

Activity Report of the Bureau for Implementation of Equal Treatment e.V. (BUG) for the period January to December 2012

A. Support in cases of discrimination

In 2012, 23 people contacted BUG to ask for advice on whether a discrimination complaint seems appropriate in their situation. This was the case with a small number of persons. Since January 2012 BUG has been supporting the lawsuit of a young man (2), who was dismissed due to his HIV infection during the probationary period. BUG has been providing legal assistance in court since the second instance. In January 2012, the hearing was held at the Regional Labour Court Berlin. The complaint was rejected. BUG was able to cover the costs of the first two instances by requesting money from foundations.

BUG collaborates with a lawyer primarily specializing in HIV, the German AIDS Service Organisation (Deutsche Aids-Hilfe) and the National Monitoring Body for the UN Convention on the Rights of Persons with Disabilities.

The lawsuit was filed at the Federal Labour Court (BAG) in April. BUG has submitted a legal opinion on the AGG and the protection from discrimination in dismissals. A date for the court hearing is not expected in 2012.

Another complaint (3) has already been heard in first and second instance and has now been presented at the Federal Constitutional Court since the beginning of 2012. A hearing is not expected until the end of 2012. BUG will undertake public relations work in case of a judgment and will share the costs of the case if the lawsuit will be dismissed.

Since summer BUG is in touch with a man who tries to obtain the guardianship of his two disabled siblings. This was rejected in all court instances. He asked for BUG'S support in submitting an individual complaint (4) to the Committee of the UN Convention on the Rights of Persons with Disabilities. In cooperation with MDAC (international NGO on the rights of people with mental disability) we are currently working on the file.

Since the beginning of the year two young men are supported who were regularly denied entry to nightclubs owing to their ethnic categorisation. Means of evidence were collected and the lawsuit (5) was filed at court in September. The second claim (6) is currently in preparation.

Although this is not a case falling within the scope of the AGG, BUG has supported the claim of a young man (7) with PR work, who had been racially profiled by the federal police on grounds of his skin colour. In the first instance he lost the lawsuit and the judges confirmed the legality of such police action. BUG had submitted an Amicus Curiae on the principle of

equal treatment enshrined in the Basic Law. The hearing took place at the Supreme Administrative Court in Coblenz in October. In close cooperation with the Initiative of Black People in Germany (ISD) BUG carried out public relations work. Unfortunately, neither ISD nor BUG have been adequately mentioned in the newspaper articles.

B. Advocacy work

Amendments to the AGG

In 2012, BUG continued its work on identifying amendments to the AGG. An editorial group met 5 times to compile complementary aspects to the law. In autumn, funding of € 5,000 by the Gunda Werner Institute for developing a compilation of amendments to the AGG could be obtained. Two people from the editorial group have completed the document in mid-December.

Simultaneously, contact with Alliance 90/The Greens was established to encourage the strengthening of legal protection against discrimination in their election programme. The same proposal is currently brought to the Social Democratic Party's and the Left's attention. The Greens have already agreed to consider the proposals.

NSU inquiry

In spring 2012, the NSU Inquiry Committee of the German Bundestag was established. Since the tasks of this committee are similar to the work of the Macpherson Commission in the UK, BUG has analysed to what extent the British experience in tackling institutional racism within the Police is transferable to the German situation. By publishing a dossier on the Stephen Lawrence's case on our website (see below) a sizeable pool of information was made available. Through this, it is intended to initiate internal provisions against racism in the Federal Police as well as the Federal Criminal Office. A first meeting was held in November with the Federal Police Kassel.

Petition on ethnic profiling

In addition to the support of a lawsuit (7), BUG and ISD have prepared a petition that was submitted to the German Bundestag in mid-December. It intends to initiate legal warranting that ethnic profiling will no longer be applied by the police.

C. Networking of BUG

- Non-governmental organisations

In 2012 the Director Vera Egenberger continued maintaining the contact with associations, organisations, institutions and individuals working in the field of equal treatment. BUG is perceived as the NGO proficient in the AGG and legal non-discrimination work.

In order to continue working on the issue of discrimination in accessing leisure facilities, BUG has taken the initiative and organised a meeting with other stakeholders in Hanover in November 2012. The preparation of an event concerning the topic in spring 2013 was discussed.

