



AK Panafricanismus München, Augsburgstr. 13, 80337 München

**Bundesministerium des Innern
z.H. Dr. Hans-Peter Friedrich
Alt-Moabit 101 D
10559 Berlin**

**Bundesverwaltungsgericht
z.H. Marion Eckertz-Höfer
Simsonplatz 1
04107 Leipzig**

**Präsident des Verwaltungsgerichts
Herr Ralf Geis
Deinhardpassage 1
56068 Koblenz**

Augsburger Straße 13
80337 München
Tel: 089 416 15 99 59
Tel: 0176 – 620 67 359
Fax: 089 - 76 22 36

sekretariat@panafricanismusforum.net
www.panafricanismusforum.net

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Open Letter

“Racial Profiling” legalized through German Administrative Court

With indignation the Pan-Africanism Working Group Munich representing the interests of people of African descent in Germany takes knowledge of the judgment 5 K 1026/11.KO from the Administrative Court of Koblenz and therefore calls for an appeal procedure.

By allowing identity checks on persons merely on the ground of their “outward appearance” the judgment of the Administrative Court of Koblenz has now legalized “racial profiling”, a practice having been denied by German authorities so far.

Contrary to the claims of a Black German applicant who had refused to undergo a “suspected independent” control by the federal police force during a train journey without apparent reason the judgment has accepted skin colour as a legitimate reason for checks on persons by police.

As a result a precedent has now been set for administrative and judicial authorities to relate to in future proceedings and has as such given free hand for institutionalized racism.

Being considered by the police with no objective and reasonable justification, by profiling merely on the grounds of colour, language, religion, nationality or national or ethnic origin, in control, surveillance or investigation activities is discriminatory per se.

Racial Profiling not only goes against the objectives and provisions of the German General Act on Equal Treatment (Allgemeine Gleichbehandlungsgesetz (AGG)) which entered into force in August 2006, but also the Anti-Discrimination Conventions.

Under international law the contracting state parties, including Germany, have committed themselves to a policy of combating all forms of racial discrimination by any measures necessary.

According to the Committee for the Elimination of Racial Discrimination (CERD) as well as the European Commission against Racism and Intolerance (ECRI) racial profiling means an infringement of the non-discrimination principle.

We strictly condemn this judicial sentence conflicting with the human rights constitutionally

guaranteed by Article 3 of the German Basic law, as it legalizes racism and means free reign for unimpeded racist police ID checks.

The Pan-Africanism Working Group Munich calls for a revision of the judicial decision and appeal for a second instance decision. The Federal Government of Germany is called upon supplementing the anti-discrimination legislatures by strictly prohibiting racial profiling as a legal practice.

The systematic monitoring and evaluation of police controls has to be enforced in order to prevent arbitrary actions by police force.

Furthermore, we call upon the Federal Ministry of Interior, to ensure anti-racism and diversity training as part of police training programmes as well as the application of the concept of diversity within the police service. For the purpose of social peace the diverse composition of the German immigrant society is to be reflected within the police accordingly.

Pan-Africanism Working Group Munich e.V.