



The  
Federal Government

# National Action Plan Against Racism

Positions and Measures to Address Ideologies of Inequality  
and Related Discrimination



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### Editorial note:

- For pragmatic reasons, reasons of readability and because the various parts of this report were produced by different ministries, this NAP uses only the linguistic standard (he/she) to express gender. However, the report explicitly covers also those who identify themselves neither as male nor female. The Federal Government is well aware that other forms of gender identity exist and that these forms are increasingly used in the spoken and written language.
- The fact that the Federal Government does not generally comment on the content and conclusions of the opinions mentioned in the text does not express approval or disapproval.
- The texts contained in the annexes represent the positions of the authors. They do not reflect the opinion of the Federal Government and have been attached for documentation purposes only.

## 1. Introduction

The commitment to inviolable human dignity and the duty of all state authority to respect and protect it are inherent in the provisions of the Basic Law and form the basis of our social values. According to Article 1 of Germany's Basic Law, human rights are the bedrock of every community, of peace and justice in the world.

Racism and other ideologies of inequality conflict with these principles. Using biological, religious, cultural and other features to divide persons into supposedly homogeneous groups, attributing them invariable characteristics and assessing them contradicts the principle of equality of all people.

Just like the prohibition of slavery, apartheid and genocide, the prohibition of racist discrimination is non-negotiable in international law. Racism and discrimination constitute a violation of fundamental human rights and prevent people from exercising them. They put social cohesion at risk and continue to cause internal and international armed conflicts.

Germany is a cosmopolitan and pluralistic country in the heart of Europe. Firmly rooted in the rule of law, it has a democratic constitution, well-functioning institutions, sophisticated structures of democratic civil-society engagement and distinctive forms of participation.

However, racism, racist discrimination, stereotypes, prejudices and violence can also be found in Germany. At the moment, a fierce asylum debate is taking place in Germany. Persons seeking asylum are therefore particularly exposed to hostilities. It is the responsibility of the entire country to counter these phenomena, at national and international level.

In the Programme of Action produced during the World Conference against Racism in Durban, South Africa in 2001, the United Nations (UN) committed itself to developing national action plans against racism in consultation with civil society, national human rights institutions and institutions combating racism. This National Action Plan (NAP) is the result of this commitment and refers to the relevant UN context. In 2008, Germany submitted its first "*National Action Plan to fight racism, xenophobia, anti-Semitism and related intolerance*" to the UN High Commissioner for Human Rights in Geneva.

In the coalition agreement for the 18th legislative term, adopted on 27 November 2013, the CDU/CSU and SPD<sup>1</sup> agreed to include homophobia and transphobia in the National Action Plan. It also became necessary to re-structure the NAP to make sure that it reflects essential topics and positions, taking into account changes in society, discussions and developments at national and international level, such as the reaction to the killings committed by the right-wing extremist organization National Socialist Underground (NSU). The Federal Government's policy is based on the recommendations of the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag.

In the coalition agreement, the governing parties also agreed to strategically combine efforts to prevent extremism and promote democracy. As a result of this process the Federal Government adopted its [Strategy to Prevent Extremism and Promote Democracy](#) on 13 July 2016. Given the special significance of this issue, the Federal Government's report on the status of German unity in 2017 also addresses right-wing extremism and xenophobia.

In 1998, the Forum against Racism was set up at federal level. This internal platform gives non-governmental organizations and the Federal Government the chance to discuss racism and ideologies of inequality and share information. In a [declaration](#), the members of this Forum agreed on general anti-racism principles in late 2015.

In the long run, the Federal Government's major and overarching goals are

- to demonstrate solidarity with victims of racist discrimination, violence or other ideologies of inequality and protect them: the government as well as public institutions and social organizations must take measures to empower such persons and include them in the process of seeking solutions.
- to eradicate racism and racist discrimination and enable its citizens to live a life free of discrimination in a democratic, diverse and pluralistic society;
- to intensify reflections on ideologies of inequality and step up the fight against and eradication of racism and related prejudices and forms of discrimination;

<sup>1</sup> CDU/CSU=Christian Democratic Union of Germany  
SPD= Social Democratic Party of Germany

- to continue to ensure that commitment, civil courage and conflict resolution skills are fostered and that our diverse and democratic society, including its values, is strengthened;
- to further develop or initiate relevant measures on the basis of human rights while taking international standards into account;
- to continuously increase public attention at all levels and raise awareness of equality and equal treatment.

## 2. Method and approach

When it comes to fighting racism, homophobia and transphobia, other ideologies of inequality and related forms of discrimination and prejudices, the Federal Government sees the need for diverse and specific action in various parts of society. The inter-ministerial working group responsible for promoting democracy and preventing extremism identified issues and fields of action relevant to the new NAP. On this basis, experts developed the NAP which builds on the Federal Government's Strategy to Prevent Extremism and Promote Democracy of July 2016. On behalf of the Federal Government, the Bielefeld-based Institute for Interdisciplinary Research on Conflict and Violence carried out an empirical examination to lay the ground for this NAP and contribute to the ongoing debate (cf. annex 3).

The NAP focuses on the Federal Government's positions and the measures it has taken or will take in the following areas: human rights policy; protection against discrimination and prosecution of criminal offences; education, civic education; social and political commitment to democracy and equality; diversity at work, basic and advanced training and strengthening intercultural and social skills at work; racism and hatred on the Internet; and research. Although some measures deal with different priorities, they are mentioned only in one field of action.

Under the responsibility of the Federal Ministry of the Interior (BMI) and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the various ministries worked together in developing the National Action Plan.

The federal states and municipalities also play a key role in the fight against racism and other ideologies of inequality and contribute to preventing extremism and promoting democracy, which is reflected in state programmes and municipal strategies, for instance. Furthermore, the federal states are responsible for policing, law enforcement, education and culture, matters of youth services, social work and prevention. Together with the Federal Government, they take action, for example in the field of civic education. It is essential that the Federal Government coordinates its measures with the federal states and municipalities to meet the local needs and respond to local problems. To pool and advance the debates and promote transparency, the federal states were therefore asked to describe the different measures and programmes taken in the relevant fields for this NAP (cf. annex 1).

The Federal Government attaches great importance to consulting civil-society initiatives and organizations. Position papers drawn up by civil-society initiatives and non-governmental organizations at the request of the Federal Government during the process of drafting this NAP are taken into account to the greatest extent possible. Prominent examples include:

- Civil-society requirements for a National Action Plan Against Racism, Homophobia and Transphobia, produced by the "Network against Racism – For Equal Rights", 4 July 2016;
- Federal board of the Lesbian and Gay Federation, national association "Trans\*", etc.: "Key elements for including homophobia and transphobia in the National Action Plan Against Racism (July 2016)",
- Protecting human rights, eliminating discrimination. Civil-society requirements for a National Action Plan Against Racism, Homophobia and Transphobia, 3 May 2017 (produced during various consultation and coordination procedures within the framework of the Network against Racism and a network of LGBTIQ\* organizations that has been coordinated by the Association of Gays and Lesbians, Trans\* and Lambda, a youth network, since late 2015. The Human Rights Forum supports this contribution) (cf. annex 2).

In addition, a collaborative consultation took place within the context of an event called “*A National Action Plan Against Racism – suggestions, experiences and ideas from the perspective of civil-society initiatives*” in Berlin on 5 July 2016, bringing together a wide range of civil-society stakeholders. A special meeting of the Forum against Racism was held on 30 March 2017 to take this process to the next level. Furthermore, the Federal Government repeatedly informed the members of the Forum against Racism of the progress made in drafting the NAP. In the Forum against Racism, two non-governmental organizations fighting against homophobia and transphobia were involved in the development of the National Action Plan.

The Federal Government knows that dynamic socio-political processes demonstrate the need for further consultations and discussions with civil society. It will therefore continue the dialogue with civil society.

### 3. Forms of racism and ideologies of inequality

Discriminating against and humiliating social groups or individuals because of their actual or supposed religious or ethnic background, sexual orientation or gender identity or any other characteristic is incompatible with the Constitution of the Federal Republic of Germany and human rights. All over the world, democratic societies are currently being challenged. Threats posed by various extremist and terrorist movements put social cohesion and peaceful coexistence of all people at risk. Promoting an open and diverse society and cohesion among all population groups therefore continues to be vital.

Also in the Federal Republic of Germany, racially motivated offences and violent crimes are committed which are consistently investigated and prosecuted by our law enforcement agencies. At the same time, the Federal Republic also takes action against cases of racially motivated discrimination that do not constitute a criminal offence, e.g. when persons are discriminated against on the labour or housing market. As demonstrated by the National Socialist Underground, a German terrorist group that embraced racist elements of Nazi ideology, racism is more than just an integral ideological part of right-wing extremism and right-wing terrorism. Racist attitudes fall on fertile ground in all parts of society. Racism is a societal and social phenomenon which also serves to legitimize existing inequalities or create new

ones. Racist discourse perpetuates, for example, biological, cultural and religious stereotypes dividing people into diametrical groups on the basis of attributions. As a result, the focus is put on the supposed difference of the “other”.

In this context, the term “*ideologies of inequality*” is to be understood as a collective term for discriminatory ideologies, ideological, social and political constructs, notions and (stereotypical) ideas opposing the fundamental principle of equality of all people. Being a discriminatory ideology, racist ideology is mainly based on the idea of inequality. Another form of discriminatory ideology is homophobia and transphobia.

New forms of right-wing populism in Germany and Europe turn out to be rather flexible. First of all, the term “*populism*” describes a certain interaction, i.e. an interrelation, between a protagonist and his audience which is characterized by a high level of simplification at the communicative level. Populism becomes a problem if it is charged with a specific ideology. The supposed homogeneity of the people is often of outstanding significance for the identity of right-wing populists who hold anti-pluralistic attitudes and divide the world into friends and enemies. This means that right-wing populism excludes all those identified as being different, e.g. persons belonging to a minority or persons with a certain sexual orientation or political attitude.

Language both reflects and shapes the reality of life. Linguistic expressions used by language communities in practice are in a constant state of flux. The Federal Government is well aware of this fact, but does not include all linguistic variants in this NAP. For example, there is a discourse in civil society on the terms to be used to describe transphobia\* or hostility towards transsexuals. In this NAP, the term “*transphobia*” refers to all forms of group-focused enmity directed against the gender identity and expression a person has chosen. As far as used in official documents, the term “*persons with a migrant background*” is also applied in the present NAP. However, this term is controversial in socio-political discussions and must be critically reflected. To avoid racist discrimination, civil-society groups have chosen terms such as “*people of colour*” (POC) and/or “*lesbian, gay, bisexual, transsexual and intersexual*” (LGBTI). Parts of civil society are critical about the term “*xenophobia*” because it implies that (potential) victims are different and that it is therefore only natural that the majority, which is not different, is hostile towards them.



European countries have been discussing the phenomenon of institutional racism/discrimination at least since the MacPherson report was published in the United Kingdom. After those suspected of having killed an 18 year-old black British boy in South London had been released, the British Home Secretary Straw appointed a commission chaired by former judge MacPherson to look into the steps taken by the investigating authorities. In its final report, the commission concluded that police investigations had been hindered by incompetence, institutional racism and the failure of high-ranking police officers.

Not least since the NSU case came to light, Germany has been increasingly discussing this phenomenon and has repeatedly accused government bodies of institutional racism. However, it must be noted in this context that neither the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of 7 March 1966 nor any other international convention or legal instrument contains a legal definition of “*institutional racism*”. It depends on the specific context whether “*institutional discrimination*”, “*institutionalized racism*”, “*structural racism*” or “*every-day racism*” is used. Even the research community does not always use these terms in a consistent manner. In the context discussed here, this term refers to the problem of intentional, unintentional, direct and indirect discrimination in public and private institutions.

There is no government-controlled, systematic discrimination against population groups (such as apartheid, racial laws, etc.) in Germany. Germany’s government institutions are rooted in the rule of law and are subject to the norms of our democratic and constitutional order. Forms of racist discrimination and group-focused enmity can occur in all structures of society and government. In this context, the Federal Government therefore also focuses on the problem of racism in institutions. This includes possible racist stereotypes/attitudes and racist behaviour of employees in government institutions which have a direct or indirect discriminatory influence on work routines and rules of procedure. If evidence of discriminatory institutional processes (work routines, rules of procedure, workflows, etc.) emerges, the Federal Government will assume its responsibility and take care of the problem.

Preventive strategies, the application and implementation of which are promoted by the Federal Government, and vocational basic and advanced training focus on conscious and subconscious prejudices and discriminatory attitudes held and displayed by individuals in their interactions in their social and institutional environment. Furthermore, representatives of all democratic institutions and the executive branch must take action to counter prejudices, ignorance, thoughtlessness, racist stereotypes and stereotypes based on ideologies of inequality within the framework of a social discourse in an open and pluralistic society.

### 3.1 Selected phenomena of group-focused enmity and associated forms of discrimination

Group-related discrimination is a problem that occurs everywhere, not just in Germany. National and international empirical studies indicate that the scope of disrespectful attitudes and discriminatory prejudices remains about the same for a long period of time. However, the development varies from country to country. Germany can be found in the mid-range here. Between one-quarter and one-third of those surveyed in Germany, France, the UK and Italy had hostile attitudes (see also IKG 2017, annex 3). No open and liberal democracy can accept this result.

The Federal Government opposes every form of discrimination. The goal of protecting all people against racism and racist discrimination is of utmost importance to German law and policy. In 1969, the Federal Republic of Germany ratified the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of 7 March 1966. Nevertheless, in its concluding observations on the combined [19th to 22nd reports of the Federal Republic of Germany](#) (see CERD/C/DEU/CO 19-22 of 30 June 2015), the Committee on the Elimination of Racial Discrimination pointed out that some groups still suffered discrimination. These groups (see CERD/C/DEU/CO 19-22, paragraphs 13 to 18 and 21) and victims of homophobia and transphobia will be covered by this document. Please note that the selection does not give less weight to other groups affected by discrimination (such as persons with disabilities, etc.). Furthermore, please note that the order of selected phenomena does not correspond to the importance attached to them.

### 3.1.1 Anti-Semitism

Given its history, the Federal Republic of Germany has a special responsibility towards its Jewish population. All democratic forces in Germany agree that all kinds of anti-Semitism must be fought. Combating anti-Semitism is also a priority for the Federal Government. To come up with specific solutions, it is necessary to differentiate between different forms of anti-Semitism (e.g. racist, revisionist, secondary or anti-Zionist anti-Semitism).

At the request of the parliamentary groups of the CDU/CSU, SPD, FDP and Bündnis 90/Die Grünen and with the agreement of the Die Linke, an Independent Panel on Anti-Semitism was set up in January 2015, about six years after the first expert group was established, with the support of all parties represented in the Bundestag. This Panel has already submitted its report and recommendations for action. The report was discussed in the Federal Cabinet on 29 March 2017 and then forwarded to the Bundestag. The report is likely to trigger political debates, and their results will lead to new priorities which the Federal Government may consider and use as a basis for further measures and reflections.

A democracy under the rule of law cannot remain neutral towards anti-Semitism because anti-Semitism is not an opinion which is protected by the diversity of opinions. Anti-Semitism always represents an attack on our fundamental democratic values and our open and pluralistic society. A democratic state under the rule of law must therefore fight anti-Semitism and consistently prosecute anti-Semitic offences and violent crimes for its own preservation and also for the preservation of Germany.

### 3.1.2 Anti-Gypsyism

Anti-Gypsyism, i.e. hostility directed at Sinti and Roma, has existed in Europe for a long time. The Federal Government is now paying more attention to this type of discrimination to counter indifference, ignorance, fear and rejection among the population.

The Federal Government understands that several self-governing organizations have come to question the term “*anti-Gypsyism*” and that there have been suggestions to use alternative terms, e.g. “*anti-Romanyism*” or “*racism directed at Sinti and Roma*”, depending on the context.

Various reasons, such as stereotypes and reservations about Sinti and Roma which have developed over time and been passed on from generation to generation in Europe, have prompted the Federal Government to take a closer look at anti-Gypsyism. In summary, the current studies show that anti-Gypsy stereotypes can also be found in Germany. Many people participating in the public debate know little about the persons known as Sinti and Roma. The group of German Sinti and Roma is a recognized national minority in Germany and is therefore protected by the Framework Convention for the Protection of National Minorities initiated by the Council of Europe. In addition, Germany implements the EU-Roma Strategy with the help of integrated policy packages in the context of a broader social inclusion policy.

It is necessary to address anti-Gypsyism, critically investigate anti-Gypsy incidents and inform the public in a detailed manner of the history and present-day life of Sinti and Roma, in particular of their systematic persecution by the Nazi regime (Porajmos) and their discrimination today. It is now essential to develop models of civil-society engagement and counter the politicization of ethnic problems in society at the expense of Sinti and Roma.

### 3.1.3 Islamophobia

There are forms and mechanisms of Islamophobia where the Muslim community as a whole is condemned. This in turn leads to the defamation of all members of this religion. Indulging in conspiracy theories that focus on religion is another characteristic of Islamophobic narratives. An ideological form of Islamophobia that ignores the real distribution of power and believes that Muslims will soon dominate our society is mainly found on the Internet in Germany.

Islamophobia is sometimes disguised as criticism of Islam and those voicing it often claim to be standing up for the freedom of expression. It often conceals racist ideas with ethnic connotations.

However, there are also critical interfaith discourses and enlightening discourses criticizing religion that take place on a human-rights basis. Such discourses enjoy the protection of the constitutional freedom of opinion and belief.

Islamophobic attitudes prevailing in parts of society are reflected, for example, in attacks on mosques ranging from desecration with slaughterhouse waste to arson attacks. In addition to the increasing number of attacks on mosques, numerous studies reveal that the population is sceptical about Muslims or even explicitly rejects them (cf. IKG 2017, annex 3).

### 3.1.4 Racism against black people

Being a visible minority, black people are particularly vulnerable to racism. Racial profiling is an example of a specific form of racist practices which particularly black persons are affected by.

The Federal Government takes the opportunity provided by the International UN Decade for People of African Descent (2015-2024) to pay more attention to racism against black Germans and initiate counter-measures. The UN Decade primarily aims to step up the fight against racism and pay more tribute to the social contribution of people of African descent. Given the colonial history of Germany and other European countries, civic education devoted to history and politics plays a key role in this context. From a historical perspective, colonial ideology was characterized by Europe's sense of power and superiority. Historical events always serve as points of reference that help us understand ideologies of inequality and phenomena of group-focused enmity and do something about it. In recent years, civil-society groups have launched important initiatives to raise awareness of colonialism and colonial racism as a special form of racism, i.e. through exhibitions, project funding and educational material. In addition, it may make sense to systematically examine forms of discrimination directed specifically at visible minorities.

### 3.1.5 Homophobia and transphobia

Now that the National Action Plan has been updated, it also includes measures to combat homophobia and transphobia, as agreed in the coalition agreement. Due to their sexual orientation or gender identity, LGBTI (lesbian, gay, bisexual, transsexual/transgender and intersexual) are often discriminated against.

Back in 2006, renowned international human rights experts developed the Yogyakarta principles to provide, for the first time, a systematic set of standards on the application of international law to address the violation of the human rights of lesbians, gays, bisexuals and transgender people ([http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles\\_en.pdf](http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf)). Having consistently opposed the discrimination of sexual minorities for years at international level, the Federal Government thinks that the Yogyakarta principles represent an important contribution of civil society that could encourage a more objective discussion on discrimination based on sexual orientation and gender identity.

However, homophobic and transphobic crimes, violence, attacks, antagonism and discrimination also take place in Germany. Homophobia and transphobia are still widespread in Germany (cf. IKG 2017, annex 3). In this context, LGBTI are denied equal rights and human dignity. In particular religious fundamentalists, right-wing populists and extremists are programmatically committed to ensuring that LGBTI are refused equal rights and banned from public life and that they do not get the chance to express their individuality. For example, such persons often take legitimate and necessary discussions on sexual identity at school as an occasion to categorically reject lessons on this matter and make it a taboo.

The authors of this Action Plan do not want to address homophobia and transphobia in isolation and prefer to discuss these phenomena within the context of preventing and fighting other forms of group-focused enmity in various areas of activity. This offers a cross-sectional perspective that takes the diversity of LGBTI into account and also pays attention to multiple discrimination.

### 3.1.6 Other and cross-cutting phenomena

Refugees are particularly vulnerable to exclusion and discrimination. Having undergone traumatic experiences in war-torn regions and on their way to Germany, they often suffer from psychological stress when they arrive here. The Federal Ministry of Education and Research has launched a funding initiative to promote the psychological health of refugees, develop culturally sensitive treatment approaches and alleviate the suffering of the persons concerned. More detailed information on the situation of asylum seekers in terms of asylum law, gender and health and the related challenges can be found in the report of the Federal Government Commissioner for Migration, Refugees and Integration.

Not only are people discriminated against because of their actual or supposed affiliation to a certain group, they are also exposed to various forms of group-related discrimination. Multiple discrimination is defined as intersectionality, i.e. the different forms of discrimination are inextricably linked with each other. The extent and impact of discrimination may vary depending on the ground of discrimination. Intersectionality focuses on the way different forms of discrimination interact and requires considering the diversity of affiliations and the related social conditions. This means that intersectionality is more than just the sum of various forms of discrimination. People are both favoured and disfavoured on the grounds of their actual or supposed affiliation to certain groups. The idea of intersectionality makes it possible to reflect the complexity and dynamism of human interaction. Racism, sexism and class discrimination represent only three forms of discrimination, alongside other forms, that all influence and reinforce each other.

Women are particularly vulnerable when gender is linked to other characteristics typical of the life situation of women, especially when sexist and racist discrimination come together. For example, a woman wearing a headscarf for religious reasons can easily be identified as a Muslim and therefore faces a greater risk of experiencing discrimination motivated by Islamophobia in public or at work. Women and LGBTI are among the first victims of racism occurring in the context of migration and flight. It therefore makes sense to examine racist and sexist discrimination against women and LGBTI, for instance, from an intersectional point of view in order to take efficient anti-discrimination measures and foster social participation.

#### 4. Legal basis and framework

Equality before the law for all persons is the fundamental basis of our constitutional order and an integral part of the rule of law. The principle of equality laid down in Article 3 (1) of the Basic Law is part of the Federal Republic of Germany's set of values that places the focus on human dignity and the free development of human personality. According to Article 3 (3) of the Basic Law, racist discrimination and unequal treatment because of actual or supposed differences, such as homeland, origin or faith, is prohibited.

The Federal Republic of Germany has ratified all major agreements on the protection of human rights such as the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of 7 March 1966 (Federal Law Gazette II 1969, 961). Furthermore, the Federal Government considers the concluding observations of the CERD on the combined 19th to 22nd reports of the Federal Republic of Germany of 30 June 2015 an important frame of reference. The authors of this NAP will refer to the recommendations formulated by the CERD objectives in the chapter on objectives without anticipating the 23rd to 26th country reports.

Providing protection against racism and discrimination is crucial also within the context of human rights protection at European level. First of all, this applies to the European Human Rights Convention of the Council of Europe (Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 4 November 1950, Federal Law Gazette II 1952, 686) as interpreted by the European Court of Human Rights. At EU level, it is mainly the Charter of Fundamental Rights (Charter of Fundamental Rights of the European Union of 7 December 2000, Official Journal of the EU of 30 March 2010, C 83/389) that provides protection against discrimination. Between 2000 and 2004, the Council of the European Union adopted four equal treatment directives which were transposed into German law with the General Equal Treatment Act.

Due to the ratifying legislation, Germany's administration and judiciary must take the international human rights conventions, which have the same status as federal legislation, into account when interpreting national legislation or fundamental rights. In cases where they conflict with other federal regulations, the judges must try to take the conventions into account when interpreting the law.

Recommendations given by the treaty bodies must also be taken into consideration in this context. The work of the European Commission against Racism and Intolerance (ECRI), the European Fundamental Rights Agency, the OSCE (notably the Office for Democratic Institutions and Human Rights (ODIHR)) and other international bodies also provides important information and standards for taking targeted measures to effectively fight discrimination and racism in a democratic society.

Fundamental rights and human rights norms related to the protection against discrimination are directly binding on all state authority in Germany.

If legal provisions or government action result in discrimination against individuals or population groups, the Federal Government will examine these provisions and procedures within the framework of its competences to find out whether they violate the ban on discrimination of Art. 3 (3) of the Basic Law and/or international and Union law. Furthermore, the government is obliged to provide protection and prevent violations by third parties.

The term “racism” is widely used in expert debates and in the public and is an integral part of the language of politics. In practice, this does not necessarily mean that academics and politicians have a uniform notion or understanding of the term “racism” (cf. IKG 2017, annex 3).

To identify racist discrimination, the Federal Government uses the definition given in Art. 1 (1) of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD). Art. 1 of this Convention defines racist discrimination as *“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.”*

Regarding the term “race”, the Federal Government opposes any assumption or doctrine according to which there are different human “races”.

On the basis of Art. 13 and Art. 141 of the Treaty establishing the European Community, now Art. 19 and Art. 157 of the Treaty on the Functioning of the European Union, the European Union adopted two directives on racism:

1. Racial Equality Directive: Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
2. Employment Framework Directive: Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. With this Directive, the EU aims to create a general framework to fight discrimination based on religion or belief, disability, age or sexual orientation in employment and occupation.

The General Equal Treatment Act transposes these European directives, among other things, into German law. In civil law, i.e. when it comes to accessing and providing goods and services, the ban on discrimination laid down in Section 19 of the General Equal Treatment Act goes beyond the European directives and covers, in addition to race, ethnic origin and sex, also religion, age, disability and sexual identity.

The General Equal Treatment Act entered into force on 18 August 2006 and already makes a significant contribution to providing protection against racist discrimination and discrimination based on ethnic origin and sexual identity. Pursuant to this Act, victims of inadmissible discrimination in labour law and certain areas of civil law have the right to claim damages and compensation. The goal of the General Equal Treatment Act is to prevent or eliminate discrimination for racist reasons or on the grounds of ethnic origin, sex, religion or belief, disability, age or sexual identity in these areas (cf. Section 1 of the General Equal Treatment Act). With the Act on the Equal Treatment of Female and Male Military Personnel of 14 August 2006, last amended on 31 July 2008, which is firmly based on the provisions of the General Equal Treatment Act, the Federal Government made use of the possibility not to transpose the EU directive on discrimination on the grounds of disability and age for the armed forces. This decision was justified with the overriding requirement of the armed forces’ operational readiness and effectiveness.

Persons exposed to discrimination can receive support from anti-discrimination organizations in court proceedings (cf. Section 23 of the General Equal Treatment Act). For example, anti-discrimination organizations can act as advisers to victims during court proceedings. The Federal Anti-Discrimination Agency, a national agency to protect against discrimination, was established in 2006 (cf. Section 25 of the General Equal Treatment Act). One of the tasks of the Agency is to inform persons who feel they have been discriminated against based on one of the grounds mentioned in Section 1 of the General Equal Treatment Act of their rights and the possibilities to take legal action under legal provisions on the protection against discrimination. In addition, the Federal Anti-Discrimination Agency can transfer them to specialized counselling services and seek an amicable settlement between the parties (cf. Section 27 (2) nos. 1 to 3 of the General Equal Treatment Act).

## 5. Activities and priorities of the Federal Government

The Federal Government focuses its activities on various essential fields that cannot be viewed in isolation. Instead, they are interrelated and form a certain pattern. These activities and priorities can be considered dynamic because they can always be adjusted to new subject-related and political circumstances.

The Federal Government directly supports civil-society projects and structures that play an active part in fighting racism, discrimination and inequality. In addition to supporting the activities of civil society, the Federal Government uses its own institutions (such as the Federal Armed Forces, the Federal Agency for Civic Education, the education centres of the Federal Volunteer Service) to engage with citizens and illustrate that hostile and racist attitudes are incompatible with the values of a social system governed by the Basic Law. It enters into a direct dialogue with citizens to promote a democratic order that fosters the involvement of everyone and recognizes human rights.

### 5.1 Human rights policy

Human rights are universal and indivisible. Every person enjoys these rights, irrespective of his or her origin, age, sex, sexual orientation or gender identity, religion or colour.

Being a state party to all major human rights conventions, Germany attaches great importance to the application and enforcement of human rights at national and international level and continuously monitors the application and enforcement of these rights in Germany. This is the only way to ensure the credibility of international human rights policy. This is the responsibility not only of Germany's independent courts, but also of the administration and all state actors. The Federal Government is making efforts to actively involve civil society also in this context.

For instance, in 2001 the German Institute for Human Rights was founded. As Germany's independent national human rights institution (Section 1 of the Act on the Legal Status and Mandate of the German Institute for Human Rights), it is responsible for informing the public of the human rights situation in Germany and abroad and helping prevent human rights violations and promote and protect human rights. Furthermore, its tasks include providing policy-makers with advice, supporting

human rights education, providing and collecting information, carrying out application-oriented research on human rights issues and cooperating with international organizations.

