Racist Violence in Germany

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An assessment of overall trends and patterns

There are approximately 30,000 right-wing extremists at present, 4,800 of which are believed to be organized neo-Nazis, in nearly 160 associations. Some 9,500 persons are believed to be ready to engage in racist violence. 13,000 extremists are organized in extreme right-wing political parties. However, NGOs estimate that the real number is higher. The figures show that extreme right-wing ideologies are still active. In 2001 a new definition system called ‘Criminal Investigation Registration Service - Politically Motivated Criminality’ (PMK) dealing with right-wing extremism, racial violence and hate crime (although the concept of racist hate crimes is not formally defined in the legislation) came into effect. The new system offers the opportunity to clearly categorise crimes by right-wing perpetrators and it permits a differentiated registration of the characteristics of the perpetrators, the crimes and the victims, but it did not solve the difficulties of the police in categorizing and judging right-wing crime.

Since then, different types of registration systems in particular contexts have evolved. Assessing the various statistics in the reports and reviews produced by this three folded structure, experts agree that the unreliable data-entry system fed by data of various crimes of different institutions and the juxtaposition of different recording systems hinders the comparability of the data. This is evident if you compare various reports and studies. In a report of the German government to an international institution 31,801 politically motivated crimes are mentioned for 2008. 4,757 of them were qualified as hate crimes (4,358 classified as right-wing politically motivated crimes). This crime centred approach of reporting highlights the fact that the vast majority of PMK is attributed to the right-wing. Politically motivated crime by the left-wing, foreigners or others is very low. In a study on hate crime in Germany and Poland it is said that for 2008 an overall of 4,360 (2007: 4,295) predominantly xenophobic and anti-Semitic criminal offences were officially registered. Of these, 477 cases involved violence (2007: 514) and for the first time since 2004 hate-motivated attacks resulted in the death of the victims.

A parliamentary inquiry spoke of 12,066 politically motivated right-wing crimes for 2009, 1,460 had a xenophobic motivation, 338 were xenophobic propaganda and 235...

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2Ibidem.
3Resolution by the Standing Committee of Ministers and Senators of the Interior for the Federal Government and States (Ständige Konferenz der Innenminister und -senatoren des Bundes und der Länder) from 9./10.5.2001.
xenophobic violent acts. 251 people were injured as a result of xenophobic violence. 2,351 were classified as hate crimes, among them 526 propaganda hate crimes and 271 violent hate crimes with 282 people injured\textsuperscript{10}.

These figures are updated each January 31 and the parliamentary inquiry then reports those updated figures of the police. For 2009 the final figures show 19,468 political motivated right-wing crimes in the whole of Germany\textsuperscript{11}, among them 13,295 propaganda crimes and 959 violent acts. 3,981 incidents have been registered as hate crimes, 849 were propaganda crimes and 418 were violent crimes. The state with the highest amount was Northrhine-Westfalia (87 violent acts, 688 other)\textsuperscript{12}.

For 2009, East German victim support organisations recorded 739 (2008: 997) incidents. 222 were motivated by racism (2008: 296), 26 by anti-Semitism (2008: 17), 14 by homophobia (2008: 15), 6 against disabled people (2008: 7), 3 against social disadvantaged people (2008: 4), 150 against political opponents (2008: 180), 286 against non right-wing youth (2008: 436) and 32 against others or were unclear (2008: 42)\textsuperscript{13}.

The report system of the anti-discrimination offices organised within the Association of Anti-discrimination offices in Germany (advd) speak of 358 cases related to discrimination in general in 2009. 43 of these related to threats, hostilities and coercions, 10 of physical violence and 6 of damages to property and arson. 212 said their discrimination was related to their ethnic background, 40 to their skin color, 31 to their appearance, 28 to their legal status and 27 to their nationality\textsuperscript{14}.

