 (extreme right-wing as well as xenophobic criminal acts)

	1995	1996	1997	1998	1999	2000
Teenagers	3,564	4,346	5,471	5,859	5,059	7,151
Young people	2,972	3,508	4,764	5,328	4,777	6,822
Adults	5,541	5,516	6,588	7,556	6,473	10,006
In total	12,077	13,370	16,823	18,743	16,309	23,979

Source: Printed matters of German parliament 14/4464, 14/8703

The numbers in the table above illustrate that about 60% of people accused of having commited extreme right-wing and anti-Semitic criminal acts are young people and adults.

Diagram 10: Age structure of violent criminals with or without extreme right-wing background



Source: Bundestagsdrucksachen 14/4464, 14/8703, Bundeskriminalamt 2002

The number of youths and young adults committing violent crimes without right-wing extremist background is indeed also relatively high, but a comparison of the age structure shows that suspected perpetrators who are accused of a violent crime with right-wing extremist background are on average younger than other perpetrators at the time they committed the crime. Especially the number of young adults (18 to 20 years old) is comparably high.

The judicial statistics published in the printed matters of the German parliament only provide information on the age of the suspected perpetrators though. For that reason the socio-economic and biographical background as well as the motivation of the group of suspects or perpetrators has been analysed in greater detail in some studies lately, using police and court files as well as in-depth interviews. These studies will be briefly presented in the following.

Three studies have been carried out on behalf of the Federal Ministry of the Interior. The results of these studies are based on an analysis of police investigation files as well as court files regarding xenophobic, anti-Semitic and extreme right-wing suspects or perpetrators, as well as on in-depth interviews and tests with xenophobic violent criminals. Another study was carried out by the State Office of Criminal Investigation Baden-Wurttemberg.

Study A: Analysis of police investigation files on xenophobic, anti-Semitic and extreme right-wing suspected perpetrators (Peucker/Gaßebner/Wahl 2001):

Research design
The study on suspected perpetrators is based on an analysis of 6,229 police files on 2,882 xenophobic, 311 anti-Semitic and 3,036 extreme right-wing suspects who have been subject to police investigations since 1997. Regarding the xenophobic and antisemtitic suspects all cases were included in the research.

Age and sex of the suspected perpetrators
Xenophobic criminal acts have been and are primarily commited by **young people and young adults between 15 and 24 years** (about three quarters of the total number of suspects). Regarding the sex of xenophobic suspect perpetrators one can note that more than 90% are male. The number of female suspects, however, has almost doubled between 1992/93 (Trierer Studien[22]) and 1997: from 5% in 1992/93 to 9% in 1997. This development can be stated for all types of crimes.

Qualifications of the suspected perpetrators
More than half of the suspected perpetrators (56%) have completed general-education secondary school (*Hauptschulabschluss*), a quarter passed the intermediate level of secondary education (*Realschulabschluss*) and only about 3% took A-levels or graduated at university. This means that, compared to the respective age groups of the total population, the suspected perpetrators with **general-education secondary school** are **clearly overrepresented**, suspects with A-levels are underrepresented. Therefore xenophobic suspects, on average, have lower levels of education. 6% of the suspected perpetrators (without those who are still in school) left school without any qualification, which is more or less comparable to the total population. In sum, the suspected perpetrators, on average, reached only lower or intermediate levels of education, though it should be noted that the number of suspects with intermediate levels of education has increased compared to the so-called Studies of Trier in 1992/93.

Employment and status of vocation
At the time of the crime 56% of the suspected perpetrators were in school or vocational training. 22% of the suspects were unemployed which is much more (roughly twice as much) than in the respective age groups of the total population. In the former West German federal states 24% of the suspected perpetrators were unemployed, in the new federal states only 18%, despite a higher overall unemployment figure. This can be put down to the fact that the suspects in East Germany are on average younger than in West Germany and the majority is therefore still in school or in vocational training (69% in East Germany, 46% in West Germany).

[22] Willems, H./Würtz, St./Eckert, R. (1994): Analyse fremdenfeindlicher Straftäter. Forschungsprojekt. (Analysis of xenophobic perpetrators. A research project). Bonn

Breaking down these numbers according to age groups the following can be stated: In the age group of 18 to 20 years every fifth suspect, between 21 and 24 almost 40% and in the group of the over 25 year olds even more than 40% of the suspected perpetrators were unemployed at the time of the crime. Despite these results, however, one cannot refer to the majority of the suspected perpetrators as being "vocationally desintegrated" - they are still in school or vocational training or are employed. So not only the fact of being unemployed might create a stressful situation, but "also the vague fear of unemployment in the neighbourhood could lead to great distress and to xenophobic attitudes (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 34). Compared to all suspects, however, the unemployed group of suspects has more often been convicted of other, non-political crimes before. 54% of the unemployed suspected perpetrators have already been convicted because of non-political crimes, whereas this applied to only 32% of all suspects. These results show that among the suspected perpetrators one can also find "problematic groups" who are affected by unemployment. On the basis of this data one cannot conclude though that unemployed persons *increasingly* commit xenophobic crimes: "Neither has their number increased in relation to all suspects, nor has there been an increase of the total number" (Peucker/Gaßebner/Wahl 2001, p. 35).

Previous convictions

With regard to about 40% of the suspects no "previous incidents recorded by the police" (previous convictions, investigations) had been registered at the time of the crime. 24% of the suspected perpetrators, however, had a record of political criminal acts, 13% had already been convicted before because of political crimes. More than half of the suspects (56%) had been recorded by the police because of other, non-political crimes. The high number of suspected perpetrators who alraedy had a record of non-political crimes "suggests that **politically motivated delinquency largely overlaps with general youth delinquency**" (Peucker/Gaßebner/Wahl 2001, p. 82-83). In total one can state that the number of multiple offenders has considerably increased since the Studies of Trier in 1992/3.

Group memberships of the suspected perpetrators

Looking at the group memberships of xenophobic suspects one can note that about every third belongs to a skinhead group, and almost every fourth to an extreme right-wing group. Assigning the interviewees to a group only the first answer has been considered. For 18% of the suspects memberships in more than one group could be identified. These were to the most part persons who were members in extreme right-wing organisations, parties, groups of comrades and skinhead groups. Most frequently the interviewees belong to informal groups or leisure groups (almost 40%); this means that xenophobic perpetrators do not only come from extreme right-wing organisations on the very fringe of the political scene.

Differences exists, however, between the eastern and western federal states: The number of persons who are members of skinhead groups amounted to almost 50%, in the eastern federal states only to less than 10% though. This shows that xenophobic perpetrators especially in the eastern federal states are mainly members of so-called "informal leisure groups" or spontaneous organisations and do not only belong to extreme right-wing groups.

