ECAR – European cities against racism
Responsibilities of cities in counteracting racism sustainably

Berlin:
Summary of the situation analysis

1. Introduction into the local situation

1.1 Political structure of the cities, political responsibilities

Berlin is the capital of Germany and, at the same time, one of the country's 16 constitutive federal states (*Länder).* Thus dual function as a city and a federal state (*Land)* is evident in Berlin's two-tier administration, which is divided into the city's 12 administrative boroughs and a central administration with 8 Senate Departments and the State Chancellery of Berlin's Governing Mayor. The Senate employs the central administration to organise those tasks important for the city as a whole (police, fire service, disaster prevention, legal and tax administrations) and other functions which, due to their special character, need to be under direct governmental responsibility. The boroughs fulfil their tasks according to the principles of self-government. They routinely carry out local administrative functions.

The General Equal Treatment Act (AGG), which passed into national German law in 2006, provides an important legal framework for anti-discrimination issues. The law, drafted in the course of implementing European directives, applies to both work and civil law, preventing racial discrimination and discrimination on the basis of age, disability, gender, sexual identity, religion or beliefs, and ethnic background.

The Constitution of Berlin provides an important legal basis for anti-discrimination on the federal state level. Article 10 of the Constitution states: "No one may be prejudiced or favoured because of sex, birth, race[i], language, national or social origin, faith, religious or political opinions or sexual orientation."

In addition to the legal provisions against discrimination, there are various initiatives and activities, such as the European Coalition of Cities Against Racism and the Charter of Diversity, evidencing Berlin's special commitment to support diversity and combat racism.

1.2 Composition of the local population

Berlin is home to people from 186 countries and over 250 religious communities and communities of belief, and diversity and open-mindedness are important attributes of this metropolis. In March 2011, the Berlin-Brandenburg Statistical Office (*Amt für Statistik Berlin-Brandenburg*) and the Berlin Senate Commissioner for Integration and Migration published new figures and data on the structure of Berlin's population[ii]. According to these statistics, Berlin has 872,000 residents from ethnic minority backgrounds, i.e., who have either immigrated to the city, or have at least one parent who immigrated, or do not have German citizenship. Hence, this puts the proportion of Berlin residents from ethnic minority backgrounds at 25.7 per cent. Around 170,000 people in this group come from an ethnic Turkish background, with approximately 90,000 people of Polish origin and roughly 60,000 people from an ethnic Arab background.

Approximately 48 per cent or nearly half the people from ethnic minority backgrounds are German citizens. Here, there are identifiable differences related to the country of origin: around 72 per cent of people from an ethnic Lebanese background have became German citizens, but only 40 per cent

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[i] The Berlin Anti-Discrimination Office is endeavouring not to use the extremely problematic term of 'race' any longer. In this context, LADS would like to work towards having the term removed from the Constitution of Berlin.
[ii] http://www.berlin.de/lb/intmig/presse/archiv/20110330.1000.338135.html

of those from an ethnic Turkish background and just 35 per cent of those from an ethnic Vietnamese background. People with ethnic minority backgrounds are not distributed equally across Berlin's municipal area. While, for example, 44.8 per cent of residents in the borough of Mitte come from ethnic minority backgrounds, this figure is only around 10 per cent in the borough of Marzahn-Hellersdorf.

1.3 Local history of migration

After World War II, the need for workers in Germany was very high due to the ongoing economic growth. For this reason, the German Federal Government signed agreements with partner countries with the aim of the recruiting of labour. Initially, migrant workers were allowed to stay in Germany for two years, after this period of time they had to return back to their countries of origin. Their stay in Germany was characterised by segregation and isolation, which were further strengthened by the fact that it was not planned for migrant workers to learn German. The rotation principle, that allowed workers no more than two years permanence in Germany, was afterwards abolished. Nevertheless, segregation continued. In 1973, the world economic crisis led Germany to stop the recruitment of work forces. Instead of going back to their countries, a lot of migrant workers decided to take permanent residence in Germany, and their families often rejoined them.

1.4 Attitudes towards vulnerable groups

There is no extensive study on attitudes towards migrant groups in Berlin. Nevertheless, some national research could give information on the subject. For example, a national study on daily discrimination shows that Germans still have some reservations about people with foreign background. Furthermore, a survey carried out by the Land Berlin showed that 32% of the interviewed people felt to be discriminated; 58% of them had foreign background.

2. Situation of minorities/people with migrant background[iii]

In this short summary it is only possible to discuss some of the relevant fields concerning racism. Therefore the following fields are presented: political and social participation, housing/residential segregation and job market. In addition to this, a brief introduction on education and public administration is given.

