

# Council of Europe finds "general climate" fostering racism in Germany

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**21 July 2001**

On 3 July, the European Commission against Racism and Intolerance (ECRI) published its second report on Germany. The Commission expresses its deep concern about the extent of racist and xenophobic attacks in Germany, as well as the social climate that encourages such attacks.

The ECRI is an official body established by the Council of Europe, whose declared aim is "to combat racism, xenophobia, anti-Semitism and intolerance at a pan-European level and from the angle of the protection of human rights."

The second report has proven to be extremely embarrassing for the German government—a coalition headed by the Social Democratic Party (SPD) together with the Green Party. The preamble to the report states that while measures against racism and discrimination have been taken, Germany is nevertheless "a society in which serious cases of racially motivated violence occur".

"This means that issues of racism, anti-Semitism, xenophobia and intolerance are yet to be adequately acknowledged and confronted."

The report complains, "The existing legal framework and policy measures have not proven to be sufficient to effectively deal with or solve these problems. Of deep concern are the situation of and attitudes towards those who are considered as 'foreigners', insufficient measures of integration and the lack of recognition of the possibility that German identity may also be associated with other forms of identity than the traditional one."

The body of the report only extends to 17 pages, and is not very comprehensive or detailed about the racist attacks themselves. However, it does show that the policies of the SPD-Green government have contributed substantially to the climate of xenophobia in Germany.

Immigrants and refugees are disadvantaged in different ways— in housing provision, education and employment, the report notes. It gives an account of discrimination against asylum-seekers and complains that this persecution is being legally sanctioned, i.e. arranged by the state.

"Asylum seekers have great difficulties finding work due

to the legislation establishing that employment must first be offered to Germans, European Union citizens or those individuals with permanent residence permits, before it may be offered to those with a weaker residence title, such as asylum seekers."

Asylum-seekers are thus forced into poverty, which in turn reinforces "prejudice, stereotypes and hostility towards such individuals."

The report expresses the ECRI's concern "at the negative climate prevailing in some segments of German society concerning individuals of foreign origin." Going on to register "its concern at the impact of this situation on policies in the area of immigration and asylum, and the corresponding effect of these policies upon perceptions and behaviour toward Germans of foreign origin."

The ECRI also criticised sections of the media that have spread adverse stereotypes and prejudices concerning foreigners, thereby contributing to a climate of xenophobia.

The report focuses on the term "defining culture" (*Leitkultur*), which has been at the centre of a reactionary and xenophobic debate launched by the conservative Christian Democratic Union (CDU) and its Bavarian sister party the Christian Social Union (CSU).

"This concept reflects a concept of German identity as a fairly homogenous one, and a fear about the effects diversity will have upon the culture and identity. It also reinforces negative stereotypes about other cultures, neglecting the value and important contribution of minority communities within Germany."

The report cites statistics showing that most immigrants have lived in Germany for a very long time—many for several generations. Only 16.4 percent of Germany's "migrant population" consists of refugees or asylum-seekers, i.e. people who have only recently entered the country.

"Even those who are the second or third generation born in Germany, remain migrants or foreigners in German statistics, public discourse and life. The concept and usage of the term 'foreigner' [*Ausländer*] seems sometimes to

encompass an even larger group of the population, also including those minorities who have lived for many generations in Germany.”

In particular, the report states that the 2.2 million inhabitants of Turkish origin suffer from discrimination. They were still treated as “guest workers” [*Gastarbeiter*] even though many of them have lived in Germany for generations, “whereby they are perceived primarily in terms of their utility value.”

“Accordingly, these individuals, despite making Germany the focus of their lives, often have a precarious residence status, which, besides those problems of discrimination they face, affects their possibilities for integration and participation in German society. Furthermore the duty has been on the non-nationals themselves to fit into German society, and integration measures have not been a priority.”

The first ECRI report on Germany in 1998, described accounts of physical maltreatment and other abuses of the law by the state authorities dealing with foreigners as “disturbing”. The current report repeats this concern. The ECRI has received reports documenting the maltreatment of foreigners by the Federal Border Guard (BGS) during deportations. It notes that charges were mounted against such officials and that internal investigations into the accusations were underway.

“However, there is a wide discrepancy between reports of excesses and the results of criminal proceedings and internal investigations of complaints, which find a relatively small number of complaints to be valid.”

The SPD-Green government has tried to suppress the harsh criticism of its immigration policy. It is customary for the government to appoint a representative who discusses the text of the report with the Commission before publication. When the ECRI was unprepared to completely withdraw its criticisms, the German government demanded that it be allowed to append its “observations” to the report, in which it rejects them point-by-point.

In this appendix, the government attempts to justify everything that was criticised by the Commission, commenting, “Obviously the report has not been aware of the fact that the Federal Republic of Germany is a state governed by the rule of law which is capable of organising administrative processes properly.”

Where abuses cannot be justified by pointing to the “rule of law”, then the victims are transformed into culprits. The government explains-in stereotyped fashion- that the difficulty foreigners have finding jobs is not because they are disadvantaged, but because they are badly educated or are not educated at all. They lack proficiency in German and therefore work in economically precarious sectors of industry.

The Federal Border Guard (BGS) says that refugees who claim its officers have mistreated them are lying. Despite numerous press and TV reports showing BGS officers in the act of beating and mistreating people, the government does not hesitate to call these very border guards as the main witnesses in proceedings against the maltreated. The BGS claims “there are frequently indications to suggest that people claim they have been attacked by police officers only to compel the authorities to prolong their residence (e.g. as a witness in a court proceedings).”

After publication of the report, the government, and above all Interior Minister Otto Schily (SPD), strongly criticised the Council of Europe. Schily’s Undersecretary Claus Henning Schapper sent a fiery letter to Nikos Frangakis, the Greek ECRI chairman. The press cited certain passages from the report to accuse Frangakis of making a blanket condemnation of “the Germans”. In particular, Schily vehemently rejected the Commission’s remark that the militant activities of extreme right-wing groups and persons had to be seen in connection with a “general climate” fostering racism, intolerance and anti-Semitism.

In the meantime, the Council of Europe has made an about-turn. Its deputy secretary general has now expressed praise for the Germany’s policies concerning foreigners. The magazine *Der Spiegel* reports that this *volte-face* was quite possibly caused by Otto Schily’s threat to suspend future German subsidies to the Council of Europe.

In any case, the German government has not let itself be shaken off course by the Council of Europe’s criticism. The measures it is taking under the pretext of fighting against racism and fascism are almost exclusively limited to extending the state’s powers: pushing through a ban on the extreme right-wing National Party of Germany, the harsher use of existing laws or the increased use of police and the Federal Border Guard.

This strengthening of the state apparatus is creating an anti-democratic, authoritarian climate that encourages racist, right wing forces and the xenophobic policies exposed in the report.

European Commission against Racism and Intolerance:  
*Second Report on Germany*  
<http://www.ecri.coe.int/en/08/01/13/CBC%202%20Germany.pdf>  
(In PDF format)



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