

**Report on Ongoing and Planned Measures and Activities of the Federal Government Aimed at Combating Right-wing Extremism, Xenophobia, Anti-Semitism and Violence pursuant to Subpara. 21 of the Resolution by the German *Bundestag* of 30 March 2001 (Doc. No. 14/5456)**

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## **I. Introduction**

### **Right-wing Extremism in Germany: Manifestations, Structures and Development**

Extremist activities and phenomena are not marginal problems in our society we can ignore. Political extremes have been a part of the Federal Republic of Germany — as they have of all democracies — since its foundation; they have manifested themselves with sometimes more or sometimes less prominence since then. Democracy and the precept of tolerance are thus constantly under attack. Democratic forces all permanently face the task of defending themselves against subjugation, totalitarian ideologies, racism and of protecting themselves against anti-democratic and extremist attacks; in short, of confronting all manner of enemies of freedom.

Right-wing extremism is no uniform or unified phenomenon. In particular it manifests itself in:

- Xenophobic, anti-Semitic and other right-wing extremist criminal acts directed against minorities solely on account of their ethnic and/or religious affiliation, on account of their being lower down the social scale or on the fringes of society or of holding different political opinions;
- Neo-Nazi groups that propagate a totalitarian state;
- Parties attempting to achieve a political influence by standing for elections;
- Publications by right-wing extremist authors and publishing houses agitating by means of intellectual ideas or propaganda;
- Not least in attitudes and social orientation comprising diffuse mentalities, emotional relicts and constructs of everyday life that have the potential to become mixed up with right-wing ideological elements.

One of the most important tasks of the Federal Government is to analyse at a political level right-wing extremist endeavours and their anti-Semitic and xenophobic manifestations. The ethnocentric, authoritarian and anti-pluralistic world picture of right-wing extremism calls into question the core values of our constitution. Over the

last few years the right-wing forces' contempt for our free and democratic constitutional system has become increasingly and shockingly obvious and perceptible for the public through a rise in right-wing extremist criminal and violent acts. In actual fact, over the past four years the trend towards more violent right-wing extremism activity perpetrated by younger members of our society has increased. Since the skinhead scene is orientated to the subculture of society, it has now gained access to a significant, young potential clientele. The report at hand, which is based on data and facts supplied by the *Bundeskriminalamt* (Federal Office of Criminal Police) and the *Bundesamt für Verfassungsschutz* (Federal Office for the Protection of the Constitution), will serve to illustrate this development and give an insight into the most important fields of activity of the right-wing extremist scene.

In this context it must be pointed out that the Federal Republic of Germany has a complex and differentiated system of recording statistics. In the opinion of the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna, this may lead to more racially-motivated violent and criminal acts being documented. The EUMC notes that it is in particular the Netherlands, Germany, Sweden and the United Kingdom that have a comparatively detailed and broad system of collating data<sup>1</sup>.

The number of criminal offences with right-wing extremist motivation was high in 1998 (11,049), in 1999 (10,037) and in 2000 (15,951) and considerably higher than at the beginning of the 1990s (1990: 2,031; 1991: 4,073). In 1998, 708 acts of violence were registered; in 1999, 746; in 2000, 998. A total of 26,520 politically-motivated criminal offences were registered in the Federal Republic in 2001. Of these, 14,725 criminal offences (55.5% of the total offences registered) were classified as "politically-motivated crime (right-wing)", of which 980 were acts of violence (6.6% of right-wing politically-motivated offences) and 9,418 propaganda offences (64% offences motivated by right-wing extremist politics) pursuant to § 86, 86a *Strafgesetzbuch* (StGB, Criminal Code). A total of 3,391 criminal offences were recorded, of which 361 were motivated by hatred against foreigners and 1,629 criminal offences, of which 20 were acts of violence motivated by anti-Semitism as well as 303 criminal offences, of which 8 were acts of violence motivated by hatred against foreigners and anti-Semitism.

"Politically-motivated crime (right-wing)" was visibly on the decline in 2001. A comparison of statistics with those of 2000 is not possible due to the fact that

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<sup>1</sup> Cf. 2000 Annual Report of the EUMC, Vienna, p. 22.

changes were made to the system of recording data and statistics for the two years are thus based on different recording methods<sup>2</sup>.

The number of potential right-wing extremist persons reached its highest level of the past four years in 1998 (53,600). Thereafter, a slight, but steady downhill trend was registered, with the figure dropping to 51,400 in 1999, 50,900 in 2000 and 49,700 in 2001. In comparison, the number of potential right-wing extremist persons willing to use violence, in particular skinheads, has been on the increase since 1994 and continued this upward trend from 1998 (8,200), 1999 (9,000), 2000 (9,700) to 2001 (10,400). Around 50% of this group is still based in the eastern federal *Länder*, making this area a focus of such activities.

On account of its defining identity, the skinhead music scene has a significant role to play in bringing together groups of right-wing extremist young people who are prepared to use violence and binding its members to these groups. Whilst the number of right-wing extremist skinhead bands and concerts and companies selling right-wing material steadily increased up until 1998, the number of concerts decreased between 1999 and 2000 from 109 to 82. The trend continued in 2001, although somewhat slower, not least because of consistent, rigorous countermeasures on the part of the security authorities. Since the ban on the skinhead organisation *Blood & Honour Division Deutschland* by the Federal Minister of the Interior in 2000, no other organisation has formed to organise events for the scene on a comparable scale. The number of companies selling right-wing extremist material dropped in 2000 and 2001 — not least due to numerous criminal offences being prosecuted. The number of right-wing extremist skinhead bands dropped slightly in 1999 and has been hovering around the 100 mark since then.

It has been noted that positive affirmations of violence in the right-wing extremist scene became more radical between 1998 and 2000, probably in the wake of attacks on the grave of the former President of the Central Council of Jews in Germany, Heinz Galinski, in Berlin in 1998 and on the travelling exhibition 'War of Extermination. Crimes of the *Wehrmacht* 1941–1944' in Saarbrücken in 1999. Caches of weapons and explosives were discovered in 2000. In contrast to earlier years, concrete plans were also laid for attacks on political opponents. Following executive measures in 2000, the number of positive affirmations of violence dropped in 2001; no weapons and explosives caches worth mentioning were uncovered. The terrorist attacks in the United States of 11 September 2001, however, were applauded by many right-wing extremists. Several neo-Nazis and skinheads even

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<sup>2</sup> Cf. also Chapter. II, 4a. (p. 61f.)

called for solidarity with Islamic extremists or spoke out in favour of attacks against US or Jewish establishments in Germany. Nevertheless, no right-wing terrorist structures have been established as a result.

The potential number of neo-Nazi persons, the majority of whom belong to so-called “comradeships” (*Kameradschaften*), increased in 2001 to around 2,800 after years of stagnation (1998: 2,400; 1999: 2,200; 2000: 2,200). Due to its interconnections with the violent skinhead scene, which is orientated to the subculture of our society, more and more “mixed scenes” have developed alongside the purely neo-Nazi-orientated “comradeships”. The neo-Nazi scene has increased its presence by organising its own demonstrations and has thus become more attractive for younger right-wing extremists.

### **Right-wing Extremist Parties**

Membership of the *Nationaldemokratische Partei Deutschlands* (NPD, National Democratic Party of Germany) grew between 1998 (6,000; 1999: 6,000) and 2000, when 6,500 members were registered; membership stagnated in 2001. The NPD is currently the most aggressive right-wing extremist party in Germany. Since 1997 it has been operating a concept built upon three strategic pillars: mass mobilisation (“fighting on the streets”), ideological training (“fighting for people’s minds”) and participation in elections (“fighting for the Parliament”). It pursues its goals in an aggressive fashion and shows parallels to National Socialism. Despite the fact that petitions were filed at the *Bundesverfassungsgericht* (Federal Constitutional Court) to ban the NPD in 2001, it continues to perpetuate hatred of our free and democratic constitutional system. The party is attempting to portray itself and its political ambitions by means of large-scale rallies and demonstrations that are widely covered in the media. It usually co-operates with neo-Nazis and skinheads on these occasions. In *Land* parliament elections of the past few years, however, the NPD usually only achieved less than 1% of second votes.

The *Deutsche Volksunion* (DVU, German People’s Union) has lost members since 1998 (18,000; 1999/2000: 17,000). However, despite a further drop in numbers in 2001 to just over 15,000, it remains the largest right-wing extremist party in Germany. The party has not been able to gain leadership of this group of parties, which is dogged by infighting. The DVU managed to gain seats in a Saxony-Anhalt *Land* parliament in 1998 and the Bremen and Brandenburg *Land* parliaments in 1999, which it still holds. In contrast, the only election it participated in 2001, namely that for the *Land* parliament in Hamburg, was a flop, as it clearly fell short of its own targets.

Membership of *Die Republikaner* (REP, The Republicans) dropped between 1998 (15,000) and 2001 (around 11,500; 1999: 14,000; 2000: 13,000). Repeated electoral defeats as well as resulting dissatisfaction within the party have been the defining features of the REP since the mid-1990s. Their defeat in the Baden-Württemberg *Land* parliament elections, formerly the home of their staunchest supporters, in March 2001 dealt the party a heavy blow: it lost its only seat on a *Landtag*. The REP also lost considerable numbers of votes in elections for a *Land* parliament in 2001, namely in Rhineland-Palatinate, Hamburg and Berlin.

The new media are becoming increasingly important for the right-wing extremist scene. They have been used for self-representation and agitation as well as to mobilise supporters for rallies and demonstrations. The Internet has the most prominent role in this: Right-wing extremists have increasingly been using this medium since 1998 as a means of communicating with and agitating its supporters. According to the Federal Office for the Protection of the Constitution, the number of homepages maintained by German right-wing extremists increased yet again last year to around 1,300 (2000: 800; 1999: 330; 1998: around 200). German organisations whose Web site content is punishable by law use foreign (mainly US) Internet providers anonymously to avoid falling foul of German law. Whilst the number of right-wing extremist homepages is on the increase, the proportion of Internet sites punishable by law decreased for the first time in 2001. The security authorities have certainly played their part in this, as in several cases they were able to identify who was behind anonymous homepages and thus to unsettle the scene. The aggressive attitude of those right-wing extremists who are active on the Internet became evident on account of the repeated dissemination of so-called "black lists" containing personal data of people who hold different opinions. These lists, sometimes accompanied by instructions on how to construct bombs, or special "anti-anti-fascist" (*Anti-Antifa*) pages, are an attempt to intimidate others and to co-ordinate their work against political opponents. The Federal Office for the Protection of the Constitution has here also been successful in identifying providers of such Internet sites and has passed on crucial evidence to the criminal prosecution authorities.

However, right-wing extremists not only use the World Wide Web to disseminate their propaganda. They also attempt to influence political opinion by actively using other services on the Internet, by going on the offensive to confront innocent users with their ideology, sometimes quite aggressively, for example by email or by taking part in otherwise unrelated chat forums.

Intellectual right-wing extremism, of which the *Neue Rechte* (the “New Right”) is also part, has been on the decline over the past four years. Whilst in 1998 nationalist revolutionary ideologies were experiencing a certain renaissance, efforts to bring about a “cultural revolution from the right” have remained fruitless up until now.

### **Attempts to Explain Right-wing Extremist Thought and Behavioural Patterns**

A growing public awareness of increased right-wing extremist activity has repeatedly raised the question of the causes of right-wing extremist thought and behaviour. Academic research has shown that right-wing extremism cannot be attributed to one single cause<sup>3</sup>.

Researchers have thus made a number of attempts to explain the phenomenon. However, on account of diverse methodological approaches to the subject, no uniform sociological theory has been put forward to explain the causes of right-wing extremism.

As described in the above, right-wing extremism manifests itself on various levels in various forms. On account of this multifariousness, various attempts to explain the phenomenon are required. The social sciences have put forward the following explanations (this list is by no means exhaustive<sup>4</sup> and overlaps cannot be excluded):

1. Psychological and socio-psychological explanations (e.g. studies on the so-called “authoritarian personality”, on the causes of aggressive behaviour);
2. Sociological explanations (e.g. emphasising developments in society in the context of which right-wing extremism is interpreted as a reaction to social upheavals);
3. Politological explanations (e.g. emphasising organisational manifestations, such as the founding and development of parties and their gaining acceptance at elections in the context of social conditions and ideological attitudes).

In order to do justice to the multifarious nature of right-wing extremism and the complex nature of its causes, the Federal Government has developed a multi-dimensional approach to the problem.

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<sup>3</sup> Cf. also the German contribution to the EUMC’s 1999 Annual Report at <http://2001.stockholmforum.se/extra/document/?id=57> or <http://www.german-embassy.se/DTBEIT.htm>

<sup>4</sup> Cf. the German contribution to the EUMC’s 1999 Annual Report, loc. cit.

## Academic Studies: Important Insights for Politics

Many studies into attitudes and (international) theoretical studies on the topic of right-wing extremism have been carried out over the past few years<sup>5</sup>. The social sciences have shown a continuous interest in the subject from numerous epistemological and methodological perspectives<sup>6</sup>. The Federal Government constantly draws on the expertise of academics for advice in its fight against right-wing extremism.

To this end the Federal Government has in the past provided financial support to various research projects dealing with the topic of right-wing extremism. Reference was previously made to this fact in the Federal Government's reply to a minor interpellation (Bundestag Doc. No. 14/7127 of 12 Oct. 2001) by Ms Ulla Jelpke and the parliamentary group of the *Partei des Demokratischen Sozialismus* (PDS, Party of Democratic Socialism) entitled 'Study on the dissemination of right-wing extremist thought in the Federal Republic of Germany' (Bundestag Doc. No. 14/6976). Thus, for example the Federal Ministry of Justice (FMJ) commissioned a study on 'Acts of violence with xenophobic motivation by young people' and published its results in its *recht* (law) series in 1995. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (FMFSWY) has provided financial support to the following research projects (selection):

- Jürgen W. Falter/Kai Arzheimer, 'Right-wing extremism in young people in Germany; a comparison of 1998 and 1994', Mainz 1998 (not published);
- 'Adolescents and Young Adults in Germany', IPOS Studies 1993, 1995, 1999;
- *Deutsches Jugendinstitut* (German Youth Institute) Youth Surveys 1992 and 1997 with special evaluations;

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<sup>5</sup> For an overview of empirical perspectives of research, cf. Werner Bergmann, *Wie viele Deutsche sind rechtsextrem, fremdenfeindlich und antisemitisch? Ergebnisse der empirischen Forschung von 1990 bis 2000*, In: *Auf dem Weg zum Bürgerkrieg? Rechtsextremismus und Gewalt gegen Fremde in Deutschland* (ed. Wolfgang Benz), Frankfurt am Main 2001, p. 41–62; on a comparison of European theories and ideologies cf. e.g. Cas Mudde, *The Ideology of the Extreme Right*, Manchester/New York 2000

<sup>6</sup> Cf. e.g. a summary provided by Franz Greß/Hans-Gerd Jaschke/Klaus Schönekas, *Neue Rechte und Rechtsextremismus in Europa. Bundesrepublik, Frankreich, Großbritannien*, Opladen 1990; Isabelle Canu, *Der Streit um den Extremismusbegriff. Die Bundesrepublik Deutschland im Vergleich mit anderen westlichen Demokratien*, In: Eckhard Jesse/Steffen Kailitz: *Prägekräfte des 20. Jahrhunderts. Demokratie, Extremismus, Totalitarismus*, München 1997, p. 103–125; Armin Pfahl-Traugber, *Wie kommt es zum Rechtsextremismus? – Versuch einer Forschungsbilanz zu den Ursachen des Rechtsextremismus*, In: Federal Ministry of the Interior (ed.), *Verfassungsschutz: Bestandsaufnahme und Perspektiven. Beiträge aus Wissenschaft und Praxis*, Halle 1998, p. 56–100; Richard Stöss, *Rechtsextremismus im vereinigten Deutschland* (ed. Friedrich Ebert Foundation), Bonn 1999; Armin Pfahl-Traugber, *Politischer Extremismus – was ist das überhaupt? Zur Definition von und Kritik an einem Begriff*, In: *Bundesamt für Verfassungsschutz* (ed.), *Bundesamt für Verfassungsschutz. 50 Jahre im Dienst der inneren Sicherheit*, Köln u. a. 2000, p. 185–211; Uwe Backes/Eckhard Jesse, *Die „Extremismus-Formel“ – Zur Fundamentalkritik an einem historisch-politischen Konzept*, In: *ibid.* (ed.), *Jahrbuch Extremismus & Demokratie*, Vol. 13, Baden-Baden 2001, p. 13–29

- 'Xenophobia and violence: From emotions to conflicts. Life history, escalation due to group dynamics, preventative approaches' (Federal Youth Institute 2001);
- 'Right-wing extremism and xenophobia — tasks and limits of youth welfare work' (Federal Youth Institute 2001).

Furthermore, the FMFSWY is currently providing support to the following research projects (selection):

- Expanding the scope and specifying more closely the subject matter of the current Youth Study by the German Youth Institute entitled 'Attitudes of teenagers and young adults' by including the topic 'Extremism, xenophobia and violence' (ongoing);
- The German Youth Institute project 'Right-wing extremism and xenophobia — challenges for youth policy and education' (1 June 2000 – 31 May 2003);
- Providing academic support to the programme of action 'Measures to combat right-wing extremism and violence' (German Youth Institute, 1 Jan. 2001 – 30 June 2002).

By order of the Federal Ministry of the Interior (FMI), the German Youth Institute and the University of Jena have completed a 'Study of the structures, biographical background and motivation of xenophobic, anti-Semitic and right-wing extremist suspects and offenders', published in spring 2002.

In September 2001 the Federal Ministry of Education and Research (FMER) also published a study carried out by experts called 'The anti-democratic and right-wing extremist potential amongst youngsters and young adults in Germany' (Max Planck Institute for Human Development, Berlin). The results of a research project 'Development of right-wing extremism and the willingness to use violence in adolescence — panel study on the causes and development stages of violence, right-wing extremism and hostility towards foreigners in youngsters in Brandenburg' (Institute for Applied Family, Childhood and Youth Research at the University of Potsdam) were published in January 2002. This study, which began in 1991, made clear that hostility towards foreigners, right-wing extremism and violence amongst young people in schools is not only on the increase, but that it can also be reduced by many suitable initiatives. Such studies, which are particularly significant for the education system, will have to be followed-up in the future.

Moreover, the Federal Government feels that, on account of the wide variety of available studies and surveys (particularly on the topic of the dissemination of right-

wing extremist thought<sup>7</sup>), it is not necessary to order a follow-up study analogous to the SINUS study published in spring 1981<sup>\*</sup> as was proposed by the *Bundestag* in a motion of 6 March 2001 (Bundestag Doc. No. 14/5456).

Those academic subjects that are now showing an interest in the topic of right-wing extremism have been motivating one another and the academic debate has taken gained a momentum of its own which no longer requires any external stimulus. Hans-Gerd Jaschke, who is renowned for his research on extremism, summarised the current state of play as follows: “The topic of right-wing extremism is not only becoming more complex on a phenomenological level, but also on an analytical level. More recent studies have taken account of this fact by integrating and combining various social scientific discourses. (...) New issues have emerged, such as for example those dealing with the sociology of groups, the theory of culture and international comparisons. These three approaches seem promising for future discussions.”<sup>8</sup>

The Federal Government believes that priority must be given to continuously evaluating the volume of available scientific material (which is continually growing) in order to avoid unnecessary duplicate studies and to develop new ideas on what studies would be appropriate in the future.

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<sup>7</sup> Cf. e.g. Jürgen W. Falter, *Wer wählt rechts? Die Wähler und Anhänger rechtsextremistischer Parteien im vereinigten Deutschland*, München 1994; *ibid.*, *Die Massenbasis des Rechtsextremismus in Europa in vergleichender Perspektive*, In: Uwe Backes/Eckhard Jesse (eds.), *Jahrbuch Extremismus & Demokratie*, Vol. 6, Bonn 1994, p. 35–56; Richard Stöss/Oskar Niedermayer, *Rechtsextremismus, politische Unzufriedenheit und das Wählerpotential rechtsextremer Parteien in der Bundesrepublik im Frühsommer 1998*, Berlin 1998; Jürgen W. Falter, *Politischer Extremismus*, In: Jürgen W. Falter/Oscar Gabriel/Hans Rattinger (ed.), *Wirklich ein Volk? Die politischen Orientierungen von Ost- und Westdeutschen im Vergleich*, Opladen 2000, p. 403–433; Kai Arzheimer/ Harald Schoen/Jürgen W. Falter, *Rechtsextreme Orientierungen und Wahlverhalten*, In: Wilfried Schubarth/Richard Stöss (eds.), *Rechtsextremismus in der Bundesrepublik Deutschland. Eine Bilanz*, Schriftenreihe der Bundeszentrale für politische Bildung, Vol. 368, Bonn 2000, p. 220–245; Richard Alba/Peter Schmidt/Martina Wasmer (eds.), *Deutsche und Ausländer: Freunde, Fremde oder Feinde? Empirische Befunde und theoretische Erklärungen*, Wiesbaden 2000 or the European Monitoring Centre on Racism and Xenophobia (EUMC), *Haltungen gegenüber ethnischen, religiösen und kulturellen Minderheiten in Ost- und Westdeutschland*, Wien 2001 ([http://www.eumc.at/publications/eurobarometer/east-west-ger\\_de.pdf](http://www.eumc.at/publications/eurobarometer/east-west-ger_de.pdf))

<sup>\*</sup> A study that attempted to characterise right-wing extremist thought, feelings and actions (translator's note)

<sup>8</sup> Hans-Gerd Jaschke, *Rechtsextremismus und Fremdenfeindlichkeit – Neue Informationen, Thesen, Theorien?*, In: Uwe Backes/Eckhard Jesse (eds.), *Jahrbuch Extremismus & Demokratie*, Vol. 13, Baden-Baden 2001, p. 253–267, here p. 266f

## **Fighting Right-wing Extremism, Xenophobia, Anti-Semitism and Violence has Top Priority in Domestic Policy**

The *Grundgesetz* (Basic Law) prescribes this prioritisation in its anti-totalitarian orientation: many of the provisions clearly express the principle of a “strong democracy”. According to this principle, democratic forces should not stand by without defending themselves when opponents of a free and democratic society turn against the liberal and tolerant principles set out in the Constitution.

