

2005 Data Collection: RAXEN National Report

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2005 Data Collection

RAXEN National Report

European Racism and Xenophobia Information Network

National Focal Point for GERMANY

European forum for migration studies (efms)

Authors

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According to Article 2. h. of Council Regulation (EC) No 1035/97 of 2 June 1997 the European Monitoring Centre on Racism and Xenophobia has set up and coordinates the European Racism and Xenophobia Information Network (RAXEN) composed of National Focal Points in each EU Member State in order to collect objective, reliable and comparable data and information on phenomena of racism, xenophobia and antisemitism. This report has been compiled by the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). The content of this report does not bind the EUMC and does not necessarily reflect its opinion or position. The EUMC accepts no liability whatsoever with regard to the information contained in this document. No mention of any authority, organisation, company or individual shall imply any approval or disapproval as to their standing and capability on the part of the EUMC.

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1. Executive Summary

Employment

The statistics show the continuously disadvantaged position of foreigners on the German labour market. The extent to which the disparities between Germans and non-Germans are a result of discrimination remains unclear. According to research, the level of perceived discrimination in the realm of employment is very high. Other research studies have come to the conclusion that the employment situation of foreigners is primarily a result of their lower level of qualification and not of discrimination.

The trade unions are key players in the promotion of equal treatment and non-discrimination in employment; the main legal basis for non-discrimination within the companies is the Works Constitution Act. Numerous good practice initiatives and projects are being conducted in the realm of employment – with different approaches: some projects aim at promoting equal treatment at the workplace, others focus on the improvement of the migrants' labour market-related skills and their employability. Large-scale support initiatives such as XENOS or the EU-programme EQUAL continue to be of great importance in this context.

Education

Foreign pupils are, on average, still less successful in the educational system than German pupils are. This disadvantaged position of non-Germans is particularly obvious in secondary education and, later on, at universities. The latest international OECD study (PISA) also concluded that children with a migration background and those from a lower social stratum achieve a significantly lower level of educational competence.

Many state ministries of education have recognised the need for pre-school language support especially for children from families with a migration background and have launched pre-school language training measures. More and more federal states have also initiated or expanded various model projects on Islamic religious instruction at state schools. The debate on Muslim teachers wearing headscarves has continued, especially in early 2005; several state parliaments have introduced legal amendments to ban Muslim teachers from wearing headscarves.

Legislation

Germany is still lacking a comprehensive anti-discrimination law which is suitable for transposing the EU Directives 2000/43/EC and 2000/78/EC. An anti-discrimination bill was introduced by the (former) German government and passed by the Parliament, the Upper House (*Bundesrat*), however, rejected the bill.

German legislation is – to a large extent – in accordance with the EU Directives on the EU citizens' right of free movement and on minimum standards for the reception of asylum seekers; only minor amendments to individual national

provisions seem necessary. The Council Framework Decision on combating trafficking in human beings was transposed in February 2005 with an amendment of the Criminal Law.

No Muslim organisation has been officially recognised as a public corporation (*Körperschaft öffentlichen Rechts*) in Germany, so far. As a consequence, the operation and legal status of Muslim communities in Germany remains weaker than the status of other more settled religious communities.

Non-EU citizens are not entitled to vote in municipal elections. In about 400 cities, however, all foreigners are allowed to vote in the elections of “foreigners’ councils”, which is intended to function as a representation of foreigners on the municipal level, but has only a low level of political influence.

Housing

Although the disparities between Germans and non-Germans are slowly decreasing in the realm of housing, the statistics still show a disadvantaged position of foreigners. To which extent discriminatory (allocation) practices play a role remains unclear. According to several studies, many housing companies are pursuing the implicit aim of finding the “right mixture” of German and non-German tenants by applying certain quotas.

Ethnic segregation has become an increasingly important issue in the debate on integration. This is reflected by the number of reports on this topic as well as by the programmes and projects in the fields of housing, segregation and integration. Many of these projects emphasise the active involvement and cooperation of migrants themselves.

Racist violence

The latest official annual statistics (2004) on politically motivated (PMK) right-wing crimes show – for the first time since 2001 – an increase of such crimes compared to the previous year. The number of crimes with a xenophobic or antisemitic background rose, too. The figures on PMK right-wing *violent* crimes which were deemed to be xenophobic, however, display a slightly diminishing tendency. Non-official statistics, mainly compiled by victim support organisations, confirm that the number of right-wing and xenophobic violent acts (in East Germany) remains on a high level.

Crime prevention and victim support seem to be core elements of police duties. However, proactive measures specifically focussing on right-wing crimes or assistance for victims of xenophobic crimes by police authorities are rather rare. Support work for victims of racist violence is predominately offered by specialised NGOs, most of them being supported within federal programmes. Numerous other organisations and projects which are engaged in combating right-wing extremism and xenophobia receive financial aid within these federal programmes.

2. Trends and developments in 2005

Employment

The situation of foreigners on the German labour market has not changed significantly, i.e. labour market statistics still show the disadvantaged position of foreigners. Nevertheless, some data indicate a positive trend, for instance, the increasing proportion of non-Germans who are self-employed or work as white collar employees.

Due to the fact that Germany still lacks a comprehensive anti-discrimination legislation, the main legal basis of anti-discrimination in employment continues to be the Industrial Relations Act. In an increasing number of companies, the employer and the work council have introduced additional voluntary agreements which aim at combating unequal treatment and (ethnic) discrimination at the workplace. Numerous good practice projects and initiatives in the area of employment are being conducted with the objective of improving the employability of migrants and promoting equal treatment. The two large-scale support programmes XENOS and EQUAL continue to play an important role in this context.

The trade union, the European Migrant Workers Union, founded in Germany in 2004, has started its support work for migrant workers in Germany; up to now, about 1,000 migrant workers have become members of this union.¹

Education

A significant improvement in the disadvantaged situation of foreigners in education has not occurred during the past few years. Compared to the early 1990s only minor positive developments concerning the achieved school leaving certificates can be detected; the proportion of those foreign pupils who attend grammar schools and those who attend special needs schools has hardly changed since the early nineties.

The state provisions on pre-school language support measures for migrant children, which were launched in some federal states in 2004, have been positively assessed. Similar programmes have been adopted in other federal states. Furthermore, model projects on Islamic religious education at state schools have been expanded, launched or announced to be launched.

The number of states which legally ban Muslim teachers from wearing headscarves at school has increased further in 2005: the state of Bremen passed such a law and the new state government in NRW has announced its intention to do so as well.

Existing good practice initiatives in the realm of education have been expanded and new projects and programmes have been launched in 2005. Many of these education-related integration projects illustrate the current trend of support measures to take a more comprehensive approach (e.g. by involving the parents of the migrant pupils).

¹ Frankfurter Rundschau (FR) (07.10.2005), p. 9

Legislation

The new Immigration Law, which came into effect on January 1, 2005, represents a decisive legal change concerning migration and integration. A core component of this law is the provisions on the migrants' right (or obligation) to take part in integration courses. In September 2005, the Federal Ministry of the Interior stated that about 162,000 foreigners had applied for these courses. The immigration law also transposes certain EU regulations on migration.²

The EU Equality Directives have still not been transposed into national law. In April 2005, Germany was found guilty of breaching EU law by failing to implement the Directive 200/43/EC. The anti-discrimination bill, which had been introduced by the government in December 2004, was passed by the Parliament; however, the Upper House rejected the bill. It is expected that the newly elected government will introduce a new bill, which – unlike the rejected bill of the former government – will not exceed the minimum standards required by the EU directives.

Housing

The statistical data show that the general situation of non-Germans in housing has improved during the past few years. Nevertheless, foreigners still represent a disadvantaged group.

The discussion on spatial segregation in Germany has been a core topic in the public debate on integration in 2005. Whereas a negative assessment of ethnic segregation has been dominant in the media reports (“parallel societies”), integration experts have drawn a more differentiated picture. Some of them point out that ethnic segregation – as a temporary transition phase – can also have a positive impact on the integration process; other experts argue that ethnic segregation is inevitable and therefore, instead of trying to avoid segregation, the living conditions in these neighbourhoods should be enhanced. These different assessments are reflected by the different approaches taken within good practice projects in housing. In addition to existing nationwide support programmes (which have been expanded further in 2005) new local projects have been initiated. A general tendency which can be detected in these initiatives and projects is the increasing focus on the involvement and participation of migrants themselves.

Racist violence

In 2004, the number of politically motivated (PMK) right-wing crimes increased compared to the previous year – for the first time since the introduction of the new registration system in 2001. PMK right-wing *violence* also remains on a high level. The number of PMK right-wing crimes registered in the course of 2005 has continued to increase; simultaneously the statistics show a slight decrease in the number of PMK right-wing crimes which are deemed to be xenophobic.

² Press release BMI 23.09.2005

3. Employment

3.1. Racism and xenophobia in employment

3.1.1. New sources of information: racism, discrimination and the situation of foreigners in employment

New official data sources do not exist. Non-official data on cases of ethnic discrimination at a local level are collected and partly released by anti-discrimination offices, such as the ADB Cologne (Köln). Furthermore, the Centre for Studies on Turkey (*ZfT*) has conducted – as it is done every year – its representative multi-topic survey among Turks in North Rhine-Westphalia (NRW), which also contains relevant information.

3.1.2. Statistical data: racism, discrimination and the situation in employment

The official statistics on employment solely differentiate between Germans and foreigners and do not register the migration or ethnic background or the residence status of foreigners (e.g. asylum seekers). As a consequence, statistical statements on the situation of migrants or minorities are not possible.

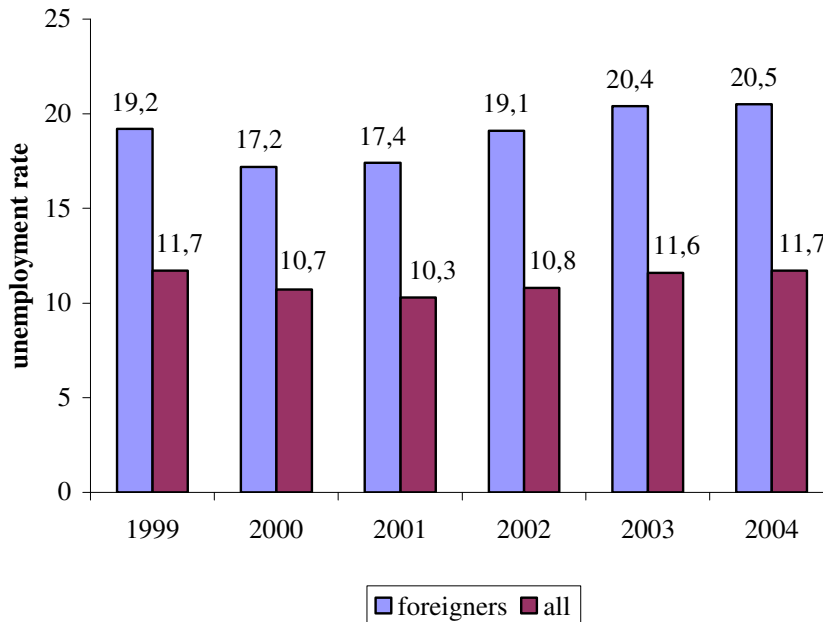
3.1.2.1. *Official data on the situation of foreigners*

In 2004, the unemployment rate of foreigners (20.5%) was almost twice as high as the general average (10.5%). A closer look at the nationality reveals significant differences: in 2003, the average unemployment rate of EU nationals in Germany was at 15.4% (e.g. Greeks: 18.6%), the average rate among third country nationals was much higher, at 25.2% (e.g. Turks: 25.2%).³

The following graph illustrates the recent developments of the general unemployment rate compared to the rate among foreigners.

³ Germany, Federal Statistical Office (2005), *Strukturdaten und Integrationsindikatoren über die ausländische Bevölkerung in Deutschland 2003*, p. 127

Graph 1: Unemployment rate among foreigners in comparison to the general rate in % (1999 to 2004)



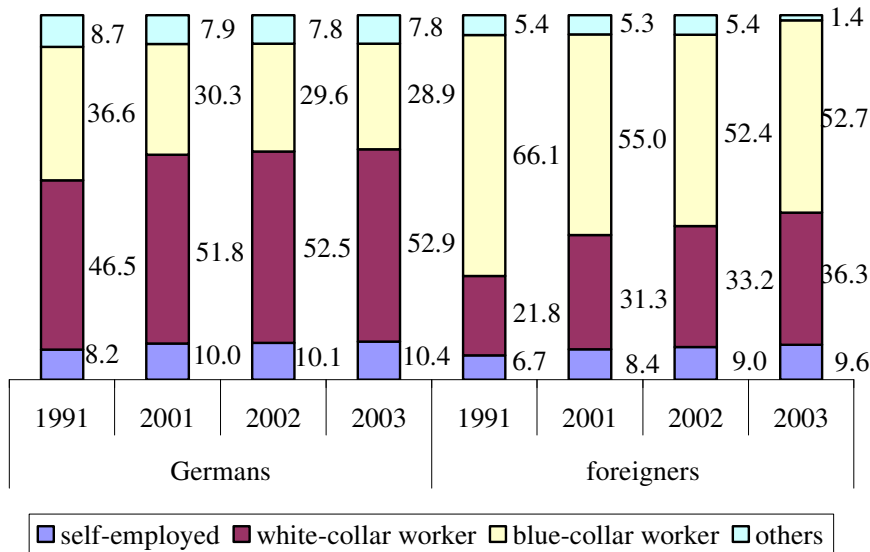
Source: Federal Labour Agency

In 2003, 52.7% of the non-German workforces were (blue-collar) **workers** and 36.3% worked as (white-collar) **employees**; the proportion of non-German **self-employed** people was at 9.6%. Among Germans, the majority of 52.9% worked as employees and 28.9% as blue-collar workers; the rate of self-employed was also higher (10.4%).⁴

Despite these disparities, a positive **trend** can be detected: The proportion of white-collar employees among all employed people is increasing – in relative terms – more quickly among foreigners than among Germans; this is also true for the proportion of self-employed people, as the following graph illustrates:

⁴ Federal Statistical Office 2005, p. 120

Graph 2: workers, employees and self-employed; Germans and foreigners in % (1991, 2001-2003)



Source: Federal Statistical Office

Foreigners work more often in the secondary **sector** (mining, manufacturing, energy provision, construction) than Germans do. Whereas 39.0% of all foreign employees work in the secondary sector, this proportion was significantly lower for all employees in Germany (33.1%). Vice versa, the proportion of foreign employees who work in the tertiary sector lies at 59.7%, i.e. significantly below the general average of 65.7%.⁵ These disparities are a core reason for the higher unemployment rate of foreigners due to the fact that the secondary sector is more affected by a reduction in the number of jobs.

A distinction between different **branches** reveals that those foreigners who work in the tertiary sector are clearly overrepresented in service branches with a lower income and less favourable working conditions: In June 2004, more than 20% of all employees in the hotel and catering business were foreigners; the proportion in the field of cleaning is even higher. On the other hand, in high-skilled professions in the tertiary sector with a higher prestige, e.g. in trade, in banks and in the public service, non-Germans are clearly underrepresented (e.g. credit and insurance companies, public administration).

This disadvantaged statistical position has hardly changed in the course of the past few years. The proportion of foreigners has decreased very slightly in the hotel, the restaurant and the cleaning business since 2002 and 2003 respectively,

⁵ The primary sector does not play a quantitatively significant role – neither for foreign nor for German employees.

and increased – on a very low level and also very slowly – in the field of education and teaching (Tab. 1).

Tab. 1: Proportion of foreign employees amongst all employees in selected branches of the tertiary sector in % (1999 – 2004; on June 30)

| Selected branches in the tertiary sector | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|--|------|------|------|------|------|------|
| Hotel and restaurant business | 22.4 | 22.2 | 22.3 | 22.2 | 21.4 | 21.1 |
| Cleaning | 25.4 | 26.4 | 27.2 | 27.8 | 27.4 | 26.5 |
| Education and teaching | 4.0 | 4.2 | 4.6 | 4.5 | 4.8 | 4.8 |
| Credit business | 2.1 | 2.2 | 2.3 | 2.3 | 2.3 | 2.2 |
| Insurance business | 2.2 | 2.2 | 2.4 | 2.5 | 2.6 | 2.5 |
| Public administration, defence, social insurance | 2.0 | 2.0 | 2.1 | 2.1 | 2.1 | 2.1 |

Source: Federal Labour Agency⁶

The overrepresentation in the secondary sector and in certain branches of the tertiary sector is also reflected by the, on average, less favourable **working conditions** (Chapter 3.1.7) and **the lower income** of foreign employees (see annex).

3.1.2.2. Unofficial data on discrimination

Official statistical data on discrimination in the realm of employment do not exist in Germany, and even non-official data on discrimination are released rather rarely. One of those rare examples is the statistics on cases of discrimination published by the anti-discrimination office **ADB Köln**. The ADB Köln has registered 165 cases of discrimination between 2002 and 2004 within the framework of its counselling services. Only 7% of these 165 cases were categorised as cases of discrimination on the labour market.⁷

Research studies are another source of statistically relevant information on discrimination, for instance, the **ZfT Multi-Topic Survey**⁸, conducted among

⁶ Germany, Federal Labour Agency, Arbeitsmarkt in Zahlen. Sozialversicherungspflichtige nach Wirtschaftsgruppen in Deutschland (WZ2003)

⁷ Öffentlichkeit gegen Gewalt e.V.(2004) *AntiDiskriminierungsBüro (ADB) Köln. Dokumentation 2002/2004*, p. 5

⁸ Goldberg, A.; Sauer M. (2004) Die Lebenssituation von Frauen und Männern türkischer Herkunft in Nordrhein-Westfalen. Ergebnisse der 6. Mehrthemenbefragung, Duisburg-Essen: Stiftung ZfT

1,000 representatively chosen Turks in NRW every year (since 1999). In the 6th Multi-Topic Survey (2004) 56.5% of the interviewees stated that they have experienced discriminatory treatment at their work place – more than in any other area. Furthermore, 48.4% stated that they had faced discrimination while they were looking for a job. These results display – for the first time since 1999 – a slight decrease in the perception of discrimination in employment (Tab. 2).

Tab. 2: Changes in the perception of discrimination in employment

| field of (perceived) discrimination | Differences between ... (in %) | | | |
|--|--------------------------------|-------------|-------------|-------------|
| | 1999 - 2001 | 2001 - 2002 | 2002 - 2003 | 2003 - 2004 |
| Workplace/school/university | + 8.9 | + 5.8 | + 3.1 | - 0.1 |
| Access to employment (looking for a job) | + 7.3 | + 6.4 | + 1.8 | - 3.5 |

Source: ZfT

3.1.3. Reports related to racism and discrimination in employment

The *Hans-Böckler* Foundation has commissioned a research study on the significance of the employees' origins for their position in the status hierarchy in the company and the impact of **relationships between German and foreign employees** on the integration process. Based on the analysis of three case studies with quantitative and qualitative methods, the researchers found out that ethnic discrimination appears only rarely within the companies. The cooperation is characterised by a collegial atmosphere. The lower position of foreign employees is primarily a result of lower qualification and not of discrimination. However, qualifications which were acquired in the country of origin are often not recognised sufficiently in the German employment system.⁹

The German Youth Institute (DJI) is conducting the XENOS project *Auszubildende und junge ArbeitnehmerInnen werden aktiv!* (2003-2005) which analyses the **intercultural relationships among trainees** who are engaged in an apprenticeship in large industrial companies. A preliminary conclusion was published in spring 2005: 83% of the interviewed trainees perceive the intercultural composition of working groups as pleasant and positive. On the other hand, the interviewees stated that the proportion of foreign trainees should not rise any further. The use of a foreign mother tongue is perceived as "excluding" and "unpleasant" by half of the interviewees, and three out of four

⁹ Schmidt, W. (2005) „Industrielle Beziehungen, Interesse und Anerkennung. Plädoyer für eine duale Perspektive“, in: *Industrielle Beziehungen. Zeitschrift für Arbeit, Organisation und Management*, No. 1/2005, pp. 51-73.

trainees expect that young migrants should “adapt to German habits and practices”.¹⁰

The reports “**Refugee Women – Hidden Resources**” and “**Labour Market Reform and Immigration Law**” are described briefly in the annex.

3.1.4. Special public bodies that record and process complaints of racism and discrimination in employment.

The **Works Constitution Act** (*Betriebsverfassungsgesetz*, BetrVG) contains regulations on how to process complaints in general, which also apply to complaints of ethnic discrimination. Generally speaking, the employer *and* the work council are both in charge of dealing with such complaints.¹¹

According to §84 I BetrVG, every employee is entitled to “lodge a complaint at the responsible department in the company if he or she feels discriminated against or treated unfairly” at the workplace. The **work council** is obliged to take the employees’ complaints and to urge the employer to take remedial actions if it considers the complaint as justified. If the work council and the employer disagree on whether the complaint is justified, the work council can call for a mediator (**conciliation committee**) to reach a final decision. From the list of the general duties of the works council (§80 II BetrVG) it can be deduced that the works council has to “protect the victims of labour-related forms of discrimination and racism”¹².

Based on the Industrial Relations Act, more and more companies have introduced specific **work agreements on a voluntary basis**, together with the work councils. These additional agreements regulate “measures of combating racism and xenophobia at the workplace” (§88 (4) BetrVG) and often contain specific provisions on the responsibilities concerning recording and processing complaints of discrimination. In some cases, a **specialised body** has been established.¹³

¹⁰ Bednarz-Braun, I.; Bischoff, U. (2005) „Gute Nachrichten: Azubis unterschiedlicher Herkunftskultur verstehen sich gut“, in: *DJI Bulletin* No. 70, pp. 4-7

¹¹ According to §75 I BetrVG, employers and works councils have to ensure that all persons working in a company are treated according to the principles of law and equality, particularly preventing unequal treatment of persons on the basis of their, among others, descent, religion, nationality or ethnic origin.

¹² Zimmer, R. (2001) „Fremdenfeindlichkeit und Rassismus im Betrieb“, in: *Arbeitsrecht im Betrieb*, No. 5/2001, pp. 256-258 (here p. 257)

¹³ Akin, S.; Dälken, M; Monz, L (2004) *Betriebs- und Dienstvereinbarungen. Integration von Beschäftigten ausländischer Herkunft. Analyse und Handlungsempfehlungen*, Frankfurt/Main: Bund-Verlag, pp. 23-24

3.1.5. Positive measures addressing the needs of religious minorities at the workplace

Generally speaking, the specific needs of religious minorities do not seem to lead to serious difficulties at the workplace. However, reliable information on this issue is hardly available. Whereas at least some information could be found on the situation of Muslims, no statements are possible on specific measures to meet the needs of other religious groups like Jews, Buddhists or Hindus.

According to German Association of Trade Unions (DGB), problems and conflicts between **Muslim** employees and the employers are usually resolved on an individual basis.¹⁴ This is also reflected by the fact that such conflicts are only very rarely brought to court.¹⁵

Concerning **religious holidays** (e.g. Muslim Festival of Sacrifice), most companies have found an individual agreement with the employees concerned; in many companies, Muslim employees can take those days off or can take unpaid leave.¹⁶

In a few companies, **special spaces for prayer** have been set up for Muslims in order to enable them to pray at the workplace. For instance, the companies FORD (Cologne) and Fraport (operator of the Frankfurt Airport) have established such spaces.¹⁷ Both companies also pay attention to the special needs of Muslims concerning the food that is offered in their **canteens** (e.g. dishes without pork); Fraport also pays attention to special food practices of other religious minorities (e.g. Jews); furthermore, in some companies (e.g. FORD, OPEL) the canteens remain open after sunset during the time of the Ramadan.

3.1.6. Trade unions and immigrants

Whereas no trade union has been **created** by immigrants in Germany, existing unions have been open to immigrants from the beginning of the recruitment of labour migrants. The **incorporation** of foreign workers into the trade unions has been actively promoted by the trade unions themselves. Since the reform of the Works Constitution Act in 1972 every foreign employee “regardless of the

¹⁴ DGB Bildungswerk/Migration und Qualifikation (no date), *Islam und Arbeitswelt. Muslimische Arbeitnehmende in der Arbeitswelt – islamische Organisationen*, p. 42

¹⁵ Lemmen, T.; Miehl, M. (2001) *Islamisches Alltagsleben in Deutschland*, Bonn: FES, pp. 31-32

¹⁶ DGB Bildungswerk/Migration und Qualifikation (no date), chapter 4.3.1

¹⁷ Information on Fraport AG stems from an NFP inquiry at the company itself (30.09.2005). Information on FORD by Cözmez, M. (2002) “Betriebliche Partizipation und Integration am Beispiel der Ford-Werke Köln, in: Hunger, U. (ed.) *Einwanderer als Bürger. Initiative und Engagement in Migrantenselbstorganisationen. Münsteraner Diskussionspapiere zum Non-Profit-Sektor*, pp.17-21

residence status enjoys the active and passive **voting rights** for the work councils, the central institution for the industrial co-determination”¹⁸.

Currently, an estimated 700,000 to 800,000 members of trade unions are non-Germans, i.e. about 10% of the seven million union members. The exact number is unknown due to the fact that it is not mandatory for new union members to give information on their nationality.

The German Association of Trade Unions (DGB) published the following figures on Turkish union members:

Tab. 3: Turkish members of trade unions in Germany

| Trade unions (members of the DGB) | Number of Turkish members |
|--|---------------------------|
| IG Metal (metal industry) | 127,008 |
| Ver.di (service sector) | 112.500* |
| IG BCE (mining, chemistry, industry) | 35,828 |
| IG BAU (construction, agriculture, environment) | 10,302 |
| NGG (food, hotels and restaurants) | 8,342 |
| GEW (education and sciences) | 2,400* |
| TRANSNET (railway) | 2,295 |
| GgP (police) | Not registered |

Source: DGB Bildungswerk (*estimated)¹⁹

The IG Metal is the trade union with the highest number of foreign members. In the estimated 10,000 companies in the realm of this trade union 12% of the *Vertrauensleute*, i.e. contact people representing the respective trade union within the company, were non-Germans.²⁰

On average, foreign workers are underrepresented in the work councils: approximately 5% of the elected members of these councils are non-Germans. The proportion of foreigners among the elected trade union functionaries is even lower (about 2%).²¹

¹⁸ Cyrus, N. (2005a) Active Civic Participation of Immigrants in Germany, p. 17

¹⁹ DGB Bildungswerk/Migration und Qualifikation (no date), p. 42

²⁰ www.dgb.de/themen/migration/integration/partizipation.htm (04.11.2005)

²¹ Öztürk, N. (2002) „Partizipation von Migranten und Einwanderern in Betrieben und Gewerkschaften – das Beispiel der IG Metal“, in: Treichler, A. (ed.): Wohlfahrtsstaat, Einwanderung und ethnische Minderheiten, Wiesbaden: Westdeutscher Verlag, pp. 295-309

3.1.7. Official body monitoring working conditions. Relevant data or reports

The **employers** are obliged to take appropriate measures to protect their employees' safety and health at work (§3 I ArbSchG). It is the duty of **specialised public authorities** (*Arbeitsschutzämter*) to monitor these measures and to support the employers in fulfilling their duties (§§ 21-23 ArbSchG). Furthermore, the employers' liability insurance associations (*Berufsgenossenschaften*) play an important role in this field: Their duty is, among others, to take appropriate action to prevent accidents at work and job-related health risks.

The Works Constitution Act rules that it is part of the **work council's** general duties to monitor safety measures. Companies with more than 20 employees are obliged to fill the position of a **Commissioner for Security Matters** who supports the employer in implementing safety measures.

All these provisions deal with the protection of safety and health of the employees, i.e. they only refer to certain aspects of the working conditions and do not deal with working conditions of migrant workers specifically.

The only **official data** on working conditions of employees refer to **shift work**. In 2003, 16.7% of all foreign employees worked night shifts (Germans: 13.7%) and 19.0% rotating shifts (Germans: 13.4%), Furthermore, foreigners work more often on a Saturday, Sunday and on public holidays (Tab. 4).

Tab. 4: Shift work, comparison of German and foreign employees

| Employed persons | Al-together | Shift work in general* | ...of which | | | | |
|-------------------|--------------|------------------------|------------------|-------------------------------|---------------|-------------|-----------------|
| | | | Work on Saturday | Sunday and/or public holidays | Evening shift | Night shift | Ro-tating shift |
| Foreigners | 2.988 | 1.759 | 1.400 | 821 | 1.233 | 500 | 568 |
| <i>in %</i> | <i>100,0</i> | <i>58,9</i> | <i>46,9</i> | <i>27,5</i> | <i>41,3</i> | <i>16,7</i> | <i>19,0</i> |
| Germans | 33.184 | 17.491 | 14.272 | 8.310 | 12.354 | 4.537 | 4.452 |
| <i>in %</i> | <i>100,0</i> | <i>52,7</i> | <i>43,0</i> | <i>25,0</i> | <i>37,2</i> | <i>13,7</i> | <i>13,4</i> |
| All | 36.127 | 19.250 | 15.672 | 9.131 | 13.587 | 5.037 | 5.020 |
| <i>in %</i> | <i>100,0</i> | <i>53,3</i> | <i>43,3</i> | <i>25,2</i> | <i>37,6</i> | <i>13,9</i> | <i>13,9</i> |

* Shift on Saturday, Sunday and/or public holidays, evening shift, night shift, rotating shift

Source: Federal Statistical Office²²

²² Germany, Federal Statistical Office, Fachserie 1, Reihe 4.1.2, Tab. 14

For further information on the overrepresentation of foreigners in **branches** which are characterised by worse working conditions and about a **research study** on working condition using rather old statistical data (1996) see annex.

3.1.8. Information regarding trafficking of illegal workers to be used as forced labour

In late April 2005 the *Finanzkontrolle Schwarzarbeit*, a specialised unit of the Federal Customs Administration, revealed a network of people in Germany, Austria and Hungary, who are suspected of having been actively involved in the trafficking of human beings for **labour exploitation**. Apparently, at least 1,500 Hungarian workers were illegally employed mainly in the meat industry, on construction sites and the metal industry in Germany. They had to work under very poor working conditions and without appropriate payment. The investigations have not been finished yet.²³

In 2005 a **research study on forced labour** in Germany was released, conducted on behalf of the ILO. Although this study is not exclusively on the trafficking of illegal workers and includes the aspect of forced labour in the sex business, it contains information relevant to this question. According to the author's rough estimation, the number of people working as forced labour in Germany is around 15,000, two thirds of them being female. Many of those women were smuggled to Germany with false promises, and the majority of them are forced to work in the sex business. Men are forced to work predominately on construction sites and in agriculture. Based on interviews with experts and victims of forced labour the author draws a comprehensive picture of the situation of forced labour by presenting individual cases in various economic branches.²⁴

For further information on illegal forms of hiring-out of labour see annex.

²³ www.tagesschau.de/aktuell/meldungen/0,1185,OID4290170,00.html (05.10.2005); FAZ.net (17.05.2005)

²⁴ Cyrus, N. (2005b) Menschenhandel und Arbeitsausbeutung in Deutschland. Sonderaktionsprogramm zur Bekämpfung der Schwarzarbeit, Genf: ILO

3.2. Initiatives against racism and discrimination in employment

3.2.1. Increase employability and improve skills

Numerous good practices which aim at increasing the employability of immigrants and at improving their labour market related skills are being conducted within the framework of the large-scale support programmes EQUAL and XENOS which have been presented in previous RAXEN reports.

The **Community initiative EQUAL**²⁵ defines the “employability” as one of five thematic fields within its support programme, and differentiates this field in:

- (a) Facilitating access and return to the labour market (among others aiming at migrants)
- (b) Combating racism and xenophobia

Within the first support period (2002-2005) 52 development partnerships (DPs) were funded in one of these two areas. In the second support period starting in mid-2005, the number of DP's in the field of “employability” has increased to 57. The following initiative serves as an example to illustrate those EQUAL funded projects. Two further DPs are presented briefly in the annex.

