

REPORT

Racism in Germany

Current situation, fields of action,
measures



Federal Government Commissioner
for Migration, Refugees and Integration
Federal Government Commissioner for Anti-Racism

THIRTEENTH REPORT OF THE FEDERAL GOVERNMENT
COMMISSIONER FOR MIGRATION, REFUGEES AND INTEGRATION

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Preface from the Commissioner

Dear readers,

This situation report is the first of its kind, and as Federal Government Commissioner for both integration and anti-racism I hope that it will, in turbulent and troubled times, offer explanations and context and enhance comprehension and mutual understanding. My report is the first Federal Government document to give a comprehensive account of racism in Germany – with facts and figures, analysis of its manifestations, and transparency about deficiencies in prevention, counselling or research. The report, backed by scientific evidence, is founded on a broad understanding of racism. The focus is not only on hatred and violence but also on institutional and structural racism, which can make itself felt through conscious and unconscious routines – whether in the workplace, the search for an apartment or encounters with public authorities.

My report ‘Racism in Germany’ is coming out in times when many people are worried – because of the war in Ukraine, because of sky-rocketing energy and food prices, because of the noticeably harsher tone of our public discourse. Such crises and periods of social turmoil are always times when vulnerable groups need particular protection. After all, how we as a society treat those groups is also a seismograph for the overall state of our democratic culture.

We will not allow the enemies of democracy to instrumentalise the social uncertainty that crises cause. We are hearing and seeing them again, those simple answers and that unconstitutional propaganda – at protests on the streets, on the internet, in our parliaments. The blame for our problems is to be pushed onto “others”: refugees, immigrants and their children born here, Black people, Jews and Muslims, Sinti and Roma.

Insults and threats are being spread, online and offline. It is not a great leap for such words to become deeds. That is when refugee accommodation or synagogues are attacked, women wearing headscarves and even children are assaulted. All of these things have happened in the last few weeks, and they have happened before: each year we mark the sad anniversaries of racist attacks in places including Mölln, Solingen and Lichtenhagen in Rostock. Now, once again, we have to do more to nip such tendencies in the bud, expose racist narratives, and reinforce prevention and work to bolster democracy – in order to tackle the forces that drive hate. It goes without saying that, in a diverse society, we can have and defend varying opinions. But when we argue, we must do so respectfully and on the foundation of the Basic Law. Hate and racism, in contrast, are not opinions.

We also need to focus more on the people affected by racism. To experience racism is to experience a painful sense of powerlessness. It takes a great deal of effort, in the face of the humiliation and marginalisation that are sadly everyday occurrences for many people, for them not to give up and withdraw but to keep on participating in society and fighting for their rights. I want to give strength to those people, to empower them and make their experiences audible and visible.

An honest appraisal includes the fact that racism in all its manifestations has for far too long been swept under the carpet, dismissed as a historical phenomenon or reduced to a feature of extremist, neo-Nazi circles. Too little has been done, in politics as elsewhere, to protect people affected by racism, to foreground their perspective and to investigate failings in prevention and prosecution. This needs to change, and the German Government is working to make that happen – ensuring more respect, direct support, prevention and the systematic penalisation of racism.

It is particularly important to me that we all fight racism together. This is an endeavour for society as a whole. Part of what this means is exercising self-criticism to examine our day-to-day normality, the structures within our administrations, and job-application processes in both the private and public sectors. It means stepping in when we hear that racist remark on the bus or the train and offering help when people are attacked. Defending our democracy is not something we can delegate. Resilient democracy is all of us.

What gives me encouragement in these times is that so many people are standing up for their fellow humans and for anti-racism. I see evidence of our strong civil society on my visits all over Germany. The German Government sup-

ports civil society with all the powers at its disposal and through the measures outlined in this report. We want to combat racism, and reinforce our cohesion, in a coordinated and systematic manner – so that we can look forward to a bright future. We are more, we are stronger, than hate.



Yours,

A handwritten signature in blue ink, consisting of stylized letters and a long horizontal stroke.

Reem Alabali-Radovan
Minister of State to the Federal Chancellor
Federal Government Commissioner
for Migration, Refugees and Integration
Federal Government Commissioner
for Anti-Racism

Editorial note

In accordance with Article 94 (2) of the Residence Act (Aufenthaltsgesetz), the Federal Government Commissioner for Migration, Refugees and Integration submits a report to the German Bundestag at least every two years. This year, the Commissioner's thirteenth report takes the form of a one-off situation report entitled Racism in Germany: Current situation, fields of action, measures. From 2024, the report will be permanently converted into a new, science-backed and indicator-based integration report.

Any increase in material or staffing requirements that results from the report of the Federal Government Commissioner for Migration, Refugees and Integration is to be met from the finances and personnel available within the relevant departmental budget. This is without prejudice to budget negotiations. The division of powers between the Federation and the Länder enshrined in the Basic Law will be respected.

1. Introduction

Racism is a major social issue in Germany that preoccupies and affects many people.¹

Racism keeps individuals from flourishing and achieving their full potential, undermines social cohesion, devalues people, threatens their safety and sense of belonging and thus runs counter to the constitutionally enshrined idea of an equal and diverse society. The German Government will not accept this, which is why efforts to combat racism are integral to federal policy. It is a great benefit that people in Germany are aware of the challenges. According to the results of the representative study *Rassistische Realitäten* ('Racist realities') to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), 90% of the population acknowledge the existence of racism in Germany and 61% believe that racism shapes everyday life. About two-thirds of the population have encountered racism either directly or indirectly, such as by witnessing a racist incident. More than 22% of the total population have personally experienced racism.²

For a clear majority of the population, then, racism is a major social issue rather than a marginal phenomenon that affects only a small group. Nevertheless, the issue did not receive adequate attention in Germany for many years. The term "racist" was avoided in public discourse and the phenomenon was often described using misleading substitutions such as "anti-foreigner" (*ausländerfeindlich*) or "xenophobic" (*fremdenfeindlich*).

Drastic incidents and attacks have contributed to making the issue of racism a growing focus of public debates in recent years. They include the series of racist murders by the group calling itself the National Socialist Underground (NSU). Of the group's ten murder victims, nine had histories of immigration. Further attacks shook Germany in the years that followed. On 9 October 2019, there was an antisemitic and racist attack outside a synagogue and in a kebab shop

¹ See German Centre for Integration and Migration Research (DeZIM), *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* ('Racist realities: How does Germany confront racism?'), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 101.

² See *ibid.*, p. 31 et seq. The study focuses on both direct and indirect experiences of racism and thus also considers people in the immediate circles of those directly affected by racism. These include parents, siblings, children, partners, friends and colleagues who are party to and emotionally affected by personal accounts of racist incidents from people close to them.

in Halle, in which two people were murdered. This was followed a few months later, on 19 February 2020, by the attack in Hanau, in which the perpetrator likewise selected his victims – nine of whom died – based on racist criteria. The murder of Dr Walter Lübcke, district president of Kassel, on 2 June 2019 offered a dramatic illustration of the fact that elected representatives who stand up for an open society or for refugees can also become the targets of attackers motivated by racism and right-wing extremism.

These attacks, along with reports of suspected far-right or racist networks within the police and armed forces, undermine trust in the state and severely impact how groups affected by racism perceive their own safety and security.

In response to the murder of Dr Walter Lübcke and the attacks in Halle and Hanau, the German Government took decisive action during the 19th legislative term of the German Bundestag and established the Cabinet Committee for the fight against right-wing extremism and racism in March 2020. The Cabinet adopted an 89-point package of measures on 2 December of that year and approved the final report by the Cabinet Committee in May 2021. The aims of these measures include providing more consistent support for victims and allocating greater funding to civil-society projects that pre-empt racism and empower those affected by it. The fight against racism, right-wing extremism, antisemitism and other forms of group-focused enmity has thus taken on heightened political significance.

The Cabinet Committee explicitly addressed not only racism's violent, extreme manifestations, but also its structural and day-to-day ramifications, which confer disadvantages in areas such as education, employment, housing and health. Experiences of denigration, marginalisation and

discrimination in everyday life and in interactions with societal institutions additionally have negative impacts on individuals' opportunities for self-fulfilment as well as their sense of belonging in society. This can lead to people not achieving their potential and withdrawing from or even turning their backs on society. Racism consequently poses a danger to social cohesion and trust in public institutions and systems.

Parliamentary Committees of Inquiry serve a special function as instruments for information-gathering and scrutiny, allowing for independent investigation of possible wrongdoing in the executive branch and thereby enabling effective parliamentary oversight of government activities. The Committees of Inquiry into the NSU, for example, identified far-reaching deficiencies in the criminal investigation of the series of crimes by the right-wing terrorist group and issued various recommendations regarding future cooperation and coordination between police and judicial authorities as well as the intelligence services. The results also furnished useful insights to propel the work of the German Government. Numerous *Landtage* (*Land* parliaments), too, have established committees of inquiry, particularly to investigate the activities of their security agencies and incidents related to the NSU terrorist group in their respective *Länder*. After the series of NSU murders became public in March 2012, the *Land* ministers and senators responsible for integration also agreed on the goal of making human rights education, identification of crimes motivated by racism, and the combating of racism an even more integral part of the initial and continuing training programmes of the police, domestic intelligence services, public prosecutors and judges to improve the preparedness of security and law enforcement agencies.³

Encouragingly, recent years have seen an improvement in social conditions conducive to a democratic culture in which racism in all its forms and manifestations is recognised, condemned and combated. Racism is less often treated as a marginal issue associated solely with either the far-right spectrum or particular regions of the country. Various social media campaigns, for example, have drawn attention in recent years to the extent of everyday racism and have given greater public prominence to the experiences of those affected. Using the hashtag #MeTwo, many people who have or are perceived as having personal or family histories of immigration⁴ have reported having their membership of German society denied time and again and described the denigration, rejection and mistrust they have faced in places such as classrooms, supermarkets and offices. Many of them shared their experiences of structural or institutional racism, giving examples of discrimination they had suffered in the education system, in the job and housing markets and during encounters with public authorities and police stops.

International attention has also been drawn by the Black Lives Matter protest movement, which began in the United States. In the summer of 2020, following the killing of the African-American George Floyd by a white police

officer in Minneapolis, the movement gained worldwide attention and prompted large crowds to protest against racism in Europe and Germany as well, although the situation in the US is only partially applicable to Germany. This helped to amplify and raise the visibility of the Black movement in Germany, which has played a decisive role in shaping anti-racism in the Federal Republic since the late 1980s.

One positive development over the past few years has been the strong willingness to take a stand against racism and on behalf of democracy and participation. According to recent polls, many people in the country have engaged in anti-racist activities in the past five years, whether by signing petitions, making donations or participating in demonstrations. Another one in three of the population could imagine doing so in the future – or as many as one in two, depending on the specific activity.⁵ This potential for activism is particularly high among younger age groups.

This willingness to take action is accompanied by greater efforts within society to grapple with the issue – for example, how to address Germany's colonial past and associated crimes – as well as public debates, analysis, research and data-gathering. The Commissioner supports civic engagement to combat racism and advance

³ See *Beschlussniederschrift 7. Konferenz der für Integration zuständigen Ministerinnen und Minister/Senatorinnen und Senatoren der Länder am 21./22. März 2012 in Überherrn* ('Record of resolutions by the seventh conference of Land ministers/senators responsible for integration, held in Überherrn on 21–22 March 2012'); available online (in German) at https://www.integrationsministerkonferenz.de/documents/ergebnisprotokoll_7_intmk_2012_ueberherrn_1622606619.pdf; accessed on 6 December 2022.

⁴ Whenever referring to immigrants and their children, this report will use the phrase 'people with personal or family histories of immigration'; the term 'migrant background' (*Migrationshintergrund*) is only used in instances when the report draws on data concerning the statistical characteristic of *Migrationshintergrund* as defined by the Federal Statistical Office. In addition, this report operates on the premise that membership of a group is not only a matter of self-identification but can also be ascribed by others. With that in mind, the report frequently refers to 'people perceived as such' when making reference to group membership.

⁵ See German Centre for Integration and Migration Research (DeZIM), *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* ('Racist realities: How does Germany confront racism?'), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 91 et seq.

social cohesion with all the powers at her disposal. It is important to her that everyone is aware of the challenges, that those affected find the best possible support and that our resilient democracy is bolstered in this respect, too. The present report also pursues this mission. It articulates the developments of recent years in terms of racist experiences and the socio-political handling of racism, outlines the current situation, identifies gaps in the research and presents the plans and projects of the Federal Government and the Commissioner.

Chapters 3 and 4 of the report provide an overview of scientific findings and the empirical data available. Chapter 5 presents the strategies and measures building on these findings that the Federal Government has already launched to combat racism, as well as the current plans for this legislative term. At the same time, the report identifies knowledge gaps in areas where, in the Commissioner's view, the data available needs to be consolidated and research needs to be reinforced. Chapter 6 presents the measures and projects through which the Commissioner seeks to advance the dismantling of racism during the current legislative term. To begin with, however, chapter 2 outlines what is meant by racism and racist discrimination and describes the legal foundations for combating racism that are in place in Germany.

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2. Racism and racist discrimination

Conceptual and legal
classification

Racism has a variety of manifestations, such as (unconscious) prejudices and stereotypes, marginalisation and discrimination, up to hate speech and hate crimes.

Racism leads to certain groups being marked as “foreign” and as outsiders and stigmatised as inferior, backward, criminal or threatening. Depending on the theoretical or methodological approach, there are various concepts and definitions of racism that focus on different aspects. The present report builds on the scientific understanding of racism as developed in the 2021 report by the Expert Commission on the Framework Conditions for Integration Potential, which was set up by the Federal Government. According to that report, “Racism in all its facets (...) describes convictions and practices that are based on the systematic devaluation and marginalisation of certain groups among the population, as well as discrimination against them, whereby biologically or culturally construed characteristics and behaviours that cannot be changed and are supposedly inferior are attributed to these groups.”⁶

As the Expert Commission has emphasised, racism can mutate over time, and racist discourse no longer exclusively or primarily uses biological differentiation criteria today. “Thus, when an existing principle of equality collides with factual inequality in societies, racism is used to justify unequal treatment, with the aim or effect of creating hierarchies of groups on the basis of certain characteristics – which nowadays are no longer just physical but also cultural in nature,” the Commission writes.⁷

The present report acknowledges this expansion of racist categorisations based on signifiers such as ethnicity, culture or even religion, an expansion that racism researchers have been discussing for decades in Germany and internationally. It therefore examines not only anti-Black racism but also forms of racism that are primarily based on cultural rationales, such as anti-Muslim racism (subsection 3.3.2) and antigypsyism (subsection 3.3.3). A major function of racism is to legitimise social inequalities and power differentials and so perpetuate them. Racism therefore amounts to much more than personal prejudice, for the underlying ways of thinking have deep historical roots, so much so that they can shape people’s worldviews, often unconsciously. Racism consequently permeates the structures of society as a whole.

Another important aspect is intersectionality. There is often a connection and interplay between the characteristics of racist discrimination and other characteristics underlying marginalisation, for example when the combination of social background, gender and ethnic origin leads to discrimination.

In Germany, efforts to combat racism and to guard against racist discrimination are enshrined in various laws. The Basic Law of the Federal Republic of Germany states that no one shall be discriminated against or favoured on the basis

⁶ Federal Government Expert Commission on the Framework Conditions for Integration Potential (ed.), *Shaping Immigration Society Together. Report by the Federal Government Expert Commission on the Framework Conditions for Integration Potential (Fachkommission Integrationsfähigkeit)*, Berlin, 2020, p. 61.

⁷ *Ibid.*, p. 62.

of that person's sex, parentage, 'race', language, homeland and origin, faith or religious or political opinions (Article 3 (3)). Although the term 'race' is no longer considered appropriate, the Basic Law is very clear and unambiguous in its message of condemning and penalising racism.

“Racism can mutate over time, and racist discourse no longer exclusively or primarily uses biological differentiation criteria today.”

The use of 'race' as a legal term has been criticised for some time, as the term itself can encourage belief in the existence of human 'races' – a notion that has long since been scientifically refuted. Therefore, one of the tasks laid out in both the action plan of the Cabinet Committee for the fight against right-wing extremism and racism and the Coalition Agreement for 2021-25 is to replace the term “race” in the first sentence of Article 3 (3) of the Basic Law. At the same time, the challenge remains that 'race' is ubiquitous as a discrimination characteristic in the international legal context, such as in international and EU law.⁸

Since 2006, the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*), which implemented four EU anti-discrimination directives, has additionally provided protection against discrimination, including racist discrimination and discrimination based on ethnic origin. The purpose of the Act is to prevent or to stop discrimination on the grounds of “race” or ethnic origin, gender, religion or belief, disability, age or sexual identity in working life and in certain areas of civil law (see section 1 of the Act). Despite the limitations in its scope, the Act is an important intervention and prevention tool for combating discrimination and promoting equal treatment in Germany. The Coalition Agreement includes an undertaking to expand the scope of the General Equal Treatment Act and close gaps in protection (see section 5.7); the Commissioner will monitor this closely.

Furthermore, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), also known as the UN Anti-Racism Convention, adopted by the United Nations General Assembly in 1965, applies at the international level.⁹ ICERD defines “racial discrimination” as follows: “In this Convention, the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”¹⁰

⁸ A legal debate is currently underway regarding the amendment of Article 3 of the Basic Law and the replacement of the term 'race'. See Froese, Judith and Thym, Daniel, (eds.) *Grundgesetz und Rassismus* ('The Basic Law and racism'), Tübingen: Mohr Siebeck, 2022.

⁹ International Convention on the Elimination of All Forms of Racial Discrimination, UN General Assembly resolution 2106 (XX), 1965; available online at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>; accessed on 7 December 2022.

¹⁰ German translation available online at <https://www.bmj.de/SharedDocs/Publikationen/DE/ICERD.pdf>, p. 28; accessed on 6 December 2022.

In 1969, the Federal Republic of Germany ratified ICERD and committed to combating all manifestations of racism.¹¹ The ICERD definition is directly applicable in German law. It covers the various forms of direct and indirect

discrimination as well as cases of unconscious discrimination. Consequently, States Parties are committed to policy that comprehensively addresses all forms of racism. The German Government works to advance the ICERD definition of racism and its application as a benchmark in administrative practice as elsewhere.¹²

“Racism amounts to much more than personal prejudice, for the underlying ways of thinking have deep historical roots, so much so that they can shape people’s worldviews, often unconsciously. Racism consequently permeates the structures of society as a whole.”

The present report by the Commissioner builds upon this legal understanding. Accordingly, the concepts of racism and racist discrimination are not only defined on the basis of individual and institutional actors’ bad intentions, but also cover effects that may be unintentional and not recognised by the actors. Racism can thus also emerge obliquely when a disadvantage does not directly relate to characteristics such as skin colour or ethnic origin but has an indirect impact in that seemingly neutral rules, criteria or procedures have a disproportionately negative effect on particular groups of people who possess such a characteristic.

¹¹ See *Internationales Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung vom 07.03.1966* (International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966), in Federal Law Gazette (Bundesgesetzblatt) 1969, II, p. 961.

¹² Among the measures designed to raise awareness of the ICERD is the publication of an information brochure produced by the Federal Ministry of Justice, entitled *Das Internationale Übereinkommen der Vereinten Nationen zur Beseitigung jeder Form von Rassendiskriminierung (ICERD) vom 21. Dezember 1965* (‘The ICERD of 21 December 1965’), Federal Ministry of Justice and Consumer Protection, May 2017; available online (in German) at <https://www.bmj.de/SharedDocs/Publikationen/DE/ICERD.pdf>; accessed on 16 June 2022. When preparing the brochure, the Federal Ministry of Justice considered the discussion around the use of controversial terms and took into account the issue that the use of the term ‘racial discrimination’ could reinforce the idea that different ‘races’ exist. It concluded that the wording ‘racist discrimination’ is therefore preferable. The Federal Ministry of Justice (see the Nineteenth to Twenty-Second ICERD Periodic Reports of Germany) makes clear the German Government’s explicit rejection of any theories purporting to prove the existence of different human ‘races’. Thus, terms such as ‘racial discrimination’ and ‘race’ are used in quotation marks. In *Das Internationale Übereinkommen der Vereinten Nationen zur Beseitigung jeder Form von Rassendiskriminierung (ICERD) vom 21. Dezember 1965* (‘The ICERD of 21 December 1965’), Federal Ministry of Justice and Consumer Protection, May 2017.

This broader understanding, which does not reduce racism to individual misconduct, also makes it possible to consider forms of institutional and structural racism that can be perpetuated through routine behaviours and unquestioned practices and habits (see chapter 4).

“Concepts of racism and racist discrimination are not only defined on the basis of individual and institutional actors’ bad intentions, but also cover effects that may be unintentional and not recognised by the actors.”

3. Manifestations of racism in Germany

To be able to recognise, combat and take preventive measures against racism as well as violence and discrimination motivated by racism, we need meaningful data on different manifestations of racism, on the groups affected and on the extent of the problem of racism.

Statistics on hate crime and current studies show that, over the past few years, particular groups have been increasingly targeted by racist violence, hostility or discrimination. Various statistics and monitoring programmes maintained by governmental bodies and civil society render important contributions to tracking trends in crimes motivated by racism as well as reported cases and obtaining an overview of the various groups that are affected by racism. In many areas, however, reliable data are lacking. To obtain more robust evidence and further

improve the data available, it is necessary, in the Commissioner's view, to take action on statistical discrepancies and the possibility of politically motivated crimes going unrecorded, as well as the issue of discrimination against groups affected by racism. The UN Committee on the Elimination of Racial Discrimination, which oversees compliance with the UN Anti-Racism Convention, has indicated on several occasions that Germany is not doing enough to meet its obligation to collect disaggregated statistics on racist discrimination.¹³

¹³ CERD, Concluding Observations on the Combined Nineteenth to Twenty-Second Periodic Reports of Germany, 2015; available online at <https://www.refworld.org/docid/55c880f24.html>; accessed on 6 December 2022.

3.1 Inadequacy of the data available

An important precondition for improving the data available is the clear definition and use of uniform basic terminology for the characteristics and categories concerned. That begins with a common understanding of racism. The use of differing terms such as “racism”¹⁴, “discrimination on grounds of race”¹⁵ or “disadvantaging”¹⁶, to name but a few examples, means that the data are only comparable to a limited extent, if at all. The use of differing definitions of the groups affected by racism also makes comparison more difficult. For example, the Expert Council on Integration and Migration (SVR) speaks of “people with histories of immigration or migration” and “immigrants” (*Einwanderer* or *Zuwanderer*)¹⁷ when not referring to the statistical category of “people with a migrant background”. The German Centre for Integration and Migration Research (DeZIM), for its National Discrimination and Racism Monitor (NaDiRa),¹⁸ uses both

the term “people with and without histories of migration” and the concept of “racialised groups of people”.¹⁹

Civil-society counselling and monitoring bodies are making efforts to achieve uniform data collection and systematic documentation of counselling cases relating to experiences of racism. For example, on behalf of the Federal Anti-Discrimination Agency (ADS), the DeZIM Institute conducted a study to define minimum standards for the documentation of anti-discrimination counselling.²⁰ The aim of the project was to gauge the demand for improving the data available and to formulate standards for documenting counselling cases and complaints that would provide guidance for anti-discrimination counselling bodies. For the project, existing documentation systems used by anti-discrimination counselling bodies were compared, and the standards were drawn up in a participatory process with the involvement of counselling bodies.