2.1 Political and social participation

In Germany the right to vote is limited to people with German citizenship. Due to European law an exception exists for citizens of the European member states: they are allowed to vote on local level and in the elections for the European Parliament. This rather strict regulation excludes a lot of citizens with migrant background, who have been living in Germany for many years. Therefore this regulation has been subject to a lot of critic. The *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* of the UN, Mr Githu Muigai, stated on his country visit to Germany in 2009: "Granting migrants who have lived in Germany for a certain period of time the right to vote in local elections would not only improve their representation in local political institutions, but also increase the sense of ownership of these communities over the political process and government decisions."[iv]

[iii] The term "migrant background" (in German Migrationshintergrund) is defined in a law on integration and participation. It includes people who themselves immigrated into Germany and their children. It differs from a wider definition, which also includes the "third generation" of immigrants.
[iv] Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigaim, Mission to Germany, http://daccess-ddsny. un.org/doc/UNDOC/GEN/G10/116/24/PDF/G1011624.pdf?OpenElement, p. 18

An important element to strengthen participation of people with migrant background in Berlin is the *Council for questions of integration and migration*, which was established in 2003. A new law on participation and integration, which was agreed on in 2010, further strengthened the legal basis of this council. The council gives strategic advice how to further develop integration politics in Berlin. It meets four times a year and is chaired by the Senator of Integration, Labour and Social Affairs. Members are elected representatives of migrant organisations as well as representatives of administrations, labour unions and non-governmental organizations.

Another important possibility for participation is the so called "neighbourhood management" (Quartiersmanagement), in which interested citizens can get involved. The aim is to foster communication between projects, initiatives and organisations in districts in order to improve the social cohesion of districts. This form of managements especially gets established in districts, in which a lot of social problems exist and in which citizens are in danger to be excluded from positive developments. Empowerment and participation as well as multidisciplinary work are crucial elements for a successful neighbourhood management. A recent study has shown that people with migrant background prefer to be involved into religious organisations, cultural associations, ethnic sport clubs, and lobby organisations of the country they or their parents immigrated from. The study shows that 22 % of people with migrant background are members of migrant organisations. As a reason for not being involved in an organisation of the majority society 68% answer it is because of limited time, 52% state that they do not know anybody there and 23% state that they are afraid of discrimination.

There are initiatives which aim to include more people with migrant background. Therefore ways to successfully address this group are in demand.

2.2 Housing/residential segregation and education

In 2008 50 % of respondents in a representative study all over Germany agreed on the item "I would not want to live in a house, in which Turkish people live"[v]. It is often assumed that discrimination of people with migrant background or black people is quite common in the area of housing. However it is very difficult to prove this kind of discrimination, since landlords often do not openly explain their decision for or against certain tenants. Testing procedures, which have not been applied in Germany a lot, can help to dismantle discrimination in the area of housing. In an UN statement on the visit of Mr Muigai it is state: "With regard to the enforcement of legislation for non-discrimination in housing, the Special Rapporteur recalls that one of the major problems is the production of evidence that would be valid in a court of law. In this regard, the Special Rapporteur

believes that the assessment of discrimination in housing should be seen as a comprehensive set of obligations, in relation to which the state has a proactive role to play. He makes reference, in particular, to techniques such as paired testing, whereby public agencies or independent institutions compare the responses of landlords to prospective tenants of different backgrounds, bringing enforcement actions against those landlords who are found to be discriminating."[vi] Some smaller studies show that often false reasons are given by landlords, for example that the flat is already rented. A non-representative study for a master thesis concludes that it is very difficult for people with Turkish background to rent a flat in a "better" district. This is one of the reasons why there are districts in Berlin, in which a lot of people with migrant backgrounds live and others where very few people with migrant background live. All in all it can be concluded that further research on this subject is needed in order to find out how widespread discrimination in the area of housing really is. Moreover even if discrimination in the area of housing is obvious it is difficult to react to it. The

[v] Research project: Discrimination in Everyday Life, Perceptions of Discrimination and Anti-Discrimination Policy in our society, 2008, http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/forschungsprojekt_diskriminierung_im_alltag.pdf?__blob=publicationFile
[vi] Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, Mission to Germany, http://daccess-ddsny. un.org/doc/UNDOC/GEN/G10/116/24/PDF/G1011624.pdf?OpenElement, p. 12.Same as the previous

General Equal Treatment allows some problematic exceptions here, § 19,3 states "In the case of rental of housing, a difference of treatment shall not be deemed to be discrimination where they serve to create and maintain stable social structures regarding inhabitants and balanced settlement structures, as well as balanced economic, social and cultural conditions."[vii] The evaluation of statistics on living conditions show that often people with Turkish background live in crowded conditions and pay higher rent than people without migration background[viii].