Together with the division responsible for human rights, the Federal Government Commissioner for Human Rights Matters at the Federal Ministry of Justice represents the Federal Republic of Germany in international bodies monitoring human rights and helps advance the protection of human rights. She also represents the Federal Republic of Germany in all legal proceedings pending against Germany before the European Court of Human Rights and acts as liaison officer for the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe and the European Fundamental Rights Agency.

Germany's foreign human rights policy is coordinated at the Federal Foreign Office by the Federal Government Commissioner for Human Rights Policy and Humanitarian Aid and the division responsible for human rights and gender issues. The Office's other divisions and Germany's diplomatic missions abroad also deal with human rights issues which are considered a cross-sectional task. In addition to human rights projects, various other instruments are used to this end, such as human rights dialogues and demarches, public statements and silent diplomacy, PR and cultural measures.

Germany is a state party to all major UN human rights conventions. Due to the ratifying legislation, these conventions enjoy the same status as federal legislation in Germany. The human rights conventions and their protocols also create direct legal obligations for all state parties. For example, the state parties are required to submit regular written country reports on the implementation of the conventions to independent expert committees, present these reports orally to the expert committees and answer questions of these experts.

On this basis, the competent committees make their observations, come up with recommendations to the state parties and publish their conclusions. In recent years, racism and discrimination in Germany have been repeatedly reported on at UN level, e.g. in the country reports on the UN Convention on the Elimination of All Forms of Racial Discrimination and the UN Covenant on Civil and Political Rights as well as during the Universal Periodic Review conducted in 2014. Many observations and recommendations overlap, and it must be noted

that they are sometimes based on outdated information because up to two years can elapse between the drafting of a report and the hearing of a country. Particularly in the past few years, the Federal Government has initiated a great number of measures. Furthermore, given the requirements regarding the scope and time frame available for presentations to the expert committees, it is not always possible to provide as many details as necessary in some cases. However the Federal Government and the ministries concerned address every recommendation in detail and then decide whether they see the need to take action at national level and what measures should be taken. Regarding the UN Convention on the Elimination of All Forms of Racial Discrimination, the combined 23rd to 26th reports commenting on the final observations of CERD on the 19th to 22nd reports must be submitted by 15 June 2018.

Germany consistently applies the EU's legal framework for banning discrimination based on nationality and has transposed it into national law. The right of Union citizens to work in other EU countries, which is laid down in Article 45 of the Treaty on the Functioning of the European Union, is specified in Regulation (EU) No. 492/2011 (Regulation on freedom of movement for workers within the Union). When entering the labour market of another EU country, EU employees must be treated the same as domestic employees. In addition, they are entitled to the same social advantages and tax benefits and must be provided with the same working conditions. Regarding access to housing, vocational training and assistance by employment agencies, they must not be disadvantaged, either. Although the possibilities to enter the labour market and vocational training are the same from a formal point of view, EU employees often face difficulties in practice. They are more likely than German nationals to become victims of labour exploitation and end up in inferior jobs, probably because they are not familiar with the procedures and the legal situation in Germany. It is therefore necessary to provide them with advice on the conditions of Germany's labour and vocational training market and their rights, duties and options regarding legal redress in this context. Labour exploitation might also be due to the financial situation of these persons which often prompts them to accept poor working conditions because if they do not manage to find a job and fail to support themselves they will not have the right to stay under the Freedom of Movement Directive. As part of the implementation of EU Directive 2014/54/EU, the Office for the Equal Treatment of EU Workers ([www.eu-gleichbehandlungsstelle.de](http://www.eu-gleichbehandlungsstelle.de)), which reports to the Federal Government Commissioner for Migration, Refugees and Integration, was established

in May 2016 to improve the practical enforcement of the equal treatment rights of employees from other EU member states and their family members, as laid down in Regulation (EU) No. 492/2011. The role of this Office is to fight unequal treatment on the grounds of nationality pursuant to Regulation (EU) 492/2011. To this end, it publishes information, free of charge and in various official EU languages, on the rights of employees to take up employment in other EU countries, provides assistance in finding competent and local counselling services and supports these services in complex legal issues regarding the free movement of workers. In addition, it offers recommendations on all issues related to unjustified restrictions, disabilities and discrimination.

The Federal Government attaches great importance to fighting human trafficking. On 15 October 2016, the Act Improving the Fight against Human Trafficking and Amending the Federal Central Criminal Register and Book VIII of the Social Code entered into force. Providing a new basis for the prosecution of human trafficking, it puts into practice the requirements set out in Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. The federal and state governments now face the challenge of implementing these new legal requirements and giving life to the opportunities provided by the law. A reform concerning the structure of authorities dealing with human trafficking at federal and state level is intended to support this endeavour.

The Federal Government engages actively in cooperation in all relevant bodies, such as the European Commission, the International Labour Organization and the Council of Europe, to fight human trafficking at multilateral level. This applies also in an attenuated form – because mostly less binding from a legal perspective – for the cooperation in other bodies, including the United Nations, the OSCE and the Council of Baltic Sea States.

In line with the requirements of the European Anti-Discrimination Directive, the Federal Anti-Discrimination Agency was established in 2006 by Section 25 of the General Equal Treatment Act. It is responsible for supporting victims of discrimination, carrying out PR activities, conducting research and developing measures to prevent discrimination. Since 2006, persons who feel they have been discriminated against because of their ethnic origin, race, sex, religion or belief, age, disability or sexual identity have therefore had a place to turn to. Advice is provided on the basis of Section 27 of the General Equal Treatment Act. Furthermore, to fulfil other tasks, the

Federal Anti-Discrimination Agency receives budget funds. For example, it organizes poster campaigns and high-profile events to raise awareness of discrimination, carries out surveys on the population's attitudes and discrimination experience and contributes to containing discrimination by publishing research reports on specific issues and recommendations.

In more than 70 countries all over the world, homosexuality still represents a criminal offence. In some countries, it is even punishable by death. Very often, intersexuality is not recognized. In many places, government authorities are involved in the oppression of LGBTI and refuse them any protection against hostilities and violence. Also in Europe, LGBTI are often exposed to hatred. Some countries have passed laws against what is said to be "*propaganda of homosexuality*". These laws force LGBTI into social invisibility and deny them the right to freedom of expression and assembly and free expression of their individuality. The Federal Government supports measures aimed at promoting and ensuring sexual self-determination.

The Federal Government continues to back the work done by organizations such as the Hirschfeld-Eddy Foundation for the human rights of lesbian, gay, bisexual and transgender people in the global South and Eastern Europe and initiates, together with civil society, an LGBTI inclusion strategy for foreign policy and development cooperation. The goal is to create structures to effectively support LGBTI human rights activities carried out by civil society in this area by giving special consideration to specific vulnerabilities and multiple discrimination. Regarding multiple discrimination, it should be noted that the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth promotes minimum standards for accommodating refugees in special need of protection, like children, teenagers, women and LGBTI.

Protecting and promoting national minorities in Germany helps eradicate prejudices about these population groups and strengthen their independence and political participation. This is guaranteed particularly on the basis of the Council of Europe Framework Convention for the Protection of National Minorities.

Four officially recognized national minorities live in Germany: the Danes, the Frisians, the German Sinti and Roma, and the Sorbs. Since their language and culture differs from the language and culture of the majority population, these national minorities are particularly vulnerable to discrimination and exclusion. In addition to addressing the challenges related to anti-Gypsyism, the Federal Government takes right-wing extremist attacks on Sorbs seriously and will continue and intensify its efforts to inform the public and raise awareness of the Sorbian people.

The Framework Convention prohibits all forms of discrimination against persons due to their membership of a national minority as well as forced assimilation and calls on the state parties to fully protect the civil liberties of the Convention for the Protection of Human Rights and Fundamental Freedoms, such as the freedom of assembly and association, the freedom of expression and the freedom of thought, conscience and religion. Furthermore, it requires all state parties to ensure comprehensive protection and promotion, for example in the fields of culture and education. The Framework Convention was opened for signature on 1 February 1995 and entered into force in Germany on 1 February 1998.

In addition, Germany has a well-established institutional system to protect national minorities.

Since 2002, the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities has been the central contact person for minorities at federal level, representing the Federal Government in contact bodies related to minority policy and providing information on national minorities in Germany and at European level.

Consultative committees have been established for all four national minorities at the Federal Ministry of the Interior. Their task is to ensure that the minorities can get in contact with representatives of the federal states, the Federal Government and the participating members of the German Bundestag. The committees are chaired by the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities. During the meetings, all members of the committee may address also negative social developments. For instance, the issues dealt with in recent years have included anti-Gypsyism and racist attacks on members of minorities.



The Federal Ministry of the Interior organizes an annual implementation conference to deal with the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, for example by producing regular country reports and common statements for the Council of Europe or dealing with certain minority-related issues. Participants are the federal ministries dealing with the protection of national minorities, the respective state authorities with lead responsibility, representatives of the umbrella organizations of the minorities and language groups protected by the legal instruments, and their research institutions.

Last but not least, representatives of the umbrella organizations of national minorities usually meet with members of the German Bundestag once a year to discuss relevant political issues. These discussions take place within the context of a round table of the Bundestag Committee on Internal Affairs.

The previous country reports on the Framework Convention (available at <http://www.coe.int/en/web/minorities/country-specific-monitoring-2016>) contain information on federal and state measures in favour of national minorities.

A detailed report on the measures taken at federal, state and local level to integrate Sinti and Roma in Germany can be found in the current progress report on the implementation of the [EU-Roma Strategy](#).

## 5.2 Protection against discrimination and prosecution of criminal offences

The act on the implementation of the recommendations of the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag of 12 June 2015, effective 1 August 2015, explicitly added racist, xenophobic and other inhuman motives and aims to the list of circumstances to be taken into account in sentencing given in Section 46 (2), second sentence, of the Criminal Code. The characteristic of “*other inhuman*” motives and aims also includes additional recognized prohibitions of discrimination.

In particular, anti-Semitic motives and aims and those directed against religious orientation, disabilities, social status and the sexual orientation or gender identity of the victim are regarded as “*other inhuman*” motives and aims (cf. Bundestag document 18/3007, p. 15 et seq.).

Even before this amendment was made, it was acknowledged that the “*motives and aims of the offender*” listed in Section 46 (2), second sentence, of the Criminal Code also include racist or xenophobic motives and that they are to be taken into account as an aggravating circumstance. However, naming these motives explicitly is intended to underline their importance for the sentences passed by courts. Furthermore, the amendment to Section 46 (2), second sentence, of the Criminal Code is also intended to emphasize that public prosecution offices must identify and take such motives into account early in their investigations, because pursuant to Section 160 (3) of the Code of Criminal Procedure investigations of the public prosecution office should also extend to the circumstances which are important for the determination of the legal consequences of the offence. This emphasis also reflects the task of criminal law to document and strengthen assessments which are fundamental for society, especially for the purpose of positive general prevention.

To this end, the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine (RiStBV) were amended by the competent committee. This amendment took effect on 1 August 2015 and included the wording “*racist, xenophobic or other inhuman motives*” in nos. 15, 86 and 234 of the Guidelines. No. 15 of the Guidelines now specifies that these motives must be investigated to determine the specific circumstances and hence the legal consequences of the offence. The inclusion of these motives in No. 86 of the Guidelines means that charges filed in a private prosecution concerning such cases are generally assumed to be in the public interest. This also applies to the amendment to No. 234 of the Guidelines

concerning the prosecution of bodily injuries. No. 2.2.5 (rules of evidence, crime scene reconstruction) of the Police Service Instruction 100 was amended so that in cases of violent crime racist, xenophobic, inhuman and other politically motivated backgrounds must generally be examined and the results be documented.

Taking the interests of victims into account and ensuring that they are given greater rights were and still are important legal policy objectives. Since the First Act to Improve the Standing of Aggrieved Persons in Criminal Proceedings (Victim Protection Act) was adopted on 18 December 1986, the situation of victims has been continuously improved by many other legal acts so that victim protection is now firmly anchored in the Code of Criminal Procedure. The third Victims' Rights Reform Act of 21 December 2015 introduced additional important steps to improve the protection of victims. On the one hand, this act implemented Germany's obligations under Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. On the other hand, it introduced psychosocial support for criminal proceedings.

As a rule, the federal states in Germany have jurisdiction to prosecute right-wing politically motivated crime with an extremist, xenophobic or anti-Semitic background. If the crime, given its circumstances, may harm Germany's overall state structure or constitutional principles, however, the Federal Public Prosecutor may take over responsibility for prosecuting the offences listed in Section 120 (2), first sentence, no. 3 of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG), provided that the case has special significance due to the seriousness of the crime and its impact. Two Federal Court of Justice decisions clarify that a *"special significance of the case"* should always be assumed if the perpetrators acted conspiratorially, the crime involved interregional activities and organized structures were used.

If the case does have special significance, the Federal Public Prosecutor also assumes responsibility for prosecuting those crimes listed in Section 74a of the Courts Constitution Act (Section 120 (2) no. 1 GVG). This applies in particular to criminal organizations as defined in Section 129 of the Criminal Code formed to commit right-wing extremist crimes, such as the punishable use of Nazi insignia (Section 86a of the Criminal Code) or incitement to hatred (Section 130 of the Criminal Code). Under Section 120 (1) no. 6 of the Courts Constitution Act, the Federal Public Prosecutor has primary jurisdiction in cases involving right-wing

extremist terrorist organizations as defined in Section 129a of the Criminal Code.

The implementation of the Additional Protocol of 28 January 2003 to the Council of Europe Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) and the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law required amendments to the German Criminal Code. These amendments entered into force on 22 March 2011. Since German criminal law had already complied with the mandatory requirements of the two legal acts to a great extent, only minor amendments to the crime of incitement to hatred (Section 130 of the Criminal Code) were necessary. From the Framework Decision, Section 130 (1) of the Criminal Code took over the terms *"national, racial or religious group, or a group characterised by their ethnic origin"* as the target of criminal incitement to violence and racial hatred and placed next to the term used so far (*"parts of the population"*). This provision now also includes incitement to violence and hatred against individual members of these groups.

To further improve the prevention of racist offences and fight such crimes effectively, sound data on the type and extent of such offences are necessary. The police records such crimes in the Criminal Police Reporting Service as politically motivated crimes. Hate crimes include offences recorded in eleven separate categories: *"Anti-Semitic"*, *"anti-Gypsy"*, *"xenophobic"*, *"disability"*, *"anti-Christian"*, *"social status"*, *"Islamophobic"*, *"racism"*, *"other ethnic origin"*, *"other religions"* and *"sexual orientation"*. To keep a closer eye on offences committed in the context of asylum and always have comparable data available throughout Germany, an independent subcategory in the statistics on politically motivated crime was created on 1 January 2014 entitled *"foreigners/asylum"* to record offences committed against collective accommodation for asylum applicants.

Against the background of an increasingly polarized asylum debate, the Federal Ministry of the Interior took the initiative to include in the statistics not only offences committed against asylum accommodation, but also those against groups of persons who are particularly at risk. To this end, the following subcategories of politically motivated crime were introduced on 1 January 2016: crimes *"against asylum applicants/refugees"*, *"against relief organizations/volunteers"*, *"between asylum applicants/refugees"*, *"against holders of an office or a mandate"* and *"against the media"*. The annual figures are regularly published on the

website of the Federal Ministry of the Interior at <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2017/04/pks-und-pmk-2016.html>.

At the summit meeting of the Federal Minister of Justice and the justice ministers of the federal states held at the Federal Ministry of Justice and Consumer Protection on 17 March 2016 it was agreed that the federal statistics providing information, for example, on the number of preliminary proceedings and convictions concerning right-wing extremist/xenophobic offences will be published. In coordination with the Land departments of justice the data from 2013 to 2015 were published on the website of the Federal Office of Justice ([www.bundesjustizamt.de](http://www.bundesjustizamt.de)) in November/December 2016.

On the basis of a resolution taken at the 84th Conference of the Ministers of Justice (2013) on agenda item II.4 (“*Consistent fight against hate crime*”), a working group with the participation of the Federal Ministry of Justice and the Federal Office of Justice is currently studying the question of how hate crime can be regularly and systematically recorded and displayed in the statistics of the judiciary.

Mainly with the support of the federal programme “*Living democracy! Active against Right-wing Extremism, Violence and Hate*” („*Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit*“) launched by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, all 16 federal states have set up counselling services for victims of right-wing extremist, racist, anti-Semitic, homophobic, transphobic and Islamophobic incidents to compensate for the material and immaterial consequences of such incidents and to restore the victims’ capacity to act. Here, the specific situation of asylum applicants and persons who work as volunteers or are politically active in the context of flight and integration, must be taken into account.

The counselling services for victims pursue a low-threshold, outreach, non-partisan approach. They concentrate on direct assistance for individuals concerned and offer targeted support using or promoting the resources of those concerned thereby helping them help themselves. The counselling services develop strategies together with local stakeholders to strengthen (potential) groups of victims and to change local framework conditions so that (the) affected group(s) can be integrated into society in the long term. The providers and experts of mobile counselling services closely cooperate with organizations, initiatives and individuals actively involved in fighting right-wing extremism and group-focused enmity, such as racism and anti-Semitism.

Under the federal system of the Federal Republic of Germany, assistance for victims is a responsibility of the states. Since the situation of victims widely differs, there is a variety of government agencies (e.g. victim protection officers at police stations and court assistance for witnesses) and private organizations, some of which are linked, to help victims with their difficult situations. Their services range from advising and accompanying victims to court to providing therapies and even financial assistance. The diversity of assistance measures for victims is better suited to dealing with the victims’ specific situations and meeting their individual needs. The Federal Ministry of Justice and Consumer Protection supports exchange and networking among the various victims’ aid organizations in Germany and other offices dealing with this issue. In this context, the Ministry regularly participates in conferences by victims’ aid organizations serving this purpose. Furthermore, in January 2017, the Ministry organized a conference on victim support and protection („*Tag der Opferhilfe und des Opferschutzes*“). The aim of this conference was to enable the exchange of information among as many individuals working in victim protection as possible and to illustrate new developments at state, federal and EU level, thereby providing new impetus to victim support, also because victim support is organized very differently in the various states.

In addition to compensation payments under the Act on Compensation for Victims of Violent Crime (Opferentschädigungsgesetz, OEG) the government provides hardship payments specifically to victims of extremist attacks. In view of the significant increase in the number of right-wing extremist attacks, the German Bundestag decided in financial year 2001 for the first time to allocate funds for hardship payments to the victims of right-wing extremist violence. In 2010 these payments were extended to victims of all forms of extremist violence. These voluntary payments, to which no legal claim exists and which are made as one-time payments, are considered an act of solidarity by the state and its citizens with the victims and complement preventive and punitive measures to fight extremism. These payments are also intended as a clear condemnation of such attacks. This aim is reinforced by the fact that perpetrators are required to reimburse the government for the entire payment amount. Reimbursement from perpetrators is consistently and rigorously pursued, if necessary in civil court, and enforced, in order to ensure that perpetrators also suffer the consequences of their actions under civil law and do not enjoy a financial advantage because the state pays compensation to their victims. In 2017, €700,000 have been earmarked for this purpose in the federal budget. This amount shall be

subject to coverage by the budgetary item for hardship benefits for victims of terrorist offences, for which another €700,000 have been allocated.

On 1 January 2017 the rules on psychosocial support in criminal proceedings entered into force. They provide particularly vulnerable victims with the opportunity to receive professional support before, during and after a trial. In particular, children and young people who have become victims of serious sexual or violent offences are entitled to free psychosocial support in proceedings. For other victims of serious violent or sexual offences and for close relatives of a person killed in the course of an unlawful act, the court decides on the basis of the individual case whether psychosocial support is granted. Additional information on psychosocial support can be found on the website of the Federal Ministry of Justice and Consumer Protection at [www.bmju.de/opferschutz](http://www.bmju.de/opferschutz). A meeting with the Land departments of justice is organized on a regular basis to promote the exchange of best practices in the protection of victims.

Together with the German Institute for Human Rights, the Federal Ministry of Justice and Consumer Protection is currently conducting a two-year project to develop and test various advanced training modules on racism for criminal court judges and public prosecutors, taking the human rights framework into account. These modules are intended to become an integral part of basic and advanced training in the federal states. The advanced training modules developed in cooperation with three test states are intended to support judges and public prosecutors in responding appropriately to offences motivated by racism and hatred, to deal with the victims' experiences in criminal proceedings and help them get effective access to justice free of discrimination.

Best practices concerning the protection of victims are shared also at European level following the implementation of the Directive on Victims' Rights which created the appropriate legal basis. At the initiative of the Netherlands and with the support of France, Ireland, the Slovak Republic and Hungary, the "European Network for Victims' Rights" (ENVR) was set up in early 2016. The project supports close cooperation and a regular exchange of best practices among member states. Until September 2017 the network is funded by the European Commission and will then be evaluated.

### 5.3 Education, civic education

Civic education is intended to promote understanding of political issues, to strengthen democratic consciousness, and to encourage political involvement. The citizens' commitment to Germany's democratic order is an essential element in preventing racism, racist discrimination and other anti-democratic tendencies.

At their informal meeting in Paris on 17 March 2015 the education ministers of the EU adopted the . Based on an initiative taken by France in the wake of the attacks against Charlie Hebdo, the declaration underlines the importance of education in imparting common values in the fight against radicalism and intolerance. It calls upon Europe to make joint efforts to prevent and combat marginalization, intolerance, racism and radicalization and to promote equal opportunities for all. The declaration concentrates on the education of young people to strengthen their critical thinking as well as media and intercultural skills. It encourages measures at European, national, regional and local level, which can receive funding by the EU education programme Erasmus+. A working group with representatives of the member states was set up to discuss any follow-up activities.

The conclusions of the Council of the European Union of 21 November 2016 on the prevention of radicalization call for cross-sectoral cooperation to strengthen the prevention of radicalization and provide better opportunities for young people. The conclusions particularly aim at strengthening the preventive role of education and youth work. This is why they call upon member states to become active in various areas, such as

- encouraging cooperation between educational institutions, local communities, parents, families and other stakeholders,
- broadening the competences of teachers so that they recognize radicalized behaviour at an early stage and hold necessary conversations, and
- improving civic and inclusive education.

The offers and measures of the Federal Agency for Civic Education (Bundeszentrale für politische Bildung, BpB) concerning extremist, racist, homophobic, transphobic and other hostile patterns of behaviour and thought are partly directed at the German public and broad sections of society. There are special offers for multipliers of civic schools and out-of-school education and for social and youth workers and civil society activists. Project work

mainly focuses on young people and young adults. The Federal Agency for Civic Education pursues an interdisciplinary approach in dealing with hostile ideologies and also includes social work, cultural activities, general educational studies and psychology in its work to pool the various competences in a project to create synergies and increase effectiveness.

Furthermore, projects concentrate on the affinity towards extremist behaviour or hostile attitudes of target groups. This helps ensure that not only the presentation, but also the specific content of the products (e.g. handouts, online dossiers) and measures (e.g. multiplier training, pilot projects) are tailored to the needs of recipients and that the target group is actually reached. This means that products for people threatened or influenced to become extremists, but also material for interested parties and activists must be developed.

The education programmes of the political foundations receiving institutional funding in the form of global allowances by the Federal Ministry of the Interior include the study of extremist, racist, homophobic, transphobic and other hostile patterns of behaviour and thought and are open to all interested citizens.

With its programme *“Living democracy! Active against Right-wing Extremism, Violence and Hate”* (duration: 2015-2019, budget: 2015: €40.5 m; 2016: increase to €50.5 m; 2017: increase to €104.5 m), the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supports civic engagement and democratic behaviour at local, state and federal level. Associations, organizations, projects and initiatives working to promote democracy and diversity and to combat right-wing extremism, racism, anti-Semitism, Islamist extremism and other forms of anti-democratic attitudes and hate, such as homophobia and transphobia, violence, hatred and radicalization, are supported by the federal programme. Throughout Germany, the programme supports the development of local *“partnerships for democracy”* at municipal level, democracy centres at state level and the structural development of nation-wide NGOs at federal level, as well as pilot projects on selected phenomena of group-focused enmity, in rural areas and on preventing radicalization in right-wing extremism, Islamist extremism and left-wing militancy. The target groups of the federal programme include children and young people, their parents, family members and other people taking care of children, volunteers as well as part-time and full-time youth workers, multipliers, public stakeholders, and civil society activists. In the course of this federal programme, the Federal Government has already imple-

mented important recommendations by the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag to consolidate and expand successful approaches. The programme is implemented by pilot projects aimed at further developing educational practices taking specific local structures into account and at transferring the results and experience to other organizations or fields of action. In addition to gender mainstreaming and inclusion, the guiding principles of all projects funded within the framework of *“Living democracy!”* now for the first time also include diversity mainstreaming.

The federal programme is currently supporting 26 pilot projects in the field of *“racism and racist discrimination”*, strengthening the capacity of institutions and educational establishments, but also of individuals to deal with racist discrimination and raising awareness of racism as a social problem and its effects on those concerned. The programme is aimed at forms of direct, indirect and intersectional discrimination as well as the current challenges posed by the refugee situation.

To strengthen democratic attitudes and a democratic culture in everyday child and youth work and to qualify students and teaching staff, the Federal Government supports the federal states in the programme *“Acting democratically”* (*„Demokratisch handeln“*) with permanent funding by the Federal Ministry of Education and Research for the nation-wide annual competition, in which more than 5,000 projects have participated since 1990 and have further developed as best-practice projects. Furthermore, since 2016 the Federal Ministry of Education and Research has also supported the project *“Living diversity together - learning democracy together”* (*„Vielfalt zusammen leben - Miteinander Demokratie lernen (ViDem)“*) intended to test practical forms of learning about human rights and democracy and to support educational skills and work routines of teaching staff.

The increase in violence and threats against refugees and activists shows the importance of strengthening democracy and peaceful coexistence in Germany as a country of migration. This also means that new partners must be found who reflect the diversity in society and advocate *“Living democracy!”* as a basic principle of coexistence. On the one hand, far-reaching strategies and approaches must be developed which are suitable to combat racist and discriminating actions and attitudes. On the other hand, new formats and approaches must be designed to deal with and settle controversial, at times even polarizing and emotionally heated socio-political conflicts in a democratic spirit. The aim is to promote a constructive,

democratic debating culture taking into account diverse, even opposing social positions.

Promoting democracy and preventing radicalization should begin in those places where children and young people can be found, such as their environment, social spaces, child day-care centres and other educational institutions. A strong and diverse democracy should be experienced in everyday life. To this end, new cooperation models to strengthen sustainable prevention efforts should be tested by child and youth workers with various partners.

With regard to preventing extremism and promoting democracy, the Federal Government examines whether the measures taken can become more permanent and be incorporated into regular structures. This is also based on the statement by the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag, which required “reliability [...] and planning certainty” and recommended a nation-wide solution.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also funds a broad and diverse range of measures of civic, sport and cultural education of young people and youth organizations (particularly to maintain federal infrastructure). Funds are provided not only to thematic or faith-based youth organizations or organizations focusing on special tasks, but also to institutions working in the field of integration, historic or civic education and intercultural learning or contributing as umbrella organizations of self-governing organizations of young migrants to the professionalization, networking and dialogue in youth work.

The new guidelines of the Federal Children and Youth Plan particularly emphasize education in tolerance, respect and democracy. Furthermore, new possibilities of participation are also intended to promote equal opportunities and to ensure that tolerance and diversity also with regard to forms of cultural expression, sexual orientation and gender identity become everyday reality.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides some €19 m in the 2017 budget year to fund and provide resources to the federal infrastructure of youth organizations. Individual measures also receive funding. Civic education for young people to strengthen their skills and possibilities of social and political participation is funded with some €10 m in 2017.

Non-formal education opportunities for young people are particularly important to improve the framework conditions of children, teenagers and young adults. Aims based on this approach include the promotion of respect and acceptance to create a culture of equality, preventing extremism, the willingness to assume responsibility, social engagement, conflict resolution free of violence and learning negotiating processes in the entire range of non-formal education for young people.

For the Federal Government it is of major importance that young generations study and understand the Holocaust in appropriate detail. This is why funding from the Children and Youth Plan is provided so that young people can experience the places of remembrance of victims of Nazi crimes, particularly concentration camp memorial sites. Unilateral visits to memorial sites, which are part of non-school education, receive funding.