¹⁴ See (in German) <https://www.rassismusmonitor.de/>; accessed on 23 June 2022.

¹⁵ See <https://www.antidiskriminierungsstelle.de/EN/homepage/homepage-node.html>; accessed on 26 March 2023.

¹⁶ See, for example, Expert Council on Integration and Migration (SVR), *Zusammenrücken in Zeiten der Distanz. SVR-Integrationsbarometer 2020* (‘Coming together while keeping a distance. The SVR’s 2020 Integration Barometer’), p. 24, footnote 37: “In the SVR’s Integration Barometer, [...] information on experiences of discrimination is generally collected by means of the following question: ‘And in the past five years, have you ever been disadvantaged because of your origins?’” An English summary of the Barometer is available online at <https://www.svr-migration.de/en/publication/ib2020>; accessed on 26 March 2023.

¹⁷ See (in German) <https://www.svr-migration.de/glossar/#Migrationshintergrund>; accessed on 23 June 2022.

¹⁸ The NaDiRa monitor examines the causes, extent and consequences of racism in Germany by means of representative surveys. In a nationwide random panel study, members of the German public and members of affected groups (about 6 000 individuals with or without histories of immigration) are regularly surveyed on the subject of racism, on their perceptions and on the realities of their lives. This survey is accompanied by various modules and short-term studies and supported by civil society. See (in German) <https://www.rassismusmonitor.de/>; accessed on 6 December 2022. Another body supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the discrimination and racism research association FoDiRa, which is part of the DeZIM research community, is dedicated to the continuing development of quantitative empirical methods for the study of discrimination and racism. It conducts research in the wider fields of education, employment, housing and health; it also seeks to focus systematically on areas in which racist prejudices can be created, spread or exacerbated in everyday life, for example in the media and sports as well as online; available online (in German) at <https://www.dezim-institut.de/projekte/projekt-detail/forschungsverbund-diskriminierung-und-rassismus-fodira-7-16/>; accessed on 27 June 2022.

¹⁹ See German Centre for Integration and Migration Research (DeZIM), *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* (‘Racist realities: How does Germany confront racism?’), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 32.

²⁰ The study (in German) can be downloaded at https://www.antidiskriminierungsstelle.de/SharedDocs/forschungsprojekte/DE/Studie_MindestStandards_Doku_v_AD_Beratung.html; accessed on 6 December 2022.

Within the European Union, the EU Anti-racism Action Plan 2020-2025 emphasises the importance of collecting comparable data as a basis for informed political decisions. This is essential, it states, to enable policy-makers and the public to assess the scale and nature of discrimination and to combat it. Among the obstacles identified in the Action Plan are problems in establishing a common methodology, as member states collect different data or consciously refrain from collecting particular data. Many surveys, it says, therefore focus on perceived discrimination or use proxies such as citizenship or country of birth. The Action Plan cites the collection of reliable and comparable data at European and national level as an essential prerequisite for effective action.²¹ For this purpose, the European Commission initiated a discussion on equality data to examine obstacles to data collection and identify paths to a more harmonised approach.²²

The latest Joint Report on Discrimination in Germany, which the Federal Anti-Discrimination Agency, together with the Integration Commissioner and the other relevant Commissioners, presented in 2021, recommends making discrimination visible by collecting data through the inclusion of a question module on discrimination experiences in a nationally representative longitudinal survey, such as the Socio-economic

Panel (SOEP).²³ Another recommendation is to examine whether, and subject to what conditions, data can in the future be collected in official statistics, particularly in the microcensus, on all of the discrimination grounds covered by the General Equal Treatment Act.²⁴ The report also recommends the creation of an equality monitoring mechanism in the federal administration based on centralised staff surveys.²⁵

In general terms, the development of and research into standards for the collection of racism data in Germany are an emerging field; there is currently no standardised methodology.²⁶ In the Commissioner's view, it is desirable at this development stage to harmonise terms and definitions and keep the barriers to comparability as low as possible. It would be especially expedient if official data, data from community-based counselling and monitoring bodies and data from research institutions were considered in combination with one another and, to that end, efforts were made to standardise the data and their collection. It is not only for the sake of comparable data that standardisation is necessary. It is also necessary in order to make the various manifestations of racism more visible, while differentiating between them. In particular, gaps in the data relating to intersectional discrimination must be closed. Specific, effective

²¹ See https://commission.europa.eu/system/files/2020-09/a_union_of_equality_eu_action_plan_against_racism_2020_2025_en.pdf, pp. 15–16; accessed on 26 March 2023.

²² See Round table on equality data – 30 September 2021; available online at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/equality-data-collection/round-table-equality-data-30-september-2021_en; accessed on 11 November 2022.

²³ In the main questionnaire for the 2022 SOEP, questions are now being asked about experiences of discrimination on all of the grounds covered by the General Equal Treatment Act and in various spheres of life as well as about responses to those experiences. The data should be available at the beginning of 2024. Available online (in German) at https://www.diw.de/documents/publikationen/73/diw_01.c.829769.de/diw_ssp1077.pdf; accessed on 6 December 2022.

²⁴ Section 1 of the General Equal Treatment Act reads as follows: “The purpose of this Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity.”

²⁵ See Fourth Joint Report, Federal Anti-Discrimination Agency, Berlin, 2021, pp. 264–5.

²⁶ See Federal Government Commissioner for Migration, Refugees and Integration, Integration in Deutschland (‘Integration in Germany’), first report on the indicator-based integration monitoring mechanism, produced by the German Centre for Integration and Migration Research (DeZIM) and the Federal Institute for Population Research (BiB), Berlin, 2021, p. 272 et seq.

countermeasures can then be developed on that basis.

The Commissioner, together with the Federal Anti-Discrimination Agency (ADS), will be organising an expert discussion on improving the data available on the subject of racism and racist discrimination, which will also cover examples of good practice in other countries and their potential transferability to Germany as well as devising additions to the statistical categories in current use, such as nationality and migrant background.

3.2 Crimes and abuses motivated by racism

Crimes motivated by racism may manifest themselves as verbal or physical violence and often have far-reaching physical as well as psychological effects on their victims. Besides the victims themselves, racist crimes also spread insecurity and fear among sections of the population who share similar characteristics with them. This makes it all the more important for Germany's security authorities to record crimes motivated by racism and to prosecute and punish those who commit them. Crimes motivated by racism are recorded in official statistics under the heading of "politically motivated crime" (PMK). That statistical category records crimes committed for political motives and therefore shows only part of the picture. The Criminal Police Reporting Service for Politically Motivated Crime (KPMD-PMK) is a joint system run by the Federation and the *Länder* that was introduced on 1 January 2001. As such, it ensures uniform, detailed and systematic nationwide recording of all politically motivated crimes. In the KPMD-PMK system, politically motivated crimes are reported to the Federal Criminal Police Office by the competent *Land* Criminal Police Offices and logged in a central statistical file. By definition, each crime may be assigned more than one subject category. This means that aggregating the numbers of cases in each target or subject category, such as hate crimes or crimes against the state and its representatives, does not produce the actual total number of cases.

For years, however, organisations in civil society, especially victim counselling services, have been highlighting the great discrepancy between

government and civil-society records of crimes motivated by racism. It should be noted that any comparison of different sets of statistics must take account of the definitions used in each set. While the police record crimes when they open investigations or become aware of contraventions of the law, independent bodies also register incidents whose victims have not pressed charges. In the statistics of the victim counselling centres of the VBRG, the Association of Counselling Centres for Victims of Right-wing, Racist and Antisemitic Violence in Germany, this applies to almost 10% of cases of racist violence.²⁷ There remain considerable discrepancies between the official statistics and those of civil society, although both the counselling centres' definition of politically motivated crime in the subcategories of right-wing and racist violence and the recorded crimes of violence are closely modelled on those found in the Federal Criminal Police definition system, albeit not identical to them, in that the VBRG also includes, for example, coercion, threats and severe damage to property among violent crimes. One of the reasons for this is that the counselling centres, when considering the circumstances of the offence and the attitude of the perpetrator, focus primarily on the perception of the person reporting the incident; in other words, they approach the case from the victim's perspective.

The KPMD-PMK statistics, by contrast, record crimes as they come to the attention of law-enforcement authorities. This means that the start of police investigations is when crimes are recognised as such, labelled and entered in the statistics – or not. The KPMD-PMK statistics focus on the ascertained motives of the offender or offenders. Whether a crime is recorded and is

²⁷ See (in German) <https://verband-brg.de/wp-content/uploads/2019/04/Z%C3%A4hlweise-und-Datenbasis-des-VBRG-Monitorings-22.02.2018.pdf>; accessed on 14 November 2022.

classed as racist therefore depends primarily on the discernment of the police personnel concerned. This assessment may be open to error, as demonstrated by the example of the mass shooting in a Munich shopping centre in July 2016, when nine people were killed.²⁸ In that case the killer's racist and far-right motives were not recognised at first, and so the crime was not classed as politically motivated. It took the public debates mainly driven by the victims' families and their lawyers, as well as various expert reports commissioned by the City of Munich, for the security authorities to revise their classification.

Supplementary reports can only be taken into account if they are received by 31 January of the following year. Statistics recorded over time could portray the politically motivated crime from the start of its registration to the end of the process or establish a crime as politically motivated if assessments changed in the course of investigations. As victims' organisations and representatives of joint plaintiffs as well as courts have pointed out, in the main trial it is no longer possible in most cases to remedy oversights in the police investigations regarding a possible racist motive for the crime. Guideline 15 (5) of the Guidelines for Criminal and Administrative Fine Proceedings (RiStBV) lays down explicitly that: "Where there are reasons to suspect racist or xenophobic motives or other motives evidencing contempt for humanity, investigations into the offence must extend to such circumstances". A recommendation to this effect is also contained in the concluding report

of the first Bundestag Committee of Inquiry into the National Socialist Underground (NSU), in the part relating to the police: "In all cases of violent crimes which, given the identity of the victim, could have a background of racism or other political motivation, this must be examined in depth, and the examination must be verifiably documented in an appropriate place unless witness statements, crime scene evidence and initial investigations arouse sufficiently concrete suspicion of a different category of crime. The police or public prosecutor's office must record and give due consideration to any motive cited by the victim or a witness." In the Commissioner's view, therefore, to record racist acts of violence more accurately, the rules set out in Police Service Instruction (PDV) 100 and Guideline 15 (5) of the RiStBV should be fleshed out with a requirement for investigation authorities, in the event of even the slightest indication of a racist crime, to act on that suspicion, to record each step in their investigations and, if they rule out any such motives, to explicitly and verifiably document their reasons for doing so.

Victim counselling services are also calling for the definition system for politically motivated crime (PMK statistics) to be revised and for the three categories of "xenophobic" (*fremdenfeindlich*), "anti-foreigner" (*ausländerfeindlich*) and "racist" (*rassistisch*) to be merged into the third category so as not to exacerbate the "othering" of victims of crimes motivated by racism, i.e. the marginalisation of these people as being essentially alien to the rest of society. It is also unclear

²⁸ Victims' subjective perceptions regarding, for example, an offender's possible motives may also be open to error in certain circumstances. In order to control for this subjectivity as far as possible, victim counselling services routinely look at other factors, both taking account of and going beyond the police records of politically motivated crimes. Victim counselling services may consider the course of investigation procedures, court proceedings and intelligence from other sources, such as information about offenders' participation in protest marches, demonstrations, right-wing networks on social media, etc., in their monitoring mechanism, even months after the crime was committed, and may, if necessary, supplement their records accordingly or alter their assessments and so verify the victim's perspective. See *ibid.*

in the present definition catalogue what the difference is between “racist”, “anti-foreigner” and “xenophobic” motives. From the Commissioner’s point of view, it would therefore be worth evaluating the registration categories and methods in this respect, so as to obtain better data.

“Crimes motivated by racism may manifest themselves as verbal or physical violence and often have far-reaching physical as well as psychological effects on their victims.”

The figures for politically motivated crime, moreover, do not reflect the real extent of crimes motivated by racism, because many victims do not report the incidents at all, partly out of a lack of trust in the police. There is also a need to continually raise awareness among police personnel of the issue of racism so that they can recognise racist incidents and record them as such. All of the above results in civil society organisations such as victim counselling services recording significantly more incidents than the police. A comparison of the numbers of politically motivated crimes registered by the Federal Criminal Police Office (PMK statistics) with the numbers of cases recorded by civil society

highlights the discrepancies and potential blind spots in statistical records.

To narrow the gulf between governmental figures and those recorded by civil society, the Commissioner believes, first, that more consideration should be given to victims’ perceptions and, second, that constant efforts are needed to raise awareness among all police personnel who deal with the reporting system for politically motivated crime (PMK statistics), particularly through appropriate training measures and service instructions. That could help to reduce the number of unreported cases and is an urgent necessity if a realistic portrayal of the situation is to be obtained.

Crimes must be recorded as fully as possible so that the data situation described above can be improved. To this end, action is needed in many areas: victims must be encouraged to report crimes, and statistical recording must be continuously checked to establish whether amendments are needed. Better data will also depend on sustained critical monitoring and examination, particularly by expert bodies, civil society and researchers, because critical and informed discussion of data creates more transparency.

Besides effective criminal prosecution, proper treatment of victims of right-wing and racist violence is also pivotal to creating greater trust in law-enforcement authorities. The trust of people with personal or family histories of immigration has been shaken, not least by the shortcomings in the investigation of the series of terrorist murders committed by the NSU.²⁹ A lack of trust in the authorities on the part of victims can lead to non-reporting, which means that crimes remain invisible while their perpetrators enjoy impunity.

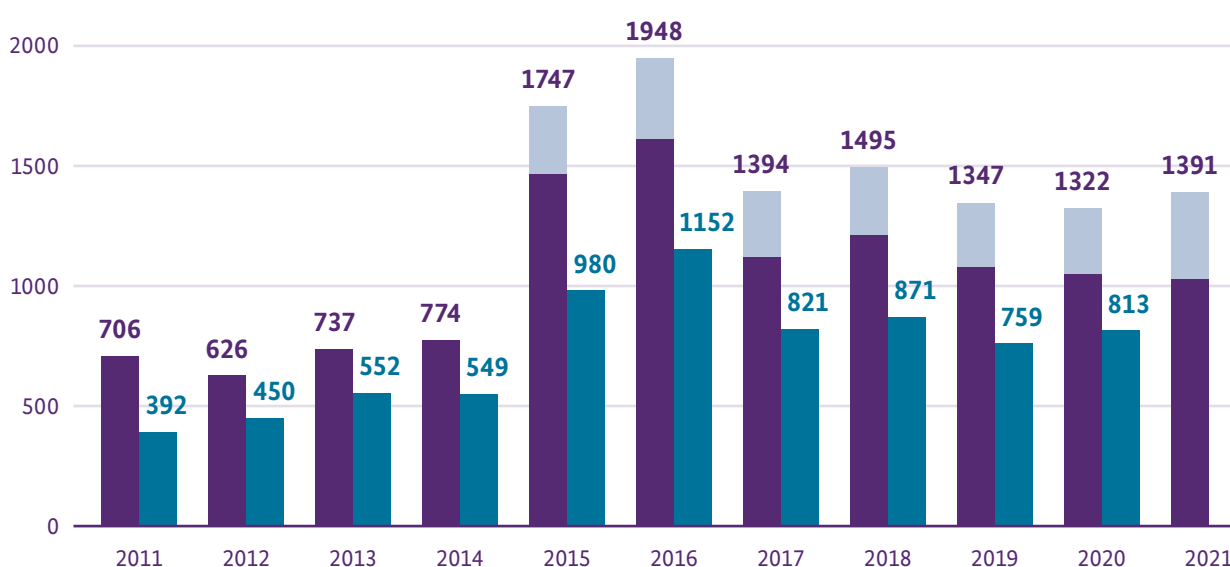
²⁹ See the Commissioner’s twelfth report, Part I, subsection 4.2.3.

Right-wing attacks, 2011 to 2021

Comparative figures: Victim counselling services and Federal Ministry of the Interior and Community

The **NUMBERS OF ATTACKS RECORDED BY THE COUNSELLING CENTRES** in eastern Germany and Berlin and the **NATIONWIDE STATISTICS** of the BMI on politically motivated crime – right-wing/hate crimes, violent

*Source: <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2021/05/pmk-2020-uebersicht-hasskriminalitaet-entwicklung-fallzahlen.pdf>



inc. data from North Rhine-Westphalia (2015), Schleswig-Holstein (2017) and Baden-Württemberg

Nationwide statistics

Graphic source: VBRG e.V., Tab. A 4 Web Angriffe, 2021.

This can generate a climate of fear and induce people to turn a blind eye, and it must be prevented. For this reason the German Bundestag adopted the Act Implementing the Recommendations of the Bundestag Committee of Inquiry into the NSU (*Gesetz zur Umsetzung von Empfehlungen des NSU-Untersuchungsausschusses des Deutschen Bundestages*), which entered into force on 1 August 2015, with a view to improving the detection and investigation of crimes

motivated by racism, particularly violent crimes, and the conviction of their perpetrators. The Act explicitly added “racist, xenophobic or other motives evidencing contempt for humanity” to the second sentence of section 46 (2) of the German Criminal Code (*Strafgesetzbuch, StGB*) in the catalogue of circumstances that affect the fixing of penalties.³⁰ The data make it clear that the need remains to improve the data available and more effectively prosecute crimes motivated by racism.

³⁰ Act of 12 June 2015 Implementing the Recommendations of the Bundestag Committee of Inquiry into the NSU, in Federal Law Gazette, Part I, No. 23, Bonn, 2015.

In May 2022, the Association of Counselling Centres for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG) presented its annual statistics for 2021. In that year, the counselling centres belonging to the VBRG registered a total of 1 391 right-wing, racist and antisemitic attacks with 1 830 victims.

By contrast, the statistics for politically motivated crimes (PMK) showed only 1 042 far-right violent crimes for the whole of Germany in the same period. In 2021, as in previous years, racism was by far the most common motive for these crimes. Two thirds of all recorded attacks (816 cases) were motivated by racism, and most of their targets had personal or family histories of immigration, had experienced forced migration or were Black Germans. According to the VBRG, a total of 1 830 people were directly affected by right-wing politically motivated violence in Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia, Baden-Württemberg, Berlin, North Rhine-Westphalia and Schleswig-Holstein alone in 2021. This means that the figures collected by the victim counselling services for only part of the territory of Germany already exceed the official figures of the PMK statistics for the whole country. The reasons for this statistical discrepancy are manifold, as described above.

Also criticised by the VBRG is the fact that the support of victims themselves has often been the only means through which violent crimes with racist and right-wing motives have come to light.³¹ The Commissioner is dedicated to helping ensure that all victims feel able to bring charges and report incidents. There is a need to shed more light on the number of unreported crimes motivated by racism, particularly in close collaboration with police forces and the judiciary.

³¹ One example is the attack on 17-year-old Dilan S. in Berlin in February 2022. In an initial press release, the police stated that the attack had been triggered by the girl's failure to wear a mask on local public transport; racism was not cited as a motive. After various media outlets picked up on that report, the victim spoke up by means of a video recording from hospital, describing how a number of adults had hurled racist insults at her and physically attacked her. The police corrected their representation of the incident. Checks on video footage, they said, showed that the girl was wearing a face covering on the tram, whereas most of the six adult suspects were not wearing masks. See (in German) <https://www.tagesspiegel.de/berlin/rassistischer-angriff-auf-jugendliche--berliner-polizei-gibt-fehler-zu-4309132.html>; accessed on 7 October 2022.

3.3 Specific manifestations of racism

Racism and racist discrimination towards various groups exhibit both overlaps and differences in terms of traditional images and conceptions as well as mechanisms and social functions.

The following section portrays forms of racism towards particular groups which were already described as especially vulnerable in the German Government's 2017 National Action Plan Against Racism, namely Black people, Muslims, members of the Sinti and Roma, and Jews. Subsection 3.3.4 also focuses separately on racism against people perceived as Asian, which has become more virulent in the wake of the COVID-19 pandemic. For want of empirical data, there is for the time being a gap concerning racism against Eastern Europeans or people perceived as such (anti-Slav racism). Particular importance attaches to this phenomenon in Germany, given the history of National Socialism and its racism-based policy of occupation and "Germanisation", which resulted in millions in Eastern Europe being deported for forced labour or murdered.³² Yet there are scarcely any data so far on the current manifestations of anti-Slav racism in Germany, and more research is needed in this field.

The order in which the groups are examined and the space devoted to each does not reflect any particular prioritisation but is due to disparities in the availability of studies and data. The

presentation in subsections 3.3.1 to 3.3.5 below is intended to provide up-to-date insight into the subjects of racist threats and data collection.

3.3.1 Anti-Black racism

The 2021 *Mitte* study conducted by the Friedrich Ebert Foundation into right-wing extremist and antidemocratic attitudes among the population was the first to look in depth at attitudes to Black people.³³ Of the respondents, 10.5% agreed with the statement that Black people should be grateful for being allowed to live in Germany. A total of 9% indicated that they had a strong or overwhelming antipathy towards Black people.

When it comes to assessing racism against Black people, the *Afrocensus* ('Afrocensus') of 2020 is particularly revealing. It is the result of a nationwide, non-representative³⁴ quantitative survey designed to shed light on the realities of everyday life for Black people, Africans and people of African descent in Germany in all their diversity. The study collected socio-demographic data as well as information on respondents' experiences of discrimination, their civic participation and their trust in organisations and institutions. The *Afrocensus* report³⁵ also makes recommendations for improving the general situation of these communities and protecting them from anti-Black racism. It was drawn up jointly by the Each One Teach One (EOTO) association and by

³² See German Centre for Integration and Migration Research (DeZIM), *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* ('Racist realities: How does Germany confront racism?'), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 23. That study focused on Eastern Europeans as one of six groups of potential victims of racism.

³³ See Zick, Andreas and Küpper, Beate, (eds), *Die geforderte Mitte. Rechtsextreme und demokratiegefährdende Einstellungen in Deutschland 2020/21* ('The squeezed middle: Far-right and antidemocratic attitudes in Germany, 2020/2021'), Bonn, 2021, p. 152 et seq.

³⁴ A total of 5 793 people took part in the *Afrocensus* survey in the investigation period of 20 July to 6 September 2020. The size of the population of Black people, Africans and people of African descent in Germany is not known, which renders a representative sample study impossible. Accordingly, a procedure was used which is often employed in the case of small populations that are difficult to reach, whereby the pool of respondents is widened by means of a snowball system. Besides a quantitative online questionnaire, a qualitative survey was also conducted by means of focus groups and interviews with experts.

Citizens for Europe (CFE) with funding from the Federal Anti-Discrimination Agency.