Especially in the eastern federal states a new form of "youth culture" has apparently developed in which it is "normal" to behave in a xenophobic manner and to provoke with extreme right-wing slogans (vgl. Ganter 1998, p. 9). In this respect one can talk about a "normalization of extreme right-wing orientations" in some segments of the youth culture; as a consequence the extreme right-wing youth milieu has become a "power of socialisation" in the local context in the mid 1990s which has less and less problems to prevail or expand since (Wagner 2001, p. 109). Therefore extreme right-wing and xenophobic attitudes and/or actions are also a result of " processes of group-internal dynamics". A lot of young people are seeking social respect in the group and are exposed to the pressure of conformity within the group.

Whether xenophobia can be fought successfully will therefore also depend on the fact if attractive alternatives to those youth groups - where young people can acquire social respect with xenophobic attitudes - can be offered.

Breaking down the group membership of xenophobic suspect perpetrators by age the following can be noted: Up to 20 year old suspects most frequently belonged to informal groups, those between 21 and 24 were mostly members of skinhead groups and those over 30 primarily belonged to extreme right-wing organisations. "Looking at it from outside this could indicate a sort of group career (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 84).

Group crimes

Xenophobic criminal acts are mostly so-called **group crimes**: almost 80% of the crimes are committed by a group and there is a correlation between the age of the perpetrator and the type of the crime. Especially criminal acts by 15 to 20 year olds are commited out of a group (90%). On the other hand, older suspects between 46 and 60 years are hardly involved in group crimes (7%). It can also be noted that especially persons who are involved in criminal acts that cause bodily harm and wilful damage of property commit group crimes. Suspect perpetrators involved in investigations of **propaganda crimes** though are often **single perpetrators**. Also antisemtitic criminal acts are commited by a relatively high number of single perpetrators who are mostly subject to investigations because of propaganda crimes and incitement of the people.

Motivation for the crime

These findings are based on information provided by the suspected perpetrators that was noted down by the police officers in pre-set categories. According to this, slightly more than 40% of the suspects named xenophobic attitudes as motives for the crime, further 19% stated a political (radical right-wing or extremist) motivation. Not less than 15% of the suspects named "sheer pleasure in violence", another 10% named group pressure/ pressure for conformity as motives. "Those two motives, however, are also important for xenophobic, extreme right-wing and anti-Semitic motivated crimes [...]. These findings indicate that one cannot talk about a clearly identifiable motivation for the crime. There are rather a lot of overlapping motives that might intensify reciprocally (own translation) (Peucker/Gaßebner/Wahl 2001, p. 47).

Comparison of the old and new federal states (west-east-comparison)

Especially with regard to the types of crime there are clear differences between the old and the new federal states. Bodily harm, for instance, was involved in twice as much crimes in the east than in the west. In the west, on the other hand, a higher number of propaganda crimes was commited than in the east. One must take into consideration, though, that a differing willingness to report these crimes and a varying sensitisation of the police has implications for the types of registered crimes: incitement of the people and propaganda crimes can be very easily categorized, with regard to bodily harms this is often more difficult (Peucker/Gaßebner/Wahl 2001, p. 86).

Study B: Analysis of verdicts on xenophobic, anti-Semitic and extreme right-wing perpetrators (Gaßebner/Peucker/Schmidt/Wahl 2001):

This study is based on an analysis of 217 verdicts related to 352 extreme right-wing, xenophobic and anti-Semitic perpetrators. The verdicts included in the study were pronounced between 1997 and 1998 by German courts[23].

The study provides a similar picture of the socio-economic background of the perpetrators as the analysis of the police files. The majority of the perpetrators are single young man between 15 and 24 yeras old. More than half of the perpetrators were in school or vocational training at the time of the crime, about a fifth was employed (mostly as skilled workers or as craftsmen). Another fifth was unemployed. A correlation between a difficult family situation and violent behaviour later could not be identified on the basis of the data. Another result of the analysis was that almost half of the perpetrators had previously been convicted, among others because of bodily harm, but also because of propaganda crimes. "In this context one can talk about a milieu-specific socialisation of a certain number of the perpetrators, but one can also note clear overlaps of the general youth delinquency as well as youth criminality with the "right-wing milieu" (own translation)" (Gaßebner/Peucker/Schmidt/Wahl 2001, p. 108). The verdicts on acts of violence mostly involved (serious) bodily harm which generally was commited spontaneously or was planned within a short time and was carried out by a group on weekends, in the evening or during the night and mostly under the influence of alcohol. The crimes were primarily committed at or near the place where the perpetrator lives. About three quarters of the acts of violence were group crimes, with several perpetrators hitting the victim or - in rare cases - one perpetrator acting out of the group.

Propaganda perpetrators

The differentiation in the study between propaganda crime perpetrators and perpetrators of violent crimes shows only slight differences. But considering perepetrators of propaganda crimes is of importance because one can assume that a certain number of these criminal acts[24] has been committed while entering the right-wing milieu and that these perpetrators might have a general willingness to commit violent crimes. The differentiation between propaganda crime perpetrators and perpetrators of violent crimes is not without overlaps. Among perpatrators of propaganda crimes there are twice as much pupils as among perpetrators of violent crimes, which means that a lot of propaganda crimes are, on the one hand, committed by pupils (as provocation or as entrance in the right-wing milieu), on the other hand by older perpetrators who are already integrated in the relevant groups. In addition, propaganda crime perpetrators have on average a higher level of education than perpetrators of violent crimes.

[23] It is true that information on the annual number of verdicts on xenophobic, extreme right-wing and anti-Semitic crimes in Germany is published in the printed matter by the German parliament. But as not in all federal states the prosecutors and courts categorize the crimes according to xenophobic, extreme right-wing and anti-Semitic critieria, but rather according to the type of criminal act of the Penal Code (e.g. bodily harm), the identification of relevant verdicts is not always possible.

[24] Typical crimes are the display of anticonstitutional symbols, often combined with wilful damage to property, the production and distribution of fan brochures and flyers as well as the trade in relevant music CDs.

Study C: Biographical backgrounds and motivation of xenophobic violent criminals (Wahl et al. 2001):

This study, which is based on an analysis of in-depth interviews that have been carried out with 115 xenophobic violent criminals, had the objective to find out more about the biographical background and the motivation of these perpetrators. The result was that the individual socialisation of the vioelnt criminals usually occurs in several phases:

- In the socialisation process within the family violence has been frequently experienced and learned as the means to solve everyday problems. The shaping of distinctive ideological attitudes does hardly happen in the family though.
- The socialisation process in school is characterised by increasingly low achievement, drop-out and delinquent behaviour. Almost all perpetrators showed difficulties in their social behaviour already as children and about 90% of the perpetrators attracted attention in primary school with violent behavior.
- The socialisation within (extreme right-wing and xenophobic) groups starts relatively early. By joining and being socialised in those groups an increasinly extreme right-wing and xenophobic attitude begins to develop.