### **The Principle of a Strong Democracy: The Basis for Fighting Extremism**

A “strong” democracy is characterised in three ways:

- Shared values, i.e. a democratic, constitutional state system which stands up for values to which it attaches special significance and which it does not view as a matter for debate;
- The willingness to defend itself, i.e. a state that is willing to defend those values it deems most important against extremist positions; and
- Giving priority to the protection of the constitution, i.e. not waiting until extremists violate statutory regulations before acting, but by taking action before they commit offences.

The fundamental principles of the Basic Law are summarised in the definition of the “free and democratic constitutional system” which led the Federal Constitutional Court to ban the right-wing extremist *Sozialistischen Reichspartei* (SRP, Socialist Reich Party) in 1952 and the left-wing extremist *Kommunistische Partei Deutschlands* (KPD, Communist Party of Germany) in 1956, namely:

- Respect for human rights as set out in the Basic Law,
- Sovereignty of the people,
- Separation of powers,
- Responsible government,
- Lawfulness of administrative powers,
- Independence of the law courts,
- Multiple party system,
- Equal opportunities for all political parties,
- Right to form a constitutional opposition and for this opposition to exert an influence.

These fundamental features are the most significant guiding principles of all political activity that is aimed at combating extremism and violence, intolerance and anti-pluralism, of contempt for other people and of anti-democratic endeavours. Based on these tenets, the Federal Government does justice to its obligation and responsibility to fully enforce human rights and to combat right-wing extremism, xenophobia and anti-Semitism with lasting effect.

## **II. Pro-actively Fighting Against Right-wing Extremism — the Federal Government's Strategies**

Right-wing extremism, xenophobia and anti-Semitism pose a particularly difficult challenge for our society. Short-term and definitive solutions will not do justice to the complexity of the phenomena described in the above. Rather, the problem needs politics to come up with long-term and differentiated answers.

Combating right-wing extremism, xenophobia and anti-Semitism not only requires the involvement of the police and the judiciary, but also calls for economic, social and labour policies, child, youth and family policies as well as education, cultural and media policies at a federal, federal *Länder* and local government authority level. Combating right-wing extremism, xenophobia and anti-Semitism also requires the media, the churches, sports, trade and industry, trade unions — in short all areas of society — to shoulder their responsibility and to act.

It is its declared belief in a free, democratic constitutional system and its condemnation of all conceivable forms of extremism on which the Federal Government bases its political activity. Diverse programmes against right-wing extremism, xenophobia and intolerance have already been drawn up or are being implemented. The Federal Government intends to continue with these approaches in the future with all necessary resolve.

Due to the multi-layered nature of factors contributing to the genesis of right-wing extremist behaviour, the Federal Government is pursuing a multi-dimensional strategy, comprising both preventative and repressive elements. The main pillars of this approach are:

- Human rights policy,
- Strengthening the civil society / civil courage,
- Promoting the integration of foreigners, and

- Measures aimed at offenders and their environment.

## 1. Human Rights Policy

### **The Foundations: Political Action Based on a Pro-Active Human Rights Policy**

The Coalition Agreement reached between the governing parties on 20 October 1998 makes clear that a human rights policy is top of the Federal Government's list of priorities:

“Respect for and implementation of the human rights proclaimed in the Universal Declaration of Human Rights and set out in the human rights covenants are guidelines for the Federal Government's overall international policy. Here, too, the Federal Government will strongly endeavour to achieve internationally co-ordinated strategies for combating human rights violations and their causes and for their prevention. It will improve existing national instruments for protecting human rights and seek effective international instruments. It supports the establishment of an independent human rights institute in Germany.”

The Federal Government has made a particularly significant contribution to improving the protection of human rights by supporting the creation of a German human rights institute and by expanding the scope of its report on human rights policy. The Federal Government furthermore welcomes the fact that the German *Bundestag* set up an independent Committee for Human Rights Policy and Humanitarian Aid in 1998.

By supporting the founding of an independent human rights institute in Germany, the Federal Government has abided by the so-called “Paris Principles”, in which the United Nations recommended each Member State set up a centralised human rights institute. The financial means needed to fund the institute were made available in the federal budget. The Federal Government has put forward its ideas to the Committee for Human Rights Policy and Humanitarian Aid on what the future institute's tasks are to be as well as on the composition of its bodies. These ideas have led to in-depth discussions with other parliamentary groups in the *Bundestag* and with representatives of non-governmental organisations (NGOs). The parliament, the Government and the *Forum Menschenrechte* (Human Rights Forum), an umbrella organisation of German NGOs working on human rights issues, reached agreement on all essential points.

The *Bundestag* adopted this concept in December 2000 in the form of a recommendation.

The *Deutsches Institut für Menschenrechte* (German Human Rights Institute) was inaugurated on 8 March 2001. Its various bodies have since been constituted and have begun their work.

Pursuant to its statutes, the German Human Rights Institute has the following tasks:

- Providing information and documentation, whereby the Institute is to organise a central office in which information is collated from various sources. Its Web site will play an important role in this.
- Human rights–related educational work in Germany in order to contribute to firmly embedding the importance of human rights in people’s hearts and minds.
- Applied research, whereby in particular those studies are to be carried out which develop strategies for preventing and overcoming conflicts on the issue.
- Advising on political issues, i.e. representatives of politics and society are to be given recommendations on how to act with respect to human rights issues.
- Promoting dialogue and co-operation between state and non-state institutions and organisations. In the medium-term the Institute is to have a type of catalyst function for increasing the efficiency of human rights protection.

In all this the Federal Government is being guided by the idea that the German Human Rights Institute is an organisation of civil society that should remain independent of the state. Consequently, representatives of the Government have no right of vote on any of its committees.

An important area of the institute’s work will be its contribution to combating racism and xenophobia in Germany.

Furthermore, in its bi-annual human rights report the *Bundestag* has called on the Federal Government to focus more on the internal human rights situation. An important emphasis of the report will be combating racism and hostility towards foreigners.

Up until 1998 the parliamentary Committee for Human Rights was a sub-committee of the Federal Foreign Office which only dealt with the protection of human rights in foreign affairs. In 1998 a separate Committee for Human Rights Policy and Humanitarian Aid was set up in the *Bundestag* to also deal with the human rights situation in Germany. Combating racism and xenophobia is becoming an increasingly important element of its work.

### **The Mainstay: Human Rights Education**

The foundations for the importance of human rights must be laid in state as well as private education. Young people in particular must be taught an understanding of democracy and of basic rights on an intellectual and emotional level. Society must be made more aware of the fact that democracy is not introduced once and for all in the same way as a natural phenomenon manifests itself. Rather, democracy has to be repeatedly “re-invented”, re-developed and lived in society by people setting an example. It does not spontaneously materialise without an external stimulus. It needs to be constantly nurtured and renewed and is the result of the constant engagement of a society’s citizens and circumspect action on the part of the state.

The Standing Conference of the German Ministers of Education has repeatedly stressed in its recommendations and agreements that human rights education is a core element of schools’ education mandate. In its recommendation on promoting human rights education, the German ministers of education express the opinion that human rights are not only realised by means of state action, but more importantly by means of each individual’s attitude and commitment. Human rights education has been laid down as the top educational goal in all the federal *Länder* constitutions and school laws. Human rights education is thus a task of all school teaching and the business of all teachers; it applies to all areas of school activity, with the social sciences having a particular, systematic contribution to make.

Just as important in this context is teaching tolerance to counteract xenophobic attitudes through imparting knowledge about other cultures. It is especially young people who must experience democracy for themselves — this being a task for families, schools and communities.

The Federal Government supports these educational concepts and calls on all the federal *Länder* to increasingly put these into action.

## **Condemning Racism and Xenophobia Worldwide**

The Federal Government lays great store by fighting racism, racial discrimination, xenophobia and intolerance not only at a national, but also at an international level. Proof of this is its commitment to the UN World Conference Against Racism, which took place from 31 August to 8 September 2001 in Durban, South Africa. The success of the conference was not least due to the commitment of the German delegation to building bridges between states' opposing positions. The concluding documents are to set the standard and provide the guiding principles for measures against racism and xenophobia all over the world. It was one of the Federal Government's most particular concerns that a global consensus be reached. The concluding documents dictate that Member States present national action plans to the Office of the UN High Commissioner for Human Rights so that an overview can be gained of how the agreements are being implemented. The Federal Government has already begun to examine what steps need to be taken to implement the agreements in Germany.

Xenophobia, violence and intolerance manifest themselves in many ways. Friendly dialogue between different cultures, people living together peacefully, regardless of origin or religion, is the decisive political concern for building an open and democratic society.

## **2. Strengthening Civil Society — Promoting Civil Courage**

“When the idea of a civil society becomes a matter of course, democracy will not only be defended by those whose job it is to do so, but also by those who normally have other jobs to do.” These were the words chosen by György Konrád, President of the *Akademie der Künste* (Academy of Arts)<sup>9</sup>, to explain the political task of encouraging citizens to get involved and to stand up for their convictions (to show so-called ‘civil courage’). The state alone cannot protect a democratic constitutional consensus; it needs people who see themselves as the voting public in a democracy and who are prepared to take on the responsibility which that entails. Such an awareness must become firmly ingrained in society; young people need to learn about basic rights in an open and humane society as well as the rules of a representative democracy. Furthermore, basic conditions and structures must be established that allow everyone to live democracy to the full. The Federal Government has set itself that task and is focussing on three main areas:

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<sup>9</sup> Speech given on the occasion of the launch of the ‘Alliance for Democracy and Tolerance — Against Extremism and Violence’ on 23 May 2000 in Berlin

- a. Encouraging people to get involved in shaping the body politic, e.g. by involving NGOs in political processes of forming opinions, paying attention to what citizens' groups have to say and promoting voluntary social work;
- b. Political education which is a fixed part of school and vocational education and training and which is easily accessible to all social strata through all adult education institutions; as well as
- c. Actively shaping basic political and social conditions to create the mental prerequisites for people to get actively involved in social processes.

For the political discussion of right-wing extremism, xenophobia, anti-Semitism and violence to be successful it is imperative that available potentials in society be opened up, too. Strengthening civil society and promoting civil courage are fundamental elements of long-term preventive measures against anti-constitutional endeavours.

### **a. Encouraging People to get Involved in Shaping the Body Politic**

#### **The Alliance for Democracy and Tolerance — Against Extremism and Violence**

The 'Alliance for Democracy and Tolerance — Against Extremism and Violence', which was born out of the Coalition Agreement of October 1998, was officially presented to the public on 23 May 2000; its motto is 'Look — Act— Help' (*Hinschauen — Handeln — Helfen*). It sees one of its main tasks as promoting commitment to civil society at a local level. The regular honouring of so-called 'Ambassadors of Tolerance' serves this purpose. The central award ceremony, which is to become an institution, is held every year on 23 May, the anniversary of the adoption of our Basic Law. Workshops, discussions, music and other events serve to demonstrate that we clearly reject and turn away from violence and intolerance.

Outstanding and exemplary projects are presented to the wider public and honoured with prizes. The competition 'Active for Democracy and Tolerance', amongst other things, provides financial support to exemplary initiatives which do not have access to other financial resources. The success of the Alliance can be measured by the fact that over 900 groups and individuals have since declared their intention of getting involved. They contribute ideas and suggestions or present their own activities. School classes, clubs and initiatives contact the Alliance; artists use plays and films

to take a closer look at violence motivated by xenophobia, racism and anti-Semitism. The aim of the Alliance is to collate and mobilise all this energy and to strengthen public consensus in a democratic constitution.

The work of the Alliance is mainly organised by an Advisory Council comprising 20 people, namely the representatives of Government and parliament, the Federal Government and Berlin Senate Commissioners for Foreign Resident Affairs, representatives from trade and industry, the *Deutscher Gewerkschaftsbund* (DGB, the largest trade union organisation in Germany), academia, the Jewish community and social institutions. A group of well-known personalities supports the Alliance in order to make the organisation and its initiatives known in public and to speak out on certain special occasions.

The specific importance which the Alliance has gained is also evident in the fact that important development programmes, such as for example 'XENOS', 'CIVITAS' and 'Youth for Democracy and Tolerance/ENTIMON' have been placed under the auspices of the Alliance, and significant social institutions and companies are now co-operating with the Alliance. Examples of these are the "Victor Klemperer Competition", which the *Dresdner Bank* had an important role in, and the special training and further training programmes supported by the *Industriegewerkschaft Bauen — Agrar — Umwelt* (the industrial trade union for the construction industry, agriculture and the environment) and the construction industry trade associations, who aim to sensitise trainees and young workers in their industry to xenophobic slogans.

### **The Programme of Action 'Youth for Tolerance and Democracy — Against Right-wing Extremism, Xenophobia and Anti-Semitism'**

Previous experience has shown how important and necessary it is to work out and implement concepts of preventative youth work which both aim to reinforce basic democratic attitudes and civil commitment in young people who reject right-wing extremist and xenophobic positions as well as to enable in-depth discussion to take place with problematic groups of young people who are in danger of becoming xenophobic, anti-Semitic or right-wing extremists or who show problematic behavioural patterns.

The Federal Government is doing justice to this cause by supporting the programme of action entitled 'Youth for Tolerance and Democracy — Against Right-wing Extremism, Xenophobia and Anti-Semitism', which is implemented under the

umbrella of the Alliance and whose aim is to strengthen a culture of democracy particularly in young people; it is also linked to labour market measures.

One important element of the programme is 'XENOS — Living and Working with Diversity' (XENOS). The Federal Government is treading new ground as XENOS for the first time combines measures related to the labour market with activities to combat xenophobia and racism. The programme proceeds on the assumption that qualities such as tolerance and respect for foreigners are important requirements in working life; it is pursuing the aim of combining measures geared to combating social exclusion and discrimination on the labour market and in society with those against xenophobia, racism and intolerance.

XENOS is directed at companies and associations, trade unions and firms, local government authorities and vocational training organisations as well as co-operative education colleges (*Berufsschule*) and action groups. It supports:

- Projects that organise various initiatives for purposeful co-operation at a local or regional level based on the programme's principles. Structures that are co-ordinated and promoted are, for example citizens' action groups, initiatives for the unemployed, round tables or advice centres for enhancing job perspectives. Other measures, for example training courses for in-company trainers and other multipliers, cultural and social work as well as press and public relations;
- The formation of pools of experts and mobile advisory teams comprising academics, educationalists and social workers;
- National qualifications for multipliers in the areas of conflict management and intercultural training;
- Measures in schools and companies to foster a multi-ethnic, multi-religious and multi-cultural society; and
- Providing education and information on these issues.

The Federal Government has made around €77million available to XENOS for a period of three years from the European Social Fund; the same amount again is being provided by the federal *Länder* and local government authorities. Nearly 1,300

suggestions for projects had been submitted by the end of March last year, of which 170 resulted in actual applications; 115 had begun their work by the end of 2001.

An important criterion for the success of XENOS is its planned three-year timeframe. This long-term strategy for combating right-wing extremism and xenophobia aimed at bringing about lasting effects is the Federal Government's reaction to the challenges of increasingly complex and complicated social structures in a multi-ethnic world that is moving closer together and in which short-term programmes no longer have the desired effect.

A further component of the programme of action is 'ENTIMON — Together against Violence and Right-wing Extremism' (ENTIMON), for which the Federal Government has made an additional €10million available this year to carry on supporting a measure begun last year. Over 1,500 projects were supported in 2001, including specialist conferences, courses, workshops, festivals, theatre projects and international gatherings of young people. These also include local plans of action against violence, right-wing extremism and xenophobia for youngsters in social 'hotspots', or critical areas. ENTIMON particularly emphasises the value of strengthening a democratic culture in young people as one of its educational goals and thus constitutes an important factor in combating right-wing extremism, xenophobia and anti-Semitism. The aim of the programme is to help train people to show tolerance, to combat violence, to promote people's willingness to get engaged in community tasks, to promote and support democratic activity and civil courage and to provide young people with responsible basic political education.

Support is provided to:

- Projects that will address a wider public (through the media), such as for example special campaign days, 'Rock against the Right', etc.;
- Measures to support youth educational work in co-operation with the *Bundeszentrale für politische Bildung* (Federal Agency for Civic Education) and other educational institutions; and
- Projects to initiate civil engagement, particularly at a local level. Particular emphasis is placed on developing a new culture of involvement in young

people whilst bearing the main target group, namely students at German *Hauptschule*\* and at technical college, in mind.

The third element in the programme of action is 'CIVITAS — Initiative against Right-wing Extremism in the Five Eastern Federal *Länder*' (CIVITAS), which was given €10million in funding in 2002. By supporting model projects on how to provide advice, training and support to initiatives against right-wing extremism as well as model projects on advising victims and potential victims of right-wing extremist crimes and acts of violence, the aim of this programme is to strengthen a democratic, community-orientated culture in the five eastern federal *Länder*. This programme is devoted to projects and initiatives that are orientated to human rights issues, focussing on the perspective of victims and potential victims of right-wing extremist violence. The core issue here is recognising, protecting and respecting ethnic, cultural and social minorities. CIVITAS supports the effectiveness of structures of civil society and helps victims to help themselves. The current and future success of this depends on democratic ideals being accepted at the grass-roots. CIVITAS aims to put advice centres on a more professional footing as well as to develop local initiatives to promote civil society, both important elements in fostering a democratic culture and in fighting against right-wing extremism, xenophobia and anti-Semitism. The CIVITAS programme was also successfully implemented in 2001; in total 314 projects were approved with the financial means available.

### **Forum Against Racism**

The 'Forum Against Racism', which was constituted in 1998 following the European Year Against Racism, employs around 75 representatives of NGOs and government bodies, including for example church and emigrant associations, trade and industry, charities, the DGB and the initiative *GesichtZeigen* (Show your Face!). The FMI is responsible for chairing and managing the Forum. The Forum sees itself as a platform for exchanging information and for dialogue between representatives of NGOs and state bodies on all issues related to combating racism and xenophobia; it meets around two to three times per year. Since October 1999 the Forum has also acted as a national round table on behalf of the EUMC in Vienna.

The first meeting of German and French round tables took place on 11 June 2001 on the occasion of the 77<sup>th</sup> Franco-German Summit in Freiburg, which was dedicated to the joint fight against racism and xenophobia. The special role of civil society in

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\* In the three-tiered secondary school system the *Hauptschule* provides the minimum nine years of compulsory education (translator's note)

combating racism and xenophobia was discussed at this meeting and agreement was reached on a widely acknowledged Declaration.

The German and French co-ordinators, Prof. Dr Rudolf von Thadden and André Bord, presented ten Franco–German theses on “New nationalist movements, racism, xenophobia and violence”<sup>10</sup>.

### **Encouraging Voluntary Work**

The Federal Government lays great store by citizens engaging in voluntary work to support its policies. It aims to improve basic economic, social and political conditions for voluntary work. Engagement on the part of citizens is a significant prerequisite for a civil society, for a living democracy, for more social solidarity and for civil courage.

In the run-up to the International Year of Volunteers (2001), the Federal Government commissioned a national, representative survey. It showed that 34% of the population over the age of 14 are involved in some form of voluntary work in their spare time — in total 22 million people. In addition, nearly 20 million people would be prepared to do voluntary work if the circumstances were right. We must mobilise this potential by ensuring the circumstances are indeed right, but also by providing information and advice at a local level.

In order to improve basic conditions so that people get involved in charities, associations and organisations, the standard allowance for trainers (*Übungsleiterpauschale*) was recently increased. At the same time the job of ‘Welfare Officer’ (*Betreuer*) was added to the list of secondary occupations eligible for tax breaks.

The Government intends to take a further step by introducing additional tax allowances for voluntary activities, for which expenses allowances are paid out of public funds (§ 3, No. 12 Income Tax Act). Within the framework of income tax regulations applicable to the year 2002, one-third of expenses allowances as set out by law or statutory regulations are to be tax free (up to a maximum of €154 per month). In the case of expenses allowances not regulated by law or statutory regulations, up to €154 per month shall be tax free in future. Tax-free expenses allowances are also non-contributory for the purposes of social insurance.

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<sup>10</sup> Cf. also documents published jointly by the Forum Against Racism, the *Paritätischer Wohlfahrtsverband* (a German charitable association on a basis of parity) and the City of Freiburg, which can be ordered from the office of the Forum Against Racism at the FMI.

A national campaign whose motto is “*Was ich kann, ist unbezahlbar*” (What I have to offer is invaluable), a travelling exhibition as well as a ‘Guide for Local Government Authorities on Providing Information and Advice on Voluntary Work and Self-help’ are amongst those measures to promote an awareness in society that people need to get involved and to find out what opportunities are available and what areas are worth working in.

In the eastern federal *Länder* the Federal Government is also supporting voluntary work and social engagement by providing help to those people giving advice and training to others. Sufficient financial means are being made available from the CIVITAS programme for this. By the end of 2001 over 300 projects were provided with a total of over €5million.

### **Volunteer Programmes**

Another important aid to encouraging people’s engagement in civil society are the two voluntary services regulated by law, namely the *freiwilliges soziales Jahr* (voluntary social year) and the *freiwilliges ökologisches Jahr* (voluntary ecological year), whose tasks include building up a sense of responsibility towards society. The voluntary social year provides full-time assistant jobs — predominantly in the caring, teaching or domestic professions; the voluntary ecological year predominantly provides practical voluntary assistant jobs in the area of environmental protection. Both services are generally done by young people aged between 17 and 27. The volunteers, who can either work in Germany or somewhere in Europe, are classed roughly as trainees in terms of social security. The FMFSWY provided the programme with €11million in funding in 2001. This financial aid will be increased by 50% this year.

Both voluntary services have been continuously developed over the past few years. Whereas in 1993 only 7,100 young people committed themselves to a year of voluntary work, the number totalled around 13,000 in 1999. In 2001/2002 the number taking part was increased to nearly 13,300. This increase proves that young people are indeed prepared to get involved in social or ecological work if they see their commitment as worthwhile or promising. This success is not least due to the fact that the voluntary social and ecological years open up opportunities to young people for combining their willingness to do voluntary work with concrete practical work experience. The volunteers can choose a job that will have benefits for their personal and career future. That explains why, according to the results of a survey on the

voluntary social year (FMFSWY Vol. 157), 91% of those doing a year of voluntary work rate it as “very good” or “good”.

In the current legislative period an amendment to the law on the voluntary social and ecological year was adopted in order, amongst other things, to extend the list of possible fields of activity and to enable young people to work anywhere in the world, not only in Germany. Finally, recognised conscientious objectors will in future be allowed to do a year of voluntary social or ecological service of at least 12 months instead of community work (which is the normal alternative to military service).