A selection of key findings:

- The vast majority of respondents considered that anti-Black racism in Germany was either very widespread (46.3%) or quite widespread (47.8%). One in five respondents agreed with the statement that they had experienced more racist discrimination since the start of the COVID-19 pandemic.
- In all 14 of the areas of life covered by the survey, Black people considered that they were subject to discrimination or racism. When asked whether and how often they experienced personal discrimination in various areas of life, respondents most commonly cited public life and leisure (93.1%), media and the internet (85.5%), business transactions and services (85.1%), working life (84.7%), private life (83%), police (82.1%), education (81.1%), security personnel (76.3%), the housing market (74.2%) and public offices and authorities (66.5%).
- As regards the grounds for discrimination, including intersectional discrimination, the following factors were cited: racist reasons / ethnic origin (93.9%), skin colour (91.5%), gender (52.5%), name (44.8%), hair/facial hair (38.1%), social status or background (33.5%) and language (27.8%). Most respondents indicated that, after an incident, they had not contacted a counselling or reporting body, with 77.8% stating that they had experienced a case of discrimination in the past two years without reporting it or pressing charges. Of those who had reported an incident or sought advice, the largest group (32.8%) had gone to their employer. The reactions of 26.9% of the respondents had involved contacting the police. Fewer reported an incident to a grassroots or community organisation (15.7%) or to an anti-discrimination counselling centre (14.7%). Scarcely anyone directly approached the Federal Anti-Discrimination Agency (5.5%), a politician (2.3%) or a church or faith community (1.8%). The data also revealed that the younger the respondent, the less likely they were to have reported the incident in question. It remains unclear what the cause might be – whether it could, for instance, be a lack of knowledge about complaint procedures and points of contact or else the use of other coping strategies, such as speaking to someone from their own social environment.

³⁵ Aikins, Muna AnNisa; Bremberger, Teresa; Aikins, Joshua Kwesi; Gyamerah, Daniel; Yıldırım-Calıman, Deniz, *Afrozensus 2020. Perspektiven, Anti-Schwarze Rassismuserfahrungen und Engagement Schwarzer, afrikanischer und afrodiaporischer Menschen in Deutschland* ('Afrocensus 2020: Perspectives, experiences of anti-Black racism and the civic participation of Black people, Africans and people of African descent in Germany'), Berlin, 2021. The report and further information are available online (in German) at <https://afrozensus.de/reports/2020>; accessed on 16 June 2022.

- Almost three quarters (74.1%) of the 886 respondents who said they had reported an incident were generally dissatisfied with the way in which their report was handled. Only a quarter of those respondents (25.7%) were generally satisfied with the treatment of their report, including 7% who were very satisfied. Moreover, 93.9% of the Afrocensus respondents stated that they were not believed or were told that they were over-sensitive when they spoke about racist incidents.
- For 14.6% of the respondents, time and money played a part in their decision not to report incidents. Respondents with low levels of educational qualifications were almost twice as likely to cite a lack of knowledge about their rights or the law as a reason for not having reported an incident; 14.7% gave that reason. From the qualitative survey based on the focus groups, it emerged that power and dependence structures (pupil/teacher, patient/carer or patient/doctor) might be another reason why cases went unreported, possibly out of fear of repercussions.

The 2020 Afrocensus is a model for the intersectional collection of discrimination data. It included explicit questions on sexual orientation and gender identity and covered multidimensional discrimination.³⁶

The findings of the Afrocensus are a call to action. In this respect, the United Nations' International Decade for People of African Descent, 2015–2024, offers a particularly good framework for helping to enhance the social inclusion of Black people, Africans and people of African descent and to combat anti-Black racism. To this end, the German Government established a coordination body for the national implementation of the International Decade, in which

the Commissioner is also actively involved (see section 5.10 below).

3.3.2 Anti-Muslim racism

For some years now, researchers have been discussing various terms and theoretical concepts that are used to register the disparagement, marginalisation and discriminatory treatment of Muslims and people perceived as such. The term “Islamophobia”, which is in widespread use internationally, is not used very frequently in Germany. One term that has become established here is “hostility towards Islam” or “hostility towards Muslims” (*Islam- und Muslimfeindlichkeit*), as part of a syndrome classed as “group-

³⁶ Trans*, inter* and non-binary (TIN*) respondents indicated significantly more frequently than their cisgender counterparts, for example, that they feared being assaulted and injured in public spaces. Almost half of the LGBAQ respondents stated that they felt unsafe in public in Germany, compared with about a third of the heterosexual respondents. In 12 of the 14 areas of life, trans*, inter* and non-binary (TIN*) respondents stated significantly more often than cisgender men that they had experienced discrimination. Compared with cisgender women too, in all of the areas of life the TIN* respondents stated significantly more frequently that they had been subjected to discrimination in the past two years.

focused enmity”.³⁷ From the perspective of racism research, meanwhile, hostility towards Islam and Muslims is often categorised as a form of culturally rooted racism that ethnicises religious affiliation and so affects people on account of their descent even though they are not necessarily practising adherents.³⁸ Accordingly, anti-Muslim racism shows how categories such as ethnicity, culture and religion can fuse together.

“One in three respondents subscribe to the view that the number of Muslims in Germany should be restricted, and 27% are of the opinion that too many Muslims live in Germany.”

After Sinti and Roma, Muslims are the most stigmatised minority in Germany. In representative surveys such as the *Mitte* study, a little over one in five respondents state that they harbour negative attitudes to Muslims.³⁹ One in three respondents subscribe to the view that the number of Muslims in Germany should be restricted, and 27% are of the opinion that too many Muslims live in Germany.⁴⁰ According to the Leipzig Authoritarianism Study of 2020, almost half (46.8%) of people in Germany even agree with the statement “Because of the many Muslims here, I sometimes feel like a stranger in my own country”.⁴¹

In some sections of the population, moreover, there is evidence of resistance to the upward social mobility of Muslims. In one study, for instance, more than one in three respondents agreed with the following statement: “I would feel uncomfortable if more and more Muslims were entering leading managerial posts in the job market.” And 34.4% shared the following view: “We must take care to ensure that the educational successes of Muslims do not come at the expense of educational opportunities for the remainder of the population.”⁴² Although prejudices and discriminatory views cannot be equated with discriminatory behaviour towards

³⁷ The term ‘gruppenbezogene Menschenfeindlichkeit’ (‘group-focused enmity’) was coined by the Institute for Interdisciplinary Research on Conflict and Violence in Bielefeld and is based on work in the field of social psychology as well as on largely quantitative research into attitudes and prejudices, which measures “disparaging and marginalising attitudes to people on the basis of their attributed membership of a social group”.

³⁸ See German Centre for Integration and Migration Research (DeZIM), *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* (‘Racist realities: How does Germany confront racism?’), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 22.

³⁹ See Zick, Andreas; Küpper, Beate, (eds), *Die geforderte Mitte. Rechtsextreme und demokratiegefährdende Einstellungen in Deutschland 2020/21* (‘The squeezed middle: Far-right and antidemocratic attitudes in Germany, 2020/2021’), Bonn, 2021, p. 187.

⁴⁰ See Zick, Andreas; Krott, Nora Rebekka, *Einstellungen zur Integration in der deutschen Bevölkerung von 2014 bis 2020*. (‘Attitudes to integration among the German population, 2014–2020’), a study report on the fourth survey in the project *ZuGleich – Zugehörigkeit und Gleichwertigkeit*. Bielefeld, 2021, p. 26.

⁴¹ Decker, Oliver; Brähler, Elmar, (eds), *Autoritäre Dynamiken. Neue Radikalität – alte Ressentiments. Leipziger Autoritarismus Studie 2020* (‘Authoritarian dynamics. New radicalism – old resentments. Leipzig Authoritarianism Study 2020’), Gießen, 2020, p. 64.

⁴² See Foroutan, Naika; Canan, Coşkun; Kalter, Frank; Simon, Mara, *Ostmigrantische Analogien I: Konkurrenz um Anerkennung* (‘Eastern migrant analogies I: Competing for recognition’), Berlin, 2019, pp. 28–29.

minorities, if a substantial percentage of the population approve the denial of equal rights or opportunities for upward mobility to some people or groups, this may foster discriminatory behaviour, as the Expert Commission on the Framework Conditions for Integration Potential has noted.⁴³

The subject has not yet received particularly extensive coverage in academic studies, but the existing data indicate that Muslims are relatively heavily exposed to discrimination. In its Integration Barometer, the Expert Council on Integration and Migration (SVR) highlighted the role that the externally perceptible signs of a migrant background play in discrimination.⁴⁴ In the Barometer study, considerably more people with migrant backgrounds who are Muslims (55%) report that they feel discriminated against than those who belong to a Christian confession (29%) or to no religious faith at all (32%). This corresponds with earlier studies which have showed that people perceived as being from a Turkish or Arab background more frequently report being discriminated against than other groups, such as immigrants from Eastern Europe.⁴⁵ Those studies also found that the variations between the groups from different origins could not be explained by differing levels of education

or other socio-demographic factors. The SVR reaches the same conclusion but points out that the factor which most determines whether people will experience discrimination is not membership of an ethnic group but religion. In the assessment of the SVR, “This faith community is both subjectively and objectively exposed to a greater degree of discrimination”.⁴⁶

The subjective perspective of people affected by anti-Muslim racism, meanwhile, matches the measurement of actual discrimination. That has been confirmed by means of experimental procedures, such as sending fictitious job applications from candidates of objectively equal aptitude to identify discrimination in the labour market. Such experimental studies demonstrate that people perceived as Muslims face a significantly higher risk of discrimination (see section 4.4 below).

As for Muslims’ exposure to the risk of hate crimes and acts of aggression, falling numbers have been observed for the first time over the past three years. In 2021, 732 Islamophobic crimes were recorded along with 54 attacks on Muslim establishments and representatives.⁴⁷ Before then there were 1 026 such crimes in 2020 and 950 in 2019 (see section 3.2 above). Counselling

⁴³ See Federal Government Expert Commission on the Framework Conditions for Integration Potential (ed.), *Shaping Immigration Society Together. Report by the Federal Government Expert Commission on the Framework Conditions for Integration Potential*, Berlin, 2020, p. 55.

⁴⁴ See Research Unit of the Expert Council on Integration and Migration (SVR Forschungsbereich), *Wo kommen Sie eigentlich ursprünglich her?. Diskriminierungserfahrungen und phänotypische Differenz in Deutschland*, Berlin, 2018. (An English summary, entitled “So, where are you originally from?” Experiences of discrimination and phenotypic differences in Germany, is available at https://www.svr-migration.de/wp-content/uploads/2023/02/SVR-FB_Experiences_of_discrimination.pdf).

⁴⁵ See Tucci, Ingrid; Eisnecker, Philipp; Brücker, Herbert, *Diskriminierungserfahrungen und soziale Integration. Wie zufrieden sind Migranten mit ihrem Leben?* (‘Experiences of discrimination and social integration: How content are migrants with their lives?’) in DIW Wochenbericht, No. 43, Berlin, 2014.

⁴⁶ Research Unit of the Expert Council on Integration and Migration (SVR Forschungsbereich), op. cit., p. 13.

⁴⁷ Federal Ministry of the Interior and Community, and Federal Criminal Police Office, *Politisch motivierte Kriminalität im Jahr 2021 – Bundesweite Fallzahlen* (‘Politically Motivated Crime in 2021 – Nationwide Statistics’), p 18; available online (in German) at <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2022/pmk2021-factsheets.pdf>; accessed on 2 December 2022.

centres, however, assume that a large percentage of anti-Muslim incidents are not recorded and officially investigated. Moreover, according to a study conducted by CLAIM – the Alliance

“Studies demonstrate that people perceived as Muslims face a significantly higher risk of discrimination.”

Against Islamophobia and Anti-Muslim Hate, only about half of the counselling centres have a procedure for identifying anti-Muslim incidents in their counselling process.⁴⁸ Improving the recording and visibility of the number of anti-Muslim attacks and discrimination cases is an aim of the Competence Network on Islamophobia and Hostility against Muslims, which has been supported since 2020 through the federal programme *Live Democracy!*.⁴⁹ The network comprises four bodies engaged in preventive work in the field of hostility towards Islam and Muslims, and its mission is to pool information nationally, provide specialist counselling and ensure that successful prevention practices are carried over into federal, *Land* and local structures. The package of measures adopted by the

Cabinet Committee for the fight against right-wing extremism and racism included a community-based monitoring mechanism for hostility towards Islam and Muslims which is now being implemented by the Competence Network on Islamophobia and Hostility against Muslims. In this context the network is currently working on a uniform system for the collection of data on anti-Muslim acts as well as an improved reporting channel for victims. CLAIM’s “I Report” gateway for the registration of anti-Muslim racism has been online since June 2021 and is initially in a pilot phase.⁵⁰ The attacks and discriminatory acts recorded through the www.i-report.eu/melden website are stored in a database. These data are supplemented with the case numbers reported by counselling centres and are finally collated in a common database.

In September 2020, the Federal Ministry of the Interior and Community appointed the UEM, an independent group of experts on hostility towards Muslims. The remit of the UEM is to analyse current and evolving manifestations of hostility towards Muslims and examine them for overlaps with antisemitic attitudes and other forms of group-focused enmity. It will also deliver findings on ways in which anti-Muslim attitudes and lines of argument can be distinguished from legitimate criticism of certain forms of religious practice. In this context several studies have been commissioned with a view to closing gaps in the data available. The report of the UEM is expected in the summer of 2023.

⁴⁸ See (in German) Teilseiend e.V. (ed.), *Beratungsangebote für Betroffene von antimuslimischem Rassismus. Kurzanalyse der Beratungslandschaft für Betroffene von antimuslimisch motivierten Übergriffen und antimuslimisch motivierter Diskriminierung in Deutschland* (‘Counselling services for victims of anti-Muslim racism. A brief analysis of the counselling landscape for victims of anti-Muslim incidents and discrimination in Germany’), Berlin, 2020.

⁴⁹ The Competence Network on Islamophobia and Hostility against Muslims comprises four implementing bodies from civil society, namely Teilseiend/CLAIM, the Centre for European and Oriental Culture (ZEOK), the Association of Binational Families and Partnerships (iaf), and the Federation of Protestant Youth (aej).

⁵⁰ See www.i-report.eu; accessed on 16 June 2022.

3.3.3 Antigypsyism

Sinti and Roma are the most stigmatised minority in Germany. Almost 29% of respondents in representative surveys state that they feel antipathy towards that group.⁵¹ This finding is more than alarming, not least in view of Germany's historical responsibility for the genocide of Sinti and Roma populations (the *Porajmos*).

One of the most common racist attributions is the historically perpetuated allegation that these groups have a propensity for crime. According to the *Mitte* study of 2020/21, almost one in five people subscribes to that view.⁵² The disparagement, marginalisation and discriminatory treatment of members of Sinti and Roma are described as antigypsyism (*Antiziganismus* in German). Some grassroots organisations and academics, however, have raised questions about the use of 'Antiziganismus', because of its relationship with the German term for 'gypsy', which has racist overtones, and have proposed the use of alternative terms such as 'Antirromanismus' or 'Rassismus gegen Sinti und Roma'.⁵³

Together with delegates from the 34 member states of the International Holocaust Remembrance Alliance, at a meeting held on 8 October 2020 under German chairmanship, a non-binding

working definition of antigypsyism was adopted.⁵⁴ That definition identifies what falls under the heading of antigypsyism as a specific form of racism, marginalisation and discrimination. The working definition reads as follows: "Antigypsyism/anti-Roma discrimination is a manifestation of individual expressions and acts as well as institutional policies and practices of marginalization, exclusion, physical violence, devaluation of Roma cultures and lifestyles, and hate speech directed at Roma as well as other individuals and groups perceived, stigmatized, or persecuted during the Nazi era, and still today, as 'Gypsies'. This leads to the treatment of Roma as an alleged alien group and associates them with a series of pejorative stereotypes and distorted images that represent a specific form of racism."⁵⁵

Germany is the first country to have adopted the working definition nationally. On 9 March 2022, the Federal Cabinet appointed Dr Mehmet Daimagüler as the first Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in Germany. The Commissioner is based at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and will coordinate the German Government's measures to tackle antigypsyism.

⁵¹ See Zick, Andreas and Küpper, Beate, (eds), *Die geforderte Mitte. Rechtsextreme und demokratiegefährdende Einstellungen in Deutschland 2020/21* ('The squeezed middle: Far-right and antidemocratic attitudes in Germany, 2020/2021'), Bonn, 2021, p. 187.

⁵² See *ibid.*, p. 56.

⁵³ See the report of the Independent Commission on Antigypsyism, *Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation* ('Change of perspective – retrospective justice – participation'), Federal Ministry of the Interior and Community (ed.), 2021, p. 42 et seq., available online (in German) at https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/bericht-unabhaengige-kommission-antiziganismus.pdf;jsessionid=EF0E62AC7AF91610060FAC6C947114FF.1_cid287?__blob=publicationFile&v=6; accessed on 6 December 2022.

⁵⁴ International Holocaust Remembrance Alliance, Working definition of antigypsyism/anti-Roma discrimination; more information is available at <https://www.auswaertiges-amt.de/en/aussenpolitik/themen/ihra/2452266> and (in German) at <https://ihra2020.diplo.de/ihra-de/-/2403766>; accessed on 4 April 2023 and 16 June 2022 respectively.

⁵⁵ Available online at <https://www.holocaustremembrance.com/de/resources/working-definitions-charters/working-definition-antigypsyism-anti-roma-discrimination>; accessed on 4 April 2023.

Relatively little in the way of current data is available on Sinti and Roma experiences of discrimination and racism. Among the reasons for this are the historically rooted reservations

“Sinti and Roma are the most stigmatised minority in Germany. Almost 29% of respondents in representative surveys state that they feel antipathy towards that group.”

of those communities about participating in surveys and scientific studies, not least in those commissioned by public authorities, which were often used in the past as a basis for state persecution of that minority. For this reason, research projects relating to Sinti and Roma require a high degree of sensitivity and very high ethical standards, for example when it comes to participatory processes with respondents. In a qualitative study commissioned by the Independent Commission on Antigypsyism⁵⁶ concerning Sinti and Roma experiences of racism in Germany, conducted by the Alice Salomon University

of Applied Sciences, Berlin, in cooperation with numerous civil-society stakeholders from the communities, in which more than 90 members of the minority were asked in individual and group interviews about their experiences of racism in Germany, the respondents identified everyday life, school and contacts with the authorities as particularly heavily affected areas.⁵⁷ The authors of the study considered that a more precise analysis of possible institutional racism would require additional in-depth qualitative approaches and studies devoted to the examination of institutional routines, organisational knowledge and cooperation between organisations, so that causal relationships could be analytically identified more effectively. They recommended a particular focus on institutions such as foreigners authorities, the Federal Office for Migration and Refugees, job centres, the police, law courts and schools.

The Independent Commission also notes that, on the basis of its historical roots and of empirical findings, antigypsyism is to be regarded as a separate relationship of dominance and force. Antigypsyism has developed over centuries and has led to manifestations that differ sharply from other forms of racist discrimination.

⁵⁶ See the report of the Independent Commission on Antigypsyism, *Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation* ('Change of perspective – retrospective justice – participation'), Berlin, 2021, p. 42 et seq.; available online (in German) at <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/bericht-unabhaengige-kommission-antiziganismus.pdf>; accessed on 6 December 2022.

⁵⁷ See Randjelović, Isidora; Gerstenberger, Olga; Fernández Ortega, José; Kostić, Svetlana; Attia, Iman, *Unter Verdacht – Rassismuserfahrungen von Rom:nja und Sinti:zze in Deutschland* ('Under suspicion – racism experienced by Sinti and Roma in Germany'), Wiesbaden, 2022.

The Independent Commission on Antigypsyism has formulated the following six key demands and recommendations for action:

1. Appointment of a commissioner for the fight against antigypsyism and of an independent advisory group
2. Creation of a permanent Federation-Länder commission
3. Full acknowledgement of the National Socialist genocide of Sinti and Roma
4. Creation of a commission to re-examine the injustices inflicted on members of the Sinti and Roma in the Federal Republic of Germany
5. Recognition of Roma refugees as a group requiring special protection
6. Establishment and consolidation of participatory structures⁵⁸

In February 2022, the German Government adopted the national strategic framework – Tackling Antigypsyism, Ensuring Participation – presented by the Federal Minister of the Interior and Community.⁵⁹ The aims of this strategic framework are to promote the integration and participation of Sinti and Roma in Germany and to combat antigypsyism. As part of the framework, a National Roma Contact Point (NRCP) has been reinforced and expanded and was placed under the authority of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on 1 September 2022. It plays a coordinating role in liaison and cooperation with the various civil-society and intergovernmental partnerships. In addition, a monitoring agency has already been established within civil society –

the Antigypsyism Reporting and Information Centre (MIA) – to register antigypsyist incidents.⁶⁰ Another objective of the national strategic framework is to shape Sinti and Roma participation in political life together with those communities. The framework is supplemented by targeted federal, *Land* and local measures. In this way the German Government is responding to the European Commission’s call for national implementation of the EU Roma strategic framework for the period up to 2030.

3.3.4 Anti-Asian racism

In the course of the COVID-19 pandemic, especially at the beginning, there were many reports of hostility towards people perceived as Asian

⁵⁸ See the report of the Independent Commission on Antigypsyism, *Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation* (‘Change of perspective – retrospective justice – participation’), Berlin, 2021, p. 14 et seq.; available online (in German) at <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/bericht-unabhaengige-kommission-antiziganismus.pdf>; accessed on 6 December 2022.

⁵⁹ Available online at <https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2022/2022-eu-roma-strategic-framework.pdf>; accessed on 5 April 2023.

⁶⁰ See (in German) <https://www.antiziganismus-melden.de/>; accessed on 6 December 2022.

and attacks on them. Among other things, this group was associated with narratives on social media about the origins of the pandemic in China and supposed Asian eating, living and hygiene practices which were stereotypically blamed for the outbreak. In response to these incidents, a digital platform called *Ich bin kein Virus* ('I'm not a virus') was created by people perceived as Asian and has been used since May 2020 to share experiences of anti-Asian racism in the context of COVID-19.⁶¹ In a quantitative survey conducted by DeZIM entitled *Soziale Kohäsion in Krisenzeiten: Die Corona-Pandemie und antiasiatischer Rassismus in Deutschland* ('Social cohesion in times of crisis: The coronavirus pandemic and anti-Asian racism in Germany') almost half of the 700 respondents stated that they had experienced racism in connection with the COVID-19 pandemic.⁶² About a million people of Asian origin (from South, South-East and East Asia) or Asian descent live in Germany, and so the number of potential victims of anti-Asian racism is high.⁶³

Anti-Asian racism existed in Germany before COVID-19; among the worst outbreaks of anti-Asian violence since 1945 have been the racist riots in Hoyerswerda in 1991 and in the Lichtenhagen district of Rostock in 1992.⁶⁴ As with other manifestations of racism, gendered images also play an important part in anti-Asian racism, though they differ from the characteristics ascribed to Black masculinity, for example. Men perceived as Asian are considered less often to

be threatening and more often to be feminine, whereas women perceived as Asian are exoticised and infantilised; both, moreover, are sexualised.⁶⁵

A particular feature of anti-Asian racism is that it also operates with positive stereotyping, in which, for example, people perceived as Asian are presented as "model immigrants" who are often played off against other groups in racist discourse.⁶⁶ Little is known as yet about the

“Almost half of the respondents stated that they had experienced racism in connection with the COVID-19 pandemic.”

extent to which people perceived as Asian are subject to structural racism, as there are scarcely any relevant studies. There is a research gap to be closed here in order to enable a sharper focus on the interests of people affected by anti-Asian racism in future.

⁶¹ See (in German) www.ichbinkeinvirus.org; accessed on 6 December 2022.