Study D: The politically motivated violent criminal in Baden-Wurttemberg. A crime-/ perpetrator-oriented study of the years 1999 to 2001 (Landeskriminalamt Baden-Württemberg 2002):

The results of this study are based on an analysis of data that has been registered in the file "Politically motivated violent criminals" at the State Office of Criminal Investigation Baden-Wurttemberg since 1999 in an anonymous form. This file contains, among others, data on the personality structure, the social environment as well as the motivation of political violent criminals. These findings again result from "Additional Information on Violent Criminals", which has been transferred to the State Office of Criminal Investigation by the responsible local police offices. The data has been collected by the police in the investigation process. The data has been written down immediately after the questioning of the accused (Landeskriminalamt Baden-Württemberg 2002, p. 3).

Among the investigated 467 extreme right-wing violent criminals between 1999 and 2001 52.9% (247) were members of the skinhead milieu. This is concurrent with the results of the study by Peucker/Gaßebner/Wahl, who found that about 50% of the suspected perpetrators came from shinhead groups. The majority of the violent criminals is between 16 and 23 years old (78%). The number of female criminals amounts to almost 6%.

About half of all violent criminals have no school-leaving qualification or have only completed general-education secondary school (*Hauptschulabschluss*). "The results suggest a correlation between level of education and willingness for violence (own translation)" (Landeskriminalamt Baden-Württemberg 2002, p. 12). With regard to the vocational status one can note that 28% of the violent criminals are manual workers, 4.4% are skilled workers, about 23% are serving apprenticeship and 6.7% are unemployed. (In this respect one cannot suggest a direct correlation between unemployment and extreme right-wing violence). 14% are still in school and 2.2% are soldiers.

About a third of the violent criminals are first offenders. Another third have already been registered previously with criminal acts in general criminality. About 20% have been recorded

with criminal acts in general criminality as well as with politically motivated crimes and are in that respect habitual offenders.

About two third of the suspected criminals do not belong to an organised group or extreme right-wing party. This shows that the majority, including the skinhead milieu, rather rejects fixed organisation structures. 36% of the violent criminal ststed that they had acted because of xenophobic motives. More than two third of the violent criminals committed the crime at or near the place where they live. Rural areas and small towns (with less than 20,000 inhabitants) are with almost 10% more affected by violent criminals than medium-sized or large cities. The **majority of criminal acts** was committed during the **weekend** between 11 p.m. and 6 a.m., often during or after events (e.g. concerts) and the violent criminals have mostly been encouraged by alcohol (three quarters have been **under the influence of alcohol** during the crime). In addition, this study also shows that more than 80% of the violent criminals committed the crime jointly with several others or out of the group.

The majority of the criminal acts are committed with physical violence. It has also been noted, though, that violent criminals who carry a weapon or objects that might be used as a weapon used them. About two third of the violent criminal committed their crimes against non-German and migrants with German citizenship or against persons who they "thought to be non-Germans by mistake (own translation)" (Landeskriminalamt Baden-Württemberg 2002, p. 19).

6 Victims

6.1 Statistical data on victims

Table 12: Politically motivated criminality - right-wing 2001/2002: Injured people

	Injured people as a result of "politically motivated criminality - right-wing"	The number of which were injured as a result of xenophobic and/or anti-Semitic crimes
January 2001	40	25
February 2001	36	16
March 2001	45	20
April 2001	64	39
May 2001	54	25
June 2001	29	17
July 2001	20	10
August 2001	29	17
September 2001	16	8
October 2001	19	5
November 2001	25	12
December 2001	8	7
January 2002	52	19
February 2002	14	11
March 2002	13	12
April 2002	9	2
May 2002	20	5
June 2002	27	13

Source: Criminal Investigation Registration Service - politically motivated criminality

The number of people injured by extreme right-wing violence amounted to 385 in 2001 (according to KPMD-PMK). More than half of them were victims of xenophobic and/or anti-

Semitic motivated violence. In the first six months of 2002 135 injured people were registered.

More detailed information on the goup of victims can be found in studies mentioned above which were carried out on behalf of the BMI (Peucker/Gaßebner/Wahl 2001, p. 51-52). In 55% of all xenophobic criminal acts one victim, in another 25% two victims have been identified.

Looking at the victims of xenophobic violent acts one can note that two third of the victims are non-Germans, of which almost 50% are asylum seekers, with people with certain ethnic origins being particularly affected because of their outward appearance (for example, Turks or people of African origin, Sinti and Roma, in eastern German also Vietnamese). Slightly more than 10% are ethnic Germans (*Spätaussiedler*) who are also frequently perceived as non-Germans (foreigners, "Russians").[25] Almost a fifth of the victims of xenophobic violent crimes are German citizens (without ethnic Germans). This "can be explained, among others, by German citizens intervening, for example, in fights between perepetrators and non-Germans, by non-German peoples' German friends who are drawn into the confrontation, and by German citizens with (partly) different ethnic origin (own translation)" (BMI 2001, p. 53). In addition, homeless, handicapped, punks and politically left-oriented people are victims of right-wing violence.

"Dunkelfeld" (Twilight zone)
Not all extreme right-wing criminal acts are reported to the police, as the victims refrain from reporting them out of fear of retaliation, because they are not sufficiently informed on the legal basis or don't trust the judicial system, or they had negative experiences as non-Germans/migrants with German police authorities. Because of these findings advice centers for victims of right-wing violence have been established during the last years (especially in the eastern federal states).

6.2 Assistance for the victims

People who have been victims of an act of violence can assert their entitlement on compensation according to the Law on Compensation of Victims of Acts of Violence (*Opferentschädigungsgesetz – OEG*). Entitled are "people who have suffered bodily harm by a wilful,unlawful attack (injured party) or who are surviving dependants of people who died as a consequence of this bodily harm (own translation)" (Printed matter of the German parliament 14/7058, p. 4). The regulations of this law generally also apply to migrants without German passport, citizen of other EU member states receive the same benefits as Germans. In case of third country nationals the extent of the benefits depends on the length of residence in Germany (Printed matter of the German parliament 14/6415, p. 130).