## **Foundations**

Numerous foundations set up by citizens, companies, trade unions or social organisations are engaged in promoting democracy and tolerance and are involved in discussions on right-wing extremism, xenophobia, anti-Semitism and violence. They provide considerable sums of financial aid and contribute significantly in a way which state institutions are not able. In certain situations they are more flexible at providing financial means and are better able to utilise their specific know-how in their respective fields to get to the heart of certain problems and to tackle them in a professional manner.

The law on further tax benefits granted to foundations of 14 July 2000 (Federal Law Gazette I, p. 1034), which in particular significantly increased upper limits for tax deductions on donations to charitable foundations, improved basic conditions for people getting involved. In addition, regulations governing charities have been made more practicable.

### **b. Political Education — Teaching Values for a Democratic Society**

The aim of political education is to promote an understanding in society of political issues, to establish a democratic awareness and to encourage people to get involved in political activities. Since political education provides, amongst other things, the necessary knowledge and insights needed to successfully analyse right-wing extremism, xenophobia and anti-Semitism, the Federal Government lays particular store by it in this context.

## **The Federal Agency for Civic Education**

The *Bundeszentrale für politische Bildung* (Federal Agency for Civic Education) must face up to all important social and current political developments in its task of providing political education. The main emphases of its work are determined each year, as are the topics to which it is to dedicate its products and services and also to what use government funding is to be put. Main emphases in 2001/2002 are, amongst others, the issues of 'Violence, in particular combating right-wing extremism' and 'Right-wing extremism — answers from a civil society'. Furthermore, the Federal Agency has called to life a three-year special programme on combating right-wing extremism in Germany, within the framework of which it will step up co-operation with the federal *Länder*, involve those training young people in sports as new multipliers and offer local initiatives specialist advice.

The Federal Agency is also trying out new approaches to combating right-wing extremism. Thus, for example it supported an anti-racism poster campaign initiated by the football club FC Bayern Munich and the car manufacturer Opel and financed a similar campaign involving the female boxing world champion, Regina Halmich.

The Federal Agency has revamped its entire range of products and orientated them more strongly to the needs of the younger generation and those living in the five eastern federal *Länder*. These include, for example printed material as well as material on the Internet ([www.fluter.de](http://www.fluter.de)), with which it is very successfully reaching out to young people. The increasing number of hits on the Federal Agency's Web site ([www.bpb.de](http://www.bpb.de)) is proof of this.

The Federal Agency has also intensified its Internet activities against right-wing extremism. Particular attention should be drawn, for example to the range of products available at [www.bpb-aktiv.de](http://www.bpb-aktiv.de), including materials, literature, dates of events, addresses of initiatives and commented lists of links on the topic of right-wing extremism.

The exceptional importance which the Federal Government attaches to political education is evident in the fact that it decided against reducing the Federal Agency's budget for the year 2002 despite its goal of a general budget consolidation. The authority will have around €36million at its disposal for the budget year 2002. The Federal Agency increased its expenditure on measures to fight right-wing extremism from €3.1million in 2000 to €3.8 in 2001; this figure will remain stable in 2002.

## Political Education in Working Life

The Federal Government attaches great importance to political education in trade and industry, more specifically in everyday working life, since right-wing extremist propaganda tries to stir up fears in this area. To counteract this endeavour, the *Industriegewerkschaft Bauen — Agrar — Umwelt* has co-operated with the Alliance to produce teaching materials for co-operative education colleges, in order to sensitise trainees and young workers to xenophobic slogans. Employers have also become active by co-operating with the Alliance: Discussions involving trainees of various nationalities have been expanded in industry-wide training institutions and an event called a 'workshop café' on dealing with socio-political issues.

The above-mentioned programme XENOS promotes projects providing further training to multipliers, such as for example trainers and shop stewards, works councils, employees in foreigners authorities, social security offices and labour administration as well as in the police force. The main emphasis of work is how sensitively to handle people with different cultural backgrounds, how to deal with racist and xenophobic attitudes, activities and organisations as well as what to do when confronted with violent people.

The topic of right-wing extremism, xenophobia, anti-Semitism and violence forms a particular emphasis of training and further training in the *Bundesgrenzschutz* (Federal Border Police). In 2001 around 9,500 officers of the Federal Border Police took part in such courses. The topic is also part of higher police service training at the *Polizeiführungsakademie* (Police Staff College) in Münster.

The Alliance is involved in improving training programmes for those occupational groups that are confronted with violence and intolerance. This includes the training course "Conflict Management 2001" at Potsdam Technical College, which instructs policemen, teachers and social education workers in those areas of their professions that overlap.

To boost youth leaders', social workers' and educationalists' sense of purpose in counteracting right-wing extremist activities and xenophobia in young people, the FMFSWY is financing the development of a media association training programme that is to provide teachers, educators, multipliers and group leaders involved in youth work with objective information on extremism and its manifestations, giving them the skills to react early on to extremist statements and attitudes and to have an educational influence on young people.

## **Political Educational Work in the *Bundeswehr***

The *Bundeswehr* (Federal Armed Forces) is aware, because of its being an “army in a democracy”, that it must set an example and it will not cease in its efforts to do justice to this task at all times in the future. The main focus of political educational work in the *Bundeswehr* is in preventing extremist tendencies raising their ugly head in the armed forces.

Efforts in this respect aim to:

- Deny recognised violent offenders and functionaries of right-wing extremist organisations access to the armed forces;
- Stop sympathisers or soldiers who are susceptible to right-wing extremism being led astray or to teach them the error of their ways if they have, through education and disciplinary measures;
- Provide intensive training on the problem of right-wing extremism to senior ranking officers;
- Provide senior ranking officers with the necessary tools to deal properly with the problems as part of their task of leading and managing others; and
- Inform all soldiers on the issue and, particularly through political instruction, training and legal instruction, to foster an awareness of the principle of the rule of law.

The *Bundeswehr* is no breeding ground for people with right-wing extremist or xenophobic attitudes. Rather it is doing its utmost in terms of preventative measures to attend to its obligation to educate young people in this matter.

The goal of political instruction is for citizens both to affirm their belief in a democratic state (based on their independently formed judgement) and to stand up for a free, democratic constitutional system. Political instruction is an essential component of measures taken by the *Bundeswehr* to prevent extremist tendencies in its ranks. No. 114 of the completely revised Key Service Regulations (ZDv 12/1) of 2001 (“Political Education in the *Bundeswehr*”) stipulates that political education must “in particular [teach] about extremist, intolerant and violent political attitudes and its inherent

dangers". A wide range of topics on the issue of extremism are available for citizenship classes pursuant to this regulation.

At the Centre for Leadership and Civic Education (*Zentrum Innere Führung*) the issue of extremism is dealt with when it crops up in discussions on current affairs as well as in all courses that have been taught since 1998 to advisory teams on extremism prevention at the major formation level.

Centralised political education measures are increasingly focussing on supporting senior officers teaching these courses. This involves making available teaching materials and information packs on specific topics as well as various, for example audio-visual media for providing the troops with information.

The exhibition 'The Role of the Armed Forces in a Democratic Society' is contributing significantly to the policy of political instruction, in particular that given to soldiers doing their basic military service and young officers. The exhibition began touring the country in November 2000 and will run until September 2002, by which time it will have been on show in a total of 32 central locations across Germany. It was conceived of as a training workshop and fulfils modern didactic requirements. A team that is accompanying the exhibition provides additional support by preparing officers on how to get the most out of the exhibition and by being available to provide advice to soldiers taking part in the workshop. By referring to the values set out in the Basic Law and by outlining what the *Bundeswehr* and thus each individual soldier represents, the exhibition constitutes an important preventative measure against extremism. The training workshop has been very positively received by the troops and has introduced even those soldiers who are normally not interested in political instruction to the complex topic. Around 30,000 soldiers doing their basic military service have already seen the exhibition. The exhibition/workshop 'The Role of the Armed Forces in a Democratic Society' provides a platform for making political education more attractive.

As a follow-up project, the Federal Government intends to carry out the *Bundeswehr's* 'Living Diversity' programme of action for tolerance and cosmopolitanism from 2002 to 2004 within the scope of the XENOS programme. The aim of the project is in particular to foster tolerance and cosmopolitan attitudes in young senior officers and soldiers doing their basic military service and to achieve more intercultural understanding.

The programme of action was developed in the Centre for Leadership and Civic Education in close co-operation with a civilian agency and will be carried out across Germany in all troops in the armed forces. The approach will provide an attractive means of carrying out political instruction through role playing and behavioural training.

### **Promoting Democratic Behaviour in Nursery Schools and Schools**

It is especially families, nursery schools, youth offices and schools that, in their primary educational function make an important contribution to preventing right-wing extremism, xenophobia, racism and violence and thus aid decisively in developing a democratic culture. The Federal Government attaches great value in particular to preventative measures aimed at the very young.

A series of pilot and training projects implemented by the FMER on developing effective strategies against xenophobia, racism, anti-Semitism and right-wing extremism have focussed particularly on families and schools, since this is where socialisation primarily takes place. Thus, for example the aim of the 'Constructive Conflict Management' project is to develop a range of multi-media materials for teachers as well as multipliers to teach about conflicts and the skills to deal with them. Particular attention has been given to the prevention of violence and de-escalation of conflicts as well as tried and tested mediation procedures and approaches to conflict management. The project 'Seeing Conflict as an Opportunity' is dedicated to a preventative approach geared to the very young. This is a research and intervention programme to foster social participation in nursery schools and schools which is being carried out in Brandenburg, Bremen, Lower Saxony and Mecklenburg-Western Pomerania.

Furthermore, the FMER sponsors the annual 'Democratic Action' competition which awards prizes to and backs school projects that not only teach about politics through commitment, co-operation and responsible action in the body politic but also put this into practice. The goal of the competition is to reinforce democratic activity and a democratic culture in everyday school life and youth work; it has been run since 1990. In 2000 258 contributions were received from schools. The FMER provided around € 145,000 in sponsorship to the competition in 2000.

Within the framework of the Federal Government and Federal Länder Commission on Educational Planning and Research Funding, the Federal Administration last year in May co-organised a specialist conference 'For Democracy — Against Violence' in

conjunction with the federal *Länder*. The conference showed the importance of education in general and schools in particular in a political system that fosters a democratic culture and aims to check the spread of right-wing extremism, racism, anti-Semitism, xenophobia and violence. Particular stress was given to the opportunities that are available for opening up schools internally and externally (i.e. in their relationship to the world beyond the school gates) and co-operation between schools and youth offices; it also stressed the importance of a positive atmosphere in schools for preventative work and action against right-wing extremism, racism, anti-Semitism, xenophobia and violence.

As part of the Federal Government and Federal Länder Commission, the Federal Administration will be funding a model programme 'Learning about and living democracy' together with the federal *Länder* as of 2002. The importance of this innovative programme is that it systematically links aspects of school development with promoting a democratic (everyday) culture by involving the schools' and pupils' social environment. It takes a primarily preventative approach to fighting right-wing extremism, xenophobia and violence. The programme, which begins in schools and then creates a link to youth offices and the real world by broadening young people's horizons, is thus very important in terms of educational policy. The Federal Administration and the federal *Länder* are each providing 50% of the funding, totalling €12.8million, required for the five-year programme. Twelve federal *Länder* have pledged their support for the programme (January 2002).

Along with this project, the FMER is also carrying out a series of further training projects on developing strategies against xenophobia, racism, anti-Semitism and right-wing extremism in order to deal with educational policy problems with respect to families and schools.

The following plans are worth mentioning in this context:

- Organising pupil multipliers to fight violence and crime — high-quality schools as a preventative strategy (Brandenburg);
- A further training curriculum for teachers, social workers and staff of youth offices on developing strategies for combating xenophobia and for preparing to implement concepts for violence prevention, particularly in the five eastern federal *Länder*;
- School social work in relation to work and the world of work: developing a

programme to train teachers and social workers (eastern federal *Länder*);

- Developing and testing a 'Training and Further Training Programme Against Violence, Xenophobia, Political Extremism and Anti-Semitism', which ten federal *Länder* were involved in;
- Developing and testing a multi-media education pack on further training for trainers and youth workers on the subject of 'Dealing with Right-wing Extremism, Xenophobia and Violence'. The media are to be tested and used in small, medium-sized and large companies. The FMFSWY is involved in this multi-media project.

The *Bündnis für Arbeit, Ausbildung und Wettbewerbsfähigkeit* (Alliance for Work, Training and Competitiveness) has set up an Action Group on Vocational Training Against Right-wing Extremism, Xenophobia and Violence which will mainly be concerned with how company trainers can be better prepared for dealing with the above-mentioned topics. The Action Group is moderated by the FMER. It comprises representatives of employers, trade unions, the federal *Länder*, the *Bundesinstitut für Berufsbildung* (Federal Institute for Vocational Training), the Federal Agency for Civic Education, the FMFSWY and various experts.

As part of its sociological research, the FMER is currently funding the pilot phase of a research project into 'Fostering Integration Potentials in a Modern Society', headed by Prof. Heitmeyer at the University of Bielefeld. The main phase of the project will begin in 2002.

Various fields of research are investigating success factors of social integration in order, for example to utilize them productively for young people in schools, youth groups, sports clubs, etc. These also include research into the concepts of an enemy held by members of Muslim and Christian communities respectively.

In Germany it is the federal *Länder* that are primarily responsible for schools, school curricula and culture and they see the fight against hostility towards foreigners and all forms of racial discrimination as an important, long-term task. They are thus complying with the central goals of our education system, namely to create a mutual understanding between people originating from various ethnic groups, tolerance and openness to other people. That is why the federal *Länder* have significantly developed their range of projects for the children of foreign parents in nursery schools, pre-school and school education. In addition, numerous concrete remedial

language programmes and programmes to include cultural phenomena in lessons have been developed. In 1996 the Standing Conference of German Ministers of Education recommended including “intercultural education” in the federal *Länder’s* school curricula. The recommendation aims to focus the manifold intercultural approaches into one concept and to highlight approaches, opportunities and requirements of intercultural education.

### **Scholarships for Studying Abroad**

International meetings are particularly suitable instruments for combating xenophobia and for promoting an understanding between nations. The *Pädagogischer Austauschdienst* (PAD, Educational Exchange Service) at the Secretariat of the Standing Conference of German Ministers of Education organises and supervises various exchange programmes whose aims are to promote the learning of foreign languages and to stimulate interest in the German language abroad and above all to foster international understanding.

The two big European education programmes, SOKRATES (for schools and universities) and LEONARDO (for vocational training), are still the driving forces for increased European co-operation in education, exchange programmes and mutual understanding between pupils, students and trainees. In 2001/2002 237 German universities sent around 17,000 German students to European universities; 15,000 students from EU and EU accession countries came to Germany for a period of study. Around 8,500 trainees, trainers and young workers in vocational training took the opportunity provided by LEONARDO funding to work in a company or study at a vocational college in Europe. More than 1,100 German schools are participating in international projects within the framework of the sub-programme COMENIUS. In 2002 the main emphasis of projects involving several of these programmes (SOKRATES, LEONARDO, Youth for Europe) is on ‘Combating Racism and Xenophobia’.

### **Political Youth Work**

The extraordinary importance of political education has already been outlined above. The same applies to political youth work, for which the Federal Government is making a further € 10million available through the programme ENTIMON, in addition to the € 11million that is being used to fund programmes in the children’s and youth welfare plan, to reinforce a democratic culture in young people.

The Federal Agency for Civic Education, in conjunction with the corresponding centres in the federal *Länder* and other bodies involved in educational work, aim to cover the entire spectrum of political educational work with young people. The following are to be developed and supported: further training for multipliers and co-operation projects with schools, teaching aids for practical pedagogical work, events to foster media skills, youth exchange programmes and exchanges of experience on various working models and pedagogical approaches.

Right-wing extremism, especially given its tendency to advocate a *Führerpolitik* (a policy of leadership), is a natural enemy of political education in civil society due to its anti-educational attitude. In that respect the tradition of political education is characterised by the idea of prevention rather than cure.

International work with young people contributes, in its own way, to disarming prejudices and teaching an understanding and tolerance of foreigners when people from different countries meet on a personal level and get to know other cultures and social orders. This also has positive knock-on effects for the integration of foreigners living in Germany. The FMFSWY sponsors youth exchange programmes to the tune of over €30million annually. Over 300,000 young people participate every year in the various measures, which are supported by the FMFSWY, the Franco-German and German-Polish Youth Offices.

### **Keeping History Alive: Remembering Means Creating an Awareness**

It is very important that politics tackle the problem of racism, right-wing extremism, xenophobia, anti-Semitism and thus also anti-constitutional endeavours by teaching young people in detail about the nature and extent of the danger. Keeping the memory of the Nazi's wrongful regime alive can be a sensible didactic element in this approach.

The exhibition 'In the Name of the German People — Justice and National Socialism', for example serves this purpose. The exhibition was created by the FMJ in 1989. At that time it was the first serious contribution judicial institutions had made to tackling the issue of Nazi justice and its consequences — something the Federal judicial authorities did not do to a sufficient degree in the 1950s and 1960s.

The exhibition was on display in a total of 32 cities in the Federal Republic of Germany between 1989 and 1999. Since the subject matter of the exhibition is still relevant today, the FMJ has now decided to show the exhibition for a further five

years. In the spring of 2002 it will be open to the public in the Regional Court in Essen; it will be shown at other locations thereafter.

Direct and indirect encounters with Jewish life call on people to take a good look at Germany's past during the period of the Nazi regime. In order to foster personal contact between young people in Germany and Israel, a Co-ordination Office for German–Israeli youth exchange was set up in October 2001 in Wittenberg; the Federal Administration, the federal *Länder* Saxony-Anhalt and Mecklenburg-Western Pomerania, and the city of Wittenberg co-operated on the project. The Co-ordination Office will provide information and advice to youth groups. Furthermore, it is to carry out its own events, in particular to develop youth co-operation and new initiatives. A counterpart organisation in Israel is currently being set up. Since the Co-ordination Office was set up, funding for German–Israeli youth exchanges has been doubled to a total of around €2million.

The Federal Agency for Civic Education has regularly organised study trips to Israel since 1963. These trips are mainly aimed at multipliers, for example the media or those involved in political education. Recently the Federal Agency began organising study trips to Poland, which have been well received and will become a fixed part of the Federal Agency's programme.

The Federal Government attaches great value to memorials at authentic locations. Calling to mind the Nazi reign of terror, Stalinism and the *Sozialistische Einheitspartei Deutschland* (SED, the Socialist Unity Party of Germany) dictatorship as well as remembering their victims, opposition and resistance to dictators strengthens people's awareness of the right to freedom, the law and democracy and an anti-totalitarian consensus in Germany. Against this background, the Federal Government has worked out a comprehensive concept for sponsoring such memorials and is making around €7.7million available for that purpose. The figure is to be increased to €10.2million next year.

The Federal Agency for Civic Education has published extensive documentation on memorials to the victims of National Socialism and calls to mind the causes, atrocities and victims of the Nazi reign of violence in numerous events it organises.

## **Fostering Democracy and Tolerance by using the New Media to Provide and Disseminate Teaching Materials**

New communication technologies such as the Internet provide the state and state organisations and initiatives with the opportunity to make teaching materials available to a wider audience, to strengthen users' media skills, to network corresponding initiatives and thus to promote democracy and tolerance.

The Federal Government supports efforts to increase the range of educational materials available via the new media to teach about a free society that stands up for openness and tolerance and believes supporting suitable initiatives against xenophobia and racism on the Internet to be imperative. It feels measures that show and teach people how to deal with racism and xenophobia, on the one hand, and above all those which encourage intercultural competence on the other are essential. Thus, for example the above-mentioned XENOS programme supports those measures that deal with conflict management and intercultural training. Target groups of such measures are both trainers as well as shop stewards in companies, works councils, employees in public administration, labour administration, the police, social workers as well as volunteers in organisations and clubs, especially sports clubs.

For many young people the Internet is a part of everyday life; they use it as a matter of course and often with much greater ease than adults. The fact that the Internet by nature provides many opportunities for getting information on certain matters — not only on right-wing extremism but also other forms of extremism — and thus for preventative work is clear when one sees how many initiatives and political and academic institutions working in the field of anti-racism have already set up Web pages. Information is more readily available and communication and national and international networking are facilitated. The Internet has long gained an important role in providing information and for activities against racism and right-wing extremism.

The extent to which children and young people are interested in tackling the issues of right-wing extremism, violence and intolerance is evident when one takes a look at the FMFSWY's Internet platform [akiju.de](http://akiju.de) ('Children and Youth Reader 2001'), where one fifth of children's and teenager's contributions are related to the subject of "Violence and Xenophobia".

As a preventative measure against right-wing extremist orientation in children and teenagers, 'Jugendschutz.net', a joint initiative of the top children and youth

protection authorities of the federal *Länder* whose aim is to continue developing youth media protection against the background of new technology, carried out a research project on 'Right-wing extremist youth scenes in the Internet'. The goal of the project was to collate multi-media educational resources for multipliers and thus to provide the public with information on new developments. To further preventive work against the Right, the FMFSWY is financing the 'Jugendschutz.net'.

Numerous initiatives can be noted in Europe which — particularly in the area of youth policy — serve to promote an understanding of how to use the Internet responsibly. The EU Youth Ministers intend to do more to counter racism and xenophobia in the Internet by working more closely with young people. During the meeting of EU Council of Youth Ministers on 9 November 2000, the Council and Commission not only showed agreement with a comment by the Germans concerning the fight against racism and xenophobia in young people, but also expressed the will to initiate corresponding activities during the following presidencies as well as to make it part of co-operation at a Council level. As a result of bilateral contacts between the FMFSWY and the Swedish Youth Ministry, one of the main items on the agenda of the conference of EU Council of Youth Ministers held on 28 May 2001 was the subject of 'Combating Racism and Xenophobia in the Internet'. Agreement was reached on a joint declaration on combating racism and xenophobia on the Internet by intensifying youth work and initial practical steps for implementation were discussed. The meeting highlighted the particular importance of schools and other educational institutions in educating and encouraging young people to get involved and so to promote tolerance and democracy. Networks and programmes to enable Member States to exchange experience and information must be further expanded.

At the conference of EU Council of Youth Ministers on 9 November 2000, the German delegation had already presented 'd-a-s-h — For Tolerance, Against Social Exclusion', an exemplary project for European co-operation to combat right-wing extremism on the Internet that is financed by the FMFSWY. The aim of 'd-a-s-h' is, by means of a Europe-wide campaign, to encourage young people to use the Internet to join hands and form an action group against intolerance and discrimination and to stand up for tolerance and diversity. A 'd-a-s-h' festival is to be organised each year, to which all those young people who are involved in the group are invited. Discussion forums and a youth culture programme are to be the highlights of the festival. Seven EU Member States have already indicated their willingness to participate.