⁶² See Suda, Kimiko; Mayer, Sabrina J.; Nguyen, Christoph G.; Köhler, Jonas, *Antiasiatischer Rassismus in Zeiten der Corona-Pandemie. Innenperspektive quantitative Erhebung. Datensatz, Version 1.0.0.* ('Anti-Asian racism during the coronavirus pandemic. Quantitative survey, internal perspective. Dataset version 1.0.0'), German Centre for Integration and Migration Research (DeZIM), Berlin, 2020.

⁶³ See Suda, Kimiko; Mayer, Sabrina J.; Nguyen, Christoph G., "Antiasiatischer Rassismus in Deutschland" ('Anti-Asian racism in Germany') in *Aus Politik und Zeitgeschichte (APuZ)*, 42-44, 2020, p. 41 et seq.

⁶⁴ See *ibid.*, p. 39.

⁶⁵ See *ibid.*, p. 40.

⁶⁶ See *ibid.*, p. 39.

3.3.5 Excursus: Antisemitism as a related phenomenon

In view of Germany's history, the fight against antisemitism imposes a particular responsibility. Antisemitism is not to be understood as a subcategory of racism but as a separate phenomenon which overlaps with racism in some respects. One feature that antisemitism has in common with racism is that it imagines a homogeneous group to which supposed collective characteristics are ascribed. A feature specific to antisemitism is that the demonised population is not only construed as second-class or inferior but is stylised at the same time as excessively powerful.⁶⁷ Antisemitism thus serves to denigrate Jewish people as well as to reduce the complexity of modern societies by creating the bogeyman of the "powerful Jew" who secretly exercises control over the economy, the media or political institutions.⁶⁸ In an antisemitic view of the world, "Jewish forces" are also thought to be behind political upheavals such as wars, revolutions and economic crises. Accordingly, the assertion of a "global Jewish conspiracy" is an integral part of antisemitic ideologies.⁶⁹ In this way, antisemitism also functions as a template for interpreting the world. Conspiracy theories unleash their potential to mobilise people to a particular degree in times of crisis and social change which bring with them a perceived loss of control, as was clearly illustrated recently by the "COVID protests", in

which, according to the Federal Office for the Protection of the Constitution, antisemitic narratives and codes were invoked time and again.⁷⁰

For successful action against antisemitic hatred and agitation, besides the dissemination of

“Antisemitism is not to be understood as a subcategory of racism but as a separate phenomenon which overlaps with racism in some respects.”

information on Jewish life in Germany as well as knowledge about antisemitism and education, there is a particular need for data on antisemitic incidents. RIAS, the Federal Association of Departments for Research and Information on Antisemitism, has, since its creation in 2018, been systematically monitoring antisemitic incidents nationwide together with regional reporting centres and other stakeholders from civil society. This is done with the aid of the reporting

⁶⁷ See Independent Panel on Antisemitism, *Antisemitismus in Deutschland – aktuelle Entwicklungen* ('Antisemitism in Germany – current developments'), Berlin, 2017, pp. 25–26.

⁶⁸ See Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, English web pages at <https://www.antisemitismusbeauftragter.de/Webs/BAS/EN/home/home-node.html>; accessed on 5 April 2023.

⁶⁹ See Independent Panel on Antisemitism, *Antisemitismus in Deutschland – aktuelle Entwicklungen* ('Antisemitism in Germany – current developments'), Berlin, 2017, p. 26.

⁷⁰ See Federal Ministry of the Interior and Community (ed.), *Verfassungsschutzbericht 2021* ('Report on the protection of the constitution'), pp. 59–60 and 69. A brief summary in English is available online at https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2022-06-brief-summary-2021-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=3; accessed on 10 April 2023.

gateway at www.report-antisemitism.de. RIAS receives funding under the federal programme Live Democracy! as one of five bodies from civil society engaged in the fight against antisemitism which together form the Competence Network on Antisemitism (KOMPAS).

Current RIAS statistics confirm the persistence of the threat of antisemitic incidents. It should be noted that RIAS also documents cases in which offences are below the criminal liability threshold or the victims have not pressed charges. This results, for example, in markedly different figures from those registered by the Criminal Police Reporting Service for Politically Motivated Crime (KPMd-PMK). The RIAS report Antisemitic Incidents in Germany 2021⁷¹ draws explicit distinctions between incident types, based on the nature and gravity of incidents, classifying them by groups of victims and the perpetrators' political and ideological backgrounds and identifying the following five manifestations of antisemitism: antisemitic othering, anti-Judaic antisemitism, modern antisemitism, post-Shoah antisemitism and Israel-related antisemitism.

In 2021, the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, Dr Felix Klein, initiated the formulation of a National Strategy against Antisemitism and for Jewish Life (NASAS). This initiative goes back to the Council Conclusions approved

by the Council of the European Union on 6 December 2018. In its Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe, the Council invited the member states "to adopt and implement a holistic strategy to prevent and fight all forms of antisemitism as part of their strategies on preventing racism, xenophobia, radicalisation and violent extremism". On 5 October 2021, the European Commission itself presented its first Strategy on Combating Antisemitism and Fostering Jewish Life with recommendations for action addressed to the EU member states. It encouraged the member states to develop national strategies by the end of 2022. The German Government responded to this call by publishing the NASAS in November 2022.

The Federal Ministry of Education and Research has also invested some €12 million since mid-2021 to support ten research consortia at universities and non-university research institutions throughout Germany. In a total of 31 subprojects, dynamics and facets of antisemitism are being examined from various disciplinary perspectives. The selected overarching projects range from "antisemitism in online media", "antisemitism in the judicial context" and "Christian signatures of antisemitism" to antisemitism prevention in education. Jewish perspectives are systematically incorporated into the research.

⁷¹ See RIAS (ed.), *Antisemitic Incidents in Germany 2021*, annual report, Berlin, 2022.

*4. Fields of
action in the
context of insti-
tutional and
structural racism*

Our society is characterised by diversity. For example, one in four people (27%) in Germany today has a personal or family history of immigration. Immigration and the diversity to which it contributes have made Germany a strong country at the heart of Europe.

Diversity has long been a reality, but it must also become the norm in all domains, which means, above all, equal opportunities for everyone across every sector of society. Much still remains to be done, as demonstrated by the experiences of individuals who are perceived as having non-German origins on the basis of their names, appearances or other characteristics. Sources such as the National Discrimination and Racism Monitor (NaDiRa, see chapter 1 above) have shown that racist discrimination is part of everyday life for many people in Germany and is also very much perceived by society as a whole. The Federal Anti-Discrimination Agency, too, has found that racist discrimination or discrimination based on ethnic origin is particularly common with respect to accessing the housing market, restaurants and nightclubs, and banking services, as well as in school and university settings, during interactions with the police and other authorities, in public spaces, in the media and on the internet.⁷² According to its findings, discrimination can take place in an overt and

straightforward manner (direct discrimination), for example when someone is not hired or is denied admission to a club on the basis of that person's skin colour. However, discrimination can also in many cases be difficult to recognise, for example when regulations are formulated in a seemingly neutral manner (indirect discrimination). This was also highlighted in the UN Anti-Racism Convention (see chapter 2 above).

For example, job listings are indirectly discriminatory if they require applicants to have native-level German language skills even though these are not necessary for the job. In such cases, the seemingly neutral requirement of linguistic proficiency amounts to an exclusion of immigrants.

Often, racist discrimination also occurs in conjunction with discrimination on the grounds of other characteristics such as social origin, religion, gender or sexual orientation – a phenomenon known as intersectionality or multidimensional discrimination. Even in racism research,

⁷² See *Diskriminierung in Deutschland – Erfahrungen, Risiken und Fallkonstellationen*. ('Discrimination in Germany – experiences, risks and various constellations of circumstances'), the fourth joint report to the German Bundestag by the Federal Anti-Discrimination Agency and the relevant Commissioners of the Federal Government and of the Bundestag, Berlin, 2021.

institutional and structural racism have not yet been uniformly or conclusively defined or delineated. One reason for this is that the underlying concept of an ‘institution’ is sometimes interpreted narrowly (for example, as a synonym for ‘organisation’) and sometimes broadly (for example, as a set of rules and norms). Institutional racism is often understood as a subcategory of structural racism. In essence, the purpose of examining institutional and structural racism is to ensure the focus is not just on individual actors but also on institutional processes, procedures and unquestioned routines in, for example, public authorities, and how they can result in certain population groups being systematically disadvantaged in various areas of life. For instance, institutional racism can emerge in the interpretation of vague legal concepts or in the exercise of discretion when legislation is enforced. This is especially true when individuals’ actions are informed by unconscious, socially inherited received wisdom and preconceptions about groups that may be shaped by racism. Structural racism can be conceptualised, in the words of NaDiRa, as a “historically perpetuated and continuously structuring process of (negative) socialisation that individuals are often unaware of. This broader understanding, sometimes known as ‘structural racism’, adopts a perspective covering the whole of society, in which racist ideas and practices are already so normalised that unintentional racist effects can occur on a constant basis in addition to intentional ones”.⁷³

The report *Institutioneller Rassismus in Behörden* (‘Institutional racism in public authorities’), by

“In essence, the purpose of examining institutional and structural racism is to ensure the focus is not just on individual actors but also on institutional processes, procedures and unquestioned routines in, for example, public authorities.”

the Institute for Work, Skills and Training (IAQ) at the University of Duisburg-Essen, argues that racist ideas in German public institutions such as the police, healthcare system and employment agencies cannot be interpreted as failings of individuals, being instead structurally embedded and institutionally generated and perpetuated. The studies described in the report also examine the extent to which public authorities contribute to the generation of “racist knowledge” or draw on such “knowledge” from other public authorities.⁷⁴

One ongoing research project on the subject of racism in state institutions is the study *Rassismus*

⁷³ German Centre for Integration and Migration Research (DeZIM): *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* (‘Racist realities: How does Germany confront racism?’), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 17.

⁷⁴ See Graevskaia, Alexandra; Menke, Katrin; Rumpel, Andrea, *Institutioneller Rassismus in Behörden – Rassistische Wissensbestände in Polizei, Gesundheitsversorgung und Arbeitsverwaltung* (‘Institutional racism in public authorities: Racist knowledge in policing, healthcare and public employment services’). Institute for Work, Skills and Training (IAQ) Report 2/2022.

als Gefährdung des gesellschaftlichen Zusammenhalts im Kontext ausgewählter gesellschaftlich-institutioneller Bereiche ('Racism as a threat to social cohesion in the context of selected socio-institutional domains').⁷⁵ This collaborative project by the Research Institute Social Cohesion (*Forschungsinstitut Gesellschaftlicher Zusammenhalt FGZ*) was launched in January 2022. The three-year research project is a measure launched by the Federal Ministry of the Interior and Community acting on the recommendations of the Cabinet Committee for the fight against right-wing extremism and racism (see section 5.3 below). The study aims to investigate the prevalence of racism in selected official institutions, its manifestations and people's perceptions of it, its possible underlying motives and specific causes, and how it can be prevented. Within the framework of the study, 23 individual projects at eight FGZ locations in Germany are collaboratively analysing racism in public authorities at the federal, *Land* and local levels and its potential for endangering individuals and social cohesion. Areas of investigation include housing and employment services, the conduct of public health agencies and foreigners authorities, interactions between police and civilians, the prison system, extremism prevention and sporting associations. The study is also exploring what knowledge exists within public authorities in regard to anti-racism and prohibitions on discrimination; its findings will inform recommendations for suitable awareness-raising strategies.

Not least in view of the increasing polarisation of society, it is important to heighten awareness of institutional forms of racist discrimination and to combat these consistently. Institutional racism is usually more difficult to recognise than individual forms, such as racist insults or attacks, and preventing and dismantling it requires different approaches.

⁷⁵ Available online (in German) at <https://www.fgz-risc.de/forschung/inra-studie>; accessed on 30 September 2022.

4.1 Police

The police play an important role in combating racism and racist violence. For the prosecution of crimes motivated by racism or antisemitism, it is crucial that the offences are correctly identified as such by law-enforcement agencies (see section 3.2 above). Due to their monopoly on the use of force and their far-reaching powers that interfere with citizens' fundamental rights, security authorities also bear a special responsibility. The members of the police and security authorities work day after day to protect the safety and peaceful coexistence of all people in Germany. This valuable work must not be discredited. It is thus in the police's own interest to cultivate practices that are sensitive to racism and free from discrimination. Despite the exemplary work of many police officers, people affected by racism continue to report instances of prejudice and discrimination in their interactions with the police, leading to a loss of trust.

The short-term study *Institutioneller Rassismus in der Polizei* ('Institutional racism in the police') conducted by the National Discrimination and Racism Monitor (NaDiRa) at the German Centre for Integration and Migration Research (DeZIM) has shown, based on interviews with police officers, that the background knowledge which the police draw on to generate confidence in their own actions sometimes involves racist classifications. According to the study, racist notions are shared even when migration-related diversity is endorsed. Thus, the study concludes, certain circumstances, routines and practices prevailing in the police, specifically among

patrol officers, contribute to the occurrence or perpetuation of racism, even if unintentionally.⁷⁶

A study by *MEDIENDIENST INTEGRATION* (Migration Media Service) shows that the police only offer separate basic-training modules about racism and antisemitism (for example, on racial profiling) in some *Länder*, not all (in Baden-Württemberg, Berlin, Saarland, Saxony-Anhalt, Thuringia and, to a certain extent, Lower Saxony). The study also found that there are no required further-training courses on racism and antisemitism within the *Land* police forces.⁷⁷

In the Federal Police, to ensure that officers' duties are performed in a non-discriminatory fashion, the subject of racism is taught as a separate module in the initial training and as a cross-cutting issue within the subject of human rights. In addition, voluntary further-training courses on the topic are offered. The police training programme continues to address the issue of racism in the context of standard police procedures as a mandatory element of in-service training. The Commissioner welcomes the undertaking in the 2021–25 Coalition Agreement to continue to develop basic and further training for the police, to impart the principles of the free democratic constitutional system even more robustly and thereby to prevent prejudices, discrimination and radical attitudes.

The German Institute for Human Rights considers police checks based on physical appearance or ethnic characteristics (known as 'racial profiling') to be an example of institutional racism

⁷⁶ See Graevskaia, Alexandra, *Institutioneller Rassismus in der Polizei. Rassistisches Wissen und seine Nutzung* ('Institutional racism in the police: Racist received knowledge and its use). With the collaboration of Tim Handick. NaDiRa Working Papers 4: Research findings from short-term studies by the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022.

⁷⁷ See (in German) <https://mediendienst-integration.de/artikel/rassismus-und-antisemitismus-bei-der-polizei.html>; accessed on 29 September 2022.

in the context of policing.⁷⁸ Such experiences are also reported by those affected. For example, more than half of the respondents to the Afro-census reported having been checked by police for no reason that they could identify at least once in their lives.⁷⁹ Other studies, conducted by the EU Agency for Fundamental Rights, for example, also indicate that police checks disproportionately affect people of Turkish origin and people from the former Yugoslavia.⁸⁰

“More than half of the respondents to the Afro-census reported having been checked by police for no reason that they could identify at least once in their lives.”

Discriminatory search procedure or racial profiling is banned and against the law in Germany. However, there is a need for investigation into whether the application of existing legal regulations or procedures, such as random spot-checks

by border police, can result in discrimination. The question is whether such regulations actually facilitate discriminatory conduct if such stops are initiated, in part, on the basis of physical characteristics. The Coalition Agreement for 2021-25 includes an undertaking to revise the Federal Police Act (*Bundespolizeigesetz*). The revision is to include the creation of a new provision that ensures compliance with the ban on discrimination in measures taken by the Federal Police. The sixth report by the European Commission against Racism and Intolerance (ECRI) notes critically that there are indications of racial profiling by German police authorities. However, the data available is still insufficient, which is why ECRI has recommended that Germany commission a study on racial profiling in policing to end this practice and prevent it in the future (see chapter 5 below).

The Federal Ministry of the Interior and Community is funding the study *Motivation, Einstellung und Gewalt im Alltag von Polizeivollzugsbeamten* ('Motivation, attitude and violence in the everyday life of police officers') being conducted by the German Police University. This is not a study of racism.⁸¹ The study, which is funded by the Federal Government for a period of three years, aims to investigate three subject areas – “motivation for choosing the profession”, “day-to-day working life” and “violence against police officers” – and develop recommendations for action.

⁷⁸ See German Institute for Human Rights, *Stellungnahme Racial Profiling: Bund und Länder müssen polizeiliche Praxis überprüfen. Zum Verbot rassistischer Diskriminierung* ('Statement on racial profiling: Federal and Land Governments must review police practice. On the prohibition of racist discrimination'), Berlin, 2020; available online (in German) at <https://www.institut-fuer-menschenrechte.de/publikationen/detail/racial-profiling-bund-und-laender-muessen-polizeiliche-praxis-ueberpruefen>; accessed on 29 September 2022.

⁷⁹ Aikins, Muna AnNisa; Bremberger, Teresa; Aikins, Joshua Kwesi; Gyamerah, Daniel; Yıldırım-Caliman, Deniz, *Afro-census 2020. Perspektiven, Anti-Schwarze Rassismuserfahrungen und Engagement Schwarzer, afrikanischer und afrodiasporischer Menschen in Deutschland* ('Afro-census 2020: Perspectives, experiences of anti-Black Racism and the civic participation of Black people, Africans and people of African descent in Germany'), Berlin, 2021, p. 120.

⁸⁰ See European Union Agency for Fundamental Rights, *Towards More Effective Policing: Understanding and Preventing Discriminatory Ethnic Profiling*, Luxembourg, 2010, p. 32.

⁸¹ See (in German) <https://www.polizeistudie.de/>; accessed on 29 September 2022.

In addition, some *Länder* such as Berlin⁸² and Lower Saxony⁸³ have commissioned their own police studies on the subject of racism, using participant observation, for example, to investigate risk factors for discriminatory behaviour in specific areas of policing. The project *ZuRecht – Die Polizei in der offenen Gesellschaft* ('The police in an open society'), a collaboration funded by Stiftung Mercator and conducted by the University of Freiburg and the German Police University in dialogue with the federal and *Land* police forces, analyses how the police approach diversity and difference in various domains – from recruitment to basic and in-service training to patrol duty and public relations – and how up-to-date policing can be practised in a diverse society.⁸⁴

Meanwhile, civil-society organisations have expressed the criticism that reports from those affected and suspected cases of far-right networks within the police indicate a structural problem. They propose establishing independent complaints offices as an important tool for dismantling institutional racism in the context of police work. The German Institute for Human Rights points out that international human rights bodies such as the UN Human Rights Committee and ECRI have been recommending the establishment of independent offices to investigate complaints

about alleged human rights violations by police officers for more than two decades. Such specialised police complaints offices exist in other countries, such as Belgium, Denmark, Ireland, Portugal

“The Commissioner welcomes the establishment of independent complaints offices and calls for them to be implemented in all 16 Länder.”

and the United Kingdom. These recommendations are made in the context of “the human rights obligation to guarantee those affected the right to lodge an effectual complaint and to ensure that such allegations are investigated independently, appropriately, promptly and in a publicly verifiable manner and that victims are involved in the process.”⁸⁵

⁸² See Howe, Christiane; Decker, Christine; Knobloch, Lan; Can, Halil; Bosch, Alexander, *Bericht zur Berliner Polizeistudie. Eine diskriminierungskritische, qualitative Untersuchung ausgewählter Dienstbereiche der Polizei Berlin* ('Report on the Berlin police study. A discrimination-critical, qualitative investigation of selected duty areas of the Berlin Police), Berlin, 2022. The central recommendations of the study, the findings of which were published on 7 October 2022, include mandatory regular sessions on the colonial history of Germany and Europe, among other topics, in basic and further training as well as mandatory courses and training sessions for all instructors and trainers to raise awareness in matters of discrimination and racism (pp. 110–111). To increase transparency in police work, the study recommends the “use of stop receipts and body cameras”, among other things, “to promote more conscious reflection on one’s own actions as a police officer” (p. 111).

⁸³ Available online (in German) at <https://www.pa.polizei-nds.de/forschung/projekte/forschungsprojekt-polizeipraxis-zwischen-staatlichem-auftrag-und-oeffentlicher-kritik-115525.html>; accessed on 29 September 2022.

⁸⁴ See (in German) <https://www.projekt-zurecht.de/projekt/>; accessed on 29 September 2022.

⁸⁵ Töpfer, Eric, *Unabhängige Polizeibeschwerdestellen. Was kann Deutschland von anderen europäischen Staaten lernen?* ('Independent police complaints offices: What can Germany learn from other European countries?'), German Institute for Human Rights, Berlin, 2017; available online (in German) at https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Unabhaengige_Polizeibeswerdestellen.pdf; accessed on 6 December 2022.

Complaints offices have now been established or are being set up in seven *Länder* – Baden-Württemberg, Berlin, Bremen, Hesse, Mecklenburg-Western Pomerania, Rhineland-Palatinate and Schleswig-Holstein. These have differing powers and degrees of independence from the relevant police forces and home affairs ministries. The Commissioner welcomes the establishment of independent complaints offices and calls for them to be implemented in all 16 *Länder*. The Coalition Agreement also provides for the introduction of an independent police ombuds-person for the federal police forces as a point of contact at the German Bundestag with access rights and clearance to inspect records.

To prevent the loss of trust described above and to counteract misconduct, government stakeholders must pull together to seek solutions. The efforts already being undertaken by the police must be acknowledged and should serve as a starting point for discussions on the current situation and the areas where action is needed. To this end, the Commissioner is organising a roundtable on the topic of racism and the police.

4.2 School

In Germany, educational success remains closely linked to the social circumstances of one's family. Children and young people with personal or family histories of immigration, i.e. from migrant backgrounds, are disproportionately more likely to grow up in what is deemed a social, financial or educational risk situation.⁸⁶ Disadvantages or discrepancies in opportunities can be traced to various factors. Migration status is not the cause but acts with the socio-economic factors described.⁸⁷ Children from migrant backgrounds are four times more likely to be affected by all three risk situations than children without migrant backgrounds⁸⁸ and therefore remain significantly disadvantaged within the German education system. With a view to equal opportunities, the prevalence of educational risk situations among children with personal or family histories of immigration highlights a particular need for action.⁸⁹ The 2021 IQB Trends in Student Achievement report finds that efforts in recent years to reduce the disadvantages associated with immigration have

not succeeded overall. This is partly to do with children from immigrant families having family backgrounds that are less favourable, on average, in terms of their socio-economic situation and education and with the pandemic having created difficult learning conditions for them. In the future, much more targeted efforts will be necessary to improve the fairness of the German education system and to effectively even out origin-based differences in educational success.⁹⁰

Educational disadvantages for students with personal or family histories of immigration can also result from discriminatory practices. More recent educational research places a greater focus, for example, on the relationship between teachers and pupils as a factor influencing differences in performance. There is still a need for further research into topics including discrimination in schools, for example with regard to prejudices and what is known as "stereotype threat".⁹¹ Existing research has shown that, by their actions, teachers can influence the development of students' skills even unconsciously and unintentionally. A 2018 study by

⁸⁶ See Education Report Authoring Group (eds.), *Bildung in Deutschland 2020* ('Education in Germany 2020'), Bielefeld, 2020, pp. 6 and 42. According to the national education report, children may be inhibited in their educational opportunities if they grow up with at least one of the three risk situations examined there: parents with few formal qualifications, a social risk situation or a financial risk situation. These are defined as follows: a financial risk situation is present if no parents in the household are employed or if the family income is below the poverty threshold of 60% of the average equivalised income. An educational risk situation is present if both parents have neither completed vocational training nor gained higher education entrance qualifications.