In the Federal Budget 2001 ten million DM were provided for the establishment of a **hardship fund** for victims of right-wing violence, 5 millionen DM were provided for measures of assistance for the victims. Until the end of 2001 about 2.64 million DM have been claimed. For the year 2002 the federal government has provided 2.5 million Euro for this purpose. The applications for compensation are submitted to the Chief Federal Prosecutor at the Federal Court who is also responsible for the distribution of the funds. In 2001 210 applications for compensation have been submitted: 121 applications (in favour of 151 persons) were acceded, 52 applications were rejected, 31 of the latter because no extreme right-wing background was obvious and 7 because the crime happened before January 1, 1999

[25] At the beginning of May 2002, for instance, two young male ethnic Germans were beaten up in Alt-Dabern by a group of young people. One of the victims was hit by a 25 kilo stone block on the abdomen, suffering life-threatening internal injuries, of which he died on May 23, 2002.

(32 applications are still being processed). The compensations amounted to 500 to 500,000 DM (cf. Printed matter of the German parliament 14/8537 and 14/7058).

In addition, the Federal Ministry of Justice plans to introduce a new paragraph in the Penal Code (§ 40 StGB) which intends to transfer one tenth of the amount of the fine paid by the perpetrator to a charitable institution that assists victims. "A part of the paid fine will be used for the purpose of assisting and compensating the victims, especially in those cases which are not covered by the the Law on Compensation of Victims of Acts of Violence (own translation)" (Bericht der Bundesregierung 2002, p. 68).

In March 2001 the Federal Government was asked by a motion of the parliament parties SPD, BÜNDNIS 90/The Green Party, FDP and PDS called "Against right-wing extremism, xenophobia, anti-Semitism and violence" to "improve the protection of potential victims of criminal acts and acts of violence as a contribution in combatting right-wing extremism (own translation)" (Printed matter of the German perliament 14/5456). This claim for advice and counselling of (potential) victims of extreme right-wing attacks was also integrated as one main aspect in the federal programme CIVITAS. Within this programme six mobile counselling teams and eight advice centers for victims have been established in the eastern federal states until November 2001 with a total volume of DM 3.1 million.

In the meantime there are - especially in the eastern federal states - various **advice centers for victims of extreme right-wing violence**. These centers offer various types of assisstance either by an outward approach of potential victims or by being consulted by advice-seeking victims: legal advice, assistance in the search of witnesses, accompanying to authorities or court proceedings, finding appropriate medical or psychotherapeutic help, assistance in the application for compensation as well as for the coverage of legal expenses, providing contacts with initiatives that assist victims locally. It is the objective to shift the emphasis from concentrating on the perpetrator to promoting processes of increasing solidarity in the social environment of the victims, to extend alliances against exclusion, to strengthen democratic structures and to weaken the right-wing power (see "Focussing on the victims*" (Die Opfer in den Blickpunkt rücken*) at www.kamalatta.de/opferperspektive/Opferper spektive.html).[26]

As most of the projects in the area counselling of victims/ protection of victims have just been started, there are no evaluations available yet. The experience of advice centers that have been active for some time shows, however, that there is a need for counselling. Advice especially for victims of extreme right-wing violence should be provided at those places where these criminal acts are committed frequently, where the minorities in question can only insufficiently be reached by the already existing, unspecialised advice centers because of higher obstacles for admission or because of language problems and where, "moreover, deficits in the structures of civil society" (own translation)" (Möller 2002, p. 96) are discernible, which is particularly the case in the new federal states. The work of the advice centers for victims is accompanied academically by Alice-Salomon-Fachhochschule Berlin.

[26] For details on the protection of victims see Printed matter of the German parliament 14/7058, the response of the state geovernment of North Rhine Westphalia on the written question 1 of the parliament party Bündnis 90/The Green Party of May 7, 2001, Right-wing extremism in North Rhine Westphalia, Printed matter 13/1146, chapter 9 „Protection of victims“, p. 138-142 as well as Möller 2002, p. 93-96.

As examples for advice centers for vctims the following can be named:

- Opferperspektive - Beratung für Opfer rechtsextremer Gewalt in Brandenburg (Perspective of the victim - Advice for the victims of extreme right-wing violence in Brandenburg) (www.opferperspektive.de)[27]
- Aktion Cura – Hilfe für Opfer von Ausländerfeindlichkeit e.V.(Assistance for the victims of xenophobia) (www.aktion-cura.de)
- Miteinander e.V. (www.mobile-opferberatung.de).

In spring 2002 the majority of the advice centers for victims have joined the „Arbeitsgemeinschaft der Beratungsprojekte für Opfer von rassistischer, rechtsextremistischer und antisemitischer Gewalt“ (Agora) (Team of the counselling projects for victims of racist, extreme right-wing and anti-Semitic violence) that has the objective to increase the public relations work and the lobbying activities on the one hand, and to promote the knowledge exchange among the members on the other hand (see www.agora-info.de). This union of advice centers for victims in the new federal states demands that victims of xenophobic violence should be granted permanent right of residence in Germany. As reason for this claim it is stated that by granting the victims the right to stay, the perpetrators - who want to deny this to the victims - will be shown "that their action does not lead to the intended, but opposite consequence" (www.agora-info.de/position.htm). In the federal state Berlin the government parties have already agreed on an appropriate regulation (Frankfurter Rundschau of July 5, 2002).

Victims of xenophobic violence are also supported by lawyers. The Deutscher Anwalt Verein DAV (German Union of Lawyers) has established the „DAV Stiftung contra Rechtsextremismus und Gewalt“ (DAV Foundation against right-wing extremism and violence) with the objective to assist the victims of extreme right-wing and politically motivated violence by quickly enabling them to claim their rights by providing legal assistance.

[27] At the web site of „Opferperspektive“ (“the victims’ perspective”) one can also find addresses and links to other advice centers for victims.