## Developing Media Skills — Teaching about the Media

Developing ways of teaching about the media and measures to develop young people's skills in dealing with various media is an important component of political youth education work. The FMFSWY-sponsored project 'Netgeneration — Forearmed for the Media Future' is just one of a large number of such projects which are of great importance within the framework of the 'Youth for Tolerance and Democracy — Against Racism, Xenophobia and Anti-Semitism' project. The focus in the project is on multipliers working in child and youth welfare and also in education. Drawing on their experience, such training courses and new discussion forums are to be created which enable reflection and provide new stimuli for multi-media and Internet-based activities. New impulses for developing educational concepts for teaching skills to children and young people are expected from this. In turn, these are to enable children and young people to develop a critical appreciation of dubious Internet sites. To that aim the project organiser is setting up a network, co-ordinating and initiating network communication (info service, Internet server), organising conferences and discussions involving experts, advising organisations on developing media skills, putting together teaching materials on the media for the project's target groups, initiating new projects together with target groups across Germany and evaluating networks and project plans. Within the framework of this project, the following have already been published: 'Safe on the Web — Recommendations for Internet Cafes in Open Youth Work' and 'Before it's Too Late — Preventative Action to Protect Children and Teenagers in Social Hotspots'.

Further contributions to this subject area are made by FMFSWY-sponsored resources such as the brochure 'Right-wing Rock' on developments in the right-wing music scene, the brochure 'A Web for Kids — Surfing without Risks?', which serve as practical guides for parents and educationalists, as does the Media Association's Training Programme, to strengthen a sense of purpose in youth leaders, social workers and educationalists against right-wing extremist activity and hostility towards foreigners in young people (see above). Numerous activities against intolerance and discrimination and for tolerance and diversity in the Internet supported by the Federal Administration and the federal *Länder* are further examples.

Since 1988 the Federal Government Commissioner for Matters Relating to Foreigners, in conjunction with the Freudenberg Foundation and the ARD\*

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\* An amalgamation of broadcasting stations of the federal *Länder* which runs the first German national TV channel and is funded by licence fees (translator's note)

(represented by the *Westdeutscher Rundfunk*<sup>\*</sup>), has annually awarded the CIVIS Radio and TV Award 'Living in a Diverse Culture — Against Racism and Social Exclusion'. Work involved in awarding the CIVIS prize, among other things forming a jury of young people that awards prizes to contributions from young people, as well as the award ceremony, involve several hundred media producers and consumers every year. In 2000 the CIVIS prize was not only awarded as a national German prize, but also looked to Europe for contributions on the issue of the advantages and disadvantages of living in a multi-cultural society. The CIVIS Radio and TV Award has an important function in terms of sensitising the media to dealing appropriately with the problems of discrimination, racism and xenophobia, as well as topics such as social integration of migrants, cultural diversity in Germany and Europe and dealing with foreignness.

As well as developing ways to teach about the media, it is nevertheless still important to expand political engagement and educational work as well as intercultural education and to facilitate access to this. Concrete campaigns and educational events, intercultural experience and meetings cannot take the place of Web pages. It is particularly important for young people to have concrete experiences of their own in this field.

### **c. Actively Shaping Basic Political and Social Conditions**

A lack of social ties and moral concepts resulting from deficiencies in a child's upbringing and a loss of orientation points and future prospects (triggered by social upheaval) are important contributory factors in the genesis of right-wing extremist thought and behaviour. Teaching society's moral concepts and highlighting prospects for the future is the primordial task of a person's immediate social environment, for example parents, teachers and friends. However, the state also has an obligation in this respect by ensuring corresponding political and social conditions are available to create incentives for families and schools to shoulder their responsibility. In particular it has to show young people what opportunities are available to them and then to provide access to them. The Federal Government is aware of its responsibility in this respect. With the help of a number of measures relating to youth and social policy as well as to the labour market, it has contributed to creating living conditions which reduce the potential for social conflict and help reduce the risk of people being led astray by right-wing extremist thought and behaviour.

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<sup>\*</sup> The WDR is the broadcasting station of the federal *Land* of North Rhine-Westphalia

## **Non-Violent Upbringing**

Those who experience violence themselves are more likely to use it as a supposedly effective means for conflict resolution. Especially where violent acts motivated by right-wing extremism, xenophobia and anti-Semitism are concerned, a proportion of the mostly young, male offenders have themselves experienced violence in the home<sup>11</sup>. Vice versa, children raised by parents who do not use violence against them are, as adults, better able to resolve conflicts without resorting to violence. A non-violent upbringing can thus be an important contributory factor in reducing the potential for violence in society — particularly in offenders with a right-wing extremist motivation.

Under these conditions the Federal Government has shifted its emphasis toward a new principle of education based on respect by adopting legislation condemning violence in children's upbringing that took effect on 8 November 2000. A child's right to a non-violent upbringing is thus now anchored in the *Bürgerliches Gesetzbuch* (BGB, German Civil Code). Physical punishment, psychological cruelty and other degrading measures have been declared unlawful. The law clearly states that violence is not a suitable mechanism for raising children.

In order to also embed this insight in the social consciousness, the Federal Government launched its 'More Respect for Children' campaign aimed at teaching parents and others who are involved the importance of bringing up children without recourse to violence and to show them ways of dealing with conflicts without recourse to violence.

## **Concepts for Youth Social Work**

It is a matter for local government authorities to help young people who (for whatever reason) have no access to leisure-time activities to use their free time sensibly. Youth centres and youth clubs, which are usually supervised by social workers, serve this purpose. These must succeed in reaching out to their clientele even when the adolescents' attitude is, for example a xenophobic one and they are, at best, sceptical towards social workers because these represent the authorities.

Projects aimed at right-wing young people which are linked to the policy of acceptance (so-called "*akzeptierende Jugendarbeit*") have been controversially

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<sup>11</sup> Federal Ministry of the Interior/Federal Ministry of Justice (eds.), First Periodical Report on Crime and Crime Control, Berlin, July 2001, p. 262.

discussed by the public and experts. Amongst other things, this is due to the fact that it is not a clearly delimitable aspect of youth work alone. It is only possible to judge the effectiveness of such an approach by means of concrete examples and by taking the respective framework conditions into account.

As in other areas of social work, the youth welfare policy of acceptance in social education proceeds on the assumption that it is essential for practical educational work that reliable relationships be established between specialists and young people. The prerequisite for this is mutual acceptance of all those involved. Accepting young people as people in their own right, however, does not automatically mean accepting their attitudes and behaviour.

The concept aims to break down right-wing extremist and xenophobic attitudes and behaviour in young people, not to accept these. However, in order to do educational work with young people with a propensity to use violence, it is necessary to see these young people as people in their own right with all their problems and difficulties. The policy of acceptance by no means rejects using rules, limits and confrontation, but works with these as a necessary means of dealing with those in danger of gravitating towards right-wing extremism. One of the main prerequisites of such social and educational work is well-trained specialists who are able to work on the matter continually and in a team. Continuous further training as well as regular exchanges of information are also important aspects.

Nevertheless, it is not possible to apply the approach without due consideration to every situation and every project: The concept cannot be applied in instances when the right-wing scene no longer constitutes just a fringe group of society.

Practical experience in youth welfare work has shown that projects working with right-wing and violent young people can be and are successful. Also, these projects have not only achieved changes in individual adolescents, but rather have checked developments in the right-wing scene and have had a positive influence on their social environment. A number of projects guided by the policy of acceptance have nevertheless failed and had to be abandoned. The political dimension of working with right-wing extremist adolescents has in the past often been ignored in practice as no clear concept was available.

One must also bear in mind that it is not possible to reach out to all young people gravitating towards the right-wing scene through youth social work programmes. Social educational work precedes on the assumption that the young people in

question are still in search of orientation and are seeking personal support and that social workers become aware of them due to their individual situation and problems. That also means that, for example it would hardly be possible to reach youngsters who are already involved in right-wing extremist organisations, such as members of internal cadres. It also shows that programmes for children and young people must address their target groups as early as possible, i.e. before their attitudes become ingrained.

The FMFSWY sponsors the following sociological projects involved in developing basic conditions for combating right-wing extremist, racist and xenophobic attitudes in young people:

- Extending the study on 'Attitudes of Adolescents and Young Adults' (Youth Survey) run by the German Youth Institute by adding the topic 'Extremism, Xenophobia and Violence';
- The 'Right-wing Extremism and Xenophobia — Challenges for Youth Policy and Education' project, run by the Office for Crime Prevention in Children and Adolescents at the German Youth Institute. The project mainly focuses on better monitoring approaches to combating extremism in youth work. To this end, existing approaches in educational work with right-wing extremist and xenophobic children and adolescents outside of the school environment and in the context of vocational training are to be documented and evaluated by experts. The aim of pooling and systematising available experience is to clarify what prerequisites are necessary in order for practical work to be successful and to list the challenges for further developments in the field.

### **Promoting Preventative Youth Work (Fan Projects)**

Adolescents, for whom sports clubs (in particular football clubs) represent important points of reference they become very attached to emotionally, can become a problem for clubs and also for the police when they show a propensity to use violence and that they are receptive to nationalistic slogans. Clubs try to hold such phenomena in check by supervising their fan groups.

Under the umbrella of the *Deutsche Sportjugend* (German Sports Youth), which is funded by the FMFSWY, a Co-ordination Office for Fan Projects was set up back in 1993 to form part of the National Concept for Sports and Security. Its aim is to

provide support at a national level and to co-ordinate fan projects, mainly in football clubs in the first and second German leagues. In particular, the Office is to develop concepts for youth work and materials for training and further training, to co-ordinate and exchange information between fan projects, as well as to do public relations work.

At present 31 fan projects exist across Germany in first and second league football clubs, as well as in regional leagues. The projects follow recommendations set out in the National Concept for Sports and Security and, amongst other things, aim to stem the flow of violence, to reduce the number of those with extremist attitudes as well as to reinforce self-esteem and sense of purpose in young football fans.

The Co-ordination Office for Fan Projects has also proved its worth at large-scale international events. Two-thirds of its funding comes from the Federal Administration's children's and youth welfare plan and one-third from the *Deutscher Fußballbund* (DFB, German Soccer Federation). Since 1993 around €0.6million in funding has been provided by the FMFSWY and the German Soccer Federation (plus additional expenses for large-scale international events). Funding for the Co-ordination Office's work over the coming years has been secured. Due to the generally successful co-operation between the Federal Government and the German Soccer Federation in implementing the National Concept for Sports and Security, future measures, including reducing the influence of the right-wing extremist scene, will be carried out on an ad hoc basis.

### **Emergency Programme to Reduce Youth Unemployment (JUMP)**

Young people are the first to be affected by economic downturns and are also most vulnerable to the consequences. Many are not taken on by companies after completing their vocational training. Young people are often the first to be made redundant and are also more likely to have fixed-term contracts than those who have been employed in a company for a longer period.

Even though youth unemployment in Germany is relatively low in comparison to other countries, it still constitutes a challenge for politicians. The fact is that young people's start in adult, working life leaves an indelible mark on their future career.

In November 1998 the Federal Government agreed to initiate an 'Immediate Action Programme to Bring Down Youth Unemployment (JUMP)', covering training, qualification and employment for young people. The programme is geared to the

under 25 who are looking for a training vacancy or who have become unemployed after completing their training. The focus of the programme is on providing training places that give initial training or follow-up qualifications that will have a decisive influence on young people's future job perspectives. Today's economy places increasing demands on job seekers in terms of qualifications in the aftermath of technological developments, and these demands must somehow be met.

Thus, young people who have been made redundant are to be offered a training vacancy, a training course, a retraining course, the opportunity to gain work experience or another measure that enhances their chances of getting a job. To support unskilled young workers or those with few qualifications, a new support scheme for vocational qualification was set up. Employers are reimbursed a proportion of the pay given to a young person if he/she is released to gain further qualifications.

The immediate action programme, which has previously received around €3 billion in funding, was launched on 1 January 1999 and is run by the *Bundesanstalt für Arbeit* (Federal Employment Service); it will continue until the end of 2003. Instruments that prove successful will be included in employment promotion law as of 2004. Up to now over 370,000 young people have been supported by the programme.

JUMP is contributing significantly to keeping the number of unemployed young people in Germany as low as possible. The unemployment rate for young people was 9.1% in 2001, a significant reduction on 1998, when the figure was 11.8%.

### **'The Social City'**

In 1999 the Federal Government launched its 'Districts with Particular Development Needs — The Social City' programme as a joint initiative of the Federal Administration and the federal *Länder*. The aim of the programme is to help districts with obvious deficits in terms of social infrastructure, buildings, range of jobs available as well as the state of housing. For some citizens work, accommodation and social integration are no longer a given. Segregation processes and the emergence of problematical milieus lead to the development of social tensions which also provide a breeding ground for right-wing extremism, xenophobia and violence.

The 'Social City' programme aims in urban development problem areas to link urban development measures more to social policy measures, as well as to those policies relating to the housing market, the economy and the labour market; the integrated

programmes extend over several years. The viability and future of our cities must be sustained and improved. All manner of resources are to be used and focussed to solve the problems the cities are facing. Along with making investments that refers in particular to developing non-investment tools such as, for example qualifying young people as part of training and employment promotion, improving social infrastructure or other measures that are a part of family, youth and social policy. Previously uncoordinated programmes are to be linked in a sensible and effective manner — at a local, regional and federal level. At the federal level, agreement was reached with other involved government departments on integrating the Federal Ministry's own resources in urban development policy tasks. Attention should be drawn in particular to the following positive examples which reflect the integrative and socio-spatial approach of the programme:

- The 'Development of and Opportunities for Young People in Social Hotspots' programme, which was developed as a partner of the 'Social City' programme and whose support measures are identical to the latter so that optimal links between the programmes are guaranteed;
- The suggestion made by the President of the Federal Employment Service to local labour offices that the 'Social City' programme should be linked to tools used to actively promote employment;
- An overview in which the cities taking part in the 'Social City' programme are compared with those projects that serve to promote integration of immigrants and that are funded by the FMI.

The aims of the 'Social City' programme are to support the Federal Government's efforts to counter right-wing extremism, xenophobia and violence. The programme has been widely accepted and supported by politicians and society. Further, the programme is an element of the policy of reforms initiated by the Federal Government after it took office and an important step en route to a better "civil society". This political approach aims to provide citizens with security, orientation and perspectives in times of structural upheaval, especially in their immediate environment, and also to enable people to become actively involved in local processes. Citizens who are involved in the social and cultural life of their city and district can also provide invaluable support when it comes to fighting right-wing extremism, xenophobia and violence.

The Federal Administration made a total of € 179million available for the 'Social City' programme in the period 1999 to 2001; the federal *Länder* and municipalities provided the same amount of funding, giving the programme a total of € 0.54billion. Across the Federal Republic a total of 249 measures are being supported in 184 cities, with the result that within a short space of time a widespread impact has been achieved. The Federal Government hopes the programme will continue and has earmarked € 76.7million in financial aid in the 2002 federal budget plan (the same figure as in the previous year). The number of measures supported has thus increased.

Alongside the 'Social City' programme, the more classical urban development aid and support provided as part of the 'Urban Renewal in the East — For Cities Worth Living in and Attractive Accommodation' programme, which will begin in 2002, also contributes to making our cities safer and more citizen-friendly. Mistakes made in urban development will be put to right and the quality of neglected districts is to be improved (in terms of function, quality of buildings and attractiveness). Improved urban and social environments can effectively support measures to combat and curb violence and xenophobic activities. The Federal Administration is making € 356.8million available to the federal *Länder* for "classical" urban development in 2002 as well as € 194.8million in financial aid (promised) for the 'Urban Renewal in the East' programme (including a competition).

### **Development and Opportunities for the Young in Social Hotspots**

Children and young people are particularly affected by developments in critical areas as described in the above. They experience considerable disadvantages on account of where they live and are raised under more difficult circumstances.

The aim of the 'Development and opportunities' pilot scheme, which is a model programme in Germany, is to focus financial means and activities for improving children's and young people's living conditions and to open up new opportunities to them. 'Development and opportunities' calls upon regional and national "social producers" to concentrate resources, experience and efforts in these social hotspots and regions. Important local tools are setting up management structures in districts and youth welfare organisations. The critical areas supported by the 'Development and opportunities' programme are identical to those areas that are mentioned in the 'Social City' agreement signed by the Federal Administration and the federal *Länder*. Urban development aid will thus be linked to youth welfare orientated to specific social areas. The 'Development and opportunities' model expands this approach by

emphasising 'Networks and voluntary social work — rural districts with structural disadvantages'. Voluntary work is supported and innovative solutions are tested in 13 counties selected by the federal *Länder*. Further emphases of the 'Development and Opportunities' programme are the *freiwilliges soziales Trainingsjahr* (voluntary social training year) and the 'Intercultural Network of Youth Social Work in Society'.

The methodology and aim of 'Development and opportunities' is to mobilise the available infrastructure for helping children and young people to improve the social situation in these districts. This infrastructure is supported by the FMFSWY within the framework of the Federal Administration's children's and youth welfare plan. Furthermore, new models have been developed and tested to promote the integration into society and working life of young people in such environments.

'Development and opportunities' begins with resources available to children and young people, their families and social networks; it attempts to support, promote and expand these. Particular emphasis is given to the aspect of different opportunities open to men and women and the types of discrimination children and young people from immigrant families experience. The programme precedes on the assumption that successful social work is only possible by working with the children and young people who are immediately affected. This requires them to be recognised as people in their own right, their situation to be accepted as well as the skills and resources embedded and developed therein.

In this sense 'Development and opportunities' obviously stresses preventative measures as the aim is to "fortify" children and young people. First of all their strengths and talents need to be fostered in order to give them the opportunity to develop. They are to take responsibility for finding their place in society, and to decide for themselves what that should be. Youth welfare activities that have a wide-ranging effect as well as extracurricular youth training activities are particularly suited to this. In addition, the prerequisites have to be set up at an institutional level for young people in a particular district to be able to train their respective skills.

The voluntary social training year model, one of the emphases of the 'Development and opportunities' programme, is geared to social hotspots in order to give young people from these areas better qualifications for their future. The aim in terms of youth policy is to make voluntary, non-stigmatised youth welfare support available to enable young people to enter vocational training and further training. One goal of the programme is to allow those participating in the programme to gain social recognition for their work in society and thereby to be motivated to take on other responsibilities.

Of those taking part in the voluntary social training years, 16% are foreign nationals; the offices responsible for the voluntary social training year aim to increase the proportion of foreign participants in the future.

### **3. Promoting Integration**

For decades now German society has been shaped by immigration, resulting in an ethnically, socially, culturally and religiously diverse society. Integrating those immigrants who make their home here permanently is one of the most important ongoing and future political tasks. The Federal Government attaches great importance to a social policy that aims to integrate all those who wish to make Germany their home. As an industrialised country in the heart of Europe, Germany is still such a popular destination for migrants that politics is called upon to act.

Integration is a decisive factor for enabling immigrants and Germans to live together peacefully and serves as a preventative measure against xenophobia, racism and discrimination in everyday life.

The 'Competition to Integrate Immigrants' launched by the Federal President, Johannes Rau, on 31 January 2002 and which is being supported by the Bertelsmann Foundation, aims to use the many groups involved in integration in Germany to set good examples and to encourage others to follow suit.

#### **New Nationality Law: Important Building Block for Long-Term Integration**

One of the core elements of the Federal Government's policy of integration was the amendment of the nationality law which also served to signal to those who have immigrated to Germany that they are indeed welcome here. The *Bundestag* adopted the Act to Amend the Nationality Law on 15 July 1999 by a large majority. The most important reforms took effect on 1 January 2000, such as for example adding the *jus soli* principle of citizenship at birth to the *jus sanguinis* principle of descent, which up until then was the only one applied. Germany now has at its disposal a modern citizenship law geared to a policy of integration based on European standards.

Making it easier for children born in Germany of foreign parents to get German citizenship and simplifying the naturalisation process, such as for example by means of shorter naturalisation periods, promotes the integration of legal aliens who will be living here permanently (which is, incidentally, also in the public interest), by no longer excluding them from the rights and duties of a German national.

The modernisation of the Nationality Law was and is an important contribution to securing internal peace in our society. The new law faces up to an alarming development, namely that there is a widening gap between the number of people constituting the body politic in a constitutional sense and the actual number of people living in Germany. In this respect the reform complies with the suggestion put forward by the Federal Constitutional Court on how to correct this development<sup>12</sup>.

Nevertheless, integration can only be successful if the will is there on both sides, i.e. on the part of Germans and foreign nationals living in Germany.

The Federal Government Commissioner for Matters Relating to Foreigners applied a budget of €0.77million to a campaign from July 1999 to March 2000 to provide information on naturalisation and on the new right to citizenship. The campaign encompassed advertisements, billboard posters and a special Web site. In total over a million brochures on naturalisation and the new right to citizenship were sent out to those interested in naturalisation; the homepage had around 10,000 hits per month.

### **The Immigration Act: Actively Shaping Integration**

The act on shaping and limiting immigration and regulating residence and integration of EU nationals and foreigners (Immigration Act), which was adopted by the *Bundestag* on 1 March 2002 and which the *Bundesrat* agreed to on 22 March 2002, takes account of the fact that the Federal Republic of Germany is an immigration country. The Immigration Act, for the first time, introduces an overall concept that covers all areas of immigration and thus enables the entire immigration process to be made subject to comprehensive controls. At the same time a common consensus has been reached on the various different (sometimes conflicting) interests at stake in the matter. This especially refers to the interests of trade and industry, the Federal Republic's humanitarian obligations and our society's ability to integrate foreigners.

The central element of the Immigration Act is the new regulation of the Foreigners Law (*Ausländerrecht*) (*Aufenthaltsgesetz*, Residence Act). The following elements should be highlighted:

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<sup>12</sup> Cf. Federal Constitutional Court 83, 37, 52

- The creation of a flexible series of measures for controlling and restricting immigration according to requirements that also serve the rightful interests of our country;
- A reduction in the number of residence statuses to only two, namely a (temporary) residence permit and (permanent) right of settlement. These are orientated to a person's reason for seeking residence (training, employment, rejoining other family members, humanitarian reasons).
- Simpler and clearer substantive law and procedural law, improved procedures and thus less bureaucracy. The concomitant authorisation procedures (for work permits or residence permits) have been replaced by an internal approval process so that those involved are spared the task of making several applications and numerous trips to the authorities;
- Improved and quicker asylum procedures;
- Stricter rules for ensuring that asylum seekers whose applications have been legally rejected and illegal immigrants do actually leave the country;
- A new minimum framework of state integration services linked to the Residence Act by means of incentives and possible sanctions and set down in law.