The Anti-discrimination body (ADS) reported to the German parliament the number of people which contacted them in the period between August 2006 and March 2010. In this period 9,598 people contacted them, 562 (15,26\%) because of discrimination on ethnic grounds, age 698 (18,95\%), gender 891 (24,19\%) and because of disabilities 940 (25,52\%). The highest combinations of grounds have been gender-age (20,87\%) and disability-age (16,93\%). Ethnic background in combination with age (7,09\%), gender (7.09 \%) and religion (7.48 \%) and disability (7.87 \%) was reported less often\textsuperscript{15}.

These diverging figures do not give a clear picture, but some commonalities can be extracted. Around one third of the violent acts in East Germany are motivated by racism and two thirds are directed against non-right young people like punks and left-


\textsuperscript{11}The increase is due to the fact that often only in court the right-wing motivation is discovered and only then added to the political motivated crime statistics.


\textsuperscript{13}Data from 09.03 2010: \url{http://opferperspektive.de/Home/996.html}, accessed 1.8.2010.

\textsuperscript{14}Original data of advd, being publish in their report 2009, typoscript.

Violence because of contempt on grounds of social status (homeless, jobless) is not often reported. The same is true for anti-Semitic violence (2008: 2), attacks against homosexuals (2008: 2) and disabled (2008: 1). The reason for that is seen in the fact that these groups are less visible and right-wing perpetrators choose their victims according to their visibility. The cases related to discrimination cannot really be analysed because a new reporting system is being put in place and few numbers are available. However comparing the numbers of the two reporting systems in this area (federal, anti-discrimination bodies and anti-discrimination offices) it becomes clear that they are targeting two different victim groups. While ethnic background is highly reported in the NGO system, gender and disability is much more prevalent in the state system.

Looking at trends over time, high numbers of hate crime (5,456) were reported in 2001, when the renewed definition system was first introduced (see annex 4, table 2, page Error! Bookmark not defined.). There are numerous reasons for this. It may be due to an actual rise in criminal activity or it may be due to the fact that the new system of classifications and definitions encompasses more forms of criminal behaviour than the old reporting methods. Another reason could be due to the fact that there is increased public sensitivity. The general trend shows a decrease from 2003 to 2005 and remains stable at 4,300 to 4,500 incidences per year. There is a massive rise of nearly 20% to 5,367 cases in 2006, mainly relating to right-wing motivated crime, of these 644 cases involved bodily harm. The Ministry of the Interior explained this increase due to the heated public and political debate regarding xenophobic violence during the world-cup held in Germany in 2006 and a strong police presence before and during this event. From 2007 to 2009 the numbers decreased to 4,793 (2008: 4,759; 2009: 3,981) hate crimes, including 642 (2008: 561; 2009: 418) violent attacks.

German legislation defines right-wing activities as anti-constitutional activities with references to the Nazi past and to anti-Semitism. Against these core elements of right-wing extremism, there is comprehensive legislation and such crimes are severely punished. However, despite these extensive and repressive instruments there is a stable basis of right-wing violence, which can rapidly increase in certain situations. The strict focus on right-wing extremism seems not to be working on its own and must be accompanied by additional dimensions. Although the political discourse has nominally shifted to include the fight against racism, the current discussions reflect the ideological nature of the definitions of extremist anti-constitutional activities, irrespective of their social context. For 2009 the Ministry of the Interior stressed the fact that the highest number of left-wing non-violent and violent crimes had been registered since 2001 (see

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17 ibidem
18 ibidem
annex 4, table 2, page Error! Bookmark not defined.), as well as ‘other crime’, which is explained by protests and strikes against the German education system and against the decision of the government to overturn their stance and exit from nuclear energy\textsuperscript{21}. This adds to the existing confusion, due to the incomparability of the different data recording systems as well as the unclear picture of the extent of racial violence in Germany.

Furthermore, the Legislature, the judicial and executive institutions as well as the media have an isolated view of racism and believe it is only practiced by the extreme right. There is little assessment of everyday racism and discrimination which does not necessarily have a right-wing motivation. The European Commission against Racism and Intolerance emphasized that through this narrow understanding, manifestations of racism tend to be neglected in the criminal process. Members of visible minorities feel that only perpetrators belonging to or sympathizing with right-wing extremist groups are likely to be pinpointed in the criminal justice system, resulting in some racist offences not been classified as such if they are not associated with the far-right\textsuperscript{22}. Due to the association between hate crimes to right-wing extremism, many offences are not reported as hate crimes, but rather as bodily injuries\textsuperscript{23}. The lack of well-functioning instruments, which provide robust, reliable and coherent information on what is actually happening in the field and the lack of awareness among political parties and institutions (e.g. police, criminal justice, government) about racial violence outside of right-wing extremism makes it difficult to target racial violence with specific measures\textsuperscript{24}.

