

Dinçer Gel
Avrupa Demokrasi Vakfı e.V.
Marktstrasse 10
50968 Koeln- Germany
avrupademokrasivakfi@yahoo.de

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Turkish Minorities and Other Immigrant Communities in Germany and the Rest of Europe: Assessments and Suggestions for Improvement

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1.Introduction

There are about 3 million people who are Turkish or of Turkish origin living in Germany, and about 5 million in Europe. Furthermore, immigrants represent an important part of the population of Europe; they enrich majority societies through their culture and their values, and they fulfill their civil obligations. However, they face racism and discrimination. Additionally, they are denied basic human and minority rights.

The Avrupa Demokrasi Vakfı e.V. (European Democratic Foundation) dedicates itself, among other things, to achieving these rights, to an inter-cultural dialogue, and to a peaceful coexistence between all humans regardless of their origin, culture, or religion. Germany's current legal and socio-political situation, however, significantly complicates this goal. In this regard, I will now highlight several of the issues and will submit suggestions toward a solution.

2. Summary of the Results of the Report

This chapter briefly summarizes the report. The statements and arguments presented are based on serious studies, and are mentioned in the text. First, the horrifying and alarming extent of

discrimination and racism in Europe is described. There is evidence indicating that the Turkish minority and other immigrants face discrimination and racism, and that in every one of the EU member states, there is a great deal of neglect when it comes to curbing them. This is reflected in the way in which the EU's antiracism directives are enforced.

In Germany, too, the Turkish minority faces discrimination in legal matters and in many aspects of society. Other foreigners are granted certain rights that are withheld from Turkish immigrants who have been living in Germany for 50 years. This means that basic human rights are denied and that the political participation of the Turkish minority is significantly limited. For example, certain foreigners in Germany are eligible for dual citizenship, whereas Turkish immigrants in Germany are not. The citizenship test administered by the federal state of Baden Württemberg is not only discriminatory but also offensive and racist. It violates all of the rules of the Organization for Security and Cooperation in Europe (OSCE), and must be discontinued. Turkish immigrants in Germany do not have the right to vote in local elections, and the stricter immigration law provisions apply in particular to Turkish immigrants, while other foreigners are not subject to them. The rights that are granted other foreign citizens – the number of which doesn't even represent a fraction of the 2.7 million Turks who reside in Germany – must also be applied to those Turks who have now been living in Germany for almost 50 years. Turks and other immigrants in Germany and other EU countries also face discrimination in the labor market. The efforts that have thus far been made to solve these problems have been insufficient.

For 50 years now, the Turkish minority has been living in Germany and has made many contributions to the country and its society. Nevertheless, the Turkish minority is exposed to multiple forms of racism and discrimination. In contrast, these achievements and contributions by the Turkish minority are not sufficiently recognized in the sense that they continue to be deprived of fundamental human and minority rights.

The European states, and thus especially Germany, who vehemently and often very arrogantly dedicate themselves to democracy and human rights in other countries, are losing credibility. They don't have the right to act if not all of their own citizens can share in the enjoyment of these values.

3.Discrimination and Racism in Europe

The "European Union Minorities and Discrimination Survey," a study conducted by the European Union Agency for Fundamental Rights (FRA), contains horrifying figures about

racism in Europe. According to those figures, immigrants in Europe not only face a significant amount of discrimination in all areas of society, but are also victims of racially motivated criminal acts such as threats to commit acts of violence, and violent assaults. Thirty-seven percent of immigrants surveyed said that they had faced discrimination in the previous year, and 12% said that because of their ethnicity, they had been victims of racially motivated criminal acts. In addition, 55% believe that racism and discrimination are widespread in Europe. Eighty-two percent of immigrants facing acts of discrimination and racism in Europe do not report them. Almost two thirds of those people believe that doing so would be useless. The largest group facing racism and discrimination are the Romani, followed by Africans and Turks.

Experts and high-ranking members of the FRA consider these figures horrifying and alarming. FRA director Morten Kjaerum says that there is a pervading sense of resignation among minorities and immigrants, and that there is often a lack of trust in victim protection mechanisms. The study shows that the estimated number of unreported cases is high, such that even current official figures, which are already alarming, by no means reflect the gravity of the situation.