The DP **“Pro Qualification”** (May 2005-December 2007), coordinated by *IQ Consult* in cooperation with, among others, the DGB, defines its main objective as facilitating the access to further training and education measures for people with a migration background in order to improve their employability. Additionally, the DP aims at making all relevant actors on the labour market (mainly employers) aware of the specific competences of employees with a migration background.²⁶ Together with five other EQUAL supported DPs (InBeZ, Integra.net, Kumulus-Plus, MigraNet and NOBI) “Pro Qualification” forms the nationwide Network for Information and Counselling named **“Integration through Qualification”** (*IQ*)²⁷, which was initiated by the Federal Ministry of Economics and Labour (BMWA) and the Federal Labour Agency (BA). All six DPs, which together encompass about 70 projects, have agreed on the following main elements of the network's objective:

- Tailor-made counselling for migrants
- Profiling instruments for registration of individual competences
- Training in skilled crafts, technical and computer professions
- Job-related German courses

²⁵ www.equal-de.de (05.10.2005)

²⁶ DGB Bildungswerk, *Forum Migration*, No. 6/2005, p.1

²⁷ www.intqua.de (05.10.2005)

- Developments of coaching and counselling models for new entrepreneurs
- Human resource developments, e.g. concepts of diversity management

The IQ network is coordinated by the Central Agency for Training and Development (ZWH). The ZWH is also in charge of the network's public relations work which aims to assist in implementing successful approaches within the regular offers in order to achieve sustainable employability among migrants. Within the framework of *IQ* the magazine "clavis" for decision-makers in politics, the administration and the economy is published; its objective is to function as a broad discussion forum to develop and share new strategies and solutions.²⁸

The German governmental programme **XENOS – Living and Working in Diversity**²⁹ is large-scale initiative which financially supports good practice projects that link labour market-related integration measures with approaches to combating xenophobia and racism. Currently some 225 projects are supported within this programme. The XENOS interim evaluation report³⁰, published in 2005, confirms that XENOS projects seem to be rather successful (for more information on the evaluation, see annex). The project AQUAM is presented as a typical example, representative for many other good practices within the XENOS programme, in the annex.

Besides good practice projects within the framework of EQUAL or XENOS, there are numerous **other initiatives** with similar objectives. In the following, we will briefly present a further education project for highly qualified refugees as one example:

The project, conducted by the University of Oldenburg, is based on the results of a quantitative research study on **highly qualified (recognised) refugees** and **Jewish contingent refugees** and their employment situation in Lower Saxony. As its core objective, the project defines addressing the problem that those refugees are often unable to develop and use their competences on the German labour market due to a lack of information and of adequate further training. A brochure was compiled which informs the refugees about how to have their education or professional certificates officially recognised. Furthermore,

²⁸ www.clavis-magazin.de (05.10.2005); another EQUAL funded DP is described briefly in the annex.

²⁹ XENOS is a part of the action program "Youth for Tolerance and Democracy - against Right-Wing Extremism, Xenophobia, and Antisemitism" which was established by the German government. Just recently two DVDs were released which contain, among others, descriptions of exemplary XENOS projects and (teaching) materials for projects against xenophobia (www.migration-online.de/film_all_X19pbml0PTEmcGlkPTE3.html, (05.10.2005)).

³⁰ Germany, Federal Ministry of Economics and Labour (2005) *Evaluation des Bundesprogrammes XENOS. Zwischenbericht 2004*, pp. 1-4

specific seminar offers for these refugees were established at university to increase and adapt existing competences to the German labour market.³¹

3.2.2. Promoting anti-discrimination

A core mechanism to ensure non-discrimination and to foster equality are **voluntary Industrial Relations Agreements** (§88 IV). Due to the rising number of such agreements and their significance we will present one recent example.

The agreement “**Respectful Cooperation**” between the work council and the employer at the Steel Company (Stahlwerke) Bremen was introduced on February 1, 2005. This agreement condemns discrimination on the grounds of origin, skin colour, sex or religion; it obliges the company (employer and staff) to promote a climate of respect and to eliminate discrimination. It also contains regulations concerning the processing of complaints, possible sanctions and further support measures. It is to be highlighted that a **permanent working group** will be established which is commissioned to make everyone in the company aware of the agreement and to develop and suggest concrete measures to implement it effectively. The agreement calls on the entire staff to participate and to make suggestions, which should be taken into consideration by the working group. The content of the agreement, respective obligations for supervisors and possibilities of legal protection for people who are subject of unequal treatment will become an integrated part of the internal further education programme.³²

The NGO *AktionCourage* has compiled a **CD-ROM** which offers **practical guidelines** on how to implement such voluntary agreements as a mechanism against discrimination at the workplace. With this CD-ROM AktionCourage aims at encouraging more companies to set up similar regulations within the framework of managing diversity concepts.³³

Another non-discrimination project which aims at a **discrimination-free system of wages** and a fair assessment of all employees’ performance in companies with a multicultural staff is presented in the annex.

³¹ www.uni-oldenburg.de/ibkm/181.html (24.08.2005)

³² DGB Bildungswerk, *Aktiv + Gleichberechtigt*, No. 7/2005, p. 1; agreement available at: www.migration-online.de/data/betriebsvereinbarung_stahlwerke_bremen.pdf?pid=16 (25.08.2005)

³³ www.aktioncourage.de (25.08.2005)

4. Education

4.1. Racism and xenophobia in education

4.1.1. New sources of information: racism, discrimination and the situation of foreigners in education

The only new source of nationwide official data is a report published by the Federal Ministry of Education and Research on the situation in the field of further education in Germany (see 4.1.2.2). Furthermore, some state ministries of education are collecting cases of extreme right-wing incidents which took place at schools. In Saxony, these figures have been made public within the framework of a parliamentary inquiry. The Ministry for Education in Brandenburg has made the data available to the NFP (see 4.1.2.1).

4.1.2. Statistical data: racism, discrimination and the situation in education

4.1.2.1. *Extreme right-wing incidents at school*

In some federal states cases of extreme right-wing incidents at schools are registered – either as separate statistics (Brandenburg) or as a specific analysis of the official statistics on politically motivated crimes (Saxony).

In Brandenburg, **incidents with an extreme right-wing background** are to be reported to the state school board³⁴. In the school year 2004/2005, 80 such incidents were registered, which represents an increase of about one third compared to 2003/2004 (62). The latest figures are, however, still below the number of registered incidents in the years before (2000/01: 257; 2001/02: 179; 2002/03: 117).³⁵

According to an inquiry in the Saxony Parliament³⁶, 42 crimes with a **right-wing extremist background** were committed at schools in Saxony in 2004; most of these crimes were propaganda offences (e.g. swastika graffiti); furthermore, several cases of antisemitic insults and threats were registered. At least, one offence was clearly xenophobic: a pupil insulted another one by repeatedly yelling “Scheiß Ausländer” (“Bloody Foreigner”).

³⁴ Brandenburg, Ministerium für Bildung, Jugend und Sport, Rundschreiben 03/01 (16.01.2001) Ordnungsrechtliche Grundsätze zum schulischen Konzept gegen Gewalt, Rechtsextremismus und Fremdenfeindlichkeit, p. 6.

³⁵ Response to an NFP-inquiry to the Brandenburg Ministry of Education (12.09.2005)

³⁶ Sachsen, Parliamentary Inquiry, printed matter 4/1170 (04.05.2005)

4.1.2.2. *Official data on situation of foreigners*

The official school statistics do not employ the criterion “migration background”, but are solely based on nationality. Consequently, statistical data on the education system only differentiate between German and non-German pupils/students. Since ethnic German migrants and naturalised people are, on average, better integrated and more successful in school than non-Germans, the official statistics underestimate the general level of educational attainments of pupils with a migration background.

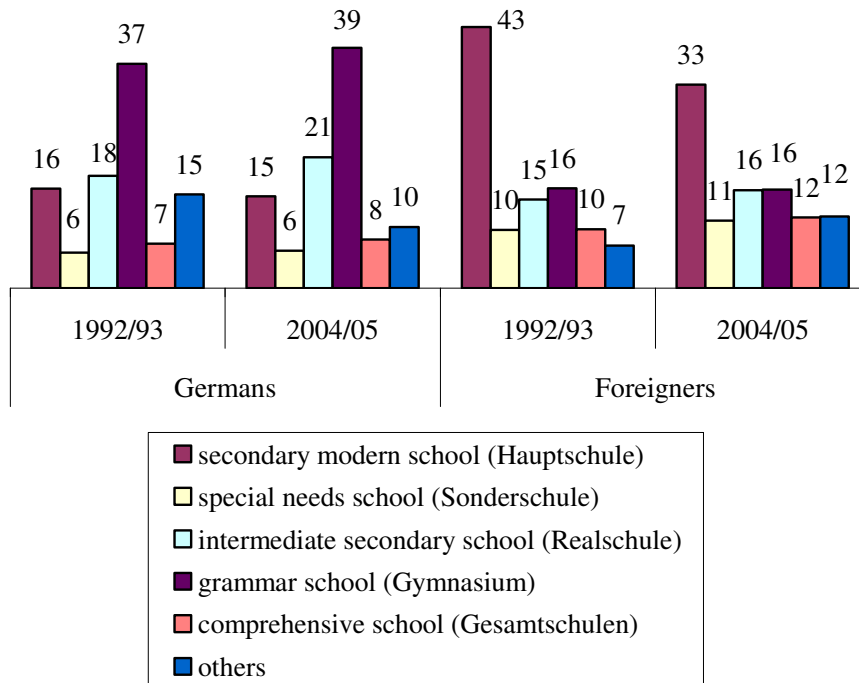
General education

The proportion of non-German pupils at schools providing a general education has increased from 9.0% in the school years 1992/93 to 10.2% in 2004/05. Foreign children are clearly overrepresented in certain pre-school institutions (*Schulkindergärten* and *Vorklassen*), where they are supposed to improve their proficiency in German, before they enter primary school: their proportion in these institutions rose from 18.9% (1992/93) to 23.5% (2004/05).³⁷

Disparities between German and non-German pupils occur especially in secondary education:

³⁷ Germany, Federal Statistical Office, Fachserie 11, Reihe 1, Tab. 3.1 and 4.1.1

Graph 3: Distribution of German and foreign pupils in the main types of school (not included general elementary school, *Grundschule*)* in % (1992/93 and 2004/05)



Source: Federal Statistical Office

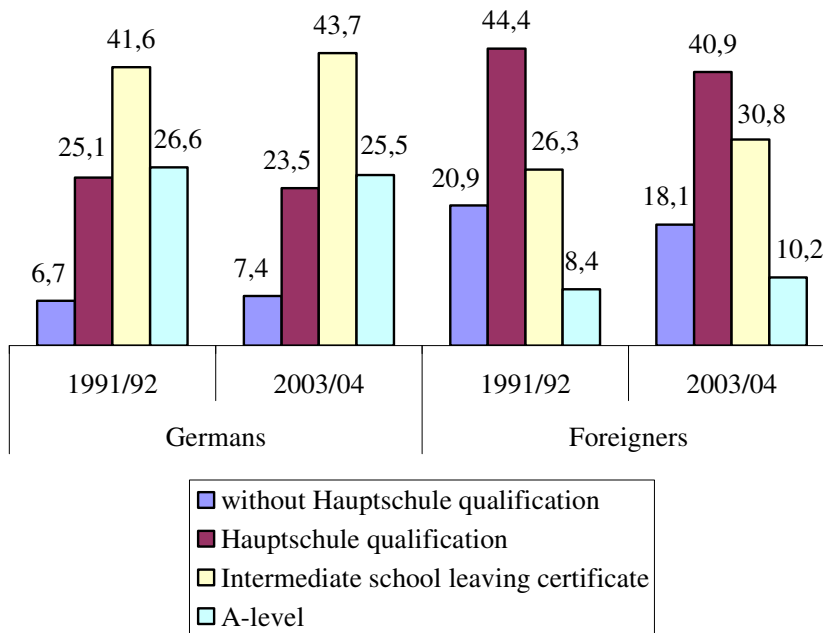
* All the school types included in the graph belong to the secondary education system. However, it is to be pointed out that some of the school types (special needs school, comprehensive schools and some of the other school types) can not be clearly categorised as “secondary education only” due to the fact they also cover primary education.

The relative majority of non-German pupils (33.4% in 2004/05) take classes in the *Hauptschule* (secondary modern school), whereas the majority of German pupils (39.4%) attend *Gymnasium* (grammar school). Between 1992/93 and 2004/05 the proportion of foreign pupils who attend *Hauptschule* has dropped significantly and the proportion of those who attend *Realschule* (intermediary secondary school) has increased slightly. This positive development is derogated by the fact that the proportion of foreign pupils at special needs schools has also risen slightly. 15.9% of all pupils at these special needs school are foreigners; at *Gymnasium* only 4.1% of the pupils are non-Germans (2004/2005). The proportion of foreign pupils who attend *Gymnasium* has hardly changed between 1992/93 and 2004/05.³⁸

These disparities are also reflected by the achieved school leaving certificates (Graph 4).

³⁸ Differentiation according to nationality can be found in the annex (cf. Table 13).

Graph 4: Qualifications achieved by Germans and foreigners upon leaving schools providing a general education 1991/92 and 2003/04



Source: Federal Statistical Office

The disparities between Germans and non-Germans concerning the school leaving certificates are slowly diminishing: more and more foreign pupils achieve higher qualifications (A-level or Intermediate certificate). Although the proportion of those non-Germans who leave school without any certificate has decreased from 20.9% (1991/92) to 18.1% (2004/05), it remains on an alarmingly high level.³⁹

Vocational Schools

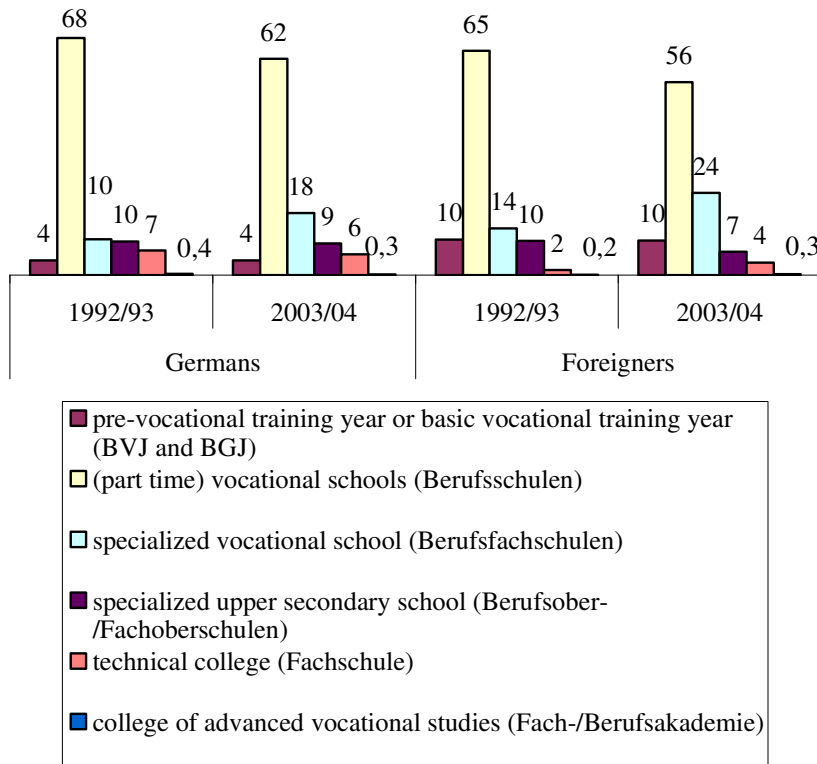
About two thirds of all those who finish school in the general education system enter the vocational training and schooling system.⁴⁰ The part-time vocational schools (as part of the dual system) play a quantitatively dominant role among the various types of vocational schools.⁴¹

³⁹ Germany, Federal Statistical Office, Fachserie 11, Reihe 1, Tab. 6.4

⁴⁰ Pütz, H. (2003) Vocational Education and Training – An Overview, Bonn: BIBB, chart 9

⁴¹ Training within the dual system takes place at two places of learning; three to four days per week are spent in the workplace and one to two days are spent in the vocational school.

Graph 5: Proportion of German and non-German pupils at vocational schools in % (1992/93 and 2003/2004)



Source: Federal Statistical Office

The quantitative meaning of (part-time) vocational schools is diminishing on a high level. In return, German *and* non-German pupils increasingly attend specialised vocational schools (*Berufsfachschulen*).⁴² A positive trend can be detected in the increasing proportion of foreigners who attend *Fachschule* (technical college) – a type of vocational school which leads to higher vocational qualifications.⁴³ However, the proportion of foreigners at vocational schools who attend the higher vocational school *Berufs-/Fachoberschule*, where the right to study can be obtained, has dropped between 1992/93 and 2004/05.⁴⁴

⁴² These specialised vocational schools offer vocational training programmes which lead to a recognised occupation, but also training which does not lead directly to a recognised occupation, but functions as a preparatory phase before one can enter the dual apprenticeship system.

⁴³ Only those who have already completed a vocational training/an apprenticeship and have gained professional experiences are entitled to attend a technical college.

⁴⁴ Germany, Federal Statistical Office, Fachserie 11, Reihe 2, Tab. 1.1

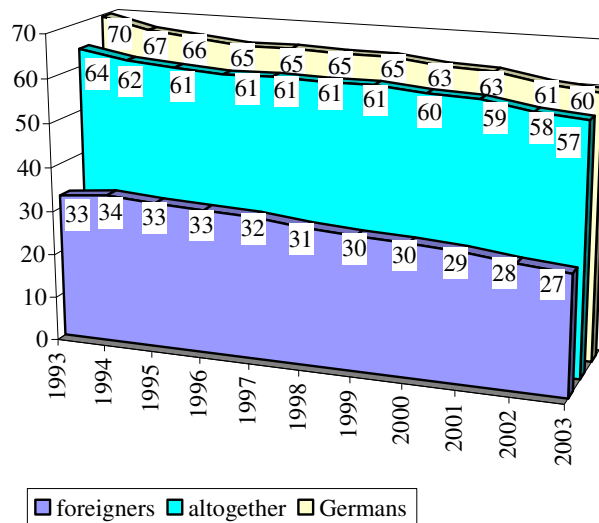
Foreigners are still over-represented in the pre-vocational training year (BVJ) and the basic vocational training year (BGJ), where young people who have not yet been able to enter the “dual apprenticeship” yet. These preparatory qualification measures aim at improving the chances to find an apprenticeship in the dual system afterwards.

Concerning the certificates gained, foreigners are less successful in the vocational system than Germans: Only 58.3% of all foreigners complete vocational school successfully, 36.8% leave one of these schools without an official certificate (2002/03). Among Germans, 77.2% graduate from a vocational school successfully and only 19.2% have to leave school without a certificate.⁴⁵

Apprenticeship

The rate of those young people (between 18 and 21 years) who are currently involved in an apprenticeship (apprenticeship quota) is much lower among foreigners (27.1%) than among Germans (60%).⁴⁶ The rate has dropped – for Germans and non-Germans – since 1993 (Graph 6).

Graph 6: Apprenticeship quota (Germans, foreigners and general rate), 1993-2003



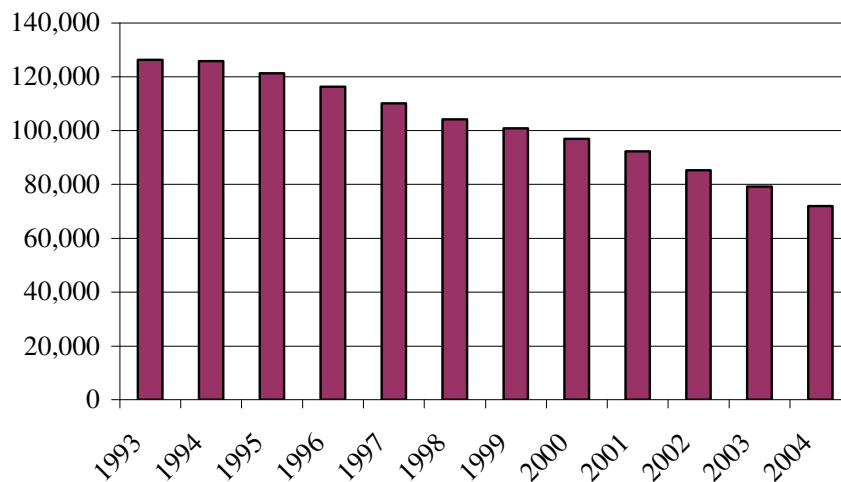
Source: BIBB

⁴⁵ Germany, Federal Statistical Office, Fachserie 11, Reihe 2, Tab. 1.4.1. The missing percentages are categorised in the statistics as “no information on type of certificate”.

⁴⁶ BIBB (2005), *Schaubilder zur Berufsbildung. Strukturen und Entwicklungen*, chart 3.2

The development of the absolute number of non-Germans who are in an apprenticeship in the dual system (“trainees”) displays a diminishing tendency: In 1993, 126,000 foreigners were registered as people in an apprenticeship; in 2004, this number was around 72,000 (see graph 7)⁴⁷. The number of German trainees has also shown a diminishing tendency since 2000. Nevertheless, the proportion of non-German of all trainees dropped continuously: Whereas 8% of all trainees were foreigners in 1994, this proportion dropped to 4.6% in 2004 (see table 14 in the annex).

Graph 7: Apprenticeships of foreigners



Source: Federal Statistical Office

The proportion of those 20- to 29-year-old people who have not completed any vocational training successfully (i.e. “unskilled people”) is much higher among foreigners (37% in 2003) than among Germans (11%). In 1997, this proportion of unskilled foreigners in this age group was even higher (42.3%). In the same period (1997-2003), the proportion of unskilled Germans rose slightly by 1.1%.⁴⁸

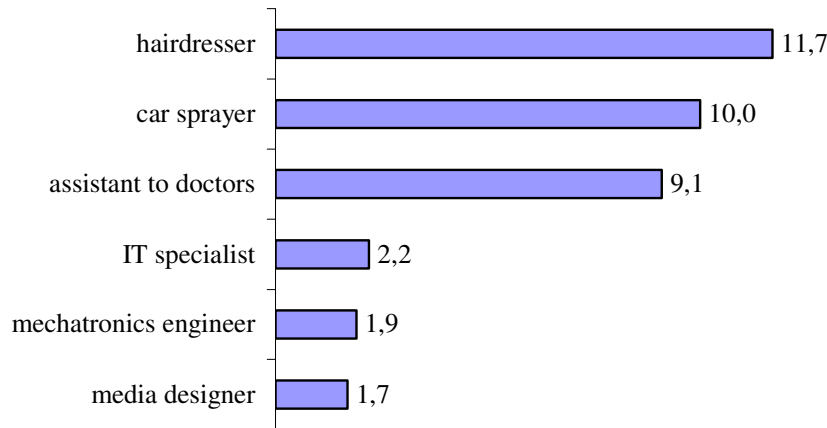
Foreign trainees are concentrated in a **limited numbers of jobs**, such as hairdressers, assistants to doctors, car mechanics/electricians or car sprayers. On the other hand, they are underrepresented in jobs in the IT sector, which are often characterised by a higher level of qualifications and better occupational chances. These disparities are illustrated in the following graph by presenting

⁴⁷ Germany, Federal Statistical Office, Fachserie 11, Reihe 3, Tab. 2.5

⁴⁸ Germany, Federal Ministry of Education and Research, Berufsbildungsbericht 2005, p. 95

some selected examples (for a differentiation according to economic group see table 15 in the annex):

Graph 8: proportion of foreign trainees in selected jobs



Source: BiBB⁴⁹

University

The proportion of foreign students enrolled at German universities has significantly increased in the past decade from 7.2% in the winter semester (WS) 1993/94 to 12.5% in the WS 2004/05; however, this increase is mainly due to the increased number of *Bildungsausländer*, i.e. foreign students who come from abroad to study in Germany. The proportion of *Bildungsinländer*, i.e. those non-German students who have grown up in Germany, had risen only slightly from 2.6% (WS 1993/94) until the WS 1999/2000, when 3.5% of all students at German universities were registered as *Bildungsinländer*. Since 2000, their proportion has decreased again; in the WS 2004/05 it stood at 3%.⁵⁰

Further education

The Federal Ministry of Education and Research publishes the results of a survey on further education in Germany every three years. Since 1997, the data have differentiated between Germans and non-Germans. However, due to the rather low numbers of foreigners in the survey, the data on non-Germans are only capable of showing a trend, but not a representative picture.⁵¹

The participation rate concerning further education is significantly lower among foreigners than among Germans. In 2003, 42% of the German population, but

⁴⁹ www.bibb.de/de/1108.htm (04.10.2005)

⁵⁰ Table 17 in the annex presents details on students according to their nationality.

⁵¹ Germany, Federal Ministry of Education and Research (2005), *Berichtssystem Weiterbildung IX.*, pp. 42-46

only 29% of the foreign population took part in further education measures.⁵² Foreigners predominately attend courses within the general further education; especially language courses, but also computer-related trainings play a quantitatively important role. Only 13% of the foreigners participated in job-related/professional training measures. German participants attend such job-related/professional courses more often.

Tab. 5: Participation in further education in % (1997, 2000 and 2003)

| | 1997 | 2000 | 2003 |
|---|------|------|------|
| Further education | | | |
| Germans | 49 | 44 | 42 |
| Foreigners | 28 | 27 | 29 |
| General further education | | | |
| Germans | 32 | 27 | 26 |
| Foreigners | 20 | 18 | 21 |
| Job-related/professional further education | | | |
| Germans | 31 | 30 | 27 |
| Foreigners | 15 | 12 | 13 |

Source: Federal Ministry of Education and Research

4.1.3. Reports related to discrimination/racism in education

Several research reports published in 2005 provide insights in the disadvantaged situation of non-Germans in the education system. The disparities between German and foreign pupils are explained mainly by lower education-related resources, but also by unequal treatment.

The “Study on the Educational Achievement, Motivation and Attitudes at the Beginning of **Vocational Training**”⁵³, commissioned by the State Office for Education in Hamburg, examined 82% of all students at this stage of education in Hamburg (more than 13,000) on their individual preconditions, decisions and barriers concerning vocational training. 12.8% of them were foreigners and further 14.4% were Germans with a migration background.

⁵² The report also differentiates according to „foreign background“; however, this interviewee group (N=433) is too small to make representative and reliable statements. According to the report, 29% of all Germans with a “foreign background” took part in further education measures in 2003 (general further education: 18%, job-related professional training: 19%).

⁵³ Lehmann, R. et al. (2005) ULME I. Untersuchung der Leistung, der Motivation und Einstellungen zu Beginn der Ausbildung

The study confirms that Germans pupils without a migration background show better performances than Germans with a migration background; the worst performance on average is shown by non-Germans. This is explained mainly by the disparities concerning the distribution of education-relevant resources. The study also concludes that non-Germans have lower chances of finding a place for their apprenticeship than Germans – even when their performance at school is higher.⁵⁴ Lehmann, one of the researchers, deduced from the findings that “clear prejudices towards applicants of non-German origin exist in companies”⁵⁵.

An international comparative study on the discriminatory **mechanisms in the educational systems** of three immigration countries (Germany, England and Switzerland) was published in July 2005.⁵⁶ The research project focused on the existing cultural plurality and “institutional” discrimination at school and examined specific strategies to implement innovative school development and evaluation programmes. The publication offers various approaches on how to deal with socio-cultural and language-related heterogeneity and presents guidelines on how to incorporate integrative practices in the educational system of immigration countries aiming at reducing institutionalised discrimination.

Another education-related report which deals with unequal treatment of refugee children and legal provisions concerning their **obligation or the right to attend school** is briefly described in the annex. Furthermore, the preliminary results of the second **PISA-E study** are presented there.

4.1.4. New developments in 2005: state provisions for minority and multicultural education

The responsibility for the education system in Germany lies with the federal states. Therefore, no nationally standardized legal provision for minority/multicultural education exists. However, certain relevant issues have been addressed by several federal states; this is true for **Islamic education** at state schools and **pre-school language support programmes**. The latest developments in these two fields are described briefly in the following.

⁵⁴ Lehmann et al. 2005, pp. 105-114

⁵⁵ *taz (Hamburg)* (05.04.2005), p. 22

⁵⁶ Gomolla, M. (2005) *Schulentwicklung in der Einwanderungsgesellschaft. Strategien gegen institutionelle Diskriminierung in England, Deutschland und der Schweiz*, Münster: Waxmann

4.1.4.1. *Islamic education*

Islamic religious education is not an integrated element of state school curricula in any German state⁵⁷. In the states of Rhineland-Palatine, Bremen, Bavaria, NRW and Lower Saxony, various model projects on Islamic education are being conducted.

In summer 2005, after a positive evaluation of their model project on Islamic instructions, the State Ministries of Education in **Lower Saxony**⁵⁸ and **Bremen**⁵⁹ announced plans to expand their projects to more primary schools. Lower Saxony even stated its willingness to introduce Islamic instruction throughout the state in the long run.

The **Baden-Württemberg** government has decided to launch a model project on Islamic education at twelve primary schools starting in 2006/07. Those classes will not only impart knowledge on the Islam, but function as Islamic religious instruction where the Islamic faith is taught.⁶⁰ The **Hesse** government announced that at least one school in each school district will offer Islamic instruction within the framework of special ethics courses (i.e. Islamic faith itself is not taught). This plan should be realised by the beginning of the school year 2005/06.⁶¹

In **Bavaria** the model project “Erlanger Modell” is planned to be extended to more schools. The Bavarian state government will retain the overall control and cooperates with the local Islamic association on the selection of content and teachers. The lessons take place in German and “constitute something between Islamic instruction and Islamic religious education”⁶².

Closely linked to the introduction of Islamic education at state schools is the aspect of special **university programmes** for respective teachers as they have been introduced in Münster, Erlangen and Frankfurt (see annex).

⁵⁷ In NRW Islamic instruction was introduced – within the framework of an unlimited school project – as a special subject and in German language in 1999. In the meantime, 120 schools offer the subject Islamic instruction in German; more than 6,000 pupils participate. Those instructions, however, are not religious instruction in a legal sense, since they solely impart knowledge about Islam; the Islamic faith is not taught. In early 2005, the NRW Ministry of Education announced its intention to further expand this subject (press release, 23.02.2005).

⁵⁸ www.mk.niedersachsen.de/master/C12762335_L20_D0_I579.html (06.10.2005)

⁵⁹ *taz* (01.07.2005)

⁶⁰ press release Ministerium für Kultus, Jugend und Sport Baden-Württemberg (15.03.2005)

⁶¹ *taz* (21.05.2005), p. 6

⁶² www.km.bayern.de/km/lehrerinfo/thema/2005/02514/index02.asp (06.10.2005), Fränkischer Tag (02.07.2005)

4.1.4.2. *Pre-school language support measures*

In many federal states pre-school language support programmes are offered – usually based on preceding language tests in the context of the school enrolment. Those programmes differ concerning their mandatory character, their duration and whether those children who do not reach a sufficient level of proficiency within the programme can be obliged to start school later.

Mandatory pre-school language tests for young children who are about to start school were introduced, for instance, in Bavaria and **Brandenburg** in the school year 2004/05. The **Bavarian** Government also introduced a provision according to which only children with sufficient proficiency in German are entitled to enter first grade at school; children without sufficient German language skills will have to first attend language classes. The duration of those pre-school language courses has been expanded from six months to one year; the courses will be extended from 40 to 160 lessons.⁶³

The **Bremen** State Ministry of Education published the comprehensive school concept “Cornerstones for the further development of the school structure in Bremen” in 2005 according to which pre-school language tests should be conducted one year in advance, followed by mandatory language courses lasting several months for those with low German proficiency.

Pre-school language courses for children who are about to be enrolled in school, but do not have sufficient German skills are mandatory in states like **Hesse** (§ 58 School law), **Lower Saxony** (§ 54 a II) and **Berlin** (§ 55 II); in **Bavaria** and **Schleswig-Holstein** those pre-school language courses will become mandatory in the near future. In order to implement such language support programmes on a broad basis, the **Schleswig-Holstein** Ministry of Education announced its intention to increase its efforts to provide pre-school educators with further training, which should enable them to conduct such support programmes themselves.⁶⁴

Some state governments (e.g. Lower Saxony, Berlin) have recently introduced **comprehensive integration concepts** which integrate a broad range of educational support measures. Two of those integration concepts are briefly presented in the annex.

⁶³ www.km.bayern.de/km/schule/schularten/allgemein/fremdschuelerfoerderung/vorkurs/index.shtml (06.10.2005)

⁶⁴ Press release Schleswig-Holstein Ministry of Education (11.08.2005); available at: <http://bildungsklick.de/serviceText.html?serviceTextId=17602> (06.10.2005)

4.1.5. Religious symbols in school

In September 2003, the Federal Constitutional Court ruled that state governments are only entitled to ban Muslim teachers from wearing a **headscarf** during work at state schools if the state legislature has passed a "sufficiently clear" legal foundation for the ban.⁶⁵

Subsequent to this court decision, several state governments have introduced legal provision, which can be categorised as follows:

- In Bavaria, Baden-Württemberg, Lower Saxony, Saarland and Bremen wearing a headscarf whilst teaching at state schools is forbidden for Muslim teachers. Some of these legal amendments contain provisions that *explicitly allow Christian and Jewish symbols* (e.g. Bavaria, Baden-Württemberg), others just aim at *implicitly* allowing those symbols.⁶⁶ In Bremen, the law aims at banning not only to Muslims from wearing headscarves, but also nuns from wearing habits. Nevertheless, according to the Bremen Senator of Education, Christian and Jewish symbols will remain allowed provided they are shown in a discrete and non-provocative way.⁶⁷

In the meantime, the recently elected state government in NRW announced its intention to introduce legal amendments similar to those in Baden-Württemberg.⁶⁸

- In Hesse, wearing a headscarf is banned for **state officials in public service** as a whole whilst Christian and Jewish symbols are still allowed. In May 2005, a state lawyer filed an action at the State Court of Justice arguing that this state law is contrary to the State and the Federal Constitution. She pointed out that according to the constitution all religions are to be treated equally.⁶⁹
- In Berlin, in several areas of public service (e.g. justice, police service, teaching) the wearing of **all noticeable religious symbols** – no matter whether Muslim, Christian or Jewish – is banned in general.