The Immigration Act will thus become one of the most important tools for promoting integration. For the first time the state will now be promoting and regulating measures to integrate immigrants across the whole of the country. Future immigrants have the opportunity, but also the duty, to participate in integration courses.

Language skills play a key role in participating actively in the social and political life of a country. That is why the Act has provided for elementary and advanced courses, enabling immigrants to learn German. Moreover, courses on the German legal system, the country's culture and history are to be made available. The aim is to help immigrants to find their orientation in German society in order to be able to participate independently in day-to-day life.

The range of courses on offer is geared to immigrants who will be living permanently in Germany. The immigrants must take part in the courses if they do not yet have basic oral German language skills. Details of prerequisites for taking part are set out

in § 44 of the Residence Act. If necessary, participants can also make use of child care and a social education advisory service provided.

Staff at the foreigners authority will meet with those who do not fulfil their obligation to participate in these courses to discuss the matter and point out the consequences. Not participating in the courses will be a factor borne in mind when someone applies to have their residence permit extended. Sufficient German language skills and basic knowledge of the legal and social system will in future be a precondition for new immigrants being given permanent right of residency. In addition, participating successfully in the courses enables the nationalisation period to be reduced from eight to seven years.

Foreign nationals who would not normally be entitled to take an integration course may participate if places become available. Repatriates (*Aussiedler*) may, as was previously the case, also take part in the integration classes.

The new *Bundesamt für Migration und Flüchtlinge* (Federal Office for Migration and Refugees) aims to co-ordinate all the integration classes. The elementary classes and orientation courses will be taught by staff of the Federal Office with the help of private and public institutions. The federal *Länder* will be responsible for advanced language classes.

In addition, the FMI will develop a comprehensive integration programme. This will comprise recording what courses are presently available and better co-ordinating them. The Federal Administration will not and cannot financially support the integration process itself. It needs as many institutions and social groups as possible to help out in the process. These include, amongst others, the federal *Länder* and local government authorities, the Federal Government Commissioner for Matters Relating to Foreigners, the churches, trade unions, employers' associations and charities.

Sufficient numbers of such integration measures were not available in the past. In future, immigrants will be actively involved in society from an early age — and not only immigrants will benefit from that. Being able to speak the language and a process of integration that is successful in other respects, too will lead to Germans having fewer reservations about foreign nationals.

## **Social and Political Integration: Concrete Ways for People to Live Together Peacefully**

The Federal Government supports a target-orientated policy of integrating foreign nationals as a preventative measure against xenophobia and discrimination and will increasingly push ahead with its measures to integrate foreign workers and members of their families by means of improving language skills, employment and social integration.

These are all measures that complement the vocational and labour market integration measures carried out by the Federal Employment Service, whose entire labour-market instruments are available to foreign workers who have been given more than just a temporary residence permit. The aim of these tools is to contribute to counteracting discrimination and to improving equal opportunities — particularly in terms of access to the labour market.

These measures include teaching German language skills, promoting vocational integration — particularly of young foreign nationals in the transitional period between school and work, social and vocational integration of foreign women, as well as providing social welfare advice to foreign nationals.

In implementing these integration measures, the Federal Ministry for Labour and Social Affairs (FMLS) is co-operating closely with top charitable organisations, the *Sprachverband Deutschland* (the body responsible for state-run language classes for immigrants) and various other institutions.

The FMER has commissioned a series of further pilot projects that are to promote foreign children and young people in their general education and vocational training. The main task is to teach language and computer skills and to make advisory services, training and cultural centres available.

The *Forum Bildung* (Education Forum), which the Federal Administration and the Federal *Länder* were involved in, put forward suggestions on how our educational system can effectively contribute to increasing equal opportunities in schools, vocational training and further training of various groups of disadvantaged young people. It is important that we are aware of how individual children are discriminated or held back as early on as nursery and primary schools and to deal with this at a pedagogical, medical and psychological level so that developmental disadvantages can be avoided later on (wherever possible). This includes creating a pedagogical

climate in schools which does justice to the fact that children and young people all develop differently and which helps to support individual students and does not cherry-pick the social elite. Children of foreign parents need to be given remedial German language lessons from an early age and throughout their nursery and primary school years. However, such language teaching must on no account interfere with their learning of their own mother tongue. Schools (and here the federal *Länder* are called upon to act) must continue in their efforts, for example to improve foreign adolescents' school leaving qualifications. In terms of vocational training, the 'Education for All' programme must be implemented to benefit disadvantaged adolescents.

To this end, the Alliance for Work agreed guidelines and recommendations for considerably improving vocational training given to immigrant adolescents; these are now being implemented. Particular mention should be made of the recommendation on 'Education and Training for Young Immigrants' passed on 26 June 2000.

### **Getting Along Together Better — Promoting Tolerance and Acceptance**

In its efforts to draw the rug from under right-wing extremism, xenophobia and violence against foreign nationals, the Federal Government lays especially great store by fostering mutual tolerance and an understanding for others as a basis for the German population and immigrants getting along together better. By adequately teaching our citizens about foreign nationals' life here in Germany, the Government intends to reduce the level of prejudice and diffuse or one-sided and stigmatised ideas about foreign nationals.

The sixth family report, entitled 'Foreign Families in Germany — Achievements, Problems, Challenges'<sup>13</sup>, contributed excellently to this task. For the first time this family report analyses the situations of foreign families and outlines their diversity and variety. The report makes clear what foreign families do for the good of their family members as well as for Germany society. Foreign families are seen as an integral component of German society and thus as part of processes of socio-structural differentiation. The report does not conceal the fact that this puts burdens on and poses challenges for people living together in Germany. The report set new trends in terms of how the situation of migrants is discussed in public. It contributes to setting in motion public discussions on immigration and how we want to live together in Germany, in which both opportunities as well as problems and conflicts are

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<sup>13</sup> Bundestag Doc. No. 14/4357 of 20 Oct. 2000

acknowledged. The family report contains a number of demands and suggestions that provide a good foundation for the Federal Government's policy and for all others in positions of responsibility in state institutions and society, at all levels.

Two of the most frequent reasons for migration are for marriage or to reunite families, which the sixth family report also highlighted. In our family policy we must increasingly look for solutions that take account of permanent migration processes and those which encourage the local population and immigrants to live together peacefully. With this aim in mind the FMFSWY carried out the international meeting 'Integrating Foreign Families' from 11 to 12 December 2001 in Berlin. The meeting, which allowed experience to be exchanged, worked out requirements, problems and solutions for a family policy orientated to integration and thus took recourse to experience of a policy of integration gained in the Netherlands, the UK and France. This year there are plans to hold a specialist conference on experience gained by local government authorities in integrating foreign families in Germany.

It is particularly the local government authorities that are called upon with respect to integrating foreign families. They are called upon to involve the entire family in the integration process and to encourage solidarity amongst immigrant families as well as to contribute to strengthening familial and social networks in overcoming the hurdles of the integration process. Despite the fact that local government authorities and their institutions have had isolated, positive experiences, no holistic concepts of integration that are geared to families have yet been developed. The specialist conference will allow those responsible for such issues in local government authorities and local government authority umbrella organisations to exchange experience, with the aim of further developing a policy and practice of integration that is geared to families at a local government authority level.

Furthermore, the Federal Government has combined projects to find foreign nationals jobs with measures to foster Germans and foreign nationals living together peacefully and those to overcome xenophobia. By working together and spending their leisure time together, people's willingness to communicate and their level of acceptance has been increased — particularly in the case of xenophobic and violent young people.

Concrete projects have encouraged local government authorities and regional authorities as well as German and foreign clubs and organisations to open up to the problems foreigners face in integrating into German society and to make efforts to improve how Germans and foreigners live together a fixed component of everyday working life. Companies were given intercultural training and ideas on how to improve

co-operation between German and foreign colleagues. Strategies against immigrants being isolated by the rest of the workforce were also worked out.

Likewise, projects are indicating how to encourage dialogue with Muslim organisations. An example of this is the 'Integration of Muslims and Muslim Organisations in Germany' project. The aim of this pilot project is co-operation between German and Muslim institutions that are actively involved in social integration, as well as to establish a network. The project will run until mid-2002.

Multipliers can still be seen as important contacts when implementing integration policy and fostering a multi-racial society of Germans and immigrants (e.g. the employment services and careers advisors at local labour offices, the Federal Government Commissioner for Matters Relating to Foreigners, employees in local government authority institutions, trainers, court employees, social workers, club chairpersons). By providing proper training for these multipliers and targeted public relations work, important contributions to combating xenophobia have been and will be made.

The FMLSA is backing training courses for these multipliers by means of two different types of seminars:

- Regional studies seminars (on migration and integration): teaching socio-cultural background information on countries of origin, with an emphasis on countries from which the Federal Republic of Germany formerly recruited foreign workers; closing information gaps; contributing to an improved understanding of the problems of integration; increasing acceptance of different lifestyles; promoting intercultural dialogue;
- Seminars for multipliers on specific topics: teaching a basic knowledge of policy on foreign residents and of experience with various approaches to integration as well as showing ways to improving how Germans and foreigners get along together.

These measures are to be continued over the coming years.

In measures funded by the FMLSA aimed at providing information and in co-operation with the media the focus is on showing how normal it is for Germans and foreigners to live together peacefully. Issues dealt with are: government policy on

foreign residents, the integration of foreign residents and how Germans and foreigners interact. The following have proved their worth:

- The information service 'Foreigners in Germany', which has also been available on the Internet since 1999;
- The page plates 'Together — on Germans and Foreign Residents Getting Along Together' provide local newspapers and advertisers with articles and photos that are ready for print;
- Promoting reports on the labour market, social policy, integration and Germans and foreigners living together peacefully on *Radio multikulti*, a local radio station run by the *Sender Freies Berlin*<sup>\*</sup> and aimed at foreign and German listeners;
- The Web site [www.heimat-in-deutschland.de](http://www.heimat-in-deutschland.de) funded by knock-on financing from the FMLSA and providing information on further training for teachers of German and other multipliers as well as teaching materials for German language classes. The Web site also provides background information on the countries of origin and cultural backgrounds of immigrants as well as on Germany and immigrants living here.

These tried and tested measures will continue to be funded over the coming years.

### **Breaking down Discrimination: Regulations for Equal Opportunities in How we Live and Work Together — National Anti-discrimination Legislation**

Current legislation in the Federal Republic of Germany already allows reported cases of discrimination to be prosecuted under civil law by means of blanket clauses set out therein. However, over and above this the Federal Government has set itself the goal of stepping up measures to protect citizens against discrimination and also to involve private law more in this issue. Chapter IX 'Security for All — Improving Citizens' Rights' of the Coalition Agreement for the 14<sup>th</sup> legislative period determined that an anti-discrimination law should be initiated.

Since this decision was taken, the FMJ has therefore proposed a law to prevent discrimination under civil law. The main intention is to give clear signals that discrimination based on race and ethnic origin will not be tolerated in legal relations

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<sup>\*</sup> The broadcasting station of the federal *Land* of Berlin (translator's note)

governed by civil law. The proposed law sets out explicit prohibitions against discrimination in legal relations governed by civil law and introduces a range of measures under civil law to facilitate implementation of the prohibitions against discrimination on a long-term basis. No-one is to be placed at a disadvantage on account of their race or ethnic origin when purchasing goods or services, including accommodation. This is to apply to the conclusion, termination and content of contracts, in particular contracts of purchase, rental, services or agency business which are put open to public tender or which refer to employment, medical treatment or training. A separate anti-discrimination law for the area of labour law (which is explicitly excluded from this proposed law) is currently being planned.

To enable this law to be implemented more easily, the anti-discrimination legislation is to be combined with easier means of providing evidence as well as the possibility of prosecuting associations under civil law, so that associations can insist before a court on forbearance of discriminatory behaviour.

In addition to a right to claim forbearance, individuals are also to have the right to non-discriminatory treatment or, if the discrimination cannot be compensated for by other means, the right to demand suitable compensation.

This draft law will also comply with Art. 3 para. 1 subpara 3 h) of Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of race or ethnic origin. This Directive, which Member States must implement by July 2003, plus Directive 2000/78/EC on establishing a general framework for equal treatment in employment and occupation, which must be implemented by December 2003, require even more significant changes to national law. One main emphasis of the Directives is labour law.

Council Directive 2000/43/EC in addition stipulates that jobs must be created to promote equal opportunities. Furthermore, the Directive must be implemented in the public sector, for example in the public health system. The Directive furthermore stipulates that all laws, regulations and administrative provisions contrary to the principle of equal treatment be abolished. During this process statutory regulations which treat Germans and foreign residents differently are to be checked to examine whether they are objectively justified and if this is not the case, they must be revoked.

The planned anti-discrimination law will implement points in the Directive 2000/43/EC that apply to labour law (race/ethnic origin) along with those contained in Council Directives 2000/78/EC (framework) and 76/207/EEC (equal treatment for men and

women), which are restricted to the areas of employment and occupations.

Within the scope of the above-mentioned Directives, i.e.:

- Preconditions for taking on paid employment and access to vocational training,
- Conditions of employment and working conditions, including conditions for termination of an employment contract and remuneration,
- Membership of and involvement in employees' and employers' organisations, including using services provided by these organisations;

the anti-discrimination law will amongst other things also provide regulations governing discrimination on account of religion, ideology, race and ethnic origin. The following areas must be covered when implementing in national law the requirements set out in the Directive: direct and indirect discrimination, safeguarding legal protection, regulating the burden of proof, instructing those affected about their rights, social dialogue and establishing one or more offices for promoting equal treatment of citizens.

Since the respective Directive was passed, the Federal Government Commissioner for Matters Relating to Foreigners has been supporting the responsible departments in the implementation process to ensure the deadline is met on 9 July 2003 (e.g. in implementing the Directive in national law, establishing a so-called anti-discrimination office and through public relations work) and she is working hard constantly to provide experts in the field with the information they require as well as to develop concepts for implementing the Directive's socio-political goals.

### **Breaking down Discrimination by Improving Education and Training Opportunities — Creating Intercultural Networks**

Young people with social disadvantages and learning difficulties are given specific support during their transition from school to the world of work. Measures that are adapted to their individual difficulties and problems support efforts to find suitable employment. They prevent these young people reaching a stage where they see no prospects in either their working or their personal life through building on their skills (by supporting and challenging them) and calling on the young people to become actively involved. Training measures that prepare young people for work, help given whilst they are in training and in employment and training measures outside of work run by social educationalists pursuant to employment promotion law are more than ever helping society to participate in this process. The Federal Government adopted

the JUMP immediate action programme to bring down youth unemployment on 1 January 1999 in order to open up additional training, qualification and employment opportunities to unemployed people under the age of 25. The programme provides particular support to young foreign adolescents.

The 'Intercultural Network' programme run by the FMFSWY is developing institutions involved in youth social work (youth community services) into central contacts for all immigrants, both young repatriates and all non-German young people. These young people must be involved in existing local structures. The aim of the programme is primarily to make existing institutions and services more intercultural in the interests of young immigrants. One important requisite is establishing and developing intercultural networks in the respective social environments. Another is taking the concerns of young immigrants into consideration more in urban development planning and when organising youth welfare as well as working out a comprehensive integration concept as a basis for local government authority decision-making processes.

One main emphasis of the project is thus to decide with the help of which concepts and strategies and under which basic conditions social networks can be improved in urban districts. This can only be realised in close co-operation with youth social work organisations that are already available, in particular with youth community services, which are to advise and look after all young immigrants during the pilot phase.

Evaluating the 'Intercultural Network' model of youth social work in a social environment is very important for standardising and amalgamating advisory services and supervision given to all young immigrants pursuant to the Immigration Act.

### **Improving Access to the Labour Market for Asylum Seekers and Tolerated Refugees**

Since the first amendment to the Ordinance on Work Permits for Foreign Residents (*Arbeitsgenehmigungsverordnung*) of December 2000, asylum seekers and tolerated refugees can now take on employment after a waiting period of one year if, pursuant to the statutory priority given with respect to placement and employment set out in § 285 para. 1 Social Code (*Sozialgesetzbuch, SGBIII*), no Germans seeking work or any foreign resident equal to them before the law (e.g. EU/EEA nationals, third-country nationals with permanent right of residence such as recognised asylum seekers and refugees with confirmation of their status as refugees in the sense of the Geneva Convention) are available. After 1 year of legitimate employment, work

permits are to be extended irrespective of priority of employment, insofar as the person in question is still working for the same employer.

### **Reform of the Works Council Constitution Act: Involving Companies in Combating Racism and Xenophobia**

All areas of society must be actively involved in dealing with the problem of racism and xenophobia, including families and the workplace, educational establishments and companies. The reformed Works Councils Constitution will contribute in its way to fostering the integration of foreign citizens and colleagues and at the same time to facilitating sanctions against instances of racism and xenophobia in the workplace.

Xenophobia and discrimination is documented in various ways in society and in businesses. Factory gates constitute no impenetrable barrier to xenophobia and discrimination, which are often manifest in everyday life in subtle ways. The reformed Works Council Constitution Act therefore supports foreign employees' integration in companies and the combating of xenophobic activities in the workplace by focussing on numerous measures.

In order effectively to counter discrimination in the workplace, the Federal Government has already sent out a clear signal by adopting the Law on the Reform of the Works Council Constitution with effect on 28 July 2001.

The Works Councils' areas of responsibility have been extended to include promoting the integration of foreign employees in companies as well as being able to apply for measures to combat racism and xenophobia in the workplace. Furthermore, Works Councils now have the right to prevent an employee involved in racist or xenophobic activities being given employment or to call for such employees to be made redundant. Employers are obligated to report regularly at works meetings on the level of integration of foreign staff employed in their company.

### **Integration through Sports**

The 'Sports with Repatriates' project sponsored by the FMI and which has been run since 1989 in co-operation with the German Sports Confederation and the 16 sports confederations in the federal *Länder* was extended in 2001 as a reaction to xenophobic attacks on immigrants and foreign residents; it was renamed 'Integration through Sports' and now includes young foreign residents and disadvantaged young Germans. The integrative as well as preventative function of sports is thus to be

utilised. Around €6million has been made available for the project for 2002; it is to be further supported in the future, too.

The FMI is also involved in the issue of integration through sports in the *Deutscher Sportbund's* (German Sports Confederation) new campaign 'Sports is Good for Germany', which will be launched under the patronage of the Federal President at the beginning of 2002. The FMI is granting around €1.5million in funding over a four-year period.

The FMFSWY is also using the preventative and integrative function of sports in promoting the 'Street Football for Tolerance' project. Target groups are, above all, xenophobic youths with a propensity to use violence. The idea for this project originated following experience gained with adolescents in Latin America at risk of becoming dependent on drugs and prone to violence, and it serves the idea of providing young people with "help to help themselves" and to facilitate resocialisation. By themselves experiencing freedom from violence and tolerance in their dealings with other people, participants are to turn their own experiences into their own rules and to take responsibility for themselves. The medium of street football seems particularly suited to achieving this goal, since the activity is not restricted to a particular location, teams are mixed and the players themselves decide on the rules.

#### **4. Measures Aimed at Offenders and their Social Environment**

Measures that are aimed at offenders and their social environment involve, above all, the security authorities run by the Federal Administration and the federal *Länder*, as combating xenophobia, racism and anti-Semitism is one main focus of their work.

##### **a. Combating Right-wing Extremist, Xenophobic and Anti-Semitic Offences with Lasting Effect**

This applies especially to combating right-wing extremist, xenophobic and anti-Semitic criminal and violent offences, which increased significantly in 2000. As a result of the high detection rate, particularly in the area of violent offences (74% in 2000), the police and security authorities expanded their level of understanding, which served as a basis for developing existing strategies as well as providing impulses for developing new ones. The police and security authorities are taking decisive action against all forms of right-wing extremist, xenophobic and anti-Semitic crime with the help of a number of preventative and repressive measures. These include, in particular, increased police presence at meeting places of those in the

right-wing extremist scene, officially warning potential criminals, setting up special ad hoc investigative teams when necessary, emergency investigative measures in cases of violent terrorist crimes, as well as intensifying co-operation between the state and federal *Länder* to prosecute offenders.

### **Introducing a New Definition: “Politically-Motivated Crime”**

The precondition for combating, for example right-wing extremist tendencies effectively and in a targeted fashion is precise knowledge and information about them. The method previously applied for evaluating and registering criminal offences by the Crime Reporting Service (State Security) made use of the term “extremism”, i.e. only those criminal offences were registered whose aim was to overcome the present order (including by force) and which were directed against the free, democratic constitutional system. In practice this led to non-uniform evaluation and gaps in records. Against this background the Federal Administration and the federal *Länder* have agreed to reorganise and to improve the previous Crime Reporting Service (State Security). With effect 1 January 2001 a new definition, namely “politically-motivated crime” was introduced. The central criterion for offences to be recorded in the new system will be “politically-motivated crime”. A politically-motivated act is one in which the circumstances of the act or the attitude of the offender lead one to conclude that it is directed against a person on account of their political opinion, nationality, ethnic origin, race, colour, religion, ideology, origin, sexual orientation, disability, outer appearance or social status. A multi-dimensional method that takes various points of view into consideration will be used to evaluate the data recorded. This includes the nature of the crime, assigning the crime to an objective category, the subjective background of the incident, its international dimension, if applicable, and, if necessary, whether it shows any indications of being based on an extremist tendency. This differentiated method of representation enables data to be evaluated in concrete cases according to whatever criteria are required and thus forms a better basis for the targeted application of suitable repressive and preventative measures to combat such offences in future.

### **Federal Border Police to Support Police Measures in the Federal *Länder***

In order to be able to combat right-wing extremist, xenophobic and anti-Semitic criminal and violent offences effectively, the respective police authorities in the federal *Länder* and the Federal state must co-operate closely. Accordingly, the Federal Minister of the Interior has offered to support the federal *Länder* in fighting against right-wing violence by making the Federal Border Police available to them. In

addition, upon request from the police in the federal *Länder*, members of the Federal Border Police will regularly be called on to supervise demonstrations by right-wing groups.

An example of how police forces from the Federal Administration and the federal *Länder* have co-operated to fight right-wing extremism is the *Verstärkungseinheit Niederlausitz* (Niederlausitz Task Force), which has been used in Brandenburg since 16 January 2001. The Federal Government made additional funds amounting to €2.1million available for this purpose in 2001. The main emphasis of the work of the task force is patrolling railways, which is part of the Federal Border Police's normal legal mandate. Such task forces are increasingly focussing on right-wing extremist phenomena and mostly take action against activities with a possible right-wing extremist connection.

