

Thematic priorities of BUG for 2021 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 2021 and the following years:

a) Discrimination of transgender people

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

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

As the AGG is limited to employment and private legal relations, 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 cycle, BUG will support legal claims of people who have experienced discrimination within **the area of policing, administration and public authorities** and seek legal justice. Furthermore, BUG aims for using

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

the Prozessstandschaft (litigating for the claimant) and the Verbandsklagerecht (right to take legal action for third parties). Therefore, BUG was registered as such pursuant to § 10 para. 1 LADG in June 2020.

*c) Discrimination of refugees, Sinti*zze and Rom*nja and people with a migrant background in accessing housing*

The rejection of people with a migrant background, of refugees or Sinti*zze or Rom*nja when seeking **housing**, is an area, where discrimination occurs regularly, but legal claims are rarely filed. This is unfortunate, as no legal standards can be developed and appropriate practice implemented. In its fifth planning phase, BUG wants to support cases of racist or ethnic discrimination when accessing housing and accompany those as third party. Especially, BUG would like to tackle § 19 para. 3 and 5 AGG and achieve legal clarification. In relation to the project ‘Fair mieten – Fair wohnen’ (Fair renting – fair housing), which is coordinated by ‘UrbanPlus’, BUG is a partner that supports with strategic assistance in discrimination cases when accessing housing.

d) Discrimination when accessing goods and services

Law enforcement in cases of discrimination **in accessing goods and services** (without housing) like retail, online shopping, restaurants or hotels, music clubs, gyms or public transport is far behind appropriate law enforcement compared to the area of employment. Multiple barriers keep people away from seeking legal action in this area of life. In the long term, BUG would like to offer support in this field in exemplary cases especially concerning racist discrimination or due to disability or sexual orientation.

e) ‚Racial Profiling‘ by the Federal Police (Bundespolizei)

Although the area of state action is not covered by the AGG, BUG supports cases where an **identity checked without any initial suspicion** because of a perceived illegal entry or stay in Germany is performed (verdachtsunabhängige Personenkontrolle) by the police. 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 this jurisdiction. This could take place, for example, in developing a transparent procedural arrangement of identity checks (complementation of the BRAS 120). If cases, due to racial profiling, are coming up in Berlin, the LADG could be used here.

f) Religious discrimination

BUG defines **religious discrimination** as a different treating of persons 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 traineeships), leads to societal tensions which are also fuelled by international religiously legitimated terrorism. Being non-religious can, likewise, be a factor of exclusion within the frame of confessional employers. **BUG supports legal claims in cases of discrimination on the grounds of religion in the areas of labour/administrative and civil law.**