

National Analytical Study on Racist Violence and Crime

RAXEN Focal Point for Germany

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EXECUTIVE SUMMARY

The aim of the study in hand is to report on extreme right-wing, xenophobic and anti-Semitic crimes and acts of violence in Germany as well as to analyse the developments linked to them. The political climate, legal provisions, political measures and existent sources of data relating to this issue will be described. As a further step, extreme right-wing crimes will be analysed more closely and various Good Practice measures will be described.

Measures against right-wing extremism and xenophobia are supported – with differing emphases – by all the parties represented in parliament. In the fight against right-wing extremism, xenophobia and anti-Semitism, along with the employment of **penal law and state repression** (action by the police and judiciary), since the 1990s there has been an increased use of **preventive measures**. Thereby, attempts are made to combat the increasing influx of young people towards extreme right-wing and xenophobic positions and groups as well as the increasing willingness to commit violence.

Although the **pool of potential extreme right-wingers** has reduced by approximately a third in the period from 1993 to 2002, the number of extreme right-wingers prepared to commit **violence** has almost doubled from 5,600 to 10,700. The proportion of people from the new federal states amongst the extreme right-wingers prepared to commit violence is disproportionately high at a rate of approximately 50% (considering that the proportion of people from the new federal states in the total population of Germany is 21%). Alongside the various, more or less well-organised groups in the extreme right-wing milieu, there are also several extreme right-wing and xenophobically-oriented **parties** in Germany which, amongst other activities, draw attention to themselves due to the fact that they would like to prevent any form of migration of foreigners. The most influential amongst them are the Nationaldemokratische Partei Deutschland (German National Democratic Party) (**NPD**), the Deutsche Volksunion (Union of German People) (**DVU**) and the Republikaner (the Republicans) (**REP**). However, in contrast to other Western European states, no party has managed to gain influence as a extreme right-wing **mass movement**. Mention should also be made of the fact that an increasing development of 'mixed scenes', as they are known, can be determined. For example, the neo-Nazi milieu increasingly combines with the skinhead scene.

There are various current research projects which attempt to assess the **attitudes** of the general public towards migrants and minorities. The extent of xenophobic, racist or anti-Semitic attitudes varies greatly depending on the research undertaken, which is due, amongst other factors, to the questions or items which are included to measure the categories of racism, xenophobia and anti-Semitism. However, all the research projects show, independent of each other, the following results in common:

- Xenophobia is higher in the **new federal states** than in the old ones; however, anti-Semitism is more marked in West German than in the East.
- The lower the **level of education**, the more noticeable the xenophobic and anti-Semitic attitudes are.
- **Contact** between members of the minority and the majority have a positive effect in reducing xenophobia and racism.

German criminal law includes regulations which allow the prosecution not only of offences and crimes such as intimidation, grievous bodily harm, arson and murder, which are not necessarily related to the culprit's political motivation, but also of so-called "**communication or propaganda**" offences. These include "Distribution of propaganda material of anticonstitutional organisations", "Using of symbols of anti-constitutional organisations", "incitement of the people" and "glorification of violence."

The most important data sources that register racist crimes are the **police crime statistics** since extreme right-wing, xenophobic and anti-Semitic criminal offences are only recorded by the official authorities systematically and extensively. However, individual case studies and researches of other institutions can shed light on a part of the phenomenon for example regarding the backgrounds or the specific situation in the region.

As all efforts to battle extreme right-wing tendencies have to be based on sufficient and detailed data, a new system has been introduced for registering incidents of extreme right-wing, xenophobic and anti-Semitic violence and criminal acts. This register, which has been in operation since 1st January 2001, is called the **KPMD-PMK**: "Kriminalpolizeilicher Meldedienst – Politisch motivierte Kriminalität" (Criminal Investigation Registration Service - Politically Motivated Criminality). The new system is based on the **perpetrators' motivation**. However, as individual federal states are responsible for the criminal persecution of extreme right-wing, xenophobic and anti-Semitic motivated criminal acts, and individual cases are processed by local police authorities, it is difficult to say whether the new system has been applied in exactly the same way by all 16 German states.

Concerning the **quantitative development** of extreme right-wing criminal offences, respective figures have, after decreasing in the mid-1990s, increased once again since 1997, reaching their latest peak in the year 2000 with 15,951 crimes. In 2002 10,902 criminal offences with an extreme right-wing background were registered. The proportion of violent crimes amongst the total number of extreme right-wing criminal offences was 6-8% in 1995.

Also the number of **anti-Semitic criminal acts** – parallel to the development of criminal acts with an extreme right-wing background in total – has increased considerably from 1999 to 2000 (by 69%). Contrary to the trend of a decreasing number of extreme right-wing criminal acts in 2001, the number of anti-Semitic criminal acts shows a further (slight) increase compared to 2000. There has been a drop, however, of the number of anti-Semitic violent crimes. In 2002 this development reversed: whilst the total number of criminal offences with an anti-Semitic background dropped slightly, the number of anti-Semitic violent crimes rose from 18 in 2001 to 28 in 2002.

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

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

Various **anti-discrimination offices** and **advice centres for victims** also report on violent crimes with a xenophobic background. They are able, on the one hand, to paint a more precise picture of the situation as cases are also recorded there which are not prosecuted. On the other hand, these action groups are usually not able to cover a whole region; the registering of data is mostly limited to a city or local district.

There is no uniform image presented by the reporting carried out by the **media** on acts of racist violence: whilst regular reports occur on xenophobically or anti-Semitically motivated attacks and other incidents in the respective regional area in many regional or local newspapers, there is hardly any continuous reporting of this nature worth mentioning in the national newspapers and magazines. The latter tend to report only **selectively** on individual cases where the media pays particular attention to those events where the victims of the attack are killed or seriously injured or where a greater symbolical meaning can be attributed to the crimes (e.g. the desecration of Jewish graveyards); such events are also in part reported on by the television companies or on the radio.

In addition to the registration of extreme right-wing criminal offences and violent crimes, there are a number of **social scientific-based studies** which attempt to explore this topic more closely. On the one hand, these studies interview migrants on their experiences with racism as well as interviews with victims of right-wing violence. On the other hand, interviews are carried out with right-wing perpetrators.

Concerning the **victims** of xenophobic violence it can be stated that more than half of the victims are foreign nationals, almost 50% of whom are asylum seekers. Moreover, the risk is higher for people who, because of their outer appearance, are perceived as non-Germans (e.g. Turkish nationals or people of African origin, Romany people or, particularly in East Germany, Vietnamese nationals). Slightly more than 10% of the victims are "Spätaussiedler", i.e. ethnic German immigrants, who are often labelled as non-Germans ("foreigners", "Russians"), too. However, a large number of the victims of xenophobic violence are German citizens (excluding "Spätaussiedler") too, especially young people opposing the right-wing scene.

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

Furthermore, the majority of **suspects or perpetrators** are not first-time offenders, but has already been registered as criminal offenders, for politically motivated as well as other offences. This state of affairs indicates a significant overlap between politically motivated and general youth criminality. Concerning the affiliation of offenders with extremist organisations, it can be stated that 50% of offenders in West Germany, but only 10% in East Germany, have been registered as Skinheads. It can therefore be concluded that many offenders, particularly in the eastern German states, are not affiliated with organised right-wing extremist groups, but rather with informal or spontaneous peer

groups, i.e. groups of young people spending their free time together. This conclusion is also supported by the fact that offences are generally committed spontaneously from within a group, mostly on weekend nights and under the influence of alcohol.

Over the last years, there has been a significant rise in **measures, initiatives and projects**, both by the government and by non-governmental organisations, **to fight right-wing extremism, xenophobia and racism**, and foster Germany's democratic culture. In addition to preventive measures and initiatives to support victims of right-wing violence, there are also a number of programmes which are designed to help young people to leave the right-wing milieu.

In addition to financing and initiating programmes against xenophobia and violence, it is, however, necessary to further improve the **registration of extreme right-wing criminal offences**. It has to be emphasised that the criminal acts with an extreme right-wing background registered by the police only represent a part of the phenomena of xenophobia. The more subtle forms, such as exclusion or discrimination, are not registered in these statistics. These incidents are partly recorded by various organisations (such as antidiscrimination offices), a **central registration of cases of discrimination** does not exist though. In order to ensure a standardised registration it is necessary to develop standardised definitions of discrimination with precise registration criteria.

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GLOSSARY¹

Migration: Migration refers to individuals or groups relocating over socially significant distances for the purpose of changing their main sphere of life and comprises both migration inflows and outflows. Relocations that also involve the crossing of national borders are the main characteristic of international migration (cross-border migration). In the following, we will use migration in the sense of cross-border migration (migration flow across German national borders).

Migrants / migration inflows: People relocating across national borders and moving their main sphere of life to Germany. Under this definition, *Spätaussiedler* (ethnic German immigrants) are also categorised as migrants.

Non-Germans: People who do not hold German nationality.

(Spät-) Aussiedler: Ethnic German immigrants who are recognised as German nationals according to §4 Par.3 S.1 Federal Displaced Persons Act (*BVFG*) and Art. 116 Basic Law (German constitution). The legal requirements are that they are German nationals or of German descent, living in one of the areas recognised by the *BVFG* as former German settlement areas. Under the 1993 Law on Resolving Long-term Effects of World War II (*Kriegsfolgenbereinigungsgesetz*), most of these settlement areas are territories within the former Soviet Union. The group of ethnic German immigrants can be differentiated according to the date of their immigration: German minority members migrating to the Federal Republic of Germany between 1950 and 1st January 1993 are referred to as *Aussiedler*, whereas later arrivals are categorised as *Spät-Aussiedler*.

First-generation migrants: Migrants who entered Germany after growing up / being socialised to a large extent in their country of origin. This category includes all nationalities.

Second-generation migrants: Migrants' children who were born and grew up in Germany, or have at least completed the larger part of their school education in Germany.

“Autochthonous” Germans: Indigenous persons; German nationals without a migratory background. This category does not comprise *Aussiedler* (ethnic German immigrants) and naturalised persons.

Refugees: Convention and civil-war refugees who are granted residence in Germany according to international law, or for humanitarian and political reasons.

Recognised asylum seekers: Persons who have been recognised as entitled to political asylum in Germany because they were subject to political persecution in their home countries. Under German law, these persons receive a more secure residence status than refugees.

Asylum applicants / seekers: Persons having submitted a petition for political asylum in Germany, with their application still pending.

¹ It has to be noted that many of the terms employed here lack a legal definition.

Racist violence / Racist crimes: The term “racist violence” or “racist crimes” is not in general use in Germany, neither in the political debate nor in academic discourse or statistics. The term used in the police registration system is “politically motivated right-wing criminality”. This term comprises “right-wing extremism”, “xenophobia” and “anti-Semitism”.

Right-wing extremism: Right-wing extremism is a global term for a wide-ranging ideological attitude syndrome that has various dimensions, albeit that they are closely related (authoritarianism, nationalism, xenophobia, anti-Semitism, anti-democratic, anti-pluralist and pro-Nazi attitudes) (Bergmann 2001).

Extreme right-wing criminal offences: Extreme right-wing criminal offences are directed at removing the constitutionally, free democratic basic order in order to replace them with a totalitarian, nationally collectivist system, usually according to the principles of a dictatorship (BKA) (for more details, see Peucker/Gaßebner/Wahl 2001).

Xenophobia: Xenophobia is an ideology, attitude or action that is directed against people with a foreign ethnic background. It may have cultural and/or racist overtones (Heckmann 2001).

Xenophobic crimes: Criminal acts are xenophobic if they are aimed and committed against persons, whose right of stay or residence in their residential area or in the whole Federal Republic of Germany is disputed because of their actual or supposed nationality, ethnicity, race, skin colour, religion, ideology, origin or because of their outward appearance, or acts that are committed against other persons/institutions/objects/things, in which the perpetrator acts with a xenophobic motivation (BKA Staatsschutz 1993).

Anti-Semitism: Anti-Semitism is directed at the debasement of people of the Jewish faith and of Jewish origin as well as their cultural symbols (cf. Heitmeyer 2002).

Anti-Semitic criminal offences: Due to a lacking legal definition, as there are no guidelines on what is to be defined as an anti-Semitic criminal offence, the crimes are attributed according to the perpetrator’s motive and those people or objects which are attacked (BMI/BMJ 2001).

1. INTRODUCTION

The aim of this study is to report on extreme right-wing, xenophobic and anti-Semitic crimes and acts of violence in Germany as well as to analyse the developments linked to them. It is thus firstly important to outline the political climate (chapter 2) as well as the legal provisions and political measures relating to extreme right-wing criminal offences (chapter 3). In chapter 4 the sources of data relating to this topic will be described and the existent data analysed. Especially the registration of extreme right-wing criminal acts and the difficulties involved will be discussed and, based on that, the quantitative development of extreme right-wing, xenophobic and anti-Semitic criminal acts and violent crimes will be presented. It is important in this chapter that the extant gaps in information be presented. Based on the presentation of existing sources of data, extreme right-wing criminal offences will subsequently be analysed more closely (chapter 5). In addition to the influence of various factors (e.g. manner of collecting the data, media and public discourse), special features of the xenophobic perpetrators will be especially analysed here. Another important aspect of this analysis is a more precise examination of the victims of right-wing and xenophobic violence, whereby particularly the differences between different ethnic groups will be examined. The presentation of various programmes and initiatives (chapter 6) will also include, alongside the preventive measures and strategies offered to extreme right-wing young people to facilitate their way out of this milieu, a description of various bodies offering support for victims of xenophobic crimes. The report ends with a concluding summary (chapter 7).

2. THE POLITICAL CLIMATE

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

The fight against right-wing extremism and xenophobia is supported – with differing emphases – by all the parties represented in parliament. This is shown by the motions submitted by the individual parties² as well as the joint motions by the factions of the SPD, Bündnis 90/The Green Party, FDP and PDS, "Gegen Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus und Gewalt" (Against Right-wing Extremism, Xenophobia, Anti-Semitism and Violence) of 6 March, 2001 (Bundestagsdrucksache 14/5456; 3B0022). This cross-party motion forms the basis for various measures of the federal government, in part also those, in which, amongst others, an improvement in the protection of victims of extreme right-wing, xenophobic and anti-Semitic violence is demanded. Particular mention should be made here of the programme "Jugend für Toleranz und Demokratie – gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus" (Young People for Tolerance and Democracy – against Right-wing Extremism, Xenophobia and Anti-Semitism), which started in 2001. The programme comprises the three programme parts XENOS, CIVITAS and ENTIMON which are described in more detail in chapter 6.

The cross-party agreement to combat xenophobia is evidence for the fact that, in Germany to date, no extreme right-wing party has been able to establish itself and mobilise a large portion of the electorate. It has only been in Brandenburg (5 seats) and in Bremen (1 seat) that a party which is regarded as xenophobic has managed to be elected into the state parliament or the city parliament (Bürgerschaft) respectively. This is most likely due to the fact that, in contrast to other Western European states, no party has managed to gain influence as a extreme right-wing mass movement. Nonetheless, there are also xenophobic parties and extreme right-wing organisations in Germany (cf. chapter 2.1) and a rather significant proportion of the population demonstrate a negative attitude towards migrants and minorities (cf. chapter 2.2).

² Motion of the FDP faction "Rechtsextremismus entschlossen bekämpfen" (Decisively Combat Right-wing Extremism) of 5 April, 2000 (Bundestagsdrucksache 14/3106; PUBDE0581), motion of the SPD, Bündnis 90/The Green Party faction "Gegen Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus und Gewalt" (Against Right-wing Extremism, Xenophobia, Anti-Semitism and Violence) of 7 June, 2000, (Bundestagsdrucksache 14/3516; 3B0009), motion of the CDU/CSU faction "Nachhaltige Bekämpfung von Extremismus, Gewalt und Fremdenfeindlichkeit" (Lasting Combating of Extremism, Violence and Xenophobia) of 11 September, 2000 (Bundestagsdrucksache 14/4067; 3B0013) and motion of the PDS faction "Handeln gegen Rassismus, Antisemitismus, Fremdenfeindlichkeit und daraus resultierender Gewalt" (Action Against Racism, Anti-Semitism, Xenophobia and the Resulting Violence) of 27 September, 2000 (Bundestagsdrucksache 14/4145; 3B0016) (own translations).

2.1. SHORT OVERVIEW OF XENOPHOBIC PARTIES AND RIGHT WING EXTREMIST ORGANISATIONS

Although the pool of potential extreme right-wingers reduced by approximately a third in the period from 1993 to 2002, the number of extreme right-wingers prepared to commit violence almost doubled from 5,600 to 10,700. The proportion of people from the new federal states amongst the extreme right-wingers prepared to commit violence is disproportionately high at a rate of approximately 50% (considering that the proportion of people from the new federal states in the total population of Germany is 21%) (for details on the development of extreme right-wing and xenophobic organisations and parties as well as their membership figures in Germany see table 1 in the annex).

In the case of the **potentially violent extreme right-wingers** who are 'characterised by a subculture' and who in the meantime constitute nearly 25% of the pool of potential extreme right-wingers, the **majority are skinheads** (cf. Bundesamt für Verfassungsschutz 2001a; PUBDE0434). The skinhead scene is a youth subculture to which mainly young males belong and whose belonging to this milieu is generally apparent from their outer appearance and their conduct. In contrast to the neo-Nazis, the skinhead scene is characterised by a lower degree of organisation. The right-wing members of this group usually have a rather diffuse world view which is marked by xenophobic, nationalistic and anti-Semitic attitudes. Skinheads are repeatedly involved in spontaneous acts of violence against foreigners, homeless people or political opponents, which are frequently accompanied by a high consumption of alcohol. An important element in this scene is their music which, with its racist texts glorifying violence, is to be seen as an integrating factor and which creates a feeling of community amongst the audience of the corresponding concerts linked with the 'attraction of breaking taboos' (cf. Bundesamt für Verfassungsschutz 2002; PUBDE1042).

The **neo-Nazis** constitute a better organised group. They are usually organised in "Kameradschaften" (groups of comrades) and mostly are active only regionally, although they often show their presence in public (for example, with demonstrations and public rallies). Their ideology is marked by aggressive support for a National Socialist system, open racism, xenophobia and anti-Semitism. There are approximately 160 groups of comrades in Germany, with each group comprising around 5-20 members aged between 18 and 25. The proportion of women in this movement is low at around 10%. The groups of comrades are characterised by their rigid structures, their hierarchies and their ability to act. The number of active neo-Nazis compared to the year dropped slightly in 2002 from 2,800 in 2001 to 2,600 in 2002. (cf. in more detail Bundesamt für Verfassungsschutz 2003, pp. 45ff.; PUBDE1042).

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

The most aggressive extreme right-wing party at present is the **Nationaldemokratische Partei Deutschland (German National Democratic Party) (NPD)**. It had 6,100 members in 2002. The party openly fights against a liberal-democratic fundamental order,

pursuing a 'concept with three pillars': demonstrations (the fight for the streets), ideological indoctrination (the fight for the intellect) and participation in elections (the fight for parliament). In their manifesto for the elections to the Bundestag on 22 September, 2002, the NPD demanded a "stop to immigration and a law to send the foreigners back – Germany is the country of the Germans!" (own translation). Further slogans of the election programme were "A community of one people instead of multicultural madness", "Foreigners endanger the pension funds" and "Multicultural society – multicriminal reality" (own translations) (cf. in more detail Bundesamt für Verfassungsschutz 2002, pp. 62-90; PUBDE1042; Bundesamt für Verfassungsschutz 2003, pp. 54ff. PUBDE1042). At the beginning of 2001, the initiation of a procedure to ban the NPD that was supported both by the opposition parties as well as the Bundesrat (Upper House of Parliament) was started (cf. Bundesregierung 2001; PUBDE0580). On March 18, 2003 the Federal Constitutional Court ruled to abandon the court proceedings on the NPD ban as, according to the court, the presence of undercover agents of the Federal as well as the State Agencies for Internal Security in the executive committees of the NPD constituted an obstacle for the court proceedings. The court pointed out, however, that abandoning the proceedings would not mean a final decision on the permissibility of future proceedings. In addition, the court decision does not imply any decision on the anti-constitutionality of the NPD. Whether the abandoning of the court proceedings might result in a strengthening of the extreme right-wing party is not possible to tell yet.

The strongest party in terms of membership figures at present is the **Deutsche Volkunion (Union of German People) (DVU)**. The number of members sank from 26,000 in 1993 to around 13,000 in 2002. The party programme of the DVU is characterised by a typical extreme right-wing spectrum of themes. It is extremely nationalist, xenophobic, anti-Semitic and revisionist. "Foreigners and Jews are discriminated against and serve the party as images of an anti-German enemy". In its programme, the DVU demands the "restriction of the proportion of foreigners", a "stop to the increasing flood of foreigners" as well as the "deportation of criminal foreigners" (own translations; for more information on the DVU, see Bundesamt für Verfassungsschutz 2002, pp. 91-101; PUBDE1042; Bundesamt für Verfassungsschutz 2003, pp. 74ff.; PUBDE1042).

The party, the **Republikaner (the Republicans) (REP)**, which is generally characterised as democratic, continues to give cause to suspect extreme right-wing endeavours, according to the Federal Office for the Protection of the Constitution. The membership of the REP sank from 23,000 in 1993 to 9,000 in 2002. Although the party leader continues to attempt to present the party as a right-wing conservative party within the spectrum of democratic parties, several important groups within the party categorically support the rejection of the liberal-democratic fundamental order. Xenophobia and agitation against the constitutional parliamentary state can clearly be recognised in this party. Attempts are also made to play down the role of the National Socialist regime through the twisting of historical facts (for more detail on the REP, see Bundesamt für Verfassungsschutz 2003, pp. 82ff.; PUBDE1042). In the election campaign 2002, the Republicans advertised their policies with xenophobic slogans such as "The boat is full", "Repatriation instead of immigration" and "Our republic does not need a migration law! We Republicans will bring in a repatriation law!" (own translations). In the election campaign for the Bavarian state parliament in September 2003, too, xenophobic slogans were spread which were

intended to suggest unjust preferential treatment for migrants, such as “Gold teeth for asylum seekers? Gaps between the teeth for Germans!? Not with us!” (own translation).³

It should be mentioned that an increasing development of 'mixed scenes', as they are known, can be determined. For example, the neo-Nazi milieu increasingly combines with the skinhead scene. The NPD also works closely with skinheads and neo-Nazis, especially at larger events and demonstrations, which has led to inner-party conflicts about the future course of the party. The NPD co-operates above all in the area of the "fight for the street" with skinheads and implements a policy of alliance with the neo-Nazis. According to the Federal Office for the Protection of the Constitution, many members of the REP maintain close contacts to extreme right-wingers (cf. Bundesamt für Verfassungsschutz 2002, p. 109; PUBDE1042).

2.2. MEASUREMENTS OF THE MAJORITY POPULATION'S ATTITUDES TOWARDS MIGRANTS AND MINORITIES

There are various current research projects which attempt – mostly on the basis of (representative) opinion polls – to assess the **attitudes** of the general public towards migrants and minorities.⁴ In the following, the main results of some of these surveys should serve as an example:

In the “Allgemeinen Bevölkerungsumfrage der Sozialwissenschaften (ALLBUS)” (General Social Sciences' Population Survey), which is carried out every two years and in which, amongst others, the attitude to migrants living in Germany is ascertained with the help of various items, around two thirds of those interviewed in 2000 agreed with the statement “Foreigners living in Germany should adapt their lifestyle a little better to that of the Germans”. Around 30% of the interviewees shared the opinions “When jobs are short, foreigners living in Germany should be sent back home” or “Those foreigners living in Germany should not be allowed to participate in any aspect of political life in Germany”. The least agreement was with the statement “Migrants should marry members of their own ethnic group” (24% of Eastern German and 15% of West Germans) (see Statistisches Bundesamt 2002, pp. 560ff.; PUBDE0509 and chapter 8.4.1 in the Annex). In addition, the survey showed the agreement with the four statements amongst people with secondary modern (Hauptschule) school qualifications was around 20% higher than was the case with people who had passed A-levels. Furthermore, it is generally older interviewees who display a more negative attitude to migrants living in Germany than younger people do. Here, the influence of age is more marked in West Germany than in

³ In addition to the parties named above, there are several smaller extreme right-wing parties and groups of voters which are, however, rather insignificant from a quantitative viewpoint. Examples include the Deutsche Liga für Volk und Heimat (The German League for the Nation and Homeland) with 200 members, the Deutsche Aufbau-Organisation (German Foundation Organisation) and the group which split from the DVU, the Freiheitliche Deutsche Volkspartei (Liberal German People's Party) (own translations) with 200 members.

⁴ Cf. Statistisches Bundesamt 2002; PUBDE0509, Europäische Kommission 2000; PUBDE0584, Angermeyer/Brähler 2001; PUBDE0045, Niedermayer/Brähler 2002; PUBDE1116, Heitmeyer 2002a; PUBDE0140, Wilmers et al. 2002; PUBDE0147, Fuchs/Lamnek/Wiederer 2003; PUBDE0134. For more precise information on the studies, see chapter 8.4.1 in the Annex.

the Eastern part. Additionally, the evaluation of the questionnaires revealed that people who have no contact with foreigners are more negative about migrants than people who have contacts with migrants (at work, in their neighbourhood or amongst their circle of friends).

In the Eurobarometer poll No. 53, which was carried out in 2000, 17% of those interviewed said they felt bothered by the presence of people of a different nationality or another "race"; 18% were bothered by the presence of people who were of a different religion (cf. Europäische Kommission 2000; PUBDE0584, p. 88f.).

In a survey carried out by Niedermayer and Brähler (2002; PUBDE1116), a quarter of the interviewees displayed xenophobic⁵ and 12% anti-Semitic⁶ attitudes. In this case, interviewees from the new federal states were more xenophobic than those from the old federal states (30% compared with 24%); however, West Germans displayed stronger anti-Semitic tendencies than people from Eastern Germany (14% compared with 5%). Xenophobic or anti-Semitic attitudes are many times higher in the case of people without A-levels than for those with A-levels (27% to 12% and 14% to 2% respectively).

In contrast to xenophobic criminal offences, which are largely carried out by male perpetrators (see chapter 4.7), with relation to xenophobic attitudes there is no clear gender-specific differentiation to be noted amongst the population. Within the framework of one study, the GMF-Survey⁷ (Heitmeyer 2002a; PUBDE0140), it was even revealed that women are more xenophobic (38,1% to 30,5%) or racist than men (10,0% to 4,6%). In contrast, men display negative tendencies towards Jews (14,7% to 10,9%) and towards Islam (26,6% to 20,1%) more frequently than women. In addition, this study also showed that Eastern Germans more frequently agree with racist, xenophobic and anti-Islamic statements than West Germans.

In sum, one can determine that the extent of xenophobic, racist or anti-Semitic attitudes varies greatly depending on the research undertaken. This is probably due to the questions or items which are included to measure the categories of racism, xenophobia and anti-Semitism and which characteristics in the answers were evaluated as indicators for xenophobia. In addition, migrants were not perceived as a homogeneous mass, but were differentiated into various groups against whom ill feelings of varying strengths were borne.

However, all the research projects show, independent of each other, the following results in common:

- Xenophobia is higher in the new federal states than in the old ones; however, anti-Semitism is more marked in West Germany than in the East.

⁵ Elicited by the items: "Foreigners only come here to abuse our social system", "When jobs are short, foreigners living in Germany should be sent back home" and "The Federal Republic is no longer recognisable, to a dangerous extent, due to the large number of foreigners" (own translations).

⁶ Elicited by the items: "The Jews still have too great an influence today", "Jews use dirty tricks more often than other people do in order to get their way" and "Jews are rather peculiar and odd and don't really fit into our society" (own translations).

⁷ GMF=Gruppenbezogene Menschenfeindlichkeit (Group-related Misanthropy).

- The lower the level of education, the more noticeable the xenophobic and anti-Semitic attitudes are.
- Contact between members of the minority and the majority have a positive effect in reducing xenophobia and racism.

When observing the development of xenophobic and anti-Semitic attitudes over a number of years, it can be determined that xenophobic feelings reduced from the beginning of the Eighties to the mid-Nineties. Since this time, however, there has not been a further reduction, but rather a stagnation or, in part, an increase in some attitudes (see, for example, Statistisches Bundesamt 2002, pp. 564ff.; PUBDE0509; Heitmeyer 2002b, p. 21; PUBDE0140). In contrast, in the case of anti-Semitic feelings, one may tend to speak of a decreasing trend (cf. Bergmann 2001, p. 51; PUBDE0461).