⁶⁵ Germany / BVerfG / 2BvR 1436/02 (24.09.2003)

⁶⁶ In June 2004, the Federal Administrative Court confirmed the Baden-Württemberg law. However, the court pointed out that the ban on religious expression has to be valid for all religions. Preferential treatment of certain religiously motivated clothing (e.g. nun's habit) would not be in accordance with the Constitution (Germany / BVerwG / 2 C 45.03 (24.06.2004)). Further juridical clarification concerning the legal amendments seems necessary.

⁶⁷ Gewerkschaft Erziehung und Wissenschaft, *Erziehung und Wissenschaft*, No. 7-8/2005, p.4

⁶⁸ CDU/FDP NRW (2005), *Regierungserklärung vor dem NRW-Landtag am 13.07.2005*; *taz (NRW)* (01.09.2005), p. 1

⁶⁹ Press release Hesse State Court of Justice P.St. 2016

4.2. Initiatives against racism and discrimination in education

Numerous projects and initiatives which aim at combating xenophobia, raising awareness or at improving the educational attainments of foreign/migrant pupils are being conducted in the field of education – many of them within the framework of major initiatives, countless other projects without a connection to such large-scale initiatives.

The initiative “School against Racism – School with Courage”, coordinated by AktionCourage⁷⁰, is the largest nationwide network of schools which are engaged in **anti-discrimination work** and aim at **raising awareness** of the mainstream student/pupil population (see RAXEN Annual Report 2004). On the occasion of the 10th anniversary of this initiative, AktionCourage stated that 200,000 pupils are at one of the 237 schools which are entitled to call themselves “School without Racism – School with Courage”.⁷¹ The number of schools which aspire to this title is constantly growing: on September 23, the 250th school was awarded the status of a “School without Racism”.⁷²

In 2004, the Körber Foundation launched the initiative “**Praxisforum Schule und Islam**”⁷³ with the aim of collecting good practice concepts that have proven to contribute successfully to intercultural relations at school. 75 school projects were sent to the Foundation, eleven of them were awarded for their outstanding quality; for example, a “multi-cultural radio broadcasting” project on Islam which was conducted by pupils in Arnsberg (NRW) or a school project on intercultural relations which established a broad and active network in the neighbourhood. The Körber Foundation will publish a handbook with concrete suggestions on how to implement them at school.

The nationwide programme “Support of Children and Young People with a Migration Background” (**FörMig**) is presented briefly in the annex.

The following selection of further **good practice projects** primarily aims at illustrating the variety of such projects.

The overall objective of many projects is the **improvement of the integration process** in the education system. An innovative approach to contributing to this target has been taken by the Hamburg-based KENDI project conducted by the association *vericom*. KENDI specifically aims at improving the migrant pupils’ learning skills and their self-esteem in order to promote their access to a higher education.

⁷⁰ www.aktioncourage.de (25.08.2005)

⁷¹ Press release AktionCourage (30.05.2005)

⁷² www.schule-ohne-rassismus.org (06.10.2005)

⁷³ www.stiftung.koerber.de/foerderung/praxisforum_schule_und_islam/content.html (06.10.2005)

The first pillar of the project is a **mentoring programme**: migrant pupils (grade 9 and 10) are offered tutoring given by successful school graduates and students with the same ethnic background. In these lessons the mentors also teach learning techniques and function as positive role-models; they also act as mediators between the pupils and their parents and teachers. The mentors are obliged to participate in a training course beforehand and in regular meetings. The second pillar of the KENDI project is the **involvement of the parents**: they are encouraged to take part in parental meetings in the neighbourhood where they can exchange their experiences and receive further information on the educational system.

The pilot project KENDI is financially supported by the association *Aktion Mensch* and the Preuschhof Foundation. It will be conducted until the end of the school year 2005/06 and is continuously being evaluated. It is planned to set up a “pool of mentors” to ensure that the programme can continue after the pilot phase.⁷⁴

In 2005 a great deal of public attention was paid to the **START** project⁷⁵ initiated by the *Hertie* Foundation in 2002. Within this programme scholarships are given to those young migrants (grade 8 to 13) who, on the one hand, display an above-average performance at school and a remarkable social engagement, and, on the other hand, come from families with low financial and education-relevant resources. Until the end of 2005, more than 120 young migrants will be assisted by the scholarship programme. For one or a maximum of two years, they are supported with further education training courses, contacts to companies and universities, a computer and additionally €100 per month (for education material). The programme has proved to be a successful motivation instrument to use the educational potentials of young migrants who are in a disadvantaged social position.⁷⁶ A scientific evaluation of *START* is currently being conducted by the *efms*.

The *START* project is one of five elements of a comprehensive support concept developed by the *Hertie* Foundation; the individual projects are:

⁷⁴ www.verikom.de/kendi.htm (06.10.2005)

⁷⁵ www.start.ghst.de (06.10.2005)

⁷⁶ Önen, K. (2005) „Die Integrationsprojekte der Gemeinnützigen Hertie-Stiftung“, in: ZAR No. 1, pp. 27-28

- *START*
- *Frühstart*: support for migrant children in pre-school (see Annual Report 2004)⁷⁷
- *Deutsch & PC*: language support and computer courses for migrant pupils in primary education⁷⁸
- *KOMM*: a neighbourhood-oriented project that addresses the problem of school absenteeism of migrant pupils (grade 4 to 7) mainly with offers of counselling.⁷⁹
- *FFM*: language and subject-related courses for migrant pupils in grade 5 to 10 which aim to support them specifically in the transition phases from one educational stage to the next.⁸⁰

To offer a deeper understanding of the **Holocaust** is a core objective of many – often school-related – projects. In general, Holocaust education is an inherent part of the curricula of all school types in Germany⁸¹. Additionally, numerous projects on antisemitism and the Holocaust have been initiated in schools. Within the Action Programme “Youth for Tolerance and Democracy – Against Right-Wing Extremism, Xenophobia and Antisemitism”⁸², for instance, 63 of such projects have been funded since 2001; in 2005, further 13 projects are or will be supported in this context.

The project “**Fit machen für Demokratie und Toleranz – Young people deal with Antisemitism**”⁸³ should be described briefly to exemplify how the topic of antisemitism is addressed at school in a non-curricular way. The ENTIMON supported project, which is currently conducted by the Berlin-based Centre of Research on Antisemitism, the Berlin State Institute for Schools and Media and the Berlin office of the American Jewish Committee (AJC), aims at providing insights in contemporary, subtle forms of antisemitism to young people and teachers. This project consists of several elements:

- **Pupils** are offered the opportunity to practice in **small groups** how to act actively against antisemitic resentments and how to influence their peer group positively against antisemitic prejudices. These groups are supported by specially trained “youth leaders”. The programme is carried out at five schools in Berlin, Potsdam and Dresden as well as at several schools in Brandenburg.

⁷⁷ www.projekt-fruehstart.de (06.10.2005)

⁷⁸ www.ghst.de/index.php?c=43&sid=&cms_det=81 (06.10.2005)

⁷⁹ www.komm-cjd.de (06.10.2005)

⁸⁰ www.ffm.ghst.de (06.10.2005)

⁸¹ German Parliament, printed matter 15/5149 (2005) p. 3

⁸² Between 2001 and 2004, more than 3,600 projects and measures were supported within this Action Programme (total funding: €163 Mio.)

⁸³ www.tu-berlin.de/~zfa (06.10.2005); www.frieden-fuer-europa.de (06.10.2005)

- Teachers are offered the chance to attend specific **further education programmes**, which last one year and are being conducted by the Friedrich-Ebert Foundation.
- Furthermore, a **CD-ROM for teachers** has been developed which provides information on various aspects of anti-Semitism and demonstrates “good practice” methods and teaching material which should help to deal with antisemitism in the classroom.

5. Legislation

5.1. Legislative provisions addressing racism and xenophobia

5.1.1. Legal provisions introduced in 2005 transposing Directives 2000/43/EC and 2000/78/EC

Neither directive has been transposed into German law. The antidiscrimination bill which was introduced by the government in December 2004 and amended in March 2005 was passed by the Parliament, but rejected by the Conservative dominated Upper House (*Bundesrat*). Due to a lack of time, the bill could not be passed within the legislative period.

5.1.2. Legal provisions transposing Council Framework Decision on combating trafficking in human beings (2002/629/JHA)

The Council Framework Decision on combating trafficking in human beings was transposed into German law through the **37th amendment of the Criminal Law** (StGB), which came into force on February 19, 2005.⁸⁴ Corresponding to Art. 1 of the Framework Decision, the amended Criminal Law now differentiates between human trafficking for sexual exploitation (§232) and – as a new offence in the German criminal law⁸⁵ – human trafficking for labour exploitation (§233). The former §§ 180b and 181 StGB were cancelled because the definition of human trafficking used in these paragraphs was not in compliance with the Framework Decision. Furthermore, the amended provisions make it easier for victims of human trafficking (especially those without a legal residency status) to report such crimes to the police since the public prosecutor can dispense with pursuing the violations of foreigner's law more easily (Amendment of §154c StPO).

⁸⁴ Germany / BGBl. 2005 I p. 239; press release Federal Ministry of Justice (19.02.2005)

⁸⁵ Süssmuth, R. (2004) „Feminisierung von Migration und Flucht“ in: Bundesamt für die Anerkennung ausländischer Flüchtlinge (ed.) *50 Jahre. Behörde im Wandel*, Nürnberg: BAFI, pp. 96-108 (here: p. 104)

5.1.3. Legal provisions transposing Council Directive 2004/38/EC (free movement of EU citizens)

The Council Directive 2004/38/EC has been partly transposed into national law through the introduction of the **Free Movement Act/EC**⁸⁶. This law is part of the new Immigration Law (Art. 2), which came into force on January 1, 2005, and replaces the former “Law on the entry and residence of nationals of EEC member states” which had been in force since 1969 (with several amendments). Legal experts agree that the new Free Movement Act/EC is **not suitable for transposing** all the provisions of the Council Directive adequately: for instance, the group of people who receive a permanent residence entitlement after five years of legal inhabitancy, consists, according to the Directive, of the Union citizen and his/her family members including “dependent direct relatives in the ascending line” (Art 2 and 16) whereas the respective German provisions offer this right of permanent residence only to the Union citizen and his/her spouse and children (§2 V). Furthermore, certain elements of the EU regulations concerning the protection against expulsion of Union citizens (Art. 28) are still lacking in the German law.⁸⁷ The Federal Ministry of the Interior has announced that the necessary legal amendments are currently in preparation.⁸⁸

5.1.4. Legal provisions transposing Council Directive 2003/9/EC (reception of asylum seekers)

The majority of the regulations of the Directive 2003/9/EC are already covered by German law; this is especially valid for the scope of benefits for asylum seekers, which is sufficiently regulated by the German **Law on Benefits for Asylum Seekers** (AsylbLG) and the **Asylum Procedure Act** (AsylVfG; §§47-67).

Nevertheless, some individual provisions of the Directive still have to be incorporated into national law, for instance, Art. 5 on the right to information for asylum seekers.⁸⁹ Another **gap** refers to the access to education: The Directive (Art. 10) urges Member States to grant minor children of asylum

⁸⁶ Germany / BGBI. 2004 I p. 1950. See also: Groß, H. (2005) „Das Gesetz über die allgemeine Freizügigkeit von Unionsbürger“ in: ZAR, No. 3/4, pp. 81-86.

⁸⁷ At the Conference „Zuwanderungsgesetz: Vom Provisorium zur Einwanderung?“ in Stuttgart (January 2005) the question as to the extent to which the Law on Free Movement/EC is suitable for transposing the respective EU Council Directive was discussed by *Sieveling* and *Gutmann* (specifically concerning the protection against expulsion); for further information see: www.akademie-rs.de/gdcms/aka_01.asp?CID=564&AID=13&MID=3 (02.08.2005)

⁸⁸ www.zuwanderung.de/english/3_gesetzesvorhaben.html (02.08.2005)

⁸⁹ Sachverständigenrat für Zuwanderung und Integration (2004), *Migration und Integration – Erfahrungen nutzen, Neues wagen (Jahresgutachten)*, p. 79 (in the following: *Zuwanderungsrat 2004*). This is also confirmed by NGOs such as *Pro Asyl* and the *German Red Cross* (see following fn. 91).

seekers and underage asylum seekers access to the education system “under similar conditions as nationals”. According to the *German Red Cross (DRK)* and the refugee organisation *Pro Asyl*, these EU provisions call for amendments in several state laws in Germany since the right to school access (especially secondary education) for asylum seekers is not sufficiently anchored in all federal states.⁹⁰

5.1.5. Legal provisions regarding the operation and legal status of the most important religious congregations

According to the German constitution, free religious observance for all religious groups is guaranteed (Section 4(2) GG). Beyond this constitutional principle, religious congregations can be distinguished according to their legal status. On the one hand, legal groups acquire legal capacity in accordance with the general provisions of civil law; which allow them, for example, to purchase property or hire employees. On the other hand, the organisation can be officially recognised as a public corporation (*Körperschaft öffentlichen Rechts*).⁹¹ Religious congregations with such an official status have numerous legal, financial and administrative benefits, for instance⁹²:

- Right to raise taxes, which would be collected by the tax authorities (Art 140 GG in combination with Art 137 VI WRV)
- Right to employ people as civil servants, analogue to public services (§ 121 II BRRG)
- Recognition as responsible bodies for (youth) welfare services
- Municipal urban development plans must designate specific areas for “holy places” (e.g. mosques, synagogues) (§1 V, s. 2, No. 6 BauGB)⁹³
- Numerous tax privileges

Status recognition of Islamic congregations

⁹⁰ Deutsches Rotes Kreuz (2003), *Europäische Asyl- und Migrationspolitik. Dokumentation einer Fachtagung*, pp. 14-18; Kopp, K., Need for Action on the implementation of the reception directive in the Federal Republic of Germany, available at: www.pro-asyl.de/texte/europe/union/2004/Reception_Needforaction.htm#_Toc78419296 (06.10.2005)

⁹¹ The preconditions for a religious community to be granted this legal status are laid down in Art 140 GG in combination with Art 137 (5) WRV (*Weimarer Reichsverfassung* 1919).

⁹² Lemmen/Miehl 2001, p. 59

⁹³ German Parliament, printed matter 14/4530 (08.11.2000); Lemmen/Miehl 2001, p. 27

Until now, no Muslim organisation has been granted the legal status of a public corporation nor recognised as an official religious community in the constitutional sense of Art. 7 III GG. This **lack of official status recognition** has a decisive impact on the legal situation of the Muslim Community since the rights and privileges listed above do not apply to any Muslim organisations.

The Muslim umbrella organisations *Zentralrat der Muslime* (ZMD) and *Islamrat* have been trying to be legally granted the **status of a religious community according to Art. 7 III GG** to be entitled to conduct Islamic instruction at public schools in NRW. The Upper Administrative Court (OVG) Münster rejected the joint appeal of the ZMD and the *Islamrat* in December 2003.⁹⁴ The Federal Administrative Court (BVerwG) in Leipzig, however, did not follow the OVG decision and ruled that both Muslim organisations cannot be refused the status recognition on the basis of the reasons given by the OVG (e.g. multi-level umbrella organisations without “natural persons” as members, not responsible for carrying out all the tasks related to everyday religious practice). The BVerwG did not make a final decision on the status of the Muslim organisations in question, but referred the case back to the OVG for re-assessment.⁹⁵ For a brief description of the exceptional legal situation in the state of Berlin, see the annex

Jewish Congregation: status of public corporation and treaties with the government

The *Zentralrat der Juden in Deutschland* (Central Council of Jews), the *Israelitische Kultusgemeinden* and the official Jewish associations on the state level have all been granted the legal status of public corporation – with all the positive consequences (see above).

Additionally, the Federal Government signed a treaty (*Staatsvertrag*) with the Central Council of Jews on January 27, 2003 which further strengthens the relationship between German society and Jewish community and acknowledges the “lasting and growing existence of Jewish life in Germany”⁹⁶. With this treaty the Government has tripled its subsidies for the Central Council, raising them to €3 Mio per annum. The treaty also contains the obligation of the Federal Republic of Germany to contribute to the maintenance of the German-Jewish cultural heritage, the strengthening of the Jewish community and to other duties concerning the integration of Jewish immigrant.

Similar treaties have been signed between state governments and the Jewish association of the respective federal state. Most recently the state parliament of Brandenburg passed a law on a treaty with the Jewish Community. The law contains not only regulation on the acknowledgement of Jewish holidays, on the maintenance of Jewish cemeteries and many other aspects, but also allocates a

⁹⁴ NRW / OVG / 19 A 997/02 (02.12.2003)

⁹⁵ Germany / BVerwG / 6 C 2.04 (23.02.2005)

⁹⁶ Press release *Zentralrat der Juden* (11.07.2003); treaty available at: <http://cgi.zentralratjuden.de/cgi-bin/index.php?lang=de&article=1&print=1> (03.08.2005)

sum of € 200,000 per annum to the Jewish organisation.⁹⁷ Similar treaties exist in Schleswig-Holstein and NRW.

5.1.6. Readmission agreements between Germany and non-EU Member States. Data on deportations and voluntary repatriation

Readmission agreements

The German government has signed bilateral readmission agreements with the following non-EU Member States:⁹⁸

Tab. 6: List of readmission agreements with non-EU countries

| <i>Country</i> | <i>in effect since...</i> |
|------------------------|---|
| Albania | 01.08.2003 |
| Algeria | 01.11.1999 |
| Bosnia and Herzegovina | 14.01.1997 |
| Bulgaria | 15.01.1995 |
| Hong Kong | 17.02.2001 |
| Serbia and Montenegro | 01.04.2003 |
| Croatia | 22.10.1997 |
| Morocco | 01.06.1998 |
| Macedonia | 01.05.2004 |
| Norway | 18.03.1955 |
| Rumania | 01.11.1992 (readmission of “stateless” people since 01.02.1999) |
| Switzerland | 01.02.1994 (applied since 01.02.1996) |
| Vietnam | 21.09.1995 |

Source: Federal Ministry of the Interior

⁹⁷ Brandenburg / GVBl. I/05 p. 158 (26.04.2005)

⁹⁸ status quo on December 2004; document available at:

[www.bmi.bund.de/cln_012/nn_161642/Internet/Content/Common/Anlagen/Themen/Au
slaender Fluechtlinge Asyl/PolitischeZiele/Rueckkehr von Fluechtlingen Id
25475_de.templateId=raw.property=publicationFile.pdf/Rueckkehr von Fluechtlinge
n Id 25475_de](http://www.bmi.bund.de/cln_012/nn_161642/Internet/Content/Common/Anlagen/Themen/Au%20slaender%20Fluechtlinge%20Asyl/PolitischeZiele/Rueckkehr%20von%20Fluechtlingen_Id_25475_de.templateId=raw.property=publicationFile.pdf/Rueckkehr%20von%20Fluechtlinge_n_Id_25475_de) (04.08.2005)

Data on deportation and voluntary repatriation

According to the recent annual figures available at the Federal Ministry of the Interior, about 26,500 people who were obliged to leave the country were deported in 2003. More current data are available on the number of **deportations** carried out by air plane, which is by far the most common way of deportation: In 2004, 21,970 deportations were carried out by plane (2003: 23,944; 2002: 26,268). The main countries of destination in 2004 were Serbia/Montenegro (4,421), Turkey (3,666), Bulgaria (1,208), Vietnam (1,036) and Rumania (1,013).⁹⁹

Two programmes for **voluntary repatriation** of asylum seekers and refugees exist in Germany: the Reintegration and Emigration Programme for Asylum Seekers in Germany (REAG) and the Government Assisted Repatriation Programme (GARP). In 2004, 9,961 people left Germany voluntarily within the framework of REAG or GARP (2003: 11,646). 98.5% of them (9,815 people) returned to their home countries, 1.5% immigrated to other countries. The majority of those 9,961 people are citizens of Serbia/Montenegro (3,224), followed by Turks (923) and Iraqi (824). A differentiation according to the status shows that 69.9% of them (6,960) were asylum seekers whose applications had been turned down, 17.2% (1,720) were asylum seekers whose asylum applications had not been finally decided upon; only 2.3% (234) were recognised refugees.¹⁰⁰

5.1.7. Provisions limiting health services access to immigrant groups

The only migrant group¹⁰¹ whose access to the health system is limited by legal provisions are refugees who receive benefits on the basis of the **Law on Benefits for Asylum Seekers** (AsylbLG), i.e. mainly asylum seekers while their applications are being processed, rejected asylum seekers with a toleration status (*Duldung*) and refugees with a temporary residency entitlement in accordance with the EU Directive 2001/55/EC on temporary protection in the event of a mass influx (§1 AsylbLG).

§4 AsylbLG regulates the benefits in cases of “illness, pregnancy and birth”: Regular medical treatment is only provided if the illness is **acute or** when the person is **suffering pain**. If these preconditions are not fulfilled, the scope of the medical treatment can be limited. The benefits for pregnant women according to AsylbLG are on a high – and unrestricted – level. Dental treatment, on the other hand, is restricted as dentures are only covered if the individual case does not allow the treatment to be postponed. §6 AsylbLG (“other benefits”) supplements §4: in individual cases other benefits can be offered if, this is indispensable to one’s health. *Deibel* interprets this paragraph as a

⁹⁹ German Parliament, Protocol of the 162nd parliamentary session (09.03.2005)

¹⁰⁰ www.bamf.de/template/statistik/anlagen/hauptteil_1_auflage_13.pdf (06.10.2005)

¹⁰¹ The restrictions which illegal migrants face in the health system are not covered in this chapter.

necessary provision to supplement the general and rather low-level benefits guaranteed by §4.¹⁰²

Despite §6, the law limits the access to certain forms of medical treatment as the following **court ruling** demonstrates by way of example: on January 28, 2004, the OVG Mecklenburg-Vorpommern ruled that a kidney transplantation is neither covered by §4 nor §6 AsylbLG. As a consequence, the complainant will not receive this kind of treatment, but has to continue with dialysis.¹⁰³

According to §2 AsylbLG, the restriction concerning the access to health services for the relevant group of people should end after 36 months provided the person has not tried to prolong his/her residence by illegal means (e.g. by destroying his/her identification papers); i.e. when the person is no longer subject to the AsylbLG, but to the more general law on social welfare (BSHG/SGB XII), he/she will receive the regular benefits laid down in SGB V (Law on Health Insurance) – without any restrictions compared to nationals.

5.1.8. Legislative provisions in place for immigrants from non-EU Member States regarding voting rights in municipal elections

Foreigners from non-EU Member States are not entitled to take part in the general municipal elections. This is based on a ruling of the Federal Constitutional Court on October 31, 1990, according to which such voting rights, including municipal or district-wide elections, are restricted to German nationals.¹⁰⁴

Third-country nationals are, however, entitled to vote in the elections of “foreigners’ councils” (*Ausländerbeirat*) or “integration councils” (*Integrationsbeirat*). These institutions, which should function as a representation of foreigners on the municipal level, have been established in about 400 German cities. As a general rule, EU-citizens *and* third-country nationals who have lived in the respective city for a minimum of three months have active and passive voting rights in this election. The legal basis of these councils, their status and position within the municipal administration differ from state to state and from city to city, but what they all have in common is their “political insignificance”¹⁰⁵: The power of these councils to influence the

¹⁰² Deibel, K. (2005) “Die Neuregelung des Asylbewerberleistungsrecht 2005“, in ZAR, 9/2004, pp. 321-327. see also: Classen, G. (2005) *Krankenhilfe nach dem Asylbewerberleistungsgesetz*, Berlin: Flüchtlingsrat

¹⁰³ Mecklenburg-Vorpommern / OVG / 1 O 5/04 1 (28.01.2004)

¹⁰⁴ Germany / BVerfG / 83,37 II; The EC-Treaty 1992 led to an amendment of the German Constitution granting EU-citizens the right to vote in municipal elections (Art. 28 I sentence 3 GG); Storz, H; Wilmes, B. (2005) *Das Staatsangehörigkeitsrecht und politische Partizipationsmöglichkeiten von Migranten*

¹⁰⁵ Cyrus 2005a, p. 17

political process in the community, is rather weak, since they only have an advisory status and their proposals to the City Councils are not binding.¹⁰⁶

5.1.9. Reports related to the above legislation published in 2005

In February 2005, the German Institute for Human Rights released a policy paper on the **protection against discrimination** and on how this topic is perceived in the political debate.¹⁰⁷ The paper argues for a comprehensive anti-discrimination law and focuses, among others, on the legal-philosophic embedding of anti-discrimination in the context of human rights and criticises the current public debate on the antidiscrimination bill in Germany.

Beside this report, **numerous position papers** – pro and cons – on the governmental anti-discrimination bill have been released especially in early 2005. More than 50 statements were given solely in the parliamentary expert hearing on March 7, 2005.¹⁰⁸

Concerning the EU Directive on **free movement**, the aforementioned article by *Groß* (published in the expert magazine *ZAR*), in which the content of the directive itself is analysed, is to be mentioned here. The transposition of the directive and respective transposition gaps are emphasised by two other papers published within the framework of the conference report on the new immigration law (see *Sievekling* and *Gutmann* at the conference in Stuttgart-Hohenheim in January 2005; see fn. 87).

A comprehensive report on the **limited access to health services** for asylum seekers in 2005 was released by the Berlin-based refugee organisation *Flüchtlingsrat Berlin*. The author *Classen* presents a detailed overview on the legal provisions laid down in the Law on Benefits for Asylum Seekers (*AsylbLG*) and exemplary court rulings (see fn. 102).

The report *Active Civic Participation of Immigrants in Germany*¹⁰⁹ published within the framework of the EU research project POLITIS contains information on the **voting rights** of foreigners and on municipal **foreigners' councils**; however, the report focuses on other forms of civic participation (e.g. membership in associations). A similar approach is taken in the article on citizenship and opportunities for political participation for migrants (by Storz and Wilmes; see fn. 104).

¹⁰⁶ Drewes, S. (2005) Zwischen Ausländerbeiräten und Integrationsausschüssen. Politische Partizipation von MigrantInnen in der Kommune

¹⁰⁷ Bielefeldt, H.; Follmar-Otto, P. (2005) Diskriminierungsschutz in der politischen Diskussion. Policy Paper No. 5, Berlin: DIMR

¹⁰⁸ All statements are available at:

www.bundestag.de/parlament/gremien15/a12/Oeffentliche_Sitzungen/20050307/
(06.10.2005)

¹⁰⁹ Cyrus 2005a

5.2. Initiatives for legal practitioners in 2005. Measures that actively promote equality

In the following we present a selection of good practices for antidiscrimination and equal treatment with specific reference to the legal sphere. In general, not many such initiatives exist in Germany. All the presented examples aim at a broad impact on anti-discrimination and equal treatment in different social fields.

A few organisations, such as the Academy of European Law (ERA) in Trier and the German Associations of Trade Unions (DGB), conduct special training courses and workshops on the issue of fighting discrimination and promoting equality. The ERA, for instance, has offered for a number of times the expert seminars “The Fight against Discrimination: The Race and Framework Employment Directives” or “The Fight against Discrimination in the Daily Practice” to lawyers or judges and prosecutors. These seminars cover the “basic topics essential to the understanding of both directives” (programme paper) and aim at discussing practical questions, e.g. proof of discrimination and access to evidence, interpretation of the directives by the national judges etc.¹¹⁰

Additionally, the **German Academy of Judges** – the national further training institution for judges of all jurisdictions and for public prosecutors – holds yearly conferences at the conference centres in Trier and Wustrau. These conferences are dedicated, as well, to equal treatment and protection against discrimination. Conferences such as “Intercultural Communication in the Courtroom” and “Justice and Islam” should be noted. German judges and public prosecutors also participate in international training seminars under the auspices of the European Judicial Training Network.

The **DGB** education centre also offers seminars (e.g. in Hamburg) on discrimination in the realm of employment and respective anti-discrimination provisions (“Mit Recht gegen Diskriminierung”) and on how to promote equal treatment at work (“Chancengleichheit im Betrieb”).¹¹¹ These seminars are, unlike the ERA seminars, not specifically offered to legal practitioners, but to everyone who is interested in the topic.

The anti-discrimination project “**GET in**” (“Guide to Equal Treatment in the Private Sector”) aims at promoting equal treatment and combating racial discrimination predominately in the business and financial **services sectors**. The project, which is supported within the EU Action Programme on Combating Discrimination, is conducted, among others, by the welfare organisation CARITAS, the antidiscrimination association ARIC and the Dutch National Bureau against Racism. The project’s objectives comprise various

¹¹⁰ www.era.int/web/en/htFurthermore,1/nodes_main/4_1649_490/4_1087_539/5_1070_66.htm (08.08.2005)

¹¹¹ www.migration-online.de/publikation_X19wcmludD0xJnBpZD02NCZpZD00MzU3Jl89_.html (08.08.2005)

dimensions: Concerning the victims of racial discrimination, guidelines are to be created which are intended to assist them in taking legal steps against unequal treatment in the service sector. Furthermore, specific training programmes are offered for employees of counselling centres (such as anti-discrimination offices or migration welfare services) to provide them with information on possible legal steps against discrimination. In cooperation with companies, recommendations are developed for non-discriminatory treatment of customers, and companies are encouraged to set up specific codes of conduct to promote equal treatment of their customers.¹¹²

¹¹² www.getin-online.net/index_en.html (08.08.2005)

6. Housing

6.1. The situation regarding racism and xenophobia in housing

6.1.1. New sources of information: racism, discrimination and the situation of foreigners in housing

There are no new official data sources in this area. Some NGOs which support victims of racial discrimination register cases of discrimination in the course of their counselling work. The ADB Köln published such non-official data on the period from 2002 to 2004, including a differentiation of various fields of discrimination, e.g. neighbourhood and in housing.¹¹³

Further sources of information are presented in chapter 6.1.4 (reports).

6.1.2. Statistical data: racism, discrimination and the situation in housing

The main sources in this chapter are the latest GSOEP data (2002) (German Social-Economic Panel), analysed within the framework of two expertises by Frick¹¹⁴ and Özcan.¹¹⁵, both commissioned by the Expert Council on Migration (*Zuwanderungsrat*). Additionally we present results of the 6th Multi-Topic Survey, conducted by the *ZfT* among people of Turkish origin in NRW in 2004.¹¹⁶

6.1.2.1. *Data on the situation of foreigners*

Size of apartment

The average size of living space (m² per capita) indicates the disadvantaged situation of people with a migration background. Although the average living space has increased in all population groups over the years, migrants still have

¹¹³ Öffentlichkeit gegen Gewalt e.V. 2004

¹¹⁴ Frick, J.R. (2004) Gutachten zur „Integration von Migranten in Deutschland“ auf der Basis nationaler und international vergleichbarer repräsentativer Mikrodaten

¹¹⁵ Özcan, V. (2004) „Aspekte der sozio-ökonomischen und sozio-kulturellen Integration der türkischstämmigen Bevölkerung in Deutschland“, in: Özdemir, C. et. al *Die Situation der türkischstämmigen Bevölkerung in Deutschland*

¹¹⁶ Goldberg/Sauer 2004

in part significantly less space at their disposal than Germans without a migration background.

Tab. 7: Living space per capita in m² (1988, 1995, 2002)

| Year | Population without a migration background | | Population with a migration background | | | |
|------|---|----------------|--|-----------------------|---------------------------|-----------------|
| | Germany (West) | Germany (East) | Ethnic German migrants | Foreigners from | | |
| | | | | EU, Western Countries | Turkey, former Yugoslavia | Other countries |
| 1988 | 39,2 | - | 31,9 | 28,4 | 21,3 | 32,6 |
| 1995 | 43,1 | 29,9 | 29,6 | 32,2 | 21,8 | 30,4 |
| 2002 | 46,3 | 36,3 | 32,2 | 34,4 | 24,4 | 33,6 |

Source: Frick 2004, p. 44 (GSOEP data)

Further statistical data on this issue, especially on people with a Turkish background, as well as data on the “crowded living conditions” of certain population groups are presented in the annex.