Subsequent to the lawsuit (1) in Reutlingen a group of organisations was formed that aims at building up a local non-discrimination counselling centre. BUG has partially followed these developments. A conference was held in December, where details on the construction of the centre in Reutlingen were discussed, also including politicians. BUG made a contribution to the meeting.

BUG has been actively involved in the development of the NGO shadow report to the CRPD. The working group on discrimination was coordinated by BUG. This chapter was presented in August to the CRPD Alliance.

While preparing activities concerning 'ethnic profiling' in summer, BUG and ISD held an informal networking meeting with other NGOs to discuss joint action. About 20 NGOs were present. Regular communication is ensured by a mailing list and a small sub-website (on the BUG website) was created. The next meeting is scheduled for 25.1.2013.

-Federal Anti-Discrimination Agency (ADS)

In 2012, the constructive exchange with the Federal Anti-Discrimination Agency continued. In some cases, information concerning complaints supported by BUG was exchanged and people that had been discriminated against and who could not be supported by the ADS were advised to contact BUG.

D. PR work

- Press work

In accompanying legal cases (2) and (7) BUG has undertaken extensive press work. The HIV case was mentioned in more than 20 newspapers. BUG was sometimes quoted.

In the 'ethnic profiling' case, BUG conducted extensive press work in cooperation with ISD. Nevertheless, the result was quite disappointing since in most cases only Amnesty International and the Human Rights Institute were quoted.

- Website

In the course of the year three new dossiers (third party intervention, ethnic profiling and racism in police work) were developed and made available on the website.

Furthermore, website texts have been translated and large parts of the site are now also available in English.

E. Membership in networks

BUG has regularly attended meetings of the 'Network against Racism' but could not attend the meetings of the 'Forum against Racism'.

In addition BUG contributed to the Alliance against Discrimination. It prepared a meeting in February 2012 in Hanover, where cooperation towards lobbying for an amendment to the AGG was discussed.

Through its membership in the 'Network against Racism' BUG is involved in the German branch of ENAR and contributes to the 'Policy and Media Committee'. This provides latest information regarding anti-racism developments at EU level. Due to ENAR's structural change the PMC group will no longer exist.

BUG is a member of the 'Paritätische'. An application for funding regarding discrimination in accessing nightclubs was drawn up with support of the Paritätische in September.

F. Financial situation

In 2012, BUG managed to attract funding from four foundations and received an amount of approximately € 13,500 for running costs and the work on amendments to the AGG. The running costs included e.g. rent, office supplies, telephone, etc. Unfortunately, six further

applications of donors were rejected. An amount of € 3,500 was donated by private individuals by the end of the year.

G. Fundraising

As part of the adopted fundraising strategy, contact with numerous foundations was established in 2012 in order to ensure funding. Information on the foundations that are relevant for BUG was expanded and 10 applications were filed until October 2011. Three responses are pending.

It is becoming apparent that foundations are only partially willing to support BUG's activities.

H. Interns

Since January 2012 BUG has been involving interns in its work on a regular basis. Chrysa Tatsi took care on the registration of BUG for grants of German courts. Felicia Fall supported the work on complaints against nightclubs in Hanover, compiled the dossier on ethnic profiling and carried out extensive research work. Annika Ahl supported the coordination of the chapter on discrimination for the CRPD shadow report. Philipp Gektidis drove forward the development of the concept for further activities in the area of discrimination at nightclubs, developed the newsletter and created the English part of the website. Miriam Tierney compiled material concerning the Stephen Lawrence case in the UK. Rebecca Görmann translated parts of the website into English. Penelope Myrodikou supported the work on the individual complaint to the CRPD. We are grateful to all interns for their excellent work. In 2013 interns will continue supporting BUG's work.

I. Further activities

- Legal aid fund

By the end of 2012, approximately 2,500 € have been available in the legal aid fund. This fund will be used to support legal cases.

- New office

In January 2012, BUG was able to obtain a room in the 'Democracy and Human Rights House'. The room had become available at short notice. It was renovated and furnished. There are two workplaces available; however, three workplaces would be needed. If necessary, a bigger office can be acquired in 2013. The advantage of being situated in the 'Democracy and Human Rights House' is to pay low rent for the office, have access to a free meeting room and the proximity to other human rights NGOs.

- Work Programme 2013

In summer Vera Egenberger developed the work programme 2013. It was adopted at the 5th Board Meeting on 17.11.2012.

Berlin, 31.12.2012