

Thematic focuses of BUG in 2023 at a glance

In its fifth planning phase and due to analyses of the current potential in Germany, BUG has reached the assessment, that the following topics should be prioritised in 2023 and the following years:

a) Discrimination of transgender people

In its fifth planning phase, BUG wants to support legal claims of transgender people and intensify the work to this. Legal claims can be within the legal scope of the AGG, as well as, administrative law or the LADG¹. Cases that could be supported are **online purchases** (car rental, ticket booking, online shopping etc.), where only a binary registration is possible, the stating of a non-binary gender in state-collected data, protection against discrimination in the **access to and within employment** or **the gender-neutral design of public changing rooms and toilets**.

b) Discrimination in State Action in Berlin (LADG-Berlin)

As the AGG is limited to employment and private legal communication, it can, therefore, not be used in cases of discrimination due to public-law action. On the 4th of June 2020, a new and, until now, unique State Anti-Discrimination Law for the state of Berlin was passed, to sanction discriminatory behaviour, for example, by the administration or police. In its fifth planning phase, BUG will support legal claims of people who have experienced discrimination within **the area of police, administration/ offices and authorities** and seek for a legal claim. Besides, BUG aims for using the Prozessstandschaft (legal assistance) and the Verbandsklagerecht (right of legal action of

¹ Landesantidiskriminierungsgesetz (LADG): State Anti-Discrimination Law of Berlin

associations). Therefore, BUG proposed for the recognition as an Anti-Discrimination-Association pursuant to § 10 para. 1 LADG in June 2020.

*c) Discrimination of refugees, Sinti*zze and Rom*nja and people with a migrant background at the access to housing*

The rejection of people with a migrant background, of refugees or Sinti*zze or Rom*nja at the **access to housing**, is an area, where discrimination occurs regularly, but legal claims are rarely made. This is unfortunate, as no legal standards can be developed and appropriate practice implemented. In its fifth planning phase, BUG wants to take over cases of racist or ethnic discrimination within the access to housing and accompany those as a legal assistance in front of court. Especially, BUG would like to juridically work on § 19 para. 3 and 5 AGG and achieve a legal clarification. In the frame of the specialist and coordination office ‘Fair mieten – Fair wohnen’ (Fair renting – fair living), which is coordinated by ‘UrbanPlus’, BUG, in the context of the project, is a partner who supports with a strategic assistance in discrimination cases at the access to housing.

d) Discrimination at the access to goods and services

The law enforcement in a case of discrimination **in the area of goods and services** (without housing) like, for example, retail, online shopping, restaurant or hotel trade, discos/clubs, gyms or public transport, is far behind the law enforcement in the area of employment. Multiple barriers keep people affected by discrimination from seeking legal action in this area of life. In long term, BUG would like to offer here support in exemplary cases in the area of racist discrimination or due to a disability or sexual orientation.

e) ‚Racial Profiling‘ by the Federal Police

Although the area of state action is not covered by the AGG, BUG supports cases where supposed ‘*illegally-staying*’ people get their **identity checked without any suspicion** (verdachtsunabhängige Personenkontrolle), by the police, but no initial suspicion exists (racial profiling). Due to the assessment of BUG, this action violates the principle of equality of art.3 para. 3 of the Basic Law. Since the beginning of 2014, BUG supported multiple legal claims as an assistance and concluded them successfully in court. BUG will work towards an appropriate implementation of the jurisdictions. This could take place, for example, in developing a transparent procedural arrangement of police checks (Addition BRAS 120). If cases, due to racial profiling, are given in Berlin, the LADG could be used here.

f) Religious discrimination

BUG defines **religious discrimination** as the different treating of a person relating to a comparable other person, due to their (non)belonging to a religion or faith group. An increasing polarisation of religion and the missing equal recognition of all religions, for example, the exclusion in public-law employment (school, legal traineeship), leads to societal tensions which are also getting supported by internal religiously legitimated terrorism. Being non-religious can, likewise, be a factor of exclusion within the frame of confessional employers. **BUG mostly supports legal claims in cases of discrimination due to religion in the areas of labour/administrative and civil law.**