Furnishing of apartments

The level of available furnishing and facilities in Turkish households significantly improved between 1997 and 2002. The differences between German and Turkish households diminished accordingly, although disparities continue to exist, especially concerning the availability of a balcony/patio, a garden, but also of central heating. This differences are – at least partly – the result of the fact that the proportion of the non-German population living in agglomeration areas is much higher than in rural areas.¹¹⁷

¹¹⁷ Özcan 2004, p. 27

Tab. 8: Facilities and equipments available in apartments (in %); German and Turkish households

| | 1997 | | 2002 | |
|--------------------------------|--------|-------|--------|-------|
| | German | Turks | German | Turks |
| Kitchen | 98 | 99 | 98 | 100 |
| Bath tube or shower | 99 | 95 | 99 | 99 |
| Toilet in the apartment | 99 | 98 | 99 | 100 |
| Central heating | 93 | 74 | 96 | 84 |
| Balcony, patio | 77 | 54 | 80 | 62 |
| Basement | 95 | 97 | 95 | 93 |
| Garden | 62 | 26 | 63 | 27 |
| Warm water, Boiler | 99 | 95 | 99 | 96 |
| Telephone | 94 | 82 | 99 | 99 |

Source: Özcan 2004, p. 37 (GSOEP data)

Home ownership

The proportion of those who are owners of the apartment/house that they inhabit has grown considerably among Germans (without a migration background) as well as among migrants from Turkey, former Yugoslavia and from EU/Western (industrialised) countries between 1988 and 2002. The opposite tendency can be observed in the category of “other countries of origin” and of ethnic German migrants (*Spätaussiedler*).¹¹⁸

¹¹⁸ The diminishing rate of home ownership among ethnic German migrants is a result of the decrease of financial support programmes for this (legally privileged) migrant group (Sachverständigenrat für Zuwanderung und Integration 2004, p. 306).

Tab 9: Quota of home ownership by population groups (1988, 1995, 2002)

| Year | Population without a migration background | | Population with a migration background | | | |
|------|---|----------------|--|-----------------------|---------------------------|-----------------|
| | Germany (West) | Germany (East) | Ethnic German migrants | Foreigners from | | |
| | | | | EU, Western Countries | Turkey, former Yugoslavia | Other countries |
| 1988 | 49,3 | - | 39,3 | 23,6 | 7,4 | 42,8 |
| 1995 | 49,3 | 31,0 | 25,5 | 35,9 | 11,0 | 33,7 |
| 2002 | 53,6 | 39,7 | 29,1 | 46,9 | 22,9 | 21,2 |

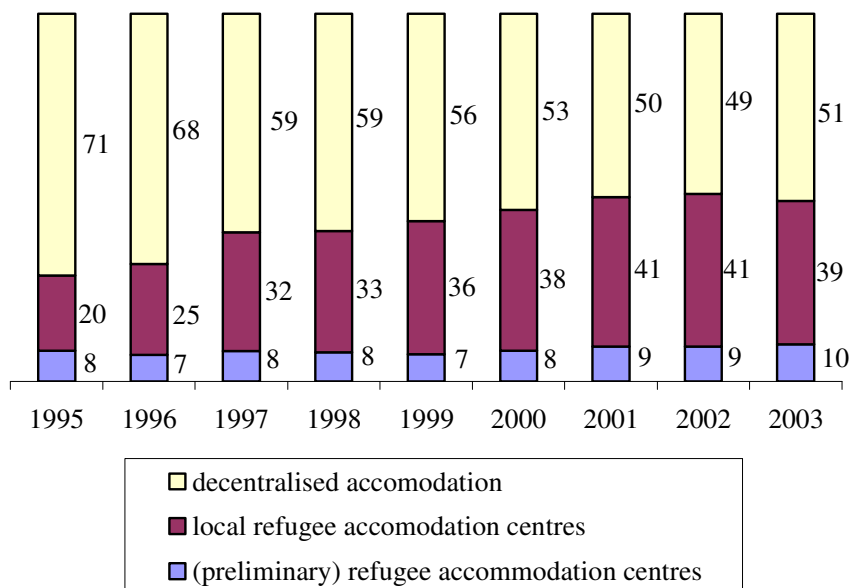
Source: Frick 2004, p. 44 (GSOEP data)

Accommodation of asylum seekers

Asylum seekers are subject to strict legal regulations on their housing situation (especially concerning their choice of location). After submitting their asylum applications they are distributed among the German states according to fixed quotas and housed in special (preliminary) refugee accommodation centres (*Aufnahmeeinrichtungen*). On average, asylum seekers live in these centres for a period of at least six weeks, with the maximum period being three months. Afterwards, they are housed in decentralised apartments or local refugee accommodation centres.¹¹⁹

¹¹⁹ Of the total 264,240 asylum seekers who sought benefits at the end of 2003 in accordance with the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*), 103,104 of them lived in local accommodation centres, 134,597 lived in decentralised accommodations, and 26,539 people lived in (preliminary) refugee accommodation centres (Germany, Federal Statistical Office, Fachserie 13, Reihe 7, Tab. A 1.1).

Graph 10: Asylum seekers by type of accommodation in %



Source: Federal Statistical Office

The proportion of those asylum seekers who are housed in (preliminary) refugee accommodation centres has increased only slightly (7.4% in 1999 and 10.0% in 2003). The proportion of those who are housed in local refugee accommodation centres, however, has more than doubled from 20.4% (1995) to 41.5% (2002). The latest data available show a decrease to 39.0% in 2003. Vice versa, the proportion of those asylum seekers, who live in decentralised apartments dropped from 71.2% in 1995 to 49.1% in 2002 and was at 50.9% in 2003.

According to a the results of a study on the living conditions of refugees in the state of Saarland (*Weißbuch 2004*; see 6.1.4), the housing situation of those refugees who are housed in decentralised apartments is significantly better than of those who have to live in centralised accommodation centres.¹²⁰

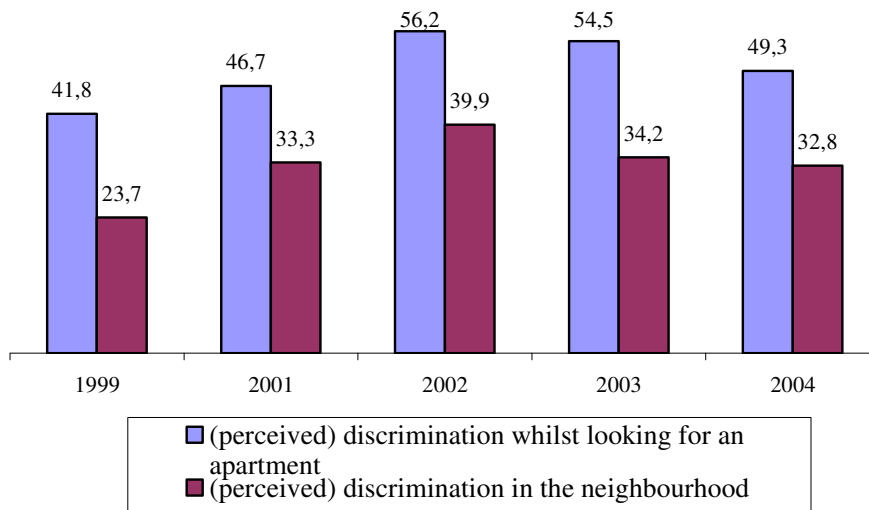
6.1.2.2. Data on (perceived) discrimination

The **ZfT Multi-Topic Survey 2004** concludes that 49.3% of the interviewees perceived to have been discriminated against whilst looking for an apartment; 32.8% stated that they have felt discriminated against in the neighbourhood. Despite these high figures, the proportion has dropped after having reached its peak in 2002, as graph 11 illustrates. Comparing these data to other fields of

¹²⁰ isoplan Consult (2005), *Weißbuch Flüchtlinge Asylbewerber/innen im Saarland 2004*, p. 128

perceived discrimination it becomes apparent that the level of discriminatory treatment whilst looking for an apartment is similar to that in the realm of the labour market, this means it is one of the most vulnerable areas. Discrimination in the neighbourhood ranks on a medium level.

Graph 11: Perceived discrimination: "looking for an apartment" and "neighbourhood" in % (1999, 2001-2004)



Source: ZfT

The **ADB Köln** registered 164 cases of discrimination in the course of their counselling work between 2002 and 2004; 14% of these cases took place in the neighbourhood and 7% whilst looking for an apartment. According to the ADB, public authorities (29%) and public services (17%) are the most vulnerable areas where ethnic discrimination occurs.¹²¹

6.1.3. Provisions for reception centres for asylum seekers

The Residence Act (Article 1 of the new Immigration Law), which came into effect in 2005, contains an amended provision on the distribution of **illegally immigrated foreigners** who neither file an asylum application nor can be detained after their unlawful entry nor can then be deported instantly. If the illegal entry happened after 1.1.2005, they are distributed – similar to asylum applicants – among the German states and they are obliged to remain living in the respective accommodation centres as long as they cannot be deported or until they are granted a residency status (§15 Residence Act).¹²²

¹²¹ Öffentlichkeit gegen Gewalt 2004, p. 5

¹²² Germany / AufenthG (30.07.2004)

The distribution of those immigrants is carried out in accordance with certain quotas (“Königsberger Schlüssel”). Since January 1, 2005, these state-specific reception quotas are not fixed by the Asylum Procedure Act (§45) anymore, but are re-calculated every year on the basis of tax revenue and the demographic development of each federal state. In effect, however, the quotas have only changed slightly with the introduction of this new provision (see annex).

The only recently released **report** that deals with the situation in these reception centres (*Weißbuch 2004*) will be briefly presented in the following chapter.

6.1.4. Reports regarding racism and discrimination in housing

Within the framework of the large-scale nationwide project “**Migrants in the City**” (see 6.2) an edited volume with twelve articles was published in 2005. Two articles in particular convey new insights concerning discrimination in the housing sector:

1. Siebel presents the results of a **qualitative research study** based on biographical interviews with second-generation migrants and on expert interviews with gatekeepers of the labour and the housing markets. According to the findings, besides other factors, the housing companies’ policy of applying quotas often has a discriminatory impact.¹²³

2. Mersmann conducted **in-depth interviews** with representatives of seven housing companies on their allocation practices: the researcher found reservations especially towards people from Islamic countries, but also toward ethnic German migrants. Concerning their allocation practice, the housing companies intend to distribute members of those migrant groups as equally as possible among all their apartment buildings. Many of the interviewees pay particular attention that not more than 20% of all tenants in each apartment complex are foreigners.¹²⁴

Within the framework of a long-term anti-discrimination project in the realm of housing (since 1997), the association *Planerladen* conducted semi-standardised interviews with 77 housing companies on “migrants as tenants, buyers and clients“. The **final report** provides information on the interviewees’ attitudes toward migrants, about specific housing-related measures and projects for this

¹²³ Siebel, W. (2005) „Objektive und subjektive Faktoren der Integration resp. der Ausgrenzung von Migranten im biographischen Verlauf“, in: Schader-Stiftung et al. (eds.) *Zuwanderer in der Stadt. Expertisen zum Projekt*, Darmstadt: Schader-Stiftung, pp. 149-172. A brief article based on the same research study was presented in the update of the RAXEN Annual Report 2004: Gestring, N. et al (2004) “Die zweite Generation türkischer Migranten”, in: *Einblicke. Forschungsmagazin der Uni Oldenburg* No. 40, pp. 8-11

¹²⁴ Mersmann, A. (2005) „Migranten in Wohnungsunternehmen, Wohnungsvergabepaxis und Partizipationsansätze“, in: Schader-Stiftung et al. (eds.) *Zuwanderer in der Stadt. Expertisen zum Projekt*, Darmstadt: Schader-Stiftung, pp.175-210

client group and about the allocation practices of the companies.¹²⁵ According to a majority of the companies interviewed, cultural and mentality differences, but also language problems of many migrants often cause conflicts (e.g. not complying with the rules, noise). The report also illustrates that the companies' allocation management often follows the unsystematic aim of finding the "right mixture", i.e. composition of German and non-German tenants.

The report "**Weißbuch Flüchtlinge und Asylbewerber/innen im Saarland 2004**"¹²⁶ presents insights into the specific living situation of refugees and asylum seekers in the Saarland; among others, their housing situation in the central refugee reception and accommodation centre in Lebach and in decentralised apartments is analysed. A core conclusion of the report is that the housing situation in the centralised accommodation centre is acceptable for a short period of time. For a long-term stay, however, the conditions are assessed as being too poor due to the limited space in combination with a high number of occupants. The situation of those refugees who live in decentralised apartments, on the other hand, is assessed as being relatively positive.

Based on the expert workshop "Needs of migrants in the field of housing", carried out by the NRW *Institut für Landes- und Stadtentwicklungsforschung und Bauwesen* in November 2003, a **documentation** was published in 2005, which analyses the situation of migrants as customers in housing.¹²⁷ This document presents research results on the housing conditions, segregation, housing-related needs and home ownership of migrants.

¹²⁵ Planerladen e.V. (ed.) (2005) *Migranten auf dem Wohnungsmarkt: Befragung von Wohnungsunternehmen zu „Migranten als Mieter, Käufer, Kunden“*. Ergebnisbericht, Dortmund

¹²⁶ isoplan Consult 2005, pp. 51-60, 126-128

¹²⁷ Institut für Landes und Stadtentwicklungsforschung und Bauwesen des Landes NRW (2005), *Wohnbedürfnisse von Migrantinnen und Migranten. Erfahrungen, Ansätze, Strategien*

6.2. Initiatives against racism and discrimination in housing

Numerous good practice projects with a specific focus on the improvement of living conditions of migrants in certain neighbourhoods are continuously supported within the nationwide programme of the Federal Government *Soziale Stadt (Social City)* and the EU programme URBAN II¹²⁸ (see RAXEN Annual Reports 2003 and 2004).

After the first implementation phase of the programme “Social City” was concluded with the release of an interim evaluation report (2004)¹²⁹, the established nationwide networks are to be extended in the new phase and the international exchange of experiences is to be further promoted.¹³⁰ Moreover, the conditions to involve more people with a migration background are to be improved in this second phase; the “integration of migrants” has become an explicit focus of the programme. In the meantime, comprehensive projects of urban development focussing on better chances and better living conditions of socially disadvantaged people (among those many with a migration background) are supported by the Federal government and the Länder governments in 389 areas in 265 communities.’

The project “**Migrants in the City**” coordinated by the Schader Foundation is another nationwide initiative which deal with spatial integration of migrants (see RAXEN Annual Report 2004). In February 2005, the expert forum of the programme released comprehensive recommendations on concrete approaches to promote the integration process of migrants in the neighbourhood.¹³¹ These recommendations are to be discussed by the second organisational element of the programme, the Praxis Network, and implemented in the individual local context. The results of this implementation process will be the core element of the final documentation, which is expected to be released in mid-2006.¹³² The expert forum addresses its recommendations specifically to the municipal authorities, social (welfare) organisations and housing companies, but also emphasises that all pertinent active bodies, including migrant organisations,

¹²⁸ Among the EU-wide 70 communities that are involved in the URBAN II programme there are twelve German cities; measures that are supported are, for instance, new approaches to integration as an element of the general urban district development strategies (Germany, Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2005a, p.121).

¹²⁹ www.sozialestadt.de/veroeffentlichungen/evaluationsberichte/zwischenvaluierung-2004/ (10.10.2005)

¹³⁰ German Parliament, printed matter 15/4660 (19.01.2005)

¹³¹ Schader-Stiftung et al. (eds.) (2005) *Zuwanderer in der Stadt. Empfehlungen zur stadträumlichen Integrationspolitik*, Darmstadt

¹³² Schuleri-Hartje, U.-K.; Reimann, B. (2005) „Zuwanderer in der Stadt – Integration trotz Segregation Ausgangslage“, in: *ZAR*, No. 5/2005, pp. 164-167, here p. 167

companies and the inhabitants themselves, have to be integrated into a broad local network. The forum names, among others, the following general tasks:

- Education and language learning programmes in the neighbourhood
- Support for self-employed migrants
- Easy access to different forms of participation
- Increasing the sense of security in the neighbourhood
- Providing areas of free spaces in the neighbourhood to be used by the inhabitants
- Increasing house ownerships among migrants

The initiative „Migration in the City” is of particular importance because it brings together all significant expert organisations in the field of urban development and combines practical and scientific expertise in an exemplary way.¹³³ The general approach to the topic of spatial integration within this programme is based on the assessment that ethnic segregation is – to a certain degree – inevitable; as a consequence, many measures aim at enhancing the living conditions and infrastructure in these segregated neighbourhoods.

These large-scale programmes are presented to illustrate the high number of projects in housing. In the following we will briefly describe two concrete good practice projects, in order to illustrate different approaches and objectives of such projects. An additional good project is presented in the annex.

Inhabitants of the City of Karlsruhe founded the **private housing cooperative MiKa**¹³⁴ (*Wohnungsgenossenschaft*) and organised the redevelopment of an old military area into an apartment complex. All members of *MiKa* have agreed on the articles of the association, which bans disadvantaged treatment due to someone’s “origin, sex, outer appearance, age or social status”. The basic principles are tolerance, non-discrimination, self-management and promoting the communication process between the occupants (e.g. by many commonly used facilities). Members of minority groups are explicitly encouraged to participate. Meanwhile 150 adults and 80 children have taken up residence in the *MiKa* apartment complex, with 30% of them having a migration background.

The *MiKa* initiative was presented as one of 28 best practice projects by the Schader Foundation in the context of the programme “Migrants in the City” due to its holistic and communicative approach to participation.¹³⁵

Based on the assessment that segregation is a barrier to successful integration, the objective of the *Münster Declaration 2005*¹³⁶ is to allocate newly arrived

¹³³ Further information on the initiative “Migrants in the City” is presented in the RAXEN 5 Annual Report.

¹³⁴ www.mika-eg.de (06.10.2005)

¹³⁵ Petendra, B. (2005) Sozialräumliche Integration von Zuwanderern. best-practice-Projekte, Darmstadt: Schader-Stiftung

ethnic German migrants within the City of Münster. In this Declaration housing companies and societies, the municipal administration, associations, churches and migrant organisations commit themselves to ensuring that every newly arrived ethnic German finds a place to live in a neighbourhood that does not display any tendencies of segregation.

This aim is meant to be achieved within a flexible assistance and allocation process: in general, this process includes an initial counselling session to explore the specific needs of the individual migrant. Within a mandatory “Integration Contract” signed by the migrants and the City of Münster, every migrant receives support by a personal guide and contact person who is familiar with the local conditions. According to the Integration Contract migrants are not only offered support, but they are also obliged to participate in certain integration measures. The *Münster Declaration* is an integrated element of the German-Dutch INTERREG-project “Zuwanderer integrieren”.¹³⁷

¹³⁶ Declaration available at: www.muenster.de/stadt/zuwanderung/pdf/2005_xenia_ms-erklaerung.pdf (06.10.2005); see also: Michalowski, I. (2005) “Ins ‘richtige’ Netzwerk gelotst: Lokale Vernetzung zwischen Einwanderern und Einheimischen” in: Weiss, K.; Thränhardt, D. (eds.) *SelbstHilfe. Wie Migranten Netzwerke knüpfen und soziales Kapital schaffen*. Freiburg i.Br.: Lambertus, pp. 201-217

¹³⁷ www.muenster.de/stadt/zuwanderung/interreg.html (06.10.2005)

7. Racist violence and crimes

7.1. The situation regarding racist violence and crimes

7.1.1. New sources and accessibility of police data on racist crimes

New sources of data and information are not available. Police data on extreme right-wing, xenophobic and antisemitic crimes are publicly accessible in Germany and represent the most important nationally available source of statistical data; a monthly update is made public within the framework of parliamentary inquiries. The reports of the State Offices and the Federal Office for the Protection of the Constitution publish data and information on extremist crimes, developments and organisations on an annual (sometimes semi-annual) basis.

7.1.2. Data on racist violence and crimes, groups of victims and perpetrators

Official Statistical Data

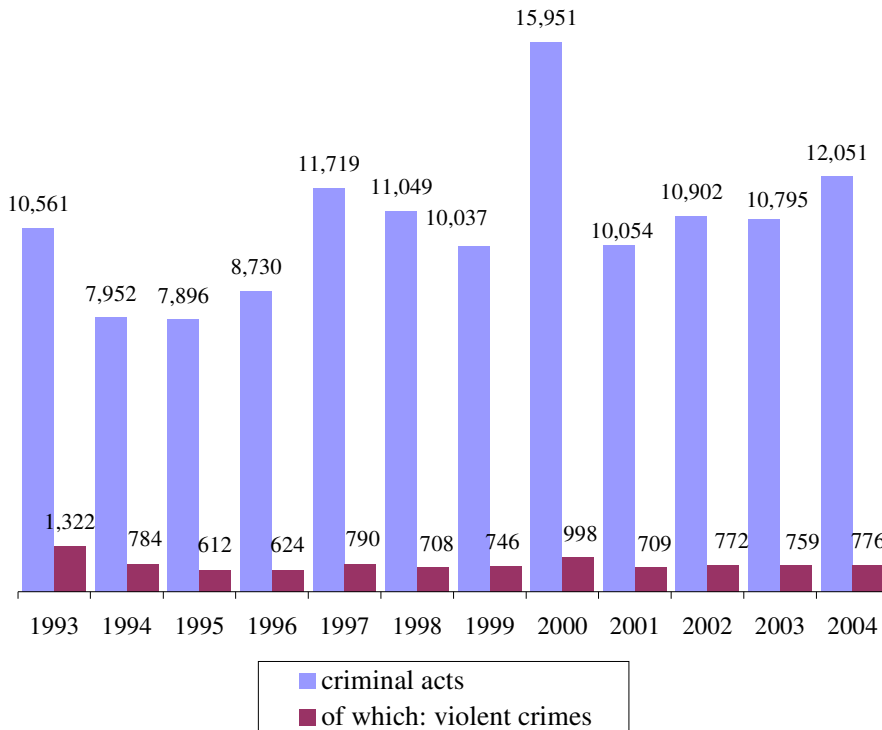
The official statistics **on politically motivated crimes** (PMK) in 2004, published by the Federal Ministry of the Interior, display – for the first time since the introduction of the new registration system in 2001 (see RAXEN 5 Annual Report) – an increase of right wing acts. In 2004, 12,553 of these PMK right wing crimes were registered, which represents an increase of 8.4% in comparison to the year 2003 (11,576; 2002: 12,933; 2001: 14,725). This increase mainly results from the increase of propaganda offences (2004: 8,455; 2003: 7,951). The number of *violent* crimes in the category “PMK right-wing” decreased from 845 in 2003 to 832 (2004).

Furthermore the Federal Report on the Protection of the Constitution, which concentrates on *extremist* crimes (i.e. aiming at overthrowing the constitutional order), categorises 12,051 of a total of 12,553 PMK right-wing crimes as “**extremist crimes**” – an increase of 11.7% compared to 10,792 such crimes in 2003.¹³⁸ Furthermore, the number of right-wing extremist *violent* crimes rose slightly from 759 (2003) to 776 (2004), which is an increase of 2.2% (see graph 1).¹³⁹

¹³⁸ A differentiation according to the type of crime is presented in the annex.

¹³⁹ Germany, Federal Ministry of the Interior (BMI), Verfassungsschutzbericht 2004, Berlin, p.31 (in the following: *BMI 2005*)

Graph 12: Extremist right-wing (violent) crimes 1993-2004



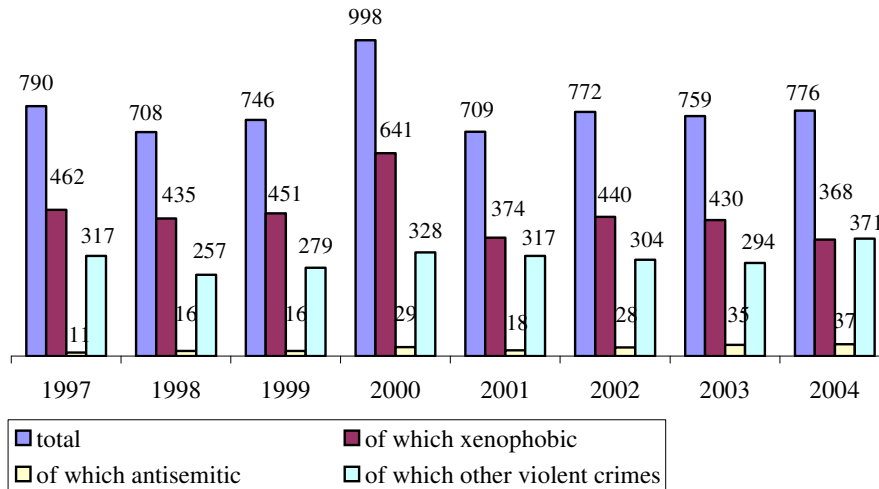
Source: *Verfassungsschutzbericht 2004 (BMI 2005)*

The number of politically motivated crimes with a **xenophobic** or **antisemitic** background increased in 2004: 2,553 of all PMK-right-wing crimes (12,553) were deemed to be xenophobic (2003: 2,431) and 1,346 as antisemitic (2003: 1,226).¹⁴⁰ The Federal Report on the Protection of the Constitution, however, registered a decrease of xenophobically motivated *violent* crimes: a xenophobic motivation of the perpetrator was registered in 368 cases of a total of 776 violent extremist right-wing crimes recorded by the police in 2004 (i.e. 47.7%) (310 cases of bodily harm; 29 cases of arson). In 2003, the number of those violent crimes with a xenophobic background was at 430 (i.e. 56% of a total of 759 in 2003). The number of antisemitic violent crimes increased slightly from 35 in 2003 to 37 in 2004.¹⁴¹

¹⁴⁰ Press release BMI (09.05.2005)

¹⁴¹ BMI 2005, p.34

Graph 13: Violent crimes with extremist right-wing background 1997-2004



Source: *Verfassungsschutzbericht 2004 (BMI 2005)*

For further statistical data differentiated according to federal states see annex.

Development in the first six months of 2005

The following statistics are based on the monthly parliamentary inquiries on **extreme right-wing and xenophobic crimes**; these preliminary data on PMK right-wing crimes are below the final figures.¹⁴²

In the first six months of 2005, 4,685 politically motivated right-wing crimes were registered, which is an increase of 27.5% compared to the first half year 2004 (3,814). This development is mainly due to the drastic increase of propaganda offences, which rose from 2,653 (01-06/2004) to 3,780 in the comparable period of 2005 (+42.5%). The number of PMK right-wing crimes categorised as *violent crimes* also increased by 9.2 % from 238 (01-06/2004) to 260; 217 people were injured as a result of those crimes (01-06/2004: 197).

Simultaneously, a minor decrease was registered in the number of PMK crimes with a **xenophobic** background: In the first six months of 2005, 711 of these 4,685 PMK right-wing crimes were deemed to be xenophobic (01-06/2004: 719). 102 of those xenophobic acts were registered as *violent crimes* (01-06/2004: 120) – with 66 people being injured (01-06/2004: 91).

¹⁴² www.petra-pau.de/15_bundestag/dok/down/2005_zf-rechtsextreme-straftaten.pdf (06.10.2005)

Tab. 10: PMK/right-wing: Criminal acts and violent crimes 2005 (first six months)

| | Criminal acts | | | |
|-----------------|----------------------|-------------------------|-----------------------------------|------------------------------------|
| | Total number | | of which xenophobic criminal acts | |
| | | of which violent crimes | | <i>among those: violent crimes</i> |
| January | 745 | 39 | 106 | 21 |
| February | 773 | 41 | 104 | 17 |
| March | 908 | 44 | 153 | 15 |
| April | 660 | 23 | 83 | 8 |
| May | 983 | 62 | 136 | 20 |
| June | 796 | 51 | 129 | 21 |
| Total | 4,865 | 260 | 711 | 102 |

Source: BMI (according to the monthly parliamentary inquiries)

Non-Official Statistical Data

In addition to these official statistics, various NGOs that are engaged in the field of victim support provide further statistical insights in the phenomena of extreme right-wing incidents. In this context the annual statistics on extreme right-wing and racist violence (2004) in East Germany compiled by the association *Opferperspektive* play a leading role.¹⁴³ These non-official annual statistics list 551 acts of **extreme right-wing violence** with at least 805 victims in East Germany (based on the organisations' research). 285 people of the total number of 805 victims were refugees, migrants or ethnic German migrants, who were, according to *Opferperspektive*, attacked for **racist reasons**. Five people were victims of **antisemitic** attacks. The level of extreme right-wing violence remains on a high level: In 2003, too, 551 such acts and 808 victims were registered.¹⁴⁴ (Further information on similar non-official statistics for the area of Leipzig, see annex.)

¹⁴³ These non-official statistics are compiled in cooperation with all East-German victim support organisations financially supported within the governmental programme CIVITAS; they are based on the organisations' practical counselling work for victims as well as on their own research (newspapers, internet, police etc.).

¹⁴⁴ Opferperspektive e.V., Jahrbuch Opferperspektive 2004

Groups of victims

Official data on groups of victims hardly exist or are not accessible. The official statistics usually do not contain any specific information on the victims, except for some rare cases when the nationality of the victims was also made public (e.g. the Mecklenburg-West Pomeranian State Report on the Protection of the Constitution 2003).

Non-official information sources (e.g. victim support organisations, or the Internet platform “Mut-gegen-rechte-Gewalt”) indicate that people with a dark skin colour and “members of physically visible minority groups” (ECRI)¹⁴⁵ are most frequently subjected to xenophobic attacks and assaults; in many cases the victims are described as “Africans”, asylum seekers or ethnic German migrants. This is confirmed by the results of a **research study** (2001) based on the analysis of police investigation files, according to which the vast majority of the victims of these xenophobic violent crimes were (recognised) asylum seekers (37%), (other) foreigners (41%) and ethnic German migrants (13%).¹⁴⁶

This general tendency is also confirmed by a recent **study on right-wing violence in Berlin** (see 7.1.3): 63% of the victims of extreme right-wing violence crimes in Berlin were – at least according to the perception of the perpetrators – “foreigners”.¹⁴⁷

Groups of perpetrators

Whereas detailed information on right-wing extremist groups and political parties are available in the **reports on the Protection of the Constitution**, the official data do not offer further insights concerning the perpetrators of right-wing or xenophobic crimes.

The most comprehensive **research study** on (suspected) perpetrators in the context of xenophobic and antisemitic crimes was conducted by the German Youth Institute (DJI), based on the analysis of, among others, interviews, court and police files in the late 1990s. The research report (2001) offers information on the social background of the perpetrators, which we present only very briefly here.

The majority of perpetrators were between 15 and 24 years old and about 90% of all perpetrators are male. On average, the perpetrators had a lower educational level; nevertheless, the number of those who had not attained any formal educational qualification was low. Compared to the general unemployment rate in the individual age groups, the perpetrators were disproportionately often without a job – although this is not valid for xenophobically motivated *violent* crimes. These results are widely confirmed by the **study** “Right-wing violence in Berlin”.

¹⁴⁵ ECRI (2004), *Dritter Bericht über Deutschland*, p. 25

¹⁴⁶ Peucker, C.; Gaßebner, M; Wahl, K. (2001) „Analyse polizeilicher Ermittlungsakten zu fremdenfeindlichen, antisemitischen und rechtsextremistischen Tatverdächtigen“, in Wahl, K. (ed.): *Fremdenfeindlichkeit, Antisemitismus, Rechtsextremismus. Drei Studien zu Tatverdächtigen und Tätern*, Berlin, pp. 12-88 (here: pp.52-53)

¹⁴⁷ Berlin, Senatsverwaltung für Inneres (2005), *Rechte Gewalt in Berlin*, p. 52

7.1.3. Reports on racist crime, antisemitism and Islamophobia

Study on racist crimes

Two reports on **attacks on fast-food stands** owned by people with a migration background were published in 2005, one by the victim support organisation *Opferperspektive e.V.*¹⁴⁸ and the other by the two researchers *Bürk-Matsunami* and *Selders*¹⁴⁹; The compilation of both reports was supported by the *Aktionsbündnis* “Action Alliance against Violence, Right-wing Extremism and Xenophobia” in Brandenburg. For further information, see annex.

The Office for the Protection of the Constitution in Berlin has published the study “**Right-wing violence in Berlin**”¹⁵⁰, based on the evaluation of right-wing offences committed between 1998 and 2003 in Berlin. The study deals, among others, with the social, educational and economic background of the perpetrators as well as with their motivation and connection to extreme right-wing organisations.

Reports and Studies on antisemitism

Researchers at the Free University of Berlin conducted a survey on “**Trade Unions and Right-wing Extremism**”¹⁵¹, which was supported by the Hans-Böckler and the Otto-Brenner Foundation. Using a questionnaire to reveal extreme right-wing attitudes (including xenophobic and antisemitic attitudes) and examine potential differences between union members and non-members, the researchers concluded that 26% of the 4,000 interviewees (2,000 union members and 2,000 non-members), show xenophobic, and 23% antisemitic tendencies. The study confirms that extreme right-wing attitudes are almost equally common among members of trade unions (19%) and non-members (20%); however, clear differences occur between East and West Germany, between job positions and social-economic strata.