⁸⁷ See *ibid.*, pp. 6 and 45. The 2018 Education Report also highlights which characteristics have an impact on participation in education. Educational participation and outcomes are often influenced by individual support in one's childhood home and institutionalised early-years education, as well as by gender and migrant backgrounds. See Education Report Authoring Group (eds.), *Bildung in Deutschland 2018* ('Education in Germany 2018'), Bielefeld, 2018, p. 245.

⁸⁸ See Education Report Authoring Group (eds.), *Bildung in Deutschland 2020* ('Education in Germany 2020'), Bielefeld, 2020, p. 42.

⁸⁹ See *ibid.*, p. 45.

⁹⁰ See Stanat, Petra; Schipolowski, Stefan; Schneider, Rebecca; Sachse, Karoline A.; Weirich, Sebastian; Henschel, Sofie, (eds), *IQB-Bildungstrend 2021. Kompetenzen in den Fächern Deutsch und Mathematik am Ende der 4. Jahrgangsstufe: im dritten Ländervergleich* ('IQB Trends in Student Achievement 2021: The Third National Assessment of German and Mathematics Proficiencies at the End of Fourth Grade'), Münster, 2022, p. 217; available online (in German, with an English summary) at <https://www.iqb.hu-berlin.de/bt/BT2021/Bericht/>; accessed on 19 April 2023.

⁹¹ The premise of the theory of stereotype threat is that people internalise negative stereotypes about their own groups and that this has a negative impact on their potential performance.

“In the future, much more targeted efforts will be necessary to improve the fairness of the German education system and to effectively even out origin-based differences in educational success.”

the University of Mannheim shows that trainee teachers give primary-school children with Turkish names lower grades in the subject German despite equal performance.⁹² According to the Expert Council on Integration and Migration (SVR), children with migrant backgrounds relatively often face the problem that, because of their origins, they are less often thought capable of performing well.⁹³ The study explains how teachers can use specific interventions to help pupils develop confidence in their own abilities and achieve good results. However, this also calls upon the teachers’ own capacity for critical self-reflection, because progress in pupils’ ability depends in part on their teachers’ expectations regarding their potential.

These expectations are not based solely on the children’s abilities as actually assessed, but are also influenced by stereotypes about their ethnic and social backgrounds, gender or external characteristics. In exam settings, learners who experience stereotype threat can suffer from greater anxiety and mental blocks, which can have a negative impact on the development of their abilities. In these situations, teachers can employ interventions to help children internalise beliefs that boost their performance, for example. For students, practising what are known as “value affirmations” is an opportunity to write about topics that are important to their lives and enjoyable to them. When their sense of personal integrity is jeopardised by stereotype threat, these value affirmations can give children strength. Teachers, for their part, are made more aware of motivational learning strategies.⁹⁴

Another study found, for example, that some teachers who generally assessed their pupils’ abilities and performance accurately at the beginning of their first year of school had expectations that systematically deviated from the children’s true capacities. The study shows that teachers expect lower levels of achievement from children of Turkish descent than from children without personal or family histories of immigration, even when they otherwise perform at the same level and socio-economic background is controlled for.⁹⁵

⁹² See (in German) <https://www.uni-mannheim.de/newsroom/presse/pressemitteilungen/2018/juli/max-versus-murat-schlechtere-noten-im-diktat-fuer-grundschulkindern-mit-tuerkischem-hintergrund/> and Bonenfeld, Meike; Dickhäuser, Oliver, “(Biased) Grading of Students’ Performance: Students’ Names, Performance Level, and Implicit Attitudes” in *Frontiers in Psychology* 9:481 (2018). Available online at <https://www.frontiersin.org/articles/10.3389/fpsyg.2018.00481/full>; accessed on 6 July 2022.

⁹³ See Lokhande, Mohini; Grießig, Ritva, *Lernende stärken! Wie Lehrkräfte mit Weisen Interventionen wirken können* (‘Empowering learners! How teachers can have an impact with wise interventions’), a study by the Expert Council on Integration and Migration (SVR), Berlin, 2021.

⁹⁴ See *ibid.*, p. 6 et seq.

To identify and professionally address various forms of racism and discrimination, teachers and school personnel require appropriate skills and support. This necessitates mandatory courses within initial and continuing training programmes and a critical attitude towards racism on the part of teachers.⁹⁶ In the event of incidents of discrimination occurring in schools, students, parents and teachers should also have access to an independent point of contact outside the school for counselling and support. Independent counselling services in particular are a great help to those affected by discrimination, especially children and young people. One example of what support can look like is the Berlin project ADAS, which stands for *Anlaufstelle für Diskriminierungsschutz an Schulen* ('Contact Point for Safeguarding Against Discrimination in Schools'). The ADAS assists those who have experienced discrimination in a school setting. According to monitoring statistics,⁹⁷ the reported cases of discrimination so far have primarily concerned discrimination against students (94.4%). In the vast majority of reported cases, discrimination was on the part of school personnel (68.2%), that is, school administrators, teachers (just under 60%) and school social workers. The ADAS monitoring records show that experiences of racist discrimination are the focus: 95.5% of

the reports described discrimination based on ethnic origin, religion and language.⁹⁸ The Commissioner considers it essential to expand support services for people affected, to monitor discrimination in the school context and to set up further-training programmes for teachers and schools.

“Children with migrant backgrounds relatively often face the problem that, because of their origins, they are less often thought capable of performing well.”

In the education system, not only the individuals involved are important, but the teaching and learning materials used in class as well. Stereotypical representations in textbooks of people from migrant backgrounds – predominantly

⁹⁵ See Berlin Institute for Empirical Integration and Migration Research (BIM), Research Unit of the Expert Council on Integration and Migration (SVR *Forschungsbereich*), *Vielfalt im Klassenzimmer. Wie Lehrkräfte gute Leistung fördern können* ('Diversity in the classroom: How teachers can promote good performance'), Berlin, 2017, p. 31. The research-practice project was trialled at schools in North Rhine-Westphalia (Arnsberg and Düsseldorf) and evaluated over the course of one school year in a quantitative study involving 889 children from 51 fifth-grade classes. The participating pupils were given written tests and surveyed at three different points of the year.

⁹⁶ See von Dewitz, Nora; Massumi, Mona, "Schule im Kontext aktueller Migration" ('School in the context of current migration'), in McElvany, Nele (ed.), *Ankommen in der Schule. Chancen und Herausforderungen bei der Integration von Kindern mit Fluchterfahrung* ('Arriving in school: Opportunities and challenges when integrating children with experience as refugees'), Münster, 2017, p. 183.

⁹⁷ See *Diskriminierung an Berliner Schulen: ADAS berichtet* ('Discrimination in Berlin Schools: ADAS Reports'), the monitoring report for 2018, 2019 and 2020 from the Contact Point for Safeguarding Against Discrimination in Schools (ADAS); available online (in German) at <https://adas-berlin.de/wp-content/uploads/2021/11/Diskriminierung-an-Berliner-Schulen-ADAS-berichtet.pdf>; accessed on 6 July 2022.

⁹⁸ These descriptions refer to the entire set of 289 reported cases of discrimination at schools in Berlin between 2018 and 2020.

portraying them in the role of passive participants or victims, for example – can have repercussions for children’s social status. The *Migration und Integration* textbook study, conducted at the Commissioner’s behest and presented in March 2015, pursues the integration policy goal of contributing to improvements and dialogue around appropriate and non-discriminatory portrayals of migration and integration as topics in school textbooks.⁹⁹ The study examines whether and how school textbooks reflect integration, migration and the associated diversity of society. To that end, the study analysed the text and images in lower- and upper-level secondary school textbooks for history, social studies and geography. One important finding was that textbooks often present migration as a problem, rather than as something normal, and only tangentially address the opportunities that arise from diversity.

The 2015 joint declaration *Darstellung von kultureller Vielfalt, Integration und Migration in Bildungsmedien* (‘Representation of cultural diversity, integration and migration in educational media’), issued by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in collaboration with migrant organisations and publishers of educational media, was adopted in October 2015 with the objective of establishing intercultural diversity as a social norm in schools.¹⁰⁰ Education for democratic citizenship and human rights education are indispensable for all learners. In 2018, with the Standing Conference recommendations for democracy and human rights education in schools, the *Länder* committed to embedding education on these topics even more firmly in teaching and in everyday life at school.¹⁰¹ Furthermore, the *Länder* are implementing various measures against discrimination and group-focused enmity. In general, the education system

⁹⁹ Available online (in German) at <https://www.integrationsbeauftragte.de/resource/blob/1865420/1882552/1ac1be68e9282c81dd238438b5c9a867/schulbuchstudie-data.pdf?download=1>; accessed on 6 December 2022.

¹⁰⁰ Available online (in German) at http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2015/2015_10_08-Darstellung-kultureller-Vielfalt.pdf; accessed on 6 December 2022. Aware of the growing diversity in the education sector, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* has developed various recommendations and declarations on intercultural education and childcare at school. It has released various statements addressing intercultural diversity as an arena for action, including the joint declaration *Darstellung von kultureller Vielfalt, Integration und Migration in Bildungsmedien* (‘Representation of cultural diversity, integration and migration in educational media’), issued in 2015 together with migrant organisations and educational media publishers, and the 2017 resolution *Interkulturelle Bildung und Erziehung in der Schule* (‘Intercultural education and childcare in schools’), an update to a resolution from 1996, the key points of which have been implemented in schools; available online (in German) at <https://www.kmk.org/themen/allgemeinbildende-schulen/weitere-unterrichtsinhalte-und-themen/interkulturelle-bildung.html>. The Standing Conference’s 2015 resolution *Lehrerbildung für eine Schule der Vielfalt* (‘Teacher training for diverse schools’), a joint recommendation by the German Rectors’ Conference and the Standing Conference, states: “The Rectors’ Conference and the Standing Conference call upon all those involved in teacher training to meet their responsibility to design teacher training in a way that is institutionally, conceptually and thematically conducive to diverse schools. They agree to assess and reflect on the progress made toward implementing this objective at suitable intervals”; available online (in German) at http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2015/2015_03_12-Schule-der-Vielfalt.pdf; accessed on 6 December 2022. In late 2020, the two Conferences adopted an extensive interim report on the implementation of their joint declaration; available online (in German) at https://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/2020/2020_12_10-Zwischenbericht-Umsetzung-Schule-der-Vielfalt.pdf; accessed on 25 November 2022.

¹⁰¹ *Demokratie als Ziel, Gegenstand und Praxis historisch-politischer Bildung und Erziehung in der Schule* (‘Democracy as an objective, subject and practice of historical and political education in schools’), a resolution by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* of 6 March 2009, as amended on 11 October 2018; available online (in German) at https://www.kmk.org/fileadmin/Dateien/pdf/PresseUndAktuelles/2018/Beschluss_Demokratieerziehung.pdf; accessed on 6 December 2022; and *Menschenrechtsbildung in der Schule* (‘Human rights education in schools’), a resolution by the Standing

also plays an important role in the integration of vulnerable groups, including refugee children and adolescents. The Commissioner welcomes the Standing Conference declarations and resolutions and emphasises the need for periodic evaluation and binding targets to ensure the further implementation of these important points.

The *Migration und Integration* curriculum study, conducted at the Commissioner's behest by the Mercator Forum on Migration and Democracy, found that the topics of migration and integration have been incorporated into the curricula of German schools. However, they do not yet adequately reflect the reality of Germany's immigration-rich society. Some interviewees from continuing teacher training reported that "intersectional" topics in particular, as well as anti-racist education detached from any specific school subject, should be integrated into initial teacher training.¹⁰² Schools need to be better supported in putting anti-racist and discrimination-critical education into practice. Teaching materials on migration and diversity-sensitive education can provide important support with a view to promoting an affirming school culture and lesson design.

In addition to schools, childcare facilities are increasingly becoming places that reflect society's diversity demographically, and contexts where forms of institutional racism can manifest.¹⁰³ The project KiDs – Protecting Children from Discrimination! offers counselling and support for those affected by discrimination occurring in Berlin. KiDs provides advice on all areas of life in which children (aged between 0 and 12 years) may be affected by discrimination. These include, for example, daycare facilities, the school sector and government agencies or public authorities. The service caters to children and adults, is free of charge and can be provided in various languages. The project adopts a horizontal approach to its counselling on experiences of discrimination, taking into account all dimensions of discrimination as well as intersectional discrimination. The perspective of the person seeking counselling is the point of departure for advice and intervention. Social power dynamics and structures of inequality are also considered.¹⁰⁴ To avoid discrimination of any kind both in access to facilities and in childcare itself, conscious engagement with the topic of racism is prudent and necessary even in early childhood education.

Conference of the Ministers of Education and Cultural Affairs of the *Länder* of 4 December 1980, as amended on 11 October 2018; available online (in German) at https://www.kmk.org/fileadmin/Dateien/pdf/PresseUndAktuelles/2018/Beschluss_Menschenrechtserziehung.pdf; accessed on 25 November 2022.

¹⁰² See Federal Government Commissioner for Migration, Refugees and Integration (ed.), *Lehrplanstudie Migration und Integration* ('Migration and integration curriculum study'), Berlin, 2021, p. 74; available online (in German) at <https://www.integrationsbeauftragte.de/resource/blob/1872554/1880068/ce14c357416b8c410d5df58050a52c3d/lehrplanstudie-data.pdf?download=1>; accessed on 2 August 2022.

¹⁰³ See Bostancı, Seyran; Biel, Christina; Neuhauser, Bastian, "Ich habe lange gekämpft, aber dann sind wir doch gewechselt" ('I struggled for a long time, but then we switched after all'), an exploratory qualitative pilot study on responding to institutional racism in Berlin daycare facilities), NaDiRa Working Papers 1: Research findings from short-term studies by the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022.

¹⁰⁴ KiDs is a project by *Fachstelle Kinderwelten für Vorurteilsbewusste Bildung und Erziehung* ('Children's worlds for bias-aware education and childcare') at the Institute for the Situational Approach (ISTA) and is financed by funds from the Berlin Senate Department for Justice, Consumer Protection and Anti-discrimination and the Berlin Senate Department for Education, Youth and Family; available online (in German) at <https://kids.kinderwelten.net/de/Beratung%20gegen%20Diskriminierung>; accessed on 9 November 2022.

4.3 Higher education

In Germany, institutions of higher education define themselves as inherently open-minded places founded on plurality of opinion and international exchange.¹⁰⁵ This makes it all the more crucial to swiftly identify and rigorously counter any racism in these settings. Individual universities are now beginning to explicitly address the issue of racism in higher education and take relevant institutional measures. For example, the University of Cologne established the position of a Representative for Anti-Racism in March 2022.¹⁰⁶ Overall, little research has been conducted into racism in the context of higher education. Existing empirical studies have mainly focused on internationalisation and diversity in higher education and academia.¹⁰⁷

In the brochure *Bausteine für einen systematischen Diskriminierungsschutz an Hochschulen* ('Building blocks for systematically safeguarding against discrimination in higher education'), the Federal Anti-Discrimination Agency has drawn up specific proposals for identifying and addressing discrimination in these institutions. The brochure lays out six building blocks and illustrates them with examples of practical measures for putting anti-discrimination safeguarding in place in higher education.¹⁰⁸

The building blocks include:

1. Identifying discrimination risks, conducting surveys and monitoring
2. Network-building and internationalisation
3. Awareness-raising, empowerment and public relations
4. Counselling on anti-discrimination, initial consultations and referrals
5. Establishing complaints offices
6. Taking affirmative action

The building blocks are intended to be applied in respect of all of the characteristics mentioned in the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*); they are not limited to discrimination based on ethnic origin.

What would be particularly desirable are representative (longitudinal) studies on experiences of racism in higher education and academia. It should be noted that protections under the General Equal Treatment Act do not, as a rule, apply to students in higher education.

¹⁰⁵ See *Erklärung der Hochschulrektorenkonferenz* ('Declaration by the German Rectors' Conference'); available online (in German) at <https://www.hrk.de/weltoffene-hochschulen>; accessed on 24 June 2022.

¹⁰⁶ See <https://vielfalt.uni-koeln.de/en/anti-racism/representative-for-anti-racism>; accessed on 20 April 2023.

¹⁰⁷ See Expert Council on Integration and Migration (ed.), *Train and Retain: Career Support for International Students in Canada, Germany, the Netherlands and Sweden*, Berlin, 2015; available online at <https://www.svr-migration.de/en/publication/train-and-retain/>; accessed on 8 April 2023; *Zeitschrift für Hochschulentwicklung* (Journal of Higher Education Development) vol. 15, no. 3, "Diversität an Hochschulen – Chancen und Herausforderungen auf dem Weg zu exzellenten und inklusiven Hochschulen" ('Diversity in higher education: Opportunities and challenges along the road to excellent and inclusive universities'), Graz, 2020; Feuser, Florian; Ramos Méndez-Sahlander, Carmen; Stroh, Christiane, (eds.), *Diversität an Hochschulen. Unterschiedlichkeit als Herausforderung und Chance* ('Diversity in higher education: Difference as a challenge and an opportunity'), Bielefeld, 2019.

¹⁰⁸ See Federal Anti-Discrimination Agency (ed.), *Bausteine für einen systematischen Diskriminierungsschutz an Hochschulen* ('Building blocks for systematically safeguarding against discrimination in higher education'), Berlin, 2020; available online (in German) at <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/lebensbereiche/bildungsbereiche/hochschule/hochschule.html>; accessed on 27 June 2022.

4.4 Vocational training and working life

Vocational training and work are fundamental pillars of inclusion in society. There must be equal opportunities in these areas for all people in Germany, regardless of social or geographical origins, gender or age. There should be no place for discrimination on the basis of origins or religion, but it remains a reality for many people, in applications for apprenticeships or jobs, in the workplace and with regard to promotions. The extent of discrimination varies depending on the profession, individuals' religious affiliation or presumed country of origin, and the advertised position, and is also often interwoven with discrimination based on other characteristics such as age or gender.¹⁰⁹

In the realm of vocational training, for example during the selection process for applicants, discrimination is based mainly on origins – for instance, because a person has or is perceived to have origins in the Middle East and North Africa (MENA) region or Turkey.¹¹⁰ Muslim women who wear headscarves are particularly affected by discrimination in the workplace. One study by economist Doris Weichselbaumer produced alarming results. As part of the study 1500 fictitious applications were sent to companies. To be invited to an interview, headscarf-wearing women with names perceived as Turkish needed to submit 4.5 times as many applications as equally qualified women with

typically German-sounding names and no headscarf. For positions requiring higher qualifications, they had to submit nearly eight times as many applications.¹¹¹ Additional studies, by the Berlin Social Science Centre (WZB), for example, also demonstrate that people of Muslim faith and Black people are at significantly higher risk of discrimination and are significantly disadvantaged when applying for jobs.¹¹²

“Muslim women who wear headscarves are particularly affected by discrimination in the workplace.”

In public-sector employment services, too, there are risks of discrimination against people with personal or family histories of immigration; they might, for example, be denied vouchers for further-training courses at a job centre or employment agency. Such denials can sometimes be grounded in negative assumptions about a person's chances of success based solely on externally visible characteristics such as age, ethnic origin or disability.¹¹³

¹⁰⁹ See Wegschaider, Klaudia, “Arbeiten” (‘Work’) in Bertelsmann Foundation (ed.), *Faktensammlung Diskriminierung. Kontext Einwanderungsgesellschaft* (‘Collection of facts on discrimination: The context of an immigration-rich society’), Gütersloh, 2018, p. 58–59.

¹¹⁰ See Federal Anti-Discrimination Agency, *Diskriminierungserfahrungen in Deutschland* (Experiences of discrimination in Germany), the results of a representative survey and a survey of affected individuals, Berlin, 2017.

¹¹¹ See Weichselbaumer, Doris, *Discrimination against Female Migrants Wearing Headscarves, IZA – Forschungsinstitut zur Zukunft der Arbeit* (‘Research institute on the future of work’), Bonn, 2016; available online at <https://docs.iza.org/dp10217.pdf>; accessed on 30 September 2022.

¹¹² See Koopmans, Ruud; Veit, Susanne; Yemane, Ruta, *Ethnische Hierarchien in der Bewerberauswahl* (‘Ethnic hierarchies when selecting applicants’), a field experiment on the causes of labour market discrimination, Discussion Paper SP VI 2018-104, Berlin, 2018.

¹¹³ See Brüssig, Martin, et al., *Diskriminierungsrisiken in der öffentlichen Arbeitsvermittlung* (‘Discrimination risks in public employment services’), Berlin, 2017.

The Bertelsmann Foundation report *Fakten-sammlung Diskriminierung* ('Collection of facts on discrimination') provides an overview of studies regarding the various manifestations of racism in the job market.¹¹⁴ The website of the Federal Anti-Discrimination Agency also offers a broad range of information founded in scholarly research.

“The majority of the German population (57%) want German companies to take a stronger public stance against racism. Meanwhile, 57% of employees are of the opinion that far-right incidents can have a negative impact on a business location.”

Racism can only be fought through active countermeasures. This holds true for training

programmes and the workplace. Hence, companies and trade unions play central roles in combating racism. The Commissioner is grateful that representatives of workers and management are championing this cause. For example, organisations associated with employees and employers are implementing the *Initiative für betriebliche Demokratiekompetenz* ('Initiative for workplace democratic literacy'), funded by the Federal Ministry of Labour and Social Affairs.¹¹⁵ The initiative aims to strengthen democracy in the workplace, counteract racism and conspiracy theories, and develop relevant programmes for workforces, companies and vocational schools. The labour ministry is overseeing the programme together with the German Trade Union Confederation (DGB). There is a long history of trade unions taking a stand against racist discrimination; the initiative *Mach meinen Kumpel nicht an!* ('Don't pick on my mate!') was launched as early as the 1980s.¹¹⁶

In addition to codes of conduct, further-training measures are important tools for sensitising people to possible discrimination, including within individual workplaces. Around 39% of employees express a desire for such programmes.¹¹⁷ Survey results from a study by the organisations *Gesicht zeigen!* ('Show your face'), Ernst & Young and Civey found that 27% of employees said their companies provided nobody to turn to in the event of a racist incident. Another 27% did not know whether there was someone available. In addition to support from the works council or staff council (37%), individuals affected by racism

¹¹⁴ Bertelsmann Foundation, *Fakten-sammlung Diskriminierung. Kontext Einwanderungsgesellschaft* ('Collection of facts on discrimination: The context of an immigration society'), Gütersloh, 2018; available online (in German) at <https://www.bertelsmann-stiftung.de/de/publikationen/publikation/did/fakten-sammlung-diskriminierung-2018>.

¹¹⁵ See (in German) <https://betriebliche-demokratiekompetenz.de/ueber-uns/>; accessed on 7 October 2022.

¹¹⁶ See (in German) <https://www.gelbehand.de/ueber-uns/>; accessed on 7 October 2022.