In 2008 the Federal Government updated the federal policy paper on memorials entitled “*Accepting responsibility, reinforcing research, deepening commemoration*”, which was confirmed by the German Bundestag with a great majority. New educational policies are needed to take account of the ever longer time passed since the time of National Socialism, the increasingly heterogeneous composition of groups of visitors in terms of religion and ethnic background and the existing racism in society, including anti-Semitic attitudes. The Federal Government Commissioner for Culture and the Media supports a broad range of cultural education projects for young people aimed at fostering integration, providing a historical context and promoting intercultural dialogue.

One specific measure taken by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to promote acceptance of different forms of sexual orientation is the support for the youth network “*Lambda e.V.*”. This association is very active in LGBTI youth work and helps teenagers and young adults cope with everyday questions. The founding of the national association “*Trans\* - For sexual self-determination and diversity*” was also supported. Furthermore, the founding of the national association of senior gays (Bundesinteressenvertretung Schwuler Senioren (BISS)) and the umbrella organization for lesbians and aging (Dachverband Lesben und Alter) was supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Thereby, the Ministry also contributes to promoting acceptance of homosexual ways of life and reducing prejudices so that everyone can lead an independent and autonomous life until old-age regardless of sexual identity.

By funding the Anti-Racism Information and Documentation Centre (Informations- und Dokumentationszentrum für Antirassismuserbeit e.V. (IDA)), the Federal Government supports specific information and advisory services on racism, right-wing extremism, migration, interculturalism and education encouraging diversity. IDA provides information and advice on current observations and trends in racism and racist discrimination in Germany to youth organizations, associations, initiatives and multipliers in youth work. Services include education and information material, lists of experts, thematic films and videos, work reports and a regular [mailing service](#).

In addition to ongoing activities, IDA is particularly interested in helping self-governing migrant youth organizations plan and set up their organization and develop priorities. The IDA media library on diversity issues ([www.vielfalt-mediathek.de](http://www.vielfalt-mediathek.de)) serves as an archive and a register of the results of the federal programmes against right-wing extremism. It provides multipliers in school and out-of-school education and actively engaged citizens with material on the prevention of and intervention against right-wing extremism, racism, anti-Semitism, Islamophobic racism and religious fundamentalism as well as on intercultural learning, diversity and democracy education.

Members who are younger than 27 of the Federal Voluntary Service (Bundesfreiwilligendienst (BFD)) regularly participate in mandatory seminars on civic education at the 17 federal education centres (Bildungszentren des Bundes (BIZ)) organized by the Federal Office of Family Affairs and Civil Society Functions, which reports to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The education offer and the seminars of the BFD are aimed at strengthening the willingness and capability of participants to get engaged in social, environmental and political affairs beyond their service at the BFD by promoting the necessary skills of volunteers. For this reason, supporting the democratic development of young people is a priority of the work in seminars.

In the seminars of Youth Voluntary Services (voluntary social or ecological year) democratic values are also taught and promoted in an illustrative manner. The aim is again to strengthen the relevant skills of volunteers. In 2015 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth funded a conference on democratic development during the voluntary ecological year. Particularly against the background of right-wing extremist tendencies in nature conservation it is necessary to provide volunteers with knowledge about demo-

cratic processes and values. This education in democracy also serves to prevent right-wing extremism.

Lecturers hold lessons on some 400 civic education issues, including topical questions, in the seminars. Anti-Semitism, Islamophobia, denigration on the grounds of religion, racism, anti-Gypsyism, denigration of asylum applicants, homophobia and transphobia are issues which are regularly discussed in civic education seminars and seminars to improve competences.

For 23 years, the KOS Fan Project Coordination Centre at the German Sport Youth has received funding within the framework of youth education in sport. On the basis of the National Strategy for Sport and Security (NKSS) it is active in social work with young people and aims at preventing violence, extremism and racism in football. Currently 62 fan groups are supported in 56 places throughout Germany. Furthermore, KOS provides information and advice concerning professional fan work to football organizations, policy-makers, police and the media. For many years, KOS has also been active at international level and as part of the Football Supporters Europe (FSE) network has organized fan coaching measures at major football tournaments. In the past few years, fan projects in Germany achieved considerable success through many anti-discrimination and violence prevention activities as well as tournaments, events and international exchange programmes, such as the annual “*Memorial Day in German Football*” commemorating the liberation of the Auschwitz concentration camp or visits to memorial sites and youth exchanges with young people of Israeli fan projects. Fifty per cent of the KOS budget is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the other fifty per cent by the German Football Association (DFB).

Fighting all types of discrimination in sport, particularly in football, was the main reason for drawing up the National Strategy for Sport and Security. The strategy’s professed aim is to “*work towards eliminating all forms of discrimination, in particular racism, sexism, homophobia and anti-Semitism*”. Prevention also focuses on “*violence, racism, discrimination and alcohol abuse*”.

The idea of anti-discrimination in sport is pursued also in other contexts. The Federal Ministry of the Interior, for example, is currently preparing the ratification of a Council of Europe convention, whose aim is to ensure adherence to and the enforcement of fundamental values, such as social cohesion, respect and non-discrimination.

## 5.4 Social and political commitment to democracy and equality

Civic engagement is essential to cope with socio-political challenges, as was demonstrated by the impressive assistance provided by citizens to refugees. Civic engagement, however, is at least as important to promote democracy, combat racism, discrimination and extremism and develop Germany's welcoming culture into a culture of recognition. Civic engagement is based on the principle of voluntariness, is meaningful and generally requires no government involvement, but good framework conditions. Civic engagement brings people together and hence has the potential of reducing prejudices and strengthening the basis for a democratic society that lives in solidarity and is fit for the future.

Civic engagement is an important pillar of social cohesion and hence is a valuable contribution to preventing exclusion and social division. For this reason, the non-profit groups, bodies and organizations mentioned in the Action Plan's chapters receive tax benefits.

Pursuant to the 2014 survey on voluntary engagement, 43.6 per cent of the population above 14 years is active as volunteers – which equals 30.9 million people. In the past fifteen years, the quota of volunteers increased by nearly ten percentage points.

The Federal Ministry of the Interior, in consultation with the Federal Government Commissioner for the New Federal States, launched a programme to encourage social cohesion through participation (Zusammenhalt durch Teilhabe, ZdT) supporting associations and clubs throughout Germany to ensure that the work of their volunteers and permanent staff is organized on the basis of the values of our free basic order. In the programme's projects members work towards promoting democratic participation and preventing extremism, racism and racist prejudices in rural and structurally weak regions and use the existing structures of civic engagement. The annual funds provided amount to €12 m. The main beneficiaries are regional associations, clubs and their members, such as state associations of organized sport, voluntary fire brigades, the Federal Technical Relief Agency THW and other relief and welfare organizations. Their skills to resolve conflicts and deal with discriminating and anti-democratic incidents are supported and improved. The projects help prevent extremist threats and promote basic conditions for peaceful coexistence without violence based on the principle of equality.

The aim of the projects funded by this programme is to support a confident, vibrant and democratic community culture where there is no room for extremist and anti-constitutional trends. Taking into account the evaluation results achieved so far, the individual programme areas are designed to promote possibilities of action and response in associations and clubs, their impact on local communities and important skills to cooperate with additional programme and project partners.

During its entire duration the programme focuses on creating and deepening practical skills to strengthen democratic behaviour in the work of associations and clubs. This programme area primarily deals with the qualification of volunteers and permanent staff of associations and clubs to help them shape and further develop their institutional structures to guarantee participation. This includes in particular internal discussions and ways to deal with discriminatory and undemocratic behaviour and the development of appropriate procedures.

Another programme area concentrates on efforts undertaken by qualified and active associations and clubs to strengthen democratic participation in communities. The skills to deal with discriminatory and undemocratic behaviour trained as part of the federal programme should have effects beyond the associations and clubs themselves and also be used to strengthen local communities (municipalities with up to 20,000 inhabitants). Members of associations and clubs should be able to contribute their experience and practical skills to shape democratic participation at local level.

Since 2016 the ZdT programme has also conducted pilot projects to strengthen participation and engagement, such as projects dealing with current social issues and problems in strengthening democratic practices in associations and clubs and democratic participation in communities and testing new and innovative approaches and working methods. The current funding period for pilot projects focuses on strengthening intercultural competences. The process of mutual intercultural learning is a task for the future of associations and clubs facing the challenge of integrating people living in Germany with an asylum status or with a migration background into their activities. Promoting intercultural learning is intended to prevent and reduce racist and discriminatory prejudices. The main focus is on jointly learning, understanding and experiencing different cultural values. At the same time, associations should be empowered to ensure the permanent and sustainable adaptation of internal structures to open themselves for new target groups.



The ZdT programme to encourage social cohesion through participation offers a vast range of possibilities for associations and clubs to link their work and share information with others across federal states and disciplines, thereby strengthening and supporting each other. In line with the joint Strategy of the Federal Government to Prevent Extremism and Promote Democracy, cooperation between institutions and stakeholders of the two federal programmes of the Federal Ministry of the Interior and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is constantly promoted and intensified.

As part of the activities of the federal and state programmes, but also independently, major associations and institutions place a great emphasis of their work on strengthening social cohesion and preventing racist discrimination and prejudices.

The Federal Government will pool and strengthen the activities of these associations in the network *“Sport and government united against right-wing extremism”* (Sport und Politik - Verein(t) gegen Rechtsextremismus) and work towards expanding the network’s activities to include the prevention of racism, discrimination, homophobia and transphobia.

Sport can also help counter xenophobic resentment and racism. Many sport clubs are very active in admitting and integrating people seeking protection. The Federal Government Commissioner for Migration, Refugees and Integration funds four sport programmes for people seeking protection to support sport clubs and associations in their commitment and strengthen social cohesion. These programmes help establish contacts between refugees and the host society, thereby promoting the intercultural outreach of clubs, reducing prejudices and contributing to fighting racism.

The aim of the project *“Welcome to sport – sport and physical exercise for refugees”* (Willkommen im Sport (WiS) – Sport und Bewegungsangebote für Flüchtlinge) initiated by the German Olympic Sports Confederation (DOSB) is to bring people seeking protection closer to sport and physical activity and to establish contacts with the host society. The programme particularly targets women and girls who fled their home countries. The target group of the project *“Orientation offered by sport”* (Orientierung durch Sport) by the German Sport Youth (dsj), however, are young and in particular unaccompanied minors seeking protection.

To enable as many people seeking protection as possible to play football, the Federal Government Commissioner supports the project *“1:0 for a welcome”* (1:0 für ein Willkommen) initiated by the German Football Association’s (DFB) Egidius Braun Foundation. As part of the project, amateur clubs based on voluntary work, which are already open to people seeking protection, receive financial assistance. By late 2016, 3,000 football clubs in Germany received such support. This shows how many clubs are active in voluntary work.

The project *“Welcome to football!”* (Willkommen im Fußball!) of the Bundesliga foundation in cooperation with the German Children and Youth Foundation focuses on professional football. Thanks to this project, local alliances of professional and amateur clubs, educational institutions, refugee initiatives, welfare organizations etc. have been established at 24 sites of Germany’s first and second division of the Bundesliga organizing football matches and education opportunities for young people of up to 27 years seeking protection.

Currently, the Federal Ministry of the Interior supports civic engagement in refugee assistance by providing training to volunteers working in the field of integration, and promotes digital offers in refugee assistance, the programme *“Integration through sport”* and the special prize awarded for the first time in 2016 within the framework of the Federal Ministry of the Interior’s Helping Hand Award. Again, the aim of working with refugees is to counter any prejudices.

The THW, the Federal Agency for Technical Relief, is also active in various ways to implement society’s values of diversity and openness within the organization. The THW’s guiding principles include the commitment to democracy and anti-discrimination and working to guarantee the diversity of society. In future, the THW’s internal communication channels will advertise these guiding principles even more clearly.

The federal programme *“Living democracy!”* currently supports 261 municipalities, local authorities and districts in Germany to develop and implement action plans to promote democracy and diversity within the framework of local *“partnerships for democracy”*. Local projects against racism, current forms of anti-Semitism, Islamophobia, anti-Gypsyism, homophobia and transphobia constitute a priority. The *“partnerships for democracy”* develop targeted cooperation projects of all relevant local stakeholders with the active participation of citizens. They support and develop sustainable local and regional alliances in these areas. In a spirit of

partnership, particularly between local authorities and civil society, a living and diverse democracy at local level and a culture of cooperation, of respectful coexistence, mutual recognition and support are further developed. Since the federal programme entered into force, more than 2,700 individual measures have been funded in municipalities and districts across Germany every year. Since 2015, given the challenges for society, the “partnerships for democracy” have supported the development of a culture of respect for voluntary work in all fields of the programme to reduce resentment and prevent violence, incitement to hatred and hostility towards migrants. Given the assaults on volunteers and activists, the development of security and prevention programmes has been promoted.

Furthermore, the federal programme “*Living democracy!*” also includes pilot projects on selected phenomena of group-focused enmity. They develop and test innovative approaches to promote democracy and prevention efforts. The aim is to further develop educational practices taking specific local structures into account and integrate them into regular structures.

Anti-discrimination and early prevention projects for pre-school children are another priority. Eight projects are funded helping educational staff and representatives of parents of pre-school children deal with prejudices, discrimination and diversity. In particular, measures aimed at empowering children (potentially) affected by discrimination and at supporting affected parents, and projects to prevent any potential influence by right-wing extremist activists on early childhood receive support.

Furthermore, funding is provided to 19 pilot projects on current forms of anti-Semitism, nine pilot projects to fight anti-Gypsyism, 14 projects dealing with current forms of Islamophobia and nine projects to fight homophobia and transphobia. Additionally, nine pilot projects receive funding whose activities against right-wing extremism, violence and group-focused enmity focus on the special structures and framework conditions in rural and structurally weak areas. These projects are intended to strengthen the democratic culture of young people and test new forms of solving conflicts and problems.

In programme area C (“*structural development of nation-wide NGOs*”), 28 non-governmental non-profit organizations are supported, which can be subdivided into umbrella/expert associations with member organizations, expert/transfer offices independent of members and educational/advisory institutions. This programme area is a completely new element of the federal programmes. It is first of all intended as an attempt to improve the exchange of experience and knowledge throughout Germany and at federal level. Secondly, it aims at encouraging the development of expert infrastructures for promoting democracy and preventing extremism. As a result of permanent dialogue and cooperation, the federal institutions contribute to developing the thematic priorities of the programme and identifying and dealing with new and topical challenges. For the institutions, this includes school and out-of-school offers on civic education; racism and diversity; churches and right-wing extremism; right-wing extremism and gender; education in history and politics, including anti-Semitism; the issue of youth culture in the context of group-focused enmity; strengthening democracy in rural areas; preventing right-wing extremism and promoting youth (cultural) work centred on human rights; primary prevention by strengthening democratic competences; empowering Sinti and Roma and preventing anti-Gypsyism; democracy work with disadvantaged young people; diversity and anti-discrimination in early-childhood; transphobia and empowerment; anti-Semitism in the migrant community; right-wing extremism and families; equal treatment, racism and right-wing extremism at work; promoting democracy with the help of multipliers; intercultural openness of institutions; youth participation also in a European context; empowering migrants (migrant organizations); civic education on religious diversity and the prevention of radicalization; deradicalization in prisons; exit programmes; dealing with anti-Semitism and empowering Jewish minorities; umbrella organization for exit programmes, jugendschutz.net - youth policy centre of expertise for the protection of young Internet users.

Within this framework various federal or umbrella organizations have been set up, such as for anti-discrimination counselling, mobile counselling and counselling for victims. In 2017, this field will also include support for the following issues and structural areas: Preventing Islamophobia and empowering victims, preventing racism and empowering black people, promoting civic engagement for diversity and anti-discrimination in businesses, preventing the discrimination of lesbians and gays and empowering victims.

The activities of self-governing organizations of female migrants are also often directed against racism. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, together with the Federal Office for Migration and Refugees, supports DaMigra, the federal umbrella organization of female migrants regardless of their origin. The umbrella organization pursues the aim of improving the political, legal and social equality of female migrants in Germany and represents migration and women issues at federal level. Furthermore, the umbrella organization supports networks between and the qualification and promotion of organizations of female migrants. The Federal Ministry of Education and Research has launched a funding initiative to promote the psychological health of refugees, develop culturally sensitive treatment approaches and alleviate the suffering of the persons concerned.

As part of its funding programme for advisory services against discrimination (2015-2017), the Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes (ADS)) has supported eleven networks throughout Germany with anti-discrimination experts to create regional advisory services against discrimination. Since mid-2016 the ADS has provided funding to three additional pilot projects in Bavaria, Hamburg and Mecklenburg-Western Pomerania as part of a side project to the federal programme *“Living democracy!”*. These pilot projects are intended to test the creation and expansion of specific advisory services for victims of racist discrimination. Since 2012 the ADS has organized thematic years on characteristics covered by the protection against discrimination provided by the General Equal Treatment Act. 2014 was the year against racism with the motto *„Gleiche Chancen. Immer.“* (*“Equal opportunities. Anytime.”*).

In 2015 the Anti-Discrimination Agency launched several measures to draw attention to discrimination on the basis of sex with the motto *„Gleiches Recht. Jedes Geschlecht.“* (*“Same rights for all genders”*). The Anti-Discrimination Agency set up an independent expert commission that developed recommendations for action for policy-makers and society to reduce discrimination. The main topics included not only equal pay and dealing with sexual harassment, but also dealing with transgender and intersex persons from a legal point of view, in public life, at school and at work ([report of the expert commission](#)).

At an action day and an expert conference on the legal situation of transgender and intersex persons additional recommendations and political requests were developed and discussed together with political and civil society stakeholders.

In 2017, the Anti-Discrimination Agency drew attention to discrimination based on sexual orientation with the motto *„Gleiches Recht für jede Liebe“* (*“Equal rights for every love”*). Various activities, events and research projects are intended to promote the legal and social equality of LGBTIQ\* and raise awareness of sexual diversity among the public. Against this background, the Anti-Discrimination Agency commissioned and published an expert opinion already in 2016 to expunge criminal convictions based on Section 175 of the Criminal Code. The expert opinion concludes that criminal convictions of men persecuted in Germany after 1945 because of their homosexuality should be overturned.

A bill drawn up by the Federal Ministry of Justice and Consumer Protection on the rehabilitation of persons convicted of consensual homosexual acts after 8 May 1945 was adopted by the Federal Government on 22 March 2017 and is currently discussed by the German Bundestag and the Bundesrat.

In 2017 the Federal Ministry of Justice and Consumer Protection started to provide institutional funding to the Magnus Hirschfeld Foundation (Bundesstiftung Magnus Hirschfeld) whose statutes include the objective of fighting the societal discrimination of LGBTI.

In Germany, the UN anti-racism weeks held annually in March are coordinated by the Foundation for the International Anti-Racism Weeks (Stiftung für die Internationalen Wochen gegen Rassismus). More than 80 organizations, including religious communities, welfare associations, municipalities, trade unions and employers' associations across Germany participate in the event. In this context, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Government Commissioner for Migration, Refugees and Integration promote the project *“Celebrities against racism”* (*„Prominent gegen Rassismus“*).

A large number of programmes and initiatives promotes intercultural education and exchange, thereby reducing prejudices. This includes a network of active municipalities („*Engagierte Stadt*“), a rural programme („*500 Land-Initiativen*“) and a German award for civic engagement („*Deutscher Engagementpreis*“). The programme „*People support people*“ („*Menschen stärken Menschen*“) helps citizens to become host families or guardians for minor refugees or work as mentors for refugees of any age group. In 2016, mentors for more than 25,000 refugees were found.

Migrants can be exposed to discrimination based on their origin or religious beliefs. By promoting community-oriented projects to support the societal and social integration of migrants, the Federal Government's aim is to improve reciprocal acceptance of migrants and the host society. These projects are also intended to counter prejudice among the host society, thereby strengthening social cohesion as a whole at local level. This is regularly practiced in the projects through personal contacts. Government-funded courses train the intercultural competences of volunteers with or without a migrant background working in the field of integration and also serve to raise awareness of racism and discrimination.

It is also important for the Federal Government to promote (inter-)cultural competences at various levels in society or in social and living spaces in line with the distribution of responsibilities within Germany's constitutional system.

Strengthening intercultural competences is a decisive element to manage diversity in society. Institutions that offer a first point of contact by providing initial advisory or support services to persons seeking protection and new immigrants must be aware of this issue, and – if necessary – staff members must receive appropriate training.

In their networking activities and work in social environments, youth migration services, for example, actively support the intercultural openness of services and institutions for their target group. Measures include the organization of information and education events, participation in the development of intercultural training, offers to raise intercultural awareness, the training of cultural mediators or public relations work on the living situations of young persons of migrant background and their specific competences.

By funding more than 450 youth migration services (Jugendmigrationsdienste (JMD)), the Federal Government makes an important contribution not only to the intercultural openness of other services, but also helps strengthen the competences of young migrants from a prevention point of view. Young, self-confident people are less susceptible to falling victim to radical groups. The youth migration services assist young people with a migration background aged between 12 and 27 and, as of January 2017, also young refugees in their educational, professional, social and linguistic integration, focusing on the transition from school to work. They cooperate with various institutions and persons relevant for integration, such as parents, schools, other institutions providing assistance and businesses. In 2016, approximately 118,000 young persons received advice and assistance by youth migration services.

The youth strategy of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth („*Handeln für eine jugendgerechte Gesellschaft*“) designed as an independent youth policy is intended to provide good opportunities, comprehensive possibilities of participation and attractive prospects for an autonomous life for all young people between 12 and 27 years. In line with the coalition agreement, the ongoing measures of the youth strategy also include the development of a „*youth check*“. The aim is to review all federal projects and check their compatibility with the concerns of the young generation and raise awareness of this issue.

## 5.5 Diversity at work, basic and advanced training and strengthening intercultural and social skills

A diverse working environment strengthens the ability to understand, respect and accept others. Not only does diversity at work reflect equal opportunities and participation of persons with a migrant background, it also contributes to eliminating discrimination and thus also to fighting racism.

The following projects and programmes carried out in the work context aim to promote labour market integration of persons with a migrant background. These measures foster not only the participation of such persons, but also the respect and the recognition of differences in the working environment. Personal contacts and encounters in the working environment help eliminate mutual prejudices and strengthen the intercultural openness of institutions and intercultural skills of employees dealing with the diversity of our society. The diversity of society should be reflected in

the workforce of both the private and the public sector. This also helps eliminate racist, homophobic and transphobic prejudices and reservations.

According to the coalition agreement, the Federal Government supports the Diversity Charter, an initiative to foster diversity in the workplace and in businesses. More than 2,500 businesses and public institutions have already signed the Charter, committing themselves on a voluntary basis to creating a working environment free of prejudices. Everyone should be appreciated, irrespective of their sex, nationality, ethnic origin, religion or belief, disability, age, sexual orientation and gender identity. In this context, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth promotes a guideline on how to deal with transgender employees.

The federal programme “*Living democracy!*” is being further developed. Its new programme area “*civic engagement and diversity in the workplace*” will give adolescents and young adults the chance, within the work context, to focus more on issues such as diversity, dealing with prejudices and radicalization. The democratic behaviour and awareness of trainees and young adults should be strengthened and their social engagement should be promoted. At the same time, a culture of recognition, respectful interaction and human dignity should be strengthened and supported. To this end, pilot projects intended to support diversity and democratic behaviour in vocational schools and institutions and in the workplace are supported.

Advisers working in employment agencies and job centre and other stakeholders on the local labour market play a key role in providing those looking for a job or training place with advice and work. It is therefore absolutely vital for advisers to have intercultural sensitivity and migration-specific job placement and advising skills and to be able to adjust their services to the individual needs of their clients.

The goal is to improve integration and employment by making it easier for persons with a migrant background to access labour market policy instruments. To this end, it is necessary to enhance the job placement and advising skills of all advisers.

Having more than 100,000 employees, the Federal Employment Agency is the largest player on Germany’s labour and training market and is in contact with tens of thousands of people every day. It is therefore particularly important for the Federal Employment Agency to promote diversity strategies in its HR policy, making sure that its employees know how to deal with international clients.

Gender equality and anti-discrimination (equal opportunities and non-discrimination) are included as prominent horizontal goals in the Federal Government’s Operational Programme for the 2014-2020 funding period of the European Social Fund. These goals are directly based on the regulations of the European Commission and the corresponding planning documents at federal level.

The General Equal Treatment Act also offers the possibility to promote diversity in the workplace. It bans unjustified discrimination in employment and occupation and requires employers to take counter-measures. The General Equal Treatment Act governs private law, but not public law. German labour law does not provide for government supervision, e.g. labour inspection. Employees may be entitled to compensation under labour law if the General Equal Treatment Act has been violated. Those exposed to discrimination may submit a complaint to their employer. Furthermore, the Federal Anti-Discrimination Agency provides victims with advice and practical assistance. Victims may also take legal action. Pursuant to Section 12 of the General Equal Treatment Act, the employer is obligated to take the necessary measures to provide protection against discrimination. However, the type of these measures depends on the individual case, which means that it is not possible to provide a catalogue of measures. This is yet another reason for not introducing government supervision as discussed in expert circles. Section 13 of the General Equal Treatment Act contains detailed rules on the right to lodge complaints and stipulates that the employer has the right and duty to appoint a competent contact point responsible for handling such complaints.

The Federal Ministry of Economics and Technology promotes pilot projects with transfer effects that strengthen social skills in dual vocational training and thus help integrate refugees. In particular, the focus is on adequate approaches used to raise awareness among trainees as role models and mediators and strengthen their social skills. Social skills include the ability to understand, respect and accept others (including intercultural skills), to behave in a socially acceptable manner and adapt one’s behaviour to a given situation, self-management, conflict management

and the ability to cope with disappointment and frustration. The goal is to improve the quality of training, which in turn also helps promote democracy, eliminate racism, hatred and prejudices and prevent extremism. The funding period ends on 31 December 2019.

Also in the federal administration, the aim is to increase the share of employees with a migrant background. In recent years, a broad range of measures has already been implemented within the framework of the National Action Plan on Integration to achieve this goal.

In this context, the Federal Government launched an initiative called [www.wir-sind-bund.de](http://www.wir-sind-bund.de)

to make public service jobs more attractive for young people and young professionals with a migrant background. This website provides a wealth of information on about 130 public service professions, the application procedures and entry requirements, legal aspects of the applicant's residence and the recognition of foreign degrees. A job fair for training places makes it possible to find a public service job close to home. Since children often listen to their parents when choosing a profession, the website also offers information on Germany's educational system in nine different languages. Teachers can find information and materials for vocational counselling. Authorities are also provided with information, e.g. on the requirements that must be met under foreigners law to start vocational training.

The various training courses offered at federal level cover discrimination as a horizontal issue and address it within the context of workshops on fundamental rights, making sure that public employees are well aware of all forms of racist exclusion.

For some time now, the Federal Academy of Public Administration has been offering training to employees responsible for carrying out recruitment procedures and to members of recruitment committees. Such training also addresses cultural fairness of recruitment procedures. If requested, special events dealing with this issue and adapted to the needs of individual authorities take place. Making sure that recruitment procedures are fair and tolerant towards other cultures is key to increasing the share of public employees with a migrant background. Recruitment procedures must not be based on certain cultural standards that are not justified from an objective point of view. With its handbook on intercultural openness in public service recruitment procedures, the Federal Academy of Public Administration also offers guidance on this issue.

Discussing police action, also in terms of basic and advanced training, is important in Germany. This issue is debated regularly with civil society and representatives of the different state police forces in the Forum against Racism. These debates take place in particular against the backdrop of the recommendations produced by the Committee of Inquiry into the National Socialist Underground of the 17th legislative term of the German Bundestag that place a particular focus on the attitude towards mistakes.

Human rights, the ban on racism, also in terms of sexual orientation and gender identity, and non-discrimination are integral parts of various professional and legal aspects in the training of officers of the federal police forces. The main principles for taking on a relationship of service and loyalty in a democracy governed by the rule of law are already taught early on in career training. The curricula of subjects such as public and constitutional law/civic education, European law, law governing police interventions, situation and communication training, search and interrogation techniques and psychology cover the following issues: human rights, fundamental rights, non-discrimination, ban on abuse and torture, the UN Charter, the European Human Rights Convention and intercultural skills. Human rights and non-discrimination are also part of in-service training courses. Practically orientated basic and advanced training ensures that the powers of the federal police forces are applied in compliance with the law. During training courses on behaviour, the participants discuss specific measures and their impact on fundamental rights. In special seminars to develop social and intercultural skills, communication skills are strengthened to prevent conflict situations. A continuous improvement process ensures that the relevant training measures and the topics they cover are critically reviewed at all times and, if necessary, updated and improved. All forms of knowledge transfer available are used to raise awareness among federal police officers to ensure they fulfil their tasks in a focused and unbiased manner.