Crime experts conclude that the current approaches of data collection and classifying hate crime is still strongly orientated towards political attitudes and is not sufficient in providing a realistic survey of bias-motivated incidences\textsuperscript{25}. There is still a large unknown dimension of hate crimes hidden in unreported and unregistered crimes\textsuperscript{26}. The overall problem is that these categories are open to selective interpretations and subjective judgments by the police which makes it difficult to arrive at an ultimate and unanimous classification. This is further complicated by the lack of awareness of the police or even clouded by racist attitudes within the law enforcement agency, which the Federal Police even admits\textsuperscript{27}. The data provided in the hate crime statistics cannot be expected to present a realistic picture of the current situation and should, arguably, be viewed rather critically, especially by those making criminal policy decisions\textsuperscript{28}. The regular controversy arising between victim-support groups and the law enforcement agencies about the

\textsuperscript{22}Githu Muigai, 22.02 2010.
\textsuperscript{23}Ibidem
\textsuperscript{24}Schellenberg: Strategien gegen Rechtsextremismus in Deutschland, p. 16.
\textsuperscript{27}Falk, B.: Der Stand der Dinge. Anmerkungen zum Lagebild Rechtsextremismus und Fremdenfeindlichkeit, in: Kriminalistik 2001, H. 1, p. 9-20
\textsuperscript{28}Glet(n9) p. 15.
differences in the recorded crimes, is one regarding the image of the police and Germany and the legitimacy of civil society organisations recording right-wing crimes\textsuperscript{29}.

**Typical case study**

We have choosen the well documented case of Marwa El-Sherbini as a case-study, because it is the first islamophobic murder in Germany and combines on the one side a common pattern and on the other side highlights the problems with the distinction between right-wing crime and racist violence and the problematic discours structures of elites and media discussed above, which makes it difficult to allow a discussion outside of the accepted viewpoint.

In August 2008, Alex W. (a 29-year-old German citizen, born in Perm, Russia, migrated 2003 to Germany) insulted Marwa El-Sherbini (a 32-year-old pregnant Egyptian pharmacist, living in Dresden for a number of years), who was wearing a headscarf in a public playground for children in Dresden, East Germany\textsuperscript{30}. After Mrs. El-Sherbini asked him to move so as to allow her child go on the swing, he aggressively insulted her and called her an 'islamist' and 'terrorist'. A by-stander called the police while Alex W. continued to insult the woman\textsuperscript{31}. Alex W. was later charged and sentenced to a fine of €780 but the prosecutor appealed that decision for a stronger punishment. At the following Court hearing on 1 July 2009 before the Regional Court Dresden, he strode across the courtroom and attacked Mrs. El-Sherbini with a knife, which he had concealed in his backpack and stabbed her at least 16 times. While trying to protect his wife the husband Elwy Ali-Okaz was also stabbed and heavily injured. A police officer, who was in the court building testifying in an unrelated case was called to the scene but mistook the husband, Mr. Elwy Ali-Okaz, for the attacker and shot him in the lower leg\textsuperscript{32}. Alex W. was indicted for murder and attempted murder before the Regional Court Dresden\textsuperscript{33}. Although he obviously acted with a racist motivation, he was not believed to be a member of a right-wing organisation. He admitted to the crime but denied his xenophobic motivation\textsuperscript{34}. The charges against the policemen who shot at Mrs. El-Sherbini's husband were dropped, because he acted in a very chaotic Courtroom setting and did so within seconds to prevent more harm\textsuperscript{35}. Later the Municipal Court of Erlangen issued a summary penalty order against the media researcher Sabine Schiffer for slander, because she allegedly falsely accused the police officer of shooting the husband for racist reasons. She replied by stating that Defamation-by-insult charges

