

Annex 6: Application of the criminal provisions in court proceedings (paras. 60 et seqq.)

The figures relating to convictions in accordance with sections 86, 86a and 130 of the Criminal Code (*StGB*) from 2004 to 2010 are presented in a table below. The figures for 2004 to 2006 relate to the former Federal territory including all of Berlin, whilst from 2007 total statistics are presented for the whole of the Federal Republic of Germany. Since these criminal provisions to some extent also cover other acts in addition to those with a racist motivation, however, only some of the convictions included here fall within the scope of the ICERD.

Table 1: Number of convictions in accordance with section 86 of the Criminal Code

<u>Convictions in accordance with section 86 of the Criminal Code</u>										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2004	269	260	9	74	72	2	59	52	7	402
2005	364	349	15	78	73	5	55	52	3	497
2006	400	382	18	89	85	4	65	57	8	554
2007	774	755	19	194	189	5	144	132	12	1 112
2008	783	754	29	201	192	9	155	131	24	1 139
2009	732	712	20	173	168	5	117	113	4	1 022
2010	732	696	36	151	146	5	122	116	6	1 005

Table 2: Number of convictions in accordance with section 86a of the Criminal Code

<u>Convictions in accordance with section 86a of the Criminal Code</u>										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2004	373	366	7	120	117	3	97	92	5	590
2005	338	330	8	137	133	4	82	76	6	557
2006	467	450	17	115	111	4	99	93	6	681
2007	539	525	14	121	115	6	118	109	9	778
2008	534	513	21	157	150	7	125	114	11	816
2009	540	516	24	148	140	8	113	102	11	801
2010	532	515	17	123	118	5	71	69	2	726

Table 3: Section 86a of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 86 of the Criminal Code										
Year	Convictions under general criminal law				Convictions under youth criminal law				Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence				
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures		
		total	on probation						total	discontinuati on
2004*	289	36	23	253	113	3	96	14	173	53
2005	394	48	31	346	103	8	83	12	167	59
2006	440	58	42	382	114	6	88	20	194	68
2007	846	122	77	724	266	20	227	19	434	156
2008	851	97	59	754	288	24	220	44	454	151
2009	797	112	80	685	225	15	188	22	419	181
2010	779	90	55	689	226	7	182	37	373	138

Table 4: Section 86a of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 86a of the Criminal Code										
Year	Convictions under general criminal law				Convictions under youth criminal law				Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence				
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures		
		total	on probation						total	discontinuati on
2004*	407	55	38	352	183	5	163	15	297	105
2005	375	45	35	330	182	7	154	21	281	86
2006	506	41	31	465	175	9	153	13	296	101
2007	587	78	53	509	191	17	154	20	348	133
2008	598	70	48	528	218	15	168	35	431	198
2009	593	70	50	523	208	11	178	19	383	148
2010	573	72	54	501	153	5	129	19	280	112

*2004: discontinuation of proceedings including transfer to the guardianship court judge

Table 5: Number of convictions in accordance with section 130 subs. 1 of the Criminal Code

Convictions in accordance with section 130 subs. 1 of the Criminal Code										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2004	146	134	12	47	45	2	53	48	5	246
2005	148	139	9	37	35	2	41	35	6	226
2006	161	150	11	27	27	0	32	29	3	220
2007	204	193	11	60	54	6	54	46	8	318
2008	188	180	8	47	43	4	52	51	1	287
2009	185	173	12	39	37	2	30	26	4	254
2010	126	119	7	34	32	2	24	22	2	184

Table 6: Section 130 subs. 1 of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 130 subs. 1 of the Criminal Code										
Year	Convictions under general criminal law				Convictions under youth criminal law				Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures		
		total	on probation							
2004*	152	63	53	89	94	14	75	5	138	38
2005	151	70	53	81	75	7	62	6	104	25
2006	169	69	59	100	51	3	43	5	71	16
2007	216	99	81	117	102	12	83	7	136	34
2008	200	80	68	120	87	10	71	6	122	32
2009	189	78	67	111	65	4	56	5	100	29
2010	131	49	44	82	53	9	36	8	85	28

*2004: discontinuation of proceedings including transfer to the guardianship court judge

Table 7: Number of convictions in accordance with section 130 subs. 2 of the Criminal Code