In studies for the federal higher intermediate police service, intercultural skills are one of the central skills in the profile for this profession (e.g. through training in intercultural communication in the higher-intermediate or higher service or the intercultural week for students of the higher-intermediate service). Furthermore, since March 2013 the Federal Criminal Police Office (BKA) has been cooperating with the Fritz Bauer Institute in Frankfurt/Main. As part of this cooperation, visits to mosques and synagogues are organized and workshops are held

to reflect on police action during the National Socialist era. In addition, this topic is addressed in greater detail in studies for the federal higher intermediate police service within the context of criminal phenomena that are relevant for the Federal Criminal Police Office (politically motivated crime, human trafficking) and in more in-depth, practical courses on subjects such as “*questioning special victim groups*”, “*taking care of victims*” and “*searches*”. The master’s programme at the German Police University includes lessons on leadership in complex and intercultural communication processes.

Last but not least, there are also courses on violent crime, terrorism, attacks and the risk of attacks, including a basic two-week workshop on politically motivated crime, mandatory specialist workshops on intercultural communication, an advanced training course on the National Socialist Underground (NSU) and the findings of the NSU committee of inquiry, and lectures on legal and psychological aspects of crime-related radicalization and right-wing radicalism.

In addition, the Criminal Police department of the Federal University of Public Administration organizes a lecture series at the Federal Criminal Police Office, offering various events on migrants in Germany/in the police and taking different perspectives (academia, culture, politics, justice, police) into account.

The Federal Police carries out practical basic and advanced training measures to ensure that its powers are applied in compliance with the law. During training courses on behaviour, the participants discuss specific measures and their impact on fundamental rights. In special seminars to develop social and intercultural skills, communication skills are strengthened to prevent conflict situations. Furthermore, the Federal Police Academy offers advanced training courses, particularly on carrying out standard police measures and dealing with strangers. These courses also cover aspects related to equal treatment and compliance with the ban on discrimination. The issues addressed in these courses are intended to raise awareness and provide information. If important subjects such as racism, anti-Semitism and prejudices against minorities are regularly addressed, people change their behaviour and attitudes as desired. In addition, these aspects are discussed on the basis of real-life examples in law classes. These examples are then implemented in situational training sessions.

The recommendations by the Committee of Inquiry of the 17th legislative term into the National Socialist Underground (NSU) have prompted the Federal Police to initiate the following measures which are regularly reviewed and, if necessary, adapted and optimized: work culture / attitude towards mistakes, recruitment; strengthening intercultural skills, communicating with victims, dealing with the NSU complex in the basic and advanced training courses of the Federal Police; cooperation between the federal and state governments in police matters and in identifying the risk posed by right-wing extremism.

Human rights and the fight against racism, racist discrimination and other forms of group-focused enmity are integral parts of basic and advanced training courses, as is the legitimacy of police action. At the institutions of the Federal Police and external institutions, these skills are taught by internal and external experts (police instructors and teachers, sociologists of the Federal Police, police psychologists, police chaplains, policy officers working for other authorities, organizations and institutions, and victims) in various ways.

Current events and court decisions are also addressed and analysed in a practical manner. For example, in regular operational and situational training sessions, police instructors talk about how to deal with persons of various backgrounds. Furthermore, issues such as foreigners law, residence law, the questioning of persons pursuant to Section 22 (1a) of the Act on the Federal Police, measures to establish a person’s identity to impede or prevent unlawful entry pursuant to Section 23 (1) no. 3 of the Act on the Federal Police are covered regularly and continuously in in-house seminars. Such seminars also address intercultural problems and the inadmissibility of racial profiling. The latter topic is particularly sensitive. The Federal Police is well aware of this fact, and will focus even more on the inadmissibility of racial profiling in various formats of basic and advanced training, both in terms of content and methodology.

In addition to the measures already mentioned, there are tutorial notes on the individual issues describing the powers of intervention and their requirements in a comprehensible manner. These notes are used by police officers for advanced training and self-study purposes. Awareness is also raised through regular meetings of senior police officers, taking place at central and local level.

Competences such as the willingness to assume responsibility, empathy, conflict management, respect and language skills are part of the training to become a Federal Police officer and are intended to enable police officers to adequately deal with individuals while pursuing their investigations.

Besides conventional recruitment measures (visits to schools, job fairs, open house days, participating in the Girls' Day to encourage girls to become a police officer, offering internships, etc.), the Federal Police has increasingly used social media since 2013 to recruit young people. These social media activities focus on emphasizing the diversity of the security sector. A recruitment website, [www.komm-zur-bundespolizei.de](http://www.komm-zur-bundespolizei.de), and a Facebook profile were set up in order to directly answer the applicants' questions on the training and work as Federal Police officers. To implement this communications strategy and ensure sustainable recruitment, a particular focus is placed on target groups that are under-represented within the Federal Police, such as women or young persons with a migrant background, as well as on special priority areas.

The communications strategy applied by the Federal Police for recruitment purposes now also includes Instagram and YouTube channels.

There are plans to expand existing networks at regional and local level in priority areas and conurbations (e.g. in the Frankfurt/Main and Munich areas) with the help of projects between the Federal Police and NGOs promoting the integration of migrants and in cooperation with school providers, associations and authorities (e.g. Employment Agency, foreigners authorities).

Furthermore, the goal of the Federal Criminal Police Office (BKA) is to increase the share of staff members with a migrant background. For instance, at job fairs the BKA displays posters with slogans such as "*diversity and integration*".

It also visits schools attended by a large number of pupils from migrant families to provide information on career opportunities as a criminal police officer. To recruit staff, the BKA has also begun to publish job advertisements in foreign-language print media. It tries to attract persons with a migrant background also through social media.

On Facebook, it uses the slogan "*diversity and integration at the Federal Criminal Police Office*" and presents reports by employees with a migrant background. The majority of these recruitment activities is coordinated by a special team of the Federal Criminal Police Office that includes also persons with a migrant background.

The Bundeswehr, Germany's armed forces, attaches outstanding importance to civic education and internal leadership. The principles of internal leadership serve as a guideline for personnel management in the Bundeswehr. Throughout their careers, members of the Bundeswehr receive regular civic education on issues related to democracy. This training starts even before they join the Bundeswehr. The members learn about our understanding of democracy as part of their training (for example, in the subject area dealing with good leadership), both in their everyday life as militaries and during workshops. This also helps counter tendencies of discrimination, racism and extremism.

The Bundeswehr adapts constantly to social change. It therefore pursues the strategic goal of introducing a modern diversity management. To achieve this goal, the staff element "*equal opportunities*", established at the Federal Ministry of Defence back in April 2015, was extended in May 2016 and now also includes "*diversity and inclusion*". The focus is on areas such as sex, age, disability, ethnic or cultural origin, religion, sexual identity and orientation. Diversity management starts at the very top and must be implemented accordingly. For example, in January 2017 the Federal Ministry of Defence carried out a workshop on sexual orientation and identity in the Bundeswehr.

The Bundeswehr set up a central coordinating office for intercultural skills at the Leadership Development and Civic Education Centre (Zentrum Innere Führung). The office is responsible for strengthening and teaching intercultural skills and implementing diversity in the workplace. To this end, the coordinating office operates an international expert network. The long-term goal in this field is to raise the Bundeswehr staff's awareness and to train superiors.

Since 2016, a training board called "*Us. Diversity in the Bundeswehr*" (Wir. Vielfalt in der Bundeswehr) has been available, enabling members of the military and civilian staff to deal with social diversity. In this context, all classical dimensions of diversity are addressed, including age, religion or belief, ethnic group, sexual orientation, physical and mental capabilities, and sex. In the long run,



training boards therefore contribute to raise the target groups' awareness of racist and extremist tendencies. Basic and advanced training courses for military executives cover and address right-wing extremism, discrimination, prejudices, stereotypes and cultural standards in various fields of internal leadership, notably in civic education, personnel management and law.

## 5.6 Racism and hatred on the Internet

Democracy requires a free exchange of views. However, users are increasingly exposed to opinions on the Internet. Whenever hate speech crosses the lines of freedom of expression, it must be countered decisively.

In order to take effective action against hate speech, the Federal Government must come up with an interministerial strategy that holds those spreading hate speech accountable and supports those adopting a clear stance against hatred on the Internet. In early 2016, the Federal Government therefore joined the “*No Hate Speech Movement*” campaign of the Council of Europe. Within the framework of “*Living democracy!*”, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth asked the association of new German media makers to coordinate the implementation of this campaign in Germany. This includes, for example, the promotion of awareness-raising seminars for media professionals.

The federal programme is being further developed with a view to creating effective structures promoting engagement and countering hatred on the Internet, which encourage others to also combat hatred. The goal is to support people in responding appropriately to online hatred within their peer group. Furthermore, qualification measures and workshops should be initiated to strengthen media and information skills. Social community management experts should be able to take effective action against online hatred and deal with this issue in a professional and diverse manner. This is intended to strengthen engagement and social work on the Internet.

User-friendly complaint mechanisms on social web platforms reaching a great number of people represent an important and appropriate response to the increased social responsibility of social networks. Such mechanisms are needed to ensure that affected or vigilant users are able to inform platform operators of illegal content such as hate speech, extremist depictions of violence, sexual harassment, cyber mobbing, infringements of privacy rights or rip-offs and oblige them to take action.

Since 2008, Jugendschutz.net, the federal states' competence centre for the protection of minors on the Internet has documented how global video and communications platforms respond to reports of violations. Focusing on certain topics, these examinations were conducted on an ad-hoc basis. The new plan increases the number of topics covered and puts the examinations on a firm basis.

The project was launched on 1 April 2016 and will be carried out for 12 months. It is funded by the Federal Ministry for Family Affairs, Senior Citizens Women and Youth and the Federal Ministry of Justice and Consumer Protection.

As early as in September 2015, the increase in hate speech, particularly in social networks such as Facebook, YouTube and Twitter, prompted the Federal Ministry of Justice and Consumer Protection to set up a task force with the operators of these networks and representatives from civil society. The task force managed to convince the companies to help fight hate speech posted on their systems. Examinations are carried out on the basis of German law. To ensure that the agreement reached is implemented in practice, the Federal Ministry of Justice and Consumer Protection funds the monitoring project of the civil-society organization Jugendschutz.net that systematically examines the complaint mechanisms of platform operators. The examinations carried out by Jugendschutz.net in January/February 2017 revealed that complaints about hate crime submitted by users are still not processed immediately and sufficiently. Only in 39 percent of these cases did Facebook delete punishable content. Twitter deleted such content in 1 percent of all cases, while YouTube deleted punishable content in at least 90 percent of cases. All in all, Facebook and Twitter still have substantial shortcomings regarding their reactions to user reports.

On 14 March 2017, the Federal Ministry of Justice and Consumer Protection therefore presented a bill to improve enforcement of the law in social networks (Network Enforcement Act) which was adopted by the Federal Cabinet on 5 April 2017. The Act envisages the introduction of statutory compliance rules for social networks to compel operators of such networks to process complaints, especially those about obviously illegal content, faster and more comprehensively. It provides for an effective complaints management system, the appointment of a person authorised to receive service in the Federal Republic of Germany and a person in

the Federal Republic of Germany authorised to receive information requests from German law enforcement authorities, and a statutory obligation requiring social networks to report on how they deal with complaints. Violations of these obligations may be punished by substantial fines to be paid by the company and the persons responsible for supervision. Individual violations may be punished as administrative offences and be subject to fines of up to €5 million, and the companies may be fined up to €50 million.

In addition, the Federal Ministry of Education and Research supports interdisciplinary research projects to further explore the functioning of extremist propaganda and calls for violence on the Internet within the context of the Federal Government's framework programme "Research for Civil Security". Together with users from public safety agencies, NGOs and civic education institutions, the ministry is developing new mechanisms to prevent these phenomena on the basis of the findings. Another goal is to make potential target groups aware of online content, the messages it transmits and the intention of the groups posting such content and make them largely immune against this way of spreading hate speech and provoking violence. To this end, the Federal Ministry of Education and Research is currently providing three projects on civil security research involving 18 partners with €7.7 million. There are plans to further expand and intensify this kind of funding to do justice to the increasing significance of this issue.

The federal states are responsible for law enforcement. At the Conference of Justice Ministers in November 2016, the Federal Ministry of Justice and the federal states discussed possible measures to improve law enforcement in the field of online hate crime and better record and communicate criminal proceedings and convictions to the public. The decisions taken at the Conference of Justice Ministers correspond to the regulatory approach adopted by the Federal Ministry of Justice.

Under the auspices of the Federal Criminal Police Office, a national action day was held on 13 July 2016. Its motto was: "Against hatred on the Internet: National operation day to fight hate speech". Roughly 60 search warrants were executed in almost all federal states on that day. The main goal was to counter considerably increasing verbal radicalism and related crimes committed online. Federal and state security authorities will continue to carry out such measures on an ad-hoc basis to fight hate crime on the Internet.

According to Section 18 (1), first sentence, of the Youth Protection Act, the Federal Department for Media Harmful to Young Persons has the task of including media with content harmful to young persons in the list of media harmful to young persons. It checks both physical media (such as movies, computer games, print media, audio recordings) and telemedia (such as online services) for harmful content. Pursuant to Section 18 (1), second sentence, of the Youth Protection Act, media harmful to young persons include, for example, media fuelling racial hatred that have the potential to instil hostile attitudes going beyond the rejection of or contempt for certain national or religious groups. Such media include, for instance, anti-Semitic and anti-Gypsy media. According to the decisions taken by the Federal Department for Media Harmful to Young Persons so far, discrimination against persons or groups (mostly minorities) on the grounds of social habits, sexual orientation, gender identity, language, sex, disability or physical characteristics is also harmful to young persons. Media content violating Section 130 of the Criminal Code (incitement to hatred) is also considered extremely harmful to young persons.

The list of media harmful to young persons contains for example various physical media and telemedia defaming women, homosexuals, transsexuals, Muslims, Christians, physically or mentally disabled persons, asylum seekers, people of colour or persons of foreign origin. This concerns mainly music CDs and video clips (right-wing rock music, gangsta rap, black metal), right-wing extremist and Islamist print media and text files, and Internet blogs and forums.

Media that have been put on the list referred to above are subject to various distribution and dissemination restrictions and public advertising bans and may be made accessible only to adults. Violations are punishable by fines or imprisonment. Section 4 of the Inter-State Treaty on the Protection of Minors in Broadcasting and Telemedia Services provides rules on the legal consequences for telemedia included in the list. It stipulates that the dissemination of these media – unless such dissemination is absolutely inadmissible due to their content – is permitted only if providers make sure that they can be accessed only by adults ("closed user group").

In the case of websites hosted by providers based abroad, the legal consequences of the above-mentioned listing often cannot be enforced because German youth protection law does not apply in other countries. According to the Youth Protection Act, user-autonomous filter programmes are therefore to be used to filter listed services

disseminated from abroad (Section 24 (5) of the Act). This can be done with the help of a certain module provided by the Federal Department for Media Harmful to Young Persons in cooperation with the Voluntary Self-Regulation Body of Multi-Media Service Providers.

Child and youth welfare services are responsible for educational measures ensuring the protection of minors from harmful media. Promoting media literacy skills strengthens children and adolescents and helps them become self-confident users of digital media services. Given confrontations with racist material and racist communication, educational measures to ensure the protection of minors from harmful media have an important preventive function.

## 5.7 Research

In the context discussed here, researchers have the task of reconstructing the rise of extremist attitudes, describing how people become extremists and outlining the most important parameters for persons leaving the scene and the role of the stakeholders involved. They are also responsible for examining civil-society and institutional services intended to prevent extremism and promote democracy, focusing on their structures, processes, favourable and unfavourable requirements, and researching experiences and effects to ensure quality. Research findings help (further) develop services to prevent extremism and promote democracy in a targeted and permanent way.

In this context, the Federal Ministry of Education and Research funds interdisciplinary projects in the field of civil security research. Researchers specialized in social sciences and humanities work together with scientists, engineers and end users to develop application-oriented solutions. In the field of the social dimensions of security research, the Federal Ministry of Education and Research has already provided 22 integrated projects with a total amount of approximately €30 million.

With the framework programme for the humanities, cultural sciences and social sciences, the Ministry supports research projects examining how social cohesion can be strengthened through cultural and social diversity and how conflicts can be resolved and social peace be maintained, particularly in times of crisis and change. In 2017, some 25 new research projects funded with approximately €20 million will take up their work. Supplementary measures in the field of practice-oriented

knowledge transfer ensure that research findings can be made accessible to practical stakeholders in politics, administration, security authorities and civil society in a swift manner.

Knowledge of sexual diversity must be improved. This applies both to individuals and to society as a whole. People have insufficient knowledge, especially when it comes to other lifestyles and notions of partnership. This is particularly disastrous for young LGBTI people because they often cannot draw back on realistic and alternative patterns or experiences that have nothing to do with stereotypes or distorted images conveyed by the media. As a result, the young persons affected still suffer from exclusion and discrimination and even physical and psychological violence, which considerably disturbs their healthy development. It is therefore necessary to produce strategies that improve the findings and the available data and enhance the resulting need for action to promote acceptance. This requires joint action at all political and social levels and a permanent exchange at expert level between policy-makers and practical stakeholders.

The results of the pilot study funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and carried out by the German Youth Institute, [“Living situations and discriminatory experiences of young lesbian and gay people in Germany”](#) („*Lebenssituationen und Diskriminierungserfahrungen von lesbischen und schwulen Jugendlichen in Deutschland*“), provided initial evidence and served as a basis for further research. The subsequent main study called *“Coming out – what next?! Coming out processes and discriminatory experiences of lesbian, gay, bisexual and trans\* adolescents and young adults”* („*Coming-out ... und dann?! Coming-out-Verläufe und Diskriminierungserfahrungen von lesbischen, schwulen, bisexuellen und trans\* Jugendlichen und jungen Erwachsenen*“) was also funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and for the first time provided essential information on the living situation, coming out processes and discriminatory experience of lesbian, gay, bisexual and trans\* adolescents and young adults (LGBT\*). For example, the study reveals that these sexual orientations and gender identities still are not generally accepted in society, not even by young people. This study forms an essential basis for further need for action. To satisfy the great interest of expert circles and better reach specific target groups, policy-makers and the wider public, the Federal Ministry will fund the publication of a book that discusses the research findings and provides a clearly

structured overview. This book will also explore this issue from the perspective of youth sociology and give an overview of the current status of research (link to the main study: <http://www.dji.de/ueber-uns/projekte/projekte/coming-out-und-dann/ergebnisse.html>).

Research in the field of homophobia and transphobia, particularly in law, social science, history, theology, psychology, medicine and pedagogy, should be promoted. The research community must give appropriate attention to the problems of homophobia, transphobia and discrimination and issues related to the emancipation and equality of LGBTI.

Federal Police research is intended to fight racism, anti-Semitism and associated intolerance, identify shortcomings and come up with options for action to support Federal Police officers perform their duty. The Federal Police department of the Federal University of Public Administration is also involved in projects carried out outside the university and writes articles for specialist journals dealing with racism and anti-Semitism. Established research projects include the Yearbook on Public Security (Jahrbuch öffentliche Sicherheit) which has been published every two years since 2002 and contains a recurrent section on extremism/radicalism.

On an ad-hoc basis, the Federal Office for the Protection of the Constitution and the Federal Police also carry out joint federal-state surveys that are practice-oriented and help draw conclusions regarding the direct work and application at the Federal Office for the Protection of the Constitution. Furthermore, the Academy for the Protection of the Constitution continuously addresses the aspects of racism and group-focused enmity during basic and advanced training courses, particularly in lessons on right-wing extremism and Islamism.

Social diversity in the Bundeswehr and related questions of inclusion and equal opportunities are systematically examined within the context of the Bundeswehr's departmental social science research. The goal is to effectively prepare and implement political decisions and evaluate their effects on the basis of the research findings. The main focus is on the fundamental processes of change within the Bundeswehr and the related consequences for the military and civilian staff.

Research on discrimination on the grounds of race or ethnic origin, sex, religion or belief, disability, age or sexual identity is included in the legal mandate of the Federal Anti-Discrimination Agency. The Agency supports, for example, the fight against discrimination and the identification of discrimination risks by commissioning research. To be able to develop preventive measures and fighting discrimination in the long term, it is necessary to know the forms and scope of discrimination. Racism, homophobia and transphobia are given special consideration in this context. For example, in 2015 a study provided recommendations on how to prove and counter racist discrimination on the housing market. On this basis, a guideline on fair renting and fair housing was drawn up for tenants and counselling agencies.

Within the framework of a project on public attitudes towards non-heterosexual persons carried out on behalf of the Federal Anti-Discrimination Agency, a representative survey was conducted among 2,000 persons to find out more about how lesbian, gay, bisexual and other people of non-heterosexual orientation are perceived by society. Furthermore, opinions on key issues of legal equality (such as same-sex marriage, the right of same-sex couples to adopt children) and on school lessons on sexual diversity were surveyed. Initial results were published in January 2017. The overall study containing recommendations on how to counter homophobic attitudes in society and empower lesbian, gay and bisexual people will be published in the autumn of 2017 and be incorporated into the work of the Federal Anti-Discrimination Agency.

In late 2015, the Federal Anti-Discrimination Agency also carried out a comprehensive survey in cooperation with the Berlin Institute for Empirical Research on Integration and Migration to find out more about discriminatory experience in Germany. The goal is to assess the frequency of discrimination in Germany, the forms of discrimination, the persons discriminating against others, the effects of discrimination on the victims and their reaction. The survey focused also on racist discrimination and discrimination on the grounds of sexual orientation and gender identity (trans\*/inter). The overall results were published in late June 2017.

Following up on the study on discriminatory experience in Germany (Diskriminierungserfahrungen in Deutschland), the Berlin Institute for Empirical Research on Integration and Migration is currently analysing the data collected on discrimination based on gender identity, paying special attention to intersectional

discriminatory experience. The plan is to publish the findings and recommendations for action in September 2017 within the context of the expert conference of the thematic year *“Equal rights for every love”* (Gleiches Recht für jede Liebe) and to discuss them with civil society. Last but not least, the Federal Anti-Discrimination Agency carried out an online survey among LGBTI teachers in 2016, asking them to report on how they experienced their coming out at their schools and how they assess the acceptance of LGBTI teachers. All in all, more than 800 teachers took part throughout Germany. The results will be presented to the public in the autumn of 2017.

## 6. Plans, objectives and measures of the Federal Government

The Federal Government considers the fight against racism, racist discrimination and ideologies of inequality a permanent task at all social levels of Germany’s federal system to be tackled continuously by the legislative, executive and judicial branches, in their respective fields of responsibility and in cooperation with civil society. Being a human rights obligation, this is a fundamental task of both government and society. With reference to the CERD’s concluding observations on the combined 19th to 22nd reports of the Federal Republic of Germany of 30 June 2015, the focus is on the following aspects also in this context: research on data on the composition of the population, matters regarding the future application of anti-discrimination legislation, hate speech, campaigns in educational institutions, workshops on racist discrimination and public awareness-raising regarding intersectionality, the integration of ethnic minorities in the labour market and other consultations with civil society on a broad range of issues.

This National Action Plan is therefore not intended to be a text set in stone, but – within the framework of federal responsibility – a necessary framework developed by the Federal Government that can always be adapted to other situations and discourses.

The Federal Government aims to draft, further develop and relaunch specific measures and projects on the basis of the areas of activity and priorities outlined in this National Action Plan.

These tasks will be further specified, coordinated and implemented during the upcoming legislative term, particularly within the context of the interministerial working group responsible for promoting democracy and preventing extremism. The Federal Government will regularly hold (interministerial) meetings and conferences to continue and improve the cooperation between the ministries and their executive agencies.

The Federal Government’s ideas, plans and measures that are presented in this Action Plan and have financial implications are based on the understanding that they are to be funded within the framework of the relevant ministries’ applicable budget and financial plans. If these ideas, plans and measures entail federal budget expenditures, they are subject to the availability of funds. Listing such measures in the NAP does not prejudice ongoing or future budget negotiations.

The Federal Government considers it a key task to always explicitly oppose racism, group-focused enmity and racist and other discriminatory statements and activities at all political levels, not least with its federal programmes *“Living democracy!”* and *“Cohesion through participation”*.

On the basis of specific areas of action, the content of this NAP is to be addressed during the relevant conferences of specialized ministers with the federal states to ensure, step by step, effective exchange, knowledge transfer and cooperation between the Federal Government and the federal states in fighting racism, racist discrimination and group-focused enmity within the meaning of the overarching objectives laid down in this NAP. In good partnership with the federal states and in line with federal responsibilities, the Federal Government plans to discuss the intensification of this cooperation to make sure that the Federal Government and the federal states are able to develop and implement joint measures, particularly at schools and within the context of youth work measures.

Based on the Federal Government’s overarching objectives described in the introduction of this NAP, the plan is to use the areas of activity and measures outlined here to kick off and develop a continuous political process in dealing with racism and racist discrimination in Germany at various social levels.

The Federal Government will continue to enhance the exchange between civil-society stakeholders and the educational sector, the police and the judiciary to further optimize measures aimed at preventing extremism and

combating anti-Semitism, politically and religiously motivated radicalization, racist and anti-democratic structures, right-wing extremism and racism. In addition to long-time stakeholders, new partners emerge as a result of the measures carried out to support the structures of umbrella organizations, federal associations and other civil-society stakeholders working throughout Germany to promote democracy and prevent extremism. To discuss essential issues of cooperation and jointly coordinate and implement the measures of the NAP, the Federal Government will continue its dialogue with civil-society stakeholders.

The implementation of NAP measures will be discussed regularly during the consultation process within the Forum against Racism. Furthermore, the Federal Government will thoroughly examine and address, if necessary, also the ideas and suggestions that experts come up with during discussions on domestic or social policy issues (e.g. the results delivered by the expert group on anti-Semitism and submitted to the Bundestag), including matters related to the future application of the General Equal Treatment Act.

The mandate to include homophobia and transphobia in the National Action Plan, as set out in the coalition agreement, led to an intensive and highly constructive dialogue with civil society. In this context, it became clear that the various social challenges and issues related to the acceptance of same-sex ways of life and gender identities require interministerial approaches and joint action by the different levels of government.

The plan is to make fighting homophobia and transphobia and strengthening LGBTI a priority that is included in adequate federal programmes.

In the summer of 2017, the findings and recommendations of the interministerial working group on transsexuality and intersexuality set up in 2014 will be presented. On the basis of their findings and the accompanying process consisting of expert discussions and opinions and carried out by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Government will examine which measures, if any, are to be initiated, taking the relevant action plans of some states into account.

Following the areas of action of this National Action Plan, the Federal Government focuses its plans, measures and projects on the following priorities:

#### **Priority: human rights policy**

- The Federal Government will improve the information on the legal framework in the field of racism and racist discrimination. It will step up its efforts regarding its areas of responsibility in civic education, basic and advanced training and cooperation with the federal states. It will raise awareness of the ICERD definition of racism, which emphasizes that racist discrimination may also be unintentional, in public administration, in courts, in the security area and in public, and will strive to ensure that authorities actually apply this definition as a standard practice. This includes information on the content and scope of human-rights guarantees laid down in the International Convention on the Elimination of all Forms of Racial Discrimination. Within the framework of their respective powers, the ministries should make this information known to improve the way international law requirements are implemented and taken into account when German law is applied. Adequate events and formats will be carried out to accompany this process.
- The Federal Government will do whatever it can to improve basic and advanced training in all areas of administration, the judiciary and police, e.g. by cooperating with the federal states. The goal is to increase the awareness, understanding and acceptance of respect for and enforcement of human rights in the field of racism and discrimination. Existing approaches, such as internal events carried out at the Federal Ministry of the Interior and the Federal Police that deal with racial profiling and the ICERD definition of racism, will be continued and further developed. Together with the German Institute for Human Rights and the federal states responsible for advanced training, the Federal Ministry of Justice is carrying out a programme aimed at developing advanced training modules on racism for judges and public prosecutors. These advanced training courses are intended to support the target group in responding appropriately to offences motivated by racism and hatred and dealing with the victims' experiences during criminal proceedings.