\textsuperscript{29} Holzberger/Kleffner (2004): Reform der polizeilichen Erfassung rechter Straftaten; in: Bürgerrechte & Polizei/CILIP 77.
\textsuperscript{31} MDR Sachsen, Der Fall El-Sherbini: Prozessbericht \url{http://www.mdr.de/sachsen/6819386-hintergrund-6801608.html} accessed 5 August 2010.
\textsuperscript{32} Ibidem
\textsuperscript{33} Hijab Murder Trial, (n30) accessed 5 August 2010.
\textsuperscript{34} MDR Sachsen (n31), accessed 5 August 2010.
\textsuperscript{35} MDR Sachsen, Ermittlungsverfahren gegen Bundespolizisten eingestellt \url{http://www.mdr.de/sachsen/6972984.html}, accessed 5.8.2010.
must not be allowed to be used to intimidate those who express unpopular views. Alex W argued that he was acting out of ‘mere hatred of non-Europeans and Muslims’. He was sentenced to life imprisonment on 11 November 2009.

Witnesses portrayed Alex W. as a 'lone wolf' with a strong nationalist attitude, who emphasized several times his Gzerman nationality and that this is stated in his passport. His mother said 'His image of Islam, his hate, all that he must have got from television.' Several art installations have been installed in Dresden to commemorate Marwa El-Sherbini, however these have since been vandalised.

The German media only reacted when the international, especially the media in the Muslim world began to cover the murder and radical protests. Alex W. was then portrayed as an 'unemployed German-Russian' and no racist or islamophobic motives were mentioned. Empathy or compassion for the tragedy of the Muslim family was not articulated. After the incident, Axel Köhler, the head of KRM, spoke about the islamophobic atmosphere in the centre of German society. Conservative newspapers stressed, that Germany is endangered by islamic attacks. More liberal newspapers argued, that the crime says a lot about prevailing islamophobia in Russia, because Alex W. only came to Germany in 2003. The manner in which the migration background of the perpetrator and the victim was stressed, portrayed the crime as a crime among foreigners and did not question what way German society was involved in the murder.

The case of Marwa El-Sherbini was registered as the 149th victim of racist violence who died since the unification of Germany in the victim support organisation recording system. In the recording system of the law enforcement agencies she was registered as the 49th victim who died since unification.

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37 MDR Sachsen (n31).
39 MDR Sachsen, (n31).
40 MDR Sachsen, LKA ermittelt wegen Vandalismus am Marwa-Mahnmal [http://www.mdr.de/sachsen/dresden/7545893.html](http://www.mdr.de/sachsen/dresden/7545893.html), accessed 5 August 2010.
Recommendations

Legislation against racist violence

- Evaluate the existing legislation directed against right-wing actors and activities and the role ‘race’ and ethnicity plays in the German legal framework to develop coherent legislation within the German legal framework. Presently it portrays the victims of this source of violence as different to mainstream society and as the ‘other’ which is not in line with the European and international initiatives which aims to empower the victims.
- Develop legal initiatives which make sure that ordinary crimes motivated by hate against specific groups will be liable for a severer punishment.
- Encourage victims of racial violence and discrimination to bring forward their case to get compensation[^48] which is awarded to victims of hate crimes[^49] and support the growth of case law through strategic litigation which uses the individual complaint mechanism of the International Convention on the Elimination of All Forms of Racial Discrimination to get compensation[^50].

Official policies against racist violence

- Encourage a substantial multidisciplinary, transnational scientific exploration of the nature and prevalence of the hate crime phenomenon in Germany. This should include an analysis as to how the law enforcement agencies address and respond to such incidents and how the media, elite discourses and institutional frameworks influence national anti-hatespeech policies as well as a broad academic discussion on the usefulness and the applicability of this concept to assist policy makers and law enforcement agencies to adequately address the problem.
- Develop a culture of anti-discrimination, which takes Racism as serious as right-wing activities and actors.