7 Extreme Right-wing and Xenophobic Parties and Groups

The development of extreme right-wing and xenophobic organisations and parties as well as their membership figures in Germany can be presented as follows:

Table 13: Pool of Potential Extreme Right-wingers[1] 1993 to 2001

	1993	1994	1995	1996	1997	1998	1999	2000	2001
Extreme right-wingers who are characterised by a subculture or who are otherwise liable to be violent[2]	5,600	5,400	6,200	6,400	7,600	8,200	9,000	9,700	10,400
Neo-Nazis[3]	2,450	2,930	1,980	2,420	2,400	2,400	2,200	2,200	2,800
Parties	54,900	45,400	35,900	33,500	34,800	39,000	37,000	36,500	33,000
of which									
"The Republicans" (REP)[4]	23,000	20,000	15,000	15,000	15,000	15,000	14,000	13,000	11,500
"Union of German People " (DVU)	26,000	20,000	16,000	15,000	15,500	18,000	17,000	17,000	15,000
"German National Democratic Party " (NPD)	5,000	4,500	4,000	3,500	4,300	6,000	6,000	6,500	6,500
Other extreme right-wing organisations	2,220	2,940	2,660	3,700	4,300	4,500	4,200	4,200	4,300
Total	65,400	57,470	46,740	46,020	49,100	54,100	52,400	52,600	50,500
After subtracting multiple membership	64,500	56,600	46,100	45,300	48,400	53,600	51,400	50,900	49,700

Source: Bundesamt für Verfassungsschutz (Federal Office for Internal Security) 2001a, 2002

1) The figures given are based on information from the Bundesamt für Verfassungsschutz (Federal Office for Internal Security) and are, in part, estimated or rounded-up.
2) The majority of extreme right-wingers who are characterised by a subculture or who are otherwise liable to be violent (mostly skinheads) are not organised in groups.
3) Figures after subtracting multiple membership within the neo-Nazi milieu.
4) The Bundesamt für Verfassungsschutz (Federal Office for Internal Security) notes that it cannot be assumed that all members of the REP pursue or support extreme right-wing aims.

Although the pool of potential extreme right-wingers has reduced by approximately a quarter in the period from 1993 to 2001, the number of extreme right-wingers prepared to commit violence has almost doubled from 5,600 to 10,400. The proportion of people from the new federal states amongst the extreme right-wingers prepared to commit violence is disproportionately high at a rate of approximately 50% (considering that the proportion of people from the new federal states in the total population of Germany is 21%).

In the case of the **potentially violent extreme right-wingers** who are 'characterised by a subculture' and who in the meantime constitute over 20% of the pool of potential extreme right-wingers, the **majority are skinheads** (cf. Bundesamt für Verfassungsschutz 2001a). The skinhead scene is a youth subculture to which mainly young males belong and whose belonging to this milieu is generally apparent from their outer appearance and their conduct. In contrast to the neo-Nazis, the skinhead scene is characterised by a lower degree of organisation. The right-wing members of this group usually have a rather diffuse world view which is marked by xenophobic, nationalistic and anti-Semitic attitudes. Skinheads are repeatedly involved in spontaneous acts of violence against foreigners, homeless people or political opponents, which are frequently accompanied by a high consumption of alcohol. An important element in this scene is their music which, with its racist texts glorifying violence, is to be seen as an integrating factor and which creates a feeling of community amongst the audience of the corresponding concerts linked with the 'attraction of breaking taboos' (cf. Bundesamt für Verfassungsschutz 2002).

The **neo-Nazis** constitute a better organised group. They are usually organised in Kameradschaften (groups of comrades) and mostly are active only regionally, although they often show their presence in public (for example, with demonstrations and public rallies). Their ideology is marked by aggressive support for a National Socialist system, open racism, xenophobia and anti-Semitism. There are approximately 150 groups of comrades in Germany, with each group comprising around 5-20 members aged between 18 and 25. The proportion of women in this movement is low at around 10%. The groups of comrades are characterised by their rigid structures, their hierarchies and their ability to act. The number of active neo-Nazis compared to the previous year rose in 2001 by about a quarter, from 2,200 to 2,800. (cf. in more detail Bundesamt für Verfassungsschutz 2002, pp.53-61).

Alongside the various, more or less well-organised groups in the extreme right-wing milieu, there are also several extreme right-wing and xenophobically-oriented parties in Germany which, amongst others, draw attention to themselves due to the fact that they would like to prevent any form of migration of foreigners. The most influential amongst them are briefly outlined below:

The most aggressive extreme right-wing party at present is the **Nationaldemokratische Partei Deutschland (German National Democratic Party) (NPD)**. It had 6,500 members in 2001. The party openly fights against a liberal-democratic fundamental order, pursuing a 'concept with three pillars': demonstrations (the fight for the streets), ideological indoctrination (the fight for the intellect) and participation in elections (the fight for parliament). In their manifesto for the elections to the Bundestag on 22 September, 2002, the NPD demands a "stop to immigration and a law to send the foreigners back - Germany is the country of the Germans!' (own translation). Further slogans of the election programme are "A community of one people instead of multicultural madness", "Foreigners endanger the pension funds" and "Multicultural society - multicriminal reality" (own translations) (cf. in more detail Bundesamt für Verfassungsschutz 2002, pp. 62-90). At the end of 2000, a public discussion began about instigating a banning procedure against the NPD.

The strongest party in terms of membership figures at present is the **Deutsche Volksunion (Union of German People) (DVU)**. The number of members sank from 26,000 in 1993 to around 15,000 in 2001. The party programme of the DVU is characterised by the typical extreme right-wing spectrum of themes. It is extremely nationalist, xenophobic, anti-Semitic and revisionist. "Foreigners and Jews are discriminated against and serve the party as images of an anti-German enemy" (own translation) (Bundesamt für Verfassungsschutz 2002, p. 91). In its programme, the DVU demands the "restriction of the proportion of foreigners", a "stop to the increasing flood of foreigners" as well as the "deportation of criminal foreigners" (own translations) (for more information on the DVU, see Bundesamt für Verfassungsschutz 2002, pp. 91-101).

The party, the **Republikaner (the Republicans) (REP),** which is generally characterised as democratic, continues to give cause to suspect extreme right-wing endeavours, according to the Federal Office for Internal Security. The membership of the REP sank from 23,000 in 1993 to 11,500 in 2001. Although the party leader continues to attempt to present the party as a right-wing conservative party within the spectrum of democratic parties, several important groups within the party categorically support the rejection of the liberal-democratic fundamental order. Xenophobia and agitation against the constitutional parliamentary state can clearly be recognised in this party. Attempts are also made to play down the role of the National Socialist regime through the twisting of historical facts (for more detail on the REP, see Bundesamt für Verfassungsschutz 2002, pp. 102-113). In the election campaign 2002, the

Republicans advertise their policies with xenophobic slogans such as "The boat is full", "Repatriation instead of immigration" and "Our republic does not need a migration law! We Republicans will bring in a repatriation law!" (own translations).

In addition to the parties named above, there are several smaller extreme right-wing parties and groups of voters which are, however, rather insignificant from a quantitative viewpoint. Examples include the Deutsche Liga für Volk und Heimat (The German League for the Nation and Homeland) with 200 members, the Deutsche Aufbau-Organisation (German Foundation Organisation) and the group which split from the DVU, the Freiheitliche Deutsche Volkspartei (Liberal German People's Party) (own translations) with 200 members.