¹¹⁷ See *Gesicht zeigen!*, EY, Civey, *Rassismus im Kontext von Wirtschaft und Arbeit. Bestandsaufnahme und Handlungsoptionen* ('Racism in the context of business and work: A stock-take and options for action'), no location, 2020.

expressed a desire for complaints offices (29%) and psychological assistance (20%). Structural adjustments in companies in line with these wishes offer help for those affected as well as uncovering incidents and penalising those responsible. Furthermore, companies themselves benefit from creating modern, open and inclusive working environments. The majority of the German population (57%) want German companies to take a stronger public stance against racism. Meanwhile, 57% of employees are of the opinion that far-right incidents can have a negative impact on a business location.¹¹⁸

The Expert Commission on Integration Potential also emphasises that discrimination in the labour market “has negative effects not only for those affected, but also for the economy and society as a whole [...] because it reduces income levels, increases the unequal distribution of employment opportunities and income, reduces work motivation and work output of affected groups and promotes segregation.”¹¹⁹

The Commissioner is pleased that many initiatives have been launched by employee and employer organisations to combat racism and promote equal opportunities in the labour market.

The *Charta der Vielfalt* (‘Diversity charter’) association, of which Federal Chancellor Olaf Scholz has become the patron, is carrying out a project co-financed by the Commissioner that creates training formats and tools to boost employees’ skills with the aim of promoting respectful and collegial relations in working life.

¹¹⁸ Ibid.

¹¹⁹ Federal Government Expert Commission on the Framework Conditions for Integration Potential (ed.), *Shaping Immigration Society Together*. Report by the Federal Government Expert Commission on the Framework Conditions for Integration Potential, Berlin, 2020, p. 155.

4.5 Public administration

As noted by the Expert Commission on Integration Potential, in a democracy, gaps in representation within the institutions that symbolise and represent the polity are a problem for

“People with migrant backgrounds, who made up 26% of the population as of the 2019 survey, are significantly under-represented in the federal administration, at only 12% on average.”

society as a whole.¹²⁰ The available data is inadequate to determine the degree to which racist discrimination is to blame for the under-representation of our society’s diversity in, for example, state institutions. Findings from representative surveys of employees in the federal administration (*Diversität und Chancengleichheit* Survey, ‘Diversity and equal opportunities survey’) provide insight into the progress made on increasing intercultural openness within

the administration. People with migrant backgrounds, who made up 26% of the population as of the 2019 survey, are significantly under-represented in the federal administration, at only 12% on average. Employees with migrant backgrounds are also less likely to work in higher career strands and are more often overqualified for their positions. The empirical findings demonstrate poorer career prospects. Staff with migrant backgrounds are disadvantaged not only in terms of where they are placed when first hired, but also in the course of their subsequent employment within the federal administration – for example, when it comes to being selected for civil-service status, promotions or management positions.¹²¹

One project currently considering issues of diversity, discrimination and workforce structure is *Diversität in der Bundesverwaltung am Beispiel des BMFSFJ* (‘Diversity in the federal administration using the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as an example’). The project is a collaboration between DeZIM and Citizens For Europe (CFE) funded by the family affairs ministry as number 66 in the package of measures adopted by the Cabinet Committee for the fight against right-wing extremism and racism (see section 5.3 below). Using this one ministry as a case study, the project investigates factors including the hurdles and structural barriers to access that systematically complicate entry to and retention in public service for people with personal or family histories of immigration as well as people with other characteristics vulnerable to

¹²⁰ Ibid, p. 166.

¹²¹ See Federal Government Commissioner for Migration, Refugees and Integration and Federal Institute for Population Research (eds), *Kulturelle Diversität und Chancengleichheit in der Bundesverwaltung* (‘Cultural diversity and equal opportunities in the federal administration’), results of the first joint survey of employees of the authorities and institutions of the federal public service, Ostbevern, 2020; available online (in German) at <https://www.bib.bund.de/Publikation/2020/pdf/Kulturelle-Diversitaet-und-Chancengleichheit-in-der-Bundesverwaltung.pdf>; accessed on 6 December 2022.

discrimination.¹²² The report by the Expert Commission on Integration Potential recommends that the public sector should lead by example with regard to diversity.¹²³

Combating discrimination, racist or otherwise, necessitates measures to promote diversity and counter discrimination – in other words, affirmative action. This refers to specific measures that can legally be taken to bolster disadvantaged groups and offset prevailing disadvantages, such as poorer prospects of employment and promotion. They may include explicit calls for applications, anonymised application processes or the practice of listing specific suitability criteria, such as language skills or intercultural competence, as optional ('desirable'/'preferred') elements in the job description if they are necessary to fulfil the tasks of the advertised position. In accordance with the Coalition Agreement, during this legislative term the Federal Government is developing a holistic diversity strategy including

concrete support measures, specified targets and measures to bring about a cultural shift in the federal administration and enterprises with federal co-financing. These measures are intended to contribute extensively to the creation of diversity-sensitive organisational structures and the increased representation of people with personal or family histories of immigration. They will have positive consequences for professional well-being and help counteract structural discrimination.

The Federal Participation Act (*Bundespartizipationsgesetz*), agreed on in the Coalition Agreement for the 20th legislative term, is likewise intended to promote greater representation and inclusion (see section 5.8 below). Both plans – a holistic diversity strategy and the bill for a Federal Participation Act – are important concerns for the Commissioner, and she is advancing them within the scope of her responsibilities.

¹²² See (in German) <https://www.dezim-institut.de/projekte/projekt-detail/diversitaet-in-der-bundesverwaltung-dibu-2-20/>; accessed on 29 September 2022.

¹²³ See Federal Government Expert Commission on the Framework Conditions for Integration Potential (ed.), *Shaping Immigration Society Together. Report by the Federal Government Expert Commission on the Framework Conditions for Integration Potential*, Berlin, 2020, pp. 166–167.

4.6 Political representation

Strong democracy thrives on robust opportunities to participate for all of the people living in a country. However, people with personal or family histories of immigration, who currently make up a good 27% of Germany's population, are still significantly under-represented in the political sphere.¹²⁴ For example, in the 20th legislative term of the German Bundestag, only 11.3% of its members have personal or family histories of immigration.¹²⁵ What is more, such politicians are particularly subject to attacks and hate crimes taking place both online and offline.¹²⁶

Crimes against public and elected officials have been steadily on the rise since they began being centrally recorded in the police statistics on politically motivated crime in January 2019. The number of these offences increased by 205.75% between 2019 and 2021 (from 818 offences in 2019 to 2 501 offences in 2021).¹²⁷ A mournful low point was the June 2019 murder of Dr Walter Lübcke, district president of Kassel (see the introduction above). Although politicians without personal or family histories of immigration also suffer from hostility and hate speech, as shown in the case of politician Renate Künast,¹²⁸ people with personal or family histories of immigration are particularly affected. Offences, hate and hostility directed against them are often motivated

by racism and, when the targets are women, frequently intersect with sexist hostility. This is illustrated by several prominent examples. For instance, the lawyer Tareq Alaows, a former refugee from Syria who was nominated as a constituency candidate for Alliance 90/The Greens

“For example, in the 20th legislative term of the German Bundestag, only 11.3% of its members have personal or family histories of immigration. What is more, such politicians are particularly subject to attacks and hate crimes taking place both online and offline.”

¹²⁴ According to the Federal Statistical Office, 53% of people in Germany with migrant backgrounds (nearly 11.8 million people) had German citizenship in 2021. See (in German) https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/04/PD22_162_125.html; accessed on 8 November 2022.

¹²⁵ See *MEDIENDIENST INTEGRATION* (Migration Media Service): *Politische Teilhabe* ('Political inclusion'); available online (in German) at <https://mediendienst-integration.de/integration/politik.html>; accessed on 21 June 2022.

¹²⁶ *Ibid.*

¹²⁷ See Federal Ministry of the Interior and Community, and Federal Criminal Police Office, *Politisch motivierte Kriminalität im Jahr 2021 – Bundesweite Fallzahlen* ('Politically motivated crime in 2021 – nationwide statistics'), p. 16; Federal Ministry of the Interior and Community, and Federal Criminal Police Office, *Politisch motivierte Kriminalität im Jahr 2020 – Bundesweite Fallzahlen* ('Politically motivated crime in 2020 – nationwide statistics'), p. 12.

¹²⁸ See *“Künast setzt sich im Streit mit Hassposts durch”* ('Künast wins argument with hateful posts'); available online (in German) at <https://www.sueddeutsche.de/politik/hass-und-hetze-renalte-kuenast-bundesverfassungsgericht-facebook-1.5520400>; accessed on 22 June 2022.

in North Rhine-Westphalia for the Bundestag elections, withdrew his candidacy in March 2021 after anonymous death threats were made against him and his family. Another example is Member of the Bundestag Dr Karamba Diaby, whose constituency office was shot at in 2020.¹²⁹ However, attacks and hostility often occur online rather than in person. Belit Onay, who became the first German with a personal or family history of immigration to be elected Mayor of Hanover in 2019, reported that hateful comments flooded his social media channels as soon as his election victory was announced.¹³⁰ The local politician Gollaleh Ahmadi also reports that she faces violence online, often in the form of simultaneously racist and sexist hostility.¹³¹

To combat racism in politics and reinforce the rights of individuals with personal or family histories of immigration to participate in politics, barriers to entry into politics must be identified and dismantled. In addition, the agency and resilience of politicians with personal or family histories of immigration in dealing with hate, agitation and racism must be bolstered. The Commissioner will devote herself to this task during this legislative term (see chapter 6 below).

¹²⁹ See “Schüsse auf das Büro des SPD-Politikers Karamba Diaby” (‘Shots fired at office of SPD politician Karamba Diaby’); available online (in German) at <https://www.zeit.de/gesellschaft/zeitgeschehen/2020-01/karamba-diaby-halle-buero-spd-politiker-schuesse>; accessed on 22 June 2022.

¹³⁰ See “Was im Netz passiert, hat nichts mit politischem Diskurs zu tun” (‘What happens online has nothing to do with political discourse’); available online (in German) at <https://www.stark-im-amt.de/magazin/was-im-netz-passiert-hat-mit-politischem-diskurs-nichts-zu-tun/>; accessed on 21 June 2022.

¹³¹ See “Stärke! Wir sprechen mit Gollaleh Ahmadi” (‘Strength! We talk to Gollaleh Ahmadi’); available online (in German) at <https://www.stark-im-amt.de/magazin/was-im-netz-passiert-hat-mit-politischem-diskurs-nichts-zu-tun/>; accessed on 22 June 2022.

4.7 Healthcare

Our health is a valuable asset which the healthcare system serves to protect and maintain. Mutual understanding and empathy, health literacy and access free from racism or discrimination bolster trust in medical and nursing care, improve communication and cooperation, and contribute significantly to high-quality healthcare.

“There are discrepancies in access to healthcare services in Germany, which partly correlate with differences in residence status.”

Nevertheless, there are discrepancies in access to healthcare services in Germany, which partly correlate with differences in residence status. During the first 18 months of their time in German territory, people in need whose residence status makes them subject to the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) only receive healthcare services – medical and dental treatment – required for the treatment of acute illness and pain, including the provision of medicines, dressings and other inputs required for recovery, improvement or alleviation of illnesses or their effects. Dental prostheses are only provided if this is a medical necessity that cannot be postponed. Certain preventive or proactive treatments, vaccinations and health services related to pregnancy and childbirth are provided.

Nevertheless, legal restrictions on access and de facto barriers do exist, particularly regarding refugees' access to comprehensive health services. In seven *Länder* (Bavaria, Baden-Württemberg, Hesse, Mecklenburg-Western Pomerania, Saarland, Saxony and Saxony-Anhalt), healthcare provision under the Asylum Seekers Benefits Act during the first 18 months usually requires involving the welfare authorities in advance. As a result, because medical certificates are often required for costs to be covered, direct access to medical professionals is dependent on personnel without medical expertise (such as the staff of social welfare offices) deciding whether medical treatment is necessary and whether the costs incurred at the doctor's will be covered. Nine *Länder* (Bremen, Hamburg, Berlin, Brandenburg, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein and Thuringia) apply section 264 (1) of Book V of the Social Code (*Sozialgesetzbuch, SGB*) even during the first 18 months, enabling the statutory health insurance funds to support beneficiaries under the Asylum Seekers Benefits Act on a contract basis. They give beneficiaries under the Asylum Seekers Benefits Act significantly easier access to the healthcare system by issuing them with electronic health cards. The Commissioner strongly supports the nationwide implementation of such electronic health cards for asylum seekers. Beyond this, additional needs for medical provision due to chronic illnesses or hearing aids, glasses or similar items is legally only covered on a discretionary basis, even where the treatment in question is indispensable to safeguard the person's health (section 6 (1) of the Asylum Seekers Benefits Act).

There are also restrictions on the healthcare provided to foreign nationals who do not receive insurance benefits because they either lack a residence permit or have an unresolved insurance

status.¹³² In Germany, somewhere between 61 000 (official figure from the 2019 microcensus) and several hundred thousand people are estimated to be living without health insurance. According to experts, there is a high number of unreported cases because unregistered migrants and homeless people are not fully taken into account.¹³³ In various *Länder*, advisory centres called *Clearingstellen* offer support for people without health insurance. These points of contact differ in terms of their structure and the service options provided, offering not only counselling but also referral to medical treatment and, when possible, financing of treatment costs, depending on their set-up. They thus fulfil an important guiding function and help people without health insurance to gain access to standard medical care.

In the context of experiences of racism and discrimination, the information-sharing obligation has been one subject of critical discussion. Information-sharing obligations on the part of public bodies arise at the request of the foreigners authority (section 87 (1) of the Residence Act (*Aufenthaltgesetz*)) as well as when certain legally defined circumstances become known (section 87 (2) of the Residence Act), such as a breach of a geographic restriction. However, this “spontaneous” information-sharing obligation arises not whenever a public body becomes aware of such circumstances, but only if that knowledge is obtained in the

specific context of performing its duties. Schools and other institutions providing education and/or childcare are the only public institutions that are not required to report personal data at the request of the foreigners authority. Ultimately, whether personal data can actually be shared in an individual case depends on a complex legal assessment of whether the public body in question has the power to share these data at all or whether there is perhaps even an embargo on information-sharing in place. The latter question is particularly relevant with regard to data transmitted by doctors and hospitals to welfare offices in the context of cost coverage for emergency care.¹³⁴ Not least because of this complex legal situation, it is very difficult for those affected to tell whether their data will be shared or not. This leads to them not seeking treatment out of fear of deportation. The Coalition Agreement for the 20th legislative term provides for a revision of the information-sharing obligation so that, in future, undocumented sick people will no longer be discouraged from seeking medical treatment.

Based on studies on the state of medical care for people with personal or family histories of immigration, there are observable differences between the way people with or without “migrant backgrounds” avail themselves of medical services.¹³⁵ There remains a need for research into

¹³² See Expert Council on Integration and Migration, *Systemrelevant: Migration als Stütze und Herausforderung für die Gesundheitsversorgung in Deutschland* (‘Essential workers: Migration as a cornerstone and a challenge for healthcare in Germany’), Berlin, 2022, p. 138 et seq. and the statement by the *Zentrale Ethikkommission bei der Bundesärztekammer* (‘Central ethics commission at the German Medical Association’) in *Deutsches Ärzteblatt*, vol. 110, no. 18, 3 May 2013.

¹³³ See written statement by Dr Johanna Offe, *Ärzte der Welt* (‘Doctors of the world’), of 7 January 2021, Committee Printed Paper 19(14)265(3), Bundestag Committee on Health, p. 3 et seq.

¹³⁴ See section 88 (2) of the Residence Act and No. 88.2.3. of the Administrative Regulations to the Residence Act.

¹³⁵ See Expert Council on Integration and Migration, *Systemrelevant: Migration als Stütze und Herausforderung für die Gesundheitsversorgung in Deutschland* (‘Essential workers: Migration as a cornerstone and a challenge for healthcare in Germany’), Berlin, 2022. In the study, the terms *‘Menschen mit (familiären) Einwanderungsgeschichten’* (‘people with personal or family histories of immigration’) and *‘Personen mit Migrationshintergrund’* (‘people with migrant backgrounds’) are used synonymously. The definition of ‘people with migrant backgrounds’ is based on the microcensus: all foreigners, naturalised citizens, resettlers

“Six out of ten participants (64.6%) reported having experienced discrimination during the last two years in the area of “health and care”, especially due to their skin colour, for “racist reasons” or on the basis of their “ethnic origin”.”

the possible causes. In the report on its study into the state of research on risks of discrimination and safeguarding against discrimination in the healthcare sector, the Federal Anti-Discrimination Agency found that risks of discrimination can exist in both access to and the use of healthcare services (diagnosis, treatment, rehabilitation).¹³⁶ These can be demonstrated by

studies on the lower uptake of preventive medical check-ups, poorer dental health and differing levels of uptake of rehabilitation services. There are further differences according to gender and year of immigration. German language skills and social status are also relevant factors. Therefore, an average or even above-average use of healthcare services can be observed in some subgroups and individual aspects of healthcare. In addition, younger people from migrant backgrounds have a better subjective perception of their own state of health than their peers without migrant backgrounds, for example.¹³⁷ Drawing on surveys of those affected and counselling cases handled by anti-discrimination agencies, the Federal Anti-Discrimination Agency reports cases of documented discrimination in the healthcare sector due to ethnic origins and for racist reasons. These cases range from stereotyping and insults to disadvantages in treatments and refusal of healthcare services – for reasons of insufficient German language skills, for example, and most recently in connection with the COVID-19 pandemic.¹³⁸

The Afrocensus is one of the few studies that have investigated experiences of racism and discrimination in healthcare in Germany (see subsection 3.3.1 above).¹³⁹ Six out of ten participants (64.6%) reported having experienced discrimination

from Eastern European countries and individuals who received German citizenship through adoption, as well as the offspring of these four groups.

¹³⁶ See Federal Anti-Discrimination Agency, *Diskriminierungsrisiken und Diskriminierungsschutz im Gesundheitswesen – Wissensstand und Forschungsbedarf für die Antidiskriminierungsforschung* ('Discrimination risks and safeguards against discrimination in the healthcare sector: State of knowledge and need for further anti-discrimination research'), Berlin, 2021, p. 19 et seq.; available online (in German) at <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/diskriminierungsmerkmale/behinderung-und-chronische-krankheiten/behinderung-und-chronische-krankheiten-node.html>; accessed on 6 December 2022.

¹³⁷ See the Commissioner's twelfth report, Part III, subsection 1.2.3.

¹³⁸ See Federal Anti-Discrimination Agency, *Diskriminierungsrisiken und Diskriminierungsschutz im Gesundheitswesen – Wissensstand und Forschungsbedarf für die Antidiskriminierungsforschung* ('Discrimination risks and safeguards against discrimination in the healthcare sector: State of knowledge and need for further anti-discrimination research'), Berlin, 2021, p. 18.

¹³⁹ Aikins, Muna AnNisa; Bremberger, Teresa; Aikins, Joshua Kwesi; Gyamerah, Daniel; Yıldırım-Calıman, Deniz, *Afrocensus 2020: Perspektiven, Anti-Schwarze Rassismuserfahrungen und Engagement Schwarzer, afrikanischer und afrodiasporischer Menschen in Deutschland* ('Afrocensus 2020: Perspectives, experiences of anti-Black Racism and the civic participation of Black people, Africans and people of African descent in Germany'), Berlin, 2021, p. 134 et seq.

during the last two years in the area of “health and care”, especially due to their skin colour, for “racist reasons” or on the basis of their “ethnic origin”. NaDiRa’s work includes shedding light on the focal area of health and healthcare.¹⁴⁰ A preliminary analysis of these data is expected in 2023.

Linguistic and cultural communication barriers are cited as particular institutional discrimination risks. For those with limited German skills, it is either impossible or very difficult to access healthcare services without translation and interpreting. Even in information campaigns, monolingualism and the tendency to cater exclusively to a German-speaking target audience hinder the development of health literacy among people with histories of immigration. The Commissioner therefore welcomes multilingual information services, such as the Migration and Health website, which enable people with limited German-language skills to familiarise themselves with Germany’s healthcare system and develop health literacy.¹⁴¹

Racism and discrimination risks in healthcare can be dismantled. For example, the World Health Organization recommends providing refugees and migrants with access to general healthcare regardless of their migration status or insurance coverage.¹⁴² In Germany, this standard is fulfilled for all individuals regardless of their origins or migration status – except those

who are covered by the Asylum Seekers Benefits Act (see above) and foreigners without residence permits (see above). Non-discriminatory access can be supported if asylum seekers with health cover under the Asylum Seekers Benefits Act

“Racism and discrimination act as stress factors on those affected and can even be traumatising.”

are provided with electronic health cards, as is already the case in several *Länder*, instead of having to apply for treatment vouchers. Experts from the field also view simplifying and expanding the options for using translation and interpreting in medical services as a particularly important tool for dismantling barriers to access.¹⁴³ The Coalition Agreement includes an undertaking to incorporate translation and interpreting via digital applications in the context of necessary medical treatment into Book V of the Social Code.

Racism and discrimination act as stress factors on those affected and can even be traumatising.

¹⁴⁰ German Centre for Integration and Migration Research (DeZIM): *Rassistische Realitäten: Wie setzt sich Deutschland mit Rassismus auseinander?* (‘Racist realities: How does Germany confront racism?’), a study to mark the launch of the National Discrimination and Racism Monitor (NaDiRa), Berlin, 2022, p. 2.

¹⁴¹ See <https://www.migration-gesundheit.bund.de/en/homepage>; accessed on 21 April 2023. This website provides numerous brochures and informational materials that are already available in multiple languages, offering information about topics including the healthcare system in Germany and the services of health insurance and long-term care insurance providers, all in one place.

¹⁴² See World Health Organization Regional Office for Europe, 29th Committee, May 2022, EUR/SC29(3)/8 of 3 June 2022: Report on the Health of Refugees and Migrants in the WHO European Region, p. 7.

¹⁴³ See, among others, Federal Association of Non-statutory Welfare: *Sprachmittlung – Voraussetzung für die Inanspruchnahme sozialer und gesundheitlicher Leistungen* (‘Translation and interpreting: A prerequisite for uptake of social and health services’), Berlin, 4 June 2020.

To date, the connection between mental health and experiences of racism and discrimination in Germany has been insufficiently researched. It is therefore necessary to expand research into the effects of racism and discrimination on the health of those affected.¹⁴⁴ The research and the measures taken must also be sensitive to gender. Designing the healthcare system in a diversity-sensitive manner, extending all the

“It is necessary to expand research into the effects of racism and discrimination on the health of those affected.”

way from information to preventive measures to medical, nursing and rehabilitative care, as well as basic and advanced training, promotes the equal inclusion of people with personal or family histories of immigration.

¹⁴⁴ See *Bundesfachnetz Gesundheit und Rassismus* ('Federal expert network on health and racism'); available online (in German) at <https://www.gesundheit-und-rassismus.de>; accessed on 6 December 2022.

4.8 Housing market

The housing market is one of the areas of life in which people with personal or family histories of immigration are most frequently discriminated against on the basis of their actual or perceived ethnic origins or religious affiliations. According to a 2020 representative survey by the Federal Anti-Discrimination Agency, one in three people with a migrant background who had searched for a new place to live during the past ten years reported having experienced racist discrimination.¹⁴⁵ Other surveys among people with migrant backgrounds show that nearly 70% of people looking for housing feel discriminated against.¹⁴⁶

Racist discrimination has a wide variety of manifestations in the housing market. People are denied appointments for viewings, do not receive offers, or encounter property listings that exclude certain groups of people from the outset. Those affected also report having experienced insults and verbal abuse during their search for housing.¹⁴⁷ Applicants with foreign-sounding names also receive fewer responses to their inquiries than those with names that sound ethnically German – despite having a similar professional status.¹⁴⁸

Discrimination in the housing market can also occur at other levels, for example in the context of existing tenancies. Research indicates that

people with personal or family histories of immigration often live in worse housing situations than members of the ethnic-German majority. At the same time, residents with foreign roots are often affected by what are known as discriminatory surcharges. This means that, for example, they may have to pay higher rent for housing of the same or lower quality than tenants without personal or family histories of immigration.¹⁴⁹

One growing problem is that of underground markets in which undocumented immigrants and migrants reside in overcrowded and run-down properties, circumstances that can also involve exploitative rental agreements. These often informal arrangements have been little researched to date.