The official recording of racist violence

- Evaluation of current statistics on hate-motivated crime in order to reach a comprehensive system of data collection on a national level and to create an understanding of the characteristics and the actual extent of what may be considered a hate crime.
- Developing comprehensible data collection systems and means for the assessment and documentation of right-wing, racist and related hate crimes in cooperation with the system being developed in the anti-discrimination sector.
- Generate a reporting method that also considers the status of the victim and that is sufficiently sensitive to the event and the circumstances of the offence as well

[^48]: However, the Federal Government has established a special voluntary fund for victims of right-wing attacks.
as moving away from the focus on political (right-wing) attitudes of the perpetrator and his group affiliation.

**Responses of the police, other law enforcement agencies and the criminal justice system, to racist violence**

- Independent evaluation of police operational guidelines assessing and classifying ‘hate motives’ and exploring the handling of hate crimes by the criminal justice system to develop training strategies and increase continuous obligatory trainings for police officers.
- Financing studies on how public prosecutors and the judiciary in general deal with hate crime dimensions in criminal proceedings to develop more sophisticated litigation strategies.

**Resources needed to support victims of racist violence**

- Strengthening the institutional independence of victim support organisations and anti-discrimination offices.
- Organisations who serve as first contact points and who provide initial counselling for all kinds of clients, including victims of right-wing violence should financially be able to meet the needs of specific groups and communities.
- Increase resources for outreach activities and a more detailed investigation of the cases they learn of.
- Organisations and volunteer organisations from East and West Germany should cooperate and network on how to prevent or deal with attacks on the infrastructure of religious and ethnic minorities.
- Initiate exchanges of first-hand experience about possible options and strategies for change between representatives of local governments, local institutions and civil society organizations.
Bibliography

- Glet, Alke, The German Hate Crime Concept. An Account of the Classification and Registration of bias-motivated offences and the implementation of the Hate Crime Model into Germany’s Law Enforcement System, (Internet Journal of Criminology) 2009


Annex 1

Recording incidents of racist violence

1.1 Are records kept of incidents of racist violence reported to your NGO?

No, because it is not in the remit of the organisation doing this report. But incidents of racist violence in Germany are reported and records are kept in three different organisational structures:

**Victim-support organisations:** There is a recording system in place by NGOs based in East Germany which was extended to the West of Germany in 2007.

**Law Enforcement Agencies:** A state and police-based recording system, which was restructured in 2001.

**Anti-discrimination offices:** A recording system, not directly related to racist violence, but to the Anti-racism directive (EU 2000/43, 2000/78) targeting everyday discrimination which developed in the West of Germany. Some Anti-discrimination offices meanwhile have been established in the East of Germany and some victim support organisations have taken the topic of discrimination on board.

1.2 What is recorded about incidents reported to your NGO?

Nothing, but the three structures get reports about incidents.

**By Victim-support organisations:** Numbers of incidents and short descriptions of incidents for individual cases are recorded. Incidents, circumstances and reports by victims are labelled as borderline cases, when they refer to experiences with multidimensional forms of victimization, discrimination and legal problems. Police abuse and ill-treatment as a particular form of hate crime is included in the records of one organization (ReachOut in Berlin), addressing the problem of police violence and ill-treatment particularly targeting people of colour, non-ethnic Germans, migrants and refugees.

**By Law Enforcement Agencies:** Numbers of incidents are recorded, according to the definition of ‘politically motivated crimes’, which is the sum of violent acts, plus other offences, which mainly includes propaganda offences under § 86 and § 86a StGB (German penal code), incitement, vandalism, blackmail and the disturbance of the peace of death (Todenruhe). A related statistical category within the ‘politically motivated offences’ are ‘hate crimes’, including xenophobia. The majority of right-wing politically motivated crimes are physical assaults. In addition there are cases of arson, breaches of the peace, robbery and resistance-related crime and in extreme cases

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52 Ibidem
homicide, including attempted homicide. These are recorded as directed against left-wing extremists, foreigners, Jews and other political opponents. Since March 2008, in contrast to the previous way of counting “propaganda crimes” are recorded as politically motivated acts, if the background of the crime could not be clarified.55

