

ANTIGYPSYISM IN PUBLIC DISCOURSES AND ELECTION CAMPAIGNS

Central Council of German Sinti and Roma
Heidelberg, 2017

CENTRAL [of German
COUNCIL Sinti & Roma

FOREWORD ROMANI ROSE,
CENTRAL COUNCIL OF GERMAN SINTI AND ROMA

A JUDICIARY THAT IS BLIND TO THE LESSONS OF HISTORY

Since the beginning of 2013, Sinti and Roma have been subjected to smear campaigns by the NPD (National Democratic Party of Germany), in both national and state-level election campaigns, which are unprecedented in their severity. Throughout Germany, members of our minority were threatened, excluded and defamed by posters ("Money for Grandma, not for Sinti and Roma") and flyers ("Stop the flood of gypsies!" along with the depiction of weapons such as guns and knives). This was part of a concerted and on-going campaign of hostility towards the minority group that has been living in Germany for centuries and was subjected to state-organised genocide during the reign of the National Socialists. Almost 70 years after the Holocaust, we cannot allow a forum to be provided for this kind of public display of contempt.

The underlying strategy is blatantly obvious: The NPD is playing on the fears of the population with regard to pension security to stir up hatred against our minority in an attempt to reap political benefits.

In the weeks before the election, the Central Council of German Sinti and Roma received hundreds of calls from concerned Sinti and Roma families from all over Germany. They were deeply distressed, mainly about the NPD posters that their children were exposed to on their way to school, which had been put up in large numbers, especially in smaller towns and villages. This once again awakened major fears among the elderly who had survived the Holocaust.

In order to fully understand the extent of the bewilderment and anger with which many Sinti and Roma reacted to this open agitation, we need to take a brief historical retrospective.

Contrary to the widespread National Socialist propaganda against "gypsies", the Sinti and Roma had been integrated into the work environment and social structures in Germany, as neighbours and co-workers, long before Hitler's take-over of power. They had been deeply rooted in this country for generations. Many had served in the German Imperial army in the First World War and been highly decorated. Although they had demonstrated their loyalty to their homeland, after 1933 the Sinti and Roma were racially profiled, disenfranchised, ghettoised and deported into death camps, from the cradle to the grave, in just the same way as the Jews.

The Holocaust was a crime that was meticulously planned and implemented, with the participation of almost the entire official machinery that was in place at that time. The National Socialist Government denied our entire minority group the right of existence, collectively and definitively, just because they had been born as Sinti or Roma, and regardless of their conduct, faith or political beliefs.

The infamous "Nuremberg Race Laws" of 1935 were already applied as much to the Sinti and Roma as to the Jewish people. Frick, the Reich Minister of the Interior, explicitly stated: "As a rule, Jews and Gypsies are the only races of foreign blood in Europe." Thus both minorities were classified as a "foreign race to be excluded from the Aryan ethnic community".

As a consequence, members of our minority were systematically excluded from all areas of public life. They were expelled from jobs and schools, and their daily life was increasingly restricted by discriminatory provisions, which applied only to them. The Sinti and Roma were also excluded from the *Wehrmacht* (the German army in the Third Reich) for "race-policy reasons", as was expressly stated in the order by the Army Forces Command of February 1941. Despite intercession by many superior officers, members of our minority, many of whom had fought on the front lines shortly before, were deported to Auschwitz.

Public administration and the judiciary contributed significantly to this process of disenfranchisement and the subsequent systematic extermination. In his book entitled "*Rassen- und Erbpflege im deutschen Recht*" (Race and Eugenics in German Law), published in 1943, Dr. Werner Feldscher, a senior civil servant at the Reich Ministry of the Interior, meticulously lists the special provisions applying vis-à-vis Sinti and Roma. He concluded: "Gypsies are a foreign race within the meaning of German racial legislation (...). Their political, biological, cultural and professional segregation from the German people has now been effected through the elimination of foreign blood, in the same way as for the Jews."