3. LEGISLATION AND POLICIES CONCERNING RACIST VIOLENCE AND RACIST CRIMES

Since the 1990s, countermeasures against right-wing extremism, xenophobia and anti-Semitism have included both repressive (police and criminal justice) and preventive strategies. The goal of all these measures has been to counteract the spread of right-wing extremist and xenophobic attitudes and organisations, and to battle increasingly violent tendencies. In this struggle, the federal government, which took office in 1998, has focussed on the following areas: human-rights policy; fostering civic participation and the realisation of civic rights; promoting the integration of non-German residents into society; strategies addressing persons convicted of racial offences and their social background (cf. Bundesregierung 2002; PUBDE1073; Bundestagsdrucksache 14/5456; 3B0022). In addition, legal measures also contribute to combating racist violence and xenophobia.

3.1. SHORT OVERVIEW OF THE CURRENT LEGAL BASIS

German criminal law includes regulations which allow the prosecution not only of offences and crimes such as intimidation, grievous bodily harm, arson and murder, which are not necessarily related to the culprit's political motivation, but also of so-called "communication or propaganda" offences.

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

also the printer and distributor or somebody who stores the material in his apartment in order to distribute it later.

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

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

According to **§ 131 Penal Code (“glorification of violence”)** the production and distribution of texts is prohibited which illustrate the cruel or otherwise inhuman violence against people of all kinds in a way that expresses a glorification or plays down such acts of violence.⁸

3.2. DESCRIPTION OF THE MONITORING SYSTEMS

At the very latest since the publication of the documentation by the newspapers the Tages-spiegel and Frankfurter Rundschau, in which significantly more fatalities resulting from right-wing violence were listed than were registered in the official police statistics (see closer chapter 4.2), there has been much discussion about the necessity of having an independent body to register the extent and the number of victims of extreme right-wing and xenophobic attacks. The establishment of such an independent body has not only been suggested by institutions of victim support or initiatives against the right wing, but also by the German parliament (cf. Willems 2002; PUBDE0140). To date, however, there have been no significant efforts made in this matter. The report of the federal government (2002; p. 100; PUBDE1073) on the current and planned measures and activities of the federal government against right-wing extremism, xenophobia, anti-Semitism and violence rather points out that the task of documenting acts of extreme right-wing violence in Germany can be fulfilled adequately by the bodies already in existence.

⁸ Cf. for the individual paragraphs in more detail: Hessische Landeszentrale für politische Bildung 2000; PUBDE0479.

4. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES ON RACIST VIOLENCE

The most important data sources that register racist crimes are the police crime statistics as extreme right-wing, xenophobic and anti-Semitic criminal offences are only recorded by the official authorities systematically and extensively. In that respect individual case studies and research by other institutions can shed light on a part of the phenomenon – for example regarding the backgrounds or the specific situation in the region – they do not deliver an alternative overall picture of the criminality though.⁹ However, the official statistics by their very nature, only register incidents which are regarded as crimes. However, the relevant forms that constitute criminal acts of right-wing extremism, xenophobia, anti-Semitism and racism represent only a part of xenophobic phenomena and hostility to foreigners. The whole range includes racist, ethnic-cultural or religiously-founded prejudices as well as various forms of discrimination (cf. *Beauftragte der Bundesregierung für Ausländerfragen 2002*, p. 264; PUBDE0096). In order to do justice to an extended definition of racist violence (cf. RAXEN4 guidelines), it is vital to also take unofficially collected data regarding racially motivated incidents into account (cf. chapter 4.2).

4.1. NUMBERS OF OFFICIAL RECORDED RACIST CRIMES

As all efforts to combat extreme right-wing tendencies have to be based on sufficient and detailed data, a new system has been introduced for registering incidents of extreme right-wing, xenophobic and anti-Semitic violence and criminal acts. This register, which has been in operation since 1st January 2001, is called the KPMD-PMK: "Kriminalpolizeilicher Meldedienst – Politisch motivierte Kriminalität" (Criminal Investigation Registration Service – Politically Motivated Criminality). The new system replaces the KPMD-S, or "Kriminalpolizeilicher Meldedienst – Staatsschutz" (Criminal Investigation Registration Service – State Security), a register which defined extremism as efforts to overthrow Germany's democratic constitutional system. In practice, this definition has led to discrepancies in evaluating and registering criminal offences. The new register, on the other hand, is based on the perpetrators' motivation. However, as the individual federal states are responsible for the criminal prosecution of extreme right-wing, xenophobic and anti-Semitically motivated criminal acts, and individual cases are processed by local police authorities, it is difficult to say whether the new system has been applied in exactly the same way by all 16 German states.¹⁰

In the KPMD-PMK the term "racially motivated violence" is not used, instead the general term "a criminal act with an extreme right-wing background" is employed. The term "a criminal act with an extreme right-wing background" includes xenophobic as well as anti-Semitic and other extreme right-wing criminal acts (for instance, those which are aimed at political opponents).

⁹ This does not mean that the police crime statistics are free of deficits and inconsistencies.

¹⁰ For detailed information on the registration system see chapter 8.3 in the annex.

The number of criminal acts with extreme right-wing background has risen again, since the calming of the situation in the mid-nineties, to over 10,000 criminal acts per year since 1997, culminating in 2000 with almost 16,000 crimes.

It should be noted here that the *total* number of crimes in this area are given; the *violent* crimes¹¹ since 1995 have only constituted a proportion of some 6-8% of them. Due to the increase in Internet criminality, which is counted amongst 'propaganda crimes', as they are known, the number of 'minor' crimes in particular has increased over-proportionally in recent years.¹² In contrast, the number of violent offences reached its peak in 1992 and 1993. At the onset of the massive xenophobic riots at that time, which were also reported internationally (Hoyerswerda, Rostock-Lichtenhagen, Mölln, Solingen), particularly asylum seekers and former contracted workers of the GDR in the new federal states were affected. Although the number of attacks on asylum seekers has also decreased, parallel to the reduction in the numbers of those seeking asylum since 1994, extreme right-wing and xenophobic attitudes have become firmly anchored in a milieu which displays a propensity for violence. Compared to the previous years, however, a significant increase in violent crimes to almost 1,000 violent crimes in 2000 has to be stated, with three completed murders among them. In the subsequent two years, 2001 und 2002, there was again a reduction in violent crimes with an extreme right-wing background. In 2002, 10,902 offences with an extreme right-wing background were registered, which, compared to the previous year when 10,054 such crimes were registered, meant a slight increase (for more details see graph 1 in the annex).¹³ Due to the introduction of the new registration system these figures cannot be compared though. According to the old registration system an even much greater drop would have been expected.

Also the number of anti-Semitic criminal acts – parallel to the development of criminal acts with extreme right-wing background in total – has increased considerably from 1999 to 2000 (by 69%). Contrary to the trend of a decreasing number of extreme right-wing criminal acts in 2001, the number of anti-Semitic criminal acts shows a further (slight) increase compared to 2000.¹⁴ There has been a drop, however, of the number of anti-Semitic violent crimes. This development was reversed in 2002: whilst the total number of crimes with an anti-Semitic background dropped slightly, the number of anti-Semitic violent crimes rose from 18 in 2001 to 28 in 2002 (cf. graph 2 in the annex).

Looking at the figures of violent crimes with extreme right-wing background more closely, one can note that the proportion of xenophobic criminal acts has dropped from

¹¹ The violent crimes include, apart from attacks against persons (completed and tried killings, bodily harm), also wrongful detention, blackmail, breach of the peace as well as arson and explosions. However, wilful damage of property, intimidation and threatening (next to propaganda crimes and incitement of the people) are part of other crimes.

¹² Two third of the 10,902 criminal acts in 2002 in the area "Politically motivated criminality – right-wing" are so-called "propaganda crimes". Nearly a quarter are so-called crimes of incitement of the people. About 7% of the criminal acts were actual violent crimes. Among the remaining criminal acts of almost 3% are, for instance, wilful damage to property, coercion, threats as well as desecration of Jewish cemeteries and memorials (cf. Bundesamt für Verfassungsschutz 2003, p. 30; PUBDE0166; see also table 2 in the annex).

¹³ This is based on the figures provided by the Criminal Investigation Registration Service. The figures provided by the Police Crime Statistics - State Security (PKS-S) reveal smaller values due to retrospective corrections.

¹⁴ Taking the limited comparability of the figures of 2000 and 2001 due to the introduction of the new registration system into consideration.

64% in 2000 to 52% in 2001. The proportion of other extreme right-wing criminal acts (for example attacks of political opponents or homeless people), however, has increased. In 2002, the proportion of violent crimes with a xenophobic background rose again slightly (56%) and the proportion of violent crimes with an anti-Semitic background went up from 2.3% to 3.6%. The proportion of extreme right-wing violent crimes motivated by other causes (such as attacks on homeless people or left-wing young people) still remains very high, however, with a percentage of almost 40% (cf. graph 3 in the annex).

A comparison of the quantitative development of violent crimes with right-wing extremist background and the quantitative development of other violent crimes shows that those developments do not run parallel. Whereas the number of violent crimes with a right-wing extremist background varies considerably, the number of violent crimes without right-wing extremist background has more or less steadily increased since 1994. This might be put down to the fact, on the one hand, that the political climate as well as other right-wing extremist incidents play a more important role for the number of violent crimes with a right-wing extremist background (cf. in more detail chapter 5.1). On the other hand, in the area violent crimes without right-wing extremist background, where the number of cases is very large, quantitative changes do not so easily become apparent as it is the case in the area right-wing extremist violent crimes where the number of cases is much smaller (cf. graph 4 in the annex).

If one looks at the monthly figures of extreme right-wing criminal offences, then it becomes apparent that, at the end of the year 2000, Germany found itself faced with an ominously high level which had not been reached before. In the first months of 2001, the development initially continued and then successively decreased and has then settled down to a constant level of below 700 criminal acts per month since June 2001. Whilst the number of monthly criminal offences from September 2001 to August 2002 lay under 500 (the lowest point being in March 2002 with 188 offences), a slight increase can be noted again since September 2002 and the number of criminal offences have continually been above 500 per month since then (cf. table 3 in the annex).

Development according to federal states¹⁵

If one regards the number of offences in the relevant area of phenomenon in relation to the number of inhabitants and the number of non-Germans (as potential victims) in the respective states, the following points become apparent: Right-wing offences occur more frequently in the eastern federal states than in the western ones. They are (in the western federal states) more frequent in the North than in the South. They are generally higher in number where there is a lower percentage of foreigners (on average, the percentage of non-German residents is 2% in East-German, and 10.5% in West-German states) (cf. table 4 in the annex).

Most of the violent crimes with extreme right-wing background in 2002 happened, with 104 registered crimes, in Lower Saxony, followed by Saxony (89), North Rhine Westphalia (80), Brandenburg (78) and Saxony-Anhalt (66) (cf. table 5 and graph 5 in the annex). In relation to the respective number of inhabitants, however, one can note that in

¹⁵ In the distribution of crimes in the field of "politically motivated criminality – right-wing" according to the federal states, it must be noted that, firstly, the federal police forces are principally independent, secondly, a regionally varied "Dunkelfeld" (twilight zone) of unreported crimes can exist.

the new federal states more violent crimes with extreme right-wing background occurred. On average, with more than 2.15 (2001: 1.57) violent crimes per 100,000 inhabitants, more than twice as much crimes have been registered than in the old federal states (0.90; 2001: 0.67). In Brandenburg (3.02), Saxony-Anhalt (2.54), Thuringia (2.27), Schleswig-Holstein (2.08) – as the only state in Western Germany – and in Saxony (2.04), more than 2 violent crimes with an extreme right-wing background per 100,000 inhabitants were committed (cf. graph 6 in the annex).

Comparing the violent crimes with right-wing extremist background with the number of other violent crimes in the respective federal states a similar picture emerges (cf. graph 7 in the annex). In the Eastern federal states, the number of violent crimes with right-wing extremist background has the biggest share of all violent crimes.¹⁶ The large number of right-wing extremist violent crimes in the new federal states can therefore not be explained by a generally high number of violent crimes.

Based on the figures of the Criminal Investigation Registration Service – politically motivated criminality, a further differentiation is possible for criminal offences with an extreme right-wing background for the years 2001 and the first six months of 2002¹⁷ according to federal states (cf. tables 6 and 7 in the annex). Of special interest for the research on "racist violence" are the numbers of attacks against people, which represent 90% of the total violent crimes.

A closer look at the anti-Semitic criminal acts in the first six months of 2002 shows, that these were mainly incitement of the people (about two thirds) and propaganda crimes (almost a fifth). In this period also 8 violent crimes were recorded though. An East-West-comparison shows that – in contrast to the criminal acts with an extreme right-wing background in general – the number of anti-Semitic criminal acts is not overproportionally frequent in the new federal states, in relation of the respective population (cf. table 8 in the annex).

4.2. NUMBERS OF INOFFICIAL RECORDED RACIST CRIMES

Due to the problems in presenting the development and extent of extreme right-wing and xenophobic violent crimes on the basis of the police statistics (for example, the differing re-gistration methods in the individual federal states, demands were made in the past to establish an independent body to register racist attacks on a national level. Such a body has not yet been set up, however (cf. chapter 3.2). Whilst problems in registering extreme right-wing criminal offences have been discussed for a long time within the ministries of the federal states, the general public became aware of the problem in another way: Firstly, the political TV programme "Panorama" from August 24, 2000 stated a figure of at least 117 deaths "since reunification" in their documentary "The concealed deaths: Authorities hush up the extent of extreme right-wing violence" (own translation). Secondly, on

¹⁶ It must be mentioned as a limitation here that to date no figures for violent crimes in 2002 have been published which were differentiated according to the federal states. However, a contrary trend is not to be expected.

¹⁷ Unfortunately, no monthly differentiated figures for extreme right-wing crimes according to federal state are as yet available for the period commencing July 2002.

14.9.2000, two major daily German newspapers published in special supplements the results of their research on 93 cases of death in which 'right-wing perpetrators had had a significant involvement' (Frankfurter Rundschau, 14.9.2000)¹⁸. In the period under investigation from 1990 to 2000, the police (and in this case the KPMD-S) had determined only 25 of these deaths as being consequences of right-wing violence. Due to this significant discrepancy – and not least because of public pressure – an internal investigation of the aforementioned cases was started which came to the conclusion that now 36 victims of extreme right-wing violence must be registered¹⁹. Even if the high figure of the journalists' research was not attained, within the police, too, the obviously inadequate method of registration had to be acknowledged in this point. As reasons for the discrepancy, among others, the previously problematic registration criteria and categories as well as the differing evaluation of politically motivated criminal acts by the local police authorities, also caused by aspects of appropriateness (the city or federal state in question does not want its reputation damaged), are named (BMI/BMJ 2001, p. 272; PUBDE3B0001, Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 267; PUBDE0096). After groups of experts (Working group II – Criminal Investigation Department/Project leadership of the Police Crime Prevention of the States and the Federal Republic/German Forum for Crime Prevention) had been entrusted with developing a better registration service, the new system was agreed upon in the committees of the Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic with effect from 1.1.2001.²⁰ However, it must also be assumed in this new system of registration that problems can occur in attributing the criminal offences and that the method of registration varies in the different federal states.

Various anti-discrimination offices and advice centres for victims also report on violent crimes with a xenophobic background (cf., for example, Opferperspektive 2003; PUBDE0756). They are able, on the one hand, to paint a more precise picture of the situation as cases are also recorded there which are not prosecuted. On the other hand, these action groups are usually not able to cover a whole region; the registering of data is mostly limited to a city or local district. In exceptional cases, such as the aforementioned report, Opferperspektive (Victims' Perspectives), the attempt is made to register all violent crimes in the federal state of Brandenburg.²¹ In 2002, 140 victims of 121 attacks were registered. The police only registered 73 extreme right-wing violent crimes for the same period of time. After examining the chronology compiled by the advice centre, the statistic was corrected to register 81 cases (cf. loc. Cit., p. 12).

¹⁸ On the web site of the Frankfurter Rundschau a continually updated chronology on extreme right-wing criminal acts is also available (www.fr-aktuell.de/fr/spezial/rechts/index.htm).

¹⁹ In February 2001 another murder case as a consequence of right-wing violence was reported by the State Offices of Criminal Investigation which was not included in the lists published by Tagesspiegel and Frankfurter Rundschau. The official number of deaths therefore rose to 37 persons in the reported period (BMI/BMJ 2001, p. 272; 3B0001).

²⁰ The Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic took place in May, 2001; thus the introduction of the new registration system was backdated. However, the groups of experts mentioned were given the task of creating a new registration service at the Conference of 24.11.2000.

²¹ Differentiation according to local districts, more detailed information on the victims (e.g., age, gender, nationality) as well as statistical information about the type of advice are also available.

The annual report 2003 of Amnesty international Germany can be seen as a special case of reporting on extreme right-wing and xenophobically motivated violent crimes. This report deals with cases of infringements of human rights, particularly with instances of abuse by the police and prison officials. Although there are migrants amongst the victims, it is not possible to determine from the report the extent to which these acts were xenophobically motivated (cf. amnesty international Deutschland, 2003; PUBDE0551).

4.3. TYPE AND NUMBERS OF CASES GIVEN PUBLICITY IN THE MEDIA

No uniform picture can be discerned in the reporting by the German media on the topic of racist violent crime. Whilst regular reports occur in many regional or local newspapers on xenophobically or anti-Semiticly motivated attacks and other incidents in the respective regional area, there is hardly any continuous reporting of this nature worth mentioning in the national newspapers and magazines.²² The latter tend to report only selectively on individual cases. The media pays particular attention to those events where the victims of the attack are killed or seriously injured or where a greater symbolical meaning can be attributed to the crimes (e.g. the desecration of graveyards, painting of swastikas on synagogues, memorials to concentration camps and the like); such events are also, in part, reported on television or on the radio.

The following represents a brief overview of xenophobic or anti-Semitic incidents which have received the greatest media coverage nationwide in the past months:

In March 2003, there were nationwide reports about a trial before the Braunschweig State Court of seven radical right-wingers who admitted to having thrown firebombs during an arson attack on a mosque in Wolfenbüttel (Lower Saxony) in November 2002. The 16 to 22-year-old defendants, who admitted to having contacts with right-wing milieu and who gave hatred of foreigners as the motive for their crime, were charged with attempted murder and arson. The court dropped the charge of attempted murder, however, due to a lack of evidence and convicted the perpetrators of attempted arson and infringements of the laws on arms to between two years on probation and three years and nine months imprisonment. There was only little material damage as a result of the attack and nobody was hurt. The judge did, however, refer to the severe psychological damage suffered by the children of the Muslim families living in the mosque building.

There was also wide media interest in a trial before the Neuruppin State Court where five young men were charged with manslaughter and grievous bodily harm. In May 2002, the accused had beaten up two young ethnic German migrants from Kazakhstan after visiting a disco in Wittstock (Brandenburg) and had finally thrown a 17 kg stone onto one of the Russian Germans who was lying on the ground. One of the victims died three weeks later from his injuries. The 23-year-old main perpetrator identified by the court was sentenced to ten years imprisonment for manslaughter, the other perpetrators received sentences

²² Of the national newspapers, it is the *Frankfurter Rundschau* (FR) and the *tageszeitung* (taz) which report the most continually about xenophobic or anti-Semitic incidents. The FR provides information on such incidents on its homepage in a constantly updated and free dossier "Was tun gegen rechts?" ("What to do about the Right?") (http://213.187.75.204/uebersicht/alle_dossiers/politik_inland/was_tun_gegen_rechts/).

ranging from one year on probation and seven years. Although the judge spoke of the perpetrators' "diffuse xenophobia", in the opinion of the court the investigations offered no clear motive. The perpetrators did not come from the extreme right-wing milieu, but saw themselves as part of the techno scene. Nonetheless, one of the perpetrators admitted to having been 'right-wing' earlier and another defendant had also insulted the victim who was lying on the ground with the words "Scheiß-Russe" ("Bloody Russian"). The case also attracted attention because the majority of the 50 witnesses attempted to assist the accused with silence and false testimony.

An even greater media response was triggered by the discovery of 14 kg of explosives in the Munich neo-Nazi milieu. According to statements by some of the 11 suspects, of whom 9 are currently remanded in custody, the neo-Nazi group around the main suspect Martin Wiese was planning an attack on the construction site of the Jewish Community Centre in the centre of Munich on the day the foundation stone was being laid, 9 November 2003. It is still unclear whether the suspects "only" wanted to destroy the building site or whether the attack was aimed at those taking part in the ceremony themselves – including the Bavarian Ministerpräsident (Prime Minister), Edmund Stoiber, Bundespräsident (Federal President), Johannes Rau, and the President of the Jewish Central Committee (Zentralrat der Juden), Paul Spiegel. Further investigation revealed that the neo-Nazis, in addition to the Jewish Community Centre, also had envisaged mosques and a Greek school in Munich as potential targets. As there is the suspicion that a terrorist association is being formed, the Federal Public Prosecutor (Generalbundesanwaltschaft) has taken over the investigations. Minister for the Interior, Otto Schily (SPD), spoke of a "new quality" of the threat posed by parts of the extreme right-wing neo-Nazi milieu. The Federal Public Prosecutor and the Bavarian Office for the Protection of the Constitution (Verfassungsschutz), however, do not as yet assume that these are "fixed structures" of terrorism.

In addition to these three cases that formed the focus of (national) reporting on xenophobic or anti-Semitic incidents, other cases could be mentioned that, although they were reported in several national newspapers, were subject to a less noticeable media response. These include, for example, the attack by four extreme right-wingers on four Vietnamese in Berlin-Friedrichshain in July 2003 or the attack on a 19-year-old orthodox Jew in Berlin-Neukölln and on a 56-year-old man who was wearing a Star of David on a chain around his neck, also in Berlin (both attacks occurred in May 2003). The authorities assume that these obviously anti-Semitically motivated attacks were carried out by young people of Arabic descent.

4.4. DATA FROM RESEARCH ON RACIST VIOLENCE AND RACIST CRIMES

In addition to statistics on extreme right-wing criminal offences and violent crimes – be it official or unofficial data – which mostly concern themselves with recent incidents, there are a number of social scientific-based studies which interview migrants on their experiences with racism. They are usually asked whether they have ever experienced discrimination or racially motivated violence. It is insignificant in this case if the incident was to be registered as a criminal offence, whether it was reported to the police for prosecution or whether it really was a racially motivated incident. This is because

perceived discrimination can play a great role in the feelings and behaviour of migrants, even if no actual discrimination took place: "If the host society is perceived as 'closed' and prejudiced, this may lead to a reinforcement of ethnic ties with negative consequences for the cultural, social and identificational processes" (Heckmann/Lederer/Worbs 2001, p. 63; PUBDE0086). In these studies, differences must be made, on the one hand, between the question of discrimination which is perceived to be a concrete disadvantage (cf., for example, Sen/Sauer/Halm 2001; PUBDE0516); on the other hand, research is, in part, undertaken into experiences of racism in general (cf., for example, Worbs 2001; 3B0033). It becomes apparent here that the experience of racism is more frequently named than the perception of discrimination, not least because disadvantage due to one's origin or skin colour is also seen to be racism. More than a third of the 570 young migrants interviewed reported on experience of racism. Mostly these were verbal abuse. This finding is confirmed by other studies. In a study in Frankfurt (Straßburger 2001; 3B0010), around 800 people with a migration background were asked whether they had personally had experiences of racism due to their migrant origins or their skin colour. 36.1% reported that they had been verbally insulted and 10% said they had even been physically attacked (cf. in more detail table 9 in the annex). In the representative surveys (Repräsentativuntersuchung), as they are known (cf. Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030),²³ questions were asked as to the extent to which migrants are affected by xenophobic acts. The interview was only restricted, however, to the previous twelve months. In 2001 an average of 16.1% of those interviewed said they had been insulted and 14.9% said that they had been pestered. 5.5% had been threatened, 2.0% beaten or hit and 1.4% had even been injured. A differentiation according to nationality shows that Turkish people were most frequently subject to xenophobic attacks (for more detail, see table 10 in the annex). When additionally taking gender into consideration, it becomes clear that men are more frequently insulted, pestered and assaulted than women are. This difference is particularly clear in the case of physical violence. Differentiation according to age does not provide a clear picture. It can only be stated that migrants in the age group 15-24 most frequently experience all types of xenophobic behaviour. Regarding a view over time, it is apparent that the perception of xenophobic behaviour has remained relatively constant (cf. table 10 in the annex).

4.5. DATA ON COURT CASES

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

The investigation of crimes which, according to the judicial authorities, have an extreme right-wing or xenophobic background are registered according to the section of the penal code and not differentiated according to the perpetrator's motive (e.g. anti-Semitism).

²³ The Representative Survey is a representative study surveying Turkish, Greek, Italian and formerly Yugoslavian labour living in West Germany and West Berlin. Individuals are selected for the survey in a two-step process, combining random selection and quotas. Per nationality, about 1,000 people are surveyed (for further details, cf. Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030).

Differentiation is made between propaganda offences (§§ 86, 86a StGB), incitement of the people and glorification of violence (§§ 130, 131 StGB), homicide offences (§§ 211, 212 StGB), bodily harm (§§ 223 ff. StGB), breach of the peace (§§ 125, 125a StGB), arson (§§ 306 ff. StGB) as well as anti-Semitic activities (desecration of graveyards, etc.) and other offences (cf. Table 11 in the Annex).²⁴ In the judicial statistics, as in the KPMD, the propaganda crimes and incitement of the people clearly outweigh the other crimes with an extreme right-wing background. Among these crimes are § 86 Penal Code (“Distribution of propaganda material of anti-constitutional organisations”, § 86a Penal Code (“Using symbols of anti-constitutional organisations”), § 130 Penal Code (“incitement of the people”) and § 131 Penal Code (“glorification of violence”) (for more details, see chapter 3.1).²⁵

From 1995 to 2000 the overall number of legal proceedings increased by 86% (cf. table 11 the annex). In addition, one can see a continuous increase of the number of investigations because of bodily harm between 1995 and 2000 (by 72%). The majority of the investigations were started because of various propaganda crimes. The increase in these areas can also be attributed to the growing amount of internet criminality. The number of web site run by German right-wingers rose in 2001 to about 1,300 (2000: 800, 1999: 330). In 2002 the number of such sites dropped again to 1000. In the case of web sites which violate paragraphs of the Penal Code, the following model has been agreed upon: the place in which the crime was reported is the scene of the crime. If someone in Bamberg comes across a web site with extreme right-wing propaganda while surfing the Internet and reports this to the police in Bamberg, they will start their investigations until the 'real scene of the crime' has been found. In larger cases or as a consequence of 'research without a concrete cause' by the State Office of Criminal Investigation (LKA), then this will be carried out by the central Federal Prosecutor as a collective proceeding. It becomes problematic, however, if the provider is in the USA, for example, where Nazi propaganda is not prohibited. The Federal Court, however, has pronounced judgement (Az 1 StR 184/00) that under certain circumstances German law can be applied to web sites which have been put on the internet abroad. This is the case, for instance, when the contents of this web sites can be used to violate public peace in Germany. If measures against those responsible cannot be implemented or are not likely to be successful, German internet providers can be required to block access to those sites as long as such a block is technically possible and feasible (Az 8 B 2567/02).

Whereas the number of opened investigations because of crimes against non-Germans remained relatively constant from 1995 to 1999, a clear increase can be stated for 2000. A similar development can be seen with investigations against anti-Semitic actions (an increase of 63% in 2000 compared to the previous year) (vgl. table 11 in the annex).

Slightly more than 10% of all opened investigations have been completed with convictions (cf. table 12 in the annex). About a fifth of the convictions are criminal acts against non-Germans. The majority of the investigations are dismissed, mostly because the incident is not sufficient to justify preferring charges (§170 Abs. 2 StPO), for example because the perpetrator could not be determined. Numerous cases are also dismissed according to §§153ff StPO (with juveniles §§45, 47 JGG). According to §153a charges might not be pressed in cases where the accused will be given certain directives and

²⁴ It cannot be examined here how far this categorisation matches the definitions of the KPMD.

²⁵ Cf. for the individual paragraphs in more detail: Hessische Landeszentrale für politische Bildung 2000; PUBDE0479.

instructions.²⁶ The degree of guilt, however, must not be too high in these cases. In 30% of the cases the accused are sentenced to youth detention or imprisonment, though the majority is put on probation. Only very few of the convictions to imprisonment are longer than two years (cf. table 13 in the annex); a detailed differentiation of the sentences cannot be made on the basis of the printed matter of the German parliament.