By Anti-discrimination offices: Numbers of incidents and descriptions of incidents for individual cases are recorded. Independant anti-discrimination offices in West Germany deal to some extent with problems of right-wing and related hate crimes. They are not specialized in the monitoring of hate crimes, but still serve in their region or municipality as important contact points and information centres with respect to bias-motivated offences.56

1.3 Are records kept of the characteristics of victims, such as their:

By Victim-support organisations:

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Yes57</td>
</tr>
<tr>
<td>Sex</td>
<td>Yes58</td>
</tr>
<tr>
<td>Ethnic identity</td>
<td>No, but national origin often functions as a proxy and group membership is recorded59</td>
</tr>
<tr>
<td>Language</td>
<td>No</td>
</tr>
<tr>
<td>Religion</td>
<td>No</td>
</tr>
<tr>
<td>National origins</td>
<td>Yes, mostly mentioned as group membership60 or alternatively status (e.g. asylum-seeker)</td>
</tr>
</tbody>
</table>

By Law Enforcement Agencies: Due to their registration method, it was not possible to find out what characteristics are recorded.61

By Anti-discrimination offices:

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Yes</td>
</tr>
<tr>
<td>Sex</td>
<td>(male/female/transgender-transmale-transfemale/intersexual)</td>
</tr>
<tr>
<td>Ethnic identity</td>
<td>Yes</td>
</tr>
<tr>
<td>Language</td>
<td>Yes</td>
</tr>
<tr>
<td>Religion/belief</td>
<td>Yes</td>
</tr>
<tr>
<td>National origins (nationality)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

56 Grell, Köhler, Pankowski, Sineeva, Starnawski, Zinkiewicz (2008): »Hate Crime Monitoring and Victim Assistance in Poland and Germany«, p. 107 furthermore, There is cooperation between victim support organisations and and anti-discrimination offices, for example “ReachOut” has initiated and established, together with the “Anti-Discrimination Office Berlin” and the “Legal Team Berlin”, the “Campaign for the Victims of Racially Motivated Police Violence”, including a legal aid fund that was set up in 2007, p106.
57 Ibidem, p. 115.
58 Ibidem
59 Ibidem
60 Ibidem
61 The registration system is centred around crime and allows for one crime to be assigned to multiple motives (xenophobic, social status, racism, anti-Semitism, sexual orientation, religion, disability) within the statistical framework. The number of crimes do therefore not necessarily reflect the actual incidents concerning a distinguished group of victims, Glet, Alke (n9) p. 10.
1.4 Are records kept of any other characteristics of victims not mentioned above?

By victim-support organisations: Whether a police record was filed, incidents of serious threat and coercion, incidents of wilful damage of property, incidents not being reported to police because victims decided not to take legal steps.

By Law Enforcement Agencies: Character of crime: xenophobic, social status, racism, anti-Semitism, sexual orientation, religion, disability.

By Anti-discrimination offices:
- Additional reasons/characteristics of discrimination (appearance, skin colour, residence status, children, pregnancy, gay, lesbian, bisexual, transgender identity; marital status, disability, chronic disease/disorder, other, they were discriminated against because they had contact to someone who was discriminated)
- Who is affected by discrimination (individual, group (family, colleagues, friends))
- Nature of discrimination (inappropriate treatment, structural barriers, unequal treatment at the workplace, unequal treatment by authorities, unequal treatment in access to goods and services, discrimination because of an appeal or support of victims, discriminatory legislation (e.g. AsylbLG [Asylum seekers legislation], other)

1.5 Are records kept of the types of incidents reported, such as whether they involve physical violence, verbal abuse and threats, and damage to property, for instance?

By Victim-support organisations: The character of the offence (damage to property, arson attack, coercion, physical threat, bodily injury, and killing/manslaughter).
Suspected crime motives (racism, anti-Semitism, homophobia, hostility towards disabled persons, socially marginalized such as the homeless and political opponents or alternative/non-right-wing youth).