Non-EU nationals without unlimited residence permits often have a harder time finding housing than many German citizens or other foreign nationals. This may be due, for example, to residence requirements or the residence rule, which restrict the affected individual's search for housing to a particular region and thereby make it more difficult for them to participate on an equal footing in the housing market.

Challenges can also arise when potential landlords are not convinced that a prospective tenant will remain for the longer term because the person has a temporary residence permit (such as a humanitarian residence permit) with perhaps

¹⁴⁵ See Federal Anti-Discrimination Agency, *Rassistische Diskriminierung auf dem Wohnungsmarkt* ('Racist discrimination in the housing market'), Berlin, 2020, p. 7.

¹⁴⁶ See Federal Anti-Discrimination Agency, *Diskriminierung auf dem Wohnungsmarkt. Strategien zum Nachweis rassistischer Benachteiligungen* ('Discrimination in the housing market: Strategies for demonstrating racist inequity'), Berlin, 2015, p. 27.

¹⁴⁷ See Federal Anti-Discrimination Agency, *Rassistische Diskriminierung auf dem Wohnungsmarkt* ('Racist discrimination in the housing market'), Berlin, 2020, p. 9.

¹⁴⁸ See (in German) <https://mediendienst-integration.de/desintegration/diskriminierung.html#c277>; accessed on 28 September 2022.

¹⁴⁹ See Federal Government Commissioner for Migration, Refugees and Integration, *Integration in Deutschland* ('Integration in Germany'), first report on the indicator-based integration monitoring mechanism, produced by the German Centre for Integration and Migration Research (DeZIM) and the Federal Institute for Population Research (BiB), Berlin, 2021, p. 212 et seq.

only a brief validity period left. For landlords unfamiliar with the Residence Act, it often appears unclear whether the person's presence in Germany (and consequently the rental agreement) has a future, even though in many cases there is a general legal entitlement to

“According to a 2020 representative survey by the Federal Anti-Discrimination Agency, one in three people with a migrant background who had searched for a new place to live during the past ten years reported having experienced racist discrimination.”

an extension of the residence permit. Functionally similar problems can result from a lack of information due to factors such as language barriers or difficulties in obtaining necessary evidence or documents. Uncertainties about residence law also frequently arise in relation to

the issuing of housing promotion certificates (*Wohnberechtigungsschein*), so that public authorities also contribute to structural barriers. These force refugees in particular to live in precarious housing situations, such as in communal housing, for extended periods; these arrangements do not offer any privacy and can hinder people's participation in society.

Racist discrimination can also occur indirectly when landlords misinterpret section 19 (3) of the General Equal Treatment Act. This provision permits differences in treatment in the area of housing rental where those differences serve to create and maintain stable social structures regarding inhabitants and balanced settlement structures, as well as balanced economic, social and cultural conditions. However, this rule must not contribute to a form of discriminatory selection that is racist, as criticised by the UN Committee on the Elimination of Racial Discrimination and the European Commission against Racism and Intolerance (ECRI).¹⁵⁰ Instead, the provision allows for targeted measures to support groups who have historically been disadvantaged in the housing market and permits unequal treatment in favour of these groups when this serves to prevent or compensate for existing de facto or structural disadvantages. Instances of racist disparagement and marginalisation in the housing market also occur when, for example, politicians and the media equate overstretched, deprived neighbourhoods with districts where many people with personal or family histories of immigration reside, a stigmatising conflation.

¹⁵⁰ See United Nations – International Convention on the Elimination of All Forms of Racial Discrimination. Committee on the Elimination of Racial Discrimination (CERD): Concluding Observations on the Combined Nineteenth to Twenty-Second Periodic Reports of Germany, 30 June 2015; available online at <https://www.ohchr.org/en/documents/concluding-observations/cerddeuco19-22-concluding-observations-combined-nineteenth>; accessed on 8 April 2023.

To date, the issue of racist discrimination in the housing market has scarcely been systematically researched. One aspect of this is the collection of representative data on the life circumstances and housing situations of people in Germany with personal or family histories of immigration – particularly in relation to underground markets, which by nature are not officially documented, but also with regard to rental conflicts, which can involve discrimination and racist hostility as well. In addition, studies should be conducted into landlord behaviour in order to make transparent the exclusion criteria, allocation principles and occupancy strategies applied by private landlords in particular. The recommendations listed in the report by the Expert Commission on Integration Potential include regularly conducting nationwide testing studies (a technique called “paired ethnic testing”) that shed light on where in the housing market racist discrimination occurs and to what extent.¹⁵¹

Private landlords in particular, but also municipal and cooperative housing companies, need to be more effectively sensitised to discriminatory behaviour so as to be able to recognise such practices promptly and counteract them. The study commissioned by the Federal Anti-Discrimination Agency titled *Gute Praxis gegen Diskriminierung im Wohnungswesen* (‘Good practice against discrimination in the housing sector’) will provide further information on this.¹⁵² Finally, in the Commissioner’s view, local anti-discrimination agencies should be reinforced. This will ensure that tenants and people seeking housing who are affected by racist discrimination receive information, help and support and will improve safeguards against illegal discrimination in the housing market.¹⁵³

¹⁵¹ See Federal Government Expert Commission on the Framework Conditions for Integration Potential (ed.), *Shaping Immigration Society Together*. Report by the Federal Government Expert Commission on the Framework Conditions for Integration Potential, Berlin, 2020, pp. 188–189.

¹⁵² See (in German) https://www.antidiskriminierungsstelle.de/SharedDocs/forschungsprojekte/DE/Sammlung_GutePraxis_Bsp_WohnMarkt_lfd_Projekt.html; accessed on 7 October 2022.

¹⁵³ In this context, the Federal Ministry for Housing, Urban Development and Building published an informational brochure in September 2022 titled *Auf Wohnungssuche in Deutschland – Ein Ratgeber für Migrantinnen und Migranten* (‘Searching for housing in Germany: A guide for migrants’); available online (in German) at <https://www.bmwsb.bund.de/SharedDocs/downloads/Webs/BMWSB/DE/publikationen/wohnen/auf-wohnungssuche-in-deutschland.pdf>; accessed on 6 December 2022. This compilation of important information is intended to help immigrants make sense of the German housing market. In addition to tips on finding housing and the legal framework for tenancy, it includes information on housing benefits and social housing. The brochure also sets out possible paths of action in response to discrimination encountered when searching for a place to live.

4.9 Sport

Sport fascinates and connects people across social, cultural and geographical lines. It also represents universal values: respect, fair play, tolerance, team spirit and reliability. Sporting clubs throughout Germany have an integrative effect with the leisure and fitness activities that they offer, enabling encounters between people of all backgrounds and providing spaces for community and cohesion. Sporting clubs thus create opportunities for inclusion, integration and belonging. But these opportunities do not appear out of thin air; they must be developed, mobilised and promoted.

In sport, as in many other spheres of society, the issue of racism has become more prominent in the public consciousness in recent years. There have been repeated racist incidents both during training and during official competitions, and these are increasingly drawing media attention. In the recent past, there have been reports of racist behaviour in the form of insults and hostility in professional football, for example. Although it is often less reported on than in professional sport, racism is also present in the worlds of German amateur and youth sport.

There has been little systematic research into the topic of discrimination and racism in sport. Investigations into this area have been and continue to be conducted at the German Centre for Integration and Migration Research. For example, a research project within the framework

of the discrimination and racism research association FoDiRa (which complements NaDiRa, the National Discrimination and Racism Monitor) has been investigating whether and to what extent people are disadvantaged when it comes to the assignment of playing positions and leadership roles in football and basketball.¹⁵⁴ The results are expected at the end of 2024. Another research project by the Leipzig office of the *Forschungsinstitut Gesellschaftlicher Zusammenhalt* ('Research Institute Social Cohesion) is currently investigating what problems and obstacles might hamper the establishment and implementation of anti-racism programmes in contexts including selected sporting associations in Germany, the UK, the Netherlands and the United States, as part of the *Institutionen und Rassismus* ('Institutions and racism') study commissioned by the Federal Ministry of the Interior (see chapter 4 above). The aim is to look beyond the national level to identify and describe best- and worst-case scenarios regarding the fight against racism internationally.¹⁵⁵ These results are also expected by the end of 2024.

Organised sport is called upon to actively combat racism in sport and to create structures for prevention and intervention. There is also an urgent need for society as a whole, not only sporting clubs and associations, to address this issue more robustly, take a clear stand and counteract racism in sports. With this in mind, the Commissioner will set a funding priority for the domain of sport (see chapter 6 below).

¹⁵⁴ The research project is a collaboration between the Berlin Institute for Empirical Integration and Migration Research (BIM) at Humboldt-Universität zu Berlin and the Institute of Migration Research and Intercultural Studies (IMIS) at Osnabrück University; available online (in German) at https://www.imis.uni-osnabrueck.de/dezim/fodira_forschungsverbund_diskriminierung_und_rassismus.html; accessed on 6 December 2022.

¹⁵⁵ See https://www.fgz-risc.de/forschung/alle-forschungsprojekte/details/INRA_C03; accessed on 6 December 2022.

5. What the German Government is doing

The German Government has stepped up its fight against right-wing extremism, racism and hate crime in recent years.

It has launched various measures, initiatives and action plans so that the causes of right-wing extremism and racism in particular can be better understood and can be combated by a strong, liberal state in close alliance with civil society. The German Government designs its measures to be gender-sensitive. It also uses them to pursue social cohesion, promote democracy and prevent extremism. The same objectives are served by its national implementation of various international recommendations.

An important foundation for the German Government's measures in this field is the EU Anti-racism Action Plan 2020-2025, which the European Commission set out in 2020. The EU Action Plan contains not only measures for the Commission itself, but also requirements for the EU member states regarding the implementation of their respective laws against racism and discrimination.¹⁵⁶

¹⁵⁶ See https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en; accessed on 11 November 2022.

The measures outlined in the EU Anti-racism Action Plan 2020-2025 include the following:

- Better enforcement of EU law: the Commission will report on the implementation of the Racial Equality Directive and present, by 2022, any legislation required to address shortcomings, including to strengthen the role and independence of equality bodies.
- Closer coordination: the Commission will appoint a coordinator for anti-racism and establish regular dialogue with the relevant stakeholders.
- Fair policing and fair protection: with support from EU agencies such as the Agency for Fundamental Rights (FRA) and the Agency for Law Enforcement Training (CEPOL), the member states are encouraged to step up efforts to prevent discriminatory attitudes among law-enforcement authorities and to boost the credibility of law-enforcement work against hate crimes.
- Increased measures at the national level: the member states are encouraged to adopt national action plans against racism and “racial discrimination” by the end of 2022.

With this Action Plan, the EU is positioning the fight against racism at the highest level of policy and endeavouring to ensure better cooperation among the relevant stakeholders. At the Council of Europe level, ECRI monitors how racism and intolerance are fought in the Council of Europe member states.

On 17 March 2020, the sixth ECRI Report on the situation in Germany in regard to racism, antisemitism and other forms of group-focused enmity was published, containing numerous recommendations for federal, *Land* and local government action.¹⁵⁷ Of the 15 specific recommendations (see Annex below), two were highlighted as particularly urgent, with their implementation to be reviewed in 2022. One was to establish a “coherent system of organisations”

to provide support for victims of discrimination by setting up independent equality bodies in all 16 *Länder*. The other was to commission a study on racial profiling by the police authorities of the Federation and the *Länder*. ECRI considers that “there is strong evidence for extensive racial profiling” in the work of the police. In a response presented on 28 March 2022, the German Government reported to ECRI on the progress made to implement these two interim follow-up recommendations. That document described, among other things, the developments relating to the improvement of support for victims of discrimination and implementation at the Land and local levels. On 20 September 2022, ECRI published its conclusions on the German Government’s response in respect of the two interim follow-up recom-

¹⁵⁷ See sixth ECRI Report on Germany; available online at <https://rm.coe.int/ecri-report-on-germany-sixth-monitoring-cycle-/16809ce4be>; accessed on 22 April 2023.

mentations.¹⁵⁸ It found the first recommendation (coherent nationwide system to support victims of discrimination) to have been partially implemented and the second recommendation (study on racial profiling) to have not yet been implemented. A complete review covering the implementation of all of the recommendations will not take place until the next monitoring cycle.

It was against the backdrop of the UN World Conference Against Racism held in Durban in 2001 and the first National Action Plan established in 2008 that the National Action Plan Against Racism (NAP-R) was expanded and recast in 2017. At its core were positions and measures relating to human rights policy, protection against discrimination, penalisation of offences, education and civic education, civil-society and political engagement for democracy and equality, diversity in the workplace, initial and further training and reinforcement of intercultural and social competence in working life, racism and hate on the internet, and research. The German Government's NAP-R was drafted in collaboration between various departments, under the oversight and expertise of the Federal Ministry of the Interior and Community and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The *Länder* and local authorities contribute an indispensable share of the work to combat racism and other ideologies of inequality as well as to prevent extremism and strengthen democracy. This can be seen, for example, in *Land* programmes and local-authority strategies in such areas as responsibility for policing,

law enforcement, education and the arts, youth-work and social-work issues, and prevention. They also work in collaboration with the federal level on, for instance, civic education. To make it possible to properly address the needs and problems existing on the ground, a feedback loop between the federal measures and the *Länder* and local authorities was crucial to the NAP-R.

An equally essential component for the development of the NAP-R was cooperation with civil society. This was achieved through a consultation process. Within the framework of a participatory format, suggestions, experience and ideas from the perspective of civil-society initiatives were taken on. Position papers from a large number of civil-society initiatives and NGOs went into the creation of the NAP-R.

Accordingly, the NAP-R is another step towards strengthening social cohesion and is closely connected with the German Government's strategy for preventing extremism and promoting democracy, unveiled in July 2016. The Action Plan is not to be understood as a static programme but as a framework pegged out by the German Government – as permitted by its federal mandate – and kept open to further discussions. Hence the undertaking in the Coalition Agreement for the 20th legislative term to further develop or recast the NAP-R. The Commissioner will fulfil that intention (see chapter 6 below).

¹⁵⁸ See ECRI Conclusions on the implementation of the recommendations in respect of Germany. Subject to interim follow-up. Adopted on 29 June 2022. Published on 20 September 2022; available online at <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d2>; accessed on 11 November 2022.

5.1 National Action Plan on Integration

It was at the tenth Integration Summit in 2018 that the process was launched to revise and expand the National Action Plan on Integration (NAP-I). The NAP-I is divided into five phases: I “Before migration”, II “Initial integration”, III “Integration”, IV “Growing together” and V “Strengthening cohesion – shaping the future”. In phase V, with a forum on anti-discrimination and measures to combat group-focused enmity, the German Government specifically focused, for the first time within the NAP-I framework, on the question of how discrimination, racism and all forms of group-focused enmity can be combated for the long term. The forum was headed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Anti-Discrimination Agency.

It was kick-started by an event held in June 2019. Those attending included representatives of migrant organisations, members of the *neue deutsche organisationen* (‘new German organisations’) network, grassroots organisations and other stakeholders involved in anti-discrimination work, as well as representatives of federal, Land and local governments. A stocktaking process served to identify challenges and define five areas in which action was required, which provided the structure for the forum’s work going forward:

1. Awareness-raising among the majority population and in institutions
2. Expansion of counselling structures and complaints procedures
3. Promotion of inclusion and equal opportunities
4. Empowerment of those affected and of grassroots, migrant and *neue deutsche* organisations
5. Improvement of legal protections against discrimination

Based on those five areas, three consultation events were held to formulate goals and recommendations for action as well as specific federal projects designed to contribute to the achievement of those goals. Among these were two research projects investigating how the nationwide, needs-based expansion of anti-discrimination counselling in Germany and the greatest possible harmonisation in the documentation of cases of discrimination as per the General Equal Treatment Act might be achieved.¹⁵⁹

¹⁵⁹ Available online (in German) at https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Experten/gut_beraten_flaechendeckende_antidiskrimberatung.html?nn=305458; accessed on 6 December 2022
https://www.antidiskriminierungsstelle.de/SharedDocs/forschungsprojekte/EN/Studie_MindestStandards_Doku_v_AD_Beratung_en.html; accessed on 21 April 2023.

5.2 Package of measures to combat right-wing extremism and hate crime

Following the murder of Dr Walter Lübcke, district president of Kassel, in June 2019 and the attack that occurred in Halle in October 2019, the German Government adopted a package of measures to combat right-wing extremism and hate crime. The legislative core of that package is the Act to Combat Right-wing Extremism and Hate Crime (*Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität*) of 30 March 2021. So that right-wing extremism on the internet in particular can be combated more effectively, the Act primarily contains amendments to criminal law and criminal procedure law, the Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*), the Telemedia Act (*Telemediengesetz*), the Federal Criminal Police Office Act (*Bundeskriminalamtgesetz*) and the Federal Registration Act (*Bundesmeldengesetz*). It places major social network providers under an obligation to report certain illegal content to a central body at the Federal Criminal Police Office to improve the identification of

online hate crime and facilitate criminal prosecution. It moreover specifies the powers to demand information from telemedia service providers, so that the relevant authorities can order them to release data they hold regarding hate crime that is subject to criminal prosecution. In addition, the Act expands and tightens several provisions of the Criminal Code (*Strafgesetzbuch*), including the definition of the offences “disturbing public peace by threatening to commit offences” (section 126 of the Criminal Code), “rewarding and approval of offences” (section 140 of the Criminal Code) and “threatening commission of serious criminal offence” (section 241 of the Criminal Code). Alongside these changes, the Protection of Young Persons Act (*Jugendschutzgesetz*) revised in May 2021 enshrines obligations on media providers pertaining to the safety of minors. They are to deploy structural preventive measures, such as safe default settings as well as reporting and help systems, to curb far-right and racist communications and their effect on children and adolescents, too.

5.3 Cabinet Committee for the fight against right-wing extremism and racism

In light of the increase in the threat of right-wing extremism in recent years and in response to the murder of Dr Walter Lübcke and the attacks in Halle and Hanau, the German Government created a Cabinet Committee for the fight against right-wing extremism and racism in March 2020.

The German Government was thereby sending a clear message that racism, right-wing extremism and antisemitism are diametrically opposed to the free democratic constitutional system and an open, pluralistic society aligned with the ideal of equal opportunities. In creating the Cabinet Committee, the German Government placed the upholding and protection of a resilient democracy at the heart of its activities. It pursued the approach of a strong state fighting extremist, antisemitic and racist ideologies in collaboration with an active civil society.

The Cabinet Committee comprised various members of the Federal Government: the Federal Chancellor, the Federal Interior Minister (tasked with chairing it), the Federal Minister of Finance, the Federal Foreign Minister, the Federal Minister of Justice, the Federal Minister of Defence, the Federal Minister for Family Affairs, the Federal Minister of Research, the Head of the Federal Chancellery, the Integration Commissioner, the Culture Commissioner and the Government Spokesperson. The Antisemitism Commissioner, the Victims' Commissioner, the Commissioner for Eastern Germany and the Commissioner for Digital Affairs were also included as permanent guests.

On 12 May 2021, the German Government adopted the final report of the Cabinet Committee for the fight against right-wing extremism and racism. Contained in that report is the package of measures put together by the Cabinet Committee, which the Federal Cabinet adopted on 2 December 2020. It comprises 89 different measures.

“Racism, right-wing extremism and antisemitism are diametrically opposed to the free democratic constitutional system and an open, pluralistic society aligned with the ideal of equal opportunities.”

They include the following:

- Improved support for civil-society engagement for resilient democracy
 - More support for victims and their families
 - More prevention and civic education
 - Reinforcement of work to combat hate online
 - Research into right-wing extremism and racism
- Expansion of the intercultural and diversity-oriented opening of the public sector (diversity strategy) by means of, for example,
 - ▶ a review of public-sector recruitment procedures
 - ▶ targeted campaigns to attract more people with personal or family histories of immigration into public service
 - ▶ regular surveys on diversity and measures to promote diversity in the public sector

The Coalition Agreement for 2021–25 provides for the Cabinet Committee measures still in the process of being implemented by the various ministries to be adapted and developed further in the current legislative term.

5.4 Federal Programme Live Democracy!

The federal programme Live Democracy! has been funding civil-society work to advance democracy and oppose all forms of extremism at the local, Land and federal levels since 2015. The federal programme is currently in its second funding period, which is due to end in 2024. It makes an important contribution to preventing racism and other forms of group-focused enmity, takes important recommendations from the Bundestag Committee of Inquiry on the NSU right-wing terrorist group into account, and is embedded in the National Action Plan Against Racism. The funding volume for the federal programme has increased in recent years and currently stands at €165.5 million (2022).

At the local level, the federal programme supports well over 330 local partnerships for democracy in funding numerous individual measures to promote democracy, shape diversity and prevent extremism. At the *Land* level, Democracy Centres are being funded in each of Germany's 16 *Länder*, to develop and link up strategies to advance democracy and diversity and combat extremism and anti-democratic ideologies. Over and above this, they coordinate a wide range of counselling provision, including mobile counselling units and services for victims and other people affected as well as for people seeking to leave or distance themselves from extremism groups. In addition, at the federal level, funding is currently provided for a range of Competence

“At the local level, the federal programme supports well over 330 local partnerships for democracy in funding numerous individual measures to promote democracy, shape diversity and prevent extremism.”

Networks and Competence Centres with 14 thematic focuses (including antisemitism, right-wing extremism, online hate speech, Islamophobia, antigypsyism and anti-Black racism). Furthermore, new and innovative approaches are being tested in around 160 pilot projects in the fields of promoting democracy, shaping diversity and preventing extremism. Other components of the federal programme include accompanying projects, an innovation fund and research projects, as well as assistance from academics and programme evaluation.

5.5 Democracy Promotion Act

In the Coalition Agreement for the 20th legislative term, it was agreed that a Democracy Promotion Act (*Demokratiefördergesetz*) would be proposed, after a broad-based participation process, by 2023. As the lead ministries for drafting the bill, the Federal Ministry for Family Affairs,

“The aim of the law is to provide support on a longer-term basis, regardless of age and in closer alignment with real needs, to strengthen measures designed to promote democracy, shape diversity, prevent extremism and provide civic education, whether these are pilot projects or more established measures.”

Senior Citizens, Women and Youth and the Federal Ministry of the Interior and Community published a discussion paper on the planned Democracy Promotion Act on 21 February 2022.¹⁶⁰ From the end of February until early May 2022, a broad-based participation process was carried out with civil-society organisation and academics so that everyone working daily to advocate for diversity and democracy could have a voice and be heard as the bill was being drafted. On 14 December 2022, the German Government adopted the bill that the two lead ministries had submitted for a Reinforcement of Measures to Promote Democracy, Shape Diversity, Prevent Extremism and Provide Civic Education Act (*Gesetz zur Stärkung von Maßnahmen zur Demokratieförderung, Vielfaltgestaltung, Extremismusprävention und politischen Bildung*), or Democracy Promotion Act for short.