Convictions in accordance with section 130 subs. 2 of the Criminal Code										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2004	29	29	0	5	5	0	13	13	0	47
2005	30	29	1	12	12	0	4	3	1	46
2006	27	25	2	3	3	0	4	4	0	34
2007	46	42	4	6	6	0	10	10	0	62
2008	47	46	1	8	8	0	5	4	1	60
2009	52	47	5	10	9	1	6	6	0	68
2010	54	49	5	6	5	1	6	6	0	66

Table 8: Section 130 subs. 2 of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 130 subs. 2 of the Criminal Code										
Year	Convictions under general criminal law				Convictions under youth criminal law				Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures		
		total	on probation							
2004*	30	4	4	26	17	1	13	3	23	6
2005	39	7	5	32	7	0	7	0	20	11
2006	28	3	1	25	6	0	6	0	13	7
2007	48	7	7	41	14	0	12	2	30	15
2008	51	11	8	40	9	0	8	1	21	10
2009	56	5	5	51	12	1	10	1	19	7
2010	54	10	7	44	12	0	9	3	15	2

* 2004: discontinuation of proceedings including transfer to the guardianship court judge

Table 9: Number of convictions in accordance with section 130 subs. 3 of the Criminal Code

Convictions in accordance with section 130 subs. 3 of the Criminal Code										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2004	16	15	1	5	3	2	3	3	0	24
2005	30	27	3	0	0	0	3	3	0	33
2006	23	21	2	2	2	0	1	1	0	26
2007	45	45	0	5	5	0	3	3	0	53
2008	41	41	0	3	3	0	1	1	0	45
2009	42	40	2	1	1	0	1	1	0	44
2010	46	43	3	9	8	1	5	4	1	60

Table 10: Section 130 subs. 3 of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 130 subs. 3 of the Criminal Code											
Year	Convictions under general criminal law				Convictions under youth criminal law					Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence				total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures			
		total	on probation								
2004*	19	2	2	17	5	0	5	0	7	2	
2005	30	2	1	28	3	0	3	0	4	1	
2006	24	9	9	15	2	0	2	0	2	0	
2007	46	11	9	35	7	1	4	2	7	0	
2008	43	15	13	28	2	1	1	0	6	4	
2009	42	11	7	31	2	0	2	0	5	2	
2010	46	10	8	36	14	2	12	0	20	6	

*2004: discontinuation of proceedings including transfer to the guardianship court judge

Table 11: Number of convictions in accordance with section 130 subs. 4 of the Criminal Code

Convictions in accordance with section 130 subs. 4 of the Criminal Code										
Year	Adults			Adolescents			Juveniles			Total convictions
	total	male	female	total	male	female	total	male	female	
2006	3	3	0	0	0	0	0	0	0	3
2007	2	2	0	1	1	0	2	2	0	5
2008	5	5	0	0	0	0	0	0	0	5
2009	3	3	0	0	0	0	1	1	0	4
2010	7	7	0	1	1	0	0	0	0	8

Table 12: Section 130 subs. 4 of the Criminal Code - Sanctions

Convictions and judgments in accordance with section 130 subs. 4 of the Criminal Code											
Year	Convictions under general criminal law				Convictions under youth criminal law					Judgments under youth criminal law	
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence				total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	socio-educational measures			
		total	on probation								
2006	3	0	0	3	0	0	0	0	0	0	0
2007	2	0	0	2	3	0	2	1	4	1	1
2008	5	0	0	5	0	0	0	0	0	0	0
2009	2	0	0	2	1	0	1	0	1	0	0
2010	7	1	0	6	0	0	0	0	1	1	1

Table 13: Data from the Federal Criminal Police Office

Criminal offences with a political right-wing motivation:

<u>Racist background</u>		<u>Xenophobic background</u>		<u>Anti-Semitic background</u>	
2004:	379	2004:	2,553	2004:	1,346
2005:	349	2005:	2,493	2005:	1,682
2006:	530	2006:	3,294	2006:	1,662
2007:	501	2007:	2,866	2007:	1,561
2008:	417	2008:	2,950	2008:	1,496
2009:	419	2009:	2,477	2009:	1,520
2010:	423	2010:	2,083	2010:	1,192
2011:	479	2011:	2,423	2011:	1,188