Cases in which extreme right-wing motivated crimes are dealt with repeatedly attract media attention. Especially cases in which the victims of the attack are killed or seriously injured or where a greater symbolical meaning can be attributed to the crimes (e.g. the desecration of graveyards, the painting of swastikas on synagogues, memorials to concentration camps or the like) (see also chapter 4.3). This was the case in the murder trial in summer 2002: in 2000, compared to the previous years, a significant increase in violent crimes to almost 1,000 violent crimes was noted, with three completed murders among them. One of the three victims, a father from Mozambique, was slain by three neo-Nazis with racist motives in June 2000. The defendants were sentenced by the Oberlandesgericht (Higher Federal Court) Naumburg on 30 August 2000 for murder for base motives (hatred of foreigners). The principal defendant was sentenced to a life imprisonment, the other two perpetrators were sentenced to nine years youth detention each. On 22 February, 2001, the appeals of two of the defendants were rejected as unfounded by the Second Criminal Senate of the Bundesgerichtshof (Federal Court of Justice).

A signal could also be given by a settlement reached in a civil trial before the Munich Landgericht (State Court) in mid-October 2003. Four neo-Nazis, who had beaten up a Greek man early in 2001 and who had been sentenced to longer periods of imprisonment for attempted manslaughter and grievous bodily harm, were ordered to pay a total of 25,500 Euros in relatively short periods to their erstwhile victim. The lawyer acting for the victim hoped that this judgement would serve as a signal to potential perpetrators for future civil proceedings (cf. Sager 2003).

4.6. DATA ON VICTIMS OF RACIST VIOLENCE AND RACIST CRIMES

There is only little data available on victims of racist violence. Official statistics only provide information on the number of injured people as a result of "politically motivated criminality – right-wing". In 2002, the number of people injured by extreme right-wing violence amounted to 319, which, compared to 385 injured people in 2001, represented a reduction (according to KPMD-PMK). More than half of them were victims of xenophobic and/or anti-Semitic motivated violence. At the beginning of 2003, the number of injured people rose; in the first six months of 2003 alone 231 injured people were registered (cf. table 14 in the annex).

²⁶ As directives or instructions the following might be considered: 1. carrying out certain tasks in compensation for the damage caused by the crime, 2. paying a certain amount of money to a charitable institution or to the treasury, 3. carrying out other charitable tasks, 4. paying a certain amount of maintenance costs or 5. making a serious effort for compensation with the victim (perpetrator - victim - compensation) by making amends for the crime completely or partly or to seek its compensation (§ 153a StPO).

More detailed information on the group of victims can be found in pertinent social studies-based studies (cf. for example, Peucker/Gaßebner/Wahl 2001, p. 51-52; PUBDE1075; Willems/Steigleder 2003; PUBDE0462) or in publications from victim support centres (cf. for example, Opferperspektive 2003; PUBDE0756). The results of these studies will be presented more completely in chapter 5.2.

It is important to note that not all extreme right-wing criminal acts are reported to the police, as the victims refrain from reporting them out of fear of retaliation, because they are not sufficiently informed on the legal basis or do not trust the judicial system. Some of the victims also have had negative experiences as non-Germans/migrants with German police authorities. Because of these findings, advice centres for victims of right-wing violence have been established during recent years (cf. more detailed information in chapter 6.3).

4.7. DATA ON PERPETRATORS OF RACIST VIOLENCE AND RACIST CRIMES

Data on perpetrators are provided, on the one hand, by the official police statistics, which are mainly quantitative in character and, on the other hand, also by sociological studies which, in addition to quantitative evaluations, also offer qualitative analyses and thus are in a position to provide additional background information on the perpetrators.

Statements on suspected perpetrators can be made on the basis of the KPMD-PMK. Parallel to the development of the criminal acts, the number of suspected perpetrators has dropped after reaching a very high level in the first six months of 2001. From July 2001 to March 2003, the number of suspects lay continually under 400 people. In April the number rose to 478 suspects and since then has been at a relatively high level (cf. table 15 in the annex).

About 60% of people accused of having committed extreme right-wing and anti-Semitic criminal acts are young people and adults (cf. table 16 in the annex). Although the number of youths and young adults committing violent crimes without right-wing extremist background is indeed also relatively high, but a comparison of the age structure shows that suspected perpetrators who are accused of a violent crime with right-wing extremist background are on average younger than other perpetrators at the time they committed the crime. Especially the number of young adults (18 to 20 years old) is comparably high (cf. graph 8 in the annex).

The judicial statistics published in the printed matters of the German parliament only provide information on the age of the suspected perpetrators though. For that reason the socio-economic and biographical background as well as the motivation of the group of

suspects or perpetrators has been analysed in greater detail in some recent studies,²⁷ using police and court files as well as in-depth interviews. The results of these studies will be briefly presented in chapter 8.3 (for more details see chapter 8.4 in the annex).

4.8. GAP ANALYSIS

The official statistics report very comprehensively and in a detailed manner about extreme right-wing and xenophobic criminal offences in Germany. Nevertheless, deficiencies occur in the official data due to misjudgements and differing interpretations in the registration of criminal acts as well as a low rate of reporting these offences. These deficiencies can, in part, be met by unofficial chronicles, such as those in the media or via the victim support centres. A national registration of xenophobic incidents, for example by an independent monitoring system, has not yet been implemented. With regard to the research on perpetrators and victims, it must be stated that numerous recent social studies-based studies on this topic have made it possible to interpret the data from the official statistics more closely.

5. ANALYSIS OF RACIST VIOLENCE AND RACIST CRIMES

When analysing the quantitative development of criminal offences with an extreme right-wing background, one cannot automatically assume a rise or fall on the basis of the absolute numbers. Other aspects must be taken into account. This can be illustrated best with the increase in the number of criminal offences up to 2000: Taking the deficits of the old registration system and the improvements made by the introduction of the new system into account, the following has to be pointed out: It is possible that the overall number of criminal acts in this area did indeed rise until 2000. But it is quite conceivable, too, that the so-called "Dunkelfeld" (twilight zone) has decreased, as a result of which the number of registered criminal acts rises without quantitative changes in criminality. Another very important fact is that for many years neither politics nor society have been sensitive towards the topic "right-wing extremism" which is also very important for the interpretation of the very low figures in the 1970s and 1980s.

After several spectacular cases of extreme right-wing violence had taken place in the first half of 2000, there was increasing discussion in the media from June onwards about a ban being imposed on the NPD. Since the election campaigns in North Rhine-Westphalia, by far the most populous federal state, the recruitment of foreign IT-experts has also been

²⁷ Three studies have been carried out on behalf of the Federal Ministry of the Interior. The results of these studies are based on an analysis of police investigation files as well as court files regarding xenophobic, anti-Semitic and extreme right-wing suspects or perpetrators, as well as on in-depth interviews and tests with xenophobic violent criminals. Another study was carried out by the State Office of Criminal Investigation Baden-Württemberg. In addition, a study was published in 2002 in which around 100 convicted perpetrators of violent crimes were interviewed (cf.. Frindte/Neumann 2002; PUBDE0589).

discussed (the introduction of a Green Card). This 'competition for the best minds', which was approved by the majority of industry, most likely also heightened the general public's sensitisation to the problem of right-wing extremism. The success of such a recruitment drive, as it is also seen in political circles, consequently depends to a great degree on the extent to which subjective and objective threats, to which migrants to Germany would be subjected, can be removed. On the other hand, this debate may have also stimulated extreme right-wing groups into taking action themselves again (cf. Bundesministerium des Innern/Bundesministerium der Justiz 2001, p. 283; 3B0001).

It must also be noted in this context that the high amount of media attention can also influence the behaviour of potential perpetrators, in particular of so-called 'copycats' (cf. here Case Study 2). This is also confirmed by a glance at the monthly statistics which clearly show that, after the (as yet unsolved) underground-train attack in Düsseldorf on 27 July 2000 and the correspondingly intensive reporting, the number of offences rose explosively. At the end of the year, parallel to the reduced presence of the topic of right-wing extremism in official discourse, the figures dropped again.

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

A further problem in registering extreme right-wing crimes for a long time was the unclear definitions, the leeway involved in assessment and consequently also the differing ways of dealing with this issue "on the ground", which, for example, led to violent offences by right-wing perpetrators against those marginalised by society (e.g., the homeless), but also against foreigners being frequently registered in the general Police Crime Statistics and not in the statistics relating to the state security – even when these crimes were carried out by extreme right-wing groups. The introduction of a new system of definitions attempted to solve these definition problems. The extent to which the registration has been made more uniform as a result cannot be estimated. In addition to the leeway in defining these crimes, the differing degree of reporting these offences by the individual State Offices of Criminal Investigation to the Federal Office of Criminal Investigation can also contribute to discrepancies in the statistics.²⁸

²⁸ The Office Office for the Protection of the Constitution in Mecklenburg West Pomerania, for instance, reports in its annual report for the year 2001 40 violent crimes in the area "politically motivated criminality – right-wing", to the BKA, however, they did not report a single violent crime. The reason for this is that none of the reported violent crimes in the area "right-wing" had been registered as extreme right-wing. In the sense of trying to overthrow

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

5.1. GROUPS VULNERABLE TO RACIST VIOLENCE AND CRIMES

Studies on social distance reveal that migrants are not perceived as a homogeneous group, but are differentiated according to the various migrant groups. Analysis of the data provided by General Population Surveys have shown that Germans tend to accept Italians and Greeks, whereas levels of social distance are highest concerning Turkish and Vietnamese nationals as well as migrants from Africa, with Aussiedler (ethnic German migrants) taking again an intermediary position (cf. Graph 9 in the annex; Steinbach 2003; PUBDE0531).

Other analyses of ALLBUS data have confirmed the positive correlation between perceived social differences (regarding somebody's lifestyle) and social distance (cf. Steinbach 2003, p. 103ff.; PUBDE0531; Böltken 2000, p. 166ff.; PUBDE0542): The survey found that perceived differences were most significant concerning asylum seekers. 82.1% of the people surveyed responded that their own lifestyle differed significantly from that of asylum seekers. Respective figures for Aussiedler were 44.2%, and for Italians 23.8%, i.e. Italian residents were perceived as different by less than half of respondents, compared to Aussiedler (cf. Graph 10 in the annex). The main factors determining the perception of cultural differences have been identified as follows: outer appearance, i.e. instantly recognisable differences concerning physical features, the size of the minority group as well as segregation levels in housing. The latter also affect Aussiedler, who face higher levels of social distance than Italian residents (cf. Steinbach 2003, p.107; PUBDE0531).

The results of various studies give rise to the assumption that these factors do not only have effects on the perception of cultural differences and behaviour relating to social

the free democratic constitutional structure, only those crimes should have been reported to the BKA. In the tageszeitung of June 3, 2002 a speaker for the Ministry of the Interior of Mecklenburg West Pomerania was quoted, "Regarding registration of criminal acts we stick to the definition of extremism as it has been defined by law (own translation)." Everything else is only "right-wing" – or "left-wing" otherwise. This illustrates that the new registration system for extreme right-wing criminal acts is not applied in a standardised way yet and that some federal states still have reservations against it.

distance, but can also increase the risk of becoming victims of extreme right-wing violence (cf. for example, Peucker/Gaßebner/Wahl 2001, p. 51-52; PUBDE1075). Looking at the victims of xenophobic violent acts one can note that two third of the victims are non-Germans, of which almost 50% are asylum seekers. People with certain ethnic origins are particularly affected because of their outward appearance (for example, Turks or people of African origin, Sinti and Roma, in eastern German also Vietnamese). Slightly more than 10% are ethnic Germans (*Spätaussiedler*) who are also frequently perceived as non-Germans (foreigners, "Russians") (vgl. hierzu auch Kapitel 7.3).

However, almost a fifth of the victims of xenophobic violent crimes are German citizens (without ethnic Germans). This "can be explained, among others, by German citizens intervening, for example, in fights between perpetrators and non-Germans, by non-German peoples' German friends who are drawn into the confrontation, and by German citizens with (partly) different ethnic origin (own translation)" (Bundeskriminalamt 2001, p. 53; PUBDE1042). In addition, homeless, handicapped, punks and politically left-oriented people are victims of right-wing violence.

The results of other studies and documentations (vgl. Opferperspektive 2003; PUBDE0756; Willems/Steigleder, PUBDE0462) give rise to the assumption that the proportion of German victims of extreme right-wing violence is significantly larger. All the known cases of extreme right-wing violence in the state of Brandenburg in 2002 were registered by the "Opferperspektive" ("Victims' Perspectives", which is a body offering advice to victims of extreme right-wing violence in Brandenburg). It became apparent that over half of the victims had German citizenship. Although this group also contains "Aussiedler" (ethnic German migrants) and naturalised migrants, the majority of this group was constituted by "non-right-wing" young people (cf. Opferperspektive 2003, 12; PUBDE0756; see also graph 11 in the annex).²⁹

In about 55% of all right-wing violent acts one victim, in another 25% two victims have been identified (vgl. Peucker/Gaßebner/Wahl 2001, p. 51-52; PUBDE1075; Willems/Steigleder 2003, PUBDE0462). In light of the fact that the great majority of perpetrators of xenophobic violent crimes (88%) act as part of a group, it becomes clear that – contrary to the myth of a fight "man against man", only rarely do the conflicts take place between opponents with the same degree of strength (Peucker/Gaßebner/Wahl 2001, p. 51; PUBDE1075).

A more differentiated view of the demographic structure of the victims as well as of the relationship between the perpetrators and victims is offered by the research project "Täter-Opfer-Konstellationen und Interaktionen im Bereich fremdenfeindlicher Gewaltdelikte" ("Perpetrator-Victim Constellations and Interactions in the Field of Xenophobic Violent Crime Offences" (own translation), Willems/Steigleder 2003; PUBDE0462). This project analyses police investigation and law court reports and conducts interviews with perpetrators and victims: 70% of the victims of xenophobic

²⁹ A more extensive analysis of the experiences whilst giving advice to victims shows that, in addition to the violent attack, more factors influence the experience of being a victim as well as the chances to come to terms with this experience. In particular, these include the reaction of uninvolved third parties, the behaviour of the police, the events of the court proceedings as well as the reaction of the media and community (cf. Wendel 2003; PUBDE0462). Salentin and Wilkening (2003, PUBDE0462) attempt to analyse the extent to which the experience of xenophobic behaviour in turn affects the systematic trust of migrants.

violent crimes were men, 30% women. The age structure of the victims also differed from that of the perpetrators. Although a considerable number of the perpetrators (46%) were under 25 years old, most victims (47%) could be found in the age group between 25 and 45 years of age. Approximately 7% were older than 45 (see also Opferperspektive 2003; PUBDE0756 and graph 12 in the annex).

In the majority of cases (60%), the victim and the perpetrator either did not know each other or had only encountered each other briefly in the neighbourhood or at school, for example (27%). Corresponding to this anonymity between perpetrator and victim, most acts of violence took place as a result of meetings by chance in public places (e.g. parks, public transport). Only in around 9% of the cases were the victims deliberately sought out by the groups of perpetrators.

An evaluation of the police investigation reports revealed that in almost 90% of the cases the victim had not contributed to the attack happening by verbal or physical provocation. Interviews with victims confirmed this finding: around 11% of the victims admitted to having provoked the perpetrator in some way, either verbally or physically. In contrast, more than two thirds of the victims had tried to pacify the perpetrator(s).

5.2. PERPETRATORS OF RACIST VIOLENCE AND RACIST CRIMES

Sociological studies confirm the data of the official statistics with regard to the age and gender of the perpetrators. Xenophobic criminal acts have been and are primarily committed by young people and young adults between 15 and 24 years (about three quarters of the total number of suspects). Regarding the gender of xenophobic suspect perpetrators one can note that more than 90% are male. The number of female suspects, however, has almost doubled between 1992/93 (Trierer Studien³⁰) and 1997: from 5% in 1992/93 to 9% in 1997. In the study of the Landeskriminalamt Baden-Württemberg (2002; PUBDE1043) the number of female criminals amounts to 6%.

Regarding to the qualifications of the suspected perpetrators, the study by Peucker, Gaßebner and Wahl (2001; PUBDE1075) shows that more than half of the suspected perpetrators (56%) have completed general-education secondary school (Hauptschulabschluss), a quarter passed the intermediate level of secondary education (Realschulabschluss) and only about 3% took A-levels or graduated at university. This means that, compared to the respective age groups of the total population, the suspected perpetrators with general-education secondary school are clearly overrepresented, suspects with A-levels are underrepresented. 6% of the suspected perpetrators (without those who are still in school) left school without any qualification, which is more or less comparable to the total population. In sum, the suspected perpetrators, on average, reached only lower or intermediate levels of education. Also the results of other studies suggest “a correlation between the level of education and willingness for violence (own translation)” (Landeskriminalamt Baden-Württemberg 2002; p. 12; PUBDE1043; see also Frindte/Neuman 2002; PUBDE0589). It should be noted, however, that the number of

³⁰ Willems/Würtz/Eckert, 1994; PUBDE00587.

suspects with intermediate levels of education has increased compared to the so-called Studies of Trier in 1992/93.

With regard to the vocational status one can note that 28% of the violent criminals are manual workers, 4.4% are skilled workers, about 23% are serving apprenticeship and 6.7% are unemployed. In this respect one cannot suggest a direct correlation between unemployment and extreme right-wing violence (Landeskriminalamt Baden-Württemberg, 2002; PUBDE1043). The results of two further studies (cf. Peucker/Gaßebner/Wahl 2001; PUBDE1075; Willems/Steigleder 2003; PUBDE0462) do give rise to assumptions regarding a greater influence of unemployment, however. Peucker, Gaßebner and Wahl (2001; PUBDE1075), determine, for example, that at the time of the crime 22% of the suspects were unemployed which is much more (roughly twice as much) than in the respective age groups of the total population. In the former West German federal states 24% of the suspected perpetrators were unemployed, in the new federal states only 18%, despite a higher overall unemployment figure. This can be put down to the fact that the suspects in East Germany are on average younger than in West Germany and the majority is therefore still in school or in vocational training (69% in East Germany, 46% in West Germany). Breaking down these numbers according to age groups the following can be stated: In the age group of 18 to 20 years every fifth suspect, between 21 and 24 almost 40% and in the group of the over 25 year olds even more than 40% of the suspected perpetrators were unemployed at the time of the crime. Despite these results, however, one cannot refer to the majority of the suspected perpetrators as being "vocationally desintegrated" – they are still in school or vocational training or are employed. So not only the fact of being unemployed might create a stressful situation, but "also the vague fear of unemployment in the neighbourhood could lead to great distress and to xenophobic attitudes (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 34; PUBDE1075). Compared to all suspects, however, the unemployed group of suspects has more often been convicted of other, non-political crimes before. 54% of the unemployed suspected perpetrators have already been convicted because of non-political crimes, whereas this applied to only 32% of all suspects. These results show that among the suspected perpetrators one can also find "problematic groups" who are affected by unemployment. On the basis of this data one cannot conclude though that unemployed persons increasingly commit xenophobic crimes: "Neither has their number increased in relation to all suspects, nor has there been an increase of the total number" (Peucker/Gaßebner/Wahl 2001, p. 35; PUBDE1075).

With regard to about 40% of the suspects no "previous incidents recorded by the police" (previous convictions, investigations) had been registered at the time of the crime. 24% of the suspected perpetrators, however, had a record of political criminal acts, 13% had already been convicted before because of political crimes. More than half of the suspects (56%) had been recorded by the police because of other, non-political crimes. The high number of suspected perpetrators who already had a record of non-political crimes "suggests that politically motivated delinquency largely overlaps with general youth delinquency" (Peucker/Gaßebner/Wahl 2001, p. 82-83; PUBDE1075; see also Gaßebner/Peucker/Schmidt/Wahl 2001, p. 108; PUBDE1076 and Landeskriminalamt Baden-Württemberg 2002, PUBDE1043; Willems/Steigleder 2003, PUBDE0462). In total one can state that the number of multiple offenders has considerably increased since the Studies of Trier in 1992/93.

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

Differences exist, however, between the eastern and western federal states: The number of people who are members of skinhead groups amounted to almost 50%, in the eastern federal states only to less than 10% though. This shows that xenophobic perpetrators especially in the eastern federal states are mainly members of so-called "informal leisure groups" or spontaneous organisations and do not only belong to extreme right-wing groups. Especially in the eastern federal states a new form of "youth culture" has apparently developed in which it is "normal" to behave in a xenophobic manner and to provoke others with extreme right-wing slogans (cf. Ganter 1998, p. 9; PUBDE0755). In this respect one can talk about a "normalisation of extreme right-wing orientations" in some segments of the youth culture; as a consequence the extreme right-wing youth milieu has become a "power of socialisation" in the local context in the mid 1990s which has less and less problems to prevail or expand since (Wagner 2001, p. 109; PUBDE0461). Therefore extreme right-wing and xenophobic attitudes and/or actions are also a result of "processes of group-internal dynamics". A number of young people are seeking social respect in the group and are exposed to the pressure of conformity within the group. This search for respect in (frequently extreme right-wing and xenophobic) groups as well as seeing violence as a means to solve conflicts, already within the family³¹, can frequently be identified in the biographies of xenophobic perpetrators of violent crimes (cf. here Wahl et al. 2001, PUBDE1077). Breaking down the group membership of xenophobic suspect perpetrators by age the following can be noted: Up to 20 year old suspects most frequently belonged to informal groups, those between 21 and 24 were mostly members of skinhead groups and those over 30 primarily belonged to extreme right-wing organisations. "Looking at it from outside this could indicate a sort of group career (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 84 PUBDE1075).

The majority of criminal acts was committed during the weekend between 11 p.m. and 6 a.m., often during or after events (e.g. concerts) and the violent criminals were mostly encouraged by alcohol (three quarters were under the influence of alcohol during the crime). In addition, one can note that more than 80% of the violent criminals committed the crime jointly with several others or out of the group (Landeskriminalamt Baden-Württemberg 2002, PUBDE1043; Peucker/Gaßebner/Wahl 2001, PUBDE1075). There is a correlation between the age of the perpetrator and the type of the crime. Especially criminal acts by 15 to 20 year olds are committed out of a group (90%). On the other hand, older suspects between 46 and 60 years are hardly involved in group crimes (7%). It can also be noted that especially persons who are involved in criminal acts that cause bodily harm and wilful damage of property commit group crimes. Suspect perpetrators involved in investigations of propaganda crimes though are often single perpetrators.

³¹ A correlation between a difficult family situation, however, and violent behaviour later could not be identified on the basis of the data (Gaßebner/Peucker/Schmidt/Wahl 2001; PUBDE1076).

Also anti-Semitic criminal acts are committed by a relatively high number of single perpetrators who are mostly subject to investigations because of propaganda crimes and incitement of the people (Peucker/Gaßebner/Wahl 2001, PUBDE1075). The crimes were primarily committed at or near the place where the perpetrator lives (cf. Landeskriminalamt Baden-Württemberg 2002, PUBDE1043; Gaßebner/Peucker/Schmidt/Wahl 2001, p. 108; PUBDE1076).

Findings about the motivation for the crime are based on information provided by the suspected perpetrators that was noted down by the police officers in pre-set categories. According to this, slightly more than 40% of the suspects named xenophobic attitudes as motives for the crime, further 19% stated a political (radical right-wing or extremist) motivation. No less than 15% of the suspects named "sheer pleasure in violence", another 10% named group pressure/pressure for conformity as motives. "Those two motives, however, are also important for xenophobic, extreme right-wing and anti-Semitic motivated crimes [...]. These findings indicate that one cannot talk about a clearly identifiable motivation for the crime. There are rather a lot of overlapping motives that might intensify reciprocally" (own translation) (Peucker/Gaßebner/Wahl 2001, p. 47; PUBDE1075). A less ambiguous picture is given, however, by studies on the general attitude of perpetrators (cf. Frindte/Neumann 2002; PUBDE0589). Xenophobic, nationalist orientations which discriminate against minorities can be determined in all of those interviewed. The findings with reference to anti-Semitic attitudes, however, reveal significant differences between East and West German perpetrators. Although two thirds of Eastern German perpetrators still agree with anti-Semitic statements, this figure is considerably lower than in the case of the Western German perpetrators who display 100% anti-Semitic attitudes.

Also with regard to the types of crime, there are clear differences between the old and the new federal states. Bodily harm, for instance, was involved in twice as many crimes in the east than in the west. In the west, on the other hand, a higher number of propaganda crimes was committed than in the east. One must take into consideration, though, that a differing willingness to report these crimes and a varying sensitisation of the police has implications for the types of registered crimes: incitement of the people and propaganda crimes can be very easily categorised, with regard to bodily harms this is often more difficult (Peucker/Gaßebner/Wahl 2001, p. 86; PUBDE1075).

The differentiation between propaganda crime perpetrators and perpetrators of violent crimes is not without overlap. Among perpetrators of propaganda crimes there are twice as many pupils as among perpetrators of violent crimes, which means that a great number of propaganda crimes are, on the one hand, committed by pupils (as provocation or as entrance to the right-wing milieu), on the other hand by older perpetrators who are already integrated in the relevant groups. In addition, propaganda crime perpetrators have on average a higher level of education than perpetrators of violent crimes (see Gaßebner/Peucker/Schmidt/Wahl 2001; PUBDE1076).

6. STRATEGIES, INITIATIVES AND GOOD PRACTICE

Legislation and its implementation by the courts can be seen, amongst others, as good practice in combating racially motivated crime. In chapter 3.1 the possible legal regulations to prosecute extreme right-wing crimes were presented. On the one hand, xenophobic acts of violence can be prosecuted, on the other hand, also “propaganda offences”, as they are known, or incitement of the people are punishable. The field of discrimination is hardly dealt with by the legislation to date (cf. here the study in the field of legislation).

Chapters 4.3 and 4.5 showed that trials against extreme right-wing perpetrators can be more frequently successfully completed. Of particular importance here is certainly the attempt to promptly pass judgement on the crime as well as the categorisation of the motive “hatred of foreigners” as a base motive. A different degree of punishment for violent crimes with or without an extreme right-wing background is not planned, however. Signals could also be sent by a settlement in which xenophobically-minded perpetrators were sentenced to pay high amounts of compensation to their victim.

In addition to the legislative and judicative, there are a variety of initiatives and programmes which can also be described as good practice. These range from the fields of prevention, work with (potential) perpetrators and advice for victims.³²

6.1. PREVENTION

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

The Bündnis für Demokratie und Toleranz – gegen Extremismus und Gewalt (Alliance for Democracy and Tolerance – against Extremism and Violence; NFPDE0128) was officially founded on 23 May, 2000, the 'Day of the German Constitution', under the motto "Hinschauen – Handeln – Helfen" (Look – Act – Help) (<http://www.buendnis-toleranz.de/>). Since then, **over 900 groups and individuals**, including school classes,

³² At this point it must be stated that there are numerous projects and measures maintained on the level of the federal states and on the local level by various financing sources which cannot be presented here. Information on these projects can be found, for instance, in the KO-DEX data file (Kommunale Datenbank gegen Gewalt, Extremismus und Fremdenfeindlichkeit (Local data file against violence, extremism and xenophobia)), which contains the descriptions of currently about 440 projects on the internet at www.kommunen-gegen-gewalt.de/DSTGB.asp. Further information can be found in the publication “Kriminalprävention. Rechtsextremismus – Antisemitismus – Fremdenfeindlichkeit“ (Prevention of criminality. Right-wing extremism - anti-Semitism - xenophobia) which was published in 2000 by the Bundeskriminalamt (Federal Office of Criminal Investigation) and which also contains the descriptions of various projects

societies, local action groups and artists, have expressed their interest in participating in order to confront xenophobic, racist and anti-Semitic violence.

The Alliance acts as a kind of umbrella organisation to co-ordinate and financially support individual projects, such as the programme 'XENOS' (ACTDE0098), for example (see employment study), 'CIVITAS' (ACTDE0100; see legislation study) and 'ENTIMON' (ACTDE0348; see below). One of its central aims is to foster the involvement of civil society, above all, on a local level. The aim of all the projects is *prevention* through the support and promotion of decentralised projects, advisory bodies and pedagogical and social action groups.

In addition to fostering external projects, the Alliance has also started its own activities, amongst others, a competition entitled "Aktiv für Demokratie und Toleranz" (Active for Democracy and Tolerance) (2C0017), the aim of which is to support exemplary activities, the regular award of the title "Botschafter der Toleranz" (Ambassador of Tolerance) (ACTDE0350) and the Victor-Klemperer-Jugendwettbewerb (Victor Klemperer Youth Competition) (3C0012). Under the motto 'WE win – active for civil commitment' (own translation), young people are encouraged in the latter competition to seek out voluntary work carried out by members of their community, or to start a project themselves and report about it. The aim is to interest young people as early as possible in community involvement in society in order to prevent extremist tendencies arising in the first place. Young people over the age of 15 can take part. To date, the competition has taken place three times and, with around 32,000 participants, is, in the meantime, one of the largest competitions for young people in Germany (for more information on the winners, see <http://www.buendnis-toleranz.de/Anlage12295/Die-Preistraeger-des-Wettbewerbes.doc>).