**Priority: protection against discrimination and prosecution of criminal offences**

- The careful and detailed recording and analysis of relevant offences is crucial, particularly regarding further preventive and security policy measures. Regardless of the federal-state working group responsible for restructuring the Criminal Police Reporting Service for politically motivated crime, the service is being continuously evaluated by representatives of the federal and state governments and adjusted to the latest crime developments, if necessary.
- At the summit meeting of the Federal Minister of Justice and the justice ministers of the federal states held at the Federal Ministry of Justice and Consumer Protection on 17 March 2016 it was agreed that the federal statistics providing information, for example, on the number of preliminary proceedings and convictions concerning right-wing extremist/xenophobic offences will be published. In coordination with the Land departments of justice the data from 2013 to 2015 were published on the website of the Federal Office of Justice ([www.bundesjustizamt.de](http://www.bundesjustizamt.de)) in November/December 2016.
- To obtain information on criminal offences in the field of hate crime unknown to the police (unreported and undetected crime), the current German victimization survey now includes additional questions. The goal is to find out whether, and why, those surveyed have been victims of hate crime in recent years.
- Germany's law enforcement and security agencies will continue to take a wide variety of preventive and punitive measures against every form of politically motivated crime with an extremist, xenophobic, anti-Semitic, Islamophobic, anti-Christian, homophobic or transphobic background. These measures include maintaining a strong police presence in places where right-wing extremists gather, issuing warnings to known troublemakers, setting up special investigative teams as needed, initiating immediate searches in case of violent terrorist crimes, and intensifying interstate and international cooperation in law enforcement.
- Also in terms of the report of the United Nations Working Group of Experts on People of African Descent of February 2017, the Federal Government strives to initiate measures to counter racist offences and racist discrimination against black persons more effectively.

- The Federal Government supports closer cooperation between civil society and the police. Against this backdrop, the Federal Ministry of the Interior will carry out events within the framework of a project to improve the exchange between civil-society organizations (particularly victims associations) and police forces especially at local level in order to help fight and record hate crime and increase the motivation to press charges.
- In the future, the conference on victim support and protection organized by the Federal Ministry of Justice and Consumer Protection will take place every three years. In this context, it will also be possible to focus on victims of racist violence.

**Priority: education, civic education**

- The Federal Agency for Civic Education considers extremism a priority of its work and has stepped up its commitment to preventing all forms of extremism and particularly religiously motivated violence. Eliminating prejudices and racism in everyday life, anti-discrimination efforts and violence prevention will be permanent priorities in the field of civic education. The Federal Agency for Civic Education will further develop its skills and services in a systematic manner, focusing increasingly on homophobia and transphobia.
- In 2017, the Agency plans and implements some 180 projects on preventing and dealing with hostile, racist and extremist patterns of behaviour and thought. The plan is to continue these projects.
- In cooperation with the German Police University and the Federal University of Applied Administrative Sciences in North Rhine-Westphalia, the Agency develops a set of measures to provide the police with information on racism, human rights and right-wing extremism. In the medium run, the contents of this project which will run for two years will be incorporated into the regular structures of police training.
- The Alliance for Democracy and Tolerance and the federal programme "*Cohesion through participation*" both support the activities of civic education providers, associations and initiatives active in this field. The federal programme and the secretariat of the Alliance for Democracy and Tolerance were incorporated into the Federal Agency for Civic Education in September 2010 and in February 2011, respectively, which offered

new perspectives. The previous measures taken to counter extremism have been and will be optimized in comparison with the tasks and measures of the federal programme “*Cohesion through participation*” and the Alliance for Democracy and Tolerance. In the future, they will be implemented within the framework of an interministerial strategy developed by the Federal Government.

- In the context of local “*partnerships for democracy*”, the federal programme “*Living democracy!*” will make it possible to continue to support 2,700 local measures to fight right-wing extremism, racism, anti-Semitism, Islamophobia, anti-Gypsyism, homophobia and transphobia, which is also due to the fact that the programme received more funds during the 18th legislative term. These measures also include projects carried out in cooperation with the education centres of the Federal Office of Family Affairs and Civil Society Functions.
- The Bundeswehr, Germany’s armed forces, attaches outstanding importance to civic education. In addition to the central service regulation A 2620/1, “*Civic education in the Bundeswehr*”, on civic education in various subject areas, certain priority subject areas are defined every year. These areas must be addressed by superiors in practice and coordinated with civilian education providers (Civic Education Network). Providing information on group-focused enmity, racism and extremism is an integral part of civic education.
- The Federal Government Commissioner for Culture and the Media and the Federal Ministry of Education and Research continue to attach great importance to cultural education, also when it comes to preventing racism and discrimination, for example within the context of the TAMAM project on cooperation between mosques and museums and the programme “*Culture empowers. Alliances for education*” (Kultur macht stark. Bündnisse für Bildung).
- The Federal Government will also examine possible ways to improve the transfer between academia and practice with the involvement of civil society. The goal should be to share knowledge and experience to create a substantial basis for recognizing and identifying socio-political problems realistically and developing and implementing effective formats and plans.
- When further developing federal programmes and support measures, the Federal Government will continue to take the experiences and skills of civil-society initiatives and projects into account.
- For the first time, the Federal Government will support the development of an organization in each of the following subject areas within the framework of “*Living democracy!*”: preventing Islamophobia and empowering victims, preventing racism and empowering black people, promoting civic engagement for diversity in businesses, promoting acceptance and empowerment of lesbian, gay, bisexual, intersexual and transgender people.
- Based on the findings of the study “*Coming out ... what next?! Coming out processes and discriminatory experiences of lesbian, gay, bisexual and trans\* adolescents and young adults in Germany*”, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently setting up an online information portal called “*Knowledge network*” that provides information on same-sex ways of life and gender diversity. This network is intended to help remedy the identified imbalance between urban and rural areas to increase the equality of chances regarding access to information and participation for these groups of persons throughout Germany.
- The Federal Government will continue to consolidate and expand effective approaches all over Germany. It aims to use available funds to improve and expand advisory services (e.g. mobile advising, advisory services for victims, parents and persons leaving the scene). The Government will examine how it is possible to ensure the best possible structures and pool the different advisory services in a single network.

#### **Priority: social and political commitment to democracy and equality**

- Together with civil-society initiatives and organizations, the Federal Government will use the Forum against Racism, for example, as a platform to discuss whether it is possible to intensify cooperation in certain areas and formats, giving due regard to the special experiences and skills of civil society.
- Furthermore, it will continue to make efforts to effectively promote democracy and prevent extremism in the long run.



- For the first time, diversity mainstreaming was identified as a guiding principle in the federal programme “*Living democracy!*”. Regarding the projects to be funded, this means that decision-making processes, forms of participation and measures must be developed, organized, implemented and evaluated in such a way that the starting conditions and their effects on each and every one are taken into account in every area and at every level. Recommendations for future funding programmes are to be produced on the basis of the programme evaluation and an academic evaluation.
- Based on scientific monitoring and the evaluation of the pilot projects on selected phenomena of group-focused enmity supported within the context of the federal programme “*Living democracy!*”, recommendations on future measures dealing with such phenomena (measures to counter current forms of anti-Semitism, racism and racist discrimination, anti-Gypsyism, Islamophobia, homophobia and transphobia, and measures to promote anti-discrimination and early prevention for pre-school children) will be developed.
- The Federal Ministry of the Interior will continue to further develop the federal programme “*Cohesion through participation*” also during the current funding period (2017-2019) on an ad-hoc basis and in line with the fundamental goals of the programme. Current socio-political needs will be addressed within the context of measures supplementing the programme, e.g. qualification series or expert conferences on the programme. When implementing the programme for its target group, the Federal Ministry of the Interior will continuously review whether it is necessary and possible to pay even more attention to the issue of providing information on and dealing with racism and racist prejudices.
- There will be public events, PR work and information campaigns on specific issues related to racism and discrimination. Here, it will be examined how civil society can be involved. Whenever possible, the Federal Government will continue to support the international anti-racism weeks and the action weeks against anti-Semitism.
- In 2016, the first German Volunteer Day was held. This format which proved successful will also take place in 2017. Given the current social developments, the motto of this year’s Volunteer Day which will take place on 5 and 6 December 2017 will be “*democracy and diversity*”. The 2017 edition of the German Volunteer Day will be prepared and carried out in cooperation with the National Network for Civil Society to work hand in hand with civil society also in this context. There are also plans to combine the German Volunteer Day with the German award for civic engagement to further develop this format.
- On the occasion of the fifth anniversary of the inauguration of the Memorial to the Sinti and Roma of Europe Murdered under the National Socialist Regime, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will support a conference of the Foundation Remembrance, Responsibility and Future. The goal of this conference is to provide stakeholders in the fields of politics, administration and education with recommendations for action. Furthermore, the conference is intended to help strengthen networks in this area.
- On the basis of the joint ten point declaration of 19 July 2016, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will step up its cooperation with the state ministries responsible for the “*Living democracy!*” programme.

**Priority: diversity at work, basic and advanced training and strengthening intercultural and social skills at work**

- The Federal Government intends to continue to develop and implement differentiated strategies to deal with and eradicate racist discrimination in basic and advanced training.
- The interministerial working group examines whether racist practices (work routines, rules of procedure, workflows, etc.) can be found in institutions and what can be done to counter them.
- The Federal Government will continue to strengthen diversity, also with regard to its own public officials. The surveys conducted in 2014 and 2015 provided, for the first time, information on the share of staff with a migrant background in thirteen federal ministries, the Federal Chancellery, the Office of the Federal Government Commissioner for Culture and the Media, the Federal Ministry of Finance, the Bundeswehr and eight higher federal authorities within the remit of the Federal Government Commissioner for Culture and the Media, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of the Interior. Such data will also be collected in 16 other federal authorities in 2017. The goal is to carry

out these surveys in the entire federal administration, and to repeat them in regular intervals to measure the progress and identify the developments regarding the recruitment of persons with a migrant background in the federal public service.

- Within the framework of the demographic strategy and given the increasing number of retirements and the shortage of skilled labour, the focus is on the recruitment of young staff. The Federal Government considers this challenge a chance to maintain the efficiency of the public service by recruiting qualified young staff from all walks of life.
- Civil society suggests that transition guidelines, i.e. guidelines for the federal administration and executive agencies, outlining best practices for dealing with gender transition of employees be produced. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will therefore initiate a pilot project on dealing with sexual and gender-based diversity in the public service. The aim of this project, which will also comprise awareness-raising and educational workshops, is to test the practical usefulness of such guidelines developed by civil-society organizations.
- The Service Centre for Intercultural Skills, which has been funded by the Federal Ministry for Education and Research since 2002 and is based at the National Association for Student Affairs (Deutsches Studentenwerk), will continue to support international students by providing them with information, advice and an advanced training programme.
- Within the framework of the New Quality of Work Initiative, the Federal Ministry of Labour and Social Affairs supports a policy promoting a new and sustainable work culture along the fields of personnel management, health, knowledge and skills, as well as equal opportunities and diversity. Numerous networks and projects help reach businesses and institutions and their employees all over Germany. The social partners actively support and further develop the New Quality of Work Initiative. When it comes to equal opportunities and diversity, this initiative offers employers and employees a wide range of advice and information services to promote the personal, social and cultural diversity of their workforce and rely on heterogeneous teams. The New Quality of Work Initiative cooperates with the Diversity Charter, the business initiative promoting diversity in businesses and institutions, to fill this field of action with life.
- The Federal Government should increase its support for the Diversity Charter.
- Labour market policy measures can also indirectly contribute to fostering an understanding of democracy firmly anchored in society and eliminating racism. For example, the Federal Ministry of Labour and Social Affairs continues to promote the successful integration of disadvantaged persons into the labour market and the eradication of discrimination in the workplace by strengthening intercultural skills (cf. [www.esf.de](http://www.esf.de)). To this end, the ministry supports programmes also funded by the European Social Fund (ESF), e.g. “*Qualifications for migrants within the context of the Recognition Act*” as a priority of the funding programme “*Integration through qualification*” (IQ) and the Federal ESF Integration Directive.
- The White Paper on security policy and the future of the Bundeswehr, produced in 2016, defines the introduction of a modern diversity management in the Bundeswehr as a strategic goal to better tap the existing potential and unlock further potential in a strategic manner. The focus is on areas such as age, disability, ethnic or cultural origin, sex, religion, sexual identity and orientation. The plan is to use a subject-specific situation review on the current state of affairs to develop a forward-looking strategy on diversity and inclusion for the remit of the Federal Ministry of Defence. The staff element “*equal opportunities, diversity and inclusion*” plans to initiate, coordinate and manage further measures, events and basic documents to ensure equal participation in career programmes for all Bundeswehr staff.
- The Bundeswehr also set up a central coordinating office for intercultural skills at the Leadership Development and Civic Education Centre. The office is responsible for strengthening and teaching intercultural skills and implementing diversity in the workplace. The long-term goal in this field is to raise the Bundeswehr staff’s awareness and to train superiors. Furthermore, a central point of contact for service members of other faiths was established.
- The Federal Criminal Police Office and the Federal Police have taken up the recommendations by the Committee of Inquiry into the National Socialist Underground of the 17th legislative term of the German Bundestag on strengthening intercultural skills, dealing with victims and surviving family members and raising awareness in the fields of right-wing extremism and terrorism and have integrated some of these recom-

recommendations as mandatory elements into their basic and advanced training courses. The Federal Criminal Police Office and the Federal Police consider this a permanent task and continuously carry out these measures.

- They also aim to increase the share of staff members with a migrant background.
- In 2015, the Federal Academy of Public Administration at the Federal Ministry of the Interior carried out a strategic reorientation of the subject area dealing with intercultural skills in order to underline the significance of intercultural skills as a key qualification of public officials in federal authorities and boost the necessary (further) development. By doing so, it contributes to the Federal Government's goal of promoting the policy of recognizing differences. In future, strategies and measures taken by the Federal Academy of Public Administration will increasingly aim to enable public administration staff to learn how to deal with diversity.
- As the central advanced training institution at federal level, the Federal Academy of Public Administration will also pay greater attention to preventing discrimination based on sexual orientation, sex or gender identity in its interministerial training courses on the General Equal Treatment Act.

#### **Priority: racism and hatred on the Internet**

- Within their own areas of responsibility, various ministries deal with the growing phenomenon of hate speech on the Internet. Here, an interministerial strategy is needed that supports those joining the no hate speech movement on the Internet and holds those spreading hate speech accountable. The goal is to convince IT businesses to commit themselves on a voluntary basis to take action against terrorist propaganda in their networks. In addition, the Federal Government examines whether it is possible under European law to tighten the host provider privilege, i.e. liability of host providers for content.
- Together with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Ministry of Justice and Consumer Protection will continue to examine how social media platforms deal with punishable content and content that is harmful to young persons. On 14 March 2017, the Federal Ministry of Justice

and Consumer Protection presented a bill to improve enforcement of the law in social networks (Network Enforcement Act). The bill will introduce statutory compliance rules for social networks to compel them to process complaints of users about hate crime and other punishable content faster and more comprehensively. Furthermore, the goal is to promote the security of young persons on the Internet through systematic and regular monitoring of platforms carried out within the framework of available funds, to emphasize positive approaches adopted by platform operators, support parents and educational institutions in media education, support engagement on the Internet and counter hatred.

- Web talks and chats have become integral parts of the prevention efforts of the Federal Agency for Civic Education. The Agency also plans to make greater use of YouTube. In light of the extremist propaganda and extremist recruitment attempts undertaken online, it is necessary to significantly expand and step up civic education counter-measures on the Internet. More should be done to counter racist and hostile statements and activities on the Internet.
- In addition to the phenomena of cyber mobbing and hate speech, big data, digital communications services offered by international corporations and the future development of virtual realities require enhanced legal and educational protection of young persons in the media. The Federal Government is currently addressing this issue. It is vital to expand information and advisory services on media education for parents as well as child and youth workers, to integrate these services into a network and develop effective advisory services for adolescents. Child helplines, the youth counselling platform juuuport and the information services provided by jugend.support are good approaches. The Federal Department for Media Harmful to Young Persons will continue to expand its role in the field of prevention. At the same time, it is necessary to adapt the legal framework regarding the protection of young persons in the media to the level of development of digital media and the user behaviour of children and young people. In 2016, the working group on the protection of young persons (in the media), which is part of the joint commission of the Federal Government and the federal states on media convergence, drafted the outlines of a modern protection scheme. In its final report, the commission recommends amending the Youth Protection Act to extend the protection purpose to the user risks prevailing today.

**Priority: research**

- Researchers can study the experience and perspective of those affected by violence and discrimination and collect empirical data on a voluntary basis. The Federal Government will examine if discussions with civil society can help identify an additional need for research on individual social groups.
- To find effective and scientifically valid arguments against hate crime and the spread of extremist ideas, interdisciplinary and applied basic research is necessary, taking the end users' practical needs and experiences into account. The plan is to continue and expand this kind of research within the context of the Federal Government's framework programme "*Research for Civil Security*", for example by setting up a top-level research cluster focusing on extremism and terrorism.
- In the field of social science and humanities research, the Federal Ministry of Education and Research will continue to fund and step up research on matters related to social cohesion. In order to increase the effectiveness of measures preventing extremism, there are plans, for example, to scientifically map prevention projects at national level and expand funding for comparative radicalization research.
- The Federal Anti-Discrimination Agency will continue to carry out and support research on discriminatory experience and protection against discrimination. Also in the future, data on discrimination will be collected continuously in a systematic way. Attention will also be paid to multiple discrimination and intersectionality.
- The German Centre for Integration and Migration Research of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will also address the issues mentioned in the National Action Plan against Racism.



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# Annex I

Documentation  
of activities at state level



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## Baden Württemberg

The **Demokratiezentrum Baden-Württemberg** sees itself as a centre for education, service and networking in the field of action against extremism, on preventive education and education on human rights. It offers advice and services to all those working to fight right-wing extremism and prejudice. Within various specialist units work together contributing their expertise and offering their skills ensuring effective knowledge transfer. The Demokratiezentrum Baden-Württemberg is coordinated by Jugendstiftung Baden-Württemberg – a foundation. It is funded by the federal programme Demokratie leben! and the **Ministry of Social Affairs and Integration Baden-Württemberg**. Within the Demokratiezentrum there are several specialist departments operating: „kompetent vor Ort. Gegen Rechtsextremismus“, „PREvent!on“, „ExtremismUSDistanzierung“ and „Opferberatung Leuchtlinie“, a helpline for victims of right-wing extremist violence. The activities of the Demokratiezentrum are funded by the Ministry of Social Affairs and Integration Baden-Württemberg. For further information: [www.demokratiezentrum-bw.de](http://www.demokratiezentrum-bw.de).

The Demokratiezentrum **Baden-Württemberg** coordinates the federal programme to counter right-wing extremism, violence and hate in Baden-Württemberg (Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit) and its activities. The program is co-funded by the Ministry of Social Affairs and Integration. Numerous initiatives and activities throughout Baden-Württemberg receive support to counter extremism, violence and hate. There is an established and active network of initiatives at state, regional and local level.

Since 2013 the state has also been carrying out a programme (Zukunftsplan Jugend) in which services for children and young people are being further developed. In the development a broad range of child and youth welfare organizations at state and local level are participating. Its focal points include as an example new target groups and cultural diversity. The ministry is also taking a number of additional measures to fight discrimination, including funding of prevention projects in and outside schools, helping in setting up (victim) counselling services and taking part in activities to connect relevant actors. In June 2015, the Baden-Württemberg state cabinet enacted a plan to fight homo- and transphobia which includes a comprehensive package of measures

(Für Akzeptanz & gleiche Rechte Baden-Württemberg). For more information, see [www.sozialministerium.baden-wuerttemberg.de](http://www.sozialministerium.baden-wuerttemberg.de).

As part of this plan, the **Ministry of Science, Research and the Art** is funding a research project on LGBTTIQ people in Baden and Württemberg under the Nazi regime and in the Federal Republic of Germany (LSBTTIQ in Baden und Württemberg - Lebenswelten, Repression und Verfolgung im Nationalsozialismus und in der Bundesrepublik Deutschland). The first module of this project is currently under way. It focuses on the lifestyles and persecution of homosexual men in the 20th century, in particular their prosecution under Section 175 of the Criminal Code. This module is scheduled to run from 2016 to 2018. Project and cooperation partners are the University of Stuttgart's research unit in Ludwigsburg, the federal foundation Bundesstiftung Magnus Hirschfeld and the Institut für Zeitgeschichte München-Berlin. The Baden-Württemberg **Ministry of Social Affairs and Integration** provides funding for the accompanying project “Public History”, which seeks to increase public awareness of the module. The website of the LGBTTIQ research project can be found at [www.lsbttiq-bw.de](http://www.lsbttiq-bw.de).

With its guidelines for prevention and health promotion and for education to promote tolerance and acceptance of diversity, which are anchored in the curriculum of all schools in Baden-Württemberg, the **Ministry of Education, Youth and Sport** has assigned a high priority to preventing discrimination.

The nationwide school network to prevent racism (Schule ohne Rassismus - Schule mit Courage), co-funded by the federal state of Baden-Württemberg, offers children and young people the opportunity to consciously oppose every form of discrimination, bullying and violence.

Since 2015, Baden-Württemberg has had a unit for peace-building which supports all schools with curriculum and extra-curricular learning (Servicestelle Friedensbildung, [www.friedensbildung-bw.de](http://www.friedensbildung-bw.de)).

Many school psychologists and counsellors have undergone additional training on dealing with cultural diversity in their work. School psychologists offer advanced training for teachers in the context of newly immigrated pupils which stresses further developing intercultural skills (Flüchtlinge in der Schule – Umgang mit belasteten Kindern und Jugendlichen).

Teachers and other actors from schools, school administration and teacher training in Baden-Württemberg participate in a network for intercultural learning and working at schools (Netzwerk für interkulturelles Lernen und Arbeiten an Schulen, NikLAS, <http://www.km-bw.de/Lde/Startseite/Schule/Interkulturelle+Bildung#anker3955936>).

In this context, the intercultural training offered by the non-profit foundation Elternstiftung Baden-Württemberg is very important ([www.elternstiftung.de](http://www.elternstiftung.de)).

A prevention framework strategy for schools (stark.stärker.WIR.) seeks to reinforce the life skills of children and young people. All schools in Baden-Württemberg have in-house crisis teams.

The following plans for action are being implemented within the remit of the **Ministry of the Interior and for Digitalisation and Migration**.

The competence centre for coordinating the network to prevent (Islamist) extremism in Baden-Württemberg (KPEBW) manages a network, which extends across the ministries and institutions, to coordinate prevention and intervention. In 2017, the KPEBW will expand its efforts to right-wing extremism and in the following years to all areas of extremism. The KPEBW also has a counselling service for persons who are at an early stage of radicalization, their family members and those in their social environment. It offers help for radicalized persons who wish to turn their backs on extremism, for persons who want to leave Germany to fight jihad and those who have returned from the fighting. The federal state is also setting up a training centre (LBZ Derad) at the KPEBW to provide basic and advanced training in extremism prevention (secondary and tertiary prevention). For more information on the KPEBW, please see <https://www.kpebw.de/>.

The federal and state police crime prevention programme ProPK has the task of informing the public, multipliers, the media and other interested persons about different types of crimes and ways to prevent them. It also offers a variety of different media on politically or religiously motivated and extremist violence. For more information, see [www.polizei-beratung.de](http://www.polizei-beratung.de) or [www.polizeifuerdich.de](http://www.polizeifuerdich.de).

A third approach is the work by the state office for the protection of the Constitution (LfV) to prevent right-wing extremism and Islamist extremism and terror. In 2017, the office is focusing its efforts on the right-wing extremist groupings known as *Reichsbürger* and *Selbstverwalter*.

Since 2015, the **state agency for civic education (Landeszentrale für politische Bildung, LpB)** has been implementing a state-level programme to strengthen democracy and counter hate and right-wing extremism (Demokratie stärken! Baden-Württemberg gegen Menschenfeindlichkeit und Rechtsextremismus). The main goal of this programme is safeguarding and further developing democracy to ensure that the public experiences democracy as something positive. The programme has four main themes: right-wing extremism, prejudice, rejection legitimated by religion, and building democracy. These themes are addressed primarily in three areas of action: school, work with out-of-school youth and places in adult society. For more information, see [www.demokratie-bw.de](http://www.demokratie-bw.de).

Another LpB department (Team meX. Mit Zivilcourage gegen Extremismus) aims at preventing attitudes contemptuous of human dignity and hostile to democracy in various areas, in particular right-wing extremism and Islamism/Salafism. For more information, see [www.team-mex.de](http://www.team-mex.de).

The LpB funds memorial sites in Baden-Württemberg. They help increase awareness when dealing with history and with democracy education. For more information, see [www.gedenkstaetten-bw.de](http://www.gedenkstaetten-bw.de)

A funding programme (lokal vernetzen – demokratisch handeln) supports projects aimed at fighting prejudice and strengthening democracy. For more information, see [www.lago-bw.de/lokal-vernetzen-demokratisch-handeln.html](http://www.lago-bw.de/lokal-vernetzen-demokratisch-handeln.html).

## Bavaria

Extremist activities represent a significant threat to our liberal democracy, to the existence of the state and its institutions and to every individual. The Free State of Bavaria has therefore long used a broad range of preventive and punitive measures to confront extremist threats.

A universal effort to **build democracy and values**, which is aimed at all population groups and strata, supports the public discourse on democratic values and norms and thus promotes the active participation of citizens in society. In this way, it has an important preventive effect against radicalization and extremism. Numerous projects and programmes demonstrate daily that anti-Semitic thought, xenophobia, racism and the insults, threats or violence based on them have no place in Bavaria.

The alliance **Wertebündnis Bayern**<sup>2</sup> is made up of about 150 partners from the political sphere, associations, clubs and foundations which uniquely reflect civil society. It seeks to inspire young people to think about values, discuss and take action. For example, as part of an **initiative for integration and tolerance**, the alliance is conducting nine separate projects to promote tolerance and reduce potential prejudices in an atmosphere of respect and trust. One of these projects (Gemeinsam für Demokratie. Israel und Bayern) is intended to strengthen democratic and pluralist values among pupils in Israel and Bavaria. In view of the special historical relationship between Germany and Israel, this project aims to enable young people to properly assess failures and attacks on democracy and recognize the strengths of pluralist systems. In another project (WERTvoll MITEinander), the alliance trained advisers for intercultural school development processes, promoting respect for others regardless of their ethnic, social or national origins.

The Bavarian alliance for tolerance (**Bayerische Bündnis für Toleranz**<sup>3</sup>) is an important state-wide actor in confronting right-wing extremism. With its 68 partner associations from all segments of society, it works to counter right-wing extremist, racist and anti-Semitic tendencies and to promote a democratic and value-oriented society. The Bavarian Interior Ministry was a founding member of the alliance in 2005 and continues to be a member. Other members include Bavaria's Ministry of Social and Cultural Affairs.

Volunteers deserve appreciation and recognition for their work on behalf of society in these and many other projects. Bavaria's state government therefore promotes a culture of recognition for volunteers as part of its **volunteering strategy**. As a visible sign of personal recognition for special, long-term commitment, Bavaria offers a **volunteer card** which entitles eligible volunteers to discounts at certain businesses and attractions and the chance to attend exclusive events.<sup>4</sup>

To ensure that radicalization does not gain a foothold, in the area of **child and youth services** Bavaria's state government relies heavily on prevention and on reinforcing individual and social responsibility. The Bavarian state youth welfare office advises local youth welfare offices in individual cases and offers suitable advanced training courses as needed, such as on right-wing radicalism among young people. **Social work with young people**, which has a long tradition in Bavaria, plays an indirect but nonetheless significant role in preventing right-wing extremism, as it serves to improve equality of opportunities and education. Through the regular funding programmes for work- and school-related social work with young people (**Arbeitsweltbezogene Jugendsozialarbeit und Jugendsozialarbeit an Schulen**), which enjoy national recognition, the state of Bavaria provides excellent conditions for local governments to meet their responsibilities in this area and offer appropriate services. **Youth work** also covers a broad and diverse range of educational services and leisure-time activities in youth organizations, clubs and institutions. Civic education for young people is anchored in the law and is in practice one of the most important priorities of youth work. Numerous events and efforts within organized youth work help increase young people's understanding of democracy.

Teaching children and young people about human rights and democracy, increasing their intercultural awareness, informing them about the dangers of extremism and increasing their resistance to radical ideologies are all an important part of the **school curriculum**. In addition, **regional commissioners for democracy and tolerance**, who are based at the nine state school advising centres, are competent contact persons for schools, pupils, parents, teachers and school administrators when it comes to behaviour-oriented prevention and intervention in specific cases of extremism.

In the framework of a **research project** initiated by the Bavarian ministry of education and cultural affairs,

<sup>2</sup> [www.wertebuendnis-bayern.de](http://www.wertebuendnis-bayern.de)

<sup>3</sup> [www.bayerisches-buendnis-fuer-toleranz.de](http://www.bayerisches-buendnis-fuer-toleranz.de)

<sup>4</sup> [www.lbe.bayern.de/engagement-ankennen/ehrenamtskarte](http://www.lbe.bayern.de/engagement-ankennen/ehrenamtskarte)

researchers at the **University of Erlangen-Nuremberg** are studying how well Muslims in Bavaria are integrated and what difficulties there are. As the first such study in a German territorial state, this project is very important in terms of both science and policy.