By Law Enforcement Agencies: The PMK (criminal investigation registration system for politically motivated criminality) assigns offences to a certain category according to the seriousness of an act: propaganda offences; politically motivated offences;

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63Ibidem, p. 115.
64Police usually categorise acts of harassment as "other (non-violent) offences".
65If circumstances of attacks suggest that they were committed to harm and/or intimidate the owners or renters.
66Glet, Alke (2009): The German Hate Crime Concept, p. 10
67advd Jahresbericht 2009, Typoscript
68Ibidem
69Ibidem
71Ibidem, p. 115.
72PMK = Polizeiliches Definitionssystem Politisch motivierte Kriminalität
73Glet, Alke (2009): The German Hate Crime Concept, p. 5
politically motivated violent offences; terrorism. Secondly the offence is classified as a hate crime based on the police’s assessment of circumstances and the perpetrator's motivation. Thirdly it is classified according to the presumed background of the crime as left-wing; right-wing; offences committed by offenders of foreign origin; non-definable crimes.

By Anti-discrimination offices: **Nature of discrimination** (threats, hostility, coercion, physical violence, damage of property, arson)

1.6 Are records kept of the locations of incidents reported?

By Victim-support organisations: Yes, places of victimization (town/county as well as social surroundings such as public space, public transportation, schools, workplace, home/neighbourhood etc.)

Organisations like ‘Opferperspektive’ have an online-database where information for city and district level is available and they compile statistics for each of the districts in Brandenburg.

By Law Enforcement Agencies: Yes, town/city and federal state

By Anti-discrimination offices: Yes, in which federal state/town/city area did the incident happen and **location where the discrimination took place** (work place, housing, authorities, education / training, police, justice, health, goods and services, public transport, social services, media, public sphere, private (family/friends/club), other).

1.7 Are any records kept about the perpetrators of incidents reported?

By Victim-support organisations: Indirectly as the motivation of the crime must be categorized (similar to the approach of law enforcement agencies).

By Law Enforcement Agencies: Yes, the German approach is based on an offender-oriented system of classification, which focuses primarily on the political motive of the perpetrator.

By Anti-discrimination offices: No

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74 This refers to homocide, assault and battery, arson, use of explosives, rioting, hazardous interference in rail, air, ship, or street traffic, deprivation of personal freedom, robbery, extortion, resisting law enforcement, sexual assault ([http://www.opferperspektive.de/Home/English/Monitoring/700.html](http://www.opferperspektive.de/Home/English/Monitoring/700.html)), accessed 31.7.2010.
76 [http://opferperspektive.net/event/category_show/1](http://opferperspektive.net/event/category_show/1), accessed 31.7.2010.
79 "When the circumstances surrounding the incident or the offender's attitude leads to the conclusion that the offender acted against an individual because of their political views, nationality, ethnicity, race, skin color, religion, ideology, origin, sexual orientation, handicap, physical appearance, or social status." (Bundesamt für Verfassungsschutz — Federal Office for the Protection of the Constitution), cited in: [http://www.opferperspektive.de/Home/English/Monitoring/700.html](http://www.opferperspektive.de/Home/English/Monitoring/700.html), accessed 31.7.2010.
1.8 Are records kept of the characteristics of the perpetrators of incidents reported:

By Victim-support organisations: indirectly as the motivation of the crime must be categorized (similar to the approach of law enforcement agencies). Example: PMK-right: indicator: Perpetrator: Skinhead\textsuperscript{80}.

By Law Enforcement Agencies: indirectly as the motivation of the crime must be categorized. Example: PMK-right: indicator: Perpetrator: Skinhead\textsuperscript{81}.

By Anti-discrimination offices: No records are kept of the characteristics of the perpetrators.

1.9 Has your NGO carried out or commissioned any victim surveys of racist violence? If “Yes”, please provide details.

- No.

By Victim-support organisations: Yes (see page 18)

By Law Enforcement Agencies: No information available

By Anti-discrimination offices: No.

1.10 Are any records kept of incidents of racist violence reported to your NGO used by any national or international bodies for their monitoring of racist violence? (If “yes”, please specify).