The antiracism directive (Directive 2000/43/EC), which all EU member states agreed to in 2000, as well as other similar directives that the member states were to transfer into national law, continue to be ineffective. Although there may be an official law against discrimination in Europe, studies conducted by EU institutions and other organizations show that there are significant shortcomings when it comes to enforcement. The practical enforcement of the EU's antiracism directive needs to be pursued more decisively, but it is seriously doubtful as to whether that will happen. Many countries have for years delayed the transfer of the antiracism and antidiscrimination directives into national law. For example, Directive 2000/43/EC, an antiracism directive, was supposed to be enforced by July 19, 2003.

When the enforcement deadline had passed, the European Commission took agreement violation measures against a number of countries, such as Belgium, Germany, Austria, Finland, Greece, and Luxembourg. The European Court of Justice also identified what happened as an agreement violation. Also, agreement violation measures were taken against a number of EU member states due to insufficient compliance with similar directives.

These developments show that no EU member state is making sufficient efforts to curb discrimination and racism. For that reason, the FRA urged EU member states to – among other things – act more resolutely to solve these problems and make sure that all laws are thoroughly enforced.

4. Legal and Other Disadvantages in Germany

4.1 Citizenship Laws

Except in the case of extremely justifiable exceptional circumstances, Turkish immigrants living in Germany are not eligible for dual citizenship, while other immigrants living in Germany are. According to Paragraph 10, Turkish residents of Germany may only apply for German citizenship if they give up their Turkish citizenship. However, the rule does not apply to EU citizens as well as citizens of Switzerland and many other countries.

The issue of dual citizenship for Turks has caused a stir in society and among political parties. Conservative circles in particular display opposition and sometimes even insulting attitudes. The fact that other immigrants have dual citizenship has not caused a stir or criticism; on the contrary, it enjoys widespread acceptance. For example, the CDU and the CSU, both governing parties in Germany, are vehemently against dual citizenship for Turkish immigrants, but support it for other immigrants. Many CDU politicians, such as the governor of the federal state of Lower Saxony, as well as many other German politicians from other parties, have dual citizenship themselves.

We need to ask ourselves the following questions: How is it possible that many immigrants living in Germany – including immigrants from non-EU countries – are eligible for dual citizenship while Turkish immigrants are not? Why does the issue of dual citizenship for Turkish immigrants cause such a stir and so much opposition? Why should Turkish immigrants be required to give up their citizenships when there are even German politicians who have dual citizenships?

Turkish immigrants have been living in Germany for half a century, and they have many ties to both countries. Some of the Turkish immigrants living in Germany have had to face serious legal disadvantages as a result of keeping their Turkish citizenship. On the other hand, giving up Turkish citizenship for German citizenship leads to legal disadvantages in Turkey. The fact that Turkish immigrants are not eligible for dual citizenship also makes it difficult for them to participate in the democratic process in Germany. Many Turks in Germany are not eligible to vote. They are also not eligible to apply for many positions, and their possibilities for political involvement are very limited. This is reflected in the number of seats in the government that are held by Turks. There are only 5 representatives of Turkish descent among 622 representatives in the German Parliament. This corresponds to a share of approx. 0.8%.

The current governing parties in Germany – the CDU (conservative), the CSU (conservative), and the FDP (liberal) – do not have any representatives of Turkish origin in any of the federal states in Germany, although numerous immigrants of Turkish origin make contributions to those parties. On the federal level, the FDP is the only one of the governing parties that has a representative of Turkish origin.

Anyone who wants to acquire German citizenship must pass a citizenship test. In this area, too, there is unequal treatment. In the federal state of Baden Württemberg, the test includes a questionnaire with questions about political and personal views. The purpose of the questionnaire is to identify loyalty to the constitution and attitudes toward basic liberal-democratic values, but it was specifically developed for the 57 countries that are part of the Organization of the Islamic Conference. Others seeking citizenship are only required to answer the questions if they are Muslims or if there is any doubt about their serious commitment to the Basic Law in Germany. Applicants for citizenship are not required to answer the questions if they are not Muslims. Due to the demographic situation in Germany, Turkish immigrants in particular are frequently required to answer the questions, which have accusatory and insulting undertones and imply general suspicion toward them. The questions asked include the following:

You have heard of the attacks that took place in New York on September 11, 2001 and those that took place in Madrid on March 11, 2004. In your opinion, were the perpetrators terrorists or freedom fighters? Please explain your response.