The aim of the law is to provide support on a longer-term basis, regardless of age and in closer alignment with real needs, to strengthen measures designed to promote democracy, shape diversity, prevent extremism and provide civic education, whether these are pilot projects or more established measures, as long as they are of cross-regional importance and there is a significant federal interest. The creation of a statutory mandate at the federal level to reinforce measures in the areas of democracy promotion, diversity, extremism prevention and civic education is intended particularly to generate greater planning certainty for the important work being done by civil society.

¹⁶⁰ See Diskussionspapier von BMFSFJ und BMI für ein Demokratiefördergesetz, available online (in German) at <https://www.bmfsfj.de/resource/blob/193484/99d3b37fcb308ba06c5fab10aefd5405/diskussionspapier-demokratiefoerdersgesetz-data.pdf>; accessed on 6 December 2022.

5.6 “Together for democracy and against extremism” – a German Government strategy for a strong, resilient democracy and an open, diverse society

The Coalition Agreement for the current legislative term (2021–2025) contains an undertaking to develop a general strategy to combat extremism at the national and European levels comprising prevention, deradicalisation and effective threat aversion as well as a strategy for social cohesion, promotion of democracy and prevention of extremism. These strategies are all to be combined into a general strategy. That general strategy will be dedicated above all to prevention, deradicalisation, the effective aversion of threats, social cohesion and the strengthening of democracy.

In an interministerial process, with the Federal Ministry of the Interior and Community as the lead ministry, the German Government is drawing its various strategic approaches together into a general strategy concerning the current challenges to social cohesion and the threats facing democracy. A joint committee has been set up to that end at the level of state secretaries. The goal is to develop strategic focuses with the involvement of the *Länder* and local authorities (to identify points where areas of responsibility intersect and cooperation is required) as well as academia and civil society. The Commissioner has assumed the lead on the key substance for the expert forum on dismantling racism, antisemitism, antigypsyism and group-focused enmity. She will particularly incorporate the expertise of the Federal Anti-Discrimination Agency as well as representatives of the *Länder*, local authorities, academia and civil society, and she will ensure that the perspectives of those affected are taken into account.

5.7 Reform of the General Equal Treatment Act

If discrimination is to be combated effectively and if inclusion and equal opportunities are to be guaranteed, it is crucial that equal treatment be legally enforceable. In private legal transactions, protection has been provided by the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*) since 2006. The Act is an essential part of anti-discrimination law in Germany and an important intervention and prevention tool for combating discrimination and promoting equal treatment. Nevertheless, an evaluation conducted in 2016 found certain aspects in need of reform. The Coalition Agreement provides for improving the legal protections against discrimination and enhancing the effectiveness of the General Equal Treatment Act. The aim is to close the gaps in protection, improve judicial redress and expand the Act's scope. To that end, an expansion of the scope to encompass additional areas of law, not just civil and labour law as before, needs to be considered. A long-standing demand is for the scope to be broadened to include a ban on discrimination in relation to state action at the federal level. In the Commissioner's view, therefore, existing gaps in protection from discrimination – at least vis-à-vis federal bodies – should be dealt with in much the same way as in those areas of life that the Act already protects. This would also complete the transposition into German law of the European directives that, despite Germany's obligations, have still not been fully implemented here. In other areas in which the Federation has no jurisdiction, such as schooling, for example, protection against discrimination can only be assured by *Land* legislation. *Land* Berlin, for instance, has already fulfilled this requirement by adopting the Berlin State Anti-Discrimination Act (*Landesantidiskriminierungsgesetz*).

5.8 A Federal Participation Act and a holistic diversity strategy

It was agreed in the Coalition Agreement for the 20th legislative term to introduce a bill for a Participation Act (*Partizipationsgesetz*) guided by the principle of unity in diversity, in order to increase representation and inclusion. At the same time, the federal administration and enterprises with federal co-financing are to have a holistic diversity strategy including concrete support measures, specified targets and measures to bring about a cultural shift.

5.9 Action plan against right-wing extremism

The action plan against right-wing extremism (*Aktionsplan gegen Rechtsextremismus*) published by the Federal Ministry of the Interior and Community on 15 March 2022 holistically draws together preventive and repressive measures. The role of the state is to prevent violence before

it occurs. In that endeavour, it is important to address and inform all groups in society and support those who work for democracy or are confronted with threats. With this action plan, the Federal Ministry of the Interior and Community is setting some initial priorities in the fight against right-wing extremism in the 20th legislative term.

The action plan comprises ten measures within the ministry's area of responsibility:

1. Far-right networks are to be identified more swiftly and accurately; their structures are to be detected and combated effectively.
2. Systematically disarming right-wing extremists: new procedures are to be developed so that the withdrawal and refusal of weapons permits can be better enforced.
3. Comprehensively fighting hate speech online: the necessary structures are to be expanded to bolster criminal prosecution for illegal content and back up requests for social media networks to delete content.
4. Effective instruments already in place in civil-service and disciplinary law are to be expanded so that people displaying anti-constitutional attitudes can be removed from public service more quickly than hitherto.
5. Conspiracy theories are to be refuted and radicalisation prevented by means of information provision and counselling services.
6. Prevention to avert extremism: local discussion formats in the field of civic education are to be reinforced to nurture conflict-management and dialogue skills among the general public.
7. Civic education is to be buttressed in the fight against right-wing extremism, to expose and combat conspiracy theories online and offline.
8. Media literacy for dealing with disinformation, conspiracy theories and radicalisation is to be strengthened.
9. Elected officials are to be protected from hostility and attacks.
10. Not leaving victims of right-wing extremism on their own: the Federal Criminal Police Office is working with the *Länder* to further develop strategic cooperation and build up a specialised victim-support network.

5.10 Implementing the UN's International Decade for People of African Descent

The United Nations General Assembly has declared 2015–2024 the International Decade for People of African Descent: recognition, justice and development (International Decade). In Resolution 69/16 of 18 November 2014, it adopted a “programme of activities for the implementation of the International Decade for People of African Descent”.¹⁶¹

To raise awareness of the International Decade in academia and civil society at the local, *Land* and federal levels and to contribute to its implementation, the German Government committed itself, within the framework of its Cabinet Committee for the fight against right-wing extremism and racism, to establishing a coordination office for the implementation of the International Decade. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth officially established the coordination office, in cooperation with the Federal Ministry of the Interior and Community, the Federal Government Commissioner for Migration, Refugees and Integration, and the Federal Government Commissioner for Anti-Racism, on 25 February 2022.¹⁶²

The coordination office for the International Decade works closely with people of African descent and grassroots organisations, especially those in the Black community; these are also represented on its advisory board. The intention is that, with input from various individuals, organisations and institutions, events and expert

discussions will be held throughout the International Decade to draw attention to the perspectives and life circumstances of people of African origin, address and tackle racism towards Black people and related discrimination in society and structures, promote empowerment of and for the Black community, and strengthen inclusion rights. The objective is also to contribute to improved awareness of and greater respect for the diversity of the heritage and culture of people of African descent, which are also essential to successfully combating racism and discrimination against people with African roots.

Prior to the establishment of the coordination office, the Commissioner joined cooperation partners within the federal administration (formerly the Alliance for Democracy and Tolerance at the Federal Agency for Civic Education) and civil society (Each One Teach One) in expert forums to promote capacity-building, networking and dialogue as well as to discuss empowerment to counter anti-Black racism. Moreover, the first People of African Descent (PAD) WEEK Germany was held in 2019. The measures are being continued with additional focuses such as racism in the context of colonial history, empowerment in all areas of life, and measures to combat anti-Black racism.

Within the framework of the federal programme Live Democracy! based at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, support is also provided to KomPAD, a competence network of and for people of African descent, concentrating on the subject of anti-Black racism. The network's mission is to pool

¹⁶¹ See (in German) <https://www.bmfsfj.de/bmfsfj/ministerium/behoerden-beauftragte-beiraete-gremien/un-dekade>; accessed on 6 December 2022; also Bundestag printed paper no. 19/27123 of 2 March 2021. UNGA Resolution 69/16 is available (in English) at https://decada-afro-onu.org/assets/pdf/A.RES.69.16_IDPAD.pdf; accessed on 21 April 2023.

¹⁶² See (in German) <https://www.bmfsfj.de/bmfsfj/ministerium/behoerden-beauftragte-beiraete-gremien/un-dekade>; accessed on 6 December 2022.

specialist expertise and information nationally, provide specialist counselling and ensure that successful prevention practices are carried over into federal, Land and local structures. The three partners within KomPAD are the Each One Teach One association, the *Zentralrat Afrikanischer Gemeinden* ('Central council of African communities') and the *Initiative Schwarze Menschen in Deutschland* ('Black people in Germany initiative'). Together, the network partners are part of the advisory board for the International Decade for People of African Descent.

On 29 September 2022, the Bundestag Budget Committee approved funding for the establishment of the *CommUnity-Zentrum* (CUZ), a community centre for people of African descent in Germany. The community centre is intended to empower Black people, Africans and people of African descent and their communities as artists and creators and encourage dialogue across the whole of society. CUZ, which is receiving funding of €5.2 million, is the first centre in Germany run for and by Black people, and its work in Berlin is intended to resonate throughout Germany.

5.11 NSU memorial and documentation centre

During this legislative term, the German Government will also support the establishment of a memorial site and a documentation centre to commemorate the victims of the NSU. In so doing, it is answering a long-standing call from civil society for a documentation centre on the NSU complex. It is important to the Commissioner that the perspective of the victims' families be listened to and taken into account in all projects, including the creation of this documentation centre. Those who lost loved ones to the NSU must be involved in the implementation of the project.

“The German Government has launched various measures, initiatives and action plans so that the causes of right-wing extremism and racism in particular can be better understood and can be combated by a strong, liberal state in close alliance with civil society.”

*6. What the Federal
Government Com-
missioner for Anti-
Racism is doing*

During this legislative term, the Federal Government Commissioner for Anti-Racism will set specific priorities over and above the Federal Government measures set out in the previous chapter, in order to further intensify the fight against racism.

She will provide interdepartmental coordination for the many and varied initiatives and measures that the German Government is undertaking to combat racism, and she will initiate an interdepartmental dialogue for the further development of the measures contained

“One of the Commissioner’s chief concerns is to decisively advance professional, easy-to-access community-based counselling in migrant organisations and other community facilities.”

in the National Action Plan Against Racism and adopted by the Cabinet Committee for the fight against right-wing extremism and racism. The German Government has earmarked an annual sum of €10 million for this work in its budget for 2023.

The Commissioner for Anti-Racism has assumed the chairmanship of the Forum against Racism and intends to refocus that dialogue platform on communication with stakeholders representing communities, civil society, academia, politics and the administration. The forum will identify where further action is needed, develop measures and define indicators for measuring the success of anti-racism work. The perspectives of those affected by racism and their empowerment will be in the foreground and will be actively incorporated into the process.

The Commissioner will moreover set up a council of experts for anti-racism, appointing academics and practitioners as its members. The council will tackle the key issues regarding the fight against racism. Its work will be based on the drafting of a working definition of racism for public services, which is intended to lead, in the future, to essential anti-racism measures being developed further.

Alongside this, one of the Commissioner’s chief concerns is to decisively advance professional, easy-to-access community-based counselling in migrant organisations and other community facilities. The focus will primarily be on professionalisation and qualifications, as support for people affected by racism often takes place without suitable resources, tending to rely exclusively on voluntary structures, with providers who lack adequate qualifications in anti-racism

counselling. A key measure will therefore be to provide targeted support and relevant qualifications for full-time anti-racism counsellors working in migrant organisations – covering initial consultations and referrals in the context of intersectional and empowerment-focused anti-racism counselling.

Another important goal is to professionalise community-based monitoring structures. Monitoring is supposed to help reduce the proportion of racist incidents that go undocumented – including incidents below the criminal liability threshold – by ensuring that more people feel encouraged to report their experiences and have them recorded (see section 3.2 above).¹⁶³ The documentation (monitoring) and analysis of racist incidents, including those below the threshold of criminal liability, can enable civil-society organisations as well as political decision-makers and government institutions to understand local, regional and phenomenon-specific patterns and the proliferation of racist incidents, thereby laying the groundwork for potential further interventions. It is particularly important that dialogue takes place between community-based monitoring structures with existing counselling and monitoring bodies, so that the data generated are comparable and a reliable overall picture can be obtained.

A further point of significance is that the network of counselling structures is continuously being added to on a nationwide basis. New points of contact are being established to close gaps in the counselling landscape where there

were hitherto few or no entities to turn to for help and advice, such as in rural areas. The Commissioner will therefore fund an extensive project to bring the various stakeholders together,

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professionalise counselling provision and continue the development of relevant structures. Counselling structures already in place will also be taken into account, like those supported through the Land Democracy Centres funded as part of the federal Live Democracy! programme.

¹⁶³ Currently, support is already flowing into the establishment and expansion of community-based monitoring structures in the areas of antisemitism, Islamophobia and anti-Black racism within the framework of funding for the competence networks against antisemitism, Islamophobia and racism against Black people, through the federal programme Live Democracy! of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and on the basis of the package of measures adopted by the Cabinet Committee for the fight against right-wing extremism and racism. Community-based monitoring in the area of antigypsyism is also being supported through the appointment of the Commissioner for the Fight against Antigypsyism at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in May 2022.

The Commissioner is very deliberately siting these efforts in small-town or rural locations

“Racist hate and agitation online not only cause harm to the person being attacked, but also lead people who are targets for racist abuse to withdraw from public discourse.”

where those affected have hitherto had hardly anywhere or even nowhere to turn for help. At the same time, community-based counselling centres are to be brought together with local structures and embedded into regional and cross-regional networks.

Online advice and assistance is another important complementary pillar of counselling provision. The COVID-19 pandemic has played a role in the fact that, like other services, counselling for victims of racist violence increasingly takes place over the internet in the form of, for example, online chat or video counselling services. Even now that most of the measures put in place to curb the pandemic have been lifted, including restrictions on in-person contact, reports from victim counselling services suggest that demand for online counselling remains high. Online counselling has proven itself and become established as

an easy way for victims of racism to access help. It can be a useful supplement to the existing range of counselling on offer, especially in areas where there are gaps in the support system.

The Commissioner will therefore support projects that serve to further professionalise, expand and broaden the reach of victim counselling in the digital realm. An important aspect of this is that quality standards for online counselling and the content of further-training courses for counselling staff be developed in collaboration with the counselling organisations.

People who have experienced racist or far-right violence must not be left to deal with that alone. That is why strengthening initiatives from people affected by racist and far-right violence is another priority in the work of the Commissioner for Anti-Racism. To date, initiatives, associations and networks run by those affected by racist and far-right violence – victims, surviving family members and others – have often lacked the resources and means required to create spaces for people to meet and share experiences, advance their own ideas for projects (e.g. in the civic education field), make connections, develop formats for remembrance or stand up for their rights vis-à-vis government institutions. The Commissioner will therefore launch measures to ensure that victims’ initiatives connected to the attacks in Hanau, Halle, Munich and Mölln, the NSU murders and others have appropriate channels to put forward their ideas, bring them to fruition and form cross-regional alliances.

All over Germany, many initiatives and individuals are engaged in the fight against racism. That potential within civil society faces many obstacles, especially in rural and deprived regions and most particularly in the eastern *Länder* not including Berlin.

Special support and protection is needed for volunteers working in rural areas, advocating to see diversity recognised and fighting racism, and operating outside established structures like

“Special support and protection is needed for volunteers working in rural areas, advocating to see diversity recognised and fighting racism, and operating outside established structures.”

organised associations. They need to be backed up in their work with resources, knowledge transfer and opportunities to connect with others. The Commissioner will support innovative pilot projects which assist the anti-racism work of volunteers who do not have the organised structures of associations or alliances around them. The intention is to create the requisite framework to empower them in their work, raise their visibility, generate networks and mutual support on the ground, and give them more protection from threats and attacks. Local-government decision-makers standing up against racism and right-wing extremism in their communities need protection and support as well. The Commissioner is consequently supporting a pilot

project establishing local-government support structures in ten locations across the country.

Another area which the Commissioner will focus on specifically is the architecture of organised clubs and associations in sports. Here too, racism and exclusion need to be fought. The Commissioner will therefore support projects that put in place prevention and intervention services, particularly in amateur and recreational sport, and empower stakeholders in sports clubs and associations in their anti-racism work.

A further area of the work of the Commissioner for Anti-Racism is backing people with personal or family histories of immigration who are interested in politics in their dealings with hate crime and racism. A key objective here is to bolster the opportunities for people with personal or family histories of immigration to participate in politics, empower them in their political engagement, and support them in fighting and dealing with racism and other forms of group-focused enmity. To that end, the Commissioner has set up a pilot project designed to identify and dismantle restrictions on access to political involvement and advance the agency and resilience of these groups in their dealings with hate speech, agitation and racism.

Racist hate and agitation online not only cause harm to the person being attacked, but also lead people who are targets for racist abuse to withdraw from public discourse (for example, by avoiding social media). The term ‘hate speech’ refers to the deployment of attitudes and content in the digital sphere that are discriminatory and/or show contempt for humanity.¹⁶⁴ It is important to strengthen the counselling structures available to victims, to empower them

¹⁶⁴ See the No Hate Speech movement in Germany, available online (in German) at <https://no-hate-speech.de/de/leichte-sprache> and <https://www.amadeu-antonio-stiftung.de/digitale-zivilgesellschaft/was-ist-hate-speech>; accessed on 14 November 2022.

in their dealings with hate speech and to support other stakeholders in their work to combat racist hate speech. What is meant by ‘empowerment’ in this context is the strengthening of victims’ sense of their own capacities and autonomy. The Commissioner therefore supports projects helping to curb hate speech online as well as offline, strengthen voices that counter it, and empower stakeholders in social media – such as group administrators, moderators, users and migrant organisations – to deal with racist hate speech.

The present report shows that there is a need for more evidence-based research findings in the various areas (e.g. structural racism) in Germany. The goal is to contribute to the identification of gaps in the research as well as to better document the scale and the effects of racism and, on the basis of those findings, to identify what additional action is required from the political and administrative spheres. The Commissioner will therefore, supplementary to ongoing research, support projects for research into the various manifestations of racism in Germany.

Sixth ECRI report on Germany

List of ECRI recommendations

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 10) ECRI recommends that the German authorities bring the provisions on the Federal Anti-Discrimination Agency's competences, powers, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on Equality Bodies. In particular, they should (i) extend its mandate to cover hate speech, the grounds of skin colour, language, citizenship and gender identity and intersectional discrimination; (ii) make sure that its mandate covers all areas of the public and private sector that are under the competence of the Federation; (iii) provide it with the competences to intervene in the legislative procedure, provide people exposed to racism and discrimination with legal assistance, represent them before institutions, adjudicatory bodies and the courts, bring cases in its own name and intervene in legal proceedings as *amicus curiae*, third party or expert; (iv) provide it with the power to hear witnesses; (v) reform the appointment procedure for its head; (vi) stipulate that it drafts annual reports for discussion by parliament and government; and (vii) provide it with sufficient human and financial resources.
2. (§ 11) ECRI recommends that the authorities establish a coherent system of organisations that provide victims of discrimination with effective support including legal assistance throughout the whole country. To this end, the German *Länder* should engage in setting up independent equality bodies in line with ECRI's General Policy Recommendation No. 2.
3. (§ 18) ECRI recommends that the authorities of all German *Länder* introduce human rights and equal treatment in their education acts and the teaching of these topics in the obligatory parts of their curricula. They should furthermore mainstream good practices from projects on schools and reinforce initial and continuous teacher training on inclusive teaching in diverse classrooms and on intervening in cases of bullying and discrimination.
4. (§ 24) ECRI recommends that the authorities (i) extend the existing firewall against the reporting of irregularly present migrants asking for emergency health care and other forms of necessary health care to the services responsible for the reimbursement of such treatment; (ii) fund low-threshold counselling and assistance services throughout the country where migrants without residence permits can explore options to regularise their situation and obtain assistance to assert their residence rights; and (iii) take measures to raise awareness about the legal framework available for irregularly present migrants, such as firewalls in the fields of health care and education.
5. (§ 34) ECRI recommends that Germany swiftly enacts legislation that prohibits unnecessary surgery and therapies on intersex children. It further recommends that all *Länder* establish services with low-threshold access that provide counselling and assistance to intersex children and their parents.
6. (§ 54) ECRI recommends that the German authorities standardise access to, and rules for, reporting hate speech on social media, ensure that evidence of online hate speech is preserved and transmitted to the law enforcement authorities and develop ways for the police and prosecution to close new channels for the dissemination of hate speech online.

7. (§ 62) ECRI recommends that the police services in the Federation and all 16 *Länder* systematically analyse, together with civil society organisations and academic institutions, evidence for past and present hate crimes including punishable hate speech in order to identify and record hate crime cases as completely as possible. To this end, they should in all *Länder* establish specialised police and prosecution units that investigate hate crime and develop regular dialogue with civil society organisations on hate crime cases.
8. (§ 63) ECRI furthermore recommends that the police services in the Federation and all 16 *Länder* initiate studies about the investigation of hate crime including punishable hate speech, link their statistics with those of the judiciary and publish detailed reports analysing their hate crime statistics and their activities regarding the prevention and investigation of hate crime. These reports should cover the most serious hate crime cases, contain more disaggregated data (e.g. concerning the different hate-crime related articles of the Criminal Code, disaggregated data for all 16 *Länder*, categories of perpetrators and victims) and outline measures for improving the recognition, recording and investigation of hate crime cases.
9. (§ 68) ECRI recommends that the police and intelligence services of the Federation and the 16 *Länder* develop and implement strategies and measures to prevent radicalisation and approach and persuade members of racist, homophobic, transphobic and neo-Nazi groups to definitively exit from the relevant organisations.
10. (§ 71) ECRI recommends that the Federation and the *Länder* intensify the initial and continuous training of police, prosecutors and judges on recognising, investigating and sentencing hate crime including punishable hate speech and that they introduce binding rules to ensure that victims of hate crime whose applications for asylum were rejected are not deported before the final decision in any criminal proceedings.
11. (§ 77) ECRI recommends that the authorities speed up the process of updating the National Action Plan on Integration and define and insert core integration indicators for its objectives and measures. They should furthermore insert for all objectives and measures baselines and measurable targets to reach, timelines and budgets, designate persons and/or authorities that are responsible for achieving each objective and implementing each measure, and establish a mechanism for regular evaluation.
12. (§ 81) ECRI strongly recommends that the authorities of the Federation, the *Länder* and the municipalities introduce into the National Action Plan on Integration the objective and measures of increasing significantly the share of children with migration backgrounds that attend pre-school education.
13. (§ 92) ECRI recommends that the authorities encourage the Diversity Charter and its members to develop an index or set of indicators to evaluate the impact of the activities deployed by each member organisation. Based on this index, a system for regular evaluation should be established to identify good practices and pave the ground for peer learning among the Charter's member organisations.

14. (§ 101) ECRI recommends that the authorities roll out and finance Roma mediators in all places where German Sinti and Roma or recently-arrived Roma live.

15. (§ 109) ECRI recommends that the police authorities of the Federation and the *Länder* commission and participate in a study on racial profiling with the aim of developing and implementing measures that eliminate existing and prevent future racial profiling.

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