Since January 2001 the following activities have been carried out at relevant times:

- Uniformed and undercover police investigations;
- Increased police patrols on grounds and facilities belonging to *Deutsche Bahn AG* and accompanying passenger trains, especially in the Guben, Cottbus and Calau areas;
- Observation posts;
- Active, direct intervention when the level of danger and punishability are still low, in particular by warning potential criminals and securing their identity;
- Surveillance of meeting places of the right-wing extremist scene on grounds and facilities belonging to *Deutsche Bahn AG*.

In the first half of 2001 around 2,000 warnings were issued to potential criminals and identities secured. In addition, 93 offences (of which 22 had a right-wing extremist background) were reported — mainly against § 86a Criminal Code "Use of Insignia of Anti-Constitutional Organisations".

The Niederlausitz Task Force has proved its worth: the intended increase in preventative and repressive pressure has been achieved. One can observe a certain amount of uncertainty in the right-wing extremist scene which is corroborated, for example by statements from people in the relevant circles.

Employees of *Deutsche Bahn AG* as well as its passengers have reacted very positively to the increased presence of Federal Border Police officials in uniform. The

police in Brandenburg — in particular the PP Cottbus and Frankfurt/Oder as well as the Mobile Unit Against Extremism, Violence and Hostility towards Foreigners (MEGA) — and the Federal Border Police work closely together in a relationship of trust, each in their own area of responsibility. This was made possible not least due to a security co-operation agreement signed by the two ministers of the interior on 7 June 1999.

### **Federal Border Police Hotline**

Furthermore, on 1 September 2000 the Federal Border Police launched a national phone hotline (01805/234566) to which the public's attention was drawn by means of an extensive poster campaign. The hotline gives citizens the possibility to contact their local Federal Border Police office directly whenever they need to — especially when they become aware of right-wing extremist activities, threats and violent crimes. By the end of 2001 the hotline had taken over 8,000 calls, proving that citizens had accepted the hotline. Of these calls, over 150 provided information on right-wing extremist incidents which led to immediate measures being taken to combat right-wing extremism and xenophobia.

### **Resolutely Punishing Right-wing Extremist, Xenophobic and Anti-Semitic Criminal and Violent Offences**

Along with effective police measures to deal with threats and to punish offences, we must resolutely pursue and punish criminal and violent offences that are motivated by right-wing extremism, xenophobia and anti-Semitism as soon as they occur and in a differentiated fashion. To supplement general criminal provisions to protect the life and health of our citizens (§ 211 ff., § 223 ff. Criminal Code), the Federal Government believes that it is especially § 86, 86 a and 130 of the Criminal Code that give the judicial authorities the appropriate tools to react. Based on practical experience, the Federal Government also continually re-examines the application of the respective statutory regulations to see whether they may require updating.

In most cases it is the federal *Länder* that are responsible for prosecuting criminal offences motivated by right-wing extremism, xenophobia and anti-Semitism, according to generally applicable principles. However, if the offence is aimed at disrupting either the internal structure of the nation as a whole or its constitutional principles, then the *Generalbundesanwalt* (Federal Public Prosecutor General) is responsible for prosecuting pursuant to § 120 para. 2, p. 1, sub-para. 3 Constitution of Courts Act (*Gerichtsverfassungsgesetz*, GVG). Two decisions by the Federal

Supreme Court gave more concrete details on which cases constitute preconditions for “especially significant cases” that justify the Federal Public Prosecutor General being called upon. In particular this applies to cases in which the offenders used conspiratorial methods, the offence is part of national activities and the groups of offenders are part of association-like organisations, since these increase the threat to internal security. In addition, the Federal Administration’s investigative authorities have more experience in investigating such groups of offenders at a national level. The reprimand lodged by the defendant in the “Eggesin” case (attempted murder of two foreign residents by right-wing extremists) that the Federal Administration was not responsible in the matter was rejected by the Federal Supreme Court.

In the case of teenagers and adolescents it is particularly important that a reaction to (violent) criminal offences follow as quickly as possible. This is all the more important since the criminal law relating to young offenders is based on the disciplinary principle, to which justice would then also be done. The Juvenile Court Act (*Jugendgerichtsgesetz*), with its simplified proceedings in cases involving young offenders, enables the procedures to be speeded up in certain cases. In the case of adolescents it is possible for general criminal law proceedings to be speeded up. Furthermore, the Federal Government welcomes and supports such measures and projects aimed at facilitating a rapid and appropriate reaction on the part of the police, the judicial authorities as well as child and youth welfare agencies through improved communication and co-operation between all those involved.

The Federal Government welcomes the suggestion put forward by the *Bundestag* that teenagers and adolescents accused of offences with a right-wing extremist motivation should be required to take a closer look at the history of the Nazis in Germany. However, such a general proposal must be specified more closely before it can be implemented. In many cases it may indeed seem necessary or sensible to take such measures. That is why the Federal Government welcomes, for example youth welfare agencies offering young offenders the opportunity to visit former concentration camps and, if necessary enforcing this by means of an order from a youth court. An appropriate and effective (disciplinary) reaction to offences committed by young people must, however, base each decision on the individual case, taking the respective offender’s personality and concrete circumstances into consideration. Especially in cases in which the perpetrator is not ignorant of historical facts, but rather the incident is based on entirely different causes, then other measures than those put forward may here be more sensible.

## **b. Protecting Victims — Improving Victims' Rights**

One of the state's main concerns is to provide support to victims of violent crime and to give very concrete help. The Victims' Compensation Law (*Opferentschädigungsgesetz*) of 1976 covers a variety of benefits and grants those affected a statutory right to compensation. For example, victims have the right to claim a pension to compensate permanent damage to health as well as to treatment and any other rehabilitation measures with regard to their health and career for injuries resulting from a violent crime. These include, for example psychological and psychotherapeutic treatment to help overcome the incident and its psychological consequences. Various amendments to the law led to the range of benefits and compensation being expanded along with the group of people able to claim them. In 2000 foreign residents, to whom the Victims' Compensation Law has applied since 1 July 1990, were included in the existing regulation for hardship cases occurring prior to this point in time. Moreover, an explicit legal basis was created for non-medical socio-paediatric/remedial education services for children.

Within the framework of the Federal Budget Act of 2001, the *Bundestag* made financial means available to compensate victims of right-wing extremist attacks. This voluntary payment, to which no legal right exists, is to be understood as an act of solidarity by the state and its citizens with those affected. The Federal Public Prosecutor General at the Federal Supreme Court is responsible for dealing with applications and distributing the funding. €5.11million was provided for in the 2001 budget for "Hardship cases for victims of right-wing extremist attacks", of which around €1.35million was claimed. €2.5million has been earmarked by legislation for this purpose for the year 2002.

In the course of reforming the law on sanctions, the FMJ intends to create a new § 40a in the Criminal Code pursuant to which the court is to assign one tenth of the amount paid in damages to charities working to support victims. A proportion of the fine paid is to be set aside for support and compensation for victims not covered by the Victims' Compensation Law. In this way fines will benefit psycho-social victim support provided by non-state organisations, including the victims of right-wing extremist violent crime. If necessary this will cover help for the emergency services who are injured whilst defending someone against a right-wing extremist attack and who thereby also become victims.

In September 2001 the Federal Government submitted a declaration to the UN Secretary-General in New York (signed by the Federal Minister for Foreign Affairs)

declaring Germany's willingness to subject itself to the individual complaints procedure pursuant to Art. 14 of the International Convention on the Elimination of all Forms of Racial Discrimination. In doing so it underlined the significance of the complaints procedure before the Committee for Combating Racial Discrimination.

One main emphasis of the above-mentioned programme CIVITAS, which is supported by the FMFSWY, is providing advice and looking after (potential) victims of right-wing extremist attacks. The aim is to support a democratic culture orientated to the good of the body politic in the eastern federal *Länder*. The focus here is on acknowledging, protecting and showing respect for ethnic, cultural and social minorities.

In order to reach out to this clientele, however, the services on offer must be easily accessible. CIVITAS is therefore calling for local institutions to integrate advisory services into local social infrastructures since these services for the victims of right-wing extremist violence not only provide immediate help for affected individuals but also work to integrate fringe groups into society. They must also encourage and supervise preventative action on a local basis to sensitise citizens to the issues involved and to call for their solidarity with victims.

Since right-wing extremist violent attacks are not only directed at individuals but also against driving out and displacing entire groups of people, CIVITAS supports extending the work of victims' advisory centres to the social environment of those affected, their families, friends and other elements in society.

In addition, advice provided to victims aims to develop the affected groups' knowledge of the issues involved and to give them help to help themselves. Local strategies are to be developed in dialogue with these groups in order to integrate them into society on a long-term basis and to counteract discrimination in everyday life. Strategies to encourage the engagement of civil society and to strengthen their own organisations and their means of articulating the concerns of victims of right-wing extremist attacks complement each other and should refer to one another.

By 20 November 2001 around €1.59million in financial support had been made available to six mobile advisory teams and eight victims' advisory centres as part of the CIVITAS programme in the five eastern federal *Länder*.

### **c. Improving Crime Prevention**

Crime prevention projects also play an important role in combating right-wing extremist, xenophobic and anti-Semitic criminal and violent offences. These begin with conditions leading to criminal behaviour arising in the first place by focusing on combating the causes of criminal activity and thus limiting opportunities for committing offences. Measures to strengthen civil society and civil courage and to promote the integration of foreign residents, as have been described above, contribute significantly to creating an environment and a climate in which right-wing extremism is not allowed to flourish in the first place.

#### **German Forum for Crime Prevention**

In this context the inauguration of the *Deutsches Forum für Kriminalprävention* (DFK, German Forum for Crime Prevention) Foundation in June 2001 was particularly significant as a preventative measure in combating right-wing extremism, xenophobia, anti-Semitism and violence. The Federal Administration, the federal *Länder*, local government authorities, religious communities, associations, private foundations and other social institutions work together in the German Forum for Crime Prevention, which deals with all aspects of crime prevention. Its Committee is responsible for developing strategies against the causes of crime that involve the whole of society, for establishing contact between all those involved in these aspects as well as initiating and supporting preventative campaigns. The German Forum for Crime Prevention will constitute a central information and service office for crime prevention in Germany as well as a contact for exchanging opinions and experience at an international level.

The FMJ has entrusted the German Forum for Crime Prevention with carrying out a project called 'Primary prevention of violence against group members — focussing on young people'. The project targets violent crime directed at a person or an object in itself or predominantly against the race, religion, ethnic origin, gender, political or sexual orientation, the age or mental and physical disability of a person or owner of an object (so-called "hate crime"). In the course of the project the available statistics are to be collated, literature and projects documented, a workshop and a symposium are to be carried out and suggestions put forward in a working group on preventative work. The project has already started and is to be completed by the end of September 2003. The FMJ has made a sum of € 187,644 available in funding for the project.

## **Office for Child and Youth Crime Prevention**

Since children and young people are particularly in danger, the Office for Crime Prevention in Children and Adolescents at the German Youth Institute has since 1997 been making concepts, strategies for action and methods for child and youth crime prevention available to those working in this field, to politicians, researchers and education and training. The aim of disseminating both tried and tested and innovative approaches is to foster work in the field of crime prevention, to determine qualification standards and to bring together potential co-operation partners.

## **European Crime Prevention Network**

The European Crime Prevention Network (EUCPN), which was set up following a Council decision of 28 May 2001, is at present focussing on preventing youth crime, urban crime and drug crime. The first two of these forms of crime are often linked to violence against people of other ethnic origin, other sexual orientation and other lifestyles. The EUCPN is thus already today a building block in fighting right-wing extremism, xenophobia, anti-Semitism and violence and deals with these phenomena at an international level.

## **First Periodical Report on Crime and Crime Control**

Developing effective solutions for dealing with crime first requires comprehensive stocktaking of the situation and its associated problems. The First Periodical Report on Crime and Crime Control put forward by the Federal Government in July 2001 provides a comprehensive overview of the development, structures and causes of criminal activity in Germany. The report devotes an entire chapter to “Politically-motivated crime”, detailing the development and structure of right-wing extremist, xenophobic and anti-Semitic criminal and violent offences over the past 10 years. Based on scientific evidence it also analyses the causes and suggests appropriate action. Preventative solutions for counteracting politically-motivated violence are — as underlined yet again in the report — to be given top priority. These include successfully integrating children and youngsters into the school and vocational education system as well as creating sufficient cultural and sports events to foster social skills to provide alternatives to everyday life in problematic cliques. These multi-layered measures supported by the Federal Government provide a sure foundation on which to achieve this goal.

#### **d. Prosecuting and Preventing Right-wing Extremist Activities on the Internet**

The Internet provides right-wing extremists with an important forum for communication and agitation. In addition, it is used intensively for co-ordinating and mobilising people in the scene. In 2000 the number of homepages run by German right-wing extremists rose from 330 (1999) to a total of 800. The Federal Office for the Protection of the Constitution is currently aware of around 1,300 homepages on the World Wide Web run by German right-wing extremists<sup>14</sup>. According to the Federal Office of Criminal Police, in 2001 a total of 532 crimes were committed in connection with the Internet in the area of “politically-motivated crimes (right-wing)”, of which 312 homepages had a right-wing extremist content.

Against this background the Federal Government sees the combating of hatred and extremism on the Internet as one of its top priority security policy tasks.

#### **Consistently Investigating and Prosecuting Right-wing Extremist Internet Pages under Criminal Law**

The main instrument for dealing with right-wing extremism on the Internet is our criminal law. Insofar as the Web sites constitute incitement of the people or display insignia of anti-constitutional organisations, the criminal prosecution authorities will initiate preliminary proceedings pursuant to § 86, 86a, 130 Criminal Code. Pursuant to the definition in § 11 para. 3 Criminal Code, offences incriminated in the above statutes also include data carriers. Both data stored on data carriers (magnetic tapes, hard drives, CD-ROMs, etc.) and temporary information in working memory are thus subject to criminal law<sup>15</sup>. This means that whatever is prohibited offline will be prosecuted under criminal law if it appears online, too.

To investigate right-wing extremist, criminal Web sites, the Federal Office of Criminal Police and the Federal Office for the Protection of the Constitution carry out research into right-wing extremist, xenophobic and anti-Semitic Web pages in the Internet on an ad hoc basis.

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<sup>14</sup> Due to immense fluctuation, it is difficult to ascertain exactly how many right-wing extremist Internet sites are actually activated.

<sup>15</sup> Cf. Adolf Schönke/Horst Schröder, StGB, 26<sup>th</sup> ed., München 2001, § 11 side note 78.

## **Initiating and Supporting International Strategies to Combat Right-wing Extremist Criminal Web Pages**

Given the global nature of the medium and in view of the fact that in other countries (notably the United States) freedom of expression means Web pages that would be punishable by law in the Federal Republic of Germany do not necessarily constitute a criminal offence elsewhere, the Federal Government is considering initiating and supporting international initiatives as an essential component of a comprehensive strategy for dealing with right-wing extremist Web sites. Crimes committed beyond national borders can only be effectively counteracted by means of international co-operation within the community of states. Therefore, the Federal Government is committed to international forums, especially the Council of Europe, the G8 summits and the United Nations, for effectively prosecuting right-wing extremist crime on the Internet.

At the G8 summits the Federal Government is committed to improving international co-operation between criminal investigation authorities and the Internet industry. The G8 conference on the topic of 'Safety and Confidence in Cyberspace', organised by the Federal Government, took place in Berlin from 24 to 26 October 2000. The purpose of the conference was to increase protection against Internet crime through international co-operation and collaboration with the Internet industry. On the initiative of the FMI, participants called for international standards to be worked out for prohibiting the dissemination of propaganda and the use of insignia by anti-constitutional organisations as well as for forbidding contents that incite others to hatred.

Based on the results of the Berlin G8 conference, the 'G8 — Government/Private Sector High-Level Conference on High-Tech Crime' took place in Tokyo from 22 to 24 May 2001. Concrete steps for co-operation were worked out for the areas of prosecution, perpetuating evidence, prevention and protection of electronic business against attacks. The aims of these steps are to better protect citizens against criminal activity on the Internet and to facilitate prosecution of Internet crime motivated by right-wing extremism. The Federal Government is committed to promoting further concrete steps for combating racist hate crime at an international level at the forthcoming G8 Conference of Ministers of Justice and of the Interior that is scheduled to take place in 2002 in Canada.

The Council of Europe was responsible for working out the Cybercrime Convention which was signed on 23 November 2001 by 26 Member States of the European

Union as well as by Canada, the United States, Japan and South Africa. During this work process, no consensus was reached on including the fight against incitement to racist hatred, and thus on the occasion of the 77<sup>th</sup> Franco-German Summit, Germany and France took the initiative by signing a supplementary protocol to the Convention. In this Declaration the two signatory states obligate themselves to effectively combat the dissemination of racist and xenophobic ideology throughout the Internet. The Federal Government is actively involved in deliberations, which began in December 2001.

The FMJ, together with the Simon Wiesenthal Center in Los Angeles and the Friedrich Ebert Foundation, carried out the international conference on 'Spreading Hatred on the Internet' on 26 and 27 June 2000, at the end of which the so-called 'Berlin Declaration' was signed. The aim of the Declaration is to set an example to politics, trade and industry and civil society that they must all form a global alliance to combat the dissemination of hatred towards minorities on the Internet in order to ensure that in future the Internet facilitates free discussion between cultures and thus contributes to people living together peacefully. The efforts aim to create a global consensus and to agree on at least a minimum number of international provisions making actions punishable across the world, so that transgressions of freedom of expression are condemned and prosecuted everywhere.

### **Developing and Evaluating Approaches to Prosecuting Right-wing Extremist Web Sites made Available by US Providers**

The majority of German-language right-wing extremist homepages with criminal content are put on the Web by foreign providers — predominantly those with seat in the United States. Whereas in Germany right-wing extremist Web sites are punishable as propaganda crimes or as incitement to hatred pursuant to § 86, 86a and 130 Criminal Code, right-wing extremist Web sites set up in the United States are to a large extent not punishable, since they fall under the protection of the First Amendment to the American Constitution ("freedom of speech"). Criminal investigations are thus only initiated in the United States if the action constitutes a call to violence against a person/object and the perpetrator shows serious intent and seems in the position to carry out the threat or to have it carried out by others.

In view of this problem, in September of last year agreement was reached between the Federal Minister of the Interior, the Presidents of the Federal Office of Criminal Police and Federal Office for the Protection of the Constitution and representatives of the FBI on intensifying bilateral co-operation in this area. In the course of an

exchange of information following the signing of the agreement by German and US security authorities, measures to support investigations into identifying known providers of incriminated German-language Web pages was agreed in accordance with what is legally possible in the United States.

Collaboration with internationally active NGOs plays an important role for the Federal Government in this context. Close co-operation between the Federal Office for the Protection of the Constitution and two human rights organisations, the Simon Wiesenthal Center and the Anti-Defamation League has, for example given these access to a list of all known, right-wing extremist Web sites with criminal content compiled by the Federal Office for the Protection of the Constitution. This supports the above-mentioned organisations (in part at least successfully) in their efforts to move providers located in the United States to banish particularly disgusting inflammatory slogans from the Internet.

### **Encouraging Voluntary Self-Regulation by Providers and Users of Internet Services**

Voluntary self-regulation of the Internet by providers and users constitutes an important supplementary measure to state ones. That is why the Federal Office of Criminal Police has several times already approached providers and online services at organised events in order to intensify the exchange of information on right-wing extremist Web pages and to initiate a joint approach with providers against right-wing extremist Web sites. Co-operation with various non-state organisations and youth protection institutions have served a similar function: The Federal Office for the Protection of the Constitution is supporting the work of 'Jugendschutz.net', a joint initiative of the top youth protection authorities of the federal *Länder*. This programme cautions providers of illegal Web sites and informs providers if these sites remain online despite such a warning.

### **Media Policy in E-commerce**

In addition, efforts relating to media policy are necessary in appropriate cases to put a stop to the dissemination of right-wing extremist ideology via the Internet. After the FMI became aware in July 1999 that Hitler's "Mein Kampf" and other National Socialist literature was available on the Internet through two e-commerce companies, (barnesandnoble.com and Amazon in the United States), the FMJ approached the then Minister of Justice of the United States with a request for help so that no inciting, anti-Semitic literature or right-wing propaganda could be imported into Germany from

the United States. The FMJ approached Bertelsmann Publications, which has a 40% share in barnsandnoble.com, with a request that the company use its influence to stop the sale of the above-mentioned literature in Germany. Amazon and barnesandnoble.com stopped deliveries of “Mein Kampf” to Germany in November and December 1999, respectively.

#### **e. Media Policy Approaches to Combating Right-wing Extremism, Xenophobia, Anti-Semitism and Violence**

In the field of media policy the state is responsible for creating the appropriate legal preconditions for radio and TV stations to actively combat right-wing extremism, xenophobia, anti-Semitism and violence. In accordance with the principles regarding programmes that are set out in the Broadcasting Agreement Between the Federal Länder (*Rundfunkstaatsvertrag der Länder*) and the broadcasting and media laws of the federal *Länder*, the broadcasters are to contribute to reinforcing a respect for life, freedom and physical well-being and other people’s beliefs and opinions; this is generally also understood to comprise the task of working to combat social discrimination. The supervision of media providers on the part of the federal *Länder* as manifest in the federal *Länder*’s broadcasting laws and the self-regulation of committees in public broadcasting authorities guarantee these principles are abided by.

The Federal Government believes that these principles are adequately implemented within the framework of radio providers’ autonomy regarding programming. Public stations are fulfilling their special social responsibility with respect to combating right-wing extremism by broadcasting programmes on National Socialism, reports and media discussions of current incidents influenced by right-wing extremist ideology as well as a critical appraisal of inhuman and anti-democratic ideologies linked to these and their social causes. The Federal Government itself is not able to initiate media policy measures in connection with radio and TV since according to constitutional law the public and private broadcasting stations are not under the control of the state, since on the basis of current legislation it is the federal *Länder* who are responsible for radio and TV.

#### **f. Combating Organised Right-wing Extremism as well as the “New Right” with Lasting Effect**

The above-mentioned preventative approaches and measures carried out by the security authorities to combat right-wing extremist, xenophobic and anti-Semitic

criminal and violent offences are primarily directed at individuals. However, if organisations have formed with the purpose of disseminating right-wing extremist ideologies and these are directed against a free and democratic constitutional state, the Federal Government makes use of the means available to it to monitor and prohibit such structures permanently and gives citizens detailed information on relevant activities.