It should be mentioned that an increasing development of 'mixed scenes', as they are known, can be determined. For example, the neo-Nazi milieu increasingly combines with the skinhead scene. The NPD also works closely with skinheads and neo-Nazis, especially at larger events and demonstrations, which has led to inner-party conflicts about the future course of the party. The NPD co-operates above all in the area of the "fight for the street" with skinheads and implements a policy of alliance with the neo-Nazis. According to the Federal Office for Internal Security, many members of the REP maintain close contacts to extreme right-wingers (cf. Bundesamt für Verfassungsschutz 2002, p. 109).

8 Good Practice

Alliance for Democracy and Tolerance (*Bündnis für Demokratie und Toleranz*)

The Bündnis für Demokratie und Toleranz - gegen Extremismus und Gewalt (Alliance for Democracy and Tolerance - against Extremism and Violence) was officially founded on 23 May, 2000, the 'Day of the German Constitution', under the motto "Hinschauen - Handeln - Helfen" (Look - Act - Help) (http://www.buendnis-toleranz.de/). Since then, **over 900 groups and individuals**, including school classes, societies, local action groups and artists, have expressed their interest in participating in order to confront xenophobic, racist and anti-Semitic violence.

The Alliance acts as a kind of umbrella organisation to co-ordinate and financially support individual projects. The work of the Alliance is organised to a large extent by a 20-strong committee made up of representatives from the government and parliament, the spokespersons on migrant affairs of the Federal Republic and the Berlin Senate, representatives from industry, the trade unions, academia, the Jewish community and social organisations. The additional programmes set up by the federal government in 2001, 'XENOS', 'CIVITAS' and Maßnahmen gegen Gewalt und Rechtsextremismus (Measures Against Violence and Right-wing Extremism) (ENTIMON) (see below), also fall under the auspices of the Alliance. One of its central aims is to foster the involvement of civil society, above all, on a local level. The aim of all the projects is *prevention* through the support and promotion of decentralised projects, advisory bodies and pedagogical and social action groups. In the resolution of the committee it is stated "The committee upholds a broad-based and unbureaucratic support of these projects. Great effect can be achieved here, even with small sums of money" (Bundesministerium des Innern, resolution of the committee 2001) (own translation).

In addition to fostering external projects, the Alliance has also started its own activities, amongst others, a competition entitled "Aktiv für Demokratie und Toleranz" (Active for

Democracy and Tolerance), the aim of which is to support exemplary activities, the regular award of the title "Botschafter der Toleranz" (Ambassador of Tolerance) and the Victor-Klemperer-Jugendwettbewerb (Victor Klemperer Youth Competition. Under the motto 'WE win - active for civil commitment' (own translation), young people are encouraged in the latter competition to seek out voluntary work carried out by members of their community, or to start a project themselves and report about it. The aim is to interest young people as early as possible in community involvement in society in order to prevent extremist tendencies arising in the first place. Young people over the age of 15 can take part. Over 20,000 pupils took part in the first 'Victor Klemperer Youth Competition' in 2001 with the theme 'Creative for Democracy and Tolerance'. There were 1,712 entries. In 2002, more than 2,000 schools and societies along with young army conscripts took part in the competition. The winner from more than 200 individual and group projects was the group "Schule ohne Rassismus" (School without Racism) from Frankfurt/Oder (see www.victor-klemperer-wettbewerb.de).

The Programme "Jugend für Toleranz und Demokratie – gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus" (Young People for Tolerance and Democracy - against Right-wing Extremism, Xenophobia and Anti-Semitism)

The programme "Jugend für Toleranz und Demokratie – gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus" (Young People for Tolerance and Democracy - against Right-wing Extremism, Xenophobia and Anti-Semitism) by the Bundesministerium für Familie, Senioren, Frauen und Jugend (Federal Ministry for the Family, Senior Citizens, Women and Young People) falls under the auspices of the "Alliance for Democracy and Tolerance - against Extremism and Violence". It comprises the following three programme parts:
XENOS – Leben und Arbeiten in Vielfalt (Plural Living and Working)
CIVITAS – Initiativ gegen Rechtsextremismus in den neuen Bundesländern (Initiative against Right-wing Extremism in the New Federal States)
ENTIMON – Gemeinsam gegen Gewalt und Rechtsextremismus (Together against Violence and Right-wing Extremism)
A brief description of each follows.

XENOS – Leben und Arbeiten in Vielfalt (XENOS - Plural Living and Working)

The programme XENOS - Living and Working in Variety pursues the aim of fighting racism, xenophobia and intolerance by means of concrete measures and projects. Above all, the focus is on **measures against marginalisation and discrimination in the workplace**. Particularly young people who have shown xenophobic thought and behaviour, or who seem open to such ideas, are to be addressed by XENOS. The programme should contribute to mutual understanding and support the learning and working of Germans and foreigners together. Young people are particularly addressed by its participatory approach. The project attaches importance to young people actively involving themselves in ventures against xenophobia and developing their own ideas. School projects, workshops and seminars on XENOS-specific topics are to be integrated into schools or vocational training or into everyday working life. Experts from the field of youth social work, employees in companies or in administrative bodies are to take part in further training courses on the subjects of mediation, conflict solving, intercultural training and prevention of violence. The aim is to impart options for action in order to react professionally to xenophobic situations occurring in the workplace or during vocational training.

XENOS was conceived as a federal programme under the auspices of the Federal Government involving the Federal Government, the Federal States, communities and other institutions. The following instruments and measures are to be supported:

- integrated local projects which are implemented as networked measures in combination with activities relating to labour-market policies,
- qualification of multipliers (conflict management, intercultural training),
- measures in schools, the workplace and companies,
- Information and sensitisation.

The content-based organisation of the programme lies jointly in the hands of the Bundesministerium für Arbeit und Sozialordnung (BMA) (Federal Ministry of Employment and Social Affairs) and the Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) (Federal Ministry for the Family, Senior Citizens, Women and Young People). The European Office for Project Management (efp) has been given the task of being the national co-ordinating body for XENOS to implement and assist in the programme.

The opening event for the XENOS project took place on 13 February, 2001 in Berlin. It is a part of the pan-German 'Alliance for Democracy and Tolerance – against Extremism and Violence'. In the meantime, 117 projects have begun their work within the framework of XENOS (per 15.01.2002).). At present (August 2002) a further 600 suggested projects are being assessed from which, in a second round of the support process, up to 125 projects are to be selected. More information, especially regarding the individual projects supported by XENOS, can be found at www.XENOS-de.de.

An evaluation of XENOS is not available yet.