A survey on extreme right-wing attitudes among the **general population** was conducted by researchers at the University of Leipzig.¹⁵² According to the findings, **antisemitic** attitudes are more common in West Germany (10%) than in the East Germany (7%). For further information on this study, see annex.

An **international survey** on the prevalent antisemitic attitudes among the general population in twelve European countries, including Germany, was commissioned by the Anti-Defamation League.¹⁵³ The general results,

¹⁴⁸ Opferperspektive (2005), *Angriffsziel Imbiss. Rechte Gewalt gegen Imbissbetreiber mit Migrationshintergrund*

¹⁴⁹ Bürk-Matsunami, T.; Selders, B. (2005) *Fremdenfeindliche und rechtsextreme Übergriffe auf Imbissbuden im Land Brandenburg. Ein Forschungsbericht*

¹⁵⁰ Berlin, Senatsverwaltung für Inneres 2005

¹⁵¹ Report available at: www.polwiss.fu-berlin.de/projekte/gewrex/gewrex_downl.htm (07.10.2005)

¹⁵² www.uni-leipzig.de/~medpsy/pdf/rechtsextremismus_230605.pdf (07.10.2005)

¹⁵³ Anti-Defamation League (ADL) (2005) *Attitudes Toward Jews in twelve European Countries*

published in May 2005, displayed a slight decline in the acceptance of certain traditional antisemitic prejudices in Europe. In Germany, antisemitic attitudes have also decreased (Tab. 11):

Tab 11: Antisemitic attitudes in Germany

| Statement | Percentage of the response “probably true”* | |
|--|--|------|
| | 2004 | 2005 |
| Jews are more loyal to Israel than to Germany | 50 | 50 |
| Jews have too much power in the business world | 24 | 20 |
| Jews have too much power in international financial markets | 27 | 24 |
| Jews still talk too much about what happened to them in the Holocaust | 56 | 48 |

* only two response categories were given: “probably true or “probably false”

Source: ADL 2005, p. 18

A similar survey on antisemitic attitudes conducted by the American Jewish Committee is briefly described in the annex.

Report on Islamophobia

In March 2005, the International Helsinki Federation for Human Rights published a report on “**Intolerance and Discrimination against Muslims in the EU**. Developments since September 11”, examining the social situation of the Muslim communities in eleven European countries, including Germany. Regarding the impact of official policies on the situation of Muslims in Germany, the report mainly refers to the assessments by Muslim organisations and draws the conclusion that the official post-September 11 campaign against terrorism is conducted “in a way as to encourage negative attitudes toward Muslims”. The measures undertaken (e.g. screening of personal data of thousands of Muslims, house searches, interrogations and numerous searches of mosques since 9-11) are said to have had the effect of placing all Muslims under general suspicion.¹⁵⁴

Another international research project, conducted by the Washington-based *Pew Research Center*, examines the **attitudes of Western Europeans toward**

¹⁵⁴ International Helsinki Federation for Human Rights (2005), *Intolerance and Discrimination against Muslims in the EU. Developments since September 11*, Vienna, (Germany: pp. 75-86)

Muslims as well as the attitude of Muslims toward Western Europeans.¹⁵⁵ According to the findings (published in July 2005), 88% of the interviewees in Germany – more than in any other country examined within this project – stated that Muslims “want to remain distinct” from the majority society.¹⁵⁶

Beside the aforementioned reports on racist violence, antisemitic and Islamophobia, a more **general report on racial discrimination** was published in 2005 by the German Institute for Human Rights. The third edition of the report “Racial Discrimination – International Obligations and National Challenges for the Human Rights Work in Germany” offers a comprehensive overview on the national and international legal framework concerning human rights and the protection against racial discrimination.¹⁵⁷

¹⁵⁵ <http://pewglobal.org/reports/display.php?ReportID=248> (07.10.2005)

¹⁵⁶ For further information, see annex.

¹⁵⁷ Addy, D.N. (2005) Rassistische Diskriminierung. Internationale Verpflichtungen und nationale Herausforderungen für die Menschenrechtsarbeit in Deutschland. Berlin: DIMR

7.2. Proactive response of the police to the needs of victims of racist crime. Initiatives against racist crimes (especially measures taken by the police to assist victims and involve NGOs)

7.2.1. Proactive measures of the police

Prevention is a major topic within the work of the police authorities – at federal, state and local level.¹⁵⁸ However, an explicit focus on prevention of right-wing or xenophobic crimes seems rather rare. In 2001, the President of the Police Officers' Academy stated that the aspect of victims within the field of xenophobia "is still not sufficiently considered in measures implemented by the police"¹⁵⁹.

In the following one of these rather rare prevention initiatives is presented which explicitly refer to right-wing extremism; another example is briefly described in the annex.

In Lower Saxony, the "**Clearing Body for the Prevention of Right-wing Extremism**" (CST) at the State Prevention Council has been operating since April 2004. Its main task is supporting the state-wide 170 prevention councils on a municipal level and offering advice on how to implement concrete measures aiming at a non-violent civil culture against right-wing extremism. In cooperation with other state prevention councils and the trade unions the CST conducts expert conferences and workshops. Furthermore, information and awareness raising projects at schools are initiated and supported.¹⁶⁰

7.2.2. Assistance for victims of racial crimes

Assistance by the police

General measures to assist victims of crimes are taken by most police departments; in some federal states or police authorities, specialised contact people for questions relating to victim support have been deployed (e.g. NRW). However, only in exceptional cases, police measures explicitly refer to victims of racial or xenophobic crimes.

The police in Brandenburg have developed a comprehensive "Police Concept on Victim Protection" which prescribes that all police officers should be enabled "to deal competently with victims" and explicitly refers to, among

¹⁵⁸ A police homepage has been set up which offers information on nationwide prevention programmes run by the police (www.polizei.propk.de (07.10.2005)).

¹⁵⁹ Neidhardt, K (2001) „Polizeiliche Bekämpfungsansätze gegen Rechtsextremismus und Fremdenfeindlichkeit“, in: BKA (ed.) Kriminalprävention. Rechtsextremismus – Antisemitismus – Fremdenfeindlichkeit, Luchterhand: BKA, pp. 93-107 (here: p. 105)

¹⁶⁰ www.buendnis-toleranz.de (07.10.2005)

others, victims of xenophobia. Apart from general guidelines on how to deal with victims, the concept also contains specific suggestions on how to treat foreign victims by taking their different cultural background into account. According to this victim protection concept, contact people for questions relating to victim support (“Commissioner for Victim Protection”), are to be appointed in police departments state-wide. These specialised commissioners act as contact persons for police officers in charge, as multipliers in internal further training and as an “intermediary between the police and the subsequent assistance for victims offered by state and private institutions of victim support”.¹⁶¹

Financial support for victims

Since a parliamentary decision in 2001, financial means have been made available for victims of extreme right-wings attacks. Victims of such crimes can apply for financial support from this specific “hardship fund” at the Federal Public Prosecutor. In 2002, 131 people applied for this financial aid, 105 of them were granted financial support (in total €388,100). In 2003, €277.000 was paid to victims of extreme right-wing attacks.¹⁶² For 2004, an amount of €1 million was set aside in the budget for compensation to victims.

Support by NGOs

Especially in Eastern Germany various NGOs offer support and assistance to victims of extreme right-wing and racist crimes. Many of these organisations in the new federal states are financially supported within CIVITAS, which is one element of the governmental action programme “Youth for Tolerance and Democracy against right-wing extremism, xenophobia and antisemitism”. Currently eight victim support organisations receive financial aid within this programme:

- Opferperspektive e.V. (Brandenburg)
- LOBBI e.V. (Mecklenburg-West Pomerania)
- ARIBA e.V./ReachOut (Berlin)
- Multikulturelles Zentrum Dessau e.V. (Saxony-Anhalt)
- Miteinander e.V. (Saxony-Anhalt)
- RAA Sachsen (Saxony)
- AMAL e.V. (Saxony)
- Drudel 11 e.V. (Thuringia)

¹⁶¹ This police concept seems to be the most comprehensive one in Germany. Brandenburg, Landespräventionsrat Sicherheitsoffensive Brandenburg (ed.) (2003) Dokumentation der 2. Landeskonferenz „Opferschutz/Opferhilfe“ on July 31, 2003, pp. 55-59

¹⁶² SPD Bundestagsfraktion (2005) *Rechtsextremismus in Deutschland. Eine Handreichung*, Berlin, p. 36

Between 2001 and August 2005, the victim support organisations receive almost € 6.2 million within the framework of CIVITAS¹⁶³.

7.2.3. Federal programmes, state concepts and initiatives against right-wing extremism

Besides the aforementioned victim support organisations, other projects against right-wing extremism such as “Mobile Advisory Teams” (which aim at supporting other initiatives and organisations in their struggle against right-wing extremism) or projects aiming at reinforcing local structures of civil societal engagement are supported within the **CIVITAS** programme; since 2001 almost 1,500 such projects have been supported with about € 38 million.

ENTIMON is another element of the governmental Action Programme which offers financial support for projects against right-wing developments, racism, xenophobia and antisemitism. The task of ENTIMON is defined as “promoting measures aiming at strengthening democracy and tolerance and preventing and combating right-wing extremism and violence”¹⁶⁴. In 2004, 157 projects were supported. The federal government is contributing €10 million to this programme in 2005.

Beside these nationwide programmes, many federal states have developed specific **state programmes against right-wing extremism**, for instance, the action concept “Tolerant Brandenburg – for a Strong and Vital Democracy”¹⁶⁵ or the programme “Cosmopolitan Saxony for Democracy and Tolerance”. Within these programmes, various projects and organisations are supported which also aim to combat racism, violence and right-wing extremism and to offer assistance to victims of racist and right-wing crimes.¹⁶⁶

In addition to the **projects and initiatives** which are conducted within the framework of one of these federal or state programmes many other projects are being carried out with similar objectives in 2005. The association “Gesicht zeigen”¹⁶⁷ (founded in 2000) is only one good-practice example in this broad landscape of initiatives against right-wing extremism and xenophobia.¹⁶⁸ “Gesicht zeigen” is a nationwide association which is engaged in numerous projects and activities and contributes to the public discourse on racism,

¹⁶³ www.jugendstiftung-civitas.org (07.10.2005)

¹⁶⁴ Germany, Ministry of Family Affairs, Leitlinien zur Umsetzung des Programms „entimon – gegen Gewalt und Rechtsextremismus – für das Jahr 2005

¹⁶⁵ www.tolerantes.brandenburg.de/sixcms/detail.php/lbm1.c.262317.de (07.10.2005); within the Brandenburg programme €1.15 million have been provided to support initiatives.

¹⁶⁶ www.buendnis-toleranz.de/Buendnis-News-.830.14331/Weltoffenes-Sachsen-Foerderprogramm-des-Landes.htm (07.10.2005)

¹⁶⁷ www.gesichtzeigen.de (07.10.2005)

¹⁶⁸ The association will be awarded the *Buber-Rosenzweig* medal for its engagement against antisemitism and racism in 2006.

xenophobia and antisemitism. It aims at encouraging people to stand up against those phenomena and any form of right-wing violence. The three core areas of its activities are:

- conducting projects (e.g. arranging occasions to meet and discuss with migrants at schools)
- organising public campaigns (e.g. publications and radio or TV broadcasting, public statements)
- serving as a contact point for people and organisations that seek support in their commitment against xenophobia.

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ANNEX

8.1. Employment:

Ad 3.1.2 (statistical data)

The statistical data on shift work exemplify the worse **working conditions** of foreigners. 16.7% (2003) of all foreign employees work night shifts (Germans: 13.7%) and 19.0% rotating shifts (Germans: 13.4%), Furthermore foreigners work more often on a Saturday, Sunday and on public holidays (see also chapter 1.7).

Concerning the average **income** foreign households, i.e. households with a non-German head, are clearly overrepresented in the low income groups and underrepresented in the higher income groups: The latest figures (May 2003) show that 21.7% of all foreign households have no more than € 900 per month at their disposal (Germans: 14.5%). On the other hand, 14.5% of the German households have more than €3.200 at their disposal, whereas the proportion among foreign households in this high-income group only lies at 8.8%. Similar disparities appear when looking at the family income level: In 35.5% of those families in which both partners are non-Germans the monthly income adds up to no more than €1.500, whereas the proportion of German families in this rather low income group is 15.5%. On the other end of the family income scale the German families are extremely overrepresented: 38.7% of all German families, but only 17.6% of foreign families have more than €2,600 at their disposal.¹⁶⁹

Within the framework of its 2nd Report on Poverty and Wealth (*2. Armuts- und Reichtumsbericht*) the Federal Government pointed out that people with a migration background run a much higher risk of drifting into **poverty**. Based on an analysis of the German Socio-Economic Panel (SOEP) data, the report states that the “poverty risk rate” of migrants increased between 1998 and 2002 from 19.6% to 25.1%, and decreased slightly to 24.0% in 2003. The respective rate among the general population lies at 15.4% (2003).¹⁷⁰

Ad 3.1.3 (reports)

In June 2005, the Berlin-based German Institute for Human Rights (DIMR) published a report on the “**hidden resources of refugee women**”; the report was compiled within the framework of the research project *proIntegra*, which was financially supported with means stemming from the European Refugee

¹⁶⁹ Germany, Federal Statistical Office 2005, pp. 150-151

¹⁷⁰ Germany, Federal Ministry of Health and Social Security (2005), *Der 2. Armuts- und Reichtumsbericht der Bundesregierung*, pp. 166-167

Fund. Based on the analysis of interviews of 61 refugee women in Germany, the researchers come to the conclusion that the competences and resources of these women are not adequately used on the labour market – mainly due to structural barriers blocking the access to the labour market, such as

- legal prohibition to work,
- exclusion from language and integration support programmes,
- lack of recognition of existing certificates and relevant experiences.

Besides these structural barriers, most of the women interviewed complained about the “dismissive attitude in the reception society” and the lack of acceptance in Germany as it is perceived by the refugee women. Some of them reported about concrete experiences of discrimination and xenophobic attitudes.¹⁷¹

In May 2005, the report “**Labour market reform and immigration law – Impact on Migrants**” was published within the framework of the EQUAL-project M.A.R.E. (Migration und Arbeit Rhein-Main). The author draws the conclusion that the new immigration law is leading to an improvement in the labour market-related situation of some migrant groups, but simultaneously to an increasingly rigid exclusion of other migrant groups. Furthermore, the deregulation process on the German labour market might facilitate the low-threshold access to the labour market for migrants – at the expense of more low-qualified and badly paid job positions, especially for women.¹⁷²

Ad 3.1.7 (working conditions)

Besides this direct information on shift work, the statistical data on the sectors and economic branches in which foreigners are overrepresented are suitable for providing further insights in the working conditions of foreigners. Generally speaking, branches such as construction, manufacturing or mining are characterised by physically demanding and often dirty work.¹⁷³ The overrepresentation of foreigners in these branches demonstrates that foreign workers are more likely to work under **bad conditions**. This is also valid for the hotel and restaurant business – characterised by a lot of shift work – where foreigners are also overrepresented. On the other hand, in branches with predominately good working conditions (e.g. public administration, credit business) foreigners are under-represented.

¹⁷¹ Foda, F., Kadur, M. (2005) Flüchtlingsfrauen – Verborgene Ressourcen, Berlin: DIMR, pp.39, 42

¹⁷² Frings, D. (2005) Arbeitsmarktreformen und Zuwanderungsrecht – Auswirkungen für Migrantinnen und Migranten, Frankfurt, M.A.R.E.

¹⁷³ Granato, N. (2003) Ethnische Ungleichheit auf dem deutschen Arbeitsmarkt. Opladen: Leske+Budrich, p. 170

The **statistical analysis** of data stemming from the Micro-census (1996) and from the GSOEP (1997) by Granato (2003) shows a more differentiated picture. The research results revealed that working conditions vary broadly depending on the nationality of the foreign employee: Employees from former recruitment countries (e.g. Turkey, Italy, ex-Yugoslavia) or Central/Eastern Europe work more often in jobs which are categorised as “dirty routine work” than German employees do. The proportion of employees from other European countries or the United States, however, is below the German proportion in this category. In the category “clean and diversified/non-routine work” the opposite picture emerges as the following table shows.

Tab 12: Working conditions

| Nationality | Description of working condition | | | |
|------------------------------|----------------------------------|--------------------|------------------------|------------------------|
| | Dirty routine work | Clean routine work | Dirty non-routine work | Clean non-routine work |
| Germany | 17.6 | 51.8 | 7.1 | 23.6 |
| Other European countries/USA | 13.1 | 52.1 | 4.1 | 30.8 |
| Turkey | 50.5 | 38.1 | 8.4 | 3.0 |
| Ex-Yugoslavia | 39.3 | 44.4 | 12.1 | 4.3 |
| Greece | 38.1 | 46.5 | 6.9 | 8.6 |
| Central/Eastern Europe | 38.1 | 42.2 | 9.1 | 10.7 |

Source: Granato 2003, p. 170 (based on Micro-census 1996)

Ad 3.1.8 (trafficking of illegal workers)

A broad public discussion about foreign workers especially in large slaughter houses and the meat industry focused on **illegal forms of hiring-out labour** (*Arbeitnehmerüberlassung*). The weekly magazine *Der Spiegel* (21.02.2005) and the TV newscast *Report* (28.02.2005)¹⁷⁴ reported that foreign workers from central and Eastern Europe worked under irregularly and exceptionally poor working conditions (e.g. long working hours, disregard for safety provisions) and for very low wages. In mid April 2005 the specialised unit *Finanzkontrolle Schwarzarbeit* conducted investigations of 445 slaughter and meat industry companies; as a result of these investigations, 186 cases of suspected offences were registered (e.g. illegal forms of hiring-out labour, fraud, detaining or defalcation of the wages). In 30 cases, criminal proceedings were initiated.

¹⁷⁴ www.swr.de/report

However, all these cases do not directly involve the trafficking of illegal workers or the offence of labour exploitation (§ 233 Criminal Code).¹⁷⁵

Ad 3.2.1 (initiatives/ increasing employability)

Further EQUAL supported DPs

1. The DP “**Intercultural resources for the labour market – QiA II**”, which started on July 1, 2005, consists of six interconnected projects which focus on different target groups and labour market sectors. In general, QiA II offers qualification measures for migrants in the service sector of psychosocial care and home care. Furthermore, a mentor programme to foster the access to the labour market will be set up and a more intercultural orientation (interkulturelle Öffnung) in companies is promoted. QiA II will be scientifically evaluated; projects and approaches which are assessed as being outstandingly successful should be incorporated into the regular support offer for migrants after the end of the DP in 2007.¹⁷⁶

2. The main objective of the Berlin-based DP “**Bridge**” (*Brücke zur Reintegration durch grundlegende Kompetenzentwicklung*), coordinated by Kombi Consult GmbH, is to offer job-relevant qualification measures to asylum seekers and refugees whose asylum applications have been turned down, but who have received a toleration certificate (*Duldung*); the overall aim is to foster their integration in Germany, but also their chances for reintegrating into their home countries. The measures consist of, among others, comprehensive registration of individual competences, (psycho-)social support and counselling, language and intercultural training courses.¹⁷⁷

XENOS interim evaluation report

In 2005 the XENOS **interim evaluation report** was published. The report reaches the conclusion that the programme is characterised by a broad variety of projects (i.e. regarding the approaches and the target groups) and by the positive effects of the professional and regional network activities. Furthermore, teaching material and curricula have been developed within many projects which contribute to more sustainability. According to the evaluator the current results do not allow a clear statement on the general effectiveness of the measures conducted, however certain trends suggest that the projects are rather successful: Most of participants in the projects seem to complete the measures successfully (e.g. increase of knowledge, rising awareness for intercultural issues and self-esteem, successful access to the labour market for disadvantaged young people).¹⁷⁸

¹⁷⁵ German Parliament, printed matters 15/5813 (22.06.2005)

¹⁷⁶ Beauftragter des Senats von Berlin für Integration und Migration, *E-Top – Berlin International. Ein Informationsforum*. No. 18 (July/August 2005), p. 9

¹⁷⁷ Beauftragter des Senats von Berlin für Integration und Migration, p. 9

¹⁷⁸ Germany, Federal Ministry of Economics and Labour 2005, pp. 1-4

XENOS project

In early 2005 the XENOS supported project **AQUAM** started in Berlin and Brandenburg with the objective of improving the social and labour market-related integration of two specific migrant groups: ethnic German migrants (*Spätaussiedler*) and Jewish “contingent refugees” from the former Soviet Union. The project offers qualification courses (lasting six months) in the field of the social services (especially home care, care for the elderly) followed by further six months of practical work. The participating migrants also receive training courses in intercultural communication, labour market- and job-related German courses and individual assistance in planning their professional career. Additionally, awareness raising measures are offered to the employers in order to contribute to reducing xenophobic attitudes or behaviour.¹⁷⁹

Ad 3.2.2 (initiatives/promoting anti-discrimination)

A innovative approach to equality and non-discrimination is taken within a project that is currently conducted by the trade union IG Metal: Starting point of this project is the **Collective Framework Agreement on Wages (ERA; Entgelttarifvertrag und –abkommen)**, recently signed by the IG Metal and the employers’ association in the metal industry, which generally aims at a performance-oriented reform of the pay scale grouping of all employees. The overall objective of this reform is a fair re-assessment of the employees’ performance and a **discrimination-free system of wages**. In order to develop suggestions on how to implement the ERA specifically in companies with a **multicultural staff**, the IG Metal initiated a pilot project (lasting six months) in a large metal foundry company with many Turkish and ethnic German employees. The results of the project are expected to contribute to a fair pay scale grouping of especially of migrant workers who often work in rather low job positions despite their high (technical) skills and expertise.¹⁸⁰

The IG Metal project on the implementation of the Collective Framework Agreement on wages which overall objective is a **discrimination-free system of wages** started with the development of a questionnaire. With this questionnaire, relevant data on the individual job position, language skills, qualification, and other experiences of all employees were collected in order to find out about potential mismatches of job position, wages and actual competence. If an actual mismatch appeared, the reasons were examined (e.g. equal access to further training, forms of indirect discrimination). These results can be used to develop future integration support programmes. Furthermore,

¹⁷⁹ www.bbag-ev.de/xenos/projekt.html

¹⁸⁰ DGB Bildungswerk, *Aktiv + Gleichberechtigt*, No. 8/2005, p. 4; IG Metal (2005), *ERA-Einführung in interkulturelle Belegschaften – (kein Thema?) Gewerkschaftliche Untersuchung der ERA-Umsetzung in Beispielbetrieben (brochure)*

analysis is to be conducted as to whether certain tasks of migrant employees within production teams (e.g. translation competences, intercultural skills) or qualifications which were acquired in the country of origin are taken into consideration as a criterion for setting their wages. In the final stage of the project the results are to be analysed and practical guidelines for the ERA implementation process compiled.

8.2. Education

Ad 4.1.2 (statistical data)

Tab. 13: Pupils at schools providing a general education according to selected nationalities and school types in the school year 2004/2005

| Country of Nationality | total | primary schools (Grundschulen) | | secondary modern schools (Hauptschulen) | | special needs schools (Sonderschulen) | | intermediate secondary schools (Realschulen) | | grammar schools (Gymnasien) | |
|------------------------|-----------|--------------------------------|------|---|------|---------------------------------------|------|--|------|-----------------------------|------|
| | | | % | | % | | % | | % | | % |
| Germany | 8,673,540 | 2,788,127 | 32.1 | 881,208 | 10.2 | 356,350 | 4.1 | 1,253,584 | 14.5 | 2,305,672 | 26.6 |
| France | 6,060 | 2,669 | 44.0 | 541 | 8.9 | 199 | 3.3 | 406 | 6.7 | 1,618 | 26.7 |
| Greece | 33,244 | 13,279 | 39.9 | 7,422 | 22.3 | 1,868 | 5.6 | 3,960 | 11.9 | 3,912 | 11.8 |
| Italy | 63,617 | 23,166 | 36.4 | 16,743 | 26.3 | 5,606 | 8.8 | 7,238 | 11.4 | 4,416 | 6.9 |
| Austria | 6,828 | 2,267 | 33.2 | 890 | 13.0 | 289 | 4.2 | 754 | 11.0 | 2,158 | 31.6 |
| Portugal | 13,355 | 5,146 | 38.5 | 3,055 | 22.9 | 961 | 7.2 | 1,587 | 11.9 | 1,243 | 9.3 |
| Spain | 7,106 | 2,667 | 37.5 | 1,062 | 14.9 | 364 | 5.1 | 999 | 14.1 | 1,085 | 15.3 |
| United Kingdom | 5,703 | 1,996 | 35.0 | 687 | 12.0 | 214 | 3.8 | 610 | 10.7 | 1,369 | 24.0 |
| Albania | 18,069 | 6,877 | 38.1 | 4,421 | 24.5 | 2,963 | 16.4 | 1,195 | 6.6 | 657 | 3.6 |
| Bosnia-Herzegovina | 20,811 | 8,462 | 40.7 | 3,577 | 17.2 | 1,304 | 6.3 | 2,420 | 11.6 | 2,447 | 11.8 |
| Serbia and Montenegro | 56,566 | 22,708 | 40.1 | 13,703 | 24.2 | 8,123 | 14.4 | 4,292 | 7.6 | 2,750 | 4.9 |
| Croatia | 20,353 | 7,673 | 37.7 | 3,444 | 16.9 | 1,048 | 5.1 | 3,082 | 15.1 | 3,475 | 17.1 |
| Poland | 20,155 | 6,516 | 32.3 | 3,235 | 16.1 | 655 | 3.2 | 2,498 | 12.4 | 4,336 | 21.5 |
| Russian Federation | 24,561 | 8,483 | 34.5 | 4,021 | 16.4 | 664 | 2.7 | 2,112 | 8.6 | 6,031 | 24.6 |

| | | | | | | | | | | | |
|-------------------------|-----------|-----------|------|-----------|------|---------|------|-----------|------|-----------|------|
| Turkey | 411,641 | 160,960 | 39.1 | 97,514 | 23.7 | 27,671 | 6.7 | 44,299 | 10.8 | 25,488 | 6.2 |
| Ukraine | 12,358 | 3,570 | 28.9 | 1,244 | 10.1 | 168 | 1.4 | 1,345 | 10.9 | 4,271 | 34.6 |
| Morocco | 12,972 | 4,685 | 36.1 | 2,887 | 22.3 | 1,116 | 8.6 | 1,324 | 10.2 | 676 | 5.2 |
| Afghanistan | 14,962 | 4,554 | 30.4 | 2,322 | 15.5 | 821 | 5.5 | 1,670 | 11.2 | 2,252 | 15.1 |
| Iran | 11,892 | 3,584 | 30.1 | 1,348 | 11.3 | 406 | 3.4 | 1,216 | 10.2 | 3,161 | 26.6 |
| Lebanon | 13,205 | 4,771 | 36.1 | 3,158 | 23.9 | 1,714 | 13.0 | 758 | 5.7 | 337 | 2.6 |
| Vietnam | 14,779 | 5,674 | 38.4 | 1,095 | 7.4 | 240 | 1.6 | 1,347 | 9.1 | 4,192 | 28.4 |
| total of migrant pupils | 951,314 | 361,419 | 38.0 | 203,092 | 21.3 | 67,421 | 7.1 | 97,868 | 10.3 | 98,371 | 10.3 |
| total of pupils | 9,624,854 | 3,149,546 | 32.7 | 1,084,300 | 11.3 | 423,771 | 4.4 | 1,351,452 | 14.0 | 2,404,043 | 25.0 |

Source: Federal Statistical Office (Fachserie 11, Reihe 1, Tab. 4.4.1)

Tab. 14: Apprenticeships of Germans and foreigners 1993 to 2004

| Year | German trainees (apprenticeship) | | Foreign trainees (apprenticeship) | | Proportion of foreign trainees |
|------|----------------------------------|---|-----------------------------------|---|--------------------------------|
| | Total number | Differences to the previous year (in %) | Total number | Differences to the previous year (in %) | |
| 1993 | 1,503,029 | - | 126,283 | - | 7.8 |
| 1994 | 1,453,992 | -3.3 | 125,887 | -0.3 | 8.0 |
| 1995 | 1,458,027 | 0.3 | 121,312 | -3.6 | 7.7 |
| 1996 | 1,475,981 | 1.2 | 116,246 | -4.2 | 7.3 |
| 1997 | 1,512,515 | 2.5 | 110,165 | -5.2 | 6.8 |
| 1998 | 1,553,514 | 2.7 | 104,250 | -5.4 | 6.3 |
| 1999 | 1,597,430 | 2.8 | 100,899 | -3.2 | 5.9 |
| 2000 | 1,605,089 | 0.5 | 96,928 | -3.9 | 5.7 |
| 2001 | 1,592,369 | -0.8 | 92,300 | -4.8 | 5.5 |
| 2002 | 1,537,223 | -3.5 | 85,218 | -7.7 | 5.3 |
| 2003 | 1,502,424 | -2.3 | 79,205 | -7.1 | 5.0 |
| 2004 | 1,492,013 | -0.7 | 72,051 | -9.0 | 4.6 |

Source: Federal Statistical Office (Fachserie 11, Reihe 3, Tab. 1 and 2.5)

Tab. 15: Trainees (apprenticeships) according to fields of training and nationality (2004)

| Country of nationality | Total | Industry and trade | | Craft professions | | Public service | | Liberal profession* | | Others | |
|-------------------------------------|------------------|--------------------|-------------|-------------------|-------------|----------------|------------|---------------------|-------------|---------------|------------|
| | | | in % | | in % | | in % | | in % | | in % |
| Germany | 1,492,013 | 804,026 | 53.9 | 463,354 | 31.1 | 43,220 | 2.9 | 128,071 | 8.6 | 53,342 | 3.6 |
| Greece | 3,429 | 1,721 | 50.2 | 1,249 | 36.4 | 39 | 1.1 | 397 | 11.6 | 23 | 0.7 |
| Italy | 8,355 | 3,865 | 46.3 | 3,417 | 40.9 | 93 | 1.1 | 872 | 10.4 | 108 | 1.3 |
| Austria | 8178 | 444 | 54.3 | 264 | 32.3 | 3 | 0.4 | 97 | 11.9 | 9 | 1.1 |
| Portugal | 1,409 | 666 | 47.3 | 565 | 40.1 | 17 | 1.2 | 146 | 10.4 | 15 | 1.1 |
| Spain | 927 | 560 | 60.4 | 245 | 26.4 | 8 | 0.9 | 98 | 10.6 | 16 | 1.7 |
| Bosnia-Herzegovina | 2,259 | 1,114 | 49.3 | 750 | 33.2 | 39 | 1.7 | 342 | 15.1 | 14 | 0.6 |
| Serbia and Montenegro | 3,412 | 1,550 | 45.4 | 1,414 | 41.4 | 24 | 0.7 | 405 | 11.9 | 19 | 0.6 |
| Croatia | 3,210 | 1,846 | 57.5 | 899 | 28.0 | 72 | 2.2 | 379 | 11.8 | 14 | 0.4 |
| Poland | 1,994 | 988 | 49.5 | 560 | 28.1 | 27 | 1.4 | 386 | 19.4 | 33 | 1.7 |
| Turkey | 27,042 | 12,821 | 47.4 | 9,718 | 35.9 | 258 | 1.0 | 3,980 | 14.7 | 265 | 1.0 |
| Morocco | 951 | 656 | 69.0 | 53 | 5.6 | 28 | 2.9 | 202 | 21.2 | 12 | 1.3 |
| Migrant apprentices in total | 72,051 | 33,888 | 47.0 | 25,817 | 35.8 | 800 | 1.1 | 10,640 | 14.8 | 906 | 1.3 |
| Total number of apprentices | 1,564,064 | 837,914 | 53.6 | 489,179 | 31.3 | 44,020 | 2.8 | 138,711 | 8.9 | 54,248 | 3.5 |

*The German term "Liberal professions" covers a limited range of occupations such as doctors, dentists, lawyers, journalists, musicians, architects, writers etc. (IAB Glossar Englisch, p. 871)

Source: Federal Statistical Office (Fachserie 11, Reihe 3, Tab. 2b)

Tab. 16: Foreign students at German universities (winter term 1993/94 to winter term 2004/2005)

| Term | Total number of students | Foreign students (Bildungsin- and ausländer) | Proportion of foreign students | Bildungs- inländer | Proportion of Bildungs- inländer |
|---------------------------------|---------------------------------|---|---------------------------------------|---------------------------|---|
| winter term (WS) 1993/94 | 1,867,264 | 134,391 | 7.2 | 47,641 | 2.6 |
| WS 1994/95 | 1,872,490 | 141,460 | 7.6 | 48,851 | 2.6 |
| WS 1995/96 | 1,857,906 | 146,472 | 7.9 | 48,083 | 2.6 |
| WS 1996/97 | 1,838,099 | 152,206 | 8.3 | 52,173 | 2.8 |
| WS 1997/98 | 1,824,107 | 158,474 | 8.7 | 54,758 | 3.0 |
| WS 1998/99 | 1,801,233 | 165,994 | 9.2 | 57,209 | 3.2 |
| WS 1999/2000 | 1,773,956 | 175,140 | 9.9 | 62,257 | 3.5 |
| WS 2000/2001 | 1,799,338 | 187,027 | 10.4 | 61,313 | 3.4 |
| WS 2001/2002 | 1,868,666 | 206,141 | 11.0 | 63,355 | 3.4 |
| WS 2002/2003 | 1,939,233 | 227,026 | 11.7 | 63,813 | 3.3 |
| WS 2003/2004 | 2,019,831 | 246,136 | 12.2 | 65,830 | 3.3 |
| WS 2004/2005 | 1,963,589 | 246,334 | 12.5 | 59,678 | 3.0 |

Source: Federal Statistical Office (Fachserie 11, Reihe 4.1, Tab. 1.1 and 12)

Tab. 17: Foreign students in the winter term 2004/2005 (main nationalities)

| Nationality | Total | of which Bildungsinländer | Proportion of <i>Bildungsinländer</i> (in %) in relation to all students of the respective nationality |
|--------------------|--------|------------------------------|--|
| China | 27,129 | 1,142 | 4.2 |
| Turkey | 22,553 | 15,966 | 70.8 |
| Poland | 14,896 | 2,687 | 18.0 |
| Bulgaria | 12,848 | 381 | 3.0 |
| Russian Federation | 11,479 | 1,885 | 16.4 |
| Ukraine | 8,066 | 1,534 | 19.0 |
| Morocco | 8,019 | 1,033 | 12.9 |
| Italy | 6,810 | 3,206 | 47.1 |
| France | 6,290 | 778 | 12.4 |
| Greece | 6,115 | 3,436 | 56.2 |
| Austria | 5,770 | 1,795 | 31.1 |
| Spain | 5,434 | 1,286 | 23.7 |
| Cameroon | 5,393 | 148 | 2.7 |
| Korea (Republic) | 5,160 | 1,330 | 25.8 |
| Croatia | 4,556 | 3,789 | 83.2 |
| Romania | 4,271 | 433 | 10.1 |
| India | 4,249 | 442 | 10.4 |
| Iran | 4,185 | 1,757 | 42.0 |
| USA | 3,280 | 515 | 15.7 |
| Georgia | 3,269 | 71 | 2.2 |

Source: Federal Statistical Office (Fachserie 11, Reihe 4.1, Tabelle 12 and 13)

Ad 4.1.3 (reports)

A *terre des hommes* report analyses a specific aspect of the education system related to unequal treatment of one migrant group in particular: the **obligation or the right to attend school for refugee children**.¹⁸¹ Having examined all 16 state school laws, the author concludes that young refugees are subject to different legal provisions that (can) have a restrictive impact on their access to school. In some states, for instance, young refugees without a legal residency title who only have a toleration certificate (*Duldung*) are not obliged to go to school (e.g. Hesse, Saxony). Except from the Saarland, where refugee children with a short-term toleration certificate do not even have the *right* to attend school, all state school laws allow young refugees to go to school (sometimes after a short waiting period after their asylum application has been submitted).