The organiser of the Holocaust, "Reichsführer SS and Head of the German Police", Heinrich Himmler, had already demanded a "final solution to the Gypsy question" in a decree dated 8 December 1938. According to Himmler, the goal of National Socialist policy was to find "a resolution of the Gypsy question based on the characteristics which are inherent to this race." Immediately after the start of the war, the SS leadership began planning the deportation. The first deportation trains with German Sinti and Roma families left for occupied Poland in May 1940. For most of the abducted men, women and children, it was a journey to their death.

In the so-called "Auschwitz Decree" dated 16 December 1942 that followed, Himmler ordered the deportation of all the Sinti and Roma remaining in the Reich. Their property and assets were seized by the State. Starting at the end of February 1943, more than 23,000 Sinti and Roma from Germany and many other parts of Europe were deported to Section B II e of the Auschwitz-Birkenau extermination camp, referred to by the SS as the "Gypsy Camp". Nearly ninety percent of the detainees died due to the horrors that they experienced and the inhuman living conditions, or were sent to the gas chambers. The last major mass murder of Sinti and Roma in Auschwitz took place during the "liquidation" of the "Gypsy Camp" on 2 August 1944. In a single night, the SS sent the last remaining 2,900 survivors - mostly women, children and elderly - to the gas chambers.

Auschwitz is a symbol of inhuman ideology combined with barbarity, cold bureaucratic logic and murderous efficiency. For us Sinti and Roma, this name is inextricably linked with crimes that are unprecedented in the history of mankind.

After the collapse of the "Third Reich", the Holocaust of the Sinti and Roma was long blinded out from public perception, and even officially denied. Policy-makers and the judiciary alike failed to acknowledge that the surviving Sinti and Roma had been "racially" persecuted at all. Even the courts gave greater credence to the justifications put forward by the former perpetrators from the SS and the police force than to the testimony of the surviving victims. Even officials who had been directly involved in the deportations of the Sinti and Roma on the spot were often appointed to senior positions in the Federal Republic's administrative system. Frequently, survivors of the Holocaust, after returning from the concentration camps, had to apply for compensation payment from the same officials who had had them deported to the concentration camps years before.

This continuity in terms of the officials involved, and the perpetrators' undiminished privilege of interpretation, was a major factor in further reinforcing a feeling of powerlessness and helplessness among the Sinti and Roma against a state that refused to call a spade a spade. As a consequence, many were forced to conceal their minority identity. This was the precondition for social advancement in a society in which racism against our minority was still an everyday occurrence. Because, in contrast to anti-Semitism, which was socially shunned after 1945, the ubiquitous racism vis-à-vis the Sinti and Roma was never questioned by policy-makers, in academia or among the critical media. The opposite was in fact the case.

Even the judiciary still succumbed to racist ideology. In a landmark judgment from 1956 on compensatory payments, the Federal Court of Justice (BGH) cited an NS jurist, insinuated that Sinti and Roma had a "propensity for crime" and that they had "*an uninhibited desire towards usurpation, just like primitive, pre-historic man.*"

Only after organising ourselves politically and establishing a civil rights movement, after many years of struggle for legal and social recognition, we have managed to overcome the ideological legacies of the Third Reich and provide a contrasting view of our own history to oppose the racist views of the perpetrators.

Meanwhile, a rethinking is taking place in many spheres on how to deal with our minority and how the public perceives it. This is also reflected in the national memorial to the Sinti and Roma murdered under National Socialism, which is located in the immediate vicinity of the German Bundestag, and whose inauguration in October 2012 was attended by Chancellor Merkel.

However, as we were tragically reminded by the series of murders perpetrated by extreme right-wing criminals from Zwickau, racism and right-wing extremism continue to be an unabated threat to our society and our freedom-based democratic culture. Nine residents of foreign origin and a Heilbronn policewoman were killed at the hands of these heartless murderers. What is particularly distressing is that, at the start of the investigation, the public prosecutors and the press publicly speculated that the perpetrators could be of a "Sinti and Roma background", even though there was nothing to back this up. This shows how quickly authorities and journalists are willing to fall back on old stereotypes and animosities. Although the Sinti and Roma had, contrary to the rule of law, been placed under general suspicion, the responsible public prosecutor in Heilbronn, Meyer-Manoras, explicitly refused to express his regret during the hearing of the fact-finding committee of the Bundestag. And such an expression is still outstanding from the judicial authorities and the responsible ministries to this day.