Do you consider the fact that men and women in Germany have equal rights under the law to be a sign of progress?

Newspaper articles sometimes report about daughters and wives being killed by male relatives because of their “indecent moral conduct,” in order to restore the honor of the family. How do you feel about such acts?

How do you feel about a man in Germany being married to two women at the same time?

How do you feel about the claim that a woman should obey her husband and that he is allowed to beat her if she does not obey him?

What would you do if your daughter wanted to marry a man of a different faith?

Imagine your adult son were to come to you and tell you that he is homosexual and would like to live with another man. How would you react?

Anyone who does not answer these questions in a way deemed appropriate is denied German citizenship. It would be interesting to pose the last two questions to the individuals and the conservative politicians that developed the questionnaire and to the population groups that support them. Would these individuals and groups not have any problem with one of their daughters wanting to marry a man of a different faith (a Muslim, say) or one of their adult sons being homosexual? Would that daughter or son not meet with opposition in certain social circles, or even be ostracized? Reality suggests that they would.

Article 3 of the German Constitution states the following:

“No person shall be favored or disfavored because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions.”

Because the questionnaire is administered only to all members of a certain faith and people from certain countries, it even violates the constitution. Additionally, it violates all of the basic laws of the OSCE. One should not trample values that one claims to want to protect. Another question to ask is the following: What is the basis for a common future with millions of people who are under general suspicion due to the belief that they do not recognize basic human and liberal-democratic values?

4.2 Local elections law

The local elections law forms a special barrier to realizing democratic rights. Of 15 EU countries, 10 European countries grant non-EU foreigners a passive right to vote. Of these, 5 countries grant them an active right to vote. While Germany and France, as founding EU nations, have the highest share of immigrants among their total populations, they connect citizenship to the local elections law. Thus, they deny non-EU foreigners the right to vote. The result is an exclusion from basic democratic rights and thus a loss in the quality of democracy. The Turkish minority that has been residing for almost 50 years in Germany and all other non-EU and EU foreigners should be granted the right to vote in local elections. To achieve this the required change in Article 79, Section 2, of the German Constitution must be carried out. This is the only way they will be able to realize their basic democratic rights which at the same time would be an increase in the quality of democracy. By influencing political decisions they would then be able to finally secure the solution to long-standing migrant issues.

4.3 Immigration Act

Article 6, Section 1 of the German Constitution places marriage and family under the special protection of state authority. Yet the Immigration Act passed in July 2007 makes it more difficult for families to immigrate. It is discriminatory that these tighter regulations apply to Turks but not to other foreigners (for example, Americans, Israelis, Koreans, Australians, Japanese, or EU-foreigners). In this manner, families are torn apart and children are raised by single parents which often leads to marked psychological burdens for those who are affected. Often the result is an undesired separation of married couples. Thus, these rules in the Immigration Act are unconstitutional and also contravene Article 16 of the UN Human Rights Charter.

5. The Educational System and the Labor Market

People's educational levels play a crucial role in determining their future career prospects, and equal educational opportunities are a necessary requirement for successful integration. International studies, such as the PISA study and others, show that Germany is the OECD country with the greatest differences in school performance between immigrant and native schoolchildren. The potential of immigrants is not fully realized, leading to significant (socio) economic effects, both for Germany and German society, and for the immigrants themselves. How is it possible that in other OECD countries the potential of immigrants is realized, whereas Germany comes in last in this area?

The reasons are many; they are above all social. An important explanation mentioned in these studies is the fact that the educational system is characterized by both discrimination and insufficient promotion of skills. More information on this is presented below.

The German educational system is three-pronged. After completing their basic schooling at a *Grundschule*, students go on to attend schools with different qualification requirements. German students attend better schools after completion of the *Grundschule* and this leads to better performance. Between 1980 and 2006, about 66% of foreign students (compared to 42% of German students) were sent to a *Hauptschule*, with low qualification requirements, but only 9% of foreign students (compared to 27% of German students) went to a *Gymnasium*, with high qualification requirements. For that reason, far fewer immigrants pursue university studies. Only 8% of university students come from immigrant families, making them underrepresented by a factor of three, even though foreigners with a diploma qualifying them for university studies are more likely to enroll at a university.