Concerning living conditions of refugees the UN Special Rapporteur criticized that they are forced to live in refugee camps until their application on asylum is decided on. He especially criticized the living conditions in those camps. The situation in refugee camps has been criticised for many years. Since the number of asylum seekers increased in Berlin the situation even got worse[ix]. Due to a federal law asylum seekers have to stay for six weeks in special refugee houses. After that they are theoretically allowed to move into their own flat. But practically it is very difficult for them to find a flat. The Berlin Senate tries to change this situation. In 2010 50 % of asylum seekers were able to live in their own flat.

For what concerns education, the number of children with foreign background attending nurseries is rising. The Integration monitoring of 2009 shows that one fourth of children in nurseries has foreign origins. Meanwhile, it is rare that young people with foreign background reach a high level of education. Only a small percentage of them goes to University and is able to reach high salary levels.

2.3. Job market

A study issued by the Institute for the Study of Labour recently proved that merely the indication of a Turkish name is sufficient for reducing the chances to be invited for a job interview by 14 percent, at smaller enterprises even by 24 percent. The results show that discrimination in the job market is widespread. Earlier studies show similar results[x].
Another study conducted by the Federal Anti-Discrimination Agency on discrimination of Muslims in the job market concludes that this form of discrimination is often closely connected to discrimination on ground of ethnic origin. Moreover it is stated that there is still a lack of research on this kind of discrimination. However the author of the study concludes that women wearing a headscarf are more likely to have difficulties to get jobs and in the job market in general.
Moreover some Federal States passed laws, which forbid people working in public services to wear religious symbols. There has been a discussion on this topic for many years, especially if teachers should be allowed to wear a headscarf. In 2003 the highest German court decided that religious symbols can be excluded from public services, but therefore the federal states have to adopt laws. To ban religious symbols from public services Berlin passed the so called "neutrality law" in 2005.
The UN Special Rapporteur, Mr Githu Muigai, criticised that job applications in Germany usually include a picture of the applicant. In his statement he argues that from the perspective of many people with migrant background this often leads to an exclusion of those whose outward appearance does not match with the typical German stereotype. In order to prevent this kind of exclusion the Federal Anti-Discrimination Agency started a pilot project on *Depersonalised Application Procedures*[xi].
In Berlin there are more people with migrant background unemployed than without migrant background. Reasons for this are the above mentioned discrimination but also the fact that people with migrant backgrounds are more likely to drop out of school or finish school lesser qualified.

[vii] http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/EN/publikationen/agg_in_englischer_Sprache.pdf?__blob=publicationFile
[viii] Bundesamt für Migration und Flüchtlinge, Integrationsreport Teil 4, Wohnen und innerstädtische Segregation von migranten in Deutschland, Working Paper 21, 2008, Nürnberg, S. 36,59,5,5,36-38.
[ix] Flüchtlingsrat Berlin e.V., Stellungnahme zur Ausschussanhörung im Abgeordnetenhaus von Berlin am 20. Januar 2011.
[x] Liebig, Thomas (2007): The Labour Market Integration of Immigrants in Germany, http://www.oecd.org/dataoecd/28/5/38163889
[xi] http://www.antidiskriminierungsstelle.de/EN/Projects/AnonymApplication/DepersonalisedApplication_node.html

Reports of local antidiscrimination organisations show that exclusion does not only occur with regard to access to the job market but also in contact with colleagues, employers or clients. The General Equal Treatment Act offers the possibility to fight these forms of discrimination, but people are often reluctant to file a suit since they fear to lose their job.

2.4 Administration

Berlin's melting pot is not actually represented in the local administration. The Regulation for participation and integration, passed in 2010, aims at fostering the employment of people with foreign background in public services, in addition to furthering the intercultural competence of people already employed in the public administration and services.

3. Local stakeholder and their approaches and strategies to prevent and combat racism

It is not possible to mention all relevant local stakeholders in this short summary of the situation analysis. Therefore it will be focused on two important local stakeholders: public administration and NGOs/civil society.

3.1 Public administration

For years, the Berlin Senate has been actively working to combat racism and other forms of discrimination. The space only allows a few larger cross-sectional administrative initiatives to be briefly presented. In March 2011, the Berlin Senate passed the city's *State Action Plan Against Racism and Ethnic Discrimination*. The Action Plan, developed together with civil society actors, aims to develop and implement measures against racism and ethnic discrimination in the Berlin administration's fields of work and action. Drafting the Action Plan for Berlin was recommended by the State Advisory Board for Integration and Migration Issues, which operates under the general supervision of the Berlin Senate Commissioner for Integration and Migration. The measures formulated in the Senate Resolution are now being implemented. In addition, the State Action Plan is to be successively expanded to include other fields of action and measures.