6.1.2. ENTIMON – Gemeinsam gegen Gewalt und Rechtsextremismus (ENTIMON – Together against Violence and Right-wing Extremism; ACTDE0348)

A further element of the programme is ENTIMON.³³ Already in 2001, over 1,500 projects were supported within the framework of this part of the programme, amongst them, conferences, courses, workshops, festivals, theatre projects and international encounters between young people. These also include local plans of action against violence, right-wing extremism and xenophobia which are directed towards young people in socially difficult environments. Political education measures form the focus of this part of the programme, both now in 2002 as they did in 2001. The programme aims to foster the practice of tolerance, intercultural dialogue, the willingness to involve oneself in community tasks, democratic behaviour and having the courage of one's convictions, as well as to impart the basics of a reliable, political education. Projects of national significance are supported (such as action events, Rock gegen Rechts (Rock against the Right), measures to support youth work in co-operation with the Bundeszentrale für politische Bildung (Federal Centre for Political Education; NFPDE0113) and other federal bodies, as well as projects to initiate civil commitment, especially on a community level. The target groups for ENTIMON are particularly pupils from secondary modern

³³ Entimon ist die Fortführung des Programmes "Maßnahmen gegen Gewalt und Rechtsextremismus" (Measures Against Violence and Right-wing Extremism/ENTIMON) under a different name and with new accents.

and vocational schools, but also parents, multipliers and migrants. In 2002, 245 projects were supported; at present 237 projects are being supported. A list of the individual projects with the address and main area of support can be accessed at http://www.entimon.de/entimon/c_5_4.html.

The Deutsches Jugendinstitut DJI (German Youth Institute; NFPDE0027) was given the task of academically supporting the programme; the Institute published an evaluation report in April 2002 for the year 2001 (Deutsches Jugendinstitut 2002; PUBDE PUBDE0579).³⁴ Several results of this first evaluation should be mentioned briefly here: the report determines that the proposed aim of localised involvement has been realised. However, it is also mentioned that, particularly in the area of the projects on intercultural learning, problem areas have become apparent (overloading with intercultural learning constellations, working with "outdated" methods which, in part, confirm clichés). In addition, contrary to the declared aims of the programme, only few of the projects have reached the important target group of pupils from secondary modern and vocational schools. This result "reflects the well-known problem that political education mainly reaches the group of people who, due to their socialisation, are interested in it anyway" (own translation) (ibid., p.27).³⁵

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

In Germany there are, particularly in larger cities with a high proportion of non-German inhabitants, some training programmes for police officers. As far as we know such programmes exist in Bonn, Cologne, Berlin, Offenbach and Frankfurt. As an example we would like to present in greater detail the project in Frankfurt "Polizei in einer multikulturellen Gesellschaft" (Police in a multicultural society (own translation)) and NAPAP ('NGOs and Police against Prejudice') (ACTDE0111).

The basic idea of the project was to build bridges between the participants and to fight prejudices by "getting to know each others lives better, exchanging information on the role of the police in a democratic society and on the living conditions of non-Germans in a large city (own translation)" (www.stadt-frankfurt.de/amka/). One tries to reach these objectives by the following methods:

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

³⁴ The report can be accessed at <http://www.entimon.de/entimon/doc/abschlu.pdf>.

³⁵ For further evaluation cf. Roth 2003; PUBDE0028 and Lynen von Berg/Roth (eds.) 2003; PUBDE0141.

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

In the meantime the European project NAPAP has been integrated in the regular programme of the city of Frankfurt and is carried out under the name "Polizei mit Migrantinnen und Migranten im Dialog" (Police in Dialogue with migrants): In cooperation with the Commissioner for Foreigners of the Frankfurt police, the Frankfurt police headquarters and the Hessian police school the AMKA (NFPDE0006) participates at a sub-project of the EU in the field of Intercultural Communication and organised community seminars between NGOs and representatives of the police. A coaching team with mixed nationalities carried out workshops with police officers as well as seminars with representatives of clubs on the topic of police work. After these separate preparation seminars joint discussion meetings were carried out as well as further qualification programmes for instructors of the police school and mediation of individual cases.

6.2. PROGRAMMES TO ASSIST PEOPLE TO LEAVE THE EXTREME RIGHT-WING MILIEU

Since mid-April 2001, the Aussteigerprogramm für Rechtsextreme (Federal Programme to Encourage Right-wing Extremists to Leave this Movement; 3C0003) has been running with its launch being accompanied by considerable media interest. Initiated by the Minister of the Interior it is run by the Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution; NFPDE0003). The preventatively orientated project primarily pursues two aims. On the one hand, the extreme right-wing milieu is to be unnerved and weakened by encouraging leading figures to leave this scene. On the other hand, attempts are being made to prevent "Mitläufer" (hangers-on) who are not firmly entrenched in the right-wing milieu from drifting into potentially violent environments. Within the framework of the programme, the BfV, in co-operation with the youth and employment offices, arranges jobs or training places, for example, for those willing to leave right-wing groups, or helps them in finding a place to live. In exceptional cases, financial help is also available in order to facilitate 'a return to democracy' for leading neo-Nazis (for example, by financing a new identity).

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

or will not give a concrete figure for the number of people who have left the right-wing milieu with the help of the programme.³⁶

In addition to federal programmes to encourage right-wing extremists to leave this movement, there are also private programmes of this nature, such as the privately initiated EXIT programme (3C0004), which was already started in late summer 2000, follows the same aim with different methods (www.exit-deutschland.de). Following the model of the Swedish EXIT programme, started in 1998 by a former neo-Nazi, the aim of the EXIT Germany programme is to give those willing to leave the extreme right-wing movement a guideline for self-help. It contains personal security concepts for the avoidance of attacks by extreme right-wingers on those potentially leaving this milieu, legal advice and the integration into sporting or artistic activities. Financial support for neo-Nazis willing to leave is not planned, however, and was evaluated as being counter-productive, in fact, by the initiators. Similarly, directly addressing neo-Nazis is also avoided as a certain process of reflection should have taken place before entering into dialogue with the EXIT workers. The project is financed by donations, whereby the main costs are borne by the German magazine Stern within the framework of their project "Mut gegen rechte Gewalt" (Courage against Right-wing Violence; 3C0016) (own translation). 60 clients, mainly from the western federal states, are at present being looked after by EXIT; 28 have been reported to have definitively left the extreme right-wing milieu (per June 2002).

³⁶ The implementation of the programme was welcomed across the political board, particularly since individual federal states have started such programmes of their own. However, the programmes of the federal states differ in part with regard to their procedures and organisation. For example, in Saxony-Anhalt, priority is given to dialogue with right-wing extremists who have committed violent crimes (www.sachsen-anhalt.de). However, there are exceptions here, such as those who are serving sentences or are presently under investigation. In Baden-Württemberg (www.polizei-bw.de), a police-orientated programme has been set up with its location being the State Office of Criminal Investigation. In this programme, known extreme right-wingers are directly targeted. The justice department of Lower Saxony in its contact centre Aussteigerhilfe Rechts (Help for Those Willing to Leave - Right-wing) places its emphasis on criminals with a radical right-wing background. They are to be given improved assistance in leaving this milieu. At the beginning of 2002, the Ministry of Justice in Brandenburg (www.brandenburg.de) started the model project "Präventive Arbeit mit rechtsextremistisch beeinflussten Jugendlichen im Jugendstrafvollzug des Landes Brandenburg" (Preventative Work with Young People Influenced by the Extreme Right-wing in Youth Custody in the State of Brandenburg). Within the framework of this project, the aim is to reduce or remove the extreme right-wing tendencies of young people in custody. Alongside these active measures of the state authorities, in many federal states telephone hotlines have been established which function according to the same principles as the federal hotline. Lines have been set up for those wishing to leave the right-wing milieu in Baden-Württemberg, Bavaria, Hamburg, Rheinland-Palatinate, Saarland, Saxony and North Rhine-Westfalia. The Bavarian Interior Ministry announced that, thanks to the programme, of a total of 70 people targeted, in the meantime 21 have left the right-wing milieu. Critics have commented that the programme may encourage people to join the movement and then to leave it later, obtaining subsidies in the process.

6.3. ADVICE CENTRES FOR VICTIMS

In recent years, particularly in the new federal states various **advice centres for victims of extreme right-wing violence** have been established. These centers offer various types of assistance either by an outward approach of potential victims or by being consulted by advice-seeking victims: legal advice, assistance in the search of witnesses, accompanying to authorities or court proceedings, finding appropriate medical or psychotherapeutic help, assistance in the application for compensation as well as for the coverage of legal expenses, providing contacts with initiatives that assist victims locally. It is the objective to shift the emphasis from concentrating on the perpetrator to promoting processes of increasing solidarity in the social environment of the victims, to extend alliances against exclusion, to strengthen democratic structures and to weaken the right-wing power (see "Focussing on the victims" (*Die Opfer in den Blickpunkt rücken*) at www.kamalatta.de/opferperspektive/Opferperspektive.html).³⁷

The experience of advice centers that have been active for some time shows that there is a need for counselling. Advice especially for victims of extreme right-wing violence should be provided at those places where these criminal acts are committed frequently, where the minorities in question can only insufficiently be reached by the already existing, unspecialised advice centers because of higher obstacles for admission or because of language problems and where, "moreover, deficits in the structures of civil society" (own translation)" (Möller 2002, p. 96; PUBDE1080) are discernible, which is particularly the case in the new federal states.³⁸

In spring 2002 the majority of the advice centers for victims have joined the „Arbeitsgemeinschaft der Beratungsprojekte für Opfer von rassistischer, rechtsextremistischer und antisemitischer Gewalt“ (Agora) (Team of the counselling projects for victims of racist, extreme right-wing and anti-Semitic violence; NFPDE0116) that has the objective to increase the public relations work and the lobbying activities on the one hand, and to promote the knowledge exchange among the members on the other hand (see www.agora-info.de). This union of advice centers for victims in the new federal states demands that victims of xenophobic violence should be granted permanent right of residence in Germany. As reason for this claim it is stated that by granting the victims the right to stay, the perpetrators - who want to deny this to the victims – will be shown "that their action does not lead to the intended, but opposite consequence" (www.agora-info.de/position.htm). In the federal state Berlin the government parties have already agreed on an appropriate regulation (Frankfurter Rundschau of July 5, 2002).

³⁷ For details on the protection of victims see Printed matter of the German parliament (Bundestagsdrucksache) 14/7058; PUBDE0583, Landtagsdrucksache 13/1146, p. 138-142; PUBDE0585 as well as Möller 2002, p. 93-96; PUBDE1080.

³⁸ As examples for advice centers for victims the following can be named: Aktion Cura – Hilfe für Opfer von Ausländerfeindlichkeit e.V. (Assistance for the victims of xenophobia) (www.aktion-cura.de), Miteinander e.V. (www.mobile-opferberatung.de) und Opferperspektive - Beratung für Opfer rechtsextremer Gewalt in Brandenburg (Perspective of the victim - Advice for the victims of extreme right-wing violence in Brandenburg) (www.opferperspektive.de). At the web site of „Opferperspektive“ one can also find addresses and links to other advice centers for victims.

Victims of xenophobic violence are also supported by lawyers. The Deutscher Anwalt Verein DAV (German Union of Lawyers; NFPDE0225) has established the „DAV Stiftung contra Rechtsextremismus und Gewalt“ (DAV Foundation against right-wing extremism and violence; ACTDE0334) with the objective to assist the victims of extreme right-wing and politically motivated violence by quickly enabling them to claim their rights by providing legal assistance.

Law on Compensation of Victims of Acts of Violence (Opferentschädigungsgesetz – OEG)

People who have been victims of an act of violence can assert their entitlement on compensation according to the Law on Compensation of Victims of Acts of Violence (*Opferentschädigungsgesetz – OEG*). Entitled are "people who have suffered bodily harm by a wilful,unlawful attack (injured party) or who are surviving dependants of people who died as a consequence of this bodily harm (own translation)" (Bundestagsdrucksache 14/7058, p. 4; PUBDE0583). The regulations of this law generally also apply to migrants without German passport, citizen of other EU member states receive the same benefits as Germans. In case of third country nationals the extent of the benefits depends on the length of residence in Germany (Bundestagsdrucksache 14/6415, p. 130; PUBDE0165).

In the Federal Budget 2001 ten million DM³⁹ were provided for the establishment of a **hardship fund** for victims of right-wing violence, 5 million DM were provided for measures of assistance for the victims. Until the end of 2001 about 2.64 million DM were claimed. For the year 2002 the federal government has provided 2.5 million Euro for this purpose. The applications for compensation are submitted to the Chief Federal Prosecutor at the Federal Court who is also responsible for the distribution of the funds. In 2001 210 applications for compensation were submitted: 121 applications (in favour of 151 persons) were acceded, 52 applications were rejected, 31 of the latter because no extreme right-wing background was obvious and 7 because the crime happened before 1 January 1999 (32 applications are still being processed). The compensations amounted to 500 to 500,000 DM (cf. Bundestagsdrucksache 14/8537; PUBDE1115 and 14/7058; PUBDE0583).

In addition, the Federal Ministry of Justice plans to introduce a new paragraph in the Penal Code (§ 40 StGB) which intends to transfer one tenth of the amount of the fine paid by the perpetrator to a charitable institution that assists victims. "A part of the paid fine will be used for the purpose of assisting and compensating the victims, especially in those cases which are not covered by the Law on Compensation of Victims of Acts of Violence (own translation)" (Bundesregierung 2002, p. 68; PUBDE1073).

³⁹ 1 Euro = 1,95583 DM

7. SUMMARY AND CONCLUSIONS

The analysis of the political climate, legal and political measures as well as extreme right-wing offences and violent crimes shows that the phenomena right-wing extremism, xenophobia and anti-Semitism represent a problem in Germany too and that this problem is noted by the political parties and in public discourse and is being combated with various measures. However, a variety of social scientific-based studies also reveals that in parts of the population there is a significant potential for xenophobic attitudes.

Concerning the quantitative development of extreme right-wing criminal offences, respective figures have, after decreasing in the mid-1990s, increased once again since 1997, reaching their latest peak in the year 2000 with 15,951 crimes. In 2002 10,902 criminal offences with an extreme right-wing background were registered. The proportion of violent crimes amongst the total number of extreme right-wing criminal offences was 6-8% in 1995. If one regards the number of offences in the relevant area of phenomenon in relation to the number of inhabitants and the number of non-Germans (as potential victims) in the respective states, the following points become apparent: Right-wing offences occur more frequently in the eastern federal states than in the western ones. They are (in the western federal states) more frequent in the North than in the South. They are generally higher in number where there is a lower percentage of foreigners (on average, the percentage of non-German residents is 2% in East-German, and 10.5% in West-German states). As for anti-Semitic offences, on the other hand, no significant differences have been found between the "old" and "new" federal states.

Whilst the development of extreme right-wing criminal offences can be presented above all with reference to the police registration systems, detailed data on perpetrators and victims can only be produced by additional sociological research and documentations from victim advice centres. Concerning the victims of xenophobic violence, it can be stated that approximately half the victims are foreign nationals, almost 50% of whom are asylum seekers. Moreover, the risk is higher for people who, because of their outer appearance, are perceived as non-Germans. However, a large number of the victims had German citizenship. On the one hand, this group contained "Aussiedler" (ethnic German migrants) and naturalised migrants, on the other hand, this group comprised Germans without a migration background, especially "non-right-wing" young people. The majority of offenders are male and between 15 and 24 years old. In addition, their educational achievements are lower than those of respective age groups within the general population. There are also indications that unemployed persons are over-represented among offenders.

In conclusion, it should be stated that, in addition to continuing the finance and initialisation of programmes against xenophobia and violence, it is necessary to improve the registration of extreme right-wing, xenophobic and anti-Semitic criminal offences further. This involves a standardisation in the registration in the individual federal states, a central registration of cases of discrimination and the support for social studies-based studies, especially in the field of victim research.

8. ANNEX

8.1. TABLES

Table 1: Pool of Potential Extreme Right-wingers¹ 1993 to 2002

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Extreme right-wingers who are characterised by a subculture or who are otherwise liable to be violent ²	5,600	5,400	6,200	6,400	7,600	8,200	9,000	9,700	10,400	10,700
Neo-Nazis ³	2,450	2,930	1,980	2,420	2,400	2,400	2,200	2,200	2,800	2,600
Parties	54,900	45,400	35,900	33,500	34,800	39,000	37,000	36,500	33,000	28,100
of which										
"The Republicans" (REP) ⁴	23,000	20,000	15,000	15,000	15,000	15,000	14,000	13,000	11,500	9,000
"Union of German People" (DVU)	26,000	20,000	16,000	15,000	15,500	18,000	17,000	17,000	15,000	13,000
"German National Democratic Party" (NPD)	5,000	4,500	4,000	3,500	4,300	6,000	6,000	6,500	6,500	6,100
Other extreme right-wing organisations	2,220	2,940	2,660	3,700	4,300	4,500	4,200	4,200	4,300	4,400
Total	65,400	57,470	46,740	46,020	49,100	54,100	52,400	52,600	50,500	45,800
After subtracting multiple membership	64,500	56,600	46,100	45,300	48,400	53,600	51,400	50,900	49,700	45,000

Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2001a, 2002, 2003

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

Table 2: Differentiation of offences with an extreme right-wing background

Type of Offence	2001	2002
Acts of Violence	709	772
of which:		
Homicide	0	0
Attempted homicide	9	8
Bodily harm	626	646
Arson	16	26
Other acts of violence	58	92
other offences	9,345	10,130
of which:		
Damage to property	251	178
Coercion, menace	190	115
Propaganda offences	6,336	7,294
Desecration	30	30
Other offences, particularly incitement of the people	2,538	2,513
Offences in total	10,054	10,902

Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2003

**Table 3: Politically motivated criminality - Right-wing:
Criminal acts and violent crimes 2001-2003**

	Criminal acts		of which xenophobic criminal acts	
		of which violent crimes		of which violent crimes ¹
January 2001	1,625	90	478	not available
February 2001	1,587	76	467	not available
March 2001	1,560	76	456	not available
April 2001	1,225	66	357	not available
May 2001	1,080	78	276	not available
June 2001	652	44	178	not available
July 2001	491	26	97	14
August 2001	578	41	111	21
September 2001	333	22	66	10
October 2001	362	26	55	10
November 2001	350	24	66	12
December 2001	270	10	51	6
January 2002	475	49	94	22
February 2002	267	19	48	12
March 2002	188	16	38	13
April 2002	263	10	49	7
May 2002	355	24	60	5
June 2002	398	28	88	17
July 2002	318	18	69	9
August 2002	353	39	74	26
September 2002	597	39	116	27
October 2002	541	41	120	27
November 2002	588	39	107	19
December 2002	615	43	127	25
January 2003	528	33	119	17
February 2003	559	45	111	26
March 2003	389	28	89	20
April 2003	633	52	116	27
May 2003	687	54	109	33
June 2003	465	45	88	26
July 2003	585	45	116	31

Source: Criminal Investigation Registration Service – politically motivated criminality

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

Table 4: Criminal acts with extreme right-wing background according to federal states 2001, in comparison to population and number of non-Germans (per 31.12.2000)

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

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

Table 5: Violent crimes with extreme right-wing background according to federal states 1996 to 2002

Federal state	1996	1997	1998	1999	2000	2001	2002
Baden-Württemberg	50	61	51	61	100	61	51
Bavaria	30	39	40	58	60	72	51
Berlin	38	66	81	30	39	21	50
Brandenburg	85	97	59	62	76	67	78
Bremen	5	5	2	6	5	3	7
Hamburg	34	18	19	23	42	34	13
Hesse	21	17	15	21	43	31	24
Mecklenburg-West Pomerania	54	68	53	51	49	0	15
Lower Saxony	73	59	42	80	129	79	104
North Rhine Westphalia	130	119	77	87	153	48	80
Rhineland Palatinate	16	18	16	24	37	34	21
Saarland	4	5	3	2	10	9	10
Saxony	89	86	89	86	62	85	89
Saxony-Anhalt	47	66	89	81	66	45	66
Schleswig-Holstein	49	24	36	24	35	66	58
Thuringia	56	42	36	50	92	54	55
In total	781	790	708	746	998	709	772

Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 1997, 1999, 2001b, 2002, 2003

Table 6: Distribution of Politically motivated criminality - right-wing, according to federal states 2001

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

Source: Criminal Investigation Registration Service – politically motivated criminality

Table 7: Distribution of Politically motivated criminality - right-wing - according to federal states January to June 2002¹

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

Source: Criminal Investigation Registration Service – politically motivated criminality

1) A further differentiation for the year 2002 has not been made available yet

Table 8: Anti-Semitic criminal acts in the first six months of 2002 according to federal states

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

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

Table 9: Personal experiences of racism and discrimination in Frankfurt (in percent)

	Discrimination	Verbal Abuse	Physical Attack
never	45.1	63.9	90.0
scarcely	24.5	23.6	6.6
sometimes	22.8	10.5	3.0
frequently	7.6	2.0	0.4

Source: efms-Repräsentativbefragung (efms representative interview) 2000

Table 10: Experiences with xenophobic acts according to nationality 1995 and 2001

	Turkish		former Yugoslavians		Italians		Greeks		Total	
	2001	1995	2001	1995	2001	1995	2001	1995	2001	1995
Basis	1003	1011	1005	1009	1005	1018	1003	1019	4016	4057
were insulted	21.3	26.5	18.0	19.6	13.5	13.6	11.7	12.9	16.1	18.2
were abused	19.1	20.6	16.4	17.7	12.5	11.3	11.6	10.2	14.9	15.015,0
were threatened	7.6	7.9	6.4	5.0	3.5	4.6	4.6	2.6	5.5	5.0
were hit/beaten	2.8	2.3	2.7	1.7	1.4	1.8	1.2	1.0	2.0	1.7
were injured	1.8	1.8	2.1	1.4	1.0	1.5	0.7	0.4	1.4	1.3

Source: Repräsentativuntersuchung (representative survey) 2001

Table 11: Investigations according to the elements of an offence 1995 to 2000

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

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

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

Table 12: Completed cases 1995 to 2000 (extreme right-wing as well as xenophobic crimes)

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

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

Table 13: Convictions 1995 to 2000 (extreme right-wing as well as xenophobic criminal acts)

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

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

Table 14: Politically motivated criminality - right-wing 2001-2003: Injured people

	Injured people as a result of "politically motivated criminality - right-wing"	The number of which were injured as a result of xenophobic and/or anti-Semitic crimes
January 2001	40	25
February 2001	36	16
March 2001	45	20
April 2001	64	39
May 2001	54	25
June 2001	29	17
July 2001	20	10
August 2001	29	17
September 2001	16	8
October 2001	19	5
November 2001	25	12
December 2001	8	7
January 2002	52	19
February 2002	14	11
March 2002	13	12
April 2002	9	2
May 2002	20	5
June 2002	27	13
July 2002	17	9
August 2002 ¹	30	21
September 2002	34	21
October 2002	36	20
November 2002	33	13
December 2002	34	20
January 2003	35	21
February 2003	45	18
March 2003	21	0
April 2003	22	16
May 2003	44	22
June 2003	31	18
July 2003	33	26

Source: Criminal Investigation Registration Service - politically motivated criminality

- 1) In August 2002 one xenophobic motivated homicide was registered which was not mentioned in the Report on the Protection of the Constitution.

Table 15: Politically motivated criminality - right-wing 2001-2003: suspects

	Suspects	People arrested	Warrant for arrest
January 2001	1,182	102	42
February 2001	1,092	87	7
March 2001	1,161	103	20
April 2001	957	91	20
May 2001	964	86	11
June 2001	546	58	7
July 2001	389	53	14
August 2001	357	20	0
September 2001	197	7	0
October 2001	291	90	19
November 2001	186	31	15
December 2001	141	3	0
January 2002	353	36	3
February 2002	119	12	2
March 2002	135	11	5
April 2002	223	20	0
May 2002	193	17	0
June 2002	225	20	2
July 2002	239	20	1
August 2002	330	73	17
September 2002	335	29	0
October 2002	379	56	0
November 2002	375	40	2
December 2002	380	35	1
January 2003	368	48	6
February 2003	374	52	4
March 2003	212	34	10
April 2003	478	47	4
May 2003	438	36	8
June 2003	322	24	4
July 2003	479	75	2

Source: Criminal Investigation Registration Service – politically motivated criminality

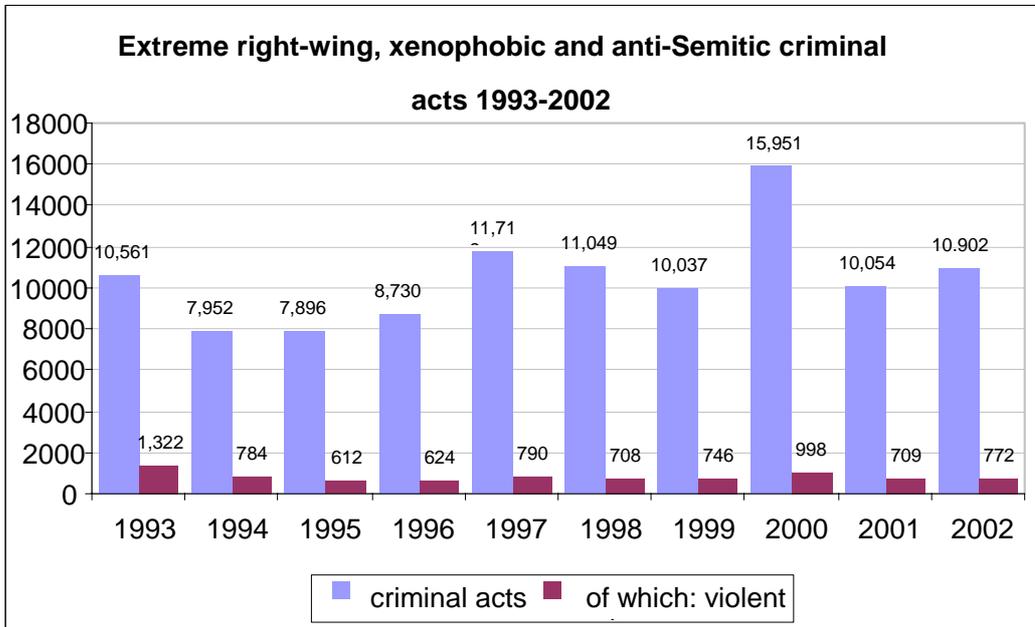
Table 16: Number of accused 1995 to 2000 (extreme right-wing as well as xenophobic criminal acts)

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

Source: Bundestagsdrucksache 14/4464, 14/8703

8.2. GRAPHS

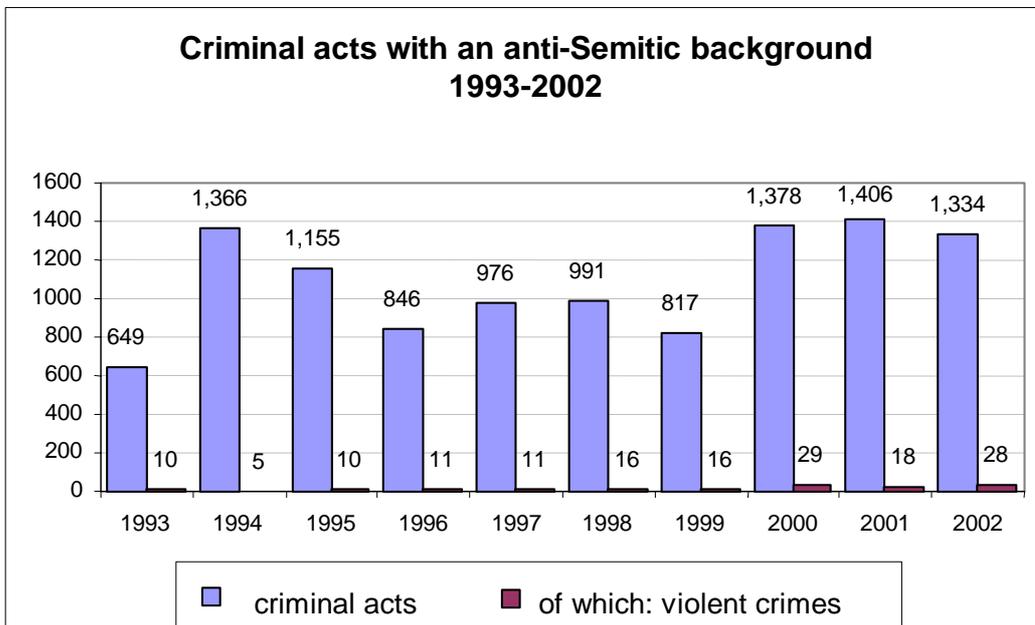
Graph 1: Extreme right-wing, xenophobic and anti-Semitic criminal acts 1993-2002¹



Source: *Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2001a, 2002, 2003*

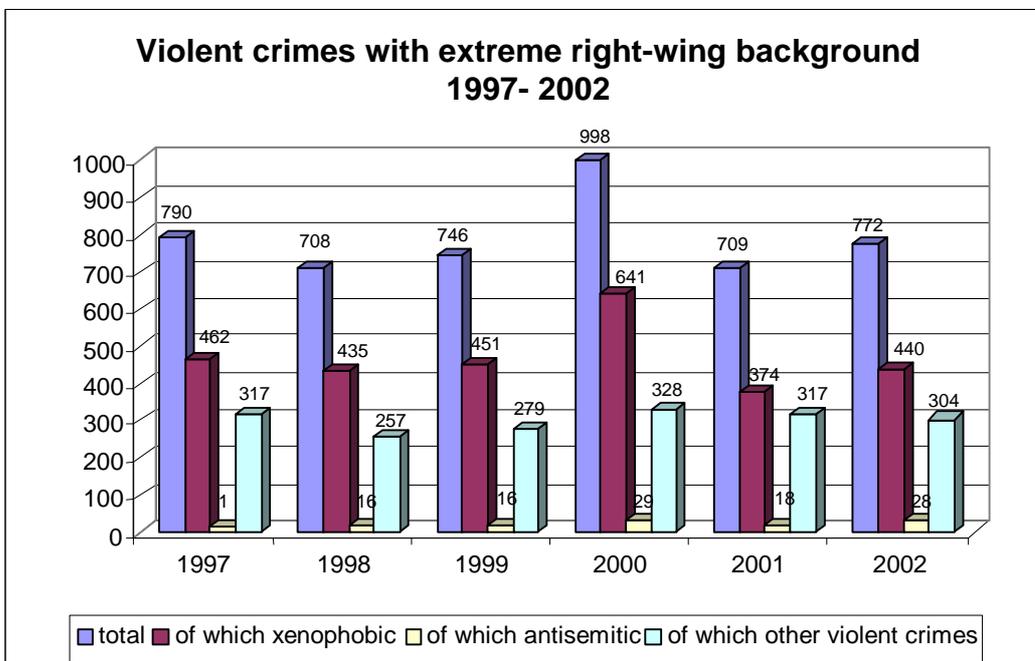
- 1) Annotation: Due to the introduction of a new registration system at the beginning of 2001 the figures of 2001 cannot be compared with the previous years.