### **Close Surveillance of Right-wing Extremist Structures**

Developments in right-wing extremist organisations as well as the so-called *Neue Rechte* ('New Right'), an intellectual movement in the right-wing extremist scene which seeks to intellectualise its ideology, are under close surveillance by the Federal Office for the Protection of the Constitution. In an Annual Report of the Office for the Protection of the Constitution (*Verfassungsschutzbericht*), the public is given comprehensive information on endeavours by groups opposed to a free, democratic constitutional system.

### **Ban on the *Blood & Honour Division Deutschland* and its Youth Organisation *White Youth***

Article 9 para. 2 of the Basic Law prohibits organisations whose purpose or activities run counter to criminal laws or who are against a constitutional system or the idea of international understanding. Banning orders pursuant to § 3 of the Act Regulating Clubs and Associations (*Vereinsgesetz*) are issued by the Federal Minister of the Interior in the case of national organisations. The Federal Government made use of its prerogative to have clubs and associations banned in the case of the internationally active neo-Nazi skinhead organisation *Blood & Honour Division Deutschland* and its youth organisation *White Youth*. The banning order of 12 September 2000 became incontestable following the dismissal of the action before the Federal Administrative Court on 13 June 2001.

As a result of the ban, *Blood & Honour* has ceased its endeavours; former structures have either been broken up or have become incapable of further action. Since *Blood & Honour* was particularly active in organising skinhead concerts, the ban (in connection with increased surveillance and controlling by the security authorities) has visibly weakened the right-wing extremist music scene. This is also reflected in the reduction in the number of right-wing extremist skinhead concerts: in 2000 the number had dropped by one-quarter in comparison to the previous year (2000: 82; 1999: 109) and this trend continued, albeit somewhat slower, in 2001.

## **Petition Filed by the Federal Government to Ban the NPD**

The Federal Constitutional Court is responsible for decisions on whether political parties are unconstitutional on the basis of petitions filed by the Federal Government, the *Bundestag* or the *Bundesrat*.

The NPD plays a central role in right-wing extremist activities. It is becoming increasingly successful in attracting young supporters who are willing to use violence, it tries to redefine social protest as a basic hatred of democracy and the rule of law, is responsible for spreading unconstitutional ideas that are closely related to National Socialism, such as calls for a totalitarian system of government and social order, and it is racist and anti-Semitic. Against this background, in January 2001 the Federal Government filed an application with the Federal Constitutional Court to ban the NPD on the grounds that the party is unconstitutional; in March 2001 the *Bundestag* and the *Bundesrat* followed suit.

Imposing a ban on any party is a tough form of intervention in society's freedom of organisation and should thus only be used as a last resort. The NPD's unconstitutional activities had reached such proportions that the Federal Government no longer wished to tolerate them. In particular the state, which is built upon the foundations of democracy and the rule of law, is no longer prepared to stand by and do nothing against organised racism and anti-Semitism.

A ban imposed by the Federal Constitutional Court would mean that the NPD would no longer be able to put forward its unconstitutional party political aims in public since it would no longer constitute an organisation. Right-wing extremism would be bereft of the opportunity to use the NPD as a podium for its propaganda and as a collecting pool for the right-wing movement. A ban would send out a signal, especially to adolescents and young people who have sympathised with the NPD's aims, that the party has overstepped the limits of what is permissible in a democratic state under the rule of law.

The Federal Constitutional Court combined the three petitions to form a single application. The Federal Government will continue to pursue the case even in the wake of revelations of the involvement of an NPD functionary who was a former informant and contact of the German intelligence service and despite the subsequent controversial debate on using such contacts. The aims of the NPD are clearly and aggressively directed against a free, democratic constitutional system.

**g. Dropping Out — Programmes for Dropouts Funded by the Federal Administration and the Federal Länder**

The state is morally obligated to betray no-one to the right-wing scene — especially in the case of young people, whom right-wing extremists consciously single out. That is why the Federal Government has drawn up a programme for dropouts of the right-wing extremist scene which is supervised by the Federal Office for the Protection of the Constitution. The programme, launched in April 2001, aims to induce sympathisers (*Mitläufer*) to seriously consider dropping out of the scene. Also, the goal is to weaken and unsettle the leaders of the right-wing extremist scene by such successful attempts to “break out”.

The Federal Office for the Protection of the Constitution has an active role in this matter, approaching leaders and activists in the scene if there are signs that they might successfully induce these people to break out of their previous social environment. Furthermore, a telephone hotline run by the Federal Office for the Protection of the Constitution (a passive role) gives those willing to drop out the opportunity to contact trained employees at the Court. These can then provide callers with help to help themselves depending on the individual circumstances so that callers can detach themselves from their previous social environment (e.g. help in looking for accommodation and jobs in co-operation with the labour, youth and social welfare offices).

Since the programme was launched, around 750 people have used the hotline to contact the Federal Office for the Protection of the Constitution; around 170 of these were classed as “potentially willing to drop out”. Around 66 are or were being looked after, in some cases intensively (April 2002). These include cases in which a positive prognosis can already be made.

Moreover, similar programmes for dropouts have been planned or already implemented in nearly all the federal *Länder*, although their concepts and main emphases differ from that of the Federal Office for the Protection of the Constitution’s programme, as does overall responsibility (they are, for example attached to state criminal investigation departments of the federal *Länder*, ministries of justice, youth and social welfare authorities or authorities responsible for the protection of the constitution). The Federal Administration’s programme, which the Federal Office for the Protection of the Constitution is responsible for looking after and which is aimed at detaching leaders as well as sympathisers, thus complements the concepts developed by the federal *Länder*.

## **h. No Public Funding for Right-wing Extremist Organisations and Academics**

On no account should right-wing extremist organisations be allowed access to state funding. Applicable statutory regulations and their enforcement by the responsible authorities take account of this principle: corporations that follow extreme political goals are not charitable pursuant to applicable law. Tax offices not only check once whether a co-operation fulfils the prerequisites for it to be recognised as charitable, but carry out such checks subsequently at regular intervals. In addition, the highest level federal and federal *Länder* financial authorities ensure that the tax offices follow up any information, for example from the authorities responsible for the protection of the constitution or from citizens, on extremist activities of corporations recognised as charitable in order to uncover and eradicate shortcomings in previous enforcement (which cannot be excluded in individual cases).

The federal authorities are also responsible, for example by using information the Federal Office for the Protection of the Constitution has become party to, for ensuring that extremist organisations are not given financial support in their respective area of responsibility.

The same must also apply to financial support given to academics as part of state-funded study and research programmes. The study programmes for foreign academics financed by the Federal Foreign Office, for example who come to Germany for study or research purposes, are carried out by experienced intermediaries, primarily the Alexander von Humboldt Foundation (AvH) and the *Deutscher Akademischer Austauschdienst* (DAAD, German Academic Exchange Service). Both organisations are international co-operations guided by the spirit of tolerance and liberal-mindedness. Applicants for grants who disseminate right-wing extremist ideology are incompatible with these aims. Funding such candidates would clearly go against the aims and principles of these intermediaries.

Decisions on which projects to sponsor are made by independent academic selection committees. The criterion that is of primary importance is the applicant's academic qualifications. The selection committees furthermore base their decision on a research plan, a list of publications and independent references. In the case of the DAAD, the selection procedure generally also includes an interview with the candidate.

These selection committees have decades of experience and tradition in selecting candidates to fall back on. Based on careful selection and a thorough assessment process one can confidently say that financial support for academics who spread right-wing extremist ideologies can be ruled out.

#### **i. Possibilities and Limitations for Excluding Right-wing Extremists from Using Public Facilities**

With reference to calls that have been made for legislation to ensure that right-wing extremists are not given access to rooms or infrastructure for their activities in publicly funded institutions, one must first note that local government authorities only have limited legislative powers to keep either right-wing extremist parties and organisations on which no ban has yet been imposed, their representatives or local right-wing extremist activists away from public facilities. In the case of political parties this results from Art. 21 of the Basic Law, Art. 3 of the Basic Law in combination with § 5 para 1 Political Parties Act (*Parteiengesetz*) and corresponding regulations in the federal *Länders'* municipal regulations. Insofar as public authorities make facilities available to such parties or make other public services available to them, each party has a right to claim equal treatment (pursuant to invariable practice in the administrative courts)<sup>16</sup>. The municipality in question may not rely on the unconstitutional endeavours of a party so long as the Federal Constitutional Court has not judged it to be unconstitutional (cf. Art. 21 para. 2 Basic Law)<sup>17</sup>. However, other principles may apply in instances in which the facilities are not to be used for the purposes to which they were appropriated (dedicated), available capacity is exhausted or there are indications that the proposed use to which they are to be put will lead to an infringement of the law<sup>18</sup>. The Federal Government appeals to local government authorities to ensure that activities that go counter to the purposes for which facilities were dedicated or appropriated as well as criminal activities are prosecuted and, if necessary, that they lead to a prohibition of use by consistently supervising such use.

#### **j. Observing, Analysing and Informing on Occult, Pagan and Esoteric Right-wing Extremist Tendencies**

In isolated cases right-wing extremists have attempted to win supporters by appealing to common ground held with democratic or apolitical sections of our

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<sup>16</sup> Cf. e.g. Mannheim Higher Administrative Court, DÖV 1990, 149 (150)

<sup>17</sup> Mannheim Higher Administrative Court, loc. cit.

<sup>18</sup> Cf. for a comprehensive review of the legal situation, e.g. Gernot Lissack, *Bayerisches Kommunalrecht*, 2<sup>nd</sup> ed., München 2001, side note 73 ff.

society in order to overcome their status as a fringe group in society. These include, for example the “dark-wave” and “gothic” youth subculture which they sometimes try to forge links with on the basis of their common neo-pagan ideas. However, it is only a small minority of those involved in this scene who are actually drawn to right-wing extremist ideology. The Federal Office for the Protection of the Constitution is monitoring right-wing extremist attempts to influence such groups within the framework of statutory regulations and has given details on the matter, for example in its 1999 Report of the Office for the Protection of the Constitution<sup>19</sup>.

A select committee of the 13<sup>th</sup> *Bundestag* presented a comprehensive report and made a number of recommendations to the *Bundestag* on ‘So-called sects and psycho-groups’. The parliament has since been debating these recommendations in plenum as well as in ten committees. The final round of talks which will provide a reliable basis for political action has yet to take place. Before implementing target-oriented strategies, the *Bundestag* must, however, make an overall decision on recommendations made in the field of so-called sects and psycho-groups.

However, one may now already assume that measures and campaigns against right-wing extremist tendencies in the area of so-called sects and psycho-groups should, if at all possible, not be carried out in isolation, since only integrated, complex measures are believed to be sensible. In view of the very fragmentary, confusing and volatile occult, pagan and esoteric scene, isolated measures would most probably have a counterproductive effect.

### **III. Combating Racism and Xenophobia at an International and European Level**

Racism, racial discrimination and xenophobia are worldwide phenomena which must be fought at a worldwide level. The elimination of these and other forms of intolerance is thus the principle concern of international efforts to protect human rights. Given its past, Germany has a particular responsibility, both with respect to internal policies as well as to external policies: it needs to combat right-wing extremist, xenophobic and anti-Semitic activities internally and to encourage its citizens to adopt a tolerant and open world view; externally, it needs to become involved in common tasks with other governments, such as preventing racially-motivated conflicts or planning international agreements.

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<sup>19</sup> Cf. 1999 Report of the Office for the Protection of the Constitution, published by the Federal Ministry of the Interior, Bonn/Berlin 2000, p. 84ff.

The successful conclusion to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 and the submission to the individual complaints procedure pursuant to Art. 14 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD)<sup>20</sup> were therefore important concerns of the Federal Government.

Such incidents involving foreign residents are monitored especially closely abroad, particularly in the home countries of victims of racist offences — not only because of Germany's National Socialist past, but also because the country has admitted many foreigners since that time. The image that Germany has in the world in its dealings with racism and xenophobia is thereby to a large extent influenced by the opinions of multi-lateral and regional observers, such as:

- Conclusions and recommendations of the UN Committee on Eliminating All Forms of Racial Discrimination based on periodical reports by the Federal Government on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD; UN Doc. CERD/C/304/Add.115 of 27 April 2001 [www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf));
- Report by the UN Special Rapporteur on Racism following a visit to Germany in September 1995 (UN Doc. E/CN.4/1996/72/Add.2 of 18 November 1996 [www.unhchr.ch/huridocda/huridoca.nsf](http://www.unhchr.ch/huridocda/huridoca.nsf)) and his annual reports on activities (most recently UN Doc. E/CN.4/2001/21 of 6 February 2001 [www.unhchr.ch/huridocda/huridoca.nsf](http://www.unhchr.ch/huridocda/huridoca.nsf));
- Annual and other reports by the EUMC (<http://eumc.eu.int>), most recently for example the study on 'Attitudes towards minority groups in west and east Germany', April 2001;
- Country reports of the European Commission Against Racism and Intolerance (ECRI), most recently its Second Report on Germany (Council of Europe Doc. CRI(2001)36; [www.ecri.coe.int](http://www.ecri.coe.int)) of 15 December 2000;
- Monitoring mechanisms of the two binding Council of Europe conventions on international relations on minority issues (Framework Convention on the Protection of National Minorities, European Charter for Regional and Minority Languages).

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<sup>20</sup> Cf. the section "Protecting Victims — Improving Victims' Rights", p. 66 ff.

These institutions primarily focus on how the government and the public in Germany treat foreign residents — more so than on racist or right-wing extremist incidents in relation to Germany's history. They monitor particularly closely how the police and prison staff deal with foreign residents, as they do the image of foreigners as portrayed in some of the media and the situation of asylum seekers. The new Nationality Law is unanimously acknowledged as a positive step. Following numerous serious racist violent attacks, the country has the image of one that has an especial problem with racism and xenophobia, but also that it has recognised the problem and is taking steps to deal with it. Observers all acknowledge that although it has taken Germany some time to face up to the issue of immigration — and that it is finding the process difficult — it is nevertheless approaching the matter with an open mind.

Such analyses are helpful even if and especially when they are critical. The Federal Government takes them seriously and tries hard to eliminate any shortcomings that are uncovered or, if it is confronted with perceptions that it does not agree with, to defend its position. Internationally binding agreements which the Federal Republic of Germany has entered into thus have repercussions for internal policy. The same applies to the results of the Third World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, which the Federal Government is currently working to implement.

## **1. UN World Conference Against Racism, Durban, South Africa and Other International Conferences**

### **European Preparatory Conference**

Preparations for the World Conference were carried out in regional conferences. The first of these preparatory conferences was the European Conference Against Racism, which the Council of Europe organised for the region of Europe from 11 to 13 October 2000 in Strasbourg<sup>21</sup>. Taking part in this conference were the Member States of the Council of Europe, international organisations involved in combating racism, institutions of the Council of Europe, the European Union, the OSCE, the UN and national institutions (with the Federal Government Commissioner for Matters Relating to Foreigners representing Germany) and 82 national and international NGOs. The conference took place immediately after a conference of NGOs, the results of which were integrated into the European conference.

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<sup>21</sup> Cf. [ecri.coe.int/en/07/01/e07010001.htm](http://ecri.coe.int/en/07/01/e07010001.htm)

The Federal Government was in agreement with the other Member States of the Council of Europe that the regional preparations should in particular look into conditions in each respective region. For that reason the European Conference dealt with the following topics in a local, national and European context in four working groups:

- Legal measures to provide protection against racism and racial discrimination;
- Practical measures for combating racism and racial discrimination;
- The role of education and raising an awareness in the fight against racism;
- The role of information, communication and the media in the fight against racism and racial discrimination.

At the conference the Federal Government presented the 'Alliance for Democracy and Tolerance — Against Extremism and Violence', which had been launched by the FMI and the FMJ, as a national initiative in line with European and international preparatory activities prior to the World Conference Against Racism.

### **The World Conference**

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, began on 31 August and ended one day later than planned, on 8 September 2001.

Delegations from 170 countries, the Holy See, the Palestinian Authority, United Nations institutions, representatives of the Council of Europe and the European Union as well as other intergovernmental institutions took part in the conference. The NGOs adopted their own concluding document in Durban, although this was not signed by all the NGOs taking part: organisations such as amnesty international and Human Rights Watch distanced themselves from the document which they, like the Federal Government, felt was directed against Israel in a one-sided fashion. Notwithstanding, German NGOs provided important impulses for the work of the German delegation, especially during the preparatory process. For the first time a representative of an NGO (Human Rights Forum) was an official member of the German delegation.

After the First and Second World Conferences Against Racism (1978 and 1983 respectively) had been overshadowed by the Middle East conflict and had ultimately failed due to irreconcilable differences, the Federal Government considered the Third World Conference as an opportunity to discuss racism, racial discrimination, xenophobia and related intolerance as phenomena which manifest themselves in various ways in the world. The Federal Government focused particularly on the issues of anti-Semitism, the importance of education in prevention, combating hate propaganda particularly in the Internet, banning extremist organisations and fostering tolerance between the religions. Particular attention was paid to the question of discrimination against refugees and immigrants as well as the multiple discrimination of women.

However, in the run-up to the Conference and even more so during the Conference, it became clear that it was not going to be possible to avoid the Conference being politicised yet again.

The Middle East conflict and the situation of the Palestinian population in the occupied territories were matters of heated debate. The Conference was overshadowed by the withdrawal of the United States and Israel on 3 September 2002, with both countries wanting to protest against the threatened playing down of the Holocaust and anti-Semitism as well as against the singling out of Israel. In this situation it was in particular EU partners who contributed to the Conference still being able to agree on viable compromises, even on such difficult and controversial issues. These take into account Europe's particular responsibility towards the fight against anti-Semitism and its ties with Israel.

In the course of the conference the issue of colonialism, slavery and the demand for a formal apology for past injustice were fiercely debated. Literally at the last moment a compromise was then reached. Contrary to everyone's expectations, a consensus was reached on two concluding documents, a Declaration and a Programme of Action. This unanimous agreement on the texts can be seen as a success after the failure of the two previous conferences in 1978 and 1983. The German delegation tried to build bridges between seemingly irreconcilable differences. Given its less incriminating colonial past but its particular profile in terms of issues relating to the Middle East, the Federal Republic played a prominent role and was a driving force in seeking compromises on behalf of the European Union. Against the background of our own history, the Federal Government had tried to win support during preparations in Europe to take seriously the wish of many African countries to discuss historical wrongs, too. Statements on dealing with historical injustice set out in the concluding

document of the European preparatory conference are to a large extent down to suggestions put forward by Germany.

Despite unfavourable attendant circumstances, the agreement on measures to fight today's manifestations of racism and xenophobia was in the end reached, which was the most important issue of the World Conference on Racism in the eyes of the Federal Government.

The Federal Government had therefore been actively involved in preparations regarding this issue and at the Conference itself the German delegation took great pains to ensure that the concluding documents, which contained substantial statements on combating current forms of racism and xenophobia, were in fact signed. Despite the overall very politicised atmosphere, these efforts met with success. A global consensus has thus been reached on numerous issues which are important to the Federal Government at a national level, including in particular the following areas:

- Measures against the discrimination of foreign residents seeking work and in the workplace;
- Integration of refugees to prevent discrimination;
- Combating the slave trade; deeming victims as worthy of special protection;
- Regulations to protect minorities;
- Specific measures to protect Roma and Sinti;
- Educating children and adolescents;
- Human rights education, especially in training and further training for enforcement staff (police and prison staff);
- Combating racism on the Internet and in the new media, in particular by promoting self-regulation on the part of providers and calling for the punishability of racist offences perpetrated via the Internet;

- Collecting data on combating racism; ensuring that the requirement that each individual be in agreement with data being recorded is fulfilled as well as that data only be used for the purpose for which it was recorded;
- Involving NGOs and civil society in combating racism and xenophobia;
- Protecting victims of racist violence; combating exemption from punishment.

Following a delay of several months due to differences of opinion on the wording of the agreement reached in Durban, the concluding documents were published on 2 January 2002<sup>22</sup>. They were endorsed by a resolution of the Third Committee of the UN General Assembly. They constitute the yardstick and guiding principles for measures to combat racism and xenophobia at a national, regional and international level.

The Federal Government has begun co-ordinating the measures needed to implement the Durban Agreement. During this implementation process it will work closely with NGOs. A first meeting of experts took place in February 2002 in Strasbourg under the auspices of the Council of Europe, which had already been responsible for organising the regional preparatory conference. During the meeting the governments of the Member States of the Council of Europe exchanged views on measures they had already taken and those that were to be taken at a national and regional level.

As a follow-up to the conference, agreement was reached that the High Commissioner for Human Rights would report to the General Assembly and the Commission on Human Rights annually on the implementation of measures agreed in Durban. She is to co-operate with five independent high-level experts appointed by the UN Secretary-General on this.

### **International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination, Madrid, 23–25 November 2001**

At the invitation of the Special Rapporteur on Freedom of Religion, Abdelfattah Amor, a conference on school education in relation to freedom of religion and belief, tolerance and non-discrimination took place from 23 to 25 November 2001 in Madrid.

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<sup>22</sup> Cf. [www.unhchr.ch](http://www.unhchr.ch) or in German [www.auswaertiges-amt.de](http://www.auswaertiges-amt.de)

The Minister for Culture in Brandenburg, Steffen Reiche, as well as representatives of the Federal Foreign Office took part in the conference. Agreement was reached on a concluding document which is to contribute towards an international strategy for school education in the aforementioned areas.

## **2. German Report to the UN Committee on Eliminating Racial Discrimination; Conclusions of the Committee**

On 29 June 2000 the Federal Republic of Germany presented its 15<sup>th</sup> state report to the United Nations Committee on Eliminating Racial Discrimination pursuant to Art. 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (CERD/C/338/Add.14).

This report outlines developments since Germany's 13<sup>th</sup>/14<sup>th</sup> periodic report of 1 May 1996 (CERD/C/229/Add.5). In its conclusions on the report of 20 March 1997 (CERD/C/304/Add.24)<sup>23</sup> the Committee expressed its concern about numerous acts of xenophobia and racial discrimination, along with anti-Semitic attitudes and hostility towards certain ethnic groups and racist violence occurring in Germany. In its 15<sup>th</sup> periodic report the Federal Government confirmed that it sees combating xenophobia and racism as a priority task of the state and of society and described what measures both the state and civil society in Germany were taking in this respect.