CIVITAS - Initiativ gegen Rechtsextremismus in den neuen Bundesländern (Initiative against Right-wing Extremism in the New Federal States)

The aim of the CIVITAS programme (www.jugendstiftung-civitas.org) is to strengthen 'democratic, community-orientated culture' and to 'point the way against right-wing extremism, xenophobia and violence' [own translation] in the new federal states by promoting model projects to advise, educate and support initiatives against right-wing extremism as well as model projects to advise victims or potential victims of crimes and acts of violence with a extreme right-wing background (cf. Service Centre CIVITAS 2002: Situation Report, p.4 (Servicestelle CIVITAS 2002: Sachstandsbericht); Printed matter from the German Parliament 14/6415 of 22 June 2001, p. 112). The areas supported extend to mobile advisory teams, as they are known, victim support centres as well as help for local initiatives (even if they are occasionally one-day projects). In 2002, the CIVITAS guidelines were expanded to incorporate two further programme areas: "Networking of Civil Involvement in the Community" as well as "Supraregional Model Projects". The programme was put into practice by the Stiftung Demokratische Jugend (Democratic Youth Foundation) in co-operation with the Amadeu Antonio Stiftung (Amadeu Antonio Foundation).

In 2001, 317 of the 578 applications were approved. The following table shows the distribution amongst the federal states.

Table 14: Distribution of the projects approved in 2001 according to project area and federal state

Federal State	Strengthening civil structures in the community[1]	Victim support centres	Mobile advisory teams
Berlin	40	1	2
Brandenburg	78	1	0
Mecklenburg-West Pomerania	43	1	2
Saxony	67	2	1
Saxony-Anhalt	27	2	0
Thuringia	48	1	1

Source: Servicestelle (Service Center) CIVITAS 2002

1) Roughly the following projects are included here: working with children and young people, co-ordination, advising and building networks, further education and training, events and concerts.

In 2002, 123 of 321 project applications were approved (per: 17 April 2002). Amongst others, 24 network centres were supported within the framework of the newly included programme area 'Networking' (for further information, see Servicestelle CIVITAS 2002: Sachstandsbericht (Service Centre CIVITAS 2002: Situation Report), p.15).[28]

An evaluation of CIVITAS is not available yet, but has been planned though. Nevertheless some people concerned with putting this programme into practice have critized it. One of the crittized aspects was that the individual measures are without academic support and counselling and therefore no transfer between theory and practice takes place. In this respect an increased need for further qualification of the personnel was seen. It was also critized that the foundations responsible for the implementation of the programme prefer measures which coincide with practical interests. There has been a trend, for instance, to abandon the outward approach of social work with right-wing and extremist young people. One further problem can be put down to the fact that there has not been enough experience yet with this topic in the new federal states. As a consequence, many applications are of low quality, especially in the area of intercultural promotion of competence. In addition, it is difficult to find personnel suited to the projects, especially in the new federal states. In the course of the programme and the indicidual projects an increased need for counselling of key persons of civil society becomes apparent, which cannot be coped with by the Mobile Counselling Teams (see for more information Möller 2002, S. 82-83).

ENTIMON – Gemeinsam gegen Gewalt und Rechtsextremismus (ENTIMON - Together against Violence and Right-wing Extremism)

A further element of the programme is ENTIMON within which the Maßnahmen gegen Gewalt und Rechtsextremismus (Measures Against Violence and Right-wing Extremism/ENTIMON) started in 2001 are continued in 2002 under a different name and with new accents. Already in 2001, over 1,500 projects were supported within the framework of this part of the programme, amongst them, conferences, courses, workshops, festivals, theatre projects and international encounters between young people. These also include local plans of action against violence, right-wing extremism and xenophobia which are directed towards young people in socially difficult environments. Political education measures form the focus of this part of the programme, both now in 2002 as they did in 2001. The programme aims to

[28] Information on the projects supported can be accessed at the aforementioned web site.

foster the practice of tolerance, intercultural dialogue, the willingness to involve oneself in community tasks, democratic behaviour and having the courage of one's convictions, as well as to impart the basics of a reliable, political education. Projects of national significance are supported (such as action events, Rock gegen Rechts (Rock against the Right (own translation), measures to support youth work in co-operation with the Bundeszentrale für politische Bildung (Federal Centre for Political Education) and other federal bodies, as well as projects to initiate civil commitment, especially on a community level. The target groups for ENTIMON are particularly pupils from secondary modern and vocational schools, but also parents, multipliers and migrants. In 2002, 239 projects were supported. A list of the individual projects with the address and main area of support can be accessed at www.entimon.de/doc/entimon_prioritaet_1.pdf.

The Deutsches Jugendinstitut DJI (German Youth Institute) (own translation) was given the task of academically supporting the programme; the Institute published an evaluation report in April 2002 for the year 2001. (Deutsches Jugendinstitut 2002: Bericht der wissenschaftlichen Begleitung der 'Maßnahmen gegen Rechtsextremismus und Gewalt' (Report on the academic evaluation of the "measures against right-wing extremism and violence", Leipzig. The report can be accessed at www.entimon.de/doc/abschlu.pdf). Several results of this first evaluation should be mentioned briefly here: the report determines that the proposed aim of localised involvement has been realised. However, it is also mentioned that, particularly in the area of the projects on intercultural learning, problem areas have become apparent (overloading with intercultural learning constellations, working with "outdated" methods which, in part, confirm clichés).[29] In addition, contrary to the declared aims of the programme, only few of the projects have reached the important target group of pupils from secondary modern and vocational schools. This result "reflects the well-known problem that political education mainly reaches the group of people who, due to their socialisation, are interested in it anyway" (own translation) (ibid., p.27).

Furthermore, there are numerous projects and measures maintained on the level of the federal states and on the local level by varous financing sources which caanot be presented here. Information on these projects can be found, for instance, in the KODEX data file (Kommunale Datenbank gegen Gewalt, Extremismus und Fremdenfeindlichkeit (Local data file against violence, extremism and xenophobia)), which contains the descriptions of currently about 440 projects on the internet at www.kommunen-gegen-gewalt.de/DSTGB.asp. Further information can be found in the publication „Kriminalprävention. Rechtsextremismus – Antisemitismus – Fremdenfeindlichkeit“ (Prevention of criminality. Right-wing extremism - Anti-semitism - xenophobia) which was published in 2000 by the Bundeskriminalamt (Federal Office of Criminal Investigation) and which also contains the descriptions of various projects.