The *Berlin Integration Concept* anchors promoting a culture of respect and protecting democracy as a central field of action, describing it as a key pillar in the Senate's integration policy: "Neither equal opportunities nor integration can succeed in the long-term without sustainably combating every kind of discrimination and protecting those discriminated against". Consequently, the Berlin Senate is aware of its responsibility not just to foster a culture of anti-discrimination, but also to support the democratic debate on and critique of right-wing extremism, racism and anti-Semitism in Berlin.

In 2008, the Berlin Senate formulated its overall strategy against right-wing extremism in its policy statement *"Democracy. Diversity. Respect. Berlin State Concept Against Right- Wing Extremism, Racism and Anti-Semitism".* This document describes how Berlin employs a multi-dimensional approach to meet the challenge of right-wing extremism.

According to this, measures to prevent right-wing extremism should not be exclusively directed to young people, but instead be implemented on the various levels and channels across all of urban society. To realise this hybrid concept, the Berlin Senate's State Programme Against Right-Wing Extremism, Racism and Anti-Semitism is supporting a variety of projects with funding of over € 2.3 million (2011). The key fields of action in the *State Programme Against Right-Wing Extremism, Racism and Anti-Semitism* are:

- Strengthening democracy and human rights
- Education and youth for democracy
- Democracy in the local community and social space

In addition, the Berlin *Participation and Integration Act*, ratified by the Berlin House of Representatives in December 2010, represent a key milestone in promoting the participation of

people from ethnic minority backgrounds. This act provides a legal basis for the improved participation of people from ethnic minorities, and, for example, legally enshrines the principle of interculturally opening administrations and social services for all policy fields[xii].

3.2 Nongovernmental organisations/civil society

In Berlin a lot of different non-governmental organisations, which are actively involved in anti-racism work, exist. Moreover there are migrant organisations, counselling centres for people with migrant background, political lobby organisations and a variety of other organisations. The Berlin Senate Commissioner for Integration and Migration published a guide including all relevant organisations in this field[xiii].

The earlier mentioned *State Programme Against Right-Wing Extremism, Racism and Anti- Semitism* support non-governmental organisations. The organisation *ReachOut* for example is a counselling centre for victims of right-wing extremist, racist or anti-Semitic violence in Berlin. It also counsels family members or victims' friends and people who have witnessed an assault. Moreover *ReachOut* offers anti-racist, intercultural workshops and trainings and collects information on right-wing extremist, racist and anti-Semitic assaults in Berlin and publishes a chronicle of the attacks. The organisation offers social and legal advice and aims at making the voices of refugees, Black people and people with migrant background heard.

Another example for an NGO supported by the *Programme Against Right-Wing Extremism, Racism and Anti-Semitism* is the *Network Against Discrimination (adnb)*. The *adnb* counsels and supports victims of discrimination, offers empowerment seminars and awareness raising trainings for the general public. Additionally, the adnb supports the right to social, legal and political equality. The adnb also documents cases of discrimination.

One of the biggest associations of migrant organisations in Berlin is the *Migration Council*. It was established in 2004 and contains more than 76 migrant organisations. The *Migration Council* is independent of any political party or religious group. Its activities are concentrated on Germany, it does not comment or works on problems in other countries. The *Migration Council* is a lobby group of people with migrant background in Berlin and Brandenburg and supports legal, social and political equality. The *Migration Council* closely cooperates with political opinion leaders, governmental and non-governmental organisations. It is crucial for the Migration Council to closely stay in touch with citizens.

An example for a bigger organization which is located in Berlin but works throughout Germany is the *Amadeu Antonio Foundation*. It was founded in 1998 and its aim is to strengthen democratic structures and to resist neo-Nazi violence and racism. The Foundation stands for a democratic society and the protection of minority rights. *The Amadeu Antonio Foundation* supports local projects and initiatives which stand up to racism and anti-Semitism. It provides financial support, training and workshops to help these initiatives grow, mobilize, and network.[xiv]

[xii] http://www.parlament-berlin.de/ados/16/IIIPlen/vorgang/d16-3524.pdf
[xiii] http://www.berlin.de/imperia/md/content/lb-integrationmigration/publikationen/adressen/wegweiser_2009_bf.pdf?start&ts=1263894010&file=wegweiser_2009_bf.pdf
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