Graph 2: Criminal acts with an anti-Semitic background 1993-2002



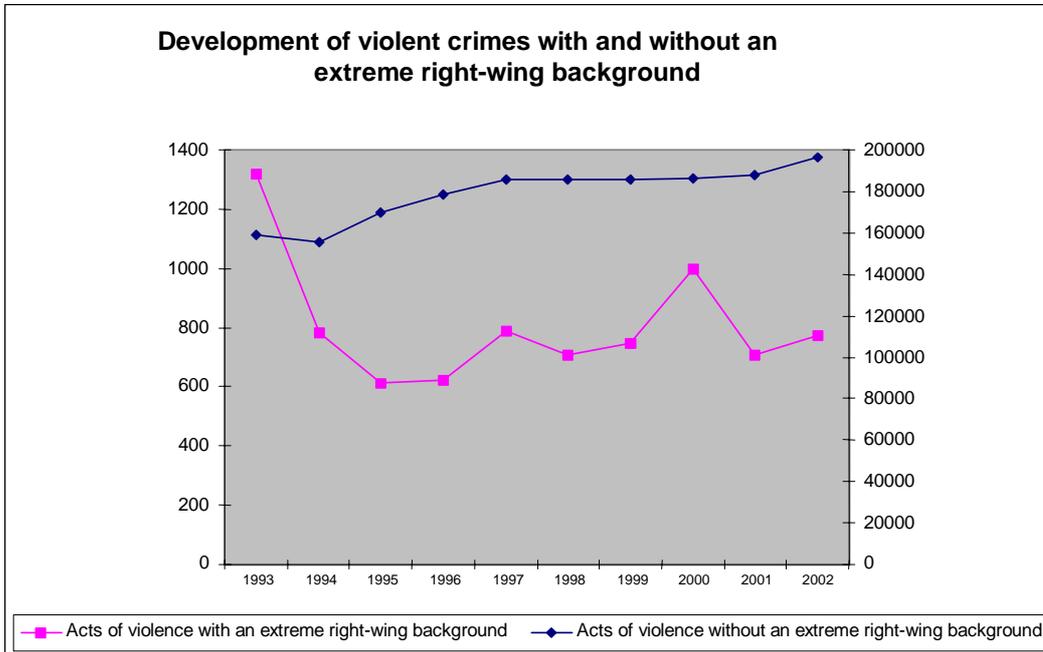
Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2001a, www.verfassungsschutz.de/news

Graph 3: Violent crimes with an extreme right-wing background 1997-2002



Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 1999, 2001b, 2001, 2002, 2003

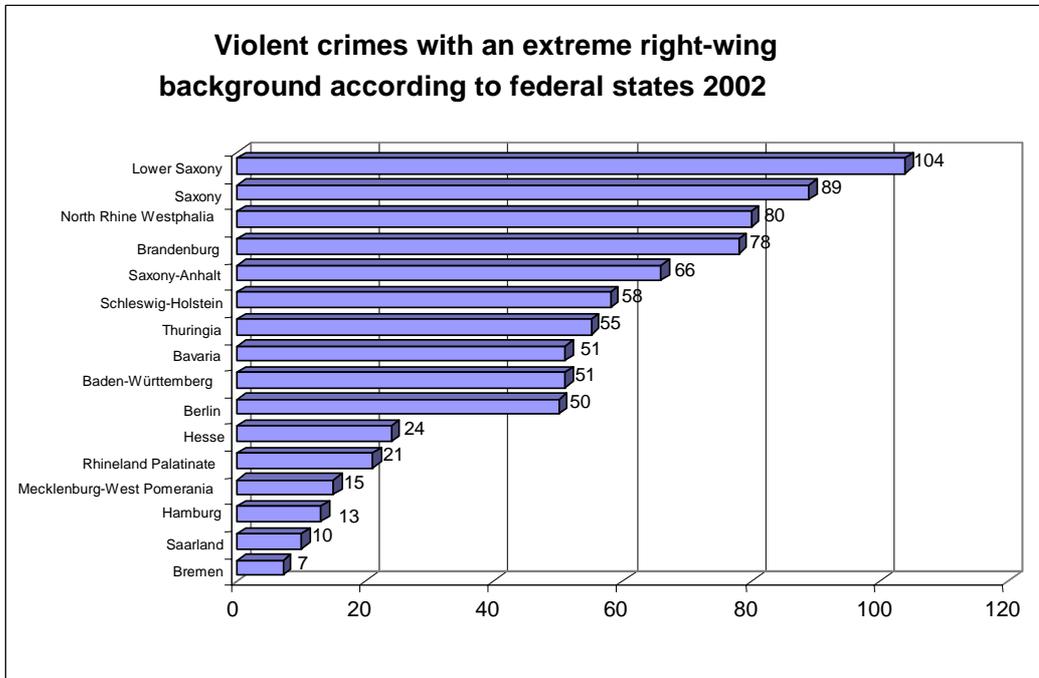
Graph 4: Development of violent crimes with and without an extreme right-wing background¹



Source: Bundesministerium des Inneren 2003, Bundesamt für Verfassungsschutz 2003

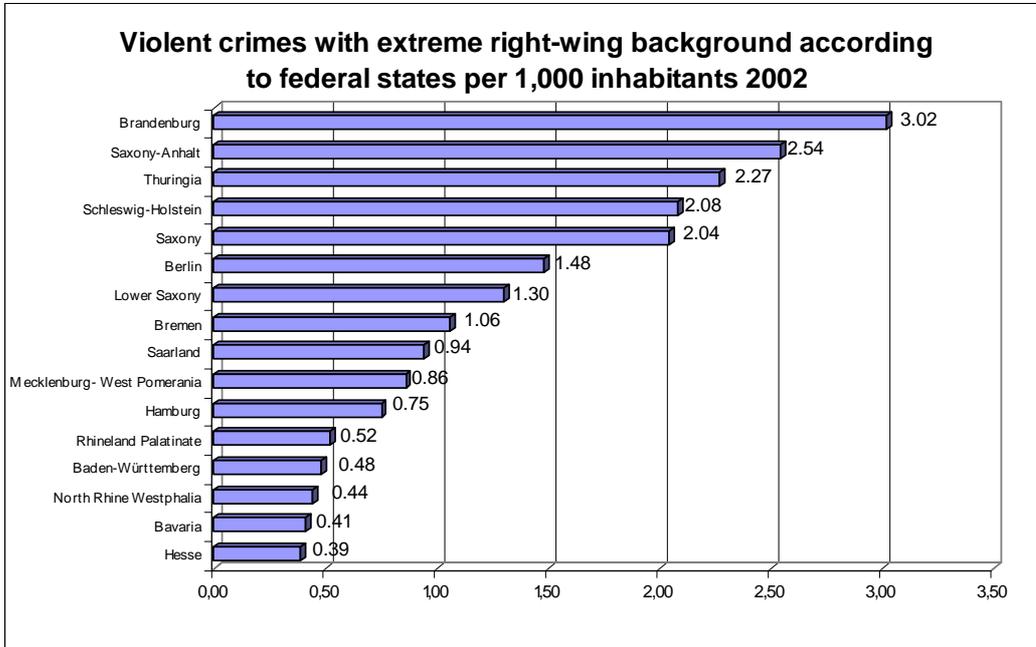
- 1) In order to be able to present the quantitative development of violent crimes with and without right-wing extremist background in one diagram and in order to be able to highlight changes in the area violent crimes with right-wing extremist background, too, two different scales were used. The y-axes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

Graph 5: Violent crimes with an extreme right-wing background according to federal states 2001



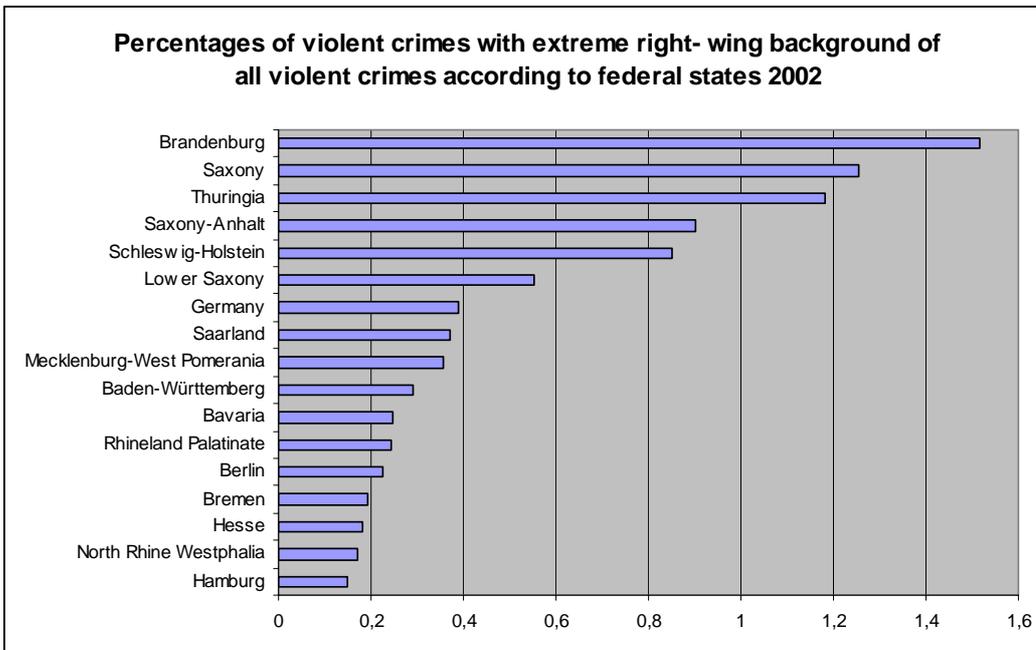
Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2003

Graph 6: Violent crimes with an extreme right-wing background according to federal states per 1,000 inhabitants 2002



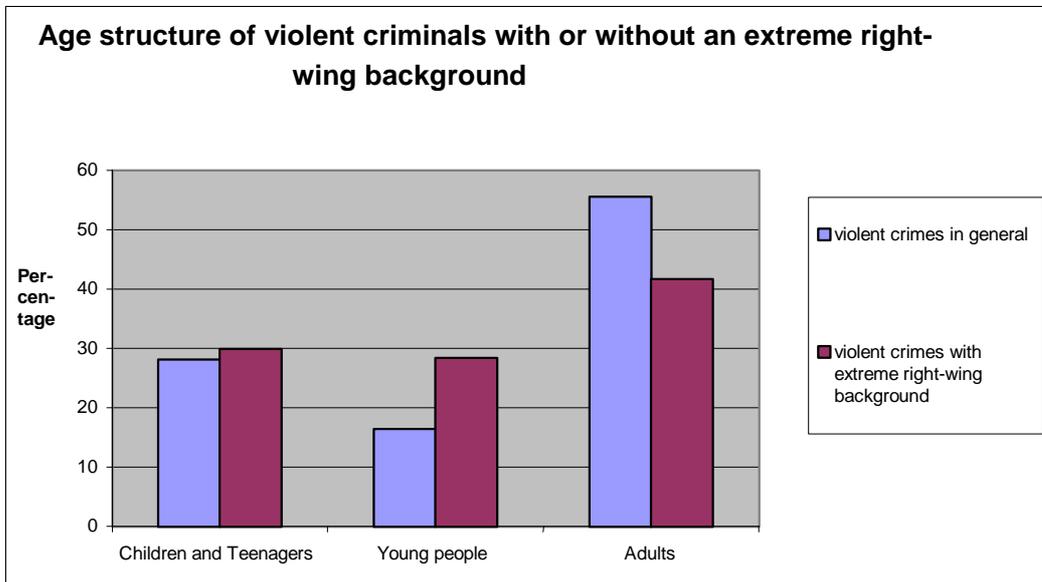
Source: Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) 2003

Graph 7: Percentage of violent crimes with an extreme right-wing background of all violent crimes according to federal states 2001



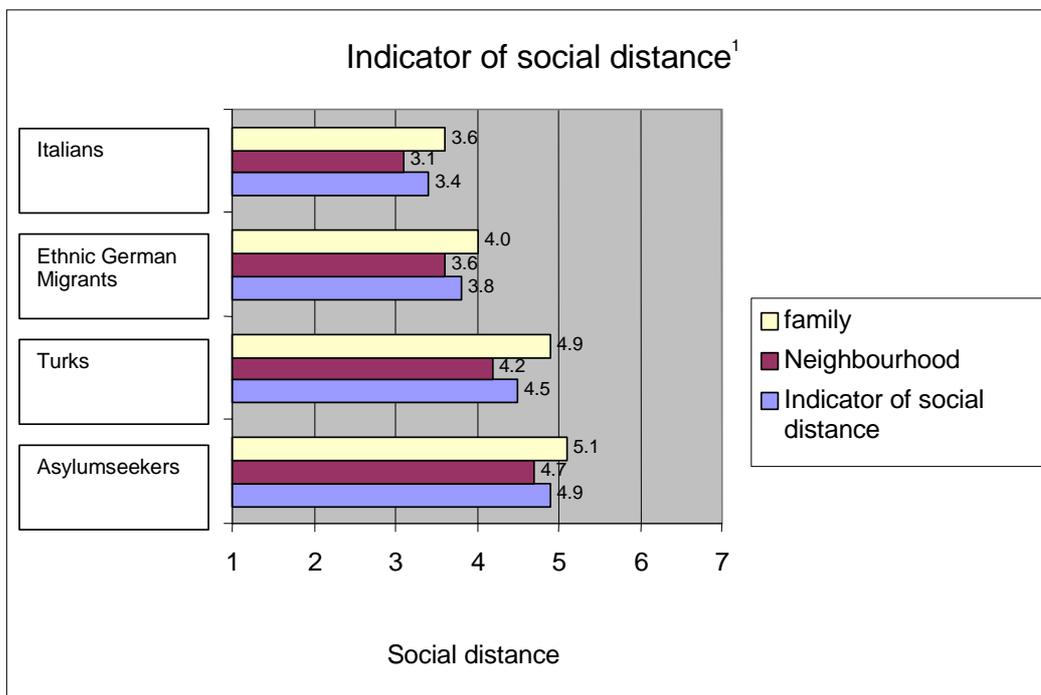
Source: Bundeskriminalamt 2002, Bundesamt für Verfassungsschutz 2002, own calculations

Graph 8: Age structure of violent criminals with or without an extreme right-wing background



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

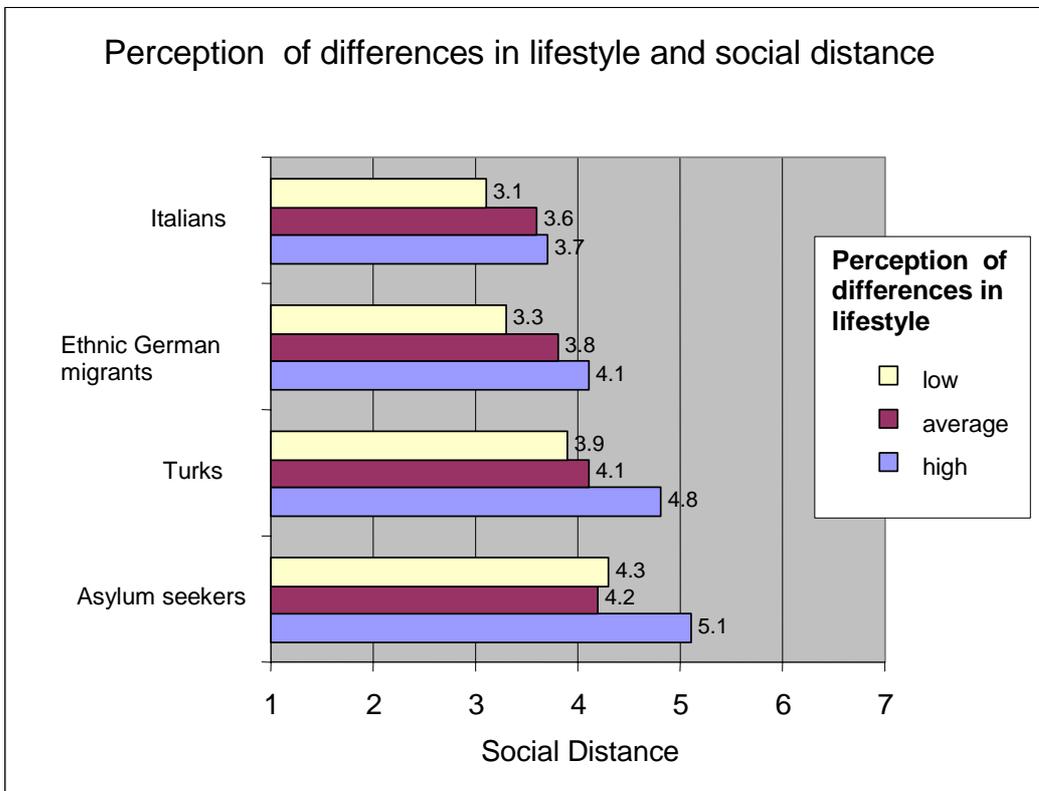
Graph 9: Social distance towards different groups of migrants



Source: Steinbach 2003, p. 102

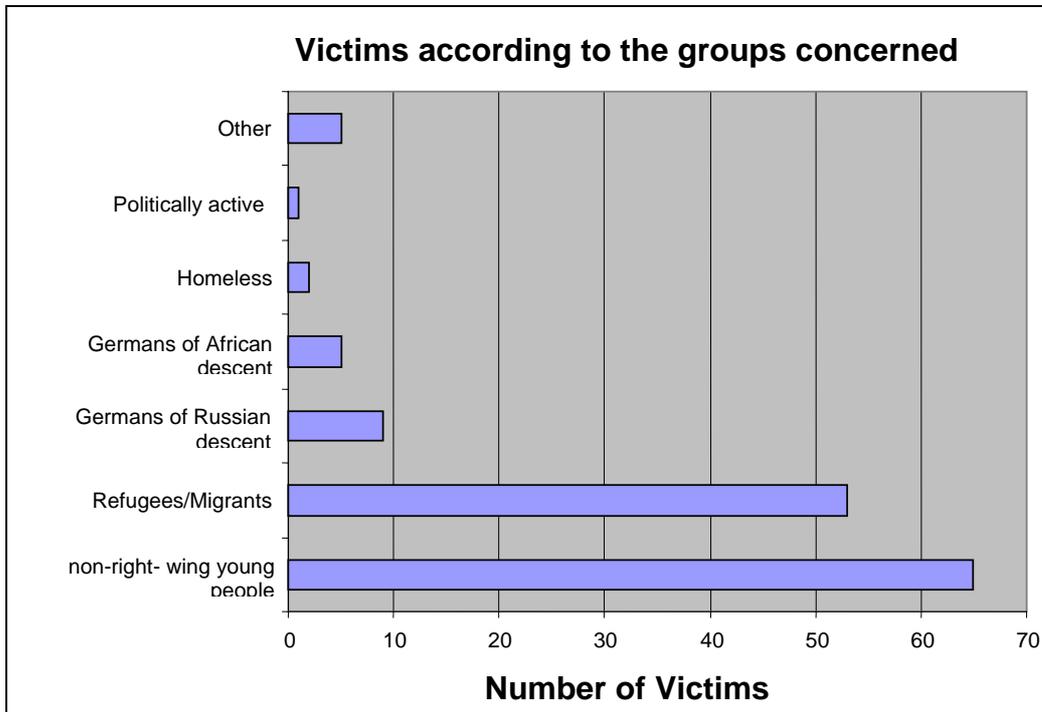
1) The social distance index measures the willingness of native Germans to get into contact with members of other ethnic groups. Higher figures correspond to greater social distance.

Graph 10: Correlation between perceived differences in lifestyle and social distance



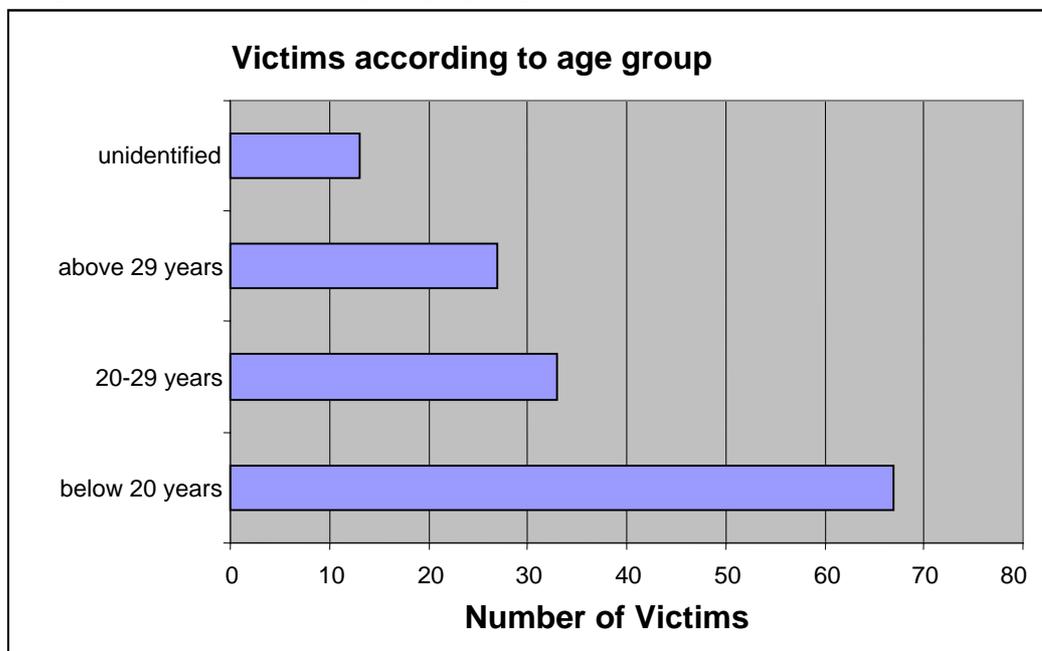
Source: Steinbach 2003, p. 106

Graph 11: Victims according to the groups concerned



Source: *Opferperspektive (Victims' Perspectives) 2002*

Graph 12: Victims according to age group



Source: *Opferperspektive (Victims' Perspectives) 2002*

8.3. REGISTRATION OF EXTREME RIGHT-WING, XENOPHOBIC AND ANTI-SEMITIC CRIMINAL OFFENCES

The most important data sources that register such crimes are the police crime statistics as extreme right-wing, xenophobic and anti-Semitic criminal offences are only recorded by the official authorities systematically and extensively. In that respect individual case studies and researches of other institutions can shed light on a part of the phenomenon – regarding the backgrounds – they do not deliver an alternative overall picture of the criminality though.⁴⁰

Until the end of 1995 criminal offences with extreme right-wing as well as xenophobic background have been recorded by the Federal Criminal Police (*Bundeskriminalamt*) as well as by the Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*). Due to different information sources this resulted in a differing number of registered cases. In order to avoid this discrepancy only the criminal offences with presumably extreme right-wing or xenophobic motivation which were reported by the police authorities of the federal states have been registered since 1996.⁴¹

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

8.3.1. Police Crime Statistics (PKS)

The Police Crime Statistics register the number of cases finished by the police and handed over to the federal prosecutor. Accordingly, one cannot talk about statistics on 'perpetrators' here, but only on 'suspects'. The police crime statistics are collated on a state level as the police are under the jurisdiction of the federal states in Germany and every State Office of Criminal Investigation (LKA) keeps its own statistics. The practical registration happens when the 'completed' cases are sent to the relevant State Office of Criminal Investigation (LKA). The respective Department of Statistics then assign each case to the relevant paragraph of the law. In cases where several laws are broken, the most serious crime is usually registered, that is, that paragraph is taken which carries a higher punishment according to the Penal Code. In this process, the crime, which was assessed by the police department that first dealt with the case, can be reassessed if the LKA is of the opinion that the police officers have wrongly judged the legal background. Although the law is the same for all federal states, there has been a certain degree of divergence in the past due to the different determination of emphasis by the individual state police departments (Rügemeier 2001; PUBDE0578). This means that the number of extreme right-wing, xenophobic and anti-Semitic offences also depends on the assignment strategy in the individual federal state (cf. Falk 2001). On the federal level, the state police crime statistics are collected together into Federal Police Crime Statistics

⁴⁰ This does not mean that the police crime statistics are free of deficits and inconsistencies.

⁴¹ In order to ensure the comparability of the registered number of cases in retrospective the Federal Office for the Protection of the Constitution has altered its statistics accordingly back to 1990.

that are then collated annually by the Federal Office of Criminal Investigation (BKA) and published by the Ministry of the Interior.

Although the prosecution of extreme right-wing, xenophobic and anti-Semitic criminal offences is within the **jurisdiction of the federal states**, the Chief Federal Prosecutor can take on the prosecution, when the offences aimed at "disturbing the internal structure of the state or the fundamental principles of the constitution" (own translation) or if the case is of particular significance. This happened, for example, in the case "Eggesin" (cf. Bundesgerichtshof 2000): In this case five youths, who were between 16 and 20 years old at the time of the offence and who belonged to the extreme right-wing oriented youth milieu of Eggesin, were sentenced because of attempted murder and serious physical injury of two Vietnamese citizens to youth detentions between four and six years. The perpetrators had thrown stones at their victims, had beaten them up and had kicked them for several minutes while the victims were already on the floor. While doing that the perpetrators were shouting xenophobic slogans. The victims were seriously injured, one of them will be seriously handicapped.