¹⁸¹ Harmening, B. (2005) "Wir bleiben draußen". Schulpflicht und Schulrecht von Flüchtlingskindern in Deutschland. (commissioned by terre des hommes), Osnabrück

However, the sole entitlement can lead to certain disadvantages, e.g. pupils who are not obliged to attend classes (unofficial status of a “guest-pupil”), are excluded from school more easily (e.g. for disturbance of the order of the class by repeated absence). In some cases, those refugee families have to pay for their children’s use of the public transportation to travel to school, whereas pupils who are obliged to attend school receive financial support for this use of public means of transportation.

Based on the results of the second international comparative study PISA (Programme of International Student Assessment) on the educational achievements of 15-year-old pupils, conducted by the OECD, researchers have also analysed the differences between the 16 German federal states. The preliminary results of this second **PISA-E study**¹⁸² confirm that children with a migration background and those from a lower social stratum achieve a significantly lower level of educational competence on average throughout all federal states. *Klemm*, member of the research team, pointed out that a lack of (language) support is the core reason for these lower achievements of migrant pupils.¹⁸³

Ad 4.1.4 (state provision for multicultural education)

Closely linked to the introduction of Islamic education at state schools is the aspect of special **university programmes** for respective teachers. Similar to the University of Münster, the University of Erlangen introduced a temporary professorship for Islamic Religious Education in 2002/03, which will, according to the Bavarian Ministry of Sciences and Research, be transferred into a permanent professorship in 2005.¹⁸⁴ The Ministry announced its intention to cover the costs for four years and that the position will be filled in the course of 2005. In March 2005, the University of Frankfurt also announced its plan to establish a permanent professorship for Islamic Religion – additionally to the temporary professorship which was introduced in 2003.¹⁸⁵

In 2005, the state of Lower Saxony issued the decree „**Integration and Support of Pupils with a non-German Mother Tongue**“¹⁸⁶ which integrates all existing decrees on relevant issues, including some amendments. This decree will come into force on February 1, 2006. It represents a comprehensive concept for all education-relevant regulations concerning pupils with a non-German mother tongue, such as, for instance, school enrolment and mandatory

¹⁸² Block, R.; Klemm, K. (2005) Gleichwertige Lebensverhältnisse im Bundesgebiet? Demografische, ökonomische, institutionelle und familiale Bedingungen des Lernens im Bundesländervergleich, Essen

¹⁸³ *taz* (NRW) (14.07.2005), p. 3

¹⁸⁴ www.uni-protokolle.de/nachrichten/text/94350

¹⁸⁵ Press release University of Frankfurt (08.03.2005)

¹⁸⁶ http://cdl.niedersachsen.de/blob/images/C9234938_L20.pdf

pre-school language support courses and support measures in all educational stages.

On August 23, 2005, the Berlin Senate agreed on the comprehensive integration concept “**Promote Diversity – Strengthen Cohesion**”, which bundles all initiatives of the Senate administration concerning the integration policy in Berlin and describes existing and future integration guidelines. The implementation of the programme “Integration through Education” is one core element of the concept. The programme emphasises, among others, early childhood language support, further education/information measures for parents and their active involvement in school matters, improvement of the transition between school and the labour market, and extension of integration-relevant programmes in adult education.¹⁸⁷

Ad 4.2 (initiatives)

The large-scale national model programme “Support of Children and young people with a Migration Background” (**FörMig**) also aims at fostering the integration process of young migrants. FörMig is coordinated by the University of Hamburg and funded for a five year period (2004-2009) by the Bund-Länder Commission for Educational Planning and Research Promotion (BLK) with financial support from the Federal Ministry of Education and Research and the ten participating federal states (total amount €12.5 million)

The programme aims at **promoting innovative projects** and approaches in the field of language support and education, evaluating them and facilitating the transfer of good practice. FörMig covers three areas:

- (1) Language support based on individual language assessment
- (2) Continuous language support (e.g. linking familial and institutional language education)
- (3) Vocational training and transposition to the labour market (e.g. vocational training counselling regarding multilingual resources)

All projects within FörMig pay specific attention to language aspects and to the “points of transition” in the educational system. The implementation of the programme is built upon “basic units”, i.e. local networks (“development partnership”), which involve schools and other institutions. Additional to the project work itself, it is part of all basic units’ task to contribute actively to the transfer of their expertise and experiences, e.g. by specific training measures for multipliers or the establishment and maintenance of Internet access points. All projects are scientifically monitored and evaluated by the University of Hamburg.¹⁸⁸

¹⁸⁷ Germany, Beauftragte für Integration and Migration in Berlin (2005b), *Vielfalt fördern – Zusammenhalt stärken*

¹⁸⁸ www.blk-foermig.uni-hamburg.de; English description of the concept available at: www.blk-foermig.uni-

8.3. Legislation

Ad 5.1.5 (legal situation of religious congregations)

In **Berlin**, the *Islamische Föderation Berlin* was granted the status of an officially recognised religious organisation (not of a public corporation though) in the ruling of the OVG Berlin in November 1998¹⁸⁹, which was confirmed by the Federal Administrative Court in November 2000¹⁹⁰. According to the court rulings, the organisation fulfils the criteria of a religious congregation in the sense of the Berlin school law, and is more than just a religiously oriented association as the Berlin school authority argued. Based on an exceptional provision concerning religious education in the German Constitution (Art. 141 GG; “Bremer Klausel”¹⁹¹), religious education in Berlin state schools is conducted by religious organisations which are recognised as such according to the Berlin School Law (§ 13), and not necessarily in accordance with the German Constitution (Art. 7(3) GG).

Due to the recognition of the Muslim organisation *Islamische Föderation* in Berlin, this religious organisation is entitled to offer and conduct Islamic education in state schools in Berlin. In the school year 2004/2005, the organisation conducts such Islamic courses in 37 state schools in Berlin (almost 4,500 pupils).

hamburg.de/cosmea/core/corebase/mediabase/foermig/pdf/FoerMig_Programmueberblick_englisch.pdf

¹⁸⁹ Berlin / OverwG / 7 B 4/98 (4.11.1998)

¹⁹⁰ Germany / BVerwG / 6 C 5.99 (23.02.2000)

¹⁹¹ In contrast to most of the other federal states, religious education in Berlin lies solely in the hands of religious communities and is not offered as a regular subject within state schools (Berlin School Law, § 13).

8.4. Housing

Ad 6.1.2 (statistical data)

Tab 18: Proportion of households facing crowded living conditions¹⁹² by population groups in percentage (1988, 1995 and 2002)

| Year | Population without a migration background | | Population with a migration background | | | |
|-------------|---|----------------|--|-----------------------|---------------------------|-----------------|
| | Germany (West) | Germany (East) | Ethnic German migrants | Foreigner from... | | |
| | | | | EU, Western countries | Turkey, former Yugoslavia | other countries |
| 1988 | 11,1 | - | 16,9 | 28,9 | 59,4 | 13,7 |
| 1995 | 10,6 | 19,0 | 28,9 | 20,5 | 58,4 | 29,8 |
| 2002 | 5,1 | 7,1 | 16,4 | 15,4 | 50,5 | 26,6 |

Source: Frick 2004 (based on GSOEP data)

The proportion of households which have to deal with crowded living conditions is significantly higher among population groups with a migration background, especially among those with a Turkish or former Yugoslavian background. However, the proportion within the individual groups display a generally decreasing tendency (except for the category “other countries”).

According to an data analysis done by Özcan, the average living space of Germans in 1997 was at 48 m² per capita whereas the Turks had only 27 m² at their disposal. Both figures have risen slightly in the course of time and reached 49 m² (German population) and 30 m² (Turkish population).

According to the 6th ZfT Multi-Topic Survey, the average living space of Turkish households in NRW remains below that national average: In 2004, they had only 21,8 m² per capita at their disposal, whereas the state-wide average size was at 38 m² (according to the NRW State Office for Statistics).¹⁹³

¹⁹² According to the definition, „crowded living conditions“ means that the number of household members is higher than the number of available rooms bigger than 6 m² (kitchen and bathroom excluded).

¹⁹³ Goldberg/Sauer 2004, p. 80

Tab. 19: Gross rent in % of the monthly household net income (1988, 1995 and 2002)

| Year | Population without a migration background | | Population with a migration background | | | |
|-------------|---|----------------|--|---------------------|---------------------------|-----------------|
| | Germany (West) | Germany (East) | Ethnic German migrants | Foreigners from... | | |
| | | | | EU, Western Country | Turkey, former Yugoslavia | Other countries |
| 1988 | 21,2 | - | 21,9 | 19,3 | 16,0 | 22,9 |
| 1995 | 23,7 | 17,0 | 23,1 | 22,2 | 21,5 | 25,8 |
| 2002 | 25,6 | 23,5 | 27,7 | 23,6 | 26,2 | 30,2 |

Source: Frick 2004, p. 44 (based on GSOEP data)

The financial burden concerning the rent in relation to the household income has increased in all population groups; migrants from Turkey and former Yugoslavia, however, were affected more than other population groups by this increase as the graph illustrates. On the one hand this is a result of the improved living conditions of migrant households (see above); on the other hand, the lower income on average affects the “burden of rent”.¹⁹⁴

¹⁹⁴ The willingness to spend more money in order to improve one’s living and housing condition can be interpreted as an indicator for a diminishing tendency to save money for a potential return to one’s country of origin (Zuwanderungsrat 2004, p. 304).

Ad 6.1.3 (reception centres for asylum seekers)

Tab. 20: Reception quota for the distribution of asylum seekers and illegally immigrated foreigners (since 1.1.2005) by federal state

| Federal state | Reception quota for 2005 (since 01.01.2005) | Reception quota according to § 45 Asylum procedure Act (until 31.12.2004) |
|----------------------------|---|---|
| Baden-Württemberg | 12,8 | 12,2 |
| Bavaria | 14,9 | 14,0 |
| Berlin | 4,9 | 2,2 |
| Brandenburg | 3,1 | 3,5 |
| Bremen | 1,0 | 1,0 |
| Hamburg | 2,5 | 2,6 |
| Hesse | 7,3 | 7,4 |
| Mecklenburg-West Pomerania | 2,1 | 2,7 |
| Lower Saxony | 9,2 | 9,3 |
| North Rhine-Westphalia | 21,6 | 22,4 |
| Rhineland-Palatine | 4,7 | 4,7 |
| Saarland | 1,2 | 1,4 |
| Saxony | 5,3 | 6,5 |
| Saxony-Anhalt | 3,1 | 4,0 |
| Schleswig-Holstein | 3,3 | 2,8 |
| Thuringia | 2,9 | 3,3 |

Source: www.blk-bonn.de/koenigsteiner_schluessel.htm and AsylVfG (old)

Ad 6.2 (initiatives)

The project on “Tapping Financial Resources and New Target Groups through Ownership-Oriented Corporation” (*Erschließung finanzieller Ressourcen und neuer Zielgruppen durch eine eigentumsorientierte Genossenschaft*) is one of several model projects within the research programme “Experimental Urban Development” (ExWoSt), coordinated by the Federal Office for Building and Regional Planning.¹⁹⁵ It aims at assisting the current tenants of four building complexes in Berlin (owned by a municipal housing corporation), which are to be privatised, to become the owners of the buildings within the framework of a

¹⁹⁵ Germany, Federal Office for Building and Regional Planning (ed.) (2005) ExWoSt-Informationen “Modelle genossenschaftlichen Wohnens: Erschließen von Genossenschaftspotentialen“, No. 1 05/2005, p. 5

private housing cooperative. Currently, more than half of the 57 households have a non-German (mostly Turkish) background. The current tenants are encouraged to join such a cooperative; they receive comprehensive advice on the financial aspects and legal provisions concerning the foundation of such a housing cooperative.

By establishing such new forms of **cooperative ownership** the tenants can, on the one hand, remain living in their apartments. On the other hand, the migrants become members of a housing cooperative that is based on principles such as self-management, participation and an increase of social (i.e. neighbourhood) contacts, which contributes to overcoming isolation and to promoting spatial integration through participation.

8.5. Racist violence and crimes

Ad 7.1.2 (statistical data)

Tab. 21: PMK/right-wing: Violent acts and other offences with extremist background in 2004

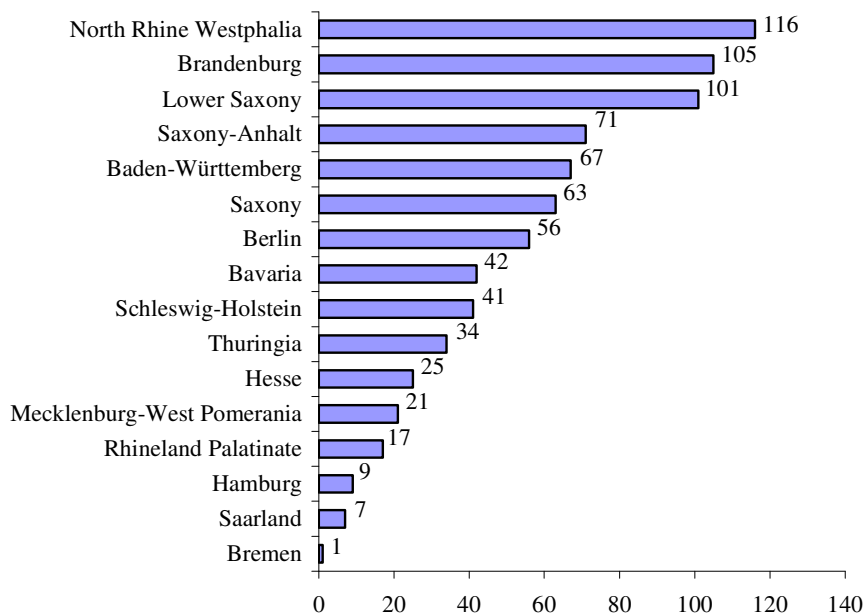
| <i>Type of crime</i> | <i>2003</i> | <i>2004</i> |
|--|----------------------|----------------------|
| <i>Violent crimes (total)</i> | <i>759</i> | <i>776</i> |
| Murder/man slaughter | 0 | 0 |
| Attempted murder/man slaughter | 7 | 6 |
| Bodily harm | 637 | 640 |
| Arson | 24 | 37 |
| Causing an Explosion | 0 | 2 |
| Other violent crimes | 91 | 91 |
| <i>Other (non-violent) offences (total)</i> | <i>10,033</i> | <i>11,275</i> |
| Damage of Property | 225 | 243 |
| Threat/coercion | 93 | 97 |
| Propaganda offences | 7,551 | 8,337 |
| Disturbing the Peace of the Dead | 26 | 20 |
| Other crimes, mainly Incitement of the people | 2,138 | 2,578 |
| <i>Total number: PMK right-wing crimes with an extremist background</i> | <i>10,792</i> | <i>12,051</i> |
| <i>Total number: all PMK right-wing crimes</i> | <i>11,576</i> | <i>12,553</i> |

Source: Verfassungsschutzbericht 2004 (BMI 2005); based on the statistics of the Federal Criminal Office (BKA)

Differentiation of extremist right-wing crimes according to federal states

A further differentiations of these official data on right-wing extremist violent crimes according to federal state¹⁹⁶ shows that in 2004, NRW was the state with the highest number of such crimes (116), followed by Brandenburg (105), Lower Saxony (101), Saxony-Anhalt (71) and Baden-Württemberg (67).

Graph 14: Violent crimes with an extremist right-wing background according to federal states 2004



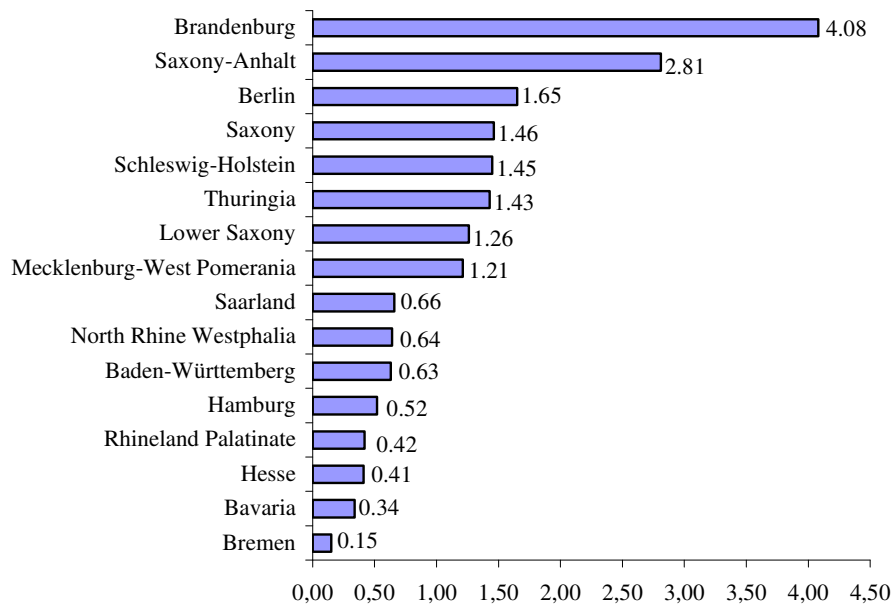
Source: *Verfassungsschutzbericht 2004 (BMI 2005)*

Taking into consideration the number of inhabitants of the federal states, a different picture emerges concerning the distribution of such crimes: on average, 4.08 violent crimes with a right-wing extremist background per 100,000 inhabitants were committed in Brandenburg in 2004 (2003: 3.37) and 2.81 in Saxony-Anhalt (2003: 1.96). The lowest number of crimes in relation to the total population was registered in Bavaria (0.34 such crimes per 100,000 inhabitants) and Bremen (0.15). These figures show that Eastern Germany is more affected by such crimes than Western Germany: on average 2.07 violent crimes with a right-wing extremist background were committed per 100,000

¹⁹⁶ Concerning the comparison between federal states, attention must be paid to the fact that the practice of registration can vary from state to state – despite nationally unified registration criteria. Additionally the regionally different-sized grey area and the differences concerning the willingness to report crimes amongst the general population can have an impact on the number of registered cases.

inhabitants in Eastern states, which is more than three times as many as in the western federal states (0.65) (see Graph 15).¹⁹⁷

Graph 15: Violent crimes with an extremist right-wing background according to federal states per 100,000 inhabitants 2004



Source: *Verfassungsschutzbericht 2004 (BMI 2005)*

Local non-official statistics on xenophobic incidents

The NGO RAA Leipzig also published non-official statistics for the area of Leipzig based on its **counselling work** for, among others, victims of xenophobic and/or extreme right-wing attacks, insults or discrimination. In 2004, 186 cases were processed by the RAA (including general need for advice); 220 people who sought support were directly concerned with a crime, discrimination or another integration-related problem, 117 of them were migrants. In 86 of the 186 cases of counselling an extreme right-wing or xenophobic background was registered, which represents an increase of 14 cases or almost 20% compared to 2003.¹⁹⁸

¹⁹⁷ BMI 2005, pp. 36-38

¹⁹⁸ RAA Leipzig, Jahresbericht 2004, p. 6

Ad 7.1.3 (reports)

Studies on arson attacks on fast-food stands owned by people with a migration background

1. Based on its own experiences as a victim support organisation which has registered more than 60 (arson) attacks on mainly kebab or Asian fast-food stands since 2000, Opferperspektive describes the general situation of migrants who are owners of such stands in Brandenburg, including interviews with migrants concerned and with a legal expert, and presents three cases studies. The report also includes suggestions directed to municipal authorities on how to support victims of such arson attacks.

2. The second report addresses similar topics; however, a more scientific approach is taken. The research questions (situation of owners, local situation, reaction and experiences of the authorities and other institutions involved) are examined based on scientific publications, media research, the analysis of court files and 60 interviews with, among others, owners of such stands, experts in the municipal authorities, the police and victims support organisation.

Survey on extreme right-wing attitudes

The University of Leipzig conducted a study to measure the extent of extreme right-wing attitudes in the general population. Different dimensions such as Social Darwinism, xenophobia, antisemitism and belittlement of the National Socialism were measured. 26% of the almost 2,500 interviewees explicitly agreed with xenophobic statements. Further results are that xenophobic attitudes in East Germany have decreased slightly and that interviewees with a higher educational attainments agreed with xenophobic statements less often; the differences between those with a lower and those with a higher level of education, however, have diminished significantly.¹⁹⁹

International survey (AJC) on anti-Semitic attitudes

A similar survey on antisemitic attitudes “**Thinking about the Holocaust 60 Years Later**“ was conducted by the American Jewish Committee.²⁰⁰ 42% of the interviewees in Germany “strongly” or “somewhat” agreed with the statement “Jews are exploiting the memory of the Nazi extermination of the Jews for their own purposes”. 23% of the German interviewees (only surpassed by 27% of the Austrian interviewees) responded that the statement “it is time to put the memory of the Nazi extermination of the Jews behind us” is closer to their opinion than “keeping the remembrance strong”. In general, the level of knowledge on the Holocaust is relatively low among the German interviewees, i.e. lower than in other European countries (e.g. concerning the question on how many Jews were killed by the Nazis).

¹⁹⁹ www.uni-leipzig.de/~medpsy/pdf/rechtsextremismus_230605.pdf

²⁰⁰ www.ajc.org/site/apps/nl/content3.asp?c=ijlTI2PHKoG&b=846741&ct=1025513

The Pew Global Attitudes Project

The first section of the report analyzes how people in Western countries view people of the Muslim faith and how people in predominantly Muslim countries view people of the Christian and Jewish faiths. It also looks at attitudes toward the banning of Muslim head scarves in some countries and differing views of the U.S. among demographic groups in Muslim countries. The second section focuses on concerns in non-Muslim countries about growing Islamic identity and extremism as well as opinions about Turkey's bid to join the European Union. The third section deals with Muslims' perceptions of themselves and the role of Islam in the political life of their home country, and concerns about Islamic extremism within their own borders. A final section explores views in predominantly Muslim countries of Islam's role in the larger world and support for acts of terrorism in support of Islam both generally and specifically against the U.S. and its allies in Iraq²⁰¹.

Ad 7.2.1 (proactive measures by the police)

In the prevention project “**PräGeRex**”²⁰², launched by the State Criminal Office of Lower Saxony in 2002, measures against right-wing activities are being conducted which aim at encouraging young people to stand up against right-wing, xenophobia and antisemitic tendencies. In a network cooperation between several schools, two police departments and several welfare and youth service organisation, numerous information and awareness raising projects have been carried out since 2002 – addressing in particular young people.²⁰³ The PräGeRex projects ended in 2005.

²⁰¹ <http://pewglobal.org/reports/display.php?ReportID=248>

²⁰² www.lka.niedersachsen.de/praegerex/index.htm

²⁰³ *taz* (23.06.2005)

8.6. Islamophobia

There are hardly any official and non-official data on Islamophobia in Germany. The **official** statistical data are based on a nationwide unified criminal registration system which is suitable for registering politically motivated (PMK) right-wing extremist crimes that were committed with a xenophobic motivation. However, these official statistics do not contain any information on a potentially Islamophobic motivation. Due to the fact that not even the nationality of the victims of these xenophobically motivated PMK right-wing crimes is made publicly available – apart from some rare exceptions –, no further assumptions on the victims' religious background and the potential motivation of the perpetrators can be made.

Non-official data from media reports and NGOs which are involved in the support work for victims of extreme right-wing violence or specific Internet platforms sometimes contain information on the victim's nationality. Nevertheless, in most cases it is impossible to make objective and verified statements on an Islamophobic motivation – even in cases in which an extreme right-wing or xenophobic motivation is obvious; xenophobia and the more specific forms of Islamophobia can not be distinguished clearly unless clear indicators (e.g. verbal Islamophobic insults, attacks on mosques) are available, which is rarely the case.

A: Violence against person/s

According to the latest Report on the Protection of the Constitution, 776 PMK right-wing crimes with an extremist background (i.e. aiming at overthrowing the constitutional order) were registered as violent crimes in 2004 (2003: 759); in 368 cases the perpetrator acted with an xenophobic background (2003: 430). Most of these violent crimes were categorised as bodily harm. The following table presents a differentiation according to the type of violent crime.

Tab. 22: PMK/right-wing: Violent crimes with extremist background and a xenophobic motivation (2003 and 2004)

| Type of crime | 2003 | 2004 |
|-------------------------------|------------|------------|
| Murder/manslaughter | 0 | 0 |
| Attempted murder/manslaughter | 5 | 5 |
| Bodily harm | 377 | 310 |
| Arson | 19 | 29 |
| Causing an explosion | 0 | 1 |
| Other violent crimes | 29 | 23 |
| Total number | 430 | 368 |

Source: Verfassungsschutzsbericht 2004 (BMI 2005); based on the statistics of the Federal Criminal Office (BKA)

According to the monthly parliamentary inquiries on extreme right-wing and xenophobic crimes, 102 PMK right-wing crimes with a xenophobic background were registered as *violent* crimes in the **first six months of 2005** – with 66 people being injured. These figures display a slight decrease compared to the relevant period of last year, during which 120 such violent crimes with a xenophobic motivation were registered between January and June 2004, with 91 people injured as a result of these crimes.

Tab. 23: PMK/right-wing: Criminal acts and violent crimes 2005 (first six months)

| | Criminal acts | | | |
|---------------------------|---------------|---|-----------------------------------|--|
| | Total number | | Of which xenophobic criminal acts | |
| | | of which violent crimes (number of people injured) | | <i>among those: violent crimes</i> (number of people injured) |
| January | 745 | 39 (25) | 106 | 21 (10) |
| February | 773 | 41 (40) | 104 | 17 (14) |
| March | 908 | 44 (35) | 153 | 15 (9) |
| April | 660 | 23 (16) | 83 | 8 (4) |
| May | 983 | 62 (57) | 136 | 20 (15) |
| June | 796 | 51 (44) | 129 | 21 (14) |
| First half of 2005 | 4,865 | 260 (217) | 711 | 102 (66) |

Source: BMI (according to monthly parliamentary inquiries)

It should be pointed out once again that both sources, the Report on the Protection of the Constitution and the parliamentary inquiries, do not allow any reliable statements to be made on a potentially Islamophobic background of these crimes committed with a xenophobic motivation.

The **non-official statistics** compiled by the victim support organisation *Opferperspektive* list 551 acts of extreme right-wing violence in Eastern Germany for 2004, the vast majority of these incidents are categorised as bodily harm. 285 people were attacked for racist reasons. Further information on the proportion of cases of bodily harm among those incidents or the religious or even national background of the victims does not exist.²⁰⁴

²⁰⁴ Press release Opferperspektive e.V. (09.02.2005)

These non-official statistics are based on media monitoring and further research activities of eight NGOs that are all supported within the CIVITAS programme and are engaged in the support of victims of extreme right-wing attacks and violence in Eastern Germany. Most of these NGOs offer a continuously updated online chronology of extreme right-wing and (partly) xenophobic cases/attacks.

In these chronologies of cases, several extreme right-wing violent attacks have been reported which are directed toward foreigners or **migrants from predominantly Islamic countries**, such as Turkey, Afghanistan, Morocco Algeria, Iraq, Iran or Kuwait. Since the beginning of the year 2005, about a dozen such incidents have been recorded by the following NGOs:

- *Opferperspektive* (Brandenburg): nine cases,
- *AMAL* (Saxony): one case
- *Mobile Opferberatung* (Saxony-Anhalt): three cases

Although these victims are likely to be Muslims, the question as to whether the attacks were motivated by xenophobia in general or by Islamophobia in particular remains unanswered.

B: Violence against property

The same problems of revealing a potentially Islamophobic motivation emerge concerning violent acts against property. In the reporting period (2005) no attacks on mosques were registered.²⁰⁵ In the night of July 29 to July 30, 2005, three young men set several empty cement bags on fire on a construction site of a mosque. However, after having investigated the case, the state security unit of the police came to the conclusion that a xenophobic or Islamophobic motivation can be ruled out.²⁰⁶ This incident illustrates the difficulties concerning the assessment of a crime as “Islamophobic”.

The only official figures that are – at least partly – relevant to this section are the PMK right-wing extremist crimes: in 2004, 368 such crimes were categorised as violent crimes with a *xenophobic* motivation, including 26 cases of arson (2003: 19).

In 2005, several arson attacks on Turkish snack (kebab) stands received public attention. On March 30, 2005, for instance, a Turkish-Kurdish fast-food stand in Rheinsberg (Brandenburg) was completely destroyed by an arson attack. The police assume that the perpetrator was motivated by xenophobia.²⁰⁷ In mid-March 2005, a Turkish fast-food stand was smeared with 20 swastikas and extreme right-wing slogans near Bernau (Brandenburg). The perpetrators’

²⁰⁵ Two attacks on mosques (Sinsheim and Schwäbisch-Hall) and one on a Muslim butcher’s shop (Aßlar) were registered in November and December 2004; those incidents, however, were included in the update of the National Annual Report 2004.

²⁰⁶ Press release from the police department POL-SH GG (30.07.2005); information stemming from a phone conversation with the police department on 29.09.2005

²⁰⁷ Press release Opferperspektive e.V. 01.04.2005, Berliner Zeitung 06.04.2005

attempt to set the fast-food stands on fire, however, failed. According to the owner, neo-Nazis had attacked the stand several times before and foreigners have been repeatedly attacked in the neighbourhood.²⁰⁸

It seems obvious that these (arson) attacks on the property of Turks were committed with a clear xenophobic motivation; to which extent, however, Islamophobic resentments are involved remains unclear. A court case in Brandenburg provided further insights into the motivation of a group of twelve young right-wing extremists who committed several such arson attacks on Turkish and Vietnamese fast-food stands. According to the court, the perpetrators had explicitly pursued the aim of expelling foreigners from the region by spreading fear among them – a clear xenophobic, but not a specific Islamophobic motivation.