The Committee discussed the report<sup>24</sup> in March 2001 in verbal negotiations with the German delegation, which comprised representatives of various federal ministries and a representative of the ministry of the interior of one federal *Land*. In his opening statement on presenting the report the Agent of the Federal Government for Matters Relating to Human Rights (at the FMJ) drew particular attention to the alarming increase in right-wing extremist, xenophobic and anti-Semitic criminal offences in Germany in 2000 and emphasised that the Government was giving absolute top priority to combating racism and xenophobia. It was therefore also seeking to enter into constructive dialogue with the Committee.

In its conclusion of 22 March 2001 (CERD/C/58/Misc.21/Rev.4) the Committee paid tribute to the openness with which the German Government had presented its report. It shared the Government's concern at the increase in racist violence and also showed its concern in the light of repeated reports of racist incidents at police

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<sup>23</sup> Both documents available at: <http://www.unhchr.ch/tbs/doc.nsf> .

<sup>24</sup> The complete report and final statements by the Committee are available to the public on the Internet at [www.bmj.bund.de](http://www.bmj.bund.de) and [www.auswaertiges-amt.de](http://www.auswaertiges-amt.de) in German and English

stations or towards asylum seekers and the rise in racist propaganda on the Internet. On the other hand, it welcomed the banning of several right-wing extremist organisations as well as the creation of several special programmes on combating racism and xenophobia in young people and was satisfied to note that the Nationality Law had been reformed and that the Foundation “Remembrance, Responsibility and the Future”, which is to make financial compensation to former forced labourers, had been set up. Furthermore, the Committee expressly welcomed the fact that an independent German Human Rights Institute was to be established, that the *Bundestag* was to form a Committee for Human Rights and that the Federal Government was to publish a report on its human rights policy<sup>25</sup>.

Germany is to present its next periodical report on 15 June 2004.

### **3. Combating Racism, Xenophobia and Anti-Semitism at a European Level**

Particular attention is being given to combating racism and xenophobia at a European level, too.

Within the EU the Federal Government is a resolute and active supporter of further stepping up the fight against racism and xenophobia and views the following principles and measures as particularly significant at a European level:

- Societies in Europe are multi-cultural and multi-ethnic. Such diversity has a positive effect and is enriching. One can observe racist and xenophobic behaviour across the whole of Europe; racist and xenophobic attitudes continue to prevail;
- Racism and xenophobia constitute a direct breach of the principles of freedom, democracy, respect for human rights, basic rights of freedom and the principle of the rule of law on which the European Union is founded and which are common to every Member State (as laid down in Art. 6 of the EC Treaty). The EU is obligated to respect basic rights as guaranteed in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe) and as a result of general principles of EU law based on joint constitutional laws of the Member States;

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<sup>25</sup> Cf. the section “The foundations: political action based on a pro-active human rights policy”, p. 14 ff.

- The Treaty of Amsterdam added a new Art. 13 to the EC Treaty, giving the EU the wide-ranging authority<sup>26</sup> to take legislative measures to combat discrimination. Based on this article, the EU presented an anti-discrimination package, consisting of Council Directive 2000/78/EU of 27 November 2000 on establishing a general framework for equal treatment in employment and occupation (OJ EU L 303 p. 16) and Council Directive 2000/43/EU of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ EU L 180 p. 22)<sup>27</sup> as well as the EU programme of action on combating discrimination for 2001–2006;
- The basic right to and principle of non-discrimination in the EU has been reinforced and strengthened following the proclamation of the EU Charter of Fundamental Rights on the occasion of the European Council of Nice on 7 December 2000.
- The Vienna Plan of Action, which covers the best possible means of implementing regulations in the Treaty of Amsterdam for establishing an area of freedom, security and the rule of law, lists racism and xenophobia as specific forms of crime that need to be examined to determine what concept the EU can develop to combat the phenomena;
- The Council of Europe concluded on 15/16 October 1999 in Tampere that racism and xenophobia must be fought more decisively following a statement by the Commission on its plan of action against racism;
- On 15 July 1996 the Council already implemented a measure based on Art. K.3 of the EC Treaty with respect to combating racism and xenophobia, whose main goal is co-operation between Member States in this field at the judicial level. In particular, preventative measures are to be taken so that offenders cannot exploit the fact that countries have different methods of prosecuting certain criminal offences by moving to another country to avoid prosecution. The Member States were called upon to make punishable by law racist and xenophobic behaviour as listed in the joint project or to drop the principle of mutual punishability. Plans have also been made for racist and xenophobic documents and photographs to be seized and confiscated as well as information to be exchanged;

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<sup>26</sup> Cf. section on “Breaking down discrimination: regulations for equal opportunities in how we live and work together — national anti-discrimination legislation” S. 56ff.

<sup>27</sup> Ibid.

- In its decision of 21 September 2000 the European Parliament called for this joint measure to be supplemented by a framework agreement. On 28 November 2001 the EU Commission put forward its proposal for a framework decision on combating racism and xenophobia which constitutes a development of the above-mentioned joint measure. It provides for harmonisation of measures to combat racism under criminal law: punishability of certain racist behaviour, harmonisation of punishments for certain crimes, reducing obstacles to prosecution. The FMJ is intensively involved in work on this framework agreement, which was dealt with for the first time on 24 January 2002 in the Working Group of the Council on Substantive Law;
- Combating racist and xenophobic Web sites is a further area which requires a joint approach at a European level and beyond. As stated in the Commission's Communication on Creating a Safer Information Society by Improving the Security of Information Infrastructures and Combating Computer-Related Crime (COM(2000)890), the increasing spread of racist and xenophobic Web sites is cause for concern<sup>28</sup>. The European Union's intention to apply uniform criminal law regulations would be a significant step forward in combating racism and xenophobia on the Internet and would provide Internet users with a secure and crime-free environment. The Council of Europe Agreement on Combating Data Network Crime is of particular importance in this context<sup>29</sup>;
- The Commission aims to make the dissemination of racist and xenophobic material on the Internet punishable in all Member States. This is based on the underlying idea that whatever is illegal offline should also be illegal online;
- On the initiative of Germany and France, the European Union has inaugurated its own institution to monitor the situation in its Member States and in the community as a whole; the EUMC was officially opened in Vienna in April 2000. The Council of Europe has followed suit: The ECRI monitors the situation in the Member States and makes recommendations on improving both national and European standards of protection. The choice of the topic "Combating Racism and Xenophobia" for the Franco-German Summit on 12 June 2001 in Freiburg underlines the importance of the issue for Germany both at a national and European level;

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<sup>28</sup> Cf. in general the section "Consistently investigating and prosecuting right-wing extremist Internet pages under criminal law", p. 70

<sup>29</sup> Cf. more specifically the section "Initiating and supporting international strategies to combat right-wing extremist criminal Web pages", p. 71ff.

- Since the terrorist attacks of 11 September 2001, special prominence is being given to the issue of racism and intolerance. In reacting so quickly to the changed situation in terms of internal and external security, the Federal Government is aware of the especial challenge of protecting the Muslim community from general suspicion and social exclusion.

#### **4. European Instruments for Monitoring Racism and Xenophobia (ECRI, EUMC) — Influences at a National Level**

##### **European Commission Against Racism and Intolerance**

Following the resurgence of xenophobic activity in Europe and not least of all in Germany (e.g. at Hoyerswerda and Mölln), the summit of heads of state and government of the Member States of the Council of Europe agreed a plan of action to combat racism, xenophobia, anti-Semitism and intolerance and established the European Commission Against Racism and Intolerance (ECRI) in October 1993 in Vienna.

The ECRI has been given the task of examining and evaluating the effectiveness of existing legislative, political and other measures in the Member States of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance and of working out further suggestions on fighting these phenomena.

The ECRI comprises experts from all Council of Europe Member States. These specialists are personally appointed by their respective governments and are not bound by instructions from the Council of Europe Member State that sent them. Rather they work under their own authority, in the strictest confidence, according to the principle of consensus applicable outside the scope of intergovernmental co-operation in the Council of Europe. The German ECRI representative is the Agent of the Federal Government for Matters Relating to Human Rights at the FMJ. As well as sending government officials, the Member States dispatch academics, former parliamentarians, representatives of human rights organisations, ombudsmen and -women, judges or other independent people. To ensure the necessary level of confidentiality in co-operation between ECRI experts, the Federal Government does not insist on the German ECRI representative reaching agreement with any particular department on what position to take up.

The ECRI has the following main emphases:

- Examining the effectiveness of legislation, policies and other measures on combating racism, xenophobia, anti-Semitism and intolerance;
- Formulating recommendations to politicians in the Council of Europe Member States;
- Examining existing tools available under international law in this field with a view to whether they may need to be improved; and
- Evaluating national implementation (adoption/ratification) of instruments available under international law.

The crucial aspect of the work of the ECRI is its country-specific approach: so-called country-by-country (CBC) groups of two to five ECRI members examine other Council of Europe Member States to find out what forms of racism and xenophobia exist there and how the Member States are dealing with the phenomena. The respective Member States are visited by members of a CBC group (reporters) to hold discussions with representatives of the respective government and NGOs. ECRI representatives are not allowed to be involved in visits to their own country. A draft of the report is discussed with a National Liaison Officer (NLO) appointed by the respective government; the final version is then passed on to the government of the country visited for publication. The country investigated may deny publication of the report, although this has not been the case yet in ECRI practice.

To date two rounds of reporting have been carried out, the first finishing at the end of 1998. The ECRI has been working on the second round according to the above-mentioned CBC approach since 1999; it is to be completed by December 2002.

In its second report of 15 December 2000 on Germany, the ECRI recognised that Germany had taken a series of steps over the previous years to combat racism and discrimination. The Commission made particular mention in this context of the fact that several international legal measures had been ratified and that the Nationality Law had been amended so that it was easier for children born in Germany of non-temporary foreign residents to get citizenship.

Nevertheless, the report stated that Germany was a society in which serious racially-motivated offences were still being committed: "This means that topics such as racism, anti-Semitism, xenophobia and intolerance still need to be recognised as

such and combated.” Current legislation and political measures had not proved to be sufficient.

In its report the ECRI recommends that the respective German authorities and institutions take further steps to combat racism and xenophobia in certain areas. The first step should be to improve the legal framework for fighting these phenomena and to demonstrate the need to eliminate discrimination in housing programmes, training and work. The ECRI particularly emphasises the necessity of “acknowledging that Germany is an immigration country and the positive contribution people of foreign origin make”. Furthermore, the ECRI sees the need to recognise the link between racist violent offences and racism, anti-Semitism and intolerance in general and to fight against it.

In his statement (which was included as an Annex to the report) the German NLO explained that these statements were too sweepingly generalised and did not correctly reflect the current situation in Germany. He said that Germany had recognised in good time what needed to be done to fight racism, anti-Semitism, xenophobia and intolerance and had initiated many steps on various levels. A government that was not aware of a problem would not take so many steps. The report was also contradictory, he said, in that it quoted measures that had been initiated in several places in the report. The reproach that these were insufficient contained the implicit reproach that (only) unsuitable measures had been initiated. Also, it was not fair to declare those measures that did not lead to immediate solutions to be ineffectual.

Along with its country-specific analyses, the ECRI commissioned a comparative study of the legal situation in the Member States and published a “basket of good practices” which outlines examples of measures Member States have taken to combat racism. Moreover, the Commission worked out general political recommendations which, amongst other things, apply to combating racism by means of general measures (Recommendation No. 1 of 4 October 1996), specific facilities (No. 2 of 13 June 1997) and with respect to Roma and Sinti (No. 3 of 6 March 1998)<sup>30</sup>.

## **European Monitoring Centre on Racism and Xenophobia**

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<sup>30</sup> These recommendations as well as the ECRI evaluations of Council of Europe Member States are available on the Internet at: <http://ecri.coe.int>

Racism, xenophobia and anti-Semitism are phenomena that are diametrically opposed to the basic European principles of cultural, ethnic and religious diversity. They constitute a threat which must be fought across the whole of Europe. One of the most pressing concerns of the European Union is thus to develop concrete measures and strategies for combating these phenomena. Monitoring racism and xenophobia in the EU Member States is an increasingly important role of the European Monitoring Centre on Racism and Xenophobia (EUMC), which was officially inaugurated on 7/8 April 2000 and constitutes an independent EU institution with seat in Vienna.

In accordance with Council Regulation (EC) No. 1035/97 of 2 June 1997 on Establishing the European Monitoring Centre on Racism and Xenophobia (EUMC), the main goal of the Centre is to make objective, reliable and comparable data on the phenomena of racism, xenophobia and anti-Semitism at a European level available to the Community and its Member States. It is also responsible for investigating the extent and development of its manifestations, analysing causes, consequences and effects and providing examples of best practices. The tasks of the EUMC include initiating corresponding research projects, setting up a documentation fund, promoting and establishing national round tables on the issue of racism and xenophobia in all Member States as well as regularly publishing an annual report.

On 18 December 2001 the EUMC presented its Annual Report for 2000 "Diversity and Equality in Europe"<sup>31</sup>. As well as outlining racist crimes in each individual Member State, the report contains a separate section detailing measures to combat racism. With respect to Germany and with reference to the Annual Report of the Office for the Protection of the Constitution 2000, the report notes a significant increase in racially-motivated criminal offences. However, at the same time it explicitly draws attention to the fact that this increase is also due to a very differentiated method of recording information in Germany, which is particularly comprehensive and explicit, as well as due to changes in behaviour in terms of reporting such crimes. The measures initiated in Germany for improving the integration of foreign residents, for example by means of the new Nationality Law, facilitating access to the labour market, establishing the Independent Commission on Migration to Germany (*Zuwanderungskommission*) and founding the 'Alliance for Democracy and Tolerance — Against Extremism and Violence' were deemed especially positive.

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<sup>31</sup> Cf. <http://www.eumc.eu.int>

The EUMC is setting up the European Information Network on Racism and Xenophobia (RAXEN) in which data and information are to be collected and collated. National Focal Points (NFP), which have now been established by the EUMC in every Member State, serve to provide it with the information from each respective Member State. NFPs can be private organisations, public offices, a consortium, a research institution or an NGO. They are appointed for two to three years following a call for tender. The EUMC has appointed the *Europäisches Forum für Migrationsstudien* (efms, European Forum for Migration Studies) as Germany's NFP, this being an institute at the University of Bamberg.

The data and information collected by RAXEN will in particular concentrate on the four following areas: the labour market, racial violence, education and legislation. At present the Member States have not yet standardised concrete methods of collating data so that data cannot yet be used for comparative studies. The Federal Government is committed to creating the tools required for collecting reliable data and for their analysis.

The Federal Government is working closely and constructively with the EUMC. Dr h.c. Joachim Gauck and Ms Barbara John, the Berlin Senate Commissioner for Matters Relating to Foreigners, are currently representing Germany on the EUMC's Management Board.

### **Should a National Office Analogous to the EUMC be Set up?**

The Federal Government is well aware that documenting and analysing right-wing extremist, racist, xenophobic and anti-Semitic criminal and violent offences and informing the public on these at a national and European level are particularly important.

The EUMC's 2000 Annual Report several times explicitly emphasises that Germany is doing well in recording data, documenting and analysing right-wing extremist, xenophobic and anti-Semitic crimes.

The new definition "politically-motivated crime" which was introduced on 1 January 2001 in Germany enables right-wing extremist, racist, xenophobic and anti-Semitic criminal and violent offences to be recorded in a more differentiated manner and thus

creates a further basis for targeted application of repressive and preventative measures to combat these phenomena<sup>32</sup>.

Germany already has numerous institutions that are attending to the tasks of documenting and analysing data, namely the Federal Office for the Protection of the Constitution, the Federal Office of Criminal Police, the German Human Rights Institute inaugurated following a decision by the *Bundestag* of 7 December 2000 (Doc. No. 14/4801), as well as the NFP (efms), which collects national data for the EUMC. Also, to implement the anti-discrimination Council Directive 2000/43 Art. 13 para. 1 the “office responsible for promoting equal treatment” must be established in Germany by July 2003 at the latest.

The annual publication of the Report of the Office for the Protection of the Constitution provides information about current levels of right-wing extremist, racist and xenophobic criminal and violent offences in Germany.

The First Periodical Report on Crime and Crime Prevention in Germany (*Erster Periodischer Sicherheitsbericht*) put forward by the Federal Government in July 2001 in addition gives a comprehensive overview of the development, structures and causes of crime in Germany. This also covers the area “politically-motivated crime”, to which one whole chapter is devoted. The report, which academics co-operated on, for the first time combines information gleaned from individual statistics (police crime statistics and statistics from those administering penal justice) with results of scientific studies on manifestations, estimated numbers of unreported cases and on causes. It thus represents an important addition and development of previous individual statistics. By including results from surveys of victims it also takes the victims’ perspective into consideration — an important aspect that has been neglected until very recently. The Report provides in-depth details on politically-motivated crime.

For that reason one can say that essential preconditions have already been met in Germany in that the institutions and offices mentioned above are up and running and fulfilling their tasks as outlined. In the course of the examination process it also became clear that it is important to structure the numerous institutions and pools of information sensibly and to co-ordinate them — also in view of manageability and eliminating as much unnecessary repetition and additional costs as possible.

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<sup>32</sup> Cf. section “Introduction of a new definition: “Politically-motivated crime”, S. 62f.

Incidentally, the EUMC itself sees no necessity to set up a national office, not even in Germany<sup>33</sup>.

The above-mentioned Council Regulation (EC) No. 1035/97 of 2 June 1997 on setting up a European office for monitoring racism and xenophobia makes no mention of establishing national offices. The EUMC is not interested in setting up national offices in each Member State, but rather that the relevant data be supplied to the respective NFPs. These NFPs have already been set up in all Member States following a call for tender issued by the EUMC as part of the RAXEN system.

### **Charter of European Political Parties for a Non-Racist Society<sup>34</sup>**

Following a request by and consultation with the European parties in the European Year Against Racism (1997), a proposal was put forward on behalf of the EU Parliament by the respective Consultative Commission on Racism and Xenophobia to draw up a "Charter of European Parties". The "Charter of European Political Parties for a Non-Racist Society" of 28 February 1998, which the former mayor of Amsterdam, Ed van Thijn, played a decisive role in developing, emphasised the special responsibility political parties have to ensuring that prejudices and hostilities are not encouraged against people of different ethnic or national origin, religion or ideology in day-to-day political business and during election campaigns. Political alliances or political co-operation with a political party that stir up racist or ethnic prejudices or calls for others to do so are ruled out by the signatories to the Charter.

The Charter has already been signed by over 80 political parties in Europe since it was first signed on 1 June 1999.

The EUMC is responsible for monitoring the implementation of the Charter.

## **IV. Outlook**

As the Government report at hand shows, right-wing extremism, anti-Semitism, xenophobia and violence can only be effectively combated by means of a comprehensive and multi-dimensional approach which also takes solutions implemented at an international level into consideration.

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<sup>33</sup> Cf. also the answer given with the approval of the Federal Government and the EUMC (in Bundestag Doc. No. 14/7059 of 9 January 2001) in reply to a minor interpellation by the Member of the Bundestag, Ms Jelpke (PDS), on "Setting up an office for monitoring racism and xenophobia in Germany" (Doc. No. 14/6937).

<sup>34</sup> Cf. [http://www.eumc.at/projects/charter\\_de.htm](http://www.eumc.at/projects/charter_de.htm)

The approach to combating these phenomena which the Federal Government is pursuing is built upon several pillars. The starting point and basis of any political work carried out by the Federal Government is a long-term human rights policy. The decisive political and social concern at the root of an open and democratic society is that people should live together peacefully irrespective of their origin or religion. Against this background we must do all we possibly can to counteract racist, anti-Semitic and xenophobic attitudes and actions.

One of the main preconditions for this is a strong civil society. Furthermore, civil courage must be fostered, for example by means of the 'Alliance for Democracy and Tolerance — Against Extremism and Violence' initiated by the Federal Government or the programme of action 'Youth for Tolerance and Democracy — Against Racism, Xenophobia and Anti-Semitism'.

The Federal Government is fully aware that successful integration of foreign residents is a decisive factor for getting immigrants and the German population to live together peacefully, and that this constitutes preventative action against xenophobia, racism and discrimination in everyday life. It has thus, for example worked out a comprehensive concept for structuring immigration by providing a minimum amount of state integration services in a concept that has for the first time been anchored in the Immigration Act.

Essential components of the fight against right-wing extremist violence are also those measures that are aimed at offenders and their social environment. However, along with the security authorities' ongoing tasks, improving the rights of victims and approaches to crime prevention are also important.

Creditable evaluations of the phenomena in question are very important for advancing discussions amongst experts and for further practical developments in dealing with right-wing extremism, xenophobia, anti-Semitism and violence. Big research programmes such as XENOS, ENTIMON and CIVITAS involve academics, thus ensuring their effectiveness is under scrutiny. It is important in this context to establish what the medium- and long-term effects of any measures initiated will be. The process of evaluation is therefore not restricted to the duration of the programmes, but rather is also related to developments after they end. International monitoring institutions can also provide important impulses. Furthermore, it is desirable for such measures to be criticised and discussed by anyone in the public with an interest in the subject.

The insight that right-wing extremism manifests itself across the whole of society and that it is a correspondingly complex phenomenon precludes rapid success in combating it. In particular it is therefore necessary to warn against expectations that preventative techniques will bring about short-term successes. The Federal Government's preventative measures are geared to achieving long-term and lasting effects and claim to tackle the problem at its roots: right-wing extremist potentials and behaviour cannot be eradicated overnight. That is why the Federal Government is not so much interested in short-lived news reports of successes with an eye on prevailing politics, but rather in defining an approach that involves the whole of society and which all democratic forces are willing to support. We must encourage politicians and our society to do all they can to foster respect for and acceptance and recognition of different cultures and lifestyles. The policies of the Federal Government do justice to this ongoing political task. The success of these policies is reflected, for example in the fact that right-wing extremism is no longer a taboo subject. Large sections of society and many politicians have begun discussing the issues involved and the various measures initiated by the Federal Government.

Moreover, steps taken by the Federal Government have also met with a very positive response internationally. They are not only in line with convictions held by the international community, but also fulfil basic international principles set out at the UN Conference Against Racism in Durban, South Africa in the autumn of 2001.

Only when all civil, democratic forces and constitutional bodies work together to combat extremism and violence will these efforts lead to success. The Federal Administration, the federal *Länder* and local government authorities are jointly responsible for this task. The Federal Government welcomes the willingness of the *Bundestag* to support it in its efforts to combat right-wing extremism and its manifestations.