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

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

It was only in the 1990s – at least according to the official interpretation – that there was a significant increase in the number of extreme right-wing acts of violence as previously such crimes were not registered as such – whether they were already present or not. The traditional definition of 'crimes against the state' was accordingly restricted to the intention to overthrow the free democratic constitution, which usually did not apply to xenophobic acts of violence. In addition, the requirement for evidence of 'primarily extreme right-wing or xenophobic or anti-Semitic motivation' allowed a great deal of room for interpretation and thus also different manners of dealing with it on the spot. This led, for example, to crimes of violence of right-wing perpetrators frequently not being registered in statistics against those who were marginalised in society (for example, the homeless), but also against foreigners because there was no relation to crimes against the state, even if such crimes were perpetrated by extreme right-wing groups (Bundesministerium des Innern/Bundesministerium der Justiz (BMI/BMJ) 2001, p. 262; 3B00001).

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

8.3.2. Criminal Investigation Registration Service - State Security (KPMD-S)

The actual tool for police investigation work and a better indicator of 'racist violence' is the Criminal Investigation Registration Service (KPMD). The KPMD is a statistic of ongoing police investigations in which cases are reported internally to the State Office of Criminal Investigation almost simultaneous to their first investigation by the police. A great advantage is the greater proximity to the actual time of the crime. For the area of 'racist violence', this means, for example, that, unlike in the PKS, the increase in crimes with an extreme right-wing background which regularly occur in the months of April (to coincide with Adolf Hitler's birthday) and in August (on the anniversary of Rudolf Hess's death) can be observed directly. The great disadvantage is also apparent, however, in the degree of uncertainty regarding the reported cases which, in the course of further investigation, may turn out to be false alarms (the crime did not take place) or, with respect to the statistical categorisation, must be corrected in retrospect (the crime had a different background than was first suspected). In other cases, crimes may also be identified later, too. All in all, the number of cases in the PKS are much lower due to retrospective corrections than the number of cases registered in the KPMD.⁴²

8.3.3. Chronology of the KPMD-S

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

As there has been a dramatic increase in criminal offences against asylum seekers and other foreigners in 1991, one was looking for possibilities to register these offences systematically, too. The BKA and the State Offices of Criminal Investigation (LKÄ) have decided as a result to differentiate the Criminal Investigation Registration Service in Matters of State Security (KPMD-S) and to **include also xenophobic criminal acts**. For this purpose the following **definition** has been put down by the BKA and the LKÄ: Criminal acts are *xenophobic* if "they are aimed and committed against persons, whose

⁴² In contrast to the PKS, the KPMD is updated on a monthly basis and, in the case of politically motivated criminality, is also published regularly as printed matter for parliament. However, this does not happen automatically, but is requested pro forma by members of the German parliament in so-called "minor requests". Consequently, different periods of publication can result; for example, in the case of crimes motivated by anti-Semitism, at the moment publication takes place on a quarterly basis.

right of stay or residence in their residential area or in the whole Federal Republic of Germany is disputed because of their actual or supposed nationality, ethnicity, race, skin colour, religion, ideology, origin or because of their outward appearance, or acts that are committed against other persons/institutions/objects/things, in which the perpetrator acts with a xenophobic motivation (own translation)" (Bundeskriminalamt (BKA) Staatsschutz 1993).

Since January 1, 1992 this registration service has been in force. *Anti-Semitic* criminal acts have also been registered since July 1, 1993 by this registration service by the police in a differentiated manner. Due to the lack of a legal definition, however, there are no guidelines on what should be defined as a anti-Semitic criminal act; the categorisation is done on the basis of motives of the perpetrator and the objects of the crime (cf. Bundesministerium des Innern/Bundesministerium der Justiz (BMI/BMJ) 2001, p. 269; 3B0001).

It is possible that a criminal act is categorised as xenophobic as well as extreme right-wing or anti-Semitic. The slogan "Heil Hitler! Foreigners out! Jews out!" could be registered as a xenophobic, extreme right-wing and anti-Semitic criminal offence. In order to avoid statistical double countings a case constellation like this will only be assigned to one of the available categories. In order to guarantee an unambiguous assigning, the criminal acts that have – beside a xenophobic – also an extreme right-wing and/or anti-Semitic background, are counted as xenophobic criminal acts in practice (cf. Peucker/Gaßebner/Wahl 2001, S. 22; PUBDE1075).

There was, however, great confusion on the part of the police regarding which crime had to be registered where. At the Federal Office of Criminal Investigation (BKA) autumn conference in 2000, the Vice-president of the BKA reported, for example, that there were `state police forces who generously classified nearly all [...] offences under the rubric 'extreme right-wing' and others who tend towards a rather narrow interpretation of this term and thus in contrast differentiate sharply as to whether an offence was motivated for 'extreme right-wing', anti-Semitic or 'only' xenophobic reasons. [...] Registration obviously does not even take place when, although suspects keep silent about their motives, they indisputably belong to groups of neo-Nazis or skinheads or are already well-known to the authorities because of racially motivated attacks (Falk 2001, p. 4). Also in an "Additional information on the new Criminal Investigation Registration Service 'politically motivated criminality'" by the Federal Ministry of the Interior deficits of the previous registration system due to a considerable room for interpretation in the federal states and registration deficits for certain case groups were pointed out.

If these different procedures had already given cause for concern amongst the Interior Ministers of the federal states, the general public became aware of the problem in another way: Firstly, the political TV programme "Panorama" from August 24, 2000 stated a figure of at least 117 deaths "since reunification" in their documentary "The concealed deaths: Authorities hush up the extent of extreme right-wing violence" (own translation). Secondly, on 14.9.2000, two major daily German newspapers published in special supplements the results of their research on 93 cases of death in which 'right-wing perpetrators had had a significant involvement' (Frankfurter Rundschau, 14.9.2000).⁴³ In

⁴³ On the web site of the Frankfurter Rundschau a continually updated chronology on extreme right-wing criminal acts is also available (www.fr-aktuell.de/fr/spezial/rechts/index.htm).

the period under investigation from 1990 to 2000, the police (and in this case the KPMD-S) had determined only 25 of these deaths as being consequences of right-wing violence. Due to this significant discrepancy – and not least because of public pressure – an internal investigation of the aforementioned cases was started which came to the conclusion that now 36 victims of extreme right-wing violence were registered⁴⁴. Even if the high figure of the journalists' research was not attained, within the police, too, the obviously inadequate method of registration had to be acknowledged in this point. As reasons for the discrepancy, among others, the previously problematic registration criteria and categories as well as the differing evaluation of politically motivated criminal acts by the local police authorities, also caused by aspects of appropriateness (the city or federal state in question does not want its reputation damaged), are named (Bundesministerium des Innern/Bundesministerium der Justiz (BMI/BMJ) 2001, p. 272; 3B0001; Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 267; PUBDE0096). After groups of experts (Working group II – Criminal Investigation Department/Project leadership of the Police Crime Prevention of the States and the Federal Republic/German Forum for Crime Prevention) had been entrusted with developing a better registration service, the new system was agreed upon in the committees of the Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic with effect from 1.1.2001.⁴⁵

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

The **new registration service** is now called the Criminal Investigation Registration Service – Politically Motivated Criminality (KPMD-PMK). It offers the chance to clearly assign crimes by right-wing perpetrators which were previously insufficiently reflected in the statistics. The information on the police's definition system 'Politically Motivated Criminality', it is also stated that 'the terms and terrorism [...] within the area of the police protection of the state only partially [fulfil] their classification function. [...] This requires a change in the terminology to be used, in particular detachment from the previously dominant orientation towards the extremism terminology to a system of definition which puts the political element triggering the crime in the forefront' (Bundeskriminalamt 2001, p. 6; PUBDE1042). Terms such as 'politically motivated criminality', 'politically motivated violent crime' and 'terrorism' were to be distinguished from each other selectively.

In the new KPMD-PMK, as in the KPMD-S, the evaluation of criminal acts is also carried out in principle by the police authorities of the federal states according to factual and geographical jurisdiction. This applies to the primary registration of a criminal act as well as to the retrospective categorisation. The guidelines for the evaluation of the federal

⁴⁴ In February 2001 another murder case as a consequence of right-wing violence was reported by the State Offices of Criminal Investigation which was not included in the lists published by Tagesspiegel and Frankfurter Rundschau. The official number of deaths therefore rose to 37 persons in the reported period (Bundesministerium des Innern/Bundesministerium der Justiz (BMI/BMJ) 2001, p. 272; 3B0001).

⁴⁵ The Standing Conference of the Interior Ministers and Senators of the Federal States and the Federal Republic took place in May, 2001; thus the introduction of the new registration system was backdated. However, the groups of experts mentioned were given the task of creating a new registration service at the Conference of 24.11.2000.

states are the "objective circumstances of the criminal act and/or the motivation of the perpetrator as well as "additional information" which the relevant police offices has available." (Bundestagsdrucksache 14/7003, p. 4; PUBDE1087). This evaluation by the police offices in the federal states is taken over by the BKA and only in ambiguous cases the BKA queries. In very few cases, in which the BKA itself is responsible for the investigation, the classification is carried out by the BKA itself.

Structure of the Criminal Investigation Registration Service - Politically Motivated Criminology

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

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

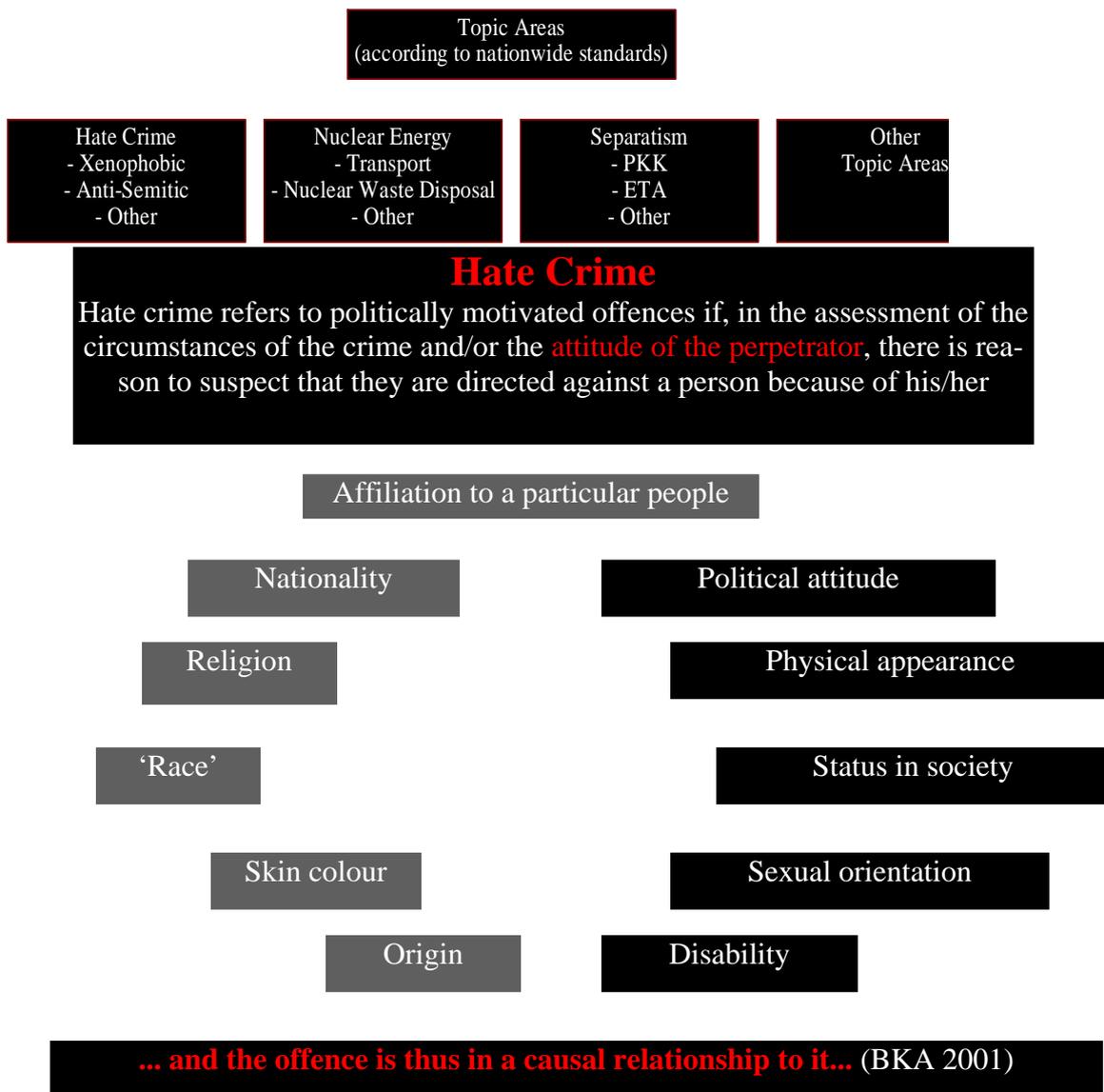


In the field of the quality of the offence, there is a scale going from left to right relating to the seriousness of the crime. In the left field, that is, practically on the lowest level, are propaganda offences, such as the use and dissemination of symbols of organisations acting against the state.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

In the topic areas, the field of 'hate crime' is the only one which is interesting for our study. This term was newly introduced into police work in Germany following the model used in the United States.⁴⁶

⁴⁶ In criminology, however, there are two differing definitions of hate crime. According to one definition hate crimes are not a special sort of criminal offence, but they are traditional criminal acts in which the perpetrator is motivated by hate. According to the perpetrator-oriented view hate crimes mean criminal acts against a person or property which is totally or partly decided by racist, ethnic, religious or sexist motives or other perpetrator's prejudices. According to this (victim-oriented) concept of hate crimes they are a special sort of violation

Diagram 2: KPMD-PMK according to the Topic Areas



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

of law, with special damages to victims and community. Hate crimes are criminal acts which are aimed at a person or an object exclusively or mainly because of race, religion, ethnic belonging, sex, the political and sexual orientation, age, mental or physical handicaps of this person or the proprietor or owner of an object (cf. Schneider 2001, p. 358-359; PUBDE0577).

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

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



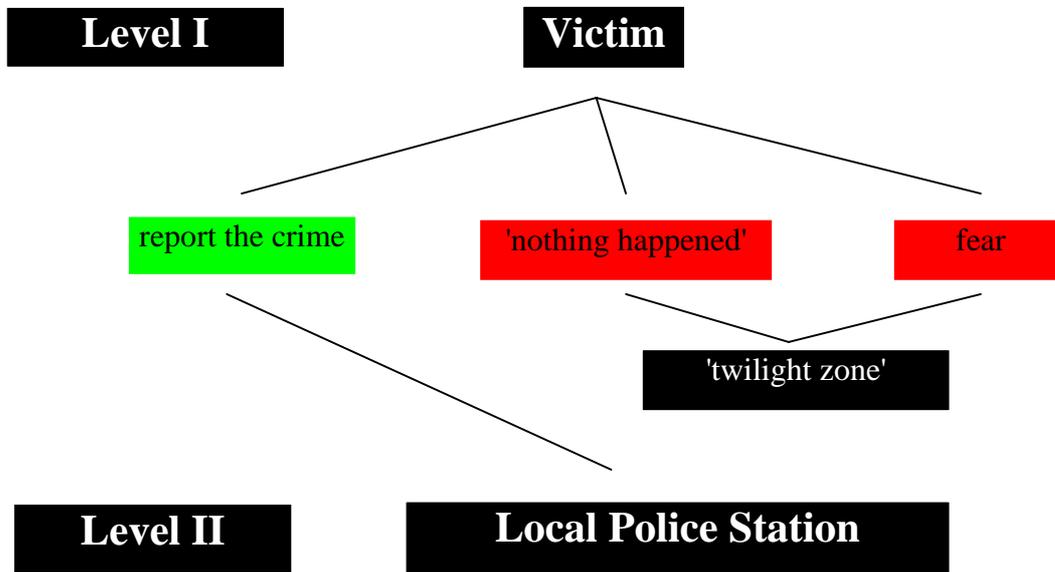
Case Construction

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

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

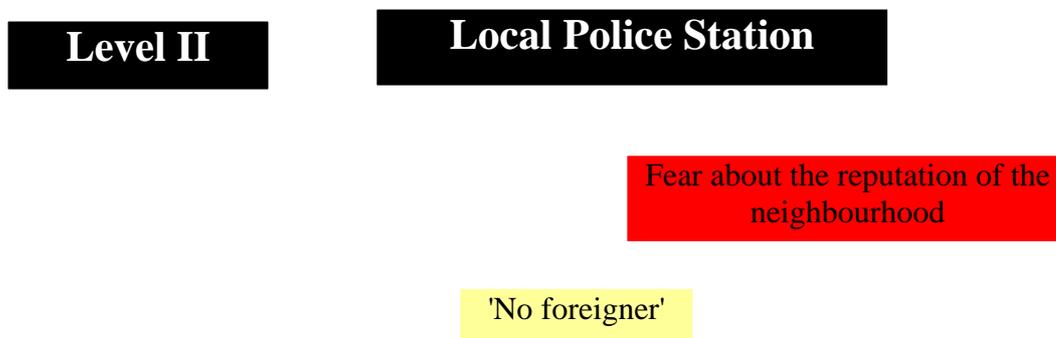
The victim (A.) represents the first decision level in this case.

Diagram 4: Decision levels in the processing of the case



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

The size of this 'twilight zone' is naturally unknown. Estimations based on criminological research suggest approximately 20-25% within the realm of violent crimes, but this figure remains speculation. The better the victim and perpetrator know each other (for example, in a village), the greater is the probability that such a case will repeat itself ('normality' in an environment with many radical right-wingers) and the larger the 'twilight zone' is likely to be.



In the end, A. does decide to report the incident and goes to the local police station. The second decision level is thus reached. The investigating officer listens to the details of the case, initially in shock. As he himself lives in this neighbourhood, he worries about the

reputation of 'his' neighbourhood, if the media 'shout about this case from the rooftops'. He then sends A. back home with the remark that it must have been a 'stupid, childish prank'.

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

Erroneous reporting

'Xenophobia is an offence when it occurs on the basis of actual or **assumed** membership of an ethnic group, on the basis of 'race', skin colour, religion or the origin of the victim.'

BKA 2001

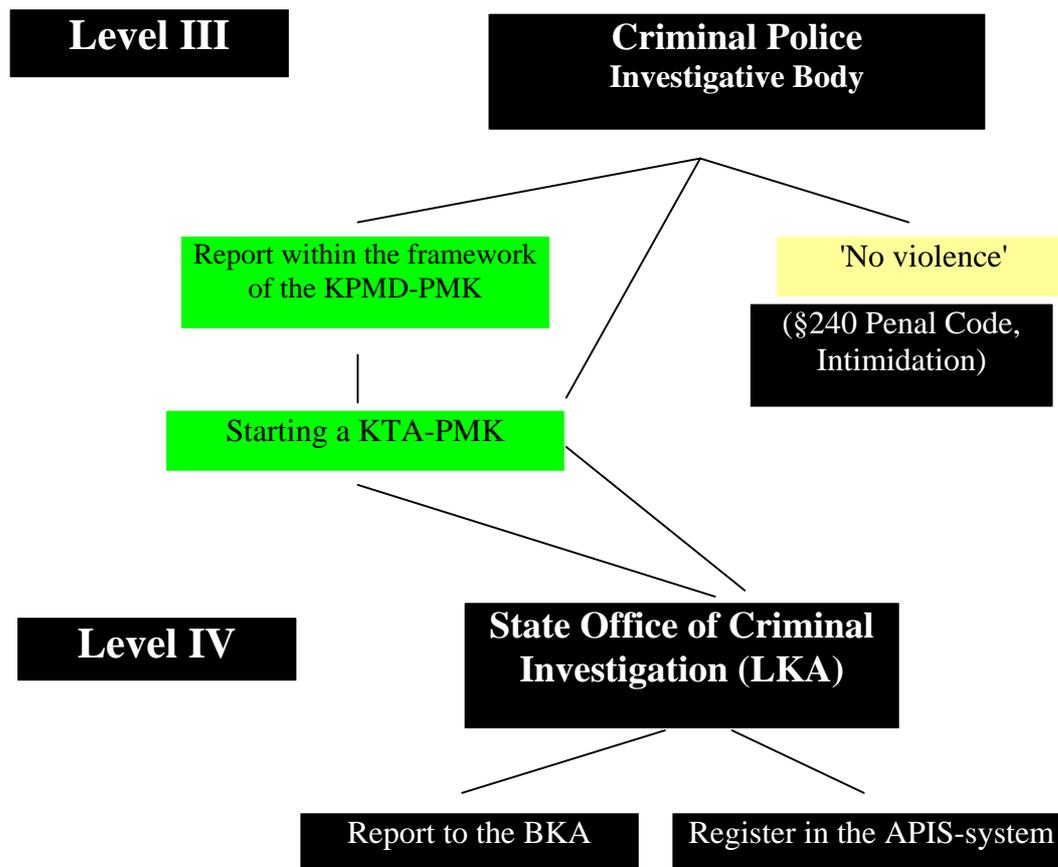
Information to the Reporting Service KPMD-PMK

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

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

Passing on the case

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



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

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

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

Whether the new system of registration with its complex structure has been applied in exactly the same way is difficult to assess. The correct processing of the case depends

considerably of the first and second level of decision-making though. What the victim doesn't report or what the police officer at the scene of the crime doesn't note down can hardly be corrected later.

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

The new registration system was, for instance, criticised in a report by the PDS parliamentary party in which it was pointed out that even after the introduction of KPMD-PMK no standardised registration practice was recognisable in the individual federal states and that, in addition, a discrepancy between the reports by the State Offices for the Protection of the Constitution and the Federal Office for the Protection of the Constitution for the year 2001 was established concerning the violent acts with extreme right-wing background (cf. Sellkens/Wilde 2002, p. 8-14; PUBDE1079; as well as the Bundestagsdrucksache 14/9639; PUBDE1113).

It has to be emphasised again that the criminal acts registered by the police only represent a part of the incidents of racist, xenophobic and anti-Semitic violence and do not register the more subtle forms, such as exclusion or discrimination. The needs for counselling and the number of counselled person in advice centres for victims and in antidiscrimination offices draw attention to the fact that immigrants in general are exposed to much more racial violence and discrimination as it is registered by the authorities or perceived in society. The Federal Commissioner mentions in her fifth report on the situation of migrants in Germany that about a quarter of violent attacks are not reported. The reason for the fact that **violent incidents are only reported so hesitantly** are, among others: uncertainty concerning the residence status, fear of consequences for the asylum application, perception of police and authorities as being restrictive and discriminating, negative self-assessment of the own status in society and experienced societal exclusion as well as fear of victimisation (cf. Beauftragte der Bundesregierung für Ausländerfragen 2002, p. 268; PUBDE0096).

8.4. SHORT DESCRIPTION OF VARIOUS STUDIES

8.4.1. Studies on xenophobic attitudes

There are various current studies which attempt – mostly on the basis of (representative) surveys – to measure the attitude of the population towards migrants and minorities. Examples include:

Allbus (Statistisches Bundesamt 2002; Federal Office of Statistics 2002) ALLBUS (Statistisches Bundesamt 2002, pp. 560ff): The “Allgemeinen Bevölkerungsumfrage der Sozialwissenschaften” (ALLBUS) (General Social Sciences’ Population Survey) is a series of surveys carried out every two years. Since 1992 approximately 2,400 people in the old und 1,100 in the new federal states have been interviewed. Amongst others, the attitude to migrants living in Germany is ascertained with the help of various items. In ALLBUS 2000, around two thirds of those interviewed agreed with the statement “Foreigners living in Germany should adapt their lifestyle a little better to that of the Germans”. Around 30% of the interviewees shared the opinions “When jobs are short, foreigners living in Germany should be sent back home” or “Those foreigners living in Germany should not be allowed to participate in any aspect of political life in Germany”. The least agreement was with the statement “Migrants should marry members of their own ethnic group” (24% of Eastern German and 15% of West Germans)

Table 17: Attitudes towards migrants living in Germany (in percent)

	West Germany			East Germany		
	Disagree	Undecided	Agree	Disagree	Undecided	Agree
Foreigners living in Germany should adapt their lifestyle a little better to that of the Germans	18	13	69	18	17	64
When jobs are short, foreigners living in Germany should be sent back home	55	19	26	48	20	32
Foreigners living in Germany should not be allowed to participate in any aspect of political life	53	16	31	48	19	33
Migrants should marry members of their own ethnic group	73	11	15	61	15	24

Source: Statistisches Bundesamt (Federal Office of Statistics) 2002

In addition, the survey showed the agreement with the four statements amongst people with secondary modern (Hauptschule) school qualifications was around 20% higher than was the case with people who had passed A-levels. Furthermore, it is generally older interviewees who display a more negative attitude to migrants living in Germany than younger people do. Here, the influence of age is more marked in West Germany than in the Eastern part.

Table 18: Attitudes towards migrants living in Germany according to selected population groups (in percent)

	West Germany				East Germany			
	adjust lifestyle	send back home in case of employment crisis	no political participation	marry among themselves	adjust lifestyle	send back home in case of employment crisis	no political participation	marry among themselves
Agreement								
Total	69	26	31	15	64	32	33	24
Age Groups								
18-39 years	61	19	22	8	55	31	31	21
40-59 years	68	27	30	14	66	30	30	24
60 years and above	80	32	42	26	73	35	39	28
Type of education								
Secondary modern education	75	33	39	22	73	42	39	37
O-levels	66	20	27	11	63	29	32	20
University degree	57	15	15	6	51	21	23	10

Source: Statistisches Bundesamt (Federal Office of Statistics) 2002

Additionally, the evaluation of the questionnaires revealed that people who have no contact with foreigners are more negative about migrants than people who have contacts with migrants (at work, in their neighbourhood or amongst their circle of friends).

Table 19: Attitudes towards migrants living in Germany according to exposure to migrants living in Germany (in percent)

	West Germany				East Germany			
	adjust lifestyle	send back home in case of employment crisis	no political participation	marry among themselves	adjust lifestyle	send back home in case of employment crisis	no political participation	marry among themselves
contact to migrants	65	20	26	11	58	23	22	16
no contact to migrants	76	38	42	25	68	38	39	29

Source: Statistisches Bundesamt (Federal Office of Statistics) 2002

Eurobarometer (Europäische Kommission 2000) (European Commission 2000)

Within the framework of the Eurobarometer survey No. 53 1,000 Western and 1,000 Eastern Germans were interviewed, amongst others, on their attitudes towards people with a different nationality, "race" and religion. 17% of those interviewed said they felt

bothered by the presence of people of a different nationality or another “race”; 18% were bothered by the presence of people who were of a different religion.

Angermeyer/Brähler (2001) In this survey, 4,005 Western and 1,020 Eastern Germans were interviewed. In the case of 11% of those interviewed ethnically motivated xenophobia (West 10%; East 16%) is to be noted; in the case of 30% the xenophobia is motivated by socio-economic reasons (West 27%; East 43%). 9% of the interviewees displayed anti-Semitic tendencies. Ethnically motivated xenophobia was elicited by the item “Foreigners should leave Germany as quickly as possible”; socio-economically motivated xenophobia was elicited by the item “In employing workers, Germans should on principle be preferred to foreigners”.

Brähler/ Niedermayer (2002) In the survey carried out by Niedermayer und Brähler (2002), 1,050 Western and 1,001 Eastern Germans were interviewed. A quarter of the interviewees displayed xenophobic and 12% anti-Semitic attitudes. Xenophobia was elicited by the items: “Foreigners only come here to abuse our social system”, “When jobs are short, foreigners living in Germany should be sent back home” and “The Federal Republic is no longer recognisable, to a dangerous extent, due to the large number of foreigners”. Anti-Semitism was elicited by the items “The Jews still have too great an influence today”, “Jews use dirty tricks more often than other people do in order to get their way” and “Jews are rather peculiar and odd and do not really fit into our society”. In this case, interviewees from the new federal states were more xenophobic than those from the old federal states (30% compared with 24%); however, Western Germans displayed stronger anti-Semitic tendencies than people from Eastern Germany (14% compared with 5%). Xenophobic or anti-Semitic attitudes are many times higher in the case of people without A-levels than for those with A-levels (27% to 12% and 14% to 2% respectively).

Fuchs/Lamnek/Wiederer (2003): Within the framework of this study, in 2001, 5,042 Bavarian pupils were asked in written questionnaires. A differentiation was made in this study between (pseudo-) rational and emotional xenophobia. (Pseudo-) rational xenophobia relies on “arguments” that are supposed to provide evidence of the perceived negative consequences of the presence of migrants. Emotional xenophobia is a diffusely-affectively reasoned, negative attitude towards people who are perceived to be foreign. The elicitation of these categories as well as the results of the interviews are contained in the following two tables.

