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## **Assessments and Suggestions Concerning the Turkish Minority in Germany**

### Preface

Our ambition as Germans of Turkish origin is to live in our homeland Germany in peace, prosperity and compliance with the law while preserving our special cultural features. Thus, this statement shall in no way be understood as being directed against the state, its constitution or its institutions as such. We rather put forward suggestions that will in our opinion ensure lasting social peace within our common society and will in the long run be effective to ease threats to the interior security of the Federal Republic of Germany. Unfortunately, we are in a position to say that both the legal and the socio-political framework in Germany do not match our expectations towards an inclusive society but complicate the integration of members of the Turkish minority into the majority population in Germany. While we have to state that the mentioned situation did overall not change positively in the last year, we would like to present some examples from the areas that concern us most:

### Discrimination and Hate Crimes

The Ministry for Integration of the Federal State of Nordrhein-Westfalen has recently commissioned a survey which proved that 73 % of Turkish Germans (the nationality of the victims turned out to be almost irrelevant in this respect) have at least once experienced racist discrimination in their life. The areas where discrimination occurs most were identified as being the working and in the housing sector.

The last mentioned facts are also verified by the “Shadow Report Racism in Germany” published by the European Network Against Racism (ENAR). According to this report, discrimination occurs predominantly with regard to the access to goods and services provided by the private sector (banking, housing, private associations etc.).

The ‘general equality law’ (Allgemeines Gleichstellungsgesetz), however, which was introduced last year with almost four years of delay regarding the deadline set by the EC-Directive it is meant to transform, virtually excludes the whole housing sector. The said law forbids discriminating against people for racist reasons only if the hirer has more than 50 apartments to rent (Art. 19 para. 5 AGG). As this does not apply to more than 95 % of the cases, discrimination in the housing area is not illegal under the German anti-discrimination law.

Other vivid examples for legal discrimination are the new regulations for family unification. Under the new law, German nationals can only unify their families in Germany, if the husband or wife passed a German language exam in his or her home country. While we think that this measure is completely inadequate because the goal of teaching immigrants the necessary language abilities to live in Germany could even better be achieved by compulsory language courses within the country of destination, the discriminatory effect of the fact that this only applies to certain countries, is completely unacceptable. While a German citizen can unify his or her family immediately without any precondition, if he or she marries a citizen of

certain European countries or the United States for instance, this does not apply, if a German citizen marries a Turkish citizen. This is especially important for us because 11.3 % of Turkish men in Germany marry German women and 12.5 % of Turkish women in Germany marry German men. Thus, the problem of family unification is very severe with regard to the Turkish community.

What is even more discriminatory is a distinction made between German citizens of German and of foreign origin. The law says that people who have lived in the country of origin of the person they married and speak its language, can be obliged to unify their family in the country of origin of the person they married thus denying family unification in Germany (§ 28 of the German immigration law).

To clarify our position on this once again: We think that it is absolutely indispensable for members of the Turkish minority to be fluent in the German language.

As we naturally have to respect the legal framework in Germany, such cases will be brought to our Courts soon. But rules like the aforementioned, which are evidently unlawful not only under Germany's international commitments but also under the German constitution itself, merely delay the integration problems for several years until the cases have finally to be solved by our Courts. This time could be utilized much more useful in our opinion.

According to the latest available statistics of the German Federal Ministry for Internal Affairs, almost a thousand (921) hate-motivated assaults on minority members led to bodily harm in 2006. This means that, on average, three persons are assaulted in Germany every day by neo-fascists. The total amount of 17.597 criminal offences committed by right-wing extremists in the last year is absolutely shocking. What is also absolutely terrifying for the Turkish minority in Germany is the number of 18 arsons, most of them directed against Turkish enterprises and residential houses, which left several people injured. This is especially very frightening for us because we remember with revulsion that whole Turkish families were burnt alive in their houses in the 1990ies.

These statistical figures are not just numbers. Every single one of these numbers describes a human tragedy and a crime the state was not able to prevent.

Many of those crimes unfortunately remain unenlightened. For instance, a serial killer who killed 8 Turkish and one Greek shop owners in the last years could still not be captured. The same applies to the perpetrators of the cowardly nail bomb attack in Cologne that occurred in 2005 and left many Turkish people injured.

We would further like to draw your attention to one very telling example of a racist incident which happened recently in our home country:

Only a month ago, eight Indian nationals were chased through the Eastern German village of Mügeln by a mob of approximately 50 Germans.

While this disgusting incidence itself is beyond all bearing, the reaction of some state representatives made us think: While the mayor of Mügeln questioned a racist connection before the investigation had even started instead of taking care of the victims, a state attorney opened up proceedings against one of the Indians who tried to defend himself with a bottle. The victims were taken to a police station where they did not receive medical treatment for several hours. Some other politicians, for example a federal MP of the ruling party, published statements in which they insisted that racism in Germany is totally exaggerated and over-estimated and that xenophobia is protected by the freedom of opinion. Moreover, it is worth mentioning that the incidence in Mügeln was discussed primarily under the aspect of Eastern Germany's business reputation abroad more than regarding the Human Rights of the victims.