The recent NPD campaign reproduces the propagandist patterns and mechanisms of exclusion of the NS state. The "Money for Grandma, not for Sinti and Roma" slogan constitutes a deliberate attempt to raise a barrier between "the German Grandma" and Sinti and Roma, who are to be regarded as "foreigners" who allegedly live "at our expense". My Grandmother was actually a patriotically minded German until the National Socialists took away her German nationality, crammed her into a cattle car and deported her for extermination. Already in the mid-1930s, her husband Anton Rose, was prohibited from continuing his cinema business due to his "race", although the "Reich Association of German Cinemas" had certified that he operated his business properly in every respect. My Grandfather fell victim of genocide in Auschwitz, and twelve other members of my family were also killed during the Nazi dictatorship.

The existential experience of being completely disenfranchised has become deeply ingrained in the collective memory of our minority because virtually every Sinti and Roma family was affected by the Holocaust. This is the reason for the indignation of our people in the face of the NPD smear campaign: they feel that the State which they thought they could trust to protect them is once again leaving them in the lurch after 60 years of democracy.

Many criminal charges have been filed, but only in a few exceptional cases did the authorities take action. Helplessness and uncertainty prevailed in the other cases. Only few mayors were prepared to intervene against the seditious nature of this electioneering and against the poster campaign. In Hesse, Hamburg and other federal states, there were even cases of physical abuse by right-wing extremists against Sinti who protested against the posters. A young member of our minority group was seriously injured. Would the response of the state have been the same if the victims of the defamation had been Jewish?

It was an important signal within society that, at the beginning of the election campaigns, Federal President Dr. Joachim Gauck publicly and unambiguously called for opposition against the abuse of grudges towards Sinti and Roma on the part of right-wing extremists and populists in the election campaigns. In this way he not only offered his protection to the vulnerable minorities. He also pointed out the limits of permissible election campaigning within a democratic state based on the rule of law. It would be an alarming blindness towards history if the judiciary were to even partially concur with the motions filed by the NPD for an injunction against him.

It seems that those responsible in judiciary and administration not only lack all historical sensitivity, but that they are also not aware that the Sinti and Roma minority is granted special protection by international treaties. I cannot help but think that the deeply rooted stereotypes about our minority still influence the attitude and actions of the authorities involved. Due to ignorance and prejudice, the protection due to them under the law is not extended to members of our minority. This ominously reminds many Sinti and Roma of the powerlessness and of the repression by the National Socialists. For this reason, this documentation not only lists the legal bases contained in criminal law (Paragraphs 130 and 185 et seq. of the German Criminal Code [StGB]), but also the anti-discrimination clauses to be observed in administrative law (Article 3 of the Basic Law [GG]), the "International Convention on the Elimination of All Forms of Racial Discrimination"/ICERD, the "Framework Convention for the Protection of National Minorities"), whose violation must lead to a prohibition of discriminatory election campaign practices. As a consequence, the demand for legal steps to be taken to prohibit racial discrimination in election campaign practices is asserted as well as explained.

The documentation below takes a detailed look at, in particular, the legal debate as it relates to the discriminatory campaign practices of the NPD and related groups. A critical analysis and evaluation of the failure of the courts to date is likewise included. It was more than questionable court rulings that justified the right-wing extremist hate propaganda by applying arguments which were not cogent and left the victims with an impression of cynicism. This occurred despite a variety of initiatives that were taken by public authorities, policy-makers and society, and which left our entire minority without leg to stand on.

In view of this scandalous miscarriage of justice, the familiar allegory of Justitia, whose figure can be seen in many public court buildings, leaves a bitter taste: The blindfolded eyes, actually intended to symbolise impartiality, can also be interpreted against this background as a metaphor for a judiciary that is blind to history.

Let me conclude by saying that I remain hopeful that this State will face up to its responsibility, not only towards the minority, but also with regard to the values that underlie our democratic culture, which it is obliged to protect. I expect that it will ensure that no one living in this country, solely because of his or her descent, will ever be defamed or disenfranchised again by a party that has been approved by the election official.