Table 20: (Pseudo-)rational xenophobia (frequency of distribution)

(pseudo-)rational xenophobia	degree of agreement in %				
	downright agreement	tendency towards agreement	undecided	tendency towards disagreement	downright disagreement
Migrants secure pensions.	9.5	12.6	36.0	23.6	18.3
Migrants commit more offences than Germans do.	17.0	19.4	33.2	16.5	13.8
Migrants take away employment from Germans.	12.0	14.1	28.5	22.3	23.1
Migrants as a cultural enrichment.	14.6	21.0	37.1	16.8	10.4
Migrants cause problems on the job market.	9.1	14.0	33.3	26.3	17.3
Migrants are willing to do work Germans would not do.	21.3	27.8	34.1	9.2	7.5
Migrants are a burden to the social system.	7.4	9.9	31.9	26.4	24.3

Source: Fuchs/Lamnek/Wiederer 2003

Table 21: Emotional xenophobia (frequency of distribution)

emotional xenophobia	degree of agreement in %				
	downright agreement	tendency towards agreement	undecided	tendency towards disagreement	downright disagreement
Migrants are a disturbance.	9.1	7.4	26.3	22.6	34.6
Migrants should go back to their home country.	6.6	5.3	23.3	24.7	40.2
Sympathy is decisive.	52.6	21.6	13.9	5.8	6.1
Migrants are easy to get along with.	27.1	27.3	30.4	9.9	5.3
Downright animosity towards migrants.	4.3	3.9	10.4	13.6	67.9

Source: Fuchs/Lamnek/Wiederer 2003

In addition, anti-Semitic attitudes were assessed in this survey.

Table 22: Anti- Semitism

Anti- Semitism	degree of agreement in %				
	downright agreement	tendency towards agreement	undecided	tendency towards disagreement	downright disagreement
Jews try to profit from the past.	18.7	14.9	30.1	19.7	16.7
Humiliation due to German crimes towards the Jews.	45.9	23.3	16.0	6.6	8.2
Lack of understanding towards anti- Semites.	43.8	20.4	20.1	8.0	7.8
Jews partially to blame for persecution.	6.4	7.5	21.2	23.0	41.8
Jews have too much influence.	5.8	5.1	16.6	26.2	46.3
Christians and Jews can get along well.	40.7	21.3	26.9	5.5	5.7

Source: Fuchs/Lamnek/Wiederer 2003

Differentiation according to school type revealed that those pupils at the grammar school (Gymnasium) were least xenophobic or anti-Semitic, whilst pupils at secondary modern, secondary and vocational schools (Haupt-, Real- und Berufsschule) had similarly high percentages.

GMF-Survey (Heitmeyer 2002a) In the course of the GMF-Survey (Group-related Misanthropy), as it is known, 3,000 representatively chosen members of the German-speaking population were interviewed in May and June 2003.⁴⁷ The project, Group-related Misanthropy, is a long-term observation of misanthropic attitudes in the population (running from 2002 until 2011). The categories (“constructs”) which are examined by this study are racism, xenophobia, anti-Semitism, Islam phobia, heterophobia, establishment privileges and sexism (along with the interrelationship of these categories). They were evaluated based on various items. The formation of the individual constructs as well as results of the survey can be found in the following tables:⁴⁸

⁴⁷ GMF stands for Group-related Misanthropy. It should be pointed out that people with a migrant background were not included in the results so that the sample survey was reduced to 2,722 people.

⁴⁸ The categories heterophobia and sexism are not included in the table. Heterophobia refers here to the debasement of people who belong to groups which do not correspond from the norm, such as homosexuals, disabled people and the homeless.

Table 23: Indicators of the syndrome Group-related Misanthropy (in percent)

Agree/disagree	do not agree at all	rather not agree	rather agree	agree completely
Racism and dominance				
Aussiedler (ethnic German migrants) should be treated better than migrants because they are of German descent.	39.9	38.1	13.5	8.5
Whites are justifiably the leading group in the world.	51.2	32.4	10.4	6.0
The groups that are at the bottom of our society should stay there.	53.9	40.0	3.8	2.3
There are groups amongst the population who are worth less than others..	57.5	28.5	9.1	4.9
Xenophobia				
There are too many foreigners living in Germany.	15.3	29.3	28.6	26.8
When jobs are in short supply, foreigners living in Germany should be sent back home.	27.0	45.3	15.5	12.2
Anti-Semitism				
Jews are too influential in Germany.	36.8	41.5	14.8	6.9
Because of their behaviour, Jews are partially responsible for being persecuted.	50.5	32.9	12.1	4.5
Islamophobia				
Muslims in Germany should have the right to live according to the rules of their religion.	8.7	20.4	36.5	34.5
It is only a matter of concern to Muslims if they are called to prayer over loudspeakers.	17.7	26.7	22.8	32.7
Establishment Privileges				
People who are new in a place should first of all be happy with less.	12.7	29.4	32.9	24.9
Those who live here longer should have more rights than those who have just come here.	29.3	29.8	22.4	18.5

Source: Heitmeyer 2002a

It was revealed in this study that women are more xenophobic or racist than men ((38,1% to 30,5% and 10,0% to 4,6% respectively). In contrast, men display negative tendencies

towards Jews (14,7% to 10,9%) and towards Islam (26,6% to 20,1%) more frequently than women do.

Table 24: The individual facets of the syndrome Group-related Misanthropy according to gender (in percent)

Syndrome	Gender	
	Male	Female
Racism/Dominance	4.6	10.0
Xenophobia	30.5	38.1
Anti-Semitism	14.7	10.9
Islam phobia	26.6	20.1
Establishment privileges	37.6	40.9

Source: Heitmeyer 2002a

In addition, this study also showed that Eastern Germans more frequently agree with racist, xenophobic and anti-Islamic statements than West Germans do.

Table 25: The Syndrome Group-related Misanthropy. Differentiated according to East and West in %

Syndrome variant	East	West
Racisms	9.9	6.8
Xenophobia	46.2	31.7
Anti-Semitism	12.3	12.8
Islam phobia	26.2	22.3
Establishment privileges	36.0	40.3

Source: Heitmeyer 2002a

KfN-Survey (Wilmers et al. 2002): In the first quarter of 2000, a written, standardised survey was carried out by the Kriminologische Forschungsinstitut Niedersachsen (Criminological Research Institute of Lower Saxony) of pupils in the cities of Hamburg, Hanover, Leipzig and Munich as well as in the district of Friesland. There was a total of 10,460 questionnaires which could be evaluated.

The evaluation revealed that 12.6% to 17.1% of young people had explicitly xenophobic views; 28.3% to 49.0% considered migrants to be responsible for negative developments in society. Although 71.8% of those pupils interviewed agreed with the statement “I find xenophobia really terrible”, 46% were also in agreement with the statement “Most foreigners are also to blame if they are hated and persecuted”.

Table 26: Political attitude and opinion on migrants (Basis: responses of German young people in percent)(weighted data)

	Not agree at all	Rather not agree	Rather agree	Agree completely
Acceptance and willingness to integrate				
We should welcome every migrant who wants to live here.	14.4	33.7	33.7	12.1
Migrants and Germans should have the same rights.	13.7	25.8	34.2	26.4
Migrants and Germans should have the same chances on the job market.	11.5	23.3	37.5	27.7
Those who cannot adapt in Germany should leave it again.	9.4	20.3	34.1	36.2
Negative ethnic attributions				
Migrants are to blame for unemployment in Germany.	34.1	37.6	19.4	8.9
Most asylum seekers just want to exploit the Germans anyway.	22.8	40.4	25.2	11.5
Most criminals are migrants.	15.6	35.4	34.5	14.5
Explicit rejection of migrants				
Germany for the Germans – kick the foreigners out!	58.6	24.3	9.7	7.4
I think that foreigners must be “beaten out” of Germany.	59.8	27.6	7.0	5.6
Evaluation of xenophobia				
People who spread xenophobic slogans are harmful to us all.	11.5	13.7	30.2	44.6
I find xenophobia really terrible.	11.9	16.3	28.5	43.3
Most foreigners are also to blame if they are hated and persecuted.	21.2	32.9	31.4	14.6

Source: *Wilmers et al. 2002*

The study came to the overall conclusion that 19.3% of the pupils could be considered xenophobic and that 7.7% could be considered extremely xenophobic. It was apparent that xenophobic attitudes were more prevalent in Leipzig (26.1%) than in the Western German cities. In addition, male pupils are more susceptible to xenophobia than female pupils are (23.9% to 14.9%). The level of education had a great influence on the attitudes of the pupils, too: the lower the level of education, the more noticeable the xenophobic attitudes were. In a comparison of the rates of xenophobic young people when taking the variables of the level of education and gender into account, combined effects could be seen: xenophobic attitudes could be determined in 38.2% of male secondary modern (Hauptschule) pupils and 30.6% of the female pupils of this school type. In the case of male and female grammar school pupils, the figures were 15.3% and 5.4% respectively.

The quota of those young people who were xenophobically-minded and, at the same time, support the use of violence was 5.3% according to this survey.

8.4.2. Studies on perpetrators

Study A:

Analysis of police investigation files on xenophobic, anti-Semitic and extreme right-wing suspected perpetrators (Peucker/Gaßebner/Wahl 2001; PUBDE1075):

Research design

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

Age and sex of the suspected perpetrators

Xenophobic criminal acts have been and are primarily committed by **young people and young adults between 15 and 24 years** (about three quarters of the total number of suspects). Regarding the sex of xenophobic suspect perpetrators one can note that more than 90% are male. The number of female suspects, however, has almost doubled between 1992/93 (Trierer Studien⁴⁹) and 1997: from 5% in 1992/93 to 9% in 1997. This development can be stated for all types of crimes.

Qualifications of the suspected perpetrators

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

Employment and status of vocation

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

Breaking down these numbers according to age groups the following can be stated: In the age group of 18 to 20 years every fifth suspect, between 21 and 24 almost 40% and in the group of the over 25 year olds even more than 40% of the suspected perpetrators were unemployed at the time of the crime. Despite these results, however, one cannot refer to

⁴⁹ Willems/Würtz/Eckert, 1994; PUBDE0587.

the majority of the suspected perpetrators as being "vocationally disintegrated" – they are still in school or vocational training or are employed. So not only the fact of being unemployed might create a stressful situation, but "also the vague fear of unemployment in the neighbourhood could lead to great distress and to xenophobic attitudes (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 34; PUBDE1075). Compared to all suspects, however, the unemployed group of suspects has more often been convicted of other, non-political crimes before. 54% of the unemployed suspected perpetrators have already been convicted because of non-political crimes, whereas this applied to only 32% of all suspects. These results show that among the suspected perpetrators one can also find "problematic groups" who are affected by unemployment. On the basis of this data one cannot conclude though that unemployed persons *increasingly* commit xenophobic crimes: "Neither has their number increased in relation to all suspects, nor has there been an increase of the total number" (Peucker/Gaßebner/Wahl 2001, p. 35; PUBDE1075).

Previous convictions

With regard to about 40% of the suspects no "previous incidents recorded by the police" (previous convictions, investigations) had been registered at the time of the crime. 24% of the suspected perpetrators, however, had a record of political criminal acts, 13% had already been convicted before because of political crimes. More than half of the suspects (56%) had been recorded by the police because of other, non-political crimes. The high number of suspected perpetrators who already had a record of non-political crimes "suggests that politically motivated delinquency largely overlaps with general youth delinquency" (Peucker/Gaßebner/ Wahl 2001, p. 82-83; PUBDE1075). In total one can state that the number of multiple offenders has considerably increased since the Studies of Trier in 1992/3.

Group memberships of the suspected perpetrators

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

Differences exist, however, between the eastern and western federal states: The number of persons who are members of skinhead groups amounted to almost 50%, in the eastern federal states only to less than 10% though. This shows that xenophobic perpetrators especially in the eastern federal states are mainly members of so-called "informal leisure groups" or spontaneous organisations and do not only belong to extreme right-wing groups. Especially in the eastern federal states a new form of "youth culture" has apparently developed in which it is "normal" to behave in a xenophobic manner and to provoke with extreme right-wing slogans (cf. Ganter 1998, p. 9; PUBDE0755). In this respect one can talk about a "normalisation of extreme right-wing orientations" in some segments of the youth culture; as a consequence the extreme right-wing youth milieu has become a "power of socialisation" in the local context in the mid 1990s which has less and less problems to prevail or expand since (Wagner 2001, p. 109; PUBDE0461). Therefore extreme right-wing and xenophobic attitudes and/or actions are also a result of

" processes of group-internal dynamics". A lot of young people are seeking social respect in the group and are exposed to the pressure of conformity within the group. Whether xenophobia can be fought successfully will therefore also depend on the fact if attractive alternatives to those youth groups – where young people can acquire social respect with xenophobic attitudes - can be offered.

Breaking down the group membership of xenophobic suspect perpetrators by age the following can be noted: Up to 20 year old suspects most frequently belonged to informal groups, those between 21 and 24 were mostly members of skinhead groups and those over 30 primarily belonged to extreme right-wing organisations. "Looking at it from outside this could indicate a sort of group career (own translation)" (Peucker/Gaßebner/Wahl 2001, p. 84 PUBDE1075).

Group crimes

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

Motivation for the crime

These findings are based on information provided by the suspected perpetrators that was noted down by the police officers in pre-set categories. According to this, slightly more than 40% of the suspects named xenophobic attitudes as motives for the crime, further 19% stated a political (radical right-wing or extremist) motivation. Not less than 15% of the suspects named "sheer pleasure in violence", another 10% named group pressure/pressure for conformity as motives. "Those two motives, however, are also important for xenophobic, extreme right-wing and anti-Semitic motivated crimes [...]. These findings indicate that one cannot talk about a clearly identifiable motivation for the crime. There are rather a lot of overlapping motives that might intensify reciprocally (own translation) (Peucker/Gaßebner/Wahl 2001, p. 47; PUBDE1075).

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

Especially with regard to the types of crime there are clear differences between the old and the new federal states. Bodily harm, for instance, was involved in twice as much crimes in the east than in the west. In the west, on the other hand, a higher number of propaganda crimes was committed than in the east. One must take into consideration, though, that a differing willingness to report these crimes and a varying sensitisation of the police has implications for the types of registered crimes: incitement of the people and propaganda crimes can be very easily categorised, with regard to bodily harms this is often more difficult (Peucker/Gaßebner/Wahl 2001, p. 86; PUBDE1075).

Study B:

Analysis of verdicts on xenophobic, anti-Semitic and extreme right-wing perpetrators (Gaßebner/Peucker/Schmidt/Wahl 2001; PUBDE1076):

This study is based on an analysis of 217 verdicts related to 352 extreme right-wing, xenophobic and anti-Semitic perpetrators. The verdicts included in the study were pronounced between 1997 and 1998 by German courts.⁵⁰

The study provides a similar picture of the socio-economic background of the perpetrators as the analysis of the police files. The majority of the perpetrators are single young men between 15 and 24 years old. More than half of the perpetrators were in school or vocational training at the time of the crime, about a fifth was employed (mostly as skilled workers or as craftsmen). Another fifth was unemployed. A correlation between a difficult family situation and violent behaviour later could not be identified on the basis of the data. Another result of the analysis was that almost half of the perpetrators had previously been convicted, among others because of bodily harm, but also because of propaganda crimes. "In this context one can talk about a milieu-specific socialisation of a certain number of the perpetrators, but one can also note clear overlaps of the general youth delinquency as well as youth criminality with the "right-wing milieu" (own translation)" (Gaßebner/Peucker/Schmidt/Wahl 2001, p. 108; PUBDE1076). The verdicts on acts of violence mostly involved (serious) bodily harm which generally was committed spontaneously or was planned within a short time and was carried out by a group on weekends, in the evening or during the night and mostly under the influence of alcohol. The crimes were primarily committed at or near the place where the perpetrator lives. About three quarters of the acts of violence were group crimes, with several perpetrators hitting the victim or – in rarer cases – one perpetrator acting out of the group.

Propaganda perpetrators

The differentiation in the study between propaganda crime perpetrators and perpetrators of violent crimes shows only slight differences. But considering perpetrators of propaganda crimes is of importance because one can assume that a certain number of these criminal acts⁵¹ has been committed while entering the right-wing milieu and that these perpetrators might have a general willingness to commit violent crimes. The differentiation between propaganda crime perpetrators and perpetrators of violent crimes is not without overlaps. Among perpetrators of propaganda crimes there are twice as many pupils as among perpetrators of violent crimes, which means that a lot of propaganda crimes are, on the one hand, committed by pupils (as provocation or as entrance in the right-wing milieu), on the other hand by older perpetrators who are already integrated in the relevant groups. In addition, propaganda crime perpetrators have on average a higher level of education than perpetrators of violent crimes.

⁵⁰ It is true that information on the annual number of verdicts on xenophobic, extreme right-wing and anti-Semitic crimes in Germany is published in the printed matter by the German parliament. But as not in all federal states the prosecutors and courts categorise the crimes according to xenophobic, extreme right-wing and anti-Semitic criteria, but rather according to the type of criminal act of the Penal Code (e.g. bodily harm), the identification of relevant verdicts is not always possible.

⁵¹ Typical crimes are the display of anti-constitutional symbols, often combined with wilful damage to property, the production and distribution of fan brochures and flyers as well as the trade in relevant music CDs.

Study C:

Biographical backgrounds and motivation of xenophobic violent criminals (Wahl et al. 2001; PUBDE1077):

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

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

Study D:

The politically motivated violent criminal in Baden-Württemberg. A crime-/perpetrator-oriented study of the years 1999 to 2001 (Landeskriminalamt Baden-Württemberg 2002; PUBDE1043):

The results of this study are based on an analysis of data that has been registered in the file "Politically motivated violent criminals" at the State Office of Criminal Investigation Baden-Württemberg since 1999 in an anonymous form. This file contains, among others, data on the personality structure, the social environment as well as the motivation of political violent criminals. These findings again result from "Additional Information on Violent Criminals", which has been transferred to the State Office of Criminal Investigation by the responsible local police offices. The data has been collected by the police in the investigation process. The data has been written down immediately after the questioning of the accused (Landeskriminalamt Baden-Württemberg 2002, p. 3; PUBDE1043).

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

About half of all violent criminals have no school-leaving qualification or have only completed general-education secondary school (*Hauptschulabschluss*). "The results suggest a correlation between level of education and willingness for violence (own translation)" (Landeskriminalamt Baden-Württemberg 2002, p. 12; PUBDE1043). With regard to the vocational status one can note that 28% of the violent criminals are manual workers, 4.4% are skilled workers, about 23% are serving apprenticeship and 6.7% are

unemployed. (In this respect one cannot suggest a direct correlation between unemployment and extreme right-wing violence). 14% are still in school and 2.2% are soldiers.

About a third of the violent criminals are first offenders. Another third have already been registered previously with criminal acts in general criminality. About 20% have been recorded with criminal acts in general criminality as well as with politically motivated crimes and are in that respect habitual offenders.

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

The majority of the criminal acts are committed with physical violence. It has also been noted, though, that violent criminals who carry a weapon or objects that might be used as a weapon used them. About two third of the violent criminal committed their crimes against non-German and migrants with German citizenship or against persons who they "thought to be non-Germans by mistake (own translation)" (Landeskriminalamt Baden-Württemberg 2002, p. 19; PUBDE1043).

Study E:

Analysis of xenophobic perpetrators of violent crimes (Frindte/Neumann 2002; PUBDE0589)

In order to shed light on the biographies and motives for the deeds of xenophobic perpetrators of violent crimes, in the course of this study, 101 perpetrators in various prisons and bodies offering assistance to those on probation were interviewed in the years 1999 and 2000.

The central results can be stated thus:

The average age of the perpetrator was approximately 18 years and it varied between 15 and 26 years (cf. loc. cit. p. 88)

Characteristic for the majority of perpetrators is their "failed school and professional biography" (loc. cit. p. 70). 28% of the perpetrators had no school-leaving qualifications; almost half had a secondary-modern school qualification (Hauptschulabschluss). In contrast only 2.3% of the perpetrators had passed their A-levels.

An examination of Eastern and Western German perpetrators reveals that almost all interviewees displayed xenophobic, nationalist orientations which discriminate against minorities. The findings with reference to anti-Semitic attitudes, however, reveal significant differences between East and West German perpetrators. Although two thirds of Eastern German perpetrators still agree with anti-Semitic statements, this figure is considerably less than in the case of the Western German perpetrators who display 100% anti-Semitic attitudes (loc. cit. p. 80f.).

Over half the extreme right-wing criminal offences were directed against migrants, just over 40% against political or sub-cultural opponents (loc. cit., p. 88). Around 80% of these acts were directed against concrete people, 20% against asylum seekers hostels. In three quarters of the reported cases, only one victim was involved. In contrast, the violent crimes were mostly not carried out by an individual perpetrator; two thirds were offences carried out by groups where the co-perpetrators mostly played an active or supportive role. The committing of the offence was accompanied by alcohol and extreme right-wing music.

If the biographical development of the perpetrators is examined, then it becomes apparent that a majority already had contact at an early age to bodies offering assistance or institutions involved in criminal prosecution. Two thirds of those interviewed had already had dealings with the youth welfare office by the time they were 14. The perpetrators came to the attention of the police for the first time at an average age of 13.5; at the age of 17, 90% of them had experience in court.

8.5. BACKGROUND INFORMATION

8.5.1. Non-German Population⁵²

At the end of 2002 about 7.3 million people in total lived in Germany with a foreign nationality. This amounts to a share of 8.9% of the total population.

Table 27: Foreign nationals and total population of Germany 1991 - 2002

year	total population ¹	foreign population ¹	percentage of foreign nationals	change in foreign population (in %) ²
1991 ³	80,274,600	5,882,267	7.3	-
1992	80,974,600	6,495,792	8.0	+10.4
1993	81,338,100	6,878,117	8.5	+5.9
1994	81,538,600	6,990,510	8.6	+1.6
1995	81,817,500	7,173,866	8.8	+2.6
1996	82,012,200	7,314,046	8.9	+2.0
1997	82,057,400	7,365,833	9.0	+0.7
1998	82,037,000	7,319,593	8.9	-0.6
1999	82,163,500	7,343,591	8.9	+0.3
2000	82,259,500	7,296,817	8.9	-0.6
2001	82,440,400	7,318,628	8.9	+0.3
2002	82,536,700	7,335,592	8.9	+0.2

Source: Federal Statistical Office

- 1) as of 31st December. Registered as foreigners are all persons who do not possess the German nationality (including stateless persons and persons whose nationality is not clear). Persons with multiple citizenship, who are nationals both of Germany and an additional country, are registered as German citizens.
- 2) annual change, i.e. compared to previous year.
- 3) since 31st December 1991, data refers to German territory as of 3rd October 1990.

About a quarter of the foreigners (about 1.862 million people) come from a member state of the European Union, about a third of them Italians. 26% are Turkish nationals and about 14.5% had the nationality of one of the succession states of Ex-Yugoslavia.

⁵² Detailed „Data and Facts on the Situation of Foreigners“ can be found at www.integrationsbeauftragte.de/daten/index.stm.

**Table 28: Non-German Residents in Germany according to the main nationalities
1990 - 2002**

	Total	Turkey	Yugo- slavia ²	Italy	Greece	Poland	Croatia	Bosnia- Herze- govina	others
1990	5,342,532	1,694,649	662,691	552,440	320,181	242,013	-	-	1,870,558
1991 ¹	5,882,267	1,779,586	775,082	560,090	336,893	271,198	-	-	2,159,418
1992	6,495,792	1,854,945	915,636	557,709	345,902	285,553	82,516	19,904	2,433,627
1993	6,878,117	1,918,400	929,647	563,009	351,976	260,514	153,146	139,126	2,562,299
1994	6,990,510	1,965,577	834,781	571,900	355,583	263,381	176,251	249,383	2,573,654
1995	7,173,866	2,014,311	797,754	586,089	359,556	276,753	185,122	316,024	2,638,257
1996	7,314,046	2,049,060	754,311	599,429	362,539	283,356	201,923	340,526	2,722,902
1997	7,365,833	2,107,426	721,029	607,868	363,202	283,312	206,554	281,380	2,609,986
1998	7,319,593	2,110,223	719,474	612,048	363,514	283,604	208,909	190,119	2,831,702
1999	7,343,591	2,053,564	737,204	615,900	364,354	291,673	213,954	167,690	2,899,252
2000	7,296,817	1,998,534	662,495	619,060	365,438	301,366	216,827	156,294	2,976,803
2001	7,318,628	1,947,938	627,523	616,282	362,708	310,432	223,819	159,042	3,070,884
2002	7,335,592	1,912,169	591,492	609,784	359,361	317,603	230,987	163,807	3,150,389

Source: Federal Statistical Office

- 1) since 1991, data refers to German territory as of 3rd October 1990.
- 2) Yugoslavia in 1992 comprises Serbia, Macedonia and Montenegro, from 1993 only Serbia and Montenegro

Table 29: Residence status of non-German residents of selected nationalities (31st December 2002)

Nationality	Residence status ³						
	Total ²	Residence permit		Residence entitlement	Residence allowance	Residence authorisation	Toleration certificate
		limited	unlimited				
Turkey	1,912,169	634,920	652,176	450,830	10,298	31,244	15,032
Yugoslavia ¹	591,492	110,427	151,598	89,060	4,115	45,506	93,256
Croatia	230,987	40,398	93,347	77,414	7,819	1,455	1,830
Bosnia-Herzegovina	163,807	38,900	41,177	26,536	3,591	23,453	16,607
Macedonia	58,250	19,628	19,452	11,229	1,211	1,488	1,590
Slovenia	20,550	1,995	9,640	6,765	1,285	45	54
Poland	317,603	89,382	89,077	8,531	56,483	5,735	1,170
Russian Federation	155,583	53,536	62,852	482	11,581	2,502	3,340
Iran	88,711	17,452	29,946	7,097	2,599	9,114	3,425
Romania	88,679	22,333	18,350	740	15,989	2,156	931
Ukraine	116,003	22,357	73,735	129	8,212	959	815
Vietnam	87,207	27,025	22,649	5,896	1,820	9,575	8,795
Morocco	79,838	29,560	24,352	8,986	7,712	324	454
Afghanistan	69,016	9,630	14,123	256	297	21,675	9,606
Sri Lanka	43,634	14,432	9,753	3,353	353	4,996	2,359
Hungary	55,953	10,986	15,220	4,317	17,422	276	74
Lebanon	47,827	12,268	7,588	374	900	13,037	5,282
China	72,094	17,308	5,822	1,088	33,905	1,634	3,177
Tunisia	24,243	8,555	7,469	2,588	1,929	182	160
Bulgaria	42,419	7,498	5,805	1,077	16,490	226	170
India	41,246	13,657	7,040	3,334	4,902	324	2,085
Iraq	83,299	4,341	10,782	82	158	43,079	3,952
Kazakhstan	53,551	31,851	12,459	9	928	1,362	713
Pakistan	34,937	11,047	7,613	1,886	1,092	1,459	2,767
Syria	28,679	5,210	4,465	173	1,340	4,224	4,491
Thailand	45,457	18,310	18,718	2,449	1,982	81	125
Total	7,335,592	1,648,949	1,996,799	783,048	325,061	264,032	226,547

Source: Federal Statistical Office

- 1) Category includes all persons registered by the Central Register for Foreigners as Yugoslavian nationals (on a set date).
- 2) The difference between the sum of different residence titles and the category "total" is, at least partly, due to the fact that EU nationals are virtually exempt from residence regulations. About 397,282 EU nationals had a limited Residence Permit – EC, a further 516,075 persons an unlimited Residence Permit – EC.
- 3) Foreign-resident law in Germany differentiates between the following residence titles:
A Residence Entitlement (*Aufenthaltsberechtigung*) can be granted on application to foreign residents who have been legal residents of Germany for eight years, provided that further requirements are met (e.g. that applicants are able to earn their own living without resorting to

welfare payments). Residence entitlements are the most secure residence title since they are unlimited, i.e. there are no restrictions concerning the duration and place of residence.

A *Limited Residence Permit (befristete Aufenthaltserlaubnis)* forms the basis for a subsequent permanent residence status. In accordance with the duration of the residence, the residence status becomes legally more secure. Residence permits are granted unrelated to the purpose of residence in Germany.

An *Unlimited Residence Permit (unbefristete Aufenthaltserlaubnis)* constitutes the first step towards a permanent residence status. The main condition is that the applicants have been legal residents (with a limited residence permit) for at least five years. If further requirements are met, applicants are entitled to receive this residence status.

A *Residence Allowance (Aufenthaltsbewilligung)* allows residence for a clearly defined purpose; consequently, it limits the duration of residence (e.g. for university students, contract workers).