C: Verbal threats and abusive behaviour

In the Federal Report on the Protection of the Constitution, the *PMK/right-wing* extremist statistics list 97 cases of coercion or threat (2003: 93) and 2,578 cases of incitement of the people (2003: 2,138) in the year 2004. Although it can be assumed that some of these crimes were directed towards Muslims, the precise number can not be discerned.

Election campaigns

Whereas the above statistical data cannot clearly reveal Islamophobic threats and behaviour, there are rather obvious cases of Islamophobic statements in the **election campaigns** of the NPD, an extreme right-wing party. According to the **ECRI report** “The use of racist, antisemitic and xenophobic arguments in the political discourse”, for instance, the NPD published in its magazine “Deutsche Stimme” a photo of Turkish women loaded with large packages, with the caption “Europe faces another assault. This campaign (for the EU Parliamentary election) was aimed against Turkey becoming a member of the EU.”²⁰⁹ Another example is the NPD state election campaign in NRW 2005: NPD posters showed a group of Muslim women with the slogan “Have a nice trip home” (“Gute Heimreise”).²¹⁰ According to the Federal Report on the Protection of the Constitution, a NPD candidate agitated against the accession of Turkey to the EU: Turkey is described as the “arch-enemy of Europe”; in harsh generalisations, Turks are made responsible for “thousands of people having died of drugs” and a Turkish invasion is anticipated which would lead to “cultural suicide” in Germany and Europe.²¹¹ These clear anti-Turkish expressions can be, at least, likely to stoke Islamophobic resentments. The

²⁰⁸ *FR* (22.03.2005), p. 4

²⁰⁹ ECRI (2005) The use of racist, antisemitic and xenophobic arguments in the political discourse, Strasbourg: Council of Europe, p. 7

²¹⁰ *taz* (11.02.2005)

²¹¹ BMI 2005, p. 66

extreme right-wing party *Die Republikaner* (REP) commented on the potential accession of Turkey by referring to the aspect of religion: the accession Turkey to the EU would lead to “national-religious parallel societies”.²¹²

Clear Islamophobic statements in the political discussion outside of the extreme right-wing spectrum are rare. Apart from xenophobic statements from the NPD only very few cases of Islamophobic or anti-Islamic statements were reported during the federal election campaign. The independent politician Hohmann²¹³, for instance, urged to diminish **immigration from Muslim countries** to Germany. He argued that the “strict religious conviction of many Muslims is not compatible with the ideals of a constitutional state of freedom”.²¹⁴

Local anti-mosque initiatives

Islamophobic resentments, which often associate Muslims with anti-constitutional tendencies, also appear in the context of local **anti-mosque initiatives**. In Cologne, for instance, the association and local political party *Bürgerbewegung pro Köln (Pro Köln)*, which “has many contacts to the extreme right-wing spectrum”²¹⁵, aims at hindering the planned construction of a representative mosque in the city district of Porz in Cologne. At an informational meeting in September 2005 the association *Pro Köln* argued against the construction of the mosque with the allegation that more and more Muslims in Germany do not accept German law and live in accordance with the Islamic Sharia instead. The “xenophobic and anti-Islamic slogans”²¹⁶ used by representatives of *Pro Köln* are likely to provoke the fears of Muslims and Islamophobic resentments among the broader population.

In **Dortmund-Hörde**, the local initiative *Bürgerinitiative Grimmelsiepen* was founded with the explicit aim of preventing the construction of an Islamic community centre including a mosque and apartment buildings in the city district of Hörde. In his objection to the respective municipal urban development plan, a representative of the initiative made clear Islamophobic statements and even called it “our duty to counter the Islamic belief” and to “protect democracy”. Muslims were blamed for misusing democratic principles as well as for practicing deception and telling lies only for their own purpose; the “Islamic faith” is described as extremely aggressive and resistant to any form of development.²¹⁷

²¹² BMI 2005, p. 88

²¹³ Hohmann was excluded from the Conservative party, the CDU, last year due to a speech which was criticised for displaying antisemitic tendencies.

²¹⁴ *taz* (09.09.2005), p. 8

²¹⁵ Innenministerium des Landes NRW, Verfassungsschutzbericht des Landes NRW über das Jahr 2004, p. 40

²¹⁶ http://lexikon.idgr.de/p/p_r/pro-koeln/pro-koeln.php

²¹⁷ www.moschee-hoerde.de/pahlke1.pdf

The **police** department in Cologne started internal disciplinary action against its own **vice-president** Klinger because of **Islamophobic statements** which he made during a speech in the city of Emden on April 9, 2005. The vice-president had alluded to Huntington's expression of a "clash of civilisation",²¹⁸ and drawn a menacing scenario of the Islam taking over the political power in Germany in the future. Klinger publicly expressed his regret that his statements had been interpreted as xenophobic. The Member of *Bundestag*, Akgün, accused the vice-president of having damaged the trusting relationship between the Muslim population and the police in Cologne with his Islamophobic statements.²¹⁹ Right-wing groups reacted positively to Klinger's Islamophobic statements: the aforementioned right-wing association *Pro Köln* started a campaign to express their support for the vice-president²²⁰, and the extreme right-wing party NPD praised the vice-president for "having spoken out the unpleasant truth",²²¹.

D: Islamophobic literature

The Islamophobic attitude of members of extreme right-wing parties is also displayed in **their party newspapers** (for more on the extreme right-wing media see the chapter on antisemitism, section D). This can be illustrated by the July/August edition (2004) of the bi-monthly party magazine of the *REP* ("Zeit für Protest") in which the author describes Muslims in Germany as "Islamic conquerors" and alleges that they strategically follow the aim of conquering Berlin by misusing the principle of freedom of faith only to reach their own goals.²²²

Very harsh Islamophobic threats and expressions can be found on the **Internet** – especially on websites which are run by providers from abroad. One extraordinarily aggressive example for such websites in German language is the weblog <http://iblis.twoday.net>. This website, which is updated daily, (launched in mid-June 2005) contains countless Islamophobic articles that are supposed to serve as a basis for further online discussions. Almost every single article follows the obvious aim of discrediting Muslims and the Islamic faith. In an often very cynical way Muslims are described as people full of bigotry and hate (e.g. suicide bombers as typical Muslims), ready to use violence against non-Muslims to gain power and rule the world. Many articles refer to other media reports and pretend to be objective, also by referring to online encyclopaedias and presenting Islam-critical publications (see above). Some articles contain strongly abusive expressions using swear words to describe Muslims (e.g. Kameltreiber).

²¹⁸ Klinger used the German translation of Huntington's book "Kampf der Kulturen" ("struggle between cultures")

²¹⁹ *taz Köln* (28.04.2005), p. 1

²²⁰ *taz Köln* (10.06.2005), p. 1

²²¹ www.npd-goettingen.de/Archiv/Kurznachrichten0504.htm

²²² BMI 2005, p. 89

Islamophobia – Overview on data sources

| Data sources on extreme right-wing, xenophobic and/or racist crimes (no registration of explicitly Islamophobic incidents) | | | |
|--|---|--|--|
| Official sources | | Unofficial sources | |
| National sources | | National sources | International sources |
| <p>(a) (Federal) Report on the Protection of the Constitution by the (Federal) Office for the Protection of the Constitution (annual figures 2004; right-wing extremist groups, parties, media etc.)</p> <p>(b) monthly parliamentary inquiries (from the Federal Ministry of the Interior, preliminary and always significantly below the final annual figures; first half year of 2005)</p> <p>(c) inquiries at local police departments on a case-by-case basis (mainly in order to verify media reports)</p> | | <p>(a) CIVITAS-funded victim support organisations: Reports and data compilation for Eastern Germany by Opferperspektive e.V. (based on media research and their own registration of complaints)</p> <p>(b) Internet-platform (Mut gegen rechte Gewalt)</p> <p>(c) own Internet and media research</p> | <p>ECRI Report “The use of racist, antisemitic and xenophobic arguments in the political discourse” (2005)</p> |
| <p>(a) 12,533 PMK right-wing crimes (2004) incl.: 12,051 extremist crimes incl.: 776 violent extremist crimes incl. 368 violent extremist crimes with a xenophobic background</p> <p>(b) 4,865 PMK right-wing crimes (first half year of 2005) incl.: 711 with an xenophobic background (102 of them categorised as violent crimes)</p> | – | <p>551 victims of right-wing violent acts, among those 285 people attacked for racist reasons</p> | – |
| Requested information | | | |
| Legal definition of Islamophobia No official definition available | | Definition of Islamophobia used No specific definition available | |
| <p><i>Data:</i> PMK (Politically motivated crimes) /right-wing; specific category: xenophobic background based on the state police registration system KPMD-PMK legal basis: resolution by the Committee of Ministers and Senators of the Interior for the Federal Government and States from 9./10.05.2001</p> | – | <p>NFP’s own media and internet research NGOs: Data based on the media research and registration of cases in the course of their victim support work Most media reports were verified after NFP inquiries at the police departments</p> | <p>Information based on our own research</p> |

8.7. Antisemitism

The statistical data situation on antisemitic criminal acts is better than on Islamophobia mainly because antisemitic crimes are registered as a separate category in the criminal registration system PMK/right-wing. Nevertheless, a differentiation of these data in accordance with the categories in this chapter is not always possible.

In 2004, 1,346 politically motivated crimes (right-wing) crimes with an antisemitic background were registered by police authorities.²²³ 1,316 of these crimes were categorised as extremist offences (i.e. aiming at overcoming the state).²²⁴

A: Violence against person/s

According to the **Federal Report on the Protection of the Constitution**, 776 extremist politically motivated/right-wing crimes were registered as violent crimes in **2004**. Among these 776 crimes, 37 violent crimes with an antisemitic motivation were recorded. In 2003, 35 such antisemitic violent crimes were registered. A further differentiation of these statistical data on antisemitic extremist violence is not available; however, it can be assumed – based on the differentiation of all PMK/right-wing extremist crimes – that most of these violent crimes are cases of bodily harm.

According to the **monthly parliamentary inquiries**²²⁵ (see above), 869 politically motivated crimes /right wing crimes with an antisemitic background were registered by the police in **2004** (most of them non-violent crimes); seven people were injured as a result of these crimes. This is a significant decrease compared to the previous year (2004), when 1,058 such crimes were registered; 22 people were injured as a result of these an antisemitic crimes.

In the **first quarter of 2005**, 296 PMK/right-wing with an antisemitic background were registered. Five people were injured as a result of these criminal acts. In the comparable period 2004, 263 such crimes were registered (+ 12.5%) with 3 people injured (first quarter 2003: 222 with 6 people injured; first quarter 2002: 127 with 3 people injured).

The **non-official statistics** compiled by the victim support organisation *Opferperspektive* list 551 acts of extreme right-wing violence in Eastern Germany for **2004**, the vast majority of these incidents are categorised as bodily harm. In five cases an antisemitic background was registered.²²⁶

²²³ Press release BMI (09.05.2005)

²²⁴ BMI 2005, p. 99

²²⁵ It is to be mentioned that these statistics which are based on the parliamentary inquiries are preliminary and below the final figures. Statistics available at: www.petra-pau.de/15_bundestag/index_an.htm

²²⁶ Press release Opferperspektive e.V. (09.02.2005)

B: Violence against property

According to the Federal Report on the Protection of the Constitution, 101 Jewish cemeteries, synagogues and memorials were desecrated (e.g. damaged, sprayed etc.) in 2004. In 2003, 113 such crimes were registered by the police.²²⁷

The main non-official data stem predominately from NGOs which present online chronologies of antisemitic incidents, based on their own media monitoring and research activities. The Amadeu Antonio Foundation, for instance, provides an important nationwide information sources on its internet platform “Courage against right-wing violence” (www.mut-gegen-rechte-gewalt.de) and on the website of its initiative “projects against antisemitism” (www.projekte-gegen-antisemitismus.de)

The foundation lists, among others, antisemitic incidents, 18 cases of damaging or smearing Jewish **memorials** and four cases of desecrating Jewish **graveyards** between January and August 2005. Most of these cases were verified by the police (in some cases as a response to an NFP inquiry at the police department in charge). The internet platform “Mut gegen rechte Gewalt” also reports of the following cases of damaging a Jewish memorial in greater deal: within the framework of the nationwide memorial initiative “Stolpersteine”, small paving stones have been installed in the pavement in front of those buildings where Jewish citizens used to live in Nazi Germany before they were deported by the Nazis; the paving stones bear the engraved names of the victims and the date of their deportation.²²⁸ According to police authorities, three of these memorial stones were sprayed with a large swastika, damaged and torn out of the pavement in Pasewalk. In Niederschönweide, such a memorial paving stone was stolen. When the stone was installed within the framework of a public celebration, some participants complained and shouted “Again such a Jewish stone (“Judenstein”)...so I know what I’m going to do tonight”.²²⁹

C: Verbal threats and abusive behaviour

The following forms of antisemitic verbal threats, agitation or statements are distinguished in this paragraph:

- cases of verbal threats and/or abusive behaviour directed towards Jews directly
- antisemitic statements by right-wing extremist or neo-Nazis (information mainly based on the Office for the Protection of the Constitution)

²²⁷ BMI 2005, p. 99

²²⁸ For more information on the initiative “Stolpersteine” see: *Spiegel online* (30.09.2005), available at: www.spiegel.de/kultur/gesellschaft/0,1518,376927,00.html

²²⁹ *Berliner Zeitung* (04.08.2005)

- other antisemitic (or perceived as such) statements or behaviour (reported by the media)

Cases of verbal threats and/or abusive behaviour directed towards Jews directly

In May 2005, a Canadian tourist who was recognisable as a Jew by his clothing and his kippa was spat at and insulted in Berlin after he had left the exhibition “Topography of Terror” with three other Jews. Later on, the victims stated that the perpetrator had yelled something at them which they could hardly understand; they had only understood “Jude” (Jew). The police caught a 35-year-old man who is suspected of being the perpetrator; the case has been officially verified by the police.²³⁰

Another **antisemitic incident** in Berlin was made public in early July 2005, although it had already taken place on May 4. Several Muslim pupils had molested pupils from a Jewish High School in the tramway with antisemitic statements. The teacher who was accompanying the Muslim pupils neither intervened nor reported the incident to the school principal (the case has been officially verified by the Berlin Senate for Education).²³¹

Antisemitic statements by right-wing extremist or neo-Nazi

Neo-Nazi music groups and representatives of extreme right-wing political parties often display their antisemitic attitude – partly in a very extreme, partly in a more subtle way.

An extreme and “even for right-wing extremist circles unusually open” (*Bundesverfassungsschutz*) example for **antisemitic lyrics** is the song “Unsere Antwort” (Our Answer) by the skinhead band “Weisse Wölfe”: in their song, they describe the Cyclon B, the lethal gas used by the Nazis to kill Jews, as the “answer” to the current situation and the mass murder of Jews as a “celebration”²³². Similar antisemitic lyrics of neo-Nazi music groups were listed by the Federal Office for the Protection of the Constitution in their Annual Report 2004. Those CDs are usually produced and their distribution organised from outside of Germany.²³³

Another example for antisemitic threats and behaviour of right-wing extremists is the **court case** against the neo-Nazi Horst Mahler, a former member of the NPD, an extremist right-wing party, at the Higher Regional Court of Berlin in 2004 and early 2005. In the course of this eleven-months lasting court proceeding, the defendant repeated his antisemitic agitation in an extremely aggressive way: he talked, for instance, about the “**lie of Auschwitz**” and the destruction of the world by the Jews; he even called the killing of all Jews is not

²³⁰ Press release of the Berlin Police Department 05.05.2005

²³¹ *Berliner Zeitung* (02.07.2005), p. 21

²³² Innenministerium des Landes NRW, Verfassungsschutzbericht des Landes NRW über das Jahr 2004, p. 21

²³³ BMI 2005, pp. 99-101

a crime, but an act of God.²³⁴ In January 2005, the District Court found him guilty of having distributed a paper to journalists in Berlin more than two years previously in which he had described the hatred towards Jews as “something completely normal” and as a “sign of mental health”. Mahler was sentenced to nine months in prison for inciting people to antisemitic sentiments.²³⁵

The media also devoted their attention to another incident which is related to the NPD. In February 2005, the deputy chairman of the NPD in NRW, Cremer, was sentenced to one year in prison on probation for **antisemitic incitement of the people**. He was found guilty for having agitated against Jews in the speech he gave at a demonstration against the construction of a synagogue in Bochum in June 2004. In this speech he accused Jews of tolerating sexual abuse of children; he tried to verify this with a false quotation from the Talmud. According to the court, his only aim was to insult and discredit Jews.²³⁶

Other antisemitic (or perceived as such) statements or behaviour

On the one hand, most of the following incidents appear less aggressive; on the other hand, however, they were perpetrated by people who do not belong to the extreme right-wing milieu. In general, these incidents reflect a more subtle type of antisemitism or, at least, display a lack of sensitivity concerning the use of antisemitic stereotypes. Nevertheless, these incidents are suspected to be likely to reinforce rather subtle antisemitic tendencies within and beyond the extreme right-wing spectrum

The following case is listed on the internet platform “Projekte gegen Antisemitismus” and is based on a report by the NGO *haGalil*: a CDU **member of the City Council** in Bitterfeld (Saxony-Anhalt) made antisemitic statements in a local newspaper article which dealt with the question of why right-wing extremists are gaining more and more influence in the society. In the article, published on February 13, 2005, he wrote that one of the reasons, besides “asylum fraud” and “gays in politics”, is that “our politics is partly governed by the Central Council of the Jews”.²³⁷

A member of the newly founded **political party** WASG was excluded from the party because he refused to retract his statement that “Jews should not be given so much money”. Already three years ago, he complained about the financial support for the restoration of synagogues granted by the federal government.

Public attention was paid to the following case which happened in Munich in mid-September 2005: the Jewish owner of a café and the municipal authorities had been arguing about the owner’s application for a permission to set up chairs and tables on the pavement in front of his coffee shop. The discussion between a member of the City Council, who was asked to mediate, and the Jewish owner

²³⁴ BMI 2005, p. 102

²³⁵ *taz Berlin lokal* (11.01.2005), p.21; *Berliner Zeitung* (13.01.2005); *FR* (13.01.2005), p.4

²³⁶ www.wdr.de/themen/panorama/9/npd_cremer/index.jhtml;
www.idgr.de/news/2005/n050217-a.php

²³⁷ www.projekte-gegen-antisemitismus.de

of the coffee shop escalated: The politician was blamed of uttering the **antisemitic statement**: “We are not in Israel where you can solve problems with tanks and guns. Jews never get enough; they never want to pay for anything”. The politician admitted to the first sentence and apologised for his words, but he also accused the owner of having said “If you don’t give us the permission to use the pavement, it is antisemitism”.²³⁸

Apart from these incidents in which local politicians were involved, a few other incidents were reported in 2005: the tennis club LTTC Rot-Weiß in Berlin, for instance, published an official programme brochure for its high-ranking tennis tournament. In a paragraph on the history of the tennis club, the brochure refers to the fact the club lost half of its members after the Jewish members were dismissed during the early years of the Nazi regime. According to the brochure, that was the time when the **former “Jew-club”** turned into a club for “prominent Nazis”, and this change was – from the point of view of the sport – very good for the club (“golden years”) and for professional tennis in Germany. The picture to the text in the brochure showed the Nazi and war criminal Herman Göring as guest of honour in the 1930’s. The head of the tennis club expressed his strong apologies and promised to take actions within the club against the person responsible.²³⁹

Two other incidents are to be mentioned only briefly. The **website** of a formerly very popular **singer** contained, besides from extreme anti-American expressions (e.g. a comparison between Hitler and Bush), an new version of the antisemitic “Protocols of the Elders of Zion”. Similar to the original version this new version refers to a Jewish world-wide conspiracy in the financial sector and even blames Jews in a very aggressive way for “contaminating the world with HIV and making money with the medical treatment” of the disease.²⁴⁰

In Rostock, the conservative **student associations** RCDS released a **leaflet** to express their criticism concerning the cuts in the financial support for the university. The leaflet shows puppets wearing the traditional clothing of orthodox Jews with grotesque faces with a stereotypically Jewish appearance. Another student association described the leaflet as likely to stoke latent antisemitism.²⁴¹

D: Antisemitic literature

The latest Report on the Protection of the Constitution (2004) contains a chapter on extremist right-wing “Agitation and communication media”; in most cases, those media also include antisemitic messages. For the year 2004, 103 **periodical right wing extremist publications** (2003: 102) and 36 **right-wing**

²³⁸ *taz* (12.09.2005), p. 7; *Münchener Wochenanzeiger* No. 37 (12.08.2005)

²³⁹ *Berliner Zeitung* (06.05.2005), p. 10

²⁴⁰ *Spiegel online* (04.03.2005)

²⁴¹ *Spiegel online/Uni-Spiegel* (25.07.2005)

extremist publishing companies (2003: 38) were counted. According to the Office for the Protection of the Constitution, one core thematic element of these media publications (periodicals and other forms of publications, internet etc.) are statements on an alleged – often Jewish – world conspiracy.²⁴² For instance, a well-known right-wing politician wrote an article in the magazine “Nation und Europa” (No. 2/2004; published by the company “Nation Europa Verlag”), in which he describes German elections as a “product of manipulation” controlled by “Hollywood, Washington and Tel Aviv”,²⁴³.

Additionally, **right-wing extremist political parties**, mainly the NPD and the DVU, release their own **magazines**, which also contain antisemitic articles and statements (e.g. playing down the Holocaust, Jewish conspiracy, discrediting of Jews). The NPD, for instance, publishes the monthly magazine “Deutsche Stimme” (“German Voice”, with a circulation of 21,000 in 2004) and the DVU release the weekly newspaper “National Zeitung/Deutsche Wochenzeitung” with an estimated circulation of 40,000 copies.

Apart from these printed media, the **internet** plays an important role for the distribution of right-wing extremist and antisemitic statements. According to the Office for the Protection of the Constitution, an estimated 950 right-wing extremist homepages are run by Germans (2003: 950; 2002: 1,000); due to the fact that many of these homepages contain statements subject to criminal law in Germany, the majority of these homepages are run anonymously from abroad.²⁴⁴

One **example of these right-wing extremist internet platforms** is the “Stoertebeker Net” (www.stoertebeker.net). This website displays a very aggressive and open form of antisemitism. For instance, Jews are blamed for being partly responsible for World War II themselves; the Holocaust is played down and partly doubted. The day when Simon Wiesenthal, a famous survivor of the Holocaust who devoted his life to finding Nazi perpetrators, died, is described as a “good day” and Wiesenthal is accused of having “denunciated about 1,100 people” with “obvious lies”; furthermore, the article states that the Holocaust has not yet stopped, but is being continued by the Jews themselves.

According to a parliamentary inquiry on February 2005, the Federal Office for Assessing Media Harmful to Young People (*Bundesprüfstelle für jugendgefährdende Medien*) put 108 media (books, DVDs and CDs) on the **index due to their extreme right-wing, xenophobic and antisemitic content**.²⁴⁵ Many of these media contain expressions that glorify the Nazi regime, some have an explicit antisemitic title, such as the CDs “Der ewige Jude” and “Judas raus!”

²⁴² BMI 2005, p. 111

²⁴³ BMI 2005, p. 113

²⁴⁴ BMI 2005, p. 115

²⁴⁵ German Parliament, printed matter 15/4906, 18.02.2005

Antisemitism – Overview on data sources

| Data sources on antisemitic incidents and crimes | | | |
|---|---|--|-------------------------------|
| Official sources | | Unofficial sources | |
| National sources | | National sources | Inter-national sources |
| (a) (Federal) Report on the Protection of the Constitution by the (Federal) Office for the Protection of the Constitution (annual figures 2004, right-wing extremist groups, parties, media etc) (b) monthly parliamentary inquiries (from the Federal Ministry of the Interior, preliminary and always significantly below the final annual figures; 2004 and first quarter of 2005) (c) inquiries at local police departments on a case-by-case basis (mainly in order to verify media reports) (d) Federal Office for Assessing Media Harmful to Young People | | (a) CIVITAS-funded victim support organisations: data compilation for Eastern Germany by <i>Opferperspektive e.V.</i> (based on media research and their own registration of complaints) (b) Online chronologies of cases and Internet-platforms (www.Mut-gegen-rechte-Gewalt.de ; www.Projekte-gegen-Antisemitismus.de) (c) own Internet and media research | – |
| (a) 1,346P MK right-wing crimes with a antisemitic background and 37 violent extremist crimes with an antisemitic background (2004) (b) 869 PMK right-wing crimes with an antisemitic motivation (2004) and 296 such crimes in the first quarter of 2005 | – | 551 victims of right-wing violent acts, among those 5 people attacked for antisemitic reasons | – |
| Requested information | | | |
| Legal definition of Antisemitism | | Definition of Antisemitism used | |
| According to the police registration system on politically motivated crimes (KPM-D-PMK), antisemitism is part of the <i>hate crime (prejudice crime)</i> category committed with an anti-Jewish sentiment | | No specific definition available | |
| <i>Data:</i> PMK (Politically motivated crimes) /right-wing; specific category: antisemitic background based on the state police registration system KPM-D-PMK <i>legal basis:</i> resolution by the Committee of Ministers and Senators of the Interior for the Federal Government and States from 9./10.05.2001 | – | NFP's own media and internet research NGOs: Data based on the media research and registration of cases in the course of the victim support work Most media reports were verified after NFP inquiries at the police departments | – |

Update of the Report

October – December 2005

1. Employment

Report related to discrimination

In December 2005, the OECD published the study “Labour Market Integration of Migrants in Germany”. According to the report, the disadvantaged position of non-Germans is often interpreted as being a result of their lower educational attainments. Due to this structural disadvantage the OECD study strongly recommends improving the young migrants’ access to vocational training. According to the OECD the impact of a successfully completed vocational training on the position on the labour market is even greater for foreigners than it is for Germans with the same educational level. The study assumes that foreigners face discrimination on the labour market, concrete statements on the extent, however, are not possible; given the lower educational attainments and their limited participation in vocational training, effects of discrimination on the labour market tend to remain hidden.²⁴⁶

Good practices to improve the employability of migrants

In the following we will present two selected good practice initiatives, which serve as typical examples for numerous other projects with similar objectives.

In late 2005, the **Turkish Federation in Berlin-Brandenburg (TBB)** conducted an “Intercultural Training Measure” for young people with a migration background. This full time programme, which lasted for two months, was aimed at young people who have achieved at least a very good school leaving certificate at *Hauptschule* (i.e. a relatively low type of secondary school) and who are interested in working in the **public service sector**, in particular within the **police** forces. In addition to subjects like German, maths, civics and computer skills, the curriculum of the training measure also covers job interview, conversation and teamwork training.²⁴⁷

Pursuing the aim of increasing the proportion of police officers with a migration background²⁴⁸, the Brandenburg state police was actively involved in the TBB training programme: Police officers gave presentations and conducted lessons, and the participants had the opportunity to get to know individual police departments directly.

Although the concrete **impact** of the measure can not be clearly assessed, it is to be mentioned that this training measure does not only aim at the migrants’ employability, but also – more indirectly – at increasing the proportion of police officers with a migration background; it might also contribute to foster mutual understand between migrants and the police.

The goal of the model project **Versus**, conducted by the Educational Centre of the German Federation of Trade Unions (*DGB Bildungswerk*) and financed with funding from the European Social Funds and the Federal Ministry of Education and Research, is to improve the situation of **Italian migrants on the German labour market**. The target group of the project is young people of Italian origin in North Rhine-Westphalia (NRW). The specific approach of

²⁴⁶ Press release OECD (02.12.2005); OECD (2005) Die Arbeitsmarktintegration von Zuwanderern in Deutschland (available at: www.oecd.org/dataoecd/62/12/35796774.pdf; 16.02.2006)

²⁴⁷ www.tbb-berlin.de/newsletter/letter/22.09.2005_13.09.htm (22.12.2005)

²⁴⁸ Press release Berliner Polizei (14.10.2005)

the project is to create a cross-national cooperation network of people in Germany and Italy who are engaged in the context of the transition phase between school and labour market, i.e. representatives of relevant administrations and NGOs, personnel departments, bodies of co-determination, employers in Italy and Germany as well as representatives of the Italian community in Germany.

The project steering group in NRW develops recommendations and guidelines for the project, whereas the local networks offer practical information and advice measures for young Italian migrants. Through the cooperation with stakeholders in several Italian regions, the project pursues the aim of finding or creating new possibilities for bi-national apprenticeships. Furthermore, training programmes for relevant Italian and German **multiplicators** are conducted in order to increase their knowledge on apprenticeship systems and further training programmes. An **online documentation centre** should facilitate the multiplicators' work by providing information on, for instance, relevant legal provisions and the Italian and German education and vocational training system.²⁴⁹

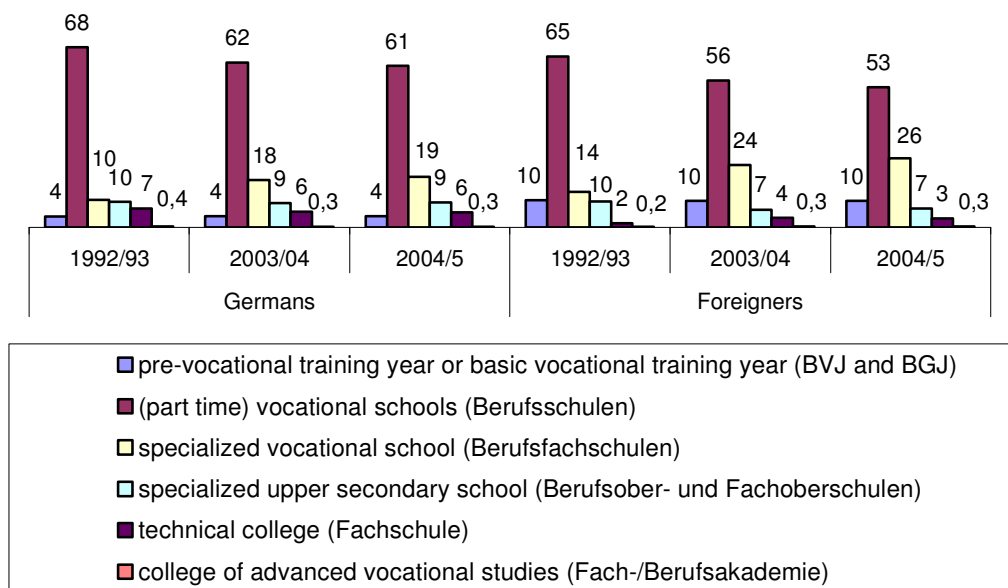
This kind of expert cooperation represents an innovative approach. The establishing of bi-national networks at local level and the comprehensive involvement of multiplicators contribute to a high level of sustainability of the project.

²⁴⁹ www.versus-online.com (28.12.2005)

2. Education

Latest official statistics

Graph 1: Proportion of German and non-German pupils at vocational schools in % (1992/93, 2003/04, 2004/05)



Source: Federal Statistical Office

The proportion of pupils in **vocational schools** who were enrolled at a vocational school as a part of their apprenticeship within the dual system in the school year 2004/05 continues to display a decreasing tendency for German pupils (61%; 1% less than previous school year) as well as for non-German pupils (53%; 3% less than previous school year) (see graph 1). However, the proportion of those who attend a specialized vocational school (*Berufsfachschule*), which is not part of the dual apprenticeship system, but an alternative to achieve vocational qualification, slightly increased in 2004/05: 26% of all non-German pupils in vocational schools attend a *Berufsfachschule* (2% more than 2003/04) and 19% of German pupils (+ 1%) (for further information on selected nationalities see table 3 in the annex).

The proportion of non-German pupils who leave vocational school **without a certificate** remained on a very high level in 2004; 36.8% of them left vocational school without a certificate, whereas “only” 20.2% of the German pupils failed to complete vocational schools successfully (see table 4 in the annex).²⁵⁰

²⁵⁰ Statistisches Bundesamt (2005) Fachserie 11/Reihe 2. berufliche Schulen. Bildung und Kultur. Schuljahr 2004/2005.

Studies on disadvantaged situation of foreigners in the education system

In late 2005, several studies were published which aim at finding out more about factors that have an impact on the educational success of pupils; these studies either explicitly focus on the situation of pupils with a migration background or at least consider, among others, the factor “migration background”.