Yes, available records from anti-discrimination organisations and to a lesser extent victim-support organisations are regularly fed by the authors of this report into the ENAR shadow reports as well as to the European Commission against Racial Intolerance (ECRI) and the Committee on the Elimination of Racial Discrimination (CERD).

By Victim-support organisations: Yes, reports are fed into ENAR Shadow reports and the German RAXEN focal point. The Central Council of German Jews provides information regarding anti-Semitic incidents to the European Jewish Congress and publishes on a regular basis press releases on hate crimes\textsuperscript{82}.

By Law Enforcement Agencies: Yes, this is the main source of information used to report to the German RAXEN focal point and for international reporting (CERD, ECRI, etc.).

By Anti-discrimination offices: There is a yearly report of each anti-discrimination office to legitimate their funding. Advd collects cases of its member organisation and


\textsuperscript{81}Ibidem, p. 2.

\textsuperscript{82}Grell, Köhler, Pankowksi, Sineaeva, Starnawski, Zinkiewicz (2008): »Hate Crime Monitoring and Victim Assistance in Poland and Germany«, p. 125.
publishes a yearly report. The first one will appear in autumn 2010. Individual Member Organisations also use this information to report to the ECRI, CERD, and to feed into the ENAR Shadow reports.

**Reviewing incidents of racist violence**

2.1 *Does your NGO periodically review any records it keeps of incidents of reported racist violence?*

No, but three approaches by other NGO’s can be distinguished:

*Victimization surveys* are carried out by organisations of minority or victim groups, such as the Central Council of Roma and Sinti or gay and lesbian rights organizations, which do surveys and/or collect information on incidents of violence against members of the LGBT or Roma/Sinti community. There is no systematic monitoring of racist violence and hate crimes against Muslims, disabled people or the Jewish communities.

*Documentations mainly based on media evaluation.* The number of NGOs which monitor racist or right-wing violence for a particular region or town is unknown, since many publish their data in local brochures, newsletters and magazines with a small circulation, or on their website. The quality varies from region to region and often depends on the commitment of individual journalists and local NGO’s.

*Monitoring by specialized and professional victim support organizations.* Systematic evaluation of events and incidents, by actively detecting, investigating, assessing, classifying and tracking cases of hate crime is done by the victim assistance organizations in East Germany.

2.2 *How often are they reviewed?*

By *Victim-support organisations:* All victim support organizations in Eastern Germany (no counterparts in the West) publish at least once a year aggregated information on hate crimes, compiled for their region (Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony-Anhalt, Saxony, and Thuringia) from various sources such as outreach activities to victims; active research, including the regular evaluation of local and regional press, relevant Internet sources etc., contacts to to various regional and local networks, comprising of other NGOs, anti-fascist groups, youth centres, unions, church groups, local politicians, committed individuals and

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83 advd = anti-discrimination association Germany, [www.antidiskriminierung.org](http://www.antidiskriminierung.org)
85 Zentralrat Deutscher Sinti und Roma 2006: Ergebnisse der Repräsentativumfrage des Zentralrates Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland, Heidelberg
journalists, from which they receive relevant information. They have no counterparts in the old federal states of Germany90.

**By Law Enforcement Agencies:** Annual reviews and reports on politically motivated crime (PMK) are published by the Ministry of the Interior91. Statistics on PMK are included in the annual reports of the Agencies for the Protection of the Constitution (Verfassungsschutz) in each of the German states92 and on the federal level93.

**By Anti-discrimination offices:** Yearly reviews and reports are planned for autumn201094.

### 2.3 How are the reviews carried out?
This information is not available for all three types of organisations

### 2.4 Are reports written based on the reviews?
Yes, see above for all three types of organisations

### 2.5 Have any reviews been used to plan any responses by your NGO to racist violence – such as support for victims or any other responses?
Generally no, but for victim-support organisations.

### 2.6 Have any reviews been used to plan the resources of your NGO?
Yes for victim-support organisations.

### 2.7 Have any reviews been used by your NGO to make claims for additional resources?
Yes for victim-support organisations and anti-discrimination offices.

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90Ibidem, p. 137.
94Interview with board of advd, 10.6.2010.