A *Residence Authorisation (Aufenthaltsbefugnis)* is granted because of international law, or for humanitarian or political reasons. It can only be extended if these humanitarian grounds continue to apply. This residence status is granted to, among others, quota and civil-war refugees.

The Toleration Certificates (Duldung) constitutes a further legal title which, however is not classified as residence title. A toleration certificate provides temporary protection against deportation, without repealing the general obligation to leave the country.

59% of all non-Germans have been living in Germany for more than ten years. With regard to non-German employees and their families from former recruiting states this rate is even higher: 71.8% of the Turks, 76.4% of the Greek, 76.2 of the Italians and 78% of the Spanish people have been living in Germany for ten years or longer. Among the 7.3 million non-Germans 1.532 million (about 21%) were born in Germany; among the non-Germans under 18 years old the proportion of people who were born in Germany is more than two thirds (68.2%). How this is reflected in the **residence status** of the non-German population can be gathered from the table above.

Apart from considering the non-German population in Germany one must not forget that a large number of naturalised persons live in Germany, too. Looking at the naturalisation figures makes clear that the number of migrants who naturalised between 1995 and 2002 has more than doubled. This development might also have been accelerated by the *Law on the Reform of the Citizenship Bill* from July 15, 1999 (in force since January 1, 2000) which makes it easier for migrants to obtain the German nationality.

Table 30: Naturalisation according to former nationalities 1995 - 2002

	Total	Turkey	Iran	Yugo- slavia	Afgha- nistan	Mo- rocco	Leba- non	Croatia	Bosnia -Herze- govina	Viet- nam
1995	71,981	31,578	874	3,623	1,666	3,397		2,637	2,010	3,430
1996	86,356	46,294	649	2,967	1,819	3,149	784	2,391	1,926	3,553
1997	82,913	39,111	919	1,989	1,454	4,010	1,134	1,789	995	3,119
1998	106,790	53,696	1,131	2,404	1,118	4,971	1,692	2,198	3,469	3,452
1999	143,267	103,900	1,863	3,608		4,980	2,515	1,648	4,238	2,597
2000	186,688	82,861	14,410	9,776	4,773	5,008	5,673	3,316	4,002	4,489
2001	178,098	75,573	12,020	12,000	5,111	4,425	4,486	3,931	3,791	3,014
2002	154,547	64,631	13,026	8,375	4,750	3,800	3,300	2,974	2,357	1,482

Source: Federal Statistical Office

8.5.2. Migration flows

Over the last ten years, migration flows to and from Germany have been influenced by several factors. One important factor was the **fall of the "iron curtain"**, which allowed migration outflows from the former Eastern-European bloc. As for Germany, it has led to an increase in migration inflows of ethnic German immigrants ("Aussiedler") and asylum applicants from Eastern Europe. Secondly, the **civil wars** in former Yugoslavia resulted in considerable migration inflows of war and civil-war refugees, especially in the early 1990s. Thirdly, labour migration from neighbouring states, particularly Poland and the Czech Republic, has increased, too. As for migration flows to and from Poland, a distinct culture of "commuter migration" has developed, i.e. Polish nationals enter Germany for a limited period of time in order to seek temporary work. In view of the planned expansion of the European Union toward the east, Germany will be in the centre of future migration flows involving Eastern-European nationals.

Table 31: Migration in- and outflows across the borders of the Federal Republic of Germany (1992-2002)

Year	Inflows			Outflows			Net migration (inflows – outflows)	
	Total	of which: non-Germans	Percentage	Total	of which: non-Germans	Percentage	Total	of which: non-Germans
1992	1,502,198	1,211,348	80.6	720,127	614,956	85.4	+782,071	+596,392
1993	1,277,408	989,847	77.5	815,312	710,659	87.2	+462,096	+279,188
1994	1,082,553	777,516	71.8	767,555	629,275	82.0	+314,998	+148,241
1995	1,096,048	792,701	72.3	698,113	567,441	81.3	+397,935	+225,260
1996	959,691	707,954	73.8	677,494	559,064	82.5	+282,197	+148,890
1997	840,633	615,298	73.2	746,969	637,066	85.3	+93,664	-21,768
1998	802,456	605,500	75.5	755,358	638,955	84.6	+47,098	-33,455
1999	874,023	673,873	77.1	672,048	555,638	82.7	+201,975	+118,235
2000	840,771	648,846	77.2	673,340	562,380	83.5	+167,431	+86,466
2001	879,217	685,259	77.9	606,494	496,987	81.9	+272,723	+188,272
2002	842,543	658,341	78.1	623,255	505,572	81.1	+219,288	+152,769

Source: Federal Statistical Office

Groups of migrants

Groups of migrants can be differentiated, firstly, according to their legal status on entering Germany, and secondly, according to their residence title. These migration and residence regulations have a crucial impact on the living situation of migrants. For each migrant, it makes a huge difference whether he or she has entered Germany as an asylum seeker, contract worker or ethnic German immigrant ("Aussiedler"). In the following, we will outline the following **types of migration**:

- EU-internal migration
- labour migration
- asylum seekers and quota refugees
- ethnic German immigrant ("Aussiedler").
- Jewish migrants from the territory of the former Soviet Union⁵³

EU-internal migration

According to EU regulations (EEC Residence Regulations, as of 31st January 1980; EC Decree on Freedom of Movement, as of 17th July 1997) EU nationals enjoy freedom of movement within the European Union, provided certain requirements are given. First and foremost, gainfully employed persons (employees, self-employed persons and service providers) enjoy this privilege. In addition, spouses, direct descendants (children and grandchildren younger than 21 years) as well as parents and grandparents can accompany EU migrants, provided that the latter is able to provide for the maintenance of his or her family members. Europe's development from an economic community to a more deeply integrated European Union has given EU nationals and their family members the right to free movement within the EU, even if their migration to another EU-country is not economically motivated (EC Decree on Freedom of Movement, as of 17th July 1997). In 2001, a total of 120,590 EU citizens migrated to Germany. However, migration outflows of EU citizens leaving Germany amounted to nearly the same number of people (120,408). Consequently, there was no significant increase in EU citizens who are residents of Germany.

⁵³ In addition to these types of migration, the following groups also have to be mentioned: Family and spouse migration of third-country nationals, war, civil-war and de-facto refugees, non-German university students. Further details on migration flows can be found on the following website: www.integrationsbeauftragte.de/publikationen/migration2001.pdf.

Table 32: Migration in- and outflows of EU-nationals to and from Germany: 1990 -2001¹

	total inflows	inflows of EU- nationals ¹	percentage	total out-flows	outflows of EU- nationals ¹	percentage
1990 ²	1,256,593	118,421	9.4	574,378	85,108	14.8
1991	1,198,978	128,142	10.7	596,455	96,727	16.2
1992	1,502,198	120,445	8.0	720,127	94,967	13.2
1993	1,277,408	117,115	9.2	815,312	99,167	12.2
1994	1,082,553	139,382	12.9	767,555	117,486	15.3
1995	1,096,048	175,977	16.1	698,113	140,113	20.1
1996	959,691	171,804	17.9	677,494	154,033	22.7
1997	840,633	150,583	17.9	746,969	159,193	21.3
1998	802,456	135,908	16.9	755,358	146,631	19.4
1999	874,023	135,268	15.5	672,048	141,205	21.0
2000	841,158	130,683	15.5	674,038	126,360	18.7
2001	879,217	120,590	13.7	606,494	120,408	19.9

Source: Federal Statistical Office

- 1) Nationals of the following 14 EU member states: Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom (German citizens are not included).
- 2) as of 1990: the “old” federal states.

Labour migration

On principle, nationals of non-EU member states or other states participating in the EEA (European Economic Area) are not entitled to enter Germany for the sake of taking up gainful employment. However, there are some exceptions, as outlined in the **Decree on Exceptions to the Ban on Allocating Foreign Labour** (*Anwerbestoppausnahmerverordnung - ASAV⁵⁴*). It is the goal of this decree to provide a legal channel for migrants from Eastern Europe and thus prevent illegal immigration. In addition, the programme helps to compensate for the labour shortage in some sectors of the German economy.

Under these regulations, Eastern European labour, especially from Poland and the Czech Republic, has been given an opportunity to take up employment in Germany. The majority of these labour migrants works as seasonal or contract workers. In 2001, the number of allocations of non-German seasonal workers amounted to 254,000, the number of non-German contract workers to 47,000. In addition, the passing of the so-called Green-Card regulations has opened up a new channel for migration inflows of **IT experts**. Under these rules, non-German information technology experts (who are not

⁵⁴ According to §9, the following nationalities are exempted from the recruitment ban: nationals of EFTA states, the USA, Canada, Israel, Australia, New Zealand, Japan and small European states. According to §§2 to 5, the following professions are also exempted: contract workers, language teachers, specialist chefs, scientists, social workers and clergy for foreign nationals, nursing staff from Eastern European countries as well as artists and performers. Further exceptions exist for highly qualified specialists whose employment is in the national interest.

citizens of countries participating in the EEA) can be employed in Germany for a period of up to five years. Work permits can also be allocated to non-German graduates of German universities and colleges who take up employment after graduation. Up to the end of December 2002, a total of 13,373 work and residence permits (so-called “green cards”) has been granted to non-German IT specialists, most of them being nationals of India, Romania and Russia.

Foreign nationals that are residents of Germany and want to take up gainful employment have to apply for **work authorisation**, with the following groups being exempted from this obligation: EU nationals and citizens of EEA member states, persons holding a residence entitlement, and foreign nationals that were born in Germany and hold an unlimited residence permit. Work authorisation can be granted in two forms: firstly, in the form of a work permit in cases where job vacancies cannot be filled by German workers (or other European labour with a comparable legal status); secondly in the form of a work entitlement, which can be granted on condition that non-German residents have been legally employed in Germany for at least five years. Work permits can be temporary or limited to certain sectors of the economy. Work entitlements, on the other hand, are generally granted for an unlimited period of time.

Asylum seekers and refugees under the Geneva Convention

According to Art.16a Basic Law, non-Germans subject to political persecution have the constitutional right to asylum in Germany. Persons recognised as entitled to political asylum are granted an unlimited residence permit. In 2002, a total of 2,397 applicants were recognised as entitled to asylum (recognition rate: 1.8%).

Table 33: Decisions of the Federal Office for the Recognition of Foreign Refugees between 1990 and 2002

year	number of decisions	entitled to political Asylum according to Art. 16/16a Basic Law	% ¹	protected against deportation according to §51Par.1 Aliens Act	% ²	impediments to deportation according to §53 Aliens Act ³	%	re-jected	% ⁴	other completed cases ⁵	% ⁶
1990	148,842	6,518	4.4	n.a.	n.a.			116,268	78.1	26,056	17.5
1991	168,023	11,597	6.9	n.a.	n.a.			128,820	76.7	27,606	16.4
1992	216,356	9,189	4.2	n.a.	n.a.			163,637	75.6	43,530	20.1
1993	513,561	16,396	3.2	n.a.	n.a.			347,991	67.8	149,174	29.0
1994 ⁷	352,572	25,578	7.3	9,986	2.8			238,386	67.6	78,622	22.3
1995	200,188	18,100	9.0	5,368	2.7	3,631	1.8	117,939	58.9	58,781	29.4
1996	194,451	14,389	7.4	9,611	4.9	2,082	1.1	126,652	65.1	43,799	22.5
1997	170,801	8,443	4.9	9,779	5.7	2,768	1.6	101,886	59.7	50,693	29.7
1998	147,391	5,883	4.0	5,437	3.7	2,537	1.7	91,700	62.2	44,371	30.1
1999	135,504	4,114	3.0	6,147	4.5	2,100	1.6	80,231	59.2	42,912	31.7
2000	105,502	3,128	3.0	8,318	7.9	1,597	1.5	61,840	58.6	30,619	29.0
2001	107,193	5,716	5.3	17,003	15.9	3,383	3.2	55,402	51.7	25,689	24.0
2002	130,128	2,397	1.8	4,130	3.2	1,598	1.2	78,845	60.6	43,176	33.2

Source: Federal Office for the Recognition of Foreign Refugees (BAFl: Statistics on Administrative Cases)

- 1) In order to obtain the rate of approval, the total of individual cases is divided by the number of people entitled to asylum.

- 2) Percentage of asylum applicants that are protected against deportation, in relation to total of asylum decisions.
- 3) Since 1999, impediments to deportation according to §53 Aliens Act have been statistically registered as a separate category. In the years 1995 to 1998, respective figures were not included in the total of decisions.
- 4) Percentage represents quotient of rejections and total of asylum decisions.
- 5) This category comprises, among other things, withdrawn applications (e.g. because of return or transit migration).
- 6) Proportion of "other completed cases" to total decisions on persons.
- 7) Only since April 1994 have persons that are protected against deportation according to §51 Par.1 Aliens Act been statistically registered as a separate category. In previous years, their percentage amounted to 0.3% to 0.5% of all decisions (figures based on manual count).

In addition to the right to political asylum according to Art. 16a Basic Law, there is also the possibility of granting what is commonly referred to as the "little asylum" ("kleines Asyl") according to §51 Par.1 Foreigners Act (*Ausländergesetz*), based on the Geneva Convention for Refugees (Art.33). Persons recognised as convention refugees are granted a residence authorisation which is limited to a period of two years. This period can be extended if the persecution risk persists. In 2002, a total of 4,130 persons were recognised as protected against deportation. This equals a quota of 3.2%, in relation to all decisions passed by the Federal Office for the Recognition of Foreign Refugees (*Bundesamt für die Anerkennung ausländischer Flüchtlinge*) (c.f. table 7).

In addition, §53 Foreigners Act requires that persons are also **protected against deportation** if they are threatened by torture, capital punishment, inhuman punishment or other imminent dangers to life and limb or to their freedom. These foreign nationals can be granted a **limited toleration certificate**. Once this period of toleration expires, these persons are under a legal obligation to leave the country. If repatriation is not admissible, for the reasons stated above, toleration certificates can be extended. In 2002, 1,598 persons were recognised as protected against deportation according to §53 Foreigners Act (a quota of 1.2%) (c.f. table 7).

These two groups are thus legally protected against deportation, but their **residence status is relatively insecure**. Furthermore, they face restrictions in labour market access (a one-year waiting period and a subordinate status in comparison to EEA nationals).

The number of asylum seekers reached its peak in 1992, with almost 440,000 asylum applications, and has continuously decreased ever since. In 2002, the total of applications amounted to 71,127.

Table 34: Asylum applicants from selected source countries: 1990 - 2002

Year	Total	Europe	Africa	America and Australia ²	Asia	Stateless persons and others
1990	193,063	101,631	24,210	402	60,900	5,920
1991 ¹	256,112	166,662	36,094	293	50,612	2,451
1992	438,191	310,529	67,408	356	56,480	3,418
1993	322,599	232,678	37,570	287	50,209	1,855
1994	127,210	77,170	17,341	214	31,249	1,236
1995 ³	127,937	67,411	14,374	235	45,815	102
1996	116,367	51,936	15,520	380	45,634	2,897

1997	104,353	41,541	14,126	436	45,549	2,701
1998	98,644	52,778	11,458	262	31,971	2,176
1999	95,113	47,742	9,594	288	34,874	2,615
2000	78,564	28,495	9,593	338	37,239	2,899
2001	88,287	29,473	11,893	263	45,622	1,027
2002	71,127	25,631	11,765	187	32,746	792

Sources: Federal Office for the Recognition of Foreign Refugees, Federal Ministry of the Interior

- 1) Since 1991 figures are for the whole of Germany.
- 2) 1997 and 1998 America only (without Australia).
- 3) Since 1995, the BAFl statistics differentiate between initial and follow-up applications. For the years after 1995 data refers to initial applications.

Ethnic German immigrants (Aussiedler)

Under §4 Par.3 *BVFG* (Federal Law on Displaced Persons), *Aussiedler* are legally considered as **Germans** according to Art.116 Basic Law. The legal requirements are that they are German nationals or of German descent, living in one of the areas recognised in the *BVFG* as German settlement areas. Under the 1993 Law on Resolving Long-term Effects of World War II (*Kriegsfolgenbereinigungsgesetz*), most *Aussiedler* are former residents of territories within the former Soviet Union. In 1993, a **quota** was imposed on migration inflows of *Aussiedler* (following an amendment of the *BVFG* and a federal law on debt reduction, as of 22nd Dec. 1999). Since then, the Federal Administrative Office (*Bundesverwaltungsamt*) responsible for the admission of *Aussiedler* is not entitled to issue more entry permits than were granted in 1998 (i.e. a total of 103,080 persons, including applicants and other family members).

Due to the rising number **inter-ethnic marriages**, the ration between *Aussiedler* and their accompanying family members has been reversed: from slightly more than 77% in 1993, to about 22% in 2002. Consequently, the great majority of entries today are accompanying non-German family members. On arrival in Germany, they are also entitled to receive German citizenship⁵⁵ and have the same legal entitlements as *Aussiedler* themselves.

Table 35: Status of ethnic German immigrants (1993 to 2002)

Year	Spätaussiedler (according to §4 BVFG)	in %	Spouses and family members (according to §7 BVFG)	in %	Other family members (according to §8 BVFG)	in %
1993	169,638	77.5	48,374	22.1	876	0.4
1994	135,594	60.9	83,023	37.3	3,974	1.8
1995	120,806	55.4	90,795	41.7	6,297	2.9
1996	84,756	47.7	87,426	49.2	5,569	3.1
1997	53,382	39.7	75,033	55.8	6,004	4.5
1998	35,098	34.1	62,233	60.4	5,719	5.6
1999	30,944	29.5	64,599	61.6	9,373	8.9
2000	25,184	26.3	60,514	63.3	9,917	10.4
2001	23,992	24.4	62,645	63.6	11,847	12.0
2002	19,716	21.6	58,860	64.4	12,840	14.0

Source: *Bundesverwaltungsamt*

In 2002, approximately 91,500 persons entered Germany as *Aussiedler*. Since 1950, respective inflows of *Aussiedler* and accompanying family members have amounted to more than 4.2. million persons.

⁵⁵ On receiving their entry certificate, *Aussiedler* and accompanying family members (spouses and children) are automatically granted German citizenship. This amendment of nationality law (§7 *StAG*), which took effect as of 1st August 1999, has exempted this group from regular naturalisation procedures.

Table 36: Migration inflows of Spätaussiedler according to source territory: 1990 - 2002

Source territory	1990	1991 ³	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Poland	133,872	40,129	17,742	5,431	2,440	1,677	1,175	687	488	428	484	623	553
Former Soviet Union	147,950	147,320	195,576	207,347	213,214	209,409	172,181	131,895	101,550	103,599	94,558	97,434	90,587
Yugoslavia ¹	961	450	199	120	182	178	77	34	14	19	0	17	4
Romania	111,150	32,178	16,146	5,811	6,615	6,519	4,284	1,777	1,005	855	547	380	256
(Former) CSSR	1,708	927	460	134	97	62	14	8	16	11	18	22	13
Hungary	1,336	952	354	37	40	43	14	18	4	4	2	2	3
other countries ²	96	39	88	8	3	10	6	0	3	0	6	6	0
Total	397,073	221,995	230,565	218,888	222,591	217,898	177,751	134,419	103,080	104,916	95,615	98,484	91,416

Source: Federal Administrative Office (*Bundesverwaltungsamt*), Federal Ministry of the Interior

- 1) Including Croatia, Slovenia, Bosnia-Herzegovina and Macedonia, which all gained independence in 1992 and 1993 respectively.
- 2) "Other countries" plus inflows to Germany via a third country.
- 3) Figures after January 1, 1991 are for East and West Germany together.

Inflows of Jewish migrants from the territory of the former Soviet Union

In 1990, the last, democratically elected government of the GDR had started allowing entries of Jewish migrants from the Soviet Union by introducing of a fast-track procedure for this group. After German reunification, the united Germany decided to maintain this practice, based on a decision of the German Chancellor and the 16 state governors on 9th January 1991. According to this agreement, Jewish migrants are allowed to enter Germany on the basis of the Law on setting Quotas for Refugees (*HumHAG*, also called *Kontingentflüchtlingengesetz*), which allows inflows of refugee groups during humanitarian crises. However, contrary to usual practice, no quota has been set for entries of Jewish migrants. Furthermore, they are under no obligation to take part in the language test in their home country, in contrast to Spätaussiedler. In addition, state governors have agreed to distribute migrants among the *Laender* (federal states).

As of 15th February 1991, all entry applications are reviewed individually on the basis of the so-called Structured Admission Procedure ("*geordnetes Aufnahmeverfahren*").⁵⁶ Under these regulations, Jewish migrants have to apply for an entry permit at a German consulate in one of the successor states of the former Soviet Union. In accordance with Foreign Ministry instructions to German consulates abroad (as of 25th March 1997),

⁵⁶ Jewish emigrants entering Germany before this agreement was reached were granted the same legal status, in accordance with the Law on setting Quotas for Refugees (*HumHAG*, also called *Kontingentflüchtlingengesetz*).

Jewish migrants are entitled to enter Germany if the following conditions have been fulfilled: they have to provide official registration documents stating that they are of Jewish nationality, or that they are a descendant of at least one Jewish parent. Unlike Germany, Jewish is recognised as a nationality in the territories of the former Soviet Union. Applicants have to provide proof in the form of passports or birth certificates. German consulates have to review the authenticity of submitted documents to ensure that applicants are entitled to enter Germany.

After reviewing applications, state authorities notify the Federal Administrative Office, which, in turn, passes on the decision to German consulates abroad. If entry permissions are granted, migrants receive entry visas containing information on the federal state they have been allocated to. Entry visas have to be collected at the respective German consulate within twelve months, and are then valid for three months.

Table 37: Inflows of Jewish people from the former Soviet Union: 1993 - 2002

Year	Inflows
1993	16,597
1994	8,811
1995	15,184
1996	15,959
1997	19,437
1998	17,788
1999	18,205
2000	16,538
2001	16,711
2002	19,262

Source: Federal Ministry of the Interior, Federal Administrative Office (Bundesverwaltungsamtes)

All in all, a total of 164,492 Jewish emigrants have entered Germany between 1993 and 31st December 2002. Since 1995, annual inflows have been stable at roughly 20,000 migrants. The majority of Jewish migrants originate from the European part of the former Soviet Union, the main source countries being the Ukraine, Russia, the Baltic States, Belarus and Moldavia.

Jewish migrants leave their home countries for three main reasons: Firstly, for fear of anti-Semitic discrimination and on-going civil wars in their home countries; secondly, because of the economic crises accompanying the transformation of former socialist societies. In addition, they also hope to ensure a better future for their children in the countries they migrate to. Some Jewish migrants already have relatives or friends living in Germany, consequently migrant networks play an important role in encouraging emigration, which is also true for other groups of immigrants such as *Spätaussiedler*. Finally, the USA have reduced their annual quota for immigrants from the (former) Soviet Union to 50,000 persons since 1989, and Israel has become less attractive for migrants because of its internal conflicts.

In accordance with the Law on setting Quotas for Refugees (*Kontingentflüchtlingsgesetz*), Jewish migrants basically receive the same legal status as persons entitled to political asylum (e.g. entitlement to education benefits, permanent residence permit, work permit).

On entering Germany, Jewish migrants are offered a German language course and are also entitled to receive integration benefits (*Eingliederungsgeld*) for six months, which are funded by the federal government. Even though this group of Jewish immigrants is characterised by a high proportion of university graduates, their integration into the German job market has proved to be difficult, as existing qualifications are frequently not recognised in Germany.

8.5.3. Brief overview on legislation and policies in the areas migration, integration and anti-discrimination

Despite the continuously rising and permanently more diversifying immigration Germany stuck to the defensive self-characterisation that it is no country of immigration until the change of government in 1998. Only the new government coalition faced the new social reality of immigration and introduced a **new era in migration policy**. As a consequence there have been several modifications of the migration and foreigners policies and legislation especially from 2000 to 2002. This step has also been assisted by the **demographical development** of Germany as well as by a diagnosed **lack of skilled workforce** in certain sectors of the labour market. This paradigmatic shift resulted, first of all, in the 1999 reform of German **nationality law**. Further steps were marked by the appointment of an Independent Commission on Migration in summer 2000, and the passing of the so-called **Green Card Regulations** in August 2000, which broadened the access of non-German specialists to the labour market in Germany.

In 2002, finally, German parliament passed the new **Migration Law**, which was to take effect as of 1st January 2003. However, as the law has been declared invalid for formal reasons by the Federal Constitutional Court on 18th December 2002, the government introduced the law, which has not been modified, again at the beginning of the year. As so far the bill has only been passed by the *Bundestag* (first chamber of the federal parliament), but not by the *Bundesrat* (second parliamentary chamber representing the federal states), it is up to a mediating committee of both houses of parliament to work out a **compromise** between the government and the opposition. The law aims at a comprehensive reform of foreign resident law. Contrary to the current Foreigners Law, the new law is to include regulations concerning the **gainful employment of non-German residents**, in order to simplify and structure the various legal residence and immigration titles. In addition, the legislation also aims at **fostering integration**. Under the new law, for example, new residents would generally be obliged to participate in integration courses.

On the whole, the passing of the Immigration Law has been **welcomed by a broad majority of organisations**, including trade unions, employers' associations, churches and charitable organisations, even though some of planned regulations have met with **criticism**. Human rights and refugee organisations, for example, have welcomed the law's extended protection for asylum seekers subject to non-governmental and gender-specific persecution, but also emphasised that some gaps would still remain in the protection of refugees.

Despite the fact that the goal of fostering integration has so far not been incorporated into law, local and state governments have already started to develop **new strategies in integration policy**. These efforts do not only aim at placing more emphasis on

integration, but also at defining it as an **inter-departmental task**, e.g. by setting up new cross-cutting administrative departments.

Similar to integration, the issue of **discrimination** has so far not been regulated by one comprehensive anti-discrimination bill. However, several laws contain specific **discrimination bans**.

In the **public sphere**, protection is provided, first and foremost, by Germany's constitution, which stipulates in Art.3 Par.3 **Basic Law** (*Grundgesetz*) that it is illegal to discriminate against anybody because of their sex, descent, race, language, origin, belief, or their religious and political views. In addition, handicapped persons are also protected against discrimination. This article of the constitution applies directly to all state authorities (e.g. public schools and housing authorities), and everybody who charges public officials with discrimination is entitled to take legal action. In addition, there are detailed anti-discrimination regulations for all civil servants. For example, §8 Par.1 **Federal Civil Service Law** (*Bundesbeamtengesetz*) bans all forms of discrimination based on sex, descent, race, religion and religious or political views. Similar directives are to be found in §7 of the **Civil Service Outline Legislation** (*Beamtenrechtsrahmengesetz*) and in §67 **Federal Staff Council Law** (*Bundespersönalvertretungsgesetz*). However, it is obligatory for civil servants to have **German citizenship**; exceptions to this rule are only admissible if there is an urgent public need to recruit non-German civil servants (e.g. for the police force).

The **private sector**, on the other hand, has no comprehensive legal protection against discrimination. In Civil law, in particular §611a **Bürgerliches Gesetzbuch** (*BGB*), there are regulations banning all forms of discrimination against employees because of their sex. However, the law comprises, up to now, no regulations against discrimination because of ethnicity. Detailed anti-discrimination regulations are only to be found in **subordinate laws**, for example in insurance supervision, public transport laws, telecommunication customer protection laws, or in the industrial relations law (including individual industrial relations agreements).

In February 2002, the Federal Ministry of Justice has presented a **bill for preventing discrimination in civil law** (Civil Law Anti-Discrimination Bill), in order to transfer, at least partly, two EU anti-discrimination directives into national law. The bill, however, only regulates contract law, whereas other areas, such as the membership and participation in trade unions and employers' associations, are to be regulated in a specific anti-discrimination labour law; respective bills have so far not been introduced into parliament. The amendments comprise, firstly, an explicit ban of discrimination based on "race", ethnicity, sex, religion and other beliefs, disability, age or sexual identity, and, secondly, a new **definition** for discrimination, which differentiates between discrimination and admissible forms of distinction, as well as a simplification concerning **burden of proof rules**. The federal government, however, has meanwhile shelved its anti-discrimination bill, and so far failed to publish a new legislative proposal. Currently it seems unlikely that the government coalition will present fresh proposals which are as far-reaching as those contained in its original anti-discrimination bill. Brigitte Zypries, the new federal justice minister, has expressed her support for restricting government proposals and excluding the discrimination features religion, belief and age from the government bill. At present, it would be unrealistic to expect an anti-discrimination bill to be passed in 2003.

In addition to national legislative projects, Germany has also signed respective **international agreements** and founded an **Institute for Human Rights**, thus underlining its determination to fight racism, xenophobia and discrimination.

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