

## Deutsch- Türkische Gesellschaft e. V Stuttgart

Dr. Altan Heper

### OSCE

#### **Human Dimension Implementation Meeting**

**28 September - 09 October**

**Warsaw, Poland**

Tuesday, 29 September 10:00 – 13:00

Remarks to Working Session 2

Fundamental freedoms I, including:

- Freedom of thought, conscience, religion or belief;
- Follow-up of the 2009 Supplementary Human Dimension Meeting on Freedom of Religion or Belief.

#### Practice of religion:

The main problem of the Muslim community in Germany is the erection of mosques.

City administrations cause difficulties in order to retard or restrict the construction of mosques or even inhibit the erection. The location of the future mosque is a highly controversial issue. Some politicians, especially community politicians and some social groups, abuse this issue to launch a general attack against Muslim people often combined with hate campaigns. Section 4 of the Basic Law for the Federal Republic of Germany guarantees full freedom of religion. Nevertheless, people of Muslim creed are still discriminated.

After 9/11 Muslims were put under general terrorism suspicion. Of course this doesn't benefit the understanding among nations. Social prejudices foster intolerance and discrimination as well as xenophobia against Muslim people.

Police checks at mosques in North-German cities, that started 6 months ago, are now constitutionally queried. There is no prudent, solid reason why these police measures are implemented just in front of mosques. This procedure is also a hindrance of the free practice of religion.

# Deutsch- Türkische Gesellschaft e. V Stuttgart

Dr. Altan Heper

29 September 15:00 –18.00 Working Session

Fundamental freedoms II, including:

- Freedom of assembly and association;
- Freedom of movement;
- National Human Right Intuitions

## Remarks:

There are some restrictions imposed on some Turkish citizens who want to enter Germany or the European Union. Due to applicable European Law and the latest European Court of Justice jurisdiction (Soysal vs. Federal Republic of Germany, C-228/06), some professional groups of Turkish citizens are exempted from the Schengen-Visa requirements. The European Court of Justice's decision refers to the association agreement between Turkey and the European Economic Community. Even though the legal situation is unambiguous, the former Visa-requirements are yet perpetuated by diverse governments, especially the German government. This practice is unlawful which furthermore means that the Federal Republic of Germany infringes at the same time valid national law.

Visa handling concerning other Turkish citizens by the Schengen-Countries is partially arbitrary. The rejection of visa applications without comprehensible reasons is on the agenda.

But also the freedom of movement of immigrants within the EU, who might have employment or residence permits for over years or who are even members of the second generation resp. were born and educated in EU-Countries, is difficult.

In 2008, there was an important revision of German alien law. Now Turkish citizens, who want to come to Germany by family reunion, have to pass a German language test in Turkey. If someone wants to bring a Turkish spouse to Germany, there is a language test obstacle, too. This language test is only applied to some countries. So in fact it is a discriminating measure and additionally this is affecting the freedom of movement.

## Deutsch- Türkische Gesellschaft e. V Stuttgart

Dr. Altan Heper

Wednesday, 30 September

Working Session 5, 15:00 – 18:00

Rule of law II, including:

- Preventing aggressive nationalism, racism and chauvinism.

Alas, right-wing extremist attacks in Germany are increasing.

In this very context I am using “right-wing extremism” as a collective term to describe fascist, neo-Nazi or ultra-national political ideologies and activities. These concepts all have in common: orientation by ethnic affiliation, the impeachment of legal equality and a comprehension of society that is anti-pluralistic and authoritarian.

Intelligence services confirm the rise of right-wing extremist attacks. Extremist propaganda ahead of parliamentary elections is also augmenting. Right-wing extremist attacks range from damage to property, battery and insults to murder in cold blood – all in different intensity.

Due to statistics provided by the Federal Office for the Protection of the Constitution right-wing extremist motivated crimes reached a total amount of 16.196 in 2007 and in 2008 19.894 cases were counted. Victims are members of all classes of population, but a large proportion amongst them are strangers or Germans of a foreign appearing. The Federal Office for the Protection of the Constitution estimates the total number of right-wing extremist groups at 108 in 2006, including 4.200 members, 2007: 107 groups, members 4.400, 2008: 87 groups, now 4.800 members.

One right-wing extremist party has already made its way to a federal country parliament in former Eastern Germany and is trying hard to establish itself.

German policy must forcefully take action against right-wing extremism. Measures already taken have to be put into practice.