



## Fact Sheet Briefing – Racism, discrimination and Black people in Germany

March 2016

This fact sheet is based on ENAR's Shadow Report questionnaire 2014/2015, answered by Jamie Schearer and Lioba Hirsch, members of the *Initiative of Black People in Germany*, including the results of qualitative and quantitative research.

Defining 'People of African Descent (PAD)/Black Europeans (BE) population' is no easy task and indeed various definitions and descriptions exist for the group. The UN Working Group on people of African descent proposed that: "People of African descent may be defined as descendants of the African victims of the trans-Atlantic slave trade (...) Africans and their descendants who, after their countries' independence, emigrated to or went to work in Europe, Canada and the Middle East."<sup>1</sup> The term 'Black Europeans' is used here to refer to Black people born or raised in Europe or with an EU citizenship. In some places the term 'Black people' is used to refer more broadly to all those individuals, groups and communities that define themselves as 'Black'. Accordingly, 'Black' does not necessarily refer to a skin colour so much as a sociologically constructed identity.

There is no statistical data on the number of Black people living in Germany as there is no data collection surrounding questions of ethnicity and/or religion. However an estimate based on the micro-census of 2011, has identified 577,000 Black people residing in Germany. This figure corresponding to 0.7% of the overall population and 3.5% of the population with a migration background.<sup>2</sup> However, this figure is in any case under-estimated, as the information is based on number of people with a former or current African citizenship for one generation, including only the persons who migrated themselves and their children. Black people born in German (third generation or higher) and those migrating from other European countries cannot be accounted for.

### Key findings and examples

#### Policing, racist violence and the judiciary

- According to a NGO Parallel Report of the UN, PAD/BE are particularly exposed to police violence.<sup>3</sup> This is further intensified when it comes to intersectionality and the interwoven effect of discrimination based on ethnic background and gender. Interviews with PAD/BE reveal that Black women suffer from biased treatment due to their skin colour as well as sexual harassment.

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<sup>1</sup>UN Working Group on People of African Descent, Identification and Definition of People of African Descent and How Racial Discrimination Against them is Manifested in Various Regions, E/CN.4/2003/WG.20/WP.3

<sup>2</sup> Gyamerah, Daniel (2015): Der schulische Erfolg Schwarzer Schülerinnen und Schüler in Deutschland – Eine rassismuskritische Analyse des Mikrozensus. Available at: <http://rassismusbericht.de/hintergrundpapiere-2/>, last accessed 29/09/2015.

<sup>3</sup> KOP-Campaign for victims of racist violence by police, p.10. Available at: <https://www.kop-berlin.de/files/documents/chronik.pdf> accessed on 19/02/2016

- Roles between victim and offender have been reversed and there are several reports that Black people have called the police as victims of an attack only to be treated as an offender and in some instances arrested. It is possible that incidents remain unreported by PAD/BE because they fear further discrimination by the police.
- In the vast majority of attacks by the police, the officers are not sentenced and only 5% of reported attacks by the police have led to court procedures.<sup>4</sup>
- Despite the change of the penal code related to hate crime in August 2015, which now includes the specific consideration of “racist, xenophobic and other inhumane” aims of crimes, the definition of “racism” remains unclear. Right wing extremism and racism continue to be used interchangeably and as a result racist crimes that are not perpetrated by right wing extremists may not be identified as racist crimes. This in turn leads to an institutional gap regarding the protection of PAD/BE.

### **Employment and migration**

- Migrants are not significantly valued in Germany and PAD are seen as irrelevant to the German labour market. This perspective has the potential to impair the effective formation and development migration and employment policies.

### **Intersectionality: employment and women**

- In March 2015, the Federal Constitutional Court revoked its earlier decision stating that the ban of headscarves in public schools is not compatible with the German constitution (Bundesverfassungsgericht 13/03/2015). The ruling, however, has kept the backdoor open for individual cases where the headscarf might endanger the peace of the school or the neutrality of the state. Experts warn that this may leave schools vulnerable to parents and other external forces exerting undue pressure and influence on schools.

### **Media and hate speech**

- Manifestations of racism and related discrimination in the media against PAD/BE can be divided into different distinct areas such as the use of derogative language, portrayal of racial stereotypes and discrimination within the industry.
- Derogative language, for instance, was used by the Bavarian Minister of the Interior when he called Roberto Blanco, a singer, the N-word in a popular political talk show.
- Discrimination against PAD/BE is demonstrated by the lack of diversity among TV presenters, actors, TV shows and advertisements.
- Hate speech has become an integral part of the social media landscape. Racist dogma and abuse take place at an alarming rate online. The relative anonymity of social media can encourage racist views to be expressed, which up until recently were confined to private,

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<sup>4</sup> Damaris, Uzoma. 2015. Parallel Report to the UN Committee on the Elimination of Racial Discrimination on 19th-22nd Report submitted by the Federal Republic of Germany Under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination/ Initiative Schwarze Menschen in Deutschland e.V. (ISD-Bund), p.14. Available at: [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DEU/INT\\_CERD\\_NGO\\_DEU\\_20072\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DEU/INT_CERD_NGO_DEU_20072_E.pdf) , last accessed 19/02/2016

secluded spaces. Racist comments spread from the websites of racist groups to the comment sections of online newspapers, magazines, news sites as well as social media.

### **Education**

- Black people are negatively portrayed in the curriculum and colonialism is frequently framed as a positive venture undertaken by Europeans.
- Children's books play a major role in introducing negative stereotypes of Black people and in 2013 parents, academics and activist came together to campaign against the use of the N-word in children's books.
- It is reported that there is an attainment gap for students with a migration background. For black students the gap is attributed to a complex interplay of institutional processes and mechanisms as well as structural modes of racism.
- It is reported that PAD/BE pupils face discrimination with regards to recommendations to certain schools and higher learning institutions.

### **Key recommendations**

- The German government must recognize PAD/BE as a group affected by racism by making funds available to projects and organisations working in this area.
- Equality data collection that is comparable, regularly collected and based on self-identification is crucial to the development of race equality and non-discrimination policies.
- Combat police violence by establishing effective strategies and programmes that hold officers to account for racially motivated misconduct.
- Ensure that national legislation and police guidelines prohibit ethnic profiling and establish a requirement for reasonable suspicion for all police stops. Collect data on the use of stop and search based on forms to be filled in by agents after every stop. Ensure that performance appraisal systems for law enforcement sanction the use of ethnic profiling.
- Facilitate the recognition of qualifications and experience of Black migrants within the labour market.
- Improve relations between the police and black communities through awareness and bias training that included information on past abuses perpetrated by the police against black people.
- Human rights organisations and NGOs, with the support of funding bodies, should monitor incidents of hate speech and the reports of abuses perpetrated by public sector workers such as the police.