

BUG's focus areas for 2018- 2020

at a glance

BUG is in its fourth planning phase. On the basis of an analysis of the present situation in Germany, it has reached the conclusion that we will pay particular attention to the following areas:

a) Religious discrimination

BUG refers to religious discrimination, if a person is treated in a different way as a comparable person because of their different or non existing religious belief. International and religiously legitimated terrorism is fomented by social tensions which are caused by increasing polarization of religions and missing equal recognition of all religions (for example exclusion within the public service (school, professional law training)). Besides not belonging to any denomination can be a factor of exclusion as well regarding confessional employers.

Bug supports complaints regarding unequal treatment due to religion, mostly in the area of labour law, administrative law and civil law.

b) 'Racial profiling' by the Federal Police

While police performance is not covered by the AGG, BUG is supporting cases of people of colour who are increasingly subjected to identity checks by the Federal Police despite the lack of a reasonable suspicion (so-called 'racial profiling'). In BUG's point of view, this practice is violating Article 3 sec. 3 of the Basic Law. There is the need of bringing declaratory actions (so-called 'Fortsetzungsfeststellungsklage') to administrative courts. Since 2014, BUG is assisting claimants ('Beistand') according to administrative law (§ 67 sec. 7 VwGO) in complaints against 'racial profiling'. Since the judgement of the ECJ (21.06.17, C-9/16) concerning border controls one has to evaluate how this judgement affects the complaints BUG supports. In these cases BUG will approach further instances.

Moreover BUG will work towards an appropriate implementation of the judgments, for example through the development of transparent rules of procedure for police controls. If necessary BUG will become active on state level.

c) Discrimination concerning the access to housing

The rejection of people with a migratory background or Sinti and Roma in accessing housing seems to be an area where discrimination is a common practice. Unfortunately, legal action is rarely taken up, which explains the lacking development of legal standards and practices. During its fourth planning stage, BUG would like to identify cases of ethnical discrimination concerning the access to housing and to accompany such cases to court through assisting the claimants (Beistandschaft).

In particular BUG wants work on § 19 sec. 3 and sec. 5 AGG and give rise to its legal clarification.

In the course of “Fair mieten – Fair wohnen”, a specialist and coordination department which is managed by “UrbanPlus”, BUG will assist as a partner in several projects in a strategic way complaints against discrimination concerning the access to housing.

d) Discrimination of Sinti and Roma

Sinti and Roma experience in all areas of their life exclusion, discrimination and hostility in Germany. Eventhough discrimination against them is more and more realized, no German court had to judge a discrimination case of a person with a Sinti/ Roma background yet. Therefore BUG aims to support complaints in different areas as for example the access to goods, services, work or administration.

e) Discrimination of transgender people

In its fourth planning phase BUG wants to support complaints of transgender people. Those complaints can be lodged within the legal framework of the AGG and within the legal framework of the administrative law. Possible case scenarios could be the option to specify a non-binary gender in data recorded by the state, protection against discrimination concerning the access to or within work or the gender neutral design of public changing rooms and toilets.

f) Ethnical Discrimination concerning the access to recreational facilities

Since 2011 Bug supported several complaints in the area of racist entrance policies of clubs, which have all been decided in a positive way. Furthermore they caused a change of the state licensing act (Landesgaststättengesetz) in Niedersachsen and Bremen.

Bug wants to carry on promoting the addition of a non-discrimination paragraph into the state licensing act.

BUG would be happy to assist complaints in the mentioned areas.

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