The **labour market fund** subsidizes qualification and work promotion measures as well as intercultural awareness and cultural promotion. Teaching intercultural and interpersonal skills also to prevent discrimination is an integral part of **basic and advanced training in the public administration**. Courses such as the qualification campaign I and II are offered for all ministries, and targeted basic and advanced training curriculum is provided for individual ministries. For example, advanced training for judges and public prosecutors regularly deals with the problem of anti-Semitism. And advanced training focused on the perversion of the justice system under the National Socialists also aims at increasing awareness of current threats.

The **Bavarian action plan on right-wing extremism** brings together numerous measures and priorities. This inter-ministerial action plan overseen by the Bavarian interior ministry is regularly updated by the state government, and its implementation is continually monitored.

The action plan covers measures and approaches by the security authorities to punish racist crimes and fight extremism which are taken in line with the **Bavarian state government's security strategy** (Sicherheit durch Stärke). In July 2016, this strategy was reinforced in structural and staffing terms with the creation of a **centre for counter-extremism and counter-terrorism (ZET)** at the office of the public prosecutor general in Munich. The action plan also gives priority to preventing right-wing extremism through appropriate prevention services.

As part of implementing the action plan, already in 2009 the **Bavarian information unit for countering right-wing extremism (BIGE<sup>5</sup>)** was set up at the Bavarian state office for the protection of the Constitution (LfV). As the central information and advising unit for the state government, it supports and promotes approaches to fight right-wing extremism, serves as point of contact for the public, local governments and schools, contributes to information-sharing among all stakeholders and acts as a go-between for the police and domestic intelligence agency. The office is also home to a **rehabilitation and disengagement programme** for right-wing extremists who

wish to reform. It offers help for self-help and supports those who wish to distance themselves from right-wing extremism to take responsibility for their lives free of the influence of the right-wing extremist milieu.

The **state coordinating office for the programme Demokratie Leben!, LKS<sup>6</sup>** was established at the Bavarian Jugendring umbrella organization for youth associations in 2007 and is an important actor in the network and cooperation among civil-society organizations. It manages advising services to fight right-wing extremism, xenophobia and anti-Semitism. With its four **regional offices**, the LKS is able to cover the need for advising in a territorial state like Bavaria effectively. They form mobile advising teams as needed to provide support for local and civil-society actors who want to actively oppose (potential) right-wing extremist gatherings, events or other incidents. Another part of Bavaria's **advisory network to fight right-wing extremism** is an association which provides counselling, support and documentation for victims of right-wing extremist violence (B.U.D. Bayern).

Bavaria's **network for deradicalization and the prevention of Salafism<sup>7</sup>** relies on an interministerial approach to counter radicalization and extremism also in this area. The state ministries of the interior, justice, education, and cultural and social affairs belong to this network, as do the civil-society organizations *ufuq.de* and the **Violence Prevention Network (VPN)**. The organization *ufuq.de* has a state-wide specialist unit to prevent religion-based radicalization which offers teaching staff and institutions advising and training in the fields of Islam, Islamism and Islamophobia.

<sup>5</sup> [www.bayern-gegen-rechtsextremismus.bayern.de](http://www.bayern-gegen-rechtsextremismus.bayern.de)

<sup>6</sup> [www.lks-bayern.de](http://www.lks-bayern.de)

<sup>7</sup> [www.antworten-auf-salafismus.de](http://www.antworten-auf-salafismus.de)

## Berlin

The federal state of Berlin considers that addressing group-focused enmity is a task for all of society.

In 1994, the Berlin Senate decided to set up an interdepartmental and interinstitutional **state anti-violence commission** (Landeskommission Berlin gegen Gewalt) as Berlin's central prevention body. Its members include, among others, the state secretaries of six Senate departments, the Representative of the Berlin Senate for Integration and Migration, and the Commissioner for Victims. This commission has, for example, the task of creating a structural framework for effective violence prevention in the city of Berlin.

One of the projects is the **state programme on radicalization prevention** (Landesprogramm Radikalisierungsprävention) adopted by the Senate in 2015. It supports initiatives, projects and measures aiming to prevent Islamist radicalization or helping deradicalize teenagers and young adults. More than 20 projects are funded, notably workshops at schools and institutions providing child and youth welfare services. In 2017, the Senate decided to increase the resources provided to the state programme to 2,030,000 euros. There are plans to further expand the state programme in the future. The programme is being accompanied by scientific analyses and evaluations carried out by the Berlin School for Economics and Law (HWR).

However, prevention measures focus not only on external problems such as hatred and violence, but also on everyday forms of exclusion and discrimination. Berlin's **State Office for Equal Treatment and against Discrimination** (Landesstelle für Gleichbehandlung – gegen Diskriminierung) which is affiliated to the Senate Department for Justice, Consumer Protection and Anti-Discrimination, pursues a multi-dimensional approach aimed at eliminating discrimination, strengthening diversity and democracy skills and fighting ideology-based contempt for human beings with democratic means. Measures against right-wing extremism, racism, anti-Gypsyism and anti-Semitism on the one hand and measures against homophobia and transphobia and in favour of LGBTI people on the other hand are implemented in two areas that are closely linked:

### **State programme to foster democracy, diversity and respect and to counter right-wing extremism, racism and anti-Semitism (Landesprogramm „Demokratie. Vielfalt. Respekt. Gegen Rechtsextremismus, Rassismus und Antisemitismus“)**

The state programme against right-wing extremism, racism and anti-Semitism is a funding programme intended to strengthen civil society, democratic political culture and equal participation of all citizens. Every year, the state programme funds some 50 projects and initiatives addressing right-wing extremism, racism and anti-Semitism and raising awareness of different lifestyles, mindsets and forms of religious faith. They provide education, set up expert networks, help parents, teachers and victims of discrimination and violence, and support institutions in current debates. These efforts are complemented and accompanied by Berlin's advisory network which comprises experts from the academic community, the projects and the administration. The Berlin Alliance for Democracy (Berliner Ratschlag für Demokratie) brings together well-known public figures from Berlin who support a culture of diversity and respect. In 2017, the project funds available amount to 3,306,000 euros. Essential projects funded by the state programme can be found at:

<http://www.berlin.de/sen/lads/schwerpunkte/rechtsextremismus-rassismus-antisemitismus/landesprogramm/alle-projekte/>

### **The Berlin state democracy centre for diversity and respect (Berliner Landesdemokratiezentrum für Vielfalt und Respekt; LDZ)**

The LDZ was set up as part of the federal programme “*Living democracy!*” (Demokratie leben!) at Berlin's State Office for Equal Treatment and against Discrimination and is co-funded by the federal state of Berlin. It offers mobile counselling and provides victims of right-wing extremist and racist violence as well as persons leaving the scene with advisory services. Furthermore, the LDZ provides educational staff with advice on preventing Islamism and supports them in their qualitative development. It helps the Berlin-based projects, institutions and actors striving to promote democracy and prevent extremism create a network and enter into dialogue. In addition, the LDZ coordinates the network among the 15 partnerships for democracy existing at district level in Berlin. Detailed information on efforts promoting democracy and the projects funded within the framework of the above-mentioned state programme can be found at: <http://www.berlin.de/lb/ads/schwerpunkte/rechtsextremismus-rassismus-antisemitismus/>

### **Berlin action plan to fight homophobia and transphobia**

The Berlin action plan is based on a decision taken by the House of Representatives in 2009 and covers measures designed in interdepartmental cooperation. These measures were developed with the state administrations and civil-society actors from LGBTI communities in a participatory procedure and have been enhanced ever since.

The action plan currently consists of 12 areas of activity. The specific measures include, for instance, regular advanced training courses for Berlin's administration, in refugee accommodation centres and in the fields of education and child and youth welfare; appointing contact persons for gender and sexual diversity at every school in Berlin; giving due consideration to the concerns of older LGBTI in Berlin's guidelines on senior citizens policy; recognizing LGBTI refugees as protection particularly vulnerable group and with specific needs pursuant to the Reception Conditions Directive of the EU; and setting up specific structures to support and advise LGBTI refugees, such as an accommodation centre for queer refugees (Queere Unterkunft). Further information on the 12 areas of action and measures can be found at [www.berlin.de/lads/lasbti](http://www.berlin.de/lads/lasbti).

### **Action plan of the Representative of the Berlin Senate for Integration and Migration to include foreign Roma (Aktionsplan zur Einbeziehung ausländischer Roma des Beauftragten des Berliner Senats für Integration und Migration)**

The action plan to include foreign Roma which was launched in 2013 and implemented under the lead responsibility of the Representative of the Berlin Senate for Integration and Migration intends to improve the situation of foreign Roma and their families in Berlin. The measures focus on providing health-care and integrating children and young people into schools and employment. Another goal is to stop people from abusing the precarious situation of immigrants through rack-renting or human trafficking and trafficking in women, for example. The relevant measures are co-funded by the Federal Government and the Fund for European Aid to the Most Deprived (FEAD). The action plan is currently being enhanced with the help of self-governing Sinti and Roma organizations, and funding is being increased. For further information on the action plan, please visit: <https://www.parlament-berlin.de/adosservice/18/Haupt/vorgang/h18-0191.B-v.pdf>

Senate Department for Education, Youth and Family Affairs also supports the **socio-educational counselling bureau of Berlin/Brandenburg's Land Association of German Sinti and Roma** (sozialpädagogische Beratungsstelle des Landesverbandes Deutscher Sinti und Roma Berlin-Brandenburg) which represents the national minority vis-à-vis political and social institutions in Berlin and Brandenburg. The Land Association provides the members of the minority with advice on exercising their rights and supports them in establishing the claims arising from these rights. Their services also cover the following fields: securing one's livelihood, accommodation, education and discriminatory experience.

## Brandenburg

The state government's Tolerant Brandenburg coordinating office („*Tolerantes Brandenburg*“) and its partners pursue the goal of promoting a strong and vital democracy in the federal state of Brandenburg. The individual tasks of the office are based on the action plan of the same name<sup>8</sup> which was drafted in 1998 at the initiative of Dr Manfred Stolpe, Brandenburg's Minister-President at the time, and Almuth Berger, former State Commissioner for Integration. It makes education efforts and raises awareness and supports all involved actors in setting up a network in order to promote a democratic system.

On 23 June 1998, the state government decided to base all its actions on this action plan. Referring to the state constitution, the action plan formulates the following binding guiding principles for government action: justice, tolerance and solidarity, maintaining human dignity and freedom. Having followed these guiding principles for many years, the state government advocates an open and liberal society where committed citizens actively help shape a democratic system. To this end, it works with a variety of government and non-government institutions that demonstrate civil courage and assume responsibility for society as a whole. Prompted by the alarmingly high numbers of right-wing extremist attacks in the federal state of Brandenburg in the late 1990s, Brandenburg was one of the first federal states to develop a strategy to fight right-wing extremism in 1998.

In 2005, the state government updated the action plan, placing a greater focus on promoting a strong and living democracy. In the meantime, the action plan has become more than just a guideline for the state government. It has become a guideline for the people living in Brandenburg.

An open and tolerant society is promoted through diverse forms of communication and cooperation. It is therefore essential to cooperate with numerous actors from politics, the administration and civil society who have all committed to implementing the Tolerant Brandenburg action plan. Together, they form the Tolerant Brandenburg network.

The coordinating office assumes a special role in coordinating the state-wide advisory network to fight right-wing extremism. This network brings together experts with different expertise to strengthen democracy and fight right-wing extremism.

Members of this network include:

- the state-wide alliance against violence, right-wing extremism and xenophobia;
- Brandenburg's Sport Youth in the state sports association;
- the mobile counselling teams;
- the victims' perspective;
- the regional centres for education, democracy and integration.

The basic structure is three-tiered: at state, regional and local level. Every member of the advisory network pursues a different approach and adopts a different focus. Together, however, they form a successful strategy to deal with all forms of right-wing extremism. Combining the expertise of these members makes it possible to develop targeted solutions to special problems in a timely manner. If necessary, mobile intervention teams may be set up within the advisory network. Such teams analyse the current situation, identify possible resources and develop an action plan and solutions in cooperation with local actors.

At state level, the state government's Tolerant Brandenburg action plan is supplemented by targeted activities in the administration, institutions, educational institutions, the private sector and clubs, associations and bodies under public law. Thanks to specific cooperation agreements, a number of social organizations and institutions are therefore involved in the state government's efforts to effectively counter right-wing extremist tendencies in as many societal areas of action as possible. On the one hand, these agreements outline the joint efforts to curb right-wing extremism and xenophobia, advocate a growing democratic culture in the federal state and show citizens how they can get involved, too. At the same time, they bring the Tolerant Brandenburg action plan to life by illustrating citizens where and how their civic engagement and civil courage can make a difference. On the other hand, they make sure that the people living in this federal state increasingly identify with the principles and opportunities of a democratic system and assume

<sup>8</sup> „*Tolerant Brandenburg*“ - For a strong and living democracy. Action plan of the state government for a democratic society with civil courage to counter violence, right-wing extremism and xenophobia.



responsibility. This means that the cooperation agreements have a specifying character: The partners commit themselves to help set up and stabilize democratic structures and counter anti-democratic attitudes within the framework of the Tolerant Brandenburg action plan.

The state government currently has 41 cooperation partners with whom it defines the priorities of their partnership for the year to come. In addition to regular bilateral conversations, the cooperation partners usually meet twice a year to intensify and consolidate working and communication structures.

The coordinating office of Tolerant Brandenburg acts not only as intermediary between civil society, the private sector and Brandenburg's administrative levels, but also as a point of contact for the responsible federal ministries. The goal is to combine the relevant federal funding programmes with Brandenburg's structures in a meaningful way. Particularly the federal programmes *Demokratie leben!* and *Zusammenhalt durch Teilhabe* are of significance for Tolerant Brandenburg. The coordinating office is closely monitoring the implementation of these programmes. It is in close contact with the responsible secretariats of the programmes in order to represent the interests of the federal state and contribute Brandenburg's experience. With its "*democracy van*", it provides education and information and raises awareness. The van is provided by Mercedes Benz. In 2016, the team of the coordinating office participated in 40 events all over Brandenburg, covering 11,700 km. The democracy van serves as the mobile information booth of the coordinating office. It is used to address right-wing extremism and strengthen local democratic structures by raising the awareness of citizens, providing advice and handing out flyers and brochures.

The coordinating office has its own website, Facebook page, YouTube channel and app to carry out PR measures. Social networks are becoming increasingly important in civil-society engagement. The coordinating office places a special focus on social media activities.

The website ([www.tolerantes.brandenburg.de](http://www.tolerantes.brandenburg.de)) and the Facebook page ([www.facebook.com/tolerantesbrandenburg](http://www.facebook.com/tolerantesbrandenburg)) provide information on basic and advanced training, funding possibilities, prize contests, press releases, publications, events, etc. In 2016, 341 contributions were posted on the Facebook page which was visited 277,612 times. This confirms that the Facebook page of Tolerant Brandenburg is an important source of information.

The coordinating office publishes videos with interviews and statements of state politicians on YouTube. The app of the coordination office can also be used to retrieve funding documents and the latest information. The Tolerant Brandenburg coordinating office is funded by resources from the state budget and the lottery. It also receives funding through the federal programme "*Living democracy!*" Federal and state funds and lottery money are used almost exclusively to support the state-wide advisory network and projects carried out by local and supra-regional actors. The funding provided to the Tolerant Brandenburg coordinating office focused on activities to promote democracy and counter right-wing extremism.

## Bremen

### Activities of the Demokratiezentrum in the federal state of Bremen

#### Hate crime:

- Developing and testing a media literacy strategy (Jan. – March 2017) for young people to teach them to deal critically with information in the area of hate speech and conspiracy theories and to improve media literacy using projects, methods and practical aids. The aim is to develop workshop modules for educational work with young people at school and outside of school. The project is being carried out by ServiceBureau/LidiceHaus.
- The mobile advising service Mobile Beratung offers talks on the topic of harassment on the Internet as part of the Bremen state agency for civic education (LpB) campaign Aktionen gegen das Vergessen.
- The LidiceHaus youth education centre is currently setting up counselling for persons affected by violence related to right-wing extremism, racism, trans- inter-, queer- and homophobia, social Darwinism, anti-Semitism and anti-emancipatory attitudes. In addition to counselling, the centre will offer workshops and work proactively.
- The counselling service Reset works above all with young people who want to distance themselves from right-wing extremism. One focus is girls and young women, because they have made up a growing share of the right-wing extremist scene in recent years.

#### Racism:

- In response to increasing requests from multipliers in the field of education (youth recreation centres, volunteer services, etc.), the Mobile Beratung will develop workshops for young people on the topics of everyday racism and right-wing extremists in Bremen and right-wing harassment on the Internet.
- In cooperation with Bremen's sports association, the Mobile Beratung offers workshops for leaders of group exercises who must deal with or are themselves subject to racism and prejudice in the groups they lead. The workshop is intended to raise the target group's awareness of these issues and teach them what to do about them.

- The Mobile Beratung also offers specific workshops for those who volunteer to work with refugees. In this workshop, volunteers are encouraged to reflect on their own attitudes and behaviour and learn how to develop strategies for dealing with right-wing populism and harassment and how to take action against racism.

#### Group-focused enmity/discrimination:

- Expansion of the Demokratiezentrum in the federal state of Bremen In addition to the coordination office on right-wing extremism and prejudice, a coordination office for religion-based radicalization and Islamophobia was created. These offices initiate cooperation with various stakeholders in this field.
- Specific counselling for LGBTI refugees: This target group faces various forms of discrimination and violence. The gay advocacy organization Rat&Tat Zentrum plans to expand its counselling services and tailor them more specifically to this group as well as provide additional training for its staff. It is also working to increase awareness and skills among multipliers in the social environment of those affected. This target group includes social workers, directors of refugee housing, security personnel, volunteers, etc.

#### Additional activities in this area:

- Events organized by the Demokratiezentrum: Plans include a variety of talks and events on issues such as racism, ideologies of inequality, etc. These will be carried out by counselling services represented at the Demokratiezentrum and by members of the network against right-wing extremism and prejudice.

### Additional information:

#### Demokratiezentrum:

<http://www.demokratiezentrum.bremen.de>

#### Mobile Beratung:

[http://www.demokratiezentrum.bremen.de/beratungsangebote/mobile\\_beratung-1785](http://www.demokratiezentrum.bremen.de/beratungsangebote/mobile_beratung-1785) and <https://www.facebook.com/pro.aktiv.gegen.rechts/>

#### Advising for parents:

<http://www.demokratiezentrum.bremen.de/beratungsangebote/elternberatung-1773>

#### Counselling for those who want to distance themselves from right-wing extremism:

<http://www.demokratiezentrum.bremen.de/beratungsangebote/distanzierungsbegleitung-1799> and [www.vaja-bremen.de/teams/reset](http://www.vaja-bremen.de/teams/reset)

### Bremen action plan to counter homo-, trans- and interphobia

Together with experts from the gay advocacy organization Rat&Tat Zentrum, in 2014 the federal state of Bremen developed a statewide action plan to counter homo-, trans- and interphobia. The action plan identifies various areas of action where measures will be taken to make Bremen free of discrimination. These areas are 1. life phases (children, youth and family, school, work, old age and care), 2. diversity of backgrounds (migration, disability, trans- and intersexuality), 3. lifestyles (culture, sport and tourism). The action plan can be found here: <http://www.soziales.bremen.de/sixcms/media.php/13/Aktionsplan%20gestaltet.pdf>

### Measures by the Bremen state office for the protection of the Constitution (LfV)

In a democracy, fighting extremist activities takes place in the context of society as a whole. This is why it is a special concern of the LfV to make the knowledge of the domestic intelligence services available to inform the public and assist in the formation of public opinion as well as to ensure successful prevention by other government and civil-society actors. The LfV's public information efforts focus on right-wing extremism and Islamism, which also constitute the focus of its monitoring.

The LfV is a partner of Bremen's Demokratiezentrum. In the framework of its public information efforts, the LfV supports the comprehensive prevention efforts of the various initiatives, institutions and authorities in the federal state of Bremen which have been going on for many years. The LfV also has its own initiatives, such as exhibitions and talks, to promote the prevention of right-wing extremist threats.

The presentations on right-wing extremism are designed in particular for public authorities, institutions, clubs and schools. These presentations can be tailored to focus on particular aspects, such as current developments or new forms of right-wing extremism, or right-wing extremism in Bremen.

The LfV's public information efforts in the area of Islamism are intended to make the public debate over Islam and Islamism more objective and to inform the public in Bremen about Islamist activities. Under the heading "increasing awareness and early recognition", these efforts are intended to enable staff of public authorities and civil-society organizations to distinguish between legitimate religious practice and a possible slide into extremism. The main objective is to help others recognize the radicalization of young persons at an early stage so that appropriate action can be taken before the security authorities have to be involved.

The LfV offers presentations for institutions, associations and schools to inform them about the current situation in Bremen and new developments in the area of Islamism. These presentations can be tailored to focus on particular aspects, such as the Islamist scene in Bremen, Salafism, Islamism or Islam, Muslim life in Germany and youth cultures. In 2015, many schools, youth recreation centres, public authorities, civil-society and policy institutions took advantage of this service. However, this is the extent of the LfV's services. Other institutions, such as the counselling service Kitab, offer prevention through counselling.

### Measures by the Bremen police

The Bremen police have two special functions with regard to hate crime directed at sexual orientation and gender identity. The first is a special unit to process reports of homophobic crime, which is part of the state security division. This function was created by a vote of the Bremen state parliament.

The Bremen police also have a point of contact for same-sex lifestyles (AgL) which covers the area of prevention and advising as well as basic and advanced training. This is currently staffed with a 25% position. Starting in the first half of 2017, the point of contact will have its own Internet presence on the website of the Bremen police.

General measures applicable to all Bremen public authorities are listed in the Bremen action plan to counter homo-, trans- and interphobia. This action plan can be accessed on the website of the Bremen state minister for social affairs, children, youth and women.

The Bremen police have also developed a presentation to explain to immigrants how the German state and the rule of law function. This PowerPoint presentation covers racism, equal rights for women and same-sex relationships. The presentation is accompanied by a film from the Bavarian ministry of justice on the functioning of the German state and rule of law.

The presentation helps promote democracy and is directed against racism, intolerance and homo- and transphobia.

## Hamburg

The Free and Hanseatic City of Hamburg deals with the phenomena of racism, xenophobia and anti-Semitism described in the National Action Plan flexibly and for the long term through the following strategies and action plans:

### I. State programme to promote democratic culture and prevent and fight right-wing extremism (DS 20/9849) (Hamburg – Stadt mit Courage)

This programme, which was drawn up with broad participation and passed by the Hamburg Senate in late 2013, implements the federal programme Demokratie leben!. It also **focuses** on the following targets:

1. countering and preventing prejudice and harassment in the public space; 2. encouraging children and young people and increasing their awareness; 3. supporting institutions and individuals affected; 4. promoting networks and pooling skills.

With these areas of emphasis, the state programme is directed at government and public administration and institutions, at organizations which in Hamburg shape religious life, business and society, and at all individuals. The **target groups** are focused according to the kind of prejudice they have, as the programme addresses not only forms of racism, anti-Semitism and right-wing extremism, but also homophobia and discrimination against Roma and Sinti, against homeless persons and those with a disability as well as other notions of inferiority.

**Of the 17 measures announced in the state programme, 100% have been implemented or are under way.** Successfully established projects, such as the advisory network against right-wing extremism (with around 40 governmental and non-governmental partner institutions) and the mobile counselling team against right-wing extremism (run by Arbeit und Leben Hamburg; both projects have existed since 2008), have been continued and further developed, while new projects have been added since 2014 as needed.

These include

- counselling for right-wing sympathizers and persons with right-wing extremist contacts who want to distance themselves from the milieu (Kurswechsel); founded in 2015

- counselling for right-wing extremist leaders and functionaries who wish to reform (Ausstieg Rechts); founded in 2014
- counselling for victims of right-wing extremist, racist and anti-Semitic violence (Empower – Beratungsstelle für Betroffene rechter, rassistischer und antisemitischer Gewalt); founded in 2015
- guidelines for funding small, civil-society projects with grants of up to €5,000; since spring 2014, roughly 60 projects by students or migrant organizations have received funding. Another total of €100,000 will be available for 2017
- a project to prevent anti-Semitism among young people having an immigrant background (Neue Wege – Prävention von Antisemitismus bei Jugendlichen mit Migrationshintergrund); founded in 2016.

**The state programme also provides for actively countering harassment in the public space.** With this in mind, in 2012 and 2015 the Hamburg Senate, together with the advisory network against right-wing extremism and a broad alliance (Hamburg bekennt Farbe) made up of the Senate, the Hamburg state parliament, the chamber of commerce and trade, sport organizations, unions, churches and migrant organizations called on all residents of Hamburg to take part in a peaceful demonstration in front of the city hall to support democracy, tolerance and diversity. The demonstration was organized in response to a nationally advertised right-wing extremist demonstration in Hamburg. In both years, as many as 10,000 people took part in the pro-democracy demonstration.

### II. Integration strategy – Participation, intercultural openness and cohesion (DS 20/7049)

The central idea of the integration strategy is achieving **inclusion**, the idea that it should be natural for everyone to feel they are part of society and to be able to participate fully in all areas of human activity. The overall strategy pursues **two key objectives: intercultural openness and anti-discrimination.** Services should be designed to reach everyone. Intercultural openness also means that Hamburg's public administration should reflect the federal state's population in its cultural diversity. The share of employees of immigrant background is therefore being increased at every level. The Senate is also stepping up its efforts to reduce individual and structural discrimination as part of a comprehensive

strategy. For example, actors in the housing market are to be increasingly sensitized to the potential for peaceful co-existence between persons with and without an immigrant background. The strategy, originally formulated in 2013, now also addresses refugees for the first time. One particular sign of success is that Hamburg now enables refugees and asylum applicants whose deportation has been suspended to take part in the integration course and pays their course fees. Most of the goals formulated for the year 2015 have been achieved, and some have been exceeded.

#### The 2013 integration strategy was updated in 2017.

Integrating refugees is currently one of Hamburg's major challenges. The strategy will therefore include the "initial integration" of refugees in the first three years following their arrival. A broad process of consulting the public and experts in Hamburg is under way to decide which other issues should have priority. In this context, an online survey was conducted from 6th November to 15th December 2016 in which everyone in Hamburg could participate; about 540 responses were received. About 40 public events were also held to encourage participation. The responses were and incorporated into the the new strategy.

### III. Strategy for preventing and countering religiously motivated extremism and anti-Muslim discrimination (DS 21/5039)

This strategy, which was passed in 2014 and updated in 2016, pursues an approach which encompasses all of society. Its main idea is to activate governmental organisations and improve their cooperation, as well as to involve religious communities and civil society. The participating subject departments (Hamburg's Department of the Interior and Sport, Department for School and Vocational Education, Department of Justice, municipal offices and Department of Labour, Social Affairs, Family and Integration, with lead responsibility) manage the implementation of the strategy and its ongoing development, in consultation with the advisory network on prevention and deradicalization (Beratungsnetzwerk Prävention und Deradikalisierung).

This network, which includes public authorities and civil-society organizations, was created in 2014. Apart from the governmental organisations it includes Muslim organizations (DITIB-Landesverband Hamburg e.V., SCHURA – Rat der Islamischen Gemeinschaften in Hamburg e.V., Verband der islamischen Kulturzentren e.V. and the Alevitische Gemeinde Deutschland e.V.) with

which the city of Hamburg signed an agreement in 2012, as well as NGO-prevention projects and the counselling service Legato. The goal is to create a shared basis of knowledge, to make the resources of the network members available to all and to ensure that all measures mesh.

The network draws up requirements for prevention efforts, shares good practice and develops strategies for prevention projects with coordinated approaches. As anti-Muslim discrimination can foster a process of radicalisation, **the network deals with both issues, religiously motivated radicalisation and anti-Muslim discrimination.** Important themes include

- Islamophobia: Muslims find themselves increasingly the victims of verbal and physical attacks. The network identifies necessary action and informs the responsible bodies.
- Casemanagement: An optimal cooperation of several public and private services is key in the assessment of a case and in taking tailored and coordinated measures whilst data protection remains a main concern. The network works on solutions for this challenge.
- Language awareness: Many terms are being used in connection with the phenomenon of religiously motivated extremism and Islamophobia. The network discusses these terms with the aim of agreeing on shared, non-discriminatory terminology.
- Training for teachers, child and youth welfare workers, young people and parents in order for them to respond appropriately when confronted with indications of Islamophobia.