Commissioned by the welfare organisation *Arbeiterwohlfahrt (AWO)*, the Institute for Social Work *ISS* conducted a longitude study (1997-2005) on the relation between **poverty and the educational chances** of children. The result confirmed once again the under-representation of pupils with a migration background in grammar schools and their over-representation in secondary modern schools (*Hauptschule*). Concerning the causes of this disadvantaged situation, the study indicates that the educational success is strongly linked with the fact that migrant families are more often affected by poverty; a migration background itself and the educational level of the parents have less impact on the children’s success at school.²⁵¹

The researcher *Seifert* published a report on **inter-generational “educational mobility”** which is based on an analysis of the Micro-Census and focuses on the data relating to 15 to 25-year old people. According to the findings, the proportion of those children who achieve a higher educational level than their parents is higher among German children than among children from migrant families, i.e. children with a migration background are more likely to “inherit” the low educational status of their parents than children without a migration background (lower inter-generational education mobility).²⁵²

The second PISA-E study, commissioned by the OECD, confirmed once again the strong association between the **social origin** of pupils and their level of achieved competence. The results indicate that the material and cultural resources of the families play a significant role for the development of competence. Migrant pupils’ potentials are often ignored and not supported sufficiently at school; in-depth analysis reveal that it is vital for the educational attainment that migrant children learn German at an early stage and use it very often.²⁵³

The KESS 4 study analyses the **level of competence** in, among others, reading, writing and maths of pupils who attend grade 4 in schools in the state of Hamburg. In addition to the level of competence, a variety of other characteristics such as **social, cultural and migration-related conditions** were measured and analysed. The study confirms, on the one hand, that children from socially disadvantaged families reach a lower level of cognitive skills on average; the migrant status has a further detrimental effect on the pupils’ attainments. On the other hand, the study reveals non-performance-related selection mechanisms (“creaming out”) in the school system, i.e. pupils from a lower social stratum are less likely to attend grammar

²⁵¹ www.awo.org/pub/soz_pol/armut/isskinderarm05/caarticle_file_download/elem0/EndZusammenfassung12-2005.pdf (21.12.2005); Press release AWO (01.12.2005): www.awo.org/pub/aktuell/presse/pd-2005-12-01/view (21.12.2005)

²⁵² Seifert, W. (2005) „Bildungsmobilität: Wie weit fällt der Apfel vom Stamm?“, in: Statistische Analysen und Studien Nordrhein-Westfalen. Vol. 24. available at: <https://webshop.ids.nrw.de/webshop/gratis/Z089%20200556.pdf> (21.12.2005)

²⁵³ Prenzel, M. et al. (2005) PISA 2003: Ergebnisse des zweiten Ländervergleichs. Zusammenfassung; available at: http://pisa.ipn.uni-kiel.de/PISA2003_E_Zusammenfassung.pdf (20.12.2005)

school than pupils from a higher stratum even if their level of educational attainments is equal.²⁵⁴

Extremist incidents in Berlin schools

The Berlin Administration of Education released its annual report on violent incidents at Berlin schools during the school year 2004/2005.²⁵⁵ All in all, the number of reported incidents increased substantially from 560 in the school year 2003/04 to 894 reported cases in 2004/05 (+60%). 62 of those 894 incidents (6.9% %) were categorized as (mainly right-wing) **extremist incidents**. This represents an increase compared to the previous school year of 59% (2003/04: 39 such cases). These 62 extremist incidents were further differentiated as the following table illustrates:

Tab 1: Extremist incidents according to motivation background in 2004/2005

| | number of reported incidents | in % | proportion of all reported incidents in % |
|---|------------------------------|------|---|
| Anti-Semitic | 8 | 13 | 0.9 |
| Racist/xenophobic | 9 | 15 | 1.0 |
| Right-wing extremist | 32 | 51 | 3.6 |
| Incitement/agitation of the people: Anti-Semitic/xenophobic/right-wing extremist | 8 | 13 | 0.9 |
| Fundamentalist/Islamist | 5 | 8 | 0.6 |
| All extremist incidents reported | 62 | 100 | 6.9 |

A further differentiation of the reported incidents according to the **type of offence** reveals that 47 incidents were categorised as propaganda offences, i.e. 7% less than previous school year. The cases of extremist incidents which were deemed to be violent amount to 15 (27% of all extremist incidents), among those seven cases of bodily harm (two cases of serious bodily harm), five cases of threat and three cases of insult. This represents a significant increase compared to the school year 2003/04, when seven such cases of violent extremist offences were reported (18% of all extremist incidents in 2003/04).

²⁵⁴ Bos, W.; Pietsch, M. (2005) KESS 4. Kompetenz und Einstellungen von Schülerinnen und Schülern Jahrgangstufe 4, Hamburg: Stadt Hamburg

²⁵⁵ In Berlin, every state school is obliged to report violent incidents and other crimes in the school to the State Administration of Education; in this report the term “violent incidents” also encompasses cases of propaganda offences and verbal threats or insults. Berlin, Senatsverwaltung für Bildung, Jugend und Sport (2005), *Bildung für Berlin. Gewaltsignale an Berliner Schulen 2004/2005*. Berlin, available at: http://www.sensjs.berlin.de/schule/gewaltpraevention/verstehenundhandeln_7.pdf (16.11.2005)

According to the Berlin Administration of Education this drastic increase of reported incidents in general as well as of (right-wing) extremist incidents is mainly due to the increased willingness of the schools to report such incidents and not to an actual quantitative increase in the number of violent crimes.

Publication on Islam at School

The publication “Islam in the Classroom” was compiled within the framework of the initiative *Praxisforum Schule und Islam*²⁵⁶ of the Körber Foundation (see Annual Report 2005). The publication contains various good practice examples and expert statements on Islam in the realm of schools; concrete topics are, for instance, Islamic religious instruction, how to convey information on Islam in other subjects, involvement of the multi-ethnic neighbourhood in the educational work, intercultural training for teachers etc. The publication also contains a service chapter which offers an overview on, among others, the main Islamic organisations in Germany and how the federal states approach the topic of Islamic religious education at school.²⁵⁷

Muslim headscarves at school and pre-school

The ruling parties in the state of NRW, the Conservative CDU and the Liberals, introduced a bill which aims at banning Muslim teachers from wearing headscarves whilst teaching at state schools.²⁵⁸ According to the bill, which is worded similarly to the respective state law of Baden-Württemberg, Christian and Jewish symbols will remain allowed. The opposition parties, the SPD and the Greens, migrant and Muslim representatives and even representatives of the Catholic Church disapproved of the new regulations.

In the city of Ebersbach (Baden-Württemberg), a Muslim employee of a public pre-school was dismissed because she refused to take off her headscarf at work. The subsequent court case did not lead to a judicial ruling due to the fact that the Muslim woman and the City of Ebersbach reached a settlement: The woman accepted the dismissal, but received a compensation of € 8,000.

The case triggered off a political discussion on legally banning Muslim headscarves at pre-school in the state of Baden-Württemberg. In the meantime, the ruling parties, CDU and FDP, have introduced a bill which aims at prohibiting headscarves at public pre-schools. Provided the bill is passed, Baden-Württemberg would become the first federal state with such a ban for Muslim employees of pre-schools.²⁵⁹

Good practice initiative against racism and for tolerance

The Berlin House of Representatives initiated for the forth time the project “denk!mal” on the occasion of the Remembrance Day for the Victims of the Holocaust. Pupils and young people under the age of 21 are called upon to develop new forms of commemorating and promoting

²⁵⁶ www.stiftung.koerber.de/foerderung/praxisforum_schule_und_islam/index.html (22.12.2005)

²⁵⁷ Kleff, S. (ed.) (2005) *Islam im Klassenzimmer. Impulse für die Bildungsarbeit*, Hamburg: Edition Körber-Stiftung

²⁵⁸ NRW State government, printed matter 14/569, 31.10.2005

²⁵⁹ Baden-Württemberg State government, Printed matter 13/4869, 25.11.2005

tolerance. This year's focus is on history and the importance of historical places and buildings in Berlin, where numerous Nazi crimes took place, but also remind people of acts of civil courage and resistance against the Nazi regime. In January 2006, selected projects in different categories, such as writing (essays, articles, poems etc.), drawing or organising exhibitions, theatre plays, etc., will be presented in a closing event and presented to the public in the Berlin House of Representatives.²⁶⁰

In early December 2005, the network "School without Racism" (see Annual Report 2004 and 2005) published the first edition of its school magazine "Q-Rage" with a nationwide circulation. The first edition was published with a circulation of 100,000 copies, among others, as a supplement of the newspaper *die tageszeitung*. In the magazine, pupils from five cities present their projects against racism and intolerance, such as the development of an agenda of self-commitment against discrimination (Bremen, Chemnitz), network activities within the municipality in Gemünden, and activities against right-wing extremist groups (Verden). The magazine "Q-Rage" can be downloaded from the homepage of the network.²⁶¹

Both projects presented here have not "only" an **impact** on the pupils themselves. By presenting their results to a wider audience the pupils also contribute to rising awareness for intolerance and racism.

²⁶⁰ www.parlament-berlin.de (22.12.2005), www.denkmal-berlin.de (22.12.2005)

²⁶¹ magazine available at: www.schule-ohne-rassismus.org/fileadmin/pdf/q-rage-ausgabe-01.pdf (10.01.2006)

3. Legislation

Anti-discrimination bill introduced in the Bundestag by opposition party

On December 19, 2005, the parliamentary group of the opposition party The Greens introduced a bill on an anti-discrimination law²⁶², which is intended to transpose the EU Equality Directives 2000/43/EC, 2000/78/EC, 2002/73/EC, 2004/113/EC. The bill is worded exactly like the one which had been introduced by the former red-green government and passed in *Bundestag* in the past legislative period, but could not be finally passed due to a lack of time because of the federal election in September 2005.²⁶³

Concept of Baden-Württemberg to improve the protection of victims of human trafficking

On November 19, 2005, the Commissioner for Women of the Baden-Württemberg State Government presented the “Cooperation Concept”²⁶⁴ for the improvement of the protection of victims of human trafficking (Human trafficking with the aim of sexual exploitation according to § 232 StGB). The concept was developed by several state ministries together with non-governmental victim support organisations. It aims at fighting human trafficking and improving the protection of victims by facilitating an effective cooperation between the police, the public prosecutor, victim support organisations and municipal authorities. The concept clearly defines the competences of these organisations and bodies and contains concrete recommendations (e.g. specialised contact persons in the municipal administration). It also refers to the planned Second Amendment of the Residence Act, which will, among others, transpose the EU Directive 2004/81/EC (see below) and will offer additional legal possibilities to improve the situation of victims of human trafficking.

Government plans to transpose eleven EU directives

In their coalition accord the new government announced its plan to pass a Second Amendment of the Residence Act in order to transpose eleven EU directives in the field of asylum and migration. In the government’s response to an inquiry of the parliamentary group *Die Linke/PDS*, the respective EU directives which are to be implemented were listed; the most important in the context of integration and discrimination are²⁶⁵:

- 2003/109/EC (status of third-country nationals who are long-term residents)
- 2004/38/EG (the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)
- 2004/81/EC (residence permit issued to third-country nationals who are victims of trafficking in human beings)
- 2003/9/EC (minimum standards for the reception of asylum seekers)

²⁶² German Bundestag, printed matter 16/297 (19.12.2005)

²⁶³ Press service of the *Bundestag* (06.01.2006)

²⁶⁴ Concept available at: www.sm.baden-wuerttemberg.de/sixcms/media.php/1442/Kooperationskonzept_Menschenhandel.pdf (10.01.2006)

²⁶⁵ Bundestag, printed matter 16/159 (9.12.2005)

Good practice: anti-discrimination seminar

The German Institute for Human Rights (DIMR) announced that it will hold a seminar on the practical meaning of human rights in the fight against racial discrimination.²⁶⁶ The five-day seminar aims at representatives of non-governmental anti-discrimination organisations which offer information and assistance for victims of racial discrimination; lawyers will also take part in the seminar. The participants will receive information not only on the legal background concerning human rights and anti-discrimination, but also about practical tools for their anti-discrimination work (e.g. documentation and processing of cases). The seminar should help to establish cooperation networks between NGOs and lawyers, which are supposed to contribute to set up joint projects in the field of public relations, processing of exemplary court cases or the compilation of unofficial (“shadow”) reports.

The seminar is held within the framework of the project “Mobilising Communities, Advocates and Lawyers to Challenge Racist and Other Discrimination in an Expanding Europe” and is financed within the EU Community Action Programme to Combat Discrimination.

²⁶⁶ www.institut-fuer-menschenrechte.de/webcom/show_article.php/_c-419/_nr-93/_p-1/i.html
(03.01.2006)

4. Housing

Publication on allocation practices in housing

In December 2005, a documentation of a workshop on the situation of migrants in the housing market was published.²⁶⁷ At the workshop, which had been conducted by the NGO *Planerladen* in cooperation with the *VdW Rhineland Westphalia* (an association of various housing enterprises), practices and strategies concerning the allocation of migrants on the housing market were discussed by representatives of the housing sector, public administration, migrant organisations and scientific experts. One result was that the housing situation of migrants is determined by their, on average, lower income; in addition, discriminatory practices further deteriorate their disadvantaged position in the housing market. The workshop especially dealt with the question of how to differentiate between the legitimate goal of a “healthy mixture of tenants” and a discriminatory selection of tenants.

Good practice: “International Quarter” in *Leipzig*

In November 2005, the municipal administration Leipzig presented concrete plans to improve the living conditions in the city district “Block 99” within the framework of the project “International Quarter Ost (IQ_Ost)”. Especially non-German owners of small and medium-scale businesses are to be involved in this project; already existing shops and businesses should be enhanced and new businesses attracted. The project aims at transforming the district into an attractive neighbourhood which offers international high-quality services and products for both migrant and non-migrant clients. House and business owners, tenants, associations of citizens and municipal authorities should cooperate within the *IQ_Ost* project.²⁶⁸

²⁶⁷ Planerladen e.V. (ed.) (2005) *Migranten auf dem Wohnungsmarkt. Sind Belegungsstrategien mit dem Grundsatz der Freizügigkeit vereinbar?* Dortmund; www.antidisk.de (04.01.2006)

²⁶⁸ *taz* (03.01.2006), p. 5; *Stadtteilmagazin Leipziger Osten* (12/2005), p. 2

5. Racist violence and crime

Official Statistics: Politically motivated right-wing, xenophobic and anti-Semitic crimes

From January to November 2005, 9,453 **politically motivated right-wing crimes** (PMK/right-wing) were registered, including 531 violent crimes and 7,033 propaganda offences.²⁶⁹ During the comparable period of 2004, 7,154 PMK right-wing crimes were recorded (433 violent crimes and 5,058 propaganda offences). Among the total number of such crimes (January to November 2005) 1,294 were registered with a **xenophobic background**, 214 of them being categorised as violent crimes. In 2004, 1,320 crimes were deemed as xenophobic; amongst them 222 violent crimes (see tab. 2 in the annex).²⁷⁰

Whereas these figures show a significant increase of politically motivated right-wing crimes in the first eleven months of 2005 (+ 32.1% compared to first eleven months in 2004), the number of PMK right-wing crimes which were deemed as xenophobic decreased slightly in 2005 (- 2%).

During the first three quarters in 2005, 790 **crimes with an anti-Semitic background** were registered, including 19 violent crimes. 17 people were injured as a result of these crimes. In the comparable period of 2004, 660 criminal acts with an anti-Semitic motivation were registered, i.e. the number of such crimes increased significantly in 2005 (+20.0%) (first three quarters).²⁷¹

Study on xenophobic, anti-Semitic and Islamophobic attitudes

The longitude survey GMF (*“Gruppenbezogenen Menschenfeindlichkeit”*) conducted by the Interdisciplinary Institute for Conflict and Violence Research (University of Bielefeld) aims at measuring the extent and development of, among others, xenophobic, anti-Semitic and Islamophobic attitudes in the German society. The latest results for 2005, which were pre-released in the weekly magazine *Die Zeit* in December 2005, show an increasing tendency compared to the figures of previous year: 61% of the interviewees (rather or fully) agreed with the statement “too many foreigners are living in Germany” (2004: 55%). 74% disagreed with the statement that “Muslim culture does not fit into our Western world” (2004: 70%); however, the proportion of interviewees who stated that they “would have a problem with moving to a neighbourhood where many Muslims live” decreased from 58% (2004) to 47% in 2005. The proportion of those who appear open to right-wing populist ideologies increased from 20% (2002) to 26% (2005).²⁷² The study will be published in January 2006.

²⁶⁹ It is important to mention that the figures (added-up monthly) for 2005 do not represent final figures; the final numbers will be significantly higher due to the later reports coming in from the federal states.

²⁷⁰ www.petra-pau.de/16_bundestag/dok/down/2005_zf-rechtsextreme-straftaten.pdf (19.12.2005)

²⁷¹ www.petra-pau.de/15_bundestag/dok/down/2004_zf-antisemitische-straftaten.pdf (19.12.2005)

²⁷² Heitmeyer, W. (2005): „Die verstörte Gesellschaft“. in: *Die Zeit* (51/2005), available at: http://zeus.zeit.de/text/2005/51/Verst_9arungen (19.12.2005); Leibold, J.; Kühnel, S.; Heitmeyer, W. (2006) „Abschottung von Muslimen durch generalisierte Islamkritik?“, in: *Aus Politik und Zeitgeschichte*, Vol. 1-2/2006, pp. 3-10

Documentation on police harassment of migrants

In October 2005, a “Chronicle of Racially Motivated Police Incidents in Berlin in the Years 2000 to 2005” was released by the *Campaign for the Victims of Racially Motivated Police Violence* (KOP) as a joint project of several NGOs in Berlin. Based on victims’ or witnesses’ reports, articles in the newspaper or other documents, the publication presents 35 cases of such incidents which took place in Berlin between 2000 and 2005. According to the report, the victims were harassed by police officers because of their skin colour or nationality or checked or arrested only due to their outer appearance.²⁷³

The Chronicle was discussed in the Berlin House of Representatives, where, among others, the Superintendent of the Berlin Police responded to the accusations.²⁷⁴

European Conference: Youth against Xenophobia and Racism²⁷⁵

In early November 2005, the German government – together with the EU Commission – hosted the second European conference “European Youth in Action for Diversity and Tolerance“ in Berlin. More than 140 young people (from 41 countries) who are engaged in youth organisations and networks against xenophobia and racism took part in the conference. In small expert workshops the young people discussed various topics related to xenophobia and their experiences (e.g. work with victims of racism, current projects against discrimination). The participants also elaborated a Declaration which (1) addresses politicians with concrete demands and (2) contains a self-committed action plan for the participants themselves. The declaration was handed over to representatives of the German Government, the EU Commission, the EU Presidency, the EU Parliament as well as the Council of Europe.

Assistance for victims of racial crimes

In October 2005, the Victim Funds *CURA* which offers assistance for victims of extreme right-wing violence launched its own website (www.opferfonds-cura.de) which provides information on the initiative itself and its support work and presents current media reports on xenophobic and right-wing incidents.

CURA was founded in 1993 and cooperates closely with victim support organisations in Eastern Germany and Berlin, schools, and other relevant organisations. It aims to assist victims of right-wing incidents financially (e.g. covering the damage caused by a xenophobic attack or covering the costs for a lawyer) and by offering psychological support.

Nationwide actions against Anti-Semitism

Within the framework of the “Action Weeks against Anti-Semitism” in early November more than 50 events in some 20 German cities took place. With public presentations, readings,

²⁷³ KOP – Kampagne für Opfer rassistisch motivierter Polizeigewalt, Chronik rassistisch motivierter Polizeivorfälle für Berlin in den Jahren von 2000 bis 2005 (updated october 2005), available at: www.kop-berlin.de (15.12.2005)

²⁷⁴ Berlin House of Representatives; Protocol InnSichO 15/67, available at: www.parlament-berlin.de/parlamentb.nsf/SystemHTML/FramesetLR?OpenDocument&_0H45_1H45U10_2/Ausschuss_InnSichO.nsf?OpenDatabase_3_FL1U1_FL245_FL3_FL410_FL5_FL6 (10.01.2006)

²⁷⁵ <http://youth-against-racism.net/> (13.12.2005)

presentations of movies, discussion rounds, topic-related city tours etc. the participants commemorated the Reichsprogromnacht on November 9, 1938 and discussed questions of anti-Semitism. Initiated by the Amadeu Antonio Foundation, 50 NGOs, initiatives and public bodies participated in the Action Weeks.²⁷⁶

Islamophobic website

The German „Antiislamische Vereinigung in Europa“ runs the clearly Islamophobic homepage www.antiislamisten.de. Pretending to be peaceful, democratic and objective – even in a scientific sense – the people in charge of the homepage spread Islamophobic resentments and stoke fears of Muslims. For instance, the Koran is described as a “source of terror” which calls on all Muslim to fight against Christians and Jews; referring to an alleged research project (which is, however, not described any further), the “Antiislamists” come to the conclusion that reading the Koran has a brainwashing effect. According to the website, it is “not unlikely” that Germany will be turned into a Muslim state (*Kalifat*) by 2028. Furthermore, the “peace loving Muslims” are urged in an ultimatum to stop Islamic terrorism until 2008, otherwise “we will solve the issue our way”.

²⁷⁶ www.mut-gegen-rechte-gewalt.de/artikel.php?id=4&kat=13&artikelid=1861 (16.12.2005)

6. Conclusions

A particular focus of the integration debate in 2005 in Germany was on the Muslim community; this chapter is being used to present some additional information on this issue.

Although specific – mainly religious-related – problems have dominated this public debate on the integration of Muslims, there seemed to be an increasing number of positive developments concerning the social incorporation of and cooperation with Muslims and their organisations. These developments will be illustrated briefly with some selected example in the following.

Cooperation between Muslims and security institutions and police

The cooperation between the official security institutions and Muslim organisations seem to have improved significantly lately. According to the Hesse State Criminal Office, the state police has managed to improve its cooperation with a number of **contact people in mosques** significantly which has contributed to collect more information than in previous times.²⁷⁷

After their first meeting at the end of September 2005 (see Rapid Response No. 3), the two Muslim umbrella organisation *Zentralrat der Muslime* (ZMD) and *DITIB* met up again with leading representatives of the Federal Criminal Office, the State Offices and the Federal Office for the Protection of the Constitution on December 13, 2005. The outcome of the talks was a **joint declaration** on concrete measures to strengthen the cooperation between the two Muslim organisations and the security institutions (e.g. establishing a network of “contact people for the promotion of trust” within the Muslim organisations; conducting events for the exchange of information). The participants of the meeting announced their intention to continue their cooperation talks in 2006.²⁷⁸

The development of **guidelines for the promotion of the cooperation** between mosque associations and the police represents another example for the partly improved cooperation. These guidelines were compiled in November 2005 as a result of the model project “Police and Mosque Associations”, which was conducted by the Federal Centre for Political Education (BpB) in cooperation with the police departments in Berlin, Essen and Stuttgart; 13,000 copies were distributed to the state and federal police departments. The general aim of the project (and the guidelines) is the improvement of the relationship between Muslim organisations and the police and the involvement of Muslims into the police work. The guidelines contain, for instance, information on how to establish initial contacts to mosques and incorporate mosques into local networks.²⁷⁹

High level conferences on integration and Islam

An indicator for the increasing awareness of the specific problems concerning the integration of Muslims is the number of **expert conferences** and respective documentation on this issue.

²⁷⁷ Frankfurter Rundschau (*FR*) (21.11.2005), p. 15

²⁷⁸ Press release ZMD (14.12.2005)

²⁷⁹ Press release BpB (09.11.2005); BpB (ed.) (2005): Ein Leitfaden zur Förderung der Zusammenarbeit. Polizei und Moscheevereine; Press release (09.11.2005) www.polizei-beratung.de/presse (12.12.2005)

In November 2005, the *Federal Commissioner for Migration, Refugees and Integration*, for instance, published a comprehensive documentation of the conference “Naturalising Islam. Towards the recognition of Muslim organisations in Germany”. The conference (held in April 2005) and the respective publication covers, among others, the topic of Islamic religious instructions at public schools and the latest development concerning the establishing of Muslim organisations which could speak for the Muslim community and serve as a contact point for German authorities.²⁸⁰

Also in November, the *Central Institute for Regional Research* in Erlangen conducted an expert conference on the “Integration of Muslims” which aimed at contributing to a more objective discussion on this issue.²⁸¹ A publication on the conference is announced to be published in January 2006.

The “role of religion for the integration of migrants” was the topic of another expert workshop, conducted by the *European forum for migration studies* and funded by the *German Marshall Fund* in Berlin on November 25. This international conference compared the situation in the United States and in Germany from a legal, sociological and political point of view. A publication is currently being prepared.²⁸²

Dialogue with Muslims on the political agenda

The new Federal government (Conservative and Social Democrats) announced its intention to put emphasis on the “dialogue with Islam” within the framework of its migration and integration policy. During her government declaration in Parliament, the new Chancellor Merkel (CDU) pointed to the importance of an “open and honest dialogue” with Muslims, which also has to deal with specific problems such as forced marriages.²⁸³

In the coalition accord, the ruling parties CDU, CSU and SPD announced to take appropriate measures to improve the labour market and social integration in particular of young Muslims and to strengthen equality of men and women.²⁸⁴

Reaction of the Muslim community to the kidnapping of German woman in Iraq

The kidnapping of a German woman in Iraq in November 2005 was condemned by all great Muslim organisations in Germany, such as the Central Council of Muslims (ZMD), Islamic Council, Islamic Community (IGD), DITIB and Milli Görüs. In their prayers, imams in countless mosques called upon the kidnappers to release their hostage.²⁸⁵

The ZMD chairman Elyas made a personal effort to help: He offered himself being taken hostage by the kidnappers instead of the German woman. Furthermore, Elyas called on the participants of the Summit of the Islamic States in December to clearly condemn all kinds of

²⁸⁰ documentation is available at www.integrationsbeauftragte.de/download/Islam_einbuergern.pdf (11.01.2006)

²⁸¹ www.uni-erlangen.de/infocenter/presse/pressemitteilungen/nachrichten_2005/11_05/4390muslime.shtml (11.01.2006)

²⁸² <http://web.uni-bamberg.de/~ba6ef3/taggmf7e.htm> (11.01.2006)

²⁸³ *Handelsblatt*, (30.11.2005) *Kölner Stadt-Anzeiger*, (30.11.2005)

²⁸⁴ coalition accord between CDU, CSU and SPD, pp. 117-119. available at: http://koalitionsvertrag.spd.de/servlet/PB/show/1645854/111105_Koalitionsvertrag.pdf (11.01.2006)

²⁸⁵ *taz* (05.12.2005); *SZ* (11.12.2005)

violence especially in the name of Islam.²⁸⁶ The Turkish Community in Germany (TGD) organised a picket at the Brandenburg Gate to show their sympathy with the hostage and their condemnation of the kidnapping; about 300 people participated.²⁸⁷

After the hostage was set free in December, the German President Köhler described the “engagement of our Muslim fellow citizens in Germany” as an “important sign”. According to Elyas, the engagement of the Muslim community for the release of the hostage might even be a “turning point in the relationship between Muslims and non-Muslims” in Germany.²⁸⁸

²⁸⁶ *taz*, (5.12.2005)

²⁸⁷ *Welt* (13.12.2005), *taz* (15.12.2005)

²⁸⁸ Press release ZMD (18.12.2005)

Annex

Tab. 2: PMK/right-wing: Criminal acts and violent crimes (Jan – Nov 2005)

| | Criminal acts | | | |
|--------------------------------|----------------------|---|-----------------------------------|--|
| | Total number | | Of which xenophobic criminal acts | |
| | | of which violent crimes (number of people injured) | | <i>among those: violent crimes</i> (number of people injured) |
| January | 745 | 39 (25) | 106 | 21 (10) |
| February | 773 | 41 (40) | 104 | 17 (14) |
| March | 908 | 44 (35) | 153 | 15 (9) |
| April | 660 | 23 (16) | 83 | 8 (4) |
| May | 983 | 62 (57) | 136 | 20 (15) |
| June | 796 | 51 (44) | 129 | 21 (14) |
| July | 740 | 45 (49) | 93 | 17 (14) |
| August | 1000 | 48 (36) | 116 | 18 (9) |
| September | 969 | 74 | 141 | 36 |
| October | 913 | 48 | 96 | 14 |
| November | 966 | 56 | 137 | 27 |
| January - November 2005 | 9,453 | 531 | 1,294 | 214 |

Source: BMI (according to monthly parliamentary inquiries)

Tab. 3: Pupils at vocational schools according to selected nationalities and school types in the school year 2004/2005

| Country of Nationality | Total | Pre-vocational training year or basic vocational training year | | (part time) vocational schools | | specialized vocational schools | | specialized upper secondary school | | technical college | | college of advanced vocational studies | |
|-------------------------|-----------|--|------|--------------------------------|------|--------------------------------|------|------------------------------------|------|-------------------|------|--|------|
| | | | in % | | in % | | in % | | in % | | in % | | in % |
| Germany | 2,571,224 | 109,478 | 4.3 | 1,570,630 | 61.1 | 491,833 | 19.1 | 243,718 | 9.5 | 148,626 | 5.8 | 6,939 | 0.3 |
| France | 998 | 64 | 6.4 | 474 | 47.5 | 256 | 25.7 | 100 | 10.0 | 88 | 8.8 | 16 | 1.6 |
| Greece | 7,956 | 479 | 6.0 | 4,792 | 60.2 | 1,914 | 24.1 | 504 | 6.3 | 255 | 3.2 | 12 | 0.2 |
| Italy | 19,339 | 1,444 | 7.5 | 11,777 | 60.9 | 4,529 | 23.4 | 967 | 5.0 | 565 | 2.9 | 57 | 0.3 |
| Austria | 1,924 | 41 | 2.1 | 1,147 | 59.6 | 303 | 15.7 | 216 | 11.2 | 170 | 8.8 | 47 | 2.4 |
| Portugal | 3,293 | 239 | 7.3 | 1,810 | 55.0 | 890 | 27.0 | 210 | 6.4 | 143 | 4.3 | 1 | 0.0 |
| Spain | 2,337 | 130 | 5.6 | 1,335 | 57.1 | 576 | 24.6 | 125 | 5.3 | 146 | 6.2 | 25 | 1.1 |
| Bosnia-Herzegovina | 5,700 | 356 | 6.2 | 3,370 | 59.1 | 1,297 | 22.8 | 469 | 8.2 | 203 | 3.6 | 5 | 0.1 |
| Serbia and Montenegro | 9,714 | 1,268 | 13.1 | 5,430 | 55.9 | 2,235 | 23.0 | 536 | 5.5 | 227 | 2.3 | 18 | 0.2 |
| Croatia | 7,472 | 306 | 4.1 | 4,502 | 60.3 | 1,588 | 21.3 | 689 | 9.2 | 361 | 4.8 | 26 | 0.3 |
| Macedonia | 1,985 | 200 | 10.1 | 1,205 | 60.7 | 432 | 21.8 | 97 | 4.9 | 50 | 2.5 | 1 | 0.1 |
| Poland | 5,249 | 342 | 6.0 | 2,633 | 50.2 | 1,453 | 27.7 | 491 | 9.4 | 304 | 5.8 | 26 | 0.5 |
| Romania | 1,506 | 87 | 6.5 | 871 | 57.8 | 368 | 24.4 | 76 | 5.0 | 87 | 5.8 | 17 | 1.1 |
| Russian Federation | 4,522 | 531 | 11.7 | 2,237 | 49.5 | 1,160 | 25.7 | 359 | 7.9 | 172 | 3.8 | 63 | 1.4 |
| Turkey | 77,125 | 8,051 | 10.4 | 40,924 | 53.1 | 21,103 | 27.4 | 5,111 | 6.6 | 1,895 | 2.5 | 41 | 0.1 |
| Foreign pupils in total | 191,384 | 19,160 | 10.0 | 101,379 | 53.0 | 49,997 | 26.1 | 13,637 | 7.1 | 6,602 | 3.4 | 609 | 0.3 |
| Total number of pupils | 2,762,608 | 128,638 | 4.7 | 1,672,009 | 60.5 | 541,830 | 19.6 | 257,355 | 9.3 | 155,228 | 5.6 | 7,548 | 0.3 |

Source: Federal Statistical Office

Tab. 4: Graduates and others leaving vocational schools in 2004

| | Total | in % | Germans | in % | Foreigners | in % |
|---|--------------|-------------|----------------|-------------|-------------------|-------------|
| With leaving certificate¹ | 247,294 | 21.6 | 212,482 | 20.2 | 34,812 | 36.8 |
| With qualification | 875,034 | 76.4 | 818,053 | 77.9 | 56,981 | 60.2 |
| No response regarding qualification | 23,011 | 2.0 | 20,151 | 1.9 | 2,860 | 3.0 |
| Graduates/leavers in total | 1,145,339 | 100 | 1,050,686 | 100 | 94,653 | 100 |

Source: Federal Statistical Office

1) A leaving certificate is given when the aim of the respective level of education is not attained (without completing the vocational training)