There are empirical studies that show that immigrants score worse under the same conditions as Germans, that more of them need to repeat a grade in school, and that after completing the *Grundschule*, they less frequently receive recommendations for schools with high qualification requirements. Due to capacity limits or other reasons, immigrants are more often sent to schools with low qualification requirements. It is also empirically proven that language difficulties are construed as learning disabilities. Too often, because of claimed language impediments – which sometimes don't even exist – talented Turkish students are sent to special or trade schools. These students then rarely have the opportunity to visit schools of higher education or to even attempt a university education.

At educational institutions, schoolchildren's skills are not sufficiently promoted. The amount of special assistance offered to schoolchildren with learning difficulties is insufficient. German children are far more likely to go to preschool, which is of special importance for future educational success, than children of immigrants. Furthermore, it is a matter of concern that in many cities ghetto schools have formed in which are attended by hardly any German students.

Turkish students have been particularly disadvantaged through the introduction of education fees at universities because they overwhelmingly come from lower-income families. Many find themselves forced to discontinue or extend their studies.

In 2007, Vernor Munoz, the UN Special Rapporteur on the Right to Education, presented a report on the German educational system. He came to the conclusion that it discriminates against children of immigrants and those coming from socially disadvantaged families, and in particular those who are Turkish – they are immigrants and most of them come from socially disadvantaged families. He considers the three-pronged educational system to be particularly at fault. The demands of the UN reporter Muñoz for paid-for pre-school education and the dismantling of the three-tiered school system must be implemented. And more value must be placed on cooperation between the schools and parents of Muslim children. In this way, specific issues can be dealt with and mutual solutions can be found. In particular, linguistic competencies and study habits of Turkish children must be fostered. The response to the problem of education shouldn't be the automatic instruction of Turkish children in educational institutions that provide lower qualifications. Both German educators and families must become aware of their responsibilities in this regard. But instead of removing structural defects in the education system, students with a migration background – and thus especially Turkish students – are often blamed for the poor results of PISA studies.

Compared to other foreign schoolchildren, Turkish ones do not often have the opportunity to master their native language. At public schools, Turkish classes are not offered frequently and are being gradually phased out. Islamic religion is not taught at public schools, unlike other religions. Additionally, public officials are not permitted to wear anything with symbols from our religion, while symbols from other religions are allowed. Turkish schoolchildren need to be given the opportunity to master their native language and to learn about their religion. Turkish and Islamic religion need to be offered beyond the *Grundschule* at least as legitimate electives. This should be done with the right preparation – including training and employing teachers, developing lesson plans, and providing funds from the educational budgets of federal states.

Even in times of budgetary difficulties, funds should be provided to solve problems – both because immigrants, and Turks in particular, are discriminated against and given unequal treatment, and because investments in education are very worthwhile and have a particularly good cost-benefit ratio. Because of discrimination in the educational system and the labor market, many immigrants are unemployed, suffering all the socioeconomic results of unemployment. Every unemployed individual costs the German government at least 1000 euros monthly in social services. Every employee with insurance pays the German government at least 1000 euros in taxes and other charges. Furthermore, unemployment has many indirect costs, and employment yields many indirect proceeds.

The OECD study “Equal Opportunities? The Labour Market Integration of the Children of Immigrants” from 2009 and many other studies show that immigrants are discriminated against in the labor market, even when they have the same educational qualifications as non-immigrants. Paradoxically, this applies especially to immigrants with high educational qualifications. There is a general assumption that immigrants are not highly educated. For that reason, it is particularly difficult for academics from immigrant families to land jobs with high qualification requirements, even though they may have the same degrees as their German counterparts.

Unfortunately, the reality is that many companies prefer to hire German applicants. This is something that they themselves say. Furthermore, foreign degrees are not sufficiently recognized, such that a great deal of potential is wasted. People with foreign degrees are thus forced to accept jobs with low qualification requirements, or they wind up unemployed. Also, Muslims with headscarves have great difficulties finding jobs. Their headwear is one of the reasons their access to the labor market is restricted. The same OECD study shows that immigrants are discriminated against in similar ways in the educational systems and the labor

markets of many EU member states. The study also shows the extent of discrimination against Turks in European countries. It would therefore be desirable if the countries of the European Union made greater efforts to eliminate the discrimination that has always existed. The fate of immigrants living in these countries is too important to let it fall victim to the propaganda of election campaigns. The right to education and equal treatment is a human right, but it has always been violated by European countries.