### IV. Promoting diversity – dismantling discrimination / No place for right-wing extremism or everyday racism in Hamburg (DS 20/12555)

Hamburg's anti-discrimination strategy adopted in 2014 states that action to counter discrimination is to be taken and coordinated among all policy areas and authorities responsible for particular subject areas. As a result, systematic strategies are pursuing the integration strategy and the equality framework programme (with regard to gender equality). The latter also includes more attention to challenges arising from the "diversity of sexual orientations and variability of gender identities" (see the action plan on sexual and gender diversity). Measures to promote diversity and dismantle discrimination are also linked in the area of action to fight right-wing extremism

and group-focused enmity. This includes implementing the diversity charter (Charta der Vielfalt) which Hamburg signed in 2008. Signatories to the charter agree to recognize, value and support the diversity of their staff, clients, business partners and private citizens, regardless of age, gender, disability, religion, nationality, ethnic origin, sexual origin or identity.

Advising in case of discrimination can be provided by institutions which address various life situations, from the integration centre to women's counselling centres, the public legal aid service, counselling centres for people with disabilities and district information centres. In addition, the counselling service Amira offers help in case of discrimination on the basis of (supposed) origin and religion. Institutions may also refer persons to Amira as needed.

There is also an action plan for acceptance of sexual and gender diversity (DS 21/7485) and the equality framework plan (DS 20/7126): two packages of measures in line with the aims of the NAP in the broader sense which however focus on Senate principles and guidelines for a modern policy of equality between men and women which also takes into account lesbians, gay men, bi-, trans- and intersexual persons (LGBTI\*).

The security authorities also have a number of measures intended for example to keep more precise statistics on racist-motivated crimes, to provide rapid and needs-based support in case of right-wing extremist action at schools and to provide police officers with special training in these areas.

## Hesse

### The Hesse state programme to promote democracy and fight extremism

The state programme to promote democracy and fight extremism (Hessen – aktiv für Demokratie und gegen Extremismus) was established in 2015 on the basis of the coalition agreement between Hesse's Christian Democratic Union party and Alliance 90/The Greens for the 19th legislative term of the Hesse state parliament (Verlässlich gestalten – Perspektiven eröffnen, Hessen 2014-2019). This agreement provides for establishing a state programme for permanent prevention efforts by promoting measures to fight extremism.

The aims of the state programme are strengthening civil-society engagement on behalf of democracy and supporting measures and projects opposed to right-wing extremism, anti-Semitism, discrimination against Sinti and Roma, racism and other forms of prejudice, religiously motivated extremism, leftist militancy and other extremist phenomena. In general, the programme condemns and seeks to prevent all use of violence.

Drafting of the programme started in 2014 in a participatory process providing for exchange in drawing up the promotion guidelines and main components of the programme, such as the Hesse prevention network against Salafism, with experts in the field and representatives of the subject departments.

In response to the urgent situation (including radicalized persons travelling to Syria and Iraq and attacks on refugee housing), key elements of the programme started being put into practice already in 2015. Some measures (such as the advising network *beratungsNetzwerk hessen*) received state funding even before the state programme was established. Funding amounted to about €1.1 million in 2015 and about €3.8 million in 2016. In 2017, about €4 million are available for relevant measures. Hesse's information and competence centre to combat extremism (HKE), which is located in the Hesse state Ministry of the Interior and for Sport, is responsible for the overall coordination of the state programme.

Funding for the state programme also supports the counselling service for religious tolerance instead of extremism (*Beratungsstelle Hessen – Religiöse Toleranz statt Extremismus*). This counselling service of the Violence Prevention Network promotes tolerance and acceptance of different world-views and the early recognition, avoidance and reversal of radicalization processes. Another counselling service (*Response*) which receives funding helps those affected by right-wing, racist, anti-Semitic, anti-Muslim or anti-gypsy violence. The staff of this counselling service, which is associated with the Anne Frank educational centre in Frankfurt (Main), advise, inform, accompany and provide referrals for attack victims, their family and friends as well as witnesses. The measures and projects funded from the state programme are described on the HKE website at [www.hke.hessen.de](http://www.hke.hessen.de)

### Hesse's action plan for acceptance and diversity

The coalition agreement for the Hesse state government called for drafting Hesse's action plan for acceptance and diversity, which is being supervised by the anti-discrimination unit, with the following overarching goals (selected):

- acceptance of sexual and gender diversity
- free expression of one's personality
- ability to live openly without facing discrimination
- appreciation of diversity in the state administration
- study of history and remembrance of the past
- support for counselling and self-help services

The Hesse action plan for acceptance and diversity is being drafted in a broad-based process of participation in which volunteers from Hesse's LGBT\*IQ advocacy organizations and groups are involved, as are representatives from all the Hesse state ministries. The process sheds light on the specific living situations of LGBT\*IQ, while concrete proposals for action are drawn up and exchanges between civil-society organizations and the state administration are promoted. Implementation of the plan is scheduled to start in summer 2017. Once adopted, the action plan will be available here: [www.gleichgeschlechtliche-lebensweisen.hessen.de](http://www.gleichgeschlechtliche-lebensweisen.hessen.de).



Projects which pursue the goals listed above have received funding since 2015. Funding amounted to €200,000 annually in 2015 and 2016; funding for 2017 was increased to a total of €500,000. A central project in the action plan is the research study into the fates of the victims of Section 175 of the Criminal Code in Hesse from 1945 to 1985. This project examines the fates of lesbians and gay men who faced marginalization and oppression in post-war Germany. The project covers prosecution pursuant to Section 175 of the Criminal Code as well as other forms of punishment for lesbians and gay men (“*three-pillar model*”). The results of the study are to be presented in the second half of 2017 in an exhibition, a publication and at an expert conference.

## Mecklenburg Western Pomerania

All the parliamentary groups in the state parliament of Mecklenburg–Western Pomerania voted to adopt the state programme to strengthen democracy and tolerance (Demokratie und Toleranz gemeinsam stärken!). This programme is divided into ten task areas: civic engagement, family, school, youth work, higher education, media, political parties, churches and religious communities, work and the business community, police, justice system and public order authorities. The following central goals were defined and provide the framework for the project efforts, funding and cooperation:

1. increasing knowledge of democratic structures and ways of action; strengthening basic trust in fundamental democratic values; improving public participation in democratic processes;
2. increasing awareness, encouraging and enabling people to become involved in civil-society processes and those which strengthen democracy;
3. reducing the influence of right-wing extremist activities.

These goals are guided by the following:

- coordination of intervention, prevention and integration;
- support for civic engagement to strengthen civil-society structures;
- reliable cooperation in local and regional networks to coordinate government action with civil-society involvement.

The state programme is closely associated with the federal programmes Demokratie leben! and Zusammenhalt durch Teilhabe, as well as with other limited-time programmes and campaigns by foundations and at federal and EU level. The state office for democracy and tolerance (LKS) within the state agency for civic education (LpB) coordinates the implementation of the programme.

The state-wide structure for counselling and advising works through the regional centres for democratic culture and the workplace counselling team and through the state counselling services for victims and to help extremists who wish to reform. This structure is reflected in the state-wide advising network. The

projects are closely tied to the local action plans, model projects and other actors in the relevant subject area. The LKS organizes network meetings to prompt and support cooperation, which mainly occurs at local and regional level. The LKS seeks to ensure that the programme actors know each other and can work more closely together. An interministerial working group and board that decides on funding awards have been involved in the implementation of the programme since 2007.

For more information, please see [www.lpb-mv.de](http://www.lpb-mv.de), [www.beratungsnetzwerk-mv.de](http://www.beratungsnetzwerk-mv.de) and the annual reports on the implementation of the state programme Demokratie und Toleranz gemeinsam stärken!

The western Mecklenburg regional centre is also the base of statewide coordination for the network of schools opposed to racism (Schule ohne Rassismus – Schule mit Courage).

See <http://www.schule-ohne-rassismus.org/wer-wir-sind/landeskoordinationen/mecklenburg-vorpommern/>

Since winter semester 2012, based on teacher training legislation (Lehrerbildungsgesetz) the University of Rostock has offered all students training to be teachers, regardless of their subject areas, a module on civic education and democracy education as one of their required optional subjects during the first phase of teacher training. Expanding access to this module to all prospective teachers certainly makes sense in order for democratic culture to be more firmly anchored at schools. Through their counselling services, the instructors at the regional centres for democratic culture also reinforce processes to strengthen the culture of participation at schools. Established in 2014, a department for democracy education, migration and intercultural education advises teachers of these subjects.

Curriculum for social studies, history, religion and philosophy includes important units on democracy education. Individual aspects can also be found in other subject areas, for example English and geography, where the topic of interacting with minorities is part of the framework plan. As part of their history course, all school pupils visit memorial sites (guidelines on supporting school trips to concentration camp memorial sites and those remembering victims of more recent German history and to sites of the natural and cultural historical legacy of the state of Mecklenburg–Western Pomerania), which serves this purpose, as does the interdisciplinary framework plan on civic education.

Since 2015, a cooperation agreement between the state Ministry for Education, Research and Culture and the Bethe Stiftung foundation has made it possible for all secondary schools in Mecklenburg–Western Pomerania to visit memorial sites in Poland (Auschwitz (Oświęcim), Majdanek, Treblinka, Belzec (Bełżec) and Kulmhof (Chełmno nad Nerem)).

Funding from the Ministry for Education, Research and Culture supports projects on violence prevention and civic education to supplement regular educational measures. The aim is to teach pupils key skills for democratic society, create understanding of the constitutional order, help in studying historical events and counter right-wing extremist tendencies.

In its action plan on equality for and acceptance of sexual and gender diversity in Mecklenburg–Western Pomerania, the state government set the goal of implementing numerous measures on behalf of sexual minorities. Increasing awareness and educating the public play an important role. The plan seeks to further reduce discrimination against lesbians, gay men, bisexuals and transgender, transsexual and intersexual persons (LGBTI), and to encourage people to become actively involved in advocating acceptance, tolerance and appreciation. To do so, measures in the field of education, research and further education were defined which underscore a positive orientation and embed the LGBTI issue in the general challenges for teaching, especially in the area of sex education. LGBTI issues are to become a permanent element in basic, advanced and further education of day-care staff and teaching professionals. Teaching materials, advanced training courses and project days at schools will pay greater attention to these issues. Strategies and measures in six areas (world of work, legal policy and police, education, research and further education, family, children, youth and sport, health, age and care and anti-discrimination work and participation/society and culture of remembrance) were developed to reduce prejudice towards LGBTI people. Here, awareness, education and public information play a decisive role.

The state government will steadily implement and update the state action plan for equality for and acceptance of sexual and gender diversity. Results are to be presented after five years.

See <http://www.regierung-mv.de/Landesregierung/sm/Frauen-und-Gleichstellung/>

## Lower Saxony

On 20 June 2016, the state government of Lower Saxony adopted a state programme to fight right-wing extremism and promote democracy and human rights (Landesprogramm gegen Rechtsextremismus - für Demokratie und Menschenrechte). This programme creates the framework for a joint and long-term strategy to prevent right-wing extremism in Lower Saxony and will further develop the many existing preventive measures and improve their coordination. The state programme defines specific goals for action. With the help of these goals, the quality of preventive measures, such as advanced training for expert staff, help for extremists who wish to desist, entry level prevention, family members counselling, political education, victim counselling and tolerance in institutions will be regularly reviewed and improved. The overall programme will be scientifically evaluated and constantly optimized to ensure that the prevention of right-wing extremism is effective for the long term.

The state programme is coordinated by the state prevention council within the Lower Saxony Ministry of Justice, also in order to advance the expansion of the statewide network and to work more closely with civil-society actors. This is also where the federal programme Demokratie leben! is coordinated. In this way, existing structures have been utilized and further expanded. A body made up of representatives from the participating ministries and an advisory board was assigned to manage the state programme.

Central aspects of the Federal Government's National Action Plan are described in the following excerpts from the state programme's areas of action:

### **Strengthening competence, teaching skills**

A main goal of the Lower Saxony state programme is to enable specialized staff at schools, in youth welfare services, child day-care centres, policy-making and public administration, higher education and adult education to recognize signs of right-wing extremism among males and females and to respond professionally. Teaching professionals in particular should be aware of prejudices and be able to respond with intercultural awareness and in a democratic and participatory way that is critical of racism. They should also recognize hostile and discriminatory attitudes and behaviour that is xenophobic, anti-Semitic, racist, homophobic or Islamophobic and should be able to respond appropriately and at an early stage to perceived problems such as discrimination.

### **Conveying democratic values, strengthening the ability to judge**

The Lower Saxony state programme is intended to increase awareness among children, young people and adults of the dangers of right-wing extremism and to encourage and enable them to stand up for diversity and human rights. Age-appropriate methods should be used to teach at-risk children, young people and adults about Germany's liberal democracy and compliance with human rights. In addition to teaching basic knowledge, children and young people above all should be motivated to take responsibility for individuals and the community and should know how to resolve conflicts peacefully and in the context of respectful interaction.

### **Involving civil society**

A central aim is helping non-governmental institutions such as clubs and (youth) associations, religious organizations, trade and labour unions and non-governmental providers of adult education model democratic behaviour, stand up for democracy and human rights and take action against behaviour that ostracizes others. The state programme seeks to enable multipliers in non-governmental organizations to recognize current forms of right-wing extremism and discrimination at an early stage and to resolve the resulting conflicts.

### **Raising awareness in government institutions**

The state programme is also intended to make government institutions more aware of intercultural and gender issues. They are to be encouraged to become more intercultural, to serve as a model for democratic life and to actively support democracy and human rights. This means that government institutions should do more to recognize and reduce barriers to participation of people with an immigrant background and work for greater intercultural openness. To achieve this goal, staff should have intercultural skills, for example.

### **Expanding counselling for victims**

Victims of right-wing extremist violence should receive professional support and information as needed for them to continue to be in control of their lives and not suffer from psychological or social harm. As a first step, special counselling services for victims of right-wing extremist violence were created. The new counselling service for victims of right-wing extremist, racist and anti-Semitic violence has started its work in the year 2017. They are another important component to do justice to the short-, medium- and long-term effects of victimization.

### **Keeping people from becoming right-wing extremists, exit aid for right-wing extremists**

People who commit or have committed crimes motivated by right-wing extremism or who have drifted into this milieu should receive help to leave it. Persons who have come to the attention of the authorities because they sympathize with right-wing extremist ideology should be prevented from becoming more firmly committed to this milieu. This also includes a punitive element, in which security authorities intervene to prosecute criminal acts.

For more information on the state programme and its specific goals, see <http://lpr.niedersachsen.de/nano.cms/koordinierungsstelle-landesprogramm-gegen-rechtsextremismus>

## North Rhine Westphalia

### North Rhine–Westphalia’s contribution to the updated National Action Plan Against Racism

The federal state of North Rhine–Westphalia is characterized by diversity. Peaceful co-existence among people of different cultures, religions, world views and sexual orientation is part of our daily lives. Discrimination, racism and hostility to democracy in whatever form are unacceptable. Decisive action must be taken to counter such tendencies.

The state government tackles right-wing extremism, racism, discrimination, homo- and transphobia, anti-Gypsyism and anti-Semitism directly, indirectly or in conjunction with other activities with a large number of measures, projects, programmes and initiatives.

The following provides an overview of existing state programmes and action plans related to these fields.

### I. North Rhine–Westphalia’s integrated strategy for action against right-wing extremism and racism

[www.nrweltoffen.de/landesaktivitaeten/Handlungskonzept\\_gegen\\_Rechtsextremismus/](http://www.nrweltoffen.de/landesaktivitaeten/Handlungskonzept_gegen_Rechtsextremismus/)

With the discovery of the NSU murders still fresh in their minds, the two governing parties in 2012 decided to include in their coalition agreement developing an integrated strategy for action against right-wing extremism and racism. Their aim was to coordinate existing measures to prevent right-wing extremism and racism better within a long-term strategy and in particular to increase prevention efforts.

In the drafting process, 13 areas of action were identified in which right-wing extremism and racism are to be subject to a critical examination in particular. In North Rhine–Westphalia, preventing right-wing extremism and racism extends across all areas of society.

Many different measures are taken in these areas of action, described in the following. A few examples are listed here. More information on these measures and the overall strategy can be found on the Internet using the links provided.

(1) Labour, business and industry; (2) the justice system; (3) media and culture; (4) police; (5) research and higher education; (6) advising and counselling infrastructure to counter right-wing extremism and racism; (7) emancipation;

#### (8) Child and youth services:

Netzwerk Demokratie und Courage: [www.netzwerk-courage.de](http://www.netzwerk-courage.de); football fan projects to fight right-wing extremism and racism: [www.mkffi.nrw/fussballfanprojekte-nordrhein-westfalen](http://www.mkffi.nrw/fussballfanprojekte-nordrhein-westfalen)

#### (9) Civic education/adult education:

prevention days Für Demokratie – gegen Rechtsextremismus [www.politische-bildung.nrw.de/wir/projekte/praeventionstage/](http://www.politische-bildung.nrw.de/wir/projekte/praeventionstage/); democracy skills for pupils from Year 10: [www.politische-bildung.nrw.de/wir/projekte/demokratie-konkret](http://www.politische-bildung.nrw.de/wir/projekte/demokratie-konkret)

#### (10) School:

Schule ohne Rassismus – Schule mit Courage: [www.schule-ohne-rassismus.org](http://www.schule-ohne-rassismus.org); NRW civic education strategy Erinnern für die Zukunft: [www.schulministerium.nrw.de/docs/Schulsystem/Unterricht/Erinnern-fuer-die-Zukunft/](http://www.schulministerium.nrw.de/docs/Schulsystem/Unterricht/Erinnern-fuer-die-Zukunft/)

#### (11) Sport:

Prevention in sport: <https://www.land.nrw.de/gegen-gewalt-extremismus-und-diskriminierung-im-sport>; against every form of discrimination, racism, right-wing extremism and right-wing populism and promoting tolerance, democracy and respect: <https://www.lsb.nrw/unsere-themen/integration-inklusion-und-fluechtlinge/entschlossen-weltoffen/>

#### (12) Protection of the Constitution:

information on propaganda, structures, strategies and forms of right-wing extremism: [www.mik.nrw.de/verfassungsschutz/rechtsextremismus](http://www.mik.nrw.de/verfassungsschutz/rechtsextremismus); programmes for right-wing extremists who wish to reform: [www.aussteiger.nrw.de/wp/](http://www.aussteiger.nrw.de/wp/)

#### (13) Integration:

Integration agencies<sup>9</sup> / services for anti-discrimination efforts<sup>10</sup> by NRW non-statutory social welfare organizations; programme to promote migrant organizations;<sup>11</sup> support for social welfare advising by the state association of German Sinti and Roma NRW.

<sup>9</sup> <http://integrationsagenturen-nrw.de>

<sup>10</sup> <http://www.nrwgegendiskriminierung.de/de/>

<sup>11</sup> <http://www.kfi.nrw.de/Foerderprogramme/MSO/>

## II. NRW Action plan for equality and acceptance of sexual and gender diversity and to counter homo- and transphobia

<https://www.land.nrw/de/pressemitteilung/ministerin-steffens-landesregierung-beschliesst-aktionsplan-fuer-gleichstellung-und>

Already in October 2012, following a broad-based call for participation, the state government of North Rhine-Westphalia launched its NRW action plan for equality and acceptance of sexual and gender diversity and to counter homo- and transphobia, with more than 100 measures. Overall, the action plan aims to consistently fight homo- and transphobia and to encourage the visible appreciation and acceptance of people with different sexual orientations and gender identities.

The action plan includes 12 areas of action related to life phases, lifestyles, specific groups and consciousness-raising measures. The action plan was evaluated with a cut-off date of 31 December 2014 and updated in September 2015. The evaluation showed that most of the measures had already been implemented, some must be pursued further, and new measures must be added.

The amendment of Section 4, second sentence, of the Third Act Implementing the Child and Youth Services Act (KJHG) and the Act to Promote Youth Work and Child and Youth Protection (KJFöG) takes account of different lifestyles, sexual orientations and gender identities, in particular in working with young people. Further, priorities in the NRW plan for promoting children and youth significantly help strengthen structures in children and youth services open to all and thus to greater self-determination on the part of LGBTI\* young people. Between 2013 and 2016, 25 projects were funded, including two specialized units serving the entire federal state: <http://gerne-anders.de/>; <http://queere-jugend-nrw.de/jugendfachstelle/>

## III. Measures to combat violent, anti-constitutional Salafism

With a resolution dated 16 February 2016, an interministerial working group (IMAG) was set up to address the issue of preventing Salafism as a task for society as a whole. The working group was tasked with drawing up a comprehensive strategy for action and monitoring its implementation in order to deal with all aspects of violent, anti-constitutional Salafism for the long term.

The two lead ministries – at that time: Labour, Integration and Social Affairs (MAIS) and Interior and Local Issues (MIK) – have agreed with various relevant ministries to look successively at different fields with the help of selected experts, experienced practitioners and representatives of civil society and develop measures to be carried out in specific projects. The working group has a long-term perspective. Its working methods and the development and implementation of projects and measures are oriented on the life phases of a young person and his or her social environment. The working group's first progress report<sup>12</sup> on seven priority issues was delivered to the state government on 21 March 2017. It provides for developing, continuing and expanding 27 projects, of which five are special priorities.

In addition, the state office for the protection of the Constitution is implementing its own strategies at all three levels of prevention. The measures range from comprehensive awareness-raising on Islamism, also for those working with refugees, to the further development and expansion of the prevention programme Wegweiser and the ongoing expansion of the programme to help Islamists who wish to reform.<sup>13</sup>

## IV. State government measures to increase internal security and improve local integration

The state government of North Rhine-Westphalia has come up with a 15-point plan<sup>14</sup> to increase internal security and improve integration.

[www.land.nrw/de/sondersitzung-im-landtag-zu-den-ereignissen-der-silvesternacht](http://www.land.nrw/de/sondersitzung-im-landtag-zu-den-ereignissen-der-silvesternacht)

<sup>12</sup> <https://www.landtag.nrw.de/Dokumentenservice/portal/WWW/dokumentenarchiv/Dokument/MMV16-4969.pdf>

<sup>13</sup> <http://www.mik.nrw.de/verfassungsschutz/islamismus/aussteigerprogramm-islamismus.html> <http://www.mik.nrw.de/verfassungsschutz/islamismus/wegweiser.html>

<sup>14</sup> [www.land.nrw/sites/default/files/asset/document/massnahmen-papier-fuer-innere-sicherheit-und-integration.pdf](http://www.land.nrw/sites/default/files/asset/document/massnahmen-papier-fuer-innere-sicherheit-und-integration.pdf)

## V. Measures of the NRW state Ministry of Justice

- **Five-point programme:** On 3 March 2015, the justice minister presented a five-point programme on the topic of deradicalization in prisons. This programme includes the following: increasing nationwide cooperation; expanding training and course offerings; recruiting more immigrants to work in the justice system; offering more chaplaincy services; researching the risks of radicalization in prison.
- **Competence centre on justice and Islam:** In response to recent events in society and politics, the state of North Rhine–Westphalia will soon set up an expert centre on intercultural competence in the justice system. It will address the tasks of the judiciary in the context of a culturally diverse society.
- **The strategy for promoting integration among the foreign prison population and improving security in NRW corrections includes the following:** measures to improve language communication; measures to ensure conflict-free existence in prison; measures to prevent radicalization in prison; measures to promote integration opportunities after release from prison; measures to enable corrections staff to act with certainty.



## Rhineland Palatinate

Prevention is a task for society as a whole. Rhineland-Palatinate's state government takes up this task in an interministerial approach. Prevention efforts include, in particular, youth (welfare) measures, social services in the field of culture and all fields of education policy as well as the work of the State Commissioner for Migration and Integration and the State Commissioner for Same-Sex Lifestyles and Gender Identity - LGBTI.

The policy for LGBTI is part of Rhineland-Palatinate's diversity policy and democracy and human rights efforts. Since January 2013, there has been state action plan to promote acceptance of queer lifestyles (Rheinland-Pfalz unterm Regenbogen – Akzeptanz für queere Lebensweisen). It contains some 170 individual measures that have a state-wide and regional impact. With its action plan, the state government is pursuing the following goals: combating discrimination, fighting for full legal equality, and promoting the social acceptance of LGBTI. In November 2016, State Secretary Christiane Rohleder became Germany's first State Commissioner for Same-Sex Lifestyles and Gender Identity. Acting as a contact person for all queer groups and serving as an ambassador for their concerns, she will help achieve the key goals of this political priority.

All individual strategies to fight age-related discrimination, racism, sexism, ableism, homophobia and transphobia as well as religious and ideological discrimination are combined in a diversity strategy (Strategie Vielfalt). In three areas of action, the strategy determines the programmes, projects and measures to be implemented by the responsible ministry in order to fight discrimination and foster diversity. This includes promoting acceptance of diversity, guaranteeing protection from discrimination through sanctions, ensuring participation and serving as an example. The implementation plan contains a total of 44 individual projects that are to be implemented on the basis of a broad-based, horizontal and cross-characteristic approach.

The state coordinating office of „Demokratie Leben!“ is supported by the federal programme „Demokratie leben!“ that is intended to counter right-wing extremism, violence and hostility (Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit). Efforts comprise intervention activities, including mobile advising, advisory services for victims, parents and persons leaving the scene, as well as prevention efforts, e.g. through a website designed to counter right-wing extremism (Komplex, Internetplattform gegen Rechtsextremismus). The Demokratie leben!

network of competence serves as a centre for democracy within the meaning of the federal programme. It supports various intervention programmes and provides young persons willing to leave the scene with intensive care. The criminal prevention control centre / Rhineland-Palatinate state prevention council must also be mentioned *in this context*. It serves as the secretariat of the Rhineland-Palatinate state prevention council and sees itself as a service centre for crime prevention councils at municipal level.

The *Rhineland-Palatinate state agency for civic education* offers publications that can be ordered, picked up at the agency or read at the library. Its specialist unit responsible for fighting discrimination and promoting cultural diversity organizes informational events and projects and training courses on how to display civil courage and counter populism, prejudices and racism. The state agency also has the task of coordinating a project intended to eliminate racism and foster courage at schools (Schule ohne Rassismus - Schule mit Courage), serving as a contact point for participating schools.

*Last but not least*, there is the strategy to prevent young people from falling victim to Islamist radicalization in Rhineland-Palatinate. The strategy was developed under the lead responsibility of the Ministry for Youth and in close cooperation with the ministries responsible for internal affairs, education, justice and social affairs, the state youth welfare office and the coordinating office of the Demokratie leben! programme. Target groups include young people in general and in particular those susceptible to radicalization due to social factors, special biographical problems and radicalizing structures. Their relatives, friends and immediate social environment and persons leaving the scene are also part of the target group.

The goal is to structure information, documents and projects and pool integration and prevention efforts. These efforts are to be carried out throughout Rhineland-Palatinate on the basis of the best practice principle. In addition to the Ministry of Family Affairs, which acts as a coordinating body, the Ministry of the Interior (including the state office for the protection of the constitution and the state police forces), the Ministry of Education, the Ministry of Justice, the Ministry of Social Affairs, the state youth welfare office and the State Criminal Police Office are also involved.

The activities of the "Salam" advisory centre and the extensive skills of the staff have put the state's efforts to counter Islamist radicalization on a solid basis. Advisory services are particularly targeted at the immediate social environment of (young) persons who are radicalizing in order to make them change their minds.

## Saarland

According to the current coalition agreement, the goal of the Saarland's state government is to **safeguard an open society and fight extremism**. Efforts to fight any form of extremism are being further intensified, and network structures between security authorities and other fields of the state government are to be set up or extended. (cf. 2012-2017 coalition agreement of the Saarland).

The state government aims to counter extremist ideas in all its facets by carrying out project work at schools and in youth work. Expanding civic education efforts may help create an open-minded society. Every human being should have the chance to lead a self-determined life free of discrimination.

**Fighting extremism is considered a horizontal task that must be carried out continuously.** The Saarland does not have its own state programme. However, its activities focus on promoting the co-existence of persons with and without an immigrant background in the Saarland. The **integration office** achieves this goal:

- by providing integration measures through specialist migration services;
- by promoting numerous projects across the whole range of integration efforts;
- through information;
- through coordination;
- by participating in the responsible bodies at state and national level;
- by supporting 100 voluntary networks from civil society.

### Lebach Declaration

In March 2015, the Lebach Declaration was adopted at the Saarland's first integration summit. Consisting of ten points, the Declaration lists the principles forming the basis for the peaceful co-existence of persons of different nationalities and with a different cultural, ethnic and religious background in the Saarland. It also calls upon all persons living in the Saarland to embrace a culture of recognition and welcome and to treat each other with respect and solidarity.

### Resolution of the state parliament

As a result of the murders committed by the National Socialist Underground, all parliamentary groups in the state parliament of the Saarland agreed to send a signal against right-wing extremism. Since 2012, the state parliament has provided additional funds to fight against right-wing extremism. The funded projects comprise a wide range of different ideas, strategies and initiatives to counter right-wing extremism, violence and hostility and strengthen human rights.