As a federal MP of the ruling party's coalition partner wrote in response to one of the statements mentioned above, such reactions are symptomatic for dealing with the problem of racism in Germany: playing down, covering up and delaying are established reactions.

Article 11 of the German constitution grants every German citizen the freedom of movement in the whole territory of the federation. But this does unfortunately actually not

apply to members of “visible minorities”. So-called “no-go-areas” have been established around the country, especially in Eastern Germany. A German passport only theoretically protects its owner if he or she belongs to such a minority. In some areas, state organs gave up the fight against such criminal structures and consequently are no longer present to protect those in need.

Just before the federal election in the year 2005 approx. 50.000 Germans of Turkish origin lost their citizenship because they had applied for Turkish double citizenship in the 1990ies, when this was legal. But their applications were processed after double citizenship became illegal in Germany. Those people did not only lose their German citizenship but also their resident status they had obtained before being naturalized.

Privileged naturalization for young people under the age of 23 has also been cancelled.

These measures do not lead to an effective protection neither of the majority nor of the minorities but merely to delays of the migration-related problems which will become even more severe in the future if not dealt with immediately.

The media also plays an important role in this context. While, according to the survey commissioned by the Ministry of Integration in NRW, for instance, only 1.4 % of Turkish immigrants have willingly no contacts with the majority population, all Turkish migrants are regularly accused by large parts of the media and some politicians of having created a parallel society of their own and not being willing to integrate into the German society.

Given this actual and legal framework, we have to cast our doubts concerning the commitment of all state authorities to fulfil their obligations under international law, among others the applying OSCE commitments.

## Education

We Germans of Turkish origin are born in Germany, pass through the German educational system and hold German citizenship. We enrich the German society by our mother tongue, by our culture and by our religion and thus are to be classified as a “new minority” in the sense put forward by the study of the Migration Policy Group commissioned by the High Commissioner for National Minorities of the OSCE. Unfortunately, the German educational system does not effectively make use of the intellectual potentials of our youth.

While there have been some positive developments like the introduction of compulsory pre-school classes with the aim of creating equal opportunities regarding the start of elementary school in some federal states and a facilitation for foreign nationals to get state aid during higher education (‘BAföG’), the major problems remain.

Since the highly selective German school system produces the most discriminatory results in higher education, measures aiming at equal opportunities in elementary school can only become effective within 20 years.

The distribution of children to different school systems at the end of the 4<sup>th</sup> grade, which is de facto a decision about the ability of ten-year-olds to get access to higher education or not nine years later, is a giant waste of potentials. Only 21 % of German youth want to accomplish higher education in comparison to 57 % on the OECD average. In communities with immigration background this figure is merely 8 %.

36 % achieve a high school degree, compared to 17 % of children of immigrants.

Germany still holds up a reservation to the UN Children’s Rights Convention preventing children of irregular migrants from accessing even basic education.

While 40 % of German “Hauptschule”(the lowest level of the three different forms of secondary education)-graduates get a trainee job, only 29 % of the graduates with immigration background have this opportunity.

Consequently, the German educational system fell from rank 10 to rank 22 within the OECD comparison.

But making it through this system does not mean having no problems with discrimination any more: The unemployment rate of Turkish university graduates is almost twice as high as the rate of their German colleagues (10 % compared to 5.5 %).

Additionally, there are discriminatory decisions of the authorities which are directed against our determination to preserve our culture: The mayor of the town Rastatt for instance, explicitly banned Turkish classes in state schools under his jurisdiction.

In some schools the use of the Turkish language on the school yard was banned by the school authorities.

### Conclusion and Recommendations

While we are of the opinion, that the mentioned states are not in compliance with German constitutional law, we insist that they also constitute violations of Germany's obligations under international law, particularly regarding its commitments within the OSCE framework. We are further very concerned that, should the systematic discrimination of our youth regarding the educational and working areas not been dealt with in a satisfying manner immediately, the lack of prospects in general and the lack of promotion prospects in particular will lead to a certain disorientation among our youth that could become manifest in more significant criminal behaviour which could in the long run create risks for the interior security of Germany.

Therefore we recommend,

- that equal opportunities in the education area must be established while Affirmative Action should be introduced immediately until this goal is achieved.
- that the German legislative bodies should refrain from introducing discriminatory laws and regulations and instead remove such laws and regulations where they are in force.
- that effective anti-discrimination legislation covering all possible areas of discrimination, the effectiveness of which shall be monitored and controlled by independent organizations, should be introduced as soon as possible.
- that more investments should be executed for the benefit of programs effectively fighting right-wing extremism, anti-semitism and islamophobia as well as for the benefit of security and intelligence forces that should protect our rights.
- that enhanced penalties for hate crimes and the special legal classification of such crimes should be introduced.