Staatliche Aussteigerprogramm für Rechtsextreme (Federal Programmes to Encourage Right-wing Extremists to Leave this Movement)

Since mid-April 2001, the Aussteigerprogramm für Rechtsextreme (Federal Programme to Encourage Right-wing Extremists to Leave this Movement) has been running with its launch being accompanied by considerable media interest. Initiated by the Minister of the Interior it is run by the Bundesamt für Verfassungsschutz (Federal Office for Internal Security). The preventatively orientated project primarily pursues two aims. On the one hand, the extreme right-wing milieu is to be unnerved and weakened by encouraging leading figures to leave

[29] For this reason, a conference is being planned within the framework of academic support for ENTIMON on the topic of 'intercultural education/ intercultural dialogue' to establish quality standards for intercultural projects.

this scene. On the other hand, attempts are being made to prevent “Mitläufer” (hangers-on) who are not firmly entrenched in the right-wing milieu from drifting into potentially violent environments. Within the framework of the programme, the BfV, in co-operation with the youth and employment offices, arranges jobs or training places, for example, for those willing to leave right-wing groups, or helps them in finding a place to live. In exceptional cases, financial help is also available in order to facilitate 'a return to democracy' for leading neo-Nazis (for example, by financing a new identity).

The programme consists of two phases. In the course of an active strategy, leading figures from the extreme right-wing who shows signs of wanting to leave this milieu are directly addressed. In line with a more passive manner of proceeding, a telephone hotline was set up at the Federal Office for Internal Security which neo-Nazis could use to obtain help in leaving this milieu. Between April 2001 and May 2002, approximately 775 telephone calls were received. Around 185 callers were seen by the BfV as being potentially willing to leave the milieu. In further conversations with the callers, however, 110 turned out not to be sufficiently prepared to leave the right-wing groups. Approximately 70 people are or were still in contact with the BfV. Some of the cases have been successfully closed in the meantime. However, the federal government cannot or will not give a concrete figure for the number of people who have left the right-wing milieu with the help of the programme.

The implementation of the programme was welcomed across the political board, particularly since individual federal states have started such programmes of their own. However, the programmes of the federal states differ in part with regard to their procedures and organisation. For example, in Saxony-Anhalt, priority is given to dialogue with right-wing extremists who have committed violent crimes (www.sachsen-anhalt.de). However, there are exceptions here, such as those who are serving sentences or are presently under investigation. In Baden-Württemberg (www.polizei-bw.de), a police-orientated programme has been set up with its location being the State Office of Criminal Investigation. In this programme, known extreme right-wingers are directly targeted. The justice department of Lower Saxony in its contact centre Aussteigerhilfe Rechts (Help for Those Willing to Leave - Right-wing) places its emphasis on criminals with a radical right-wing background. They are to be given improved assistance in leaving this milieu. At the beginning of 2002, the Ministry of Justice in Brandenburg (www.brandenburg.de) started the model project "Präventive Arbeit mit rechtsextremistisch beeinflussten Jugendlichen im Jugendstrafvollzug des Landes Brandenburg" (Preventative Work with Young People Influenced by the Extreme Right-wing in Youth Custody in the State of Brandenburg). Within the framework of this project, the aim is to reduce or remove the extreme right-wing tendencies of young people in custody. Alongside these active measures of the state authorities, in many federal states telephone hotlines have been established which function according to the same principles as the federal hotline. Lines have been set up for those wishing to leave the right-wing milieu in Baden-Württemberg, Bavaria, Hamburg, Rheinland-Palatinate, Saarland, Saxony and North Rhine-Westfalia. The Bavarian Interior Ministry announced that, thanks to the programme, of a total of 70 people targeted, in the meantime 21 have left the right-wing milieu. Critics have commented that the programme may encourage people to join the movement and then to leave it later, obtaining subsidies in the process.

EXIT (The EXIT Programme to Encourage Right-wing Extremists to Leave this Movement)

The privately initiated EXIT programme, which was already started in late summer 2000, follows the same aim with different methods (www.exit-deutschland.de). Following the model of the Swedish EXIT programme, started in 1998 by a former neo-Nazi, the aim of the EXIT Germany programme is to give those willing to leave the extreme right-wing movement a guideline for self-help. It contains personal security concepts for the avoidance of attacks by extreme right-wingers on those potentially leaving this milieu, legal advice and the integration into sporting or artistic activities. Financial support for neo-Nazis willing to leave is not planned, however, and was evaluated as being counter-productive, in fact, by the initiators. Similarly, directly addressing neo-Nazis is also avoided as a certain process of reflection should have taken place before entering into dialogue with the EXIT workers. The project is financed by donations, whereby the main costs are borne by the German magazine *stern* within the framework of their project "Mut gegen rechte Gewalt" (Courage against Right-wing Violence) (own translation). 6o clients, mainly from the western federal states, are at present being looked after by EXIT; 28 have been reported to have definitively left the extreme right-wing milieu (per June 2002).

Polizei mit Migrantinnen und Migranten im Dialog (Police in Dialogue with Migrants)

In Germany there are, particluarly in larger cities with a high proportion of non-German inhabitants, some training programmes for police officers. As far as we know such programmes exist in Bonn, Cologne, Berlin, Offenbach and Frankfurt. As an example we would like to present in greater detail the project in Frankfurt "Polizei in einer multikulturellen Gesellschaft" (Police in a multicultural society (own translation)) and NAPAP ('NGOs and Police against Prejudice').
The basic idea of the project was to build bridges between the participants and to fight prejudices by "getting to know each others lifes better, exchanging information on the role of the police in a democratic society and on the living conditions of non-Germans in a large city (own translation)" (www.stadt-frankfurt.de/amka/). One tries to reach these objectives by the following methods:

1. All-day workshops with police officers and a coaching team with mixed nationalities
2. Seminars with representatives of various clubs
3. Community programmes, seminars and discussions between police and representatives of NGOs
4. Organisation of national working meetings
5. Organisation of transnational seminars.

The project is scientifically evaluated by the Hessische Stiftung Friedens- und Konfliktforschung (Hessian Foundation Research on Peace and Conflict).

In the meantime the European project NAPAP has been integrated in the regular programme of the city of Frankfurt and is carried out under the name "Polizei mit Migrantinnen und Migranten im Dialog" (Police in Dialogue with migrants): In cooperation with the Commissioner for Foreigners of the Frankfurt police, the Frankfurt police headquarters and the Hessian police school the AMKA participates at a sub-project of the EU in the field of Intercultural Communication and organised community seminars between NGOs and representatives of the police. A coaching team with mixed nationalities carried out workshops

with police officers as well as seminars with representatives of clubs on the topic of police work. After these separate preparation seminars joint discussion meetings were carried out as well as further qualification programmes for instructors of the police school and mediation of individual cases.

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