### Federal programme Demokratie leben! to fight right-wing extremism, violence and hostility

By participating in the federal programme Demokratie leben!, the Saarland wants to comply with the guidelines and promote civil engagement and democratic behaviour at municipal, regional and supra-regional level. The Saarland's state centre for democracy continuously expands its network to counter right-wing extremism and promote democracy. Since 1 January 2016, the Saarland has funded the federal programme Yallah, a specialist and networking agency dealing with Salafism (Yallah – Fach- und Vernetzungsstelle Salafismus im Saarland). Yallah serves as the Saarland's contact point, providing information on Islamist radicalization tendencies.

Yallah is part of the network to fight right-wing extremism and promote democracy in the Saarland. Its members include the state centre for democracy, based at the Ministry for Social Affairs, Health, Women and Family, the specialist unit responsible for fighting right-wing extremism and the advisory centre for victims of discrimination and right-wing violence. The network is complemented by the different cooperation partners of the federal programme and umbrella organizations. It advocates the respectful co-existence of people of different backgrounds, origin, culture and religion and the respect for human rights in a democratic society.

### Projects

To provide examples, the following section lists three projects that take targeted action to address and prevent exclusion, discrimination and racism.

1. **Ramesch**, a club promoting intercultural encounters, has long-standing experience in integrating people with an immigrant background. The intercultural team of Ramesch is involved in various working groups in the

Saarland to fight prejudice, discrimination, exclusion and racism, providing preventive approaches focused on solutions. The club's prevention efforts focus on promoting understanding and normality at kindergartens and schools. Age-appropriate services are used to teach children and young people about reflection, interculturality, tolerance and democracy.

**2. Multikultur, a club striving to eliminate xenophobia and promote the acceptance of migration**, explicitly set up a unit dealing with migration and xenophobia with a view to participating in migration and integration efforts throughout the Saarland. The club's tasks comprise two areas of action:

- It acts as a contact point for groups, institutions and individuals dealing, or willing to deal, with the issues of migration and integration in all their facets (such as other cultures, racism, right-wing extremism) and seeking advice and information.
- It also solves migration-related conflict situations.

**3. The bureau for migration and against xenophobia of the Saarland's workers' welfare association (AWO)** strives to prevent discrimination on the basis of gender, origin, disability or sexual orientation. To achieve this goal, the bureau uses its intercultural skills. To be able to respectfully interact with each other and recognize individual differences in a globalized and diverse world, each and every one must obtain intercultural skills.

## Saxony

In the Free State of Saxony, the federal programmes *Demokratie leben!* and *Zusammenhalt durch Teilhabe* are implemented through a wide range of civil-society and municipal projects. Like other federal states, Saxony also has a [centre for democracy](#) that supports the numerous sponsoring associations, initiatives, associations and model projects working to strengthen democracy in creating a network and fighting forms of phenomena hostile to democracy and the rule of law as well as forms of group-focused enmity, such as racism, anti-Semitism (notably right-wing extremism) and (supposedly) politically legitimized violence or supposedly religiously legitimized violence (violence-oriented Islamism) and violent demonstrations of leftist militancy.

Our society is built on the strong foundations of our democratic culture and liberal democracy. With its [state programme on democracy and tolerance](#) (*Weltorfenes Sachsen für Demokratie und Toleranz*), Saxony strengthens the activities carried out by civil society to consolidate these foundations. It promotes projects that help reduce phenomena of group-focused enmity and generalized hate.

The state programme funds projects that

- help eliminate extremism, racism and anti-Semitism;
- strengthen democratic values;
- promote civic engagement;
- promote and strengthen tolerance and acceptance of different religious, cultural and ethnic groups, and sexual orientations;
- contribute to intercultural and interreligious dialogue;
- provide victims of politically motivated violence with advice and support;
- train multipliers and experts;
- accompany the work done by experts from a methodological perspective.

[Saxony's exit programme](#) is a joint project of the Provincial Council for Prevention within the Free State of Saxony and non-governmental organizations. The goal of this programme is to make sure that persons leaving the

scene have the chance to live their lives in a liberal and democratic society without being influenced by extremist groups and patterns. Extremists willing to reform are offered qualified support, e.g. in leaving extremist groups, tackling problems (school, job, housing, addiction, debts), changing their social environment, dealing with authorities and advising centres, but also in security matters and threat situations.

They receive advice and support, regardless of whether they have been in trouble with the law, convicted, imprisoned in Saxony, whether they receive probation assistance or are currently standing trial. Furthermore, family members, friends and other persons close to those affected can turn to the programme and seek advice.

In its meeting of 24 January 2017, Saxony's cabinet adopted the *strategy to protect against discrimination and promote diversity in the Free State of Saxony*, making anti-discrimination policy a horizontal policy task to be tackled by the state government. As part of implementing the strategy, the relevant ministries of the state government plans and applies measures to fight discrimination based on ethnic origin, gender, religion or belief, disability, age or sexual identity.

The steering committee to fight discrimination in Saxony will be set up to tackle tasks involving several characteristics. All ministries, anti-discrimination representatives from civil society and state commissioners for the groups relevant for anti-discrimination groups will be represented in this committee. The division responsible for equal opportunity and integration at Saxony's Ministry for Social Affairs will ensure coordination. An anti-discrimination secretariat will be set up to this end. The committee will meet at least once a year to discuss current anti-discrimination efforts, the development of legislation and joint projects. According to chapter 1 of the strategy to protect against discrimination and promote diversity in the Free State of Saxony, Saxony will join the *coalition against discrimination*.

Back in October 2015, Petra Köpping, Minister of State for Equal Opportunity and Integration of the Free State of Saxony, invited representatives of LGBTTIQ organizations (Lesbian, Gay, Bisexual, Transsexual, Transgender, Intersex and Queer) and interested groups from all areas of civil society to attend several participatory workshops in Dresden. The workshops focused especially on education, labour, health and anti-discrimination matters. The division responsible for equal opportunity and integration at Saxony's Ministry for Social Affairs will use these workshop results to develop a *state action plan to promote*

*the acceptance of different lifestyles in Saxony.* The goal of this action plan is to increase tolerance towards different lifestyles in Saxony and raise awareness of problems often faced by those concerned.

Furthermore, the current coalition agreement provides for an update of Saxony's *immigration and integration strategy* which was adopted in 2012. To divide the overall issue of immigration and integration into sub-areas, the division responsible for equal opportunity and integration at Saxony's Ministry for Social Affairs has defined ten areas of action on the basis of current expert and academic debates. This makes it possible to structure the overall process. The immigration and integration strategy is being updated at the moment and now also includes the following areas of action: social cohesion, security/preventing extremism and intercultural openness (diversity). To this end, the state government set up an interministerial working group bringing together all ministries and the State Chancellery at directorate level. The working group is chaired by the division responsible for equal opportunity and integration at Saxony's Ministry for Social Affairs.

Last but not least, there are also the [guidelines on promoting the social integration and participation of persons with an immigrant background and strengthening social cohesion \(guidelines, integrating measures\)](#). The goal of these funding guidelines is to fund projects that

- promote the integration and self-determined active participation of persons with an immigrant background in the Free State of Saxony;
- contribute to intercultural openness in organizations;
- strengthen social cohesion;
- help eliminate prejudice and xenophobia;
- support the districts and non-district municipalities in their various integration efforts, e.g. by supporting language courses provided by volunteers, or in creating job opportunities; and
- implement Saxony's own state language programme, supplementing the integration courses provided by the Federation.

To implement the recommendations by the Standing Conference of Ministers of Education and Cultural Affairs of the states on prevention and health promotion at schools of 15 November 2012, Saxony's Ministry of Cultural Affairs

adopted, in cooperation with the State Ministry of Social Affairs and Consumer Protection and the State Ministry of the Interior, the strategy to conclude regional cooperation agreements between the offices in the districts of the Saxon School Authority, districts, non-district municipalities and the regional police headquarters.

In the Free State of Saxony, it has been possible in several regions to work on all topics concerning prevention (e.g. education of democracy, violence prevention, sexual education, etc.) bundled according to the working approach "*Prevention in a team (PiT)*". At present, this is the ideal way to bring tested good offers to the target group of children and young people, taking into account the actual needs. The most important prerequisite for this is to involve, within the framework of interagency cooperation, as far as possible, all partners who focus on the target group of children and young people. The aim is to bundle all processes in Saxony with the thematic intersection of prevention. The districts of Bautzen, Görlitz, Sächsische Schweiz-Osterzgebirge, Mittelsachsen, the city of Chemnitz, the Erzgebirgs- and the Vogtlandkreis are already working according to this approach with different focal points (e.g. [www.pit-ostsachsen.de](http://www.pit-ostsachsen.de) and <http://praevention-chemnitz.de/>).

Regarding Section 36 of the Education Act, the orientation framework for Saxon schools was revised (family and sex education) to comply with social realities. Its goal is, for example, to encourage and motivate people to tolerate different sexual orientations, behaviour and lifestyles and to counter discrimination.

Every year in October, the Free State of Saxony, the Dresden Frauenkirche foundation and the Dresdner Bank cultural foundation (Kulturstiftung Dresden der Dresdner Bank) award the Citizens Award ([Sächsischer Bürgerpreis](#)) to associations, initiatives, institutions or individuals to honour their outstanding commitment to society, tolerance and democracy. The prize is awarded in the following five categories:

- social commitment;
- cultural/intellectual commitment;
- commitment to democracy and tolerance (at schools);
- commitment to democracy and tolerance (in sport);
- commitment in refugee activities.

The winners of each category receive 5,000 euros.

## Saxony Anhalt

### Education and civic education

Democracy education is part of the educational mandate enshrined in the Schools Act of the federal state of Saxony-Anhalt. The curricula, teaching methods, decision-making processes within schools and cooperation with partners outside of school are based on this mandate. Cross-cutting issues and competence areas contributing to human rights-oriented learning have been incorporated into the curricula and framework guidelines. “*Acting democratically and strengthening democracy*” has already become an integral part of curricula for grammar schools and specialized grammar schools to be addressed in all subjects.

Intercultural learning across subject areas is a principle to make pupils experience cultural diversity and eliminate cultural prejudice. This includes encounters and exchange, especially within the context of international school partnerships.

School networks such as the ones intended to prevent racism (Schule ohne Rassismus - Schule mit Courage) and promote service learning (Service Learning - Lernen durch Engagement) or UNESCO schools make a valuable contribution to consolidating educational processes fostering democracy.

The state agency for civic education always organizes events, conferences and seminars on issues related to democracy. For example, these events address civic education in rural areas and provide information on issues such as direct democracy, forms of participation, elections, and the threats extremism and group-focused enmity pose to democracy. They also offer the chance to discuss these issues. Analysing the respective social area, gaining new target groups, using new media and qualifying people to empower them to act democratically play an important role in this context. For four years, the state agency for civic education has been addressing these topics by providing services for people of every age, thus fostering democracy at day-care centres and elementary schools. The activities of the state agency also include civic education for adults. The goal is to arouse the interest of persons and target groups that have not been reached so far.

Regarding civic education through remembrance, the foundation for memorials (Stiftung Gedenkstätten) promotes a critical examination of the past and the present.

By addressing the consequences of missing human and citizens' rights, it boosts civil courage and commitment to human rights and democracy. It contributes to preserving the knowledge of the crimes committed during the Nazi regime and imparting knowledge of human rights violations during the Soviet occupation and the SED dictatorship.

### Social commitment to democracy and equality

The coalition agreement of the seventh legislative period stipulates that the state government has the cross-cutting task of continuing and further developing the state programme for democracy, diversity and openness. Together with civil-society actors, local alliances and initiatives, the state programme for democracy, diversity and openness to the world is being further expanded in a procedure based on dialogue to counter the existing xenophobic and anti-democratic resentment. The goal of the state programme is to intensify social cohesion through various prevention and intervention services and activities promoting democracy. The programme is intended to strengthen civil society. Projects and measures strengthening commitment in rural areas should be given special attention. The state programme combines the federal and state programmes already yielding promising results in Saxony-Anhalt into a common strategy.

Efforts to actively address forms of group-focused enmity are supported by tailored services provided by the advisory network against right-wing extremism. The mobile advising teams active in all areas of Saxony-Anhalt support the engagement of civil-society actors to confront right-wing extremist and hostile attitudes, actions and activities. Current priorities include dealing with racist mobilization against refugees and taking action against right-wing populist groups. Based on systemic approaches and a sense of community, these advisory activities aim at establishing permanent civil-society structures. Advisory activities for victims of right-wing violence are targeted at those affected by right-wing or racist violence in Saxony-Anhalt. They support victims and their relatives in coping with the material and immaterial consequences of the crime and help them restore their capacity to act.

The state government of Saxony-Anhalt actively promotes respect for and acceptance of LGBTTI people. In 2015, the state parliament of Saxony-Anhalt asked the state government to implement an action programme providing a framework and comprising all political subject areas of the federal state. The programme was developed in a process based on dialogue. The action

programme to foster the acceptance of LGBTTI people in Saxony-Anhalt is intended to raise awareness of gender and sexual diversity, provide information and increase the visibility of LGBTTI persons in public. At the same time, the goal is to counter violence and discrimination and to make sure that LGBTTI concerns are given special attention as horizontal issues. This action plan serves as a basis for systematically countering the discrimination against persons based on gender identity, sexual development and sexual orientation.

### **Diversity at work, basic and advanced training and strengthening intercultural and social skills**

As a result of the increasingly international character of our economic ties and increased immigration from abroad, more and more businesses in Saxony-Anhalt have multicultural staff with different social and cultural backgrounds. This offers opportunities but also entails risks. Diversity-oriented measures carried out as part of strategic personnel and organizational development help businesses tap the potential of their different groups of employees more effectively for the benefit of their overall organization. In this context, it is indispensable to reflect upon the differences of the staff members, appreciate their strengths and weaknesses and implement a culture of appreciation at work. This goes hand in hand with promoting personal diversity and creating a working environment free of discrimination.

As part of its strategy to ensure the supply of skilled labour and in order to provide small and medium-sized enterprises with targeted support in coping with the demographic and economic change, the federal state assists businesses in implementing a strategic personnel and organizational development. On the one hand, an advisory network on skilled labour (Landesinitiative Fachkraft im Fokus) provides small and medium-sized enterprises with targeted advice on strategies and measures of personnel and organizational development and diversity management. On the other hand, small and medium-sized enterprises may receive funding within the framework of a funding programme (Sachsen-Anhalt WEITERBILDUNG BETRIEB) if they implement measures on staff-oriented personnel policy and diversity management in their enterprises.

### **(Inter)cultural competence in social and living spaces**

Its immigration and emigration history has left a mark on the federal state of Saxony-Anhalt. Integration as a two-way process can work if persons participate equally in education and employment, in everyday life and soci-

ety. At the same time, internationalization can enrich our everyday life and is of advantage to the private sector and the research community. The state government therefore promotes the development of Saxony-Anhalt as a pluralistic and open-minded society that is aware of intercultural issues.

The successful integration of immigrants and refugees goes hand in hand with language skills and vocational qualifications. The German language enables them to access the German labour market. It is key to communication and personal encounters. Language training is provided irrespective of prior knowledge, educational background, age and status under foreigners law. In addition to language training, successful integration into the labour market requires also tailored qualification measures. The network and cooperation of all relevant integration actors at regional and local level is key to developing such services and processes.

The state government attaches great importance to intercultural orientation and openness in order to increase the opportunities to participate. To achieve this goal, authorities and administrations must open up to immigrants and refugees. The focus is on two areas. The first objective is to increase the intercultural competence and communication skills of employees. For example, foreigners authorities receive advice and support regarding their intercultural, professional and social skills. The second objective is to make sure that Saxony-Anhalt's state institutions reflect the diversity of society.

Some members of this increasingly diverse civil society express themselves as experts in integration issues by setting up their own migrant organizations. The federal state supports and empowers them in these efforts by providing workshops and training courses and promoting this commitment. Self-governing organizations of migrants serve as multipliers, social contact points and cultural mediators. We want to make greater use of their diverse commitment to social cohesion.

### **Protection against discrimination and prosecution of criminal offences**

To be able to investigate crimes motivated by right-wing extremism, the public prosecutor's offices now have special divisions dealing with political crimes including capital offences. This ensures that this criminal area is given special attention. Separate statistics are kept on politically motivated crimes.

## Schleswig Holstein

The federal state of Schleswig-Holstein has the following programmes to prevent extremism and promote democracy and action plans to fight homo- and transphobia.

### **State programme to promote democracy and fight right-wing extremism in Schleswig-Holstein:**

The state government has devoted itself to prevention of and intervention in right-wing extremism since 2009. Since then, there has been a state coordinating unit to fight right-wing extremism (LKS) as part of the state prevention council (LPR), formerly the council for crime prevention (RfK), within the Schleswig-Holstein state ministry of the interior and for federal matters. This coordinating unit is responsible for implementing the federal programme Demokratie leben!, which is an initiative of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The unit coordinates statewide prevention, advising, counselling and measures for right-wing extremists who wish to reform, and ensures networking among local activities.

In 2013, the state ministry of the interior and for federal matters provided a special form of support for the region in south-eastern Schleswig-Holstein: 18 months of staff support to draft a viable plan for a project initiated by the city of Ratzeburg to create a regional centre for developing democracy (RZfDE).

The Schleswig-Holstein state government stepped up its fight against right-wing extremism by establishing a state programme to promote democracy and fight right-wing extremism. In addition to the advising structures in Kiel which are funded through the federal programme, three new advising centres for prevention, advising and training to deal with right-wing extremism were opened in November 2013, in Flensburg, Lübeck and Itzehoe. A specialist unit for democracy education was also created to develop curriculum for training multipliers such as teachers and to ensure that knowledge and methods for teaching democracy are disseminated throughout the state.

This unit and the advising centres are run by civil-society organizations and form the core of the state programme to promote democracy and fight right-wing extremism, for which the state government initially provided €300,000 in annual funding. Starting in 2016, this amount was increased to €360,000.

For 2017, the state parliament made more money available for fighting right-wing extremism, bringing the total to €490,000 for efforts in this area.

The state programme also provided co-funding of €30,000 for a state fire service project as part of the Federal Ministry of the Interior programme to promote social cohesion through participation (Zusammenhalt durch Teilhabe).

The state programme is and will continue to be an important and necessary way to help strengthen civil society, support the teaching of democracy and tolerance and promote social integration and intercultural learning. In addition to the cooperation projects with non-governmental organizations mentioned above, individual projects and measures throughout the state are also supported by local communities, various organizations and volunteers.

For more information, see [www.schleswig-holstein.de](http://www.schleswig-holstein.de) (keywords: Landesprogramm zur Demokratieförderung und Rechtsextremismusbekämpfung).

### **State programme to prevent and fight religiously motivated extremism in Schleswig-Holstein:**

Starting in 2015, the federal state initially provided €150,000 for the state programme to prevent and fight religiously motivated extremism in Schleswig-Holstein. The Turkish community in Schleswig-Holstein (registered association) has so far been in charge of implementing this programme as a non-governmental organization under the heading PROvention.

The programme was officially launched on 1 April 2015. It focuses on prevention, intervention and counselling for family members.

The growing number of requests for counselling and the increasingly tense security situation in this area made it necessary to expand the programme, which initially received funding of €210,000 in 2016. Following a successful grant application in 2017, the programme will receive funding of €480,000 annually for two years, supervised by the same organization.

As part of the state programme to prevent religiously motivated extremism in Schleswig-Holstein, the state coordinating unit and the PROvention advising centre offer public events to increase awareness; training for teachers, people who work with refugees and other social workers; workshops for young people; counselling for



family members; and assistance for extremists who wish to reform. Kiel, Lübeck, Neumünster and the outskirts of Hamburg are regions of special focus for carrying out these measures. For example, expert conferences on Salafism and radicalization were held in all four regions in cooperation with the state prevention council LPR, the Institute for Quality Development at Schools (IQSH) and local actors in 2016 and 2017.

The PROvention advising centre is also working to set up and expand existing working groups in the regions where Salafists are concentrated: Kiel, Lübeck, Neumünster and the outskirts of Hamburg (Elmshorn, Pinneberg, Norderstedt).

These working groups are made up of various actors, including youth protection workers, school personnel, streetworkers and youth services open to all.

Immigrant organizations and mosque associations have also been invited to work with the working groups, which are intended to increase exchange between various actors in the region and cooperation in this field, to detect any critical developments at an early stage, and to formulate needs and report them to the state programme.

For more information, see [www.schleswig-holstein.de](http://www.schleswig-holstein.de) (keywords: State programme to prevent and fight religiously motivated extremism in Schleswig-Holstein).

In April 2015, the **Institute for Quality Development at Schools in Schleswig-Holstein (IQSH)** (Centre for Prevention) set up the coordinating unit to prevent religiously motivated extremism, which offers relevant services. With the help of external partners and experts, the IQSH regularly offers general and specific advanced training for teachers and school administrators. Participatory methods and measures which encourage democracy (such as class councils, school parliaments, etc.) are an essential part of pedagogy and pedagogical prevention at the IQSH Centre for Prevention and are taught in a wide range of settings, such as advanced training, school development days, etc. The Centre for Prevention addresses the topic of sex education and sexual orientation with seminars on transsexual children and young people at school and on sexual diversity as an issue at school.

### **True diversity: Action plan for acceptance of diverse sexual identities**

In 2014, in cooperation with the registered association of lesbians and gay men of Schleswig-Holstein (LSVD), the state ministry for social affairs, health, research and equality produced an action plan for acceptance of diverse sexual identities (Echte Vielfalt – Aktionsplan für Akzeptanz vielfältiger sexueller Identitäten). The action plan calls for various measures (events, information material, an alliance to be founded to combat homophobia, etc.) to provide information on different lifestyles and sexual orientations and increase acceptance of them. The action plan seeks to reduce persistent discrimination against lesbians, gay men, bisexual, trans- and intersexual and queer persons (LGBTIQ) while creating a social climate in which all persons can openly acknowledge their sexuality.

Many associations and organizations are participating under the aegis of the diversity action plan, including the LSVD, the Christopher Street Day (CSD) associations in Kiel and Lübeck, the group Na Sowas and the registered association HAKI. For more information, see [www.echte-vielfalt.de](http://www.echte-vielfalt.de) and [www.schleswig-holstein.de](http://www.schleswig-holstein.de) (keywords: true diversity and sexual identities).

## Thuringia

The central instrument is the Thuringia state programme for democracy, tolerance and cultural openness,<sup>15</sup> which supports all civil-society actors involved in this area, describes the fields of necessary government action and brings both levels together in a comprehensive strategy.

The programme is intended to provide ideas, assistance and support to strengthen democratic and non-violent structures, procedures and attitudes oriented on human rights.

To do so, the state programme describes structures and projects in primary, secondary and tertiary fields of preventive action.

To achieve the goals set by the state programme, the state government will provide the necessary resources, subject to state budgetary constraints, in order to assist the structures and projects described in the following and to ensure their existence over the long term.

In particular, the **partnerships for democracy** funded by the federal programme Demokratie leben! are intended to support local actors, civil alliances, clubs, organizations and networks in partnership with local government and administration to develop vital and pluralistic democracy. The state government seeks to establish these partnerships in all counties and municipalities in line with local needs and has set aside appropriate co-funding to do so.

**Mobile advising services** work to counter right-wing extremism, prejudice, discrimination and exclusion and help build up and advise long-term civil-society structures. These are need-based advising and support services with the aim of increasing democratic and human-rights oriented civic engagement in the community to confront right-wing extremist, right-wing populist, neo-Nazi and hostile attitudes and behaviours.

**Counselling services for victims of right-wing, racist and anti-Semitic violence** and prejudice address those directly affected by these criminal and violent offences as well as their family members and witnesses. Provided by non-governmental actors, these services seek to help those affected deal with the impacts of such violence,

assert their rights and increase their ability to act. Persons affected should ideally be able to seek counselling as early as possible after experiencing violence. Counselling and support services are designed to be easy to access and are oriented on clients' individual needs.

Thuringia supports expert, **low-threshold counselling services** for extremists who wish to reform. These services seek out those interested in reform and help them through the process of leaving the old milieu behind and becoming reintegrated in society.

Many people in Thuringia are interested in volunteering in **sport organizations, fire services and many different social welfare organizations**. Offering a wide range of services, including intercultural and social work with migrants, these organizations address a large share of the population. They have the potential both to employ and to help large numbers of people, especially in rural areas.

This state programme therefore funds projects which help confront ideologies of inequality in sport, fire services, associations and organizations across the board and also support activities which promote democracy.

It is especially important to teach young people the value of democracy, tolerance and cultural openness. One place where this can happen is at school. Projects which help children and young people at school learn and practise democracy, tolerance and cultural openness have funding priority. Learning processes in which children and young people organize, determine and direct their learning themselves, learning with and from each other (peer-group education), are especially suitable. It is also necessary to make sure that all kinds of schools and younger pupils are included, because early influence is important, and anti-democratic groups also increasingly seek to target children.

Other important sites for democracy and human-rights education are child and youth services, in particular **out-of-school education for children and young people**. Here, support should go to projects which use a variety of methods to address current challenges in a way appropriate to their intended audience and are able to increase understanding for social discourse and participation in it.

Confronting intolerance and hostility to democracy requires knowledge and skills. The state programme to promote democracy, tolerance and cultural openness therefore includes **educational offerings** tailored to

<sup>15</sup> The complete text can be viewed at [www.denkbunt-thueringen.de](http://www.denkbunt-thueringen.de).

the needs of specific target groups. These offerings are targeted in particular at specialists, staff and multipliers in the field of adult, senior, youth and elementary education; in associations and organizations; in political office, public administration and advising; in the police and justice system; in companies and businesses; and in civil society.

Current trends and research results as well as local and interregional developments must be **scientifically analysed** and prepared for the public to deal with in Thuringia and elsewhere. The work of competent research institutions should increase knowledge, while research results and methods should be applied to matters previously impossible to judge in the state programme. Research institutions produce threat analyses and focus on specific aspects of the quality of structures, processes and results in the context of the described threats to democratic culture in Thuringia and on the main goals of the state programme. These institutions should serve as points of contact for those carrying out the state programme, in a dialogue and as a point of transfer between research and praxis.

#### **Areas of action for state policy and government action**

##### **1) Awareness-raising, education and training**

The Thuringia state curriculum for pupils up to age 18 and greater emphasis on civics and history support the aims of the state programme, as does improving the regular offerings of organizations working with young people. In the area of civic education, the state agency for civic education (LZT) offers a variety of events and publications reflecting a broad interpretation of what constitutes democracy education. The LZT's offerings in the area of primary and secondary prevention are aimed at forming and reinforcing human-rights oriented attitudes and behaviours and at overcoming discriminatory attitudes, especially among young people. The state government's integration strategy promotes the participation of people with an immigrant background in all areas of society, thereby encouraging interaction in an open and pluralist society.

##### **2) Enabling public administration, the police and justice system to take appropriate action**

The state government of Thuringia takes rigorous action to counter anti-democratic and politically or religiously motivated crime. The possibility to deny permission and issue bans is used in particular against right-wing extremist marches and concerts. The state government also helps local governments make consistent use of law on public assemblies and public order.

The justice system in Thuringia plays a key role in ensuring and protecting democracy and the rule of law. Public prosecutors and courts rigorously prosecute politically motivated crime. But the justice system also has a preventive role, for example in aid for offenders and in probation assistance. The same applies to corrections: To prevent radicalization and to keep anti-democratic groupings from forming, agitation aimed at weakening the liberal democratic order is not tolerated in prisons.

##### **3) Anti-discrimination**

To counter homo- and transphobia, the state programme for acceptance and diversity was drawn up in a horizontal and participatory process. The right, to be further developed with the programme, to diversity of individuals and in society addresses the demand that no one may suffer discrimination on the basis of gender, sexual orientation or sexual identity.

# Annex II

## Protecting human rights and eradicating discrimination

Civil society requirements for the Federal Government's National  
Action Plan to Fight Racism, Homophobia and Trans\*discrimination

as at: 3 May 2017

*The decision was taken in the “Forum against Racism”, an internal platform for discussion and information sharing, conducted by the Federal Government and non-governmental organisations, in the course of discussion about the NAP for civil society organisations to integrate their own editorially independent text in terms of content into the scope of the NAP as a further element of a participatory process. The aim is to create maximum transparency in the discussion about social policy issues.*

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## 1. Preliminary remarks

This paper was drawn up by civil society organisations operating nationwide in the areas of protection against racial discrimination and protection of lesbian, gay, bisexual, trans\* (transsexual/transgender), intersex and queer persons (LGBTIQ\*). It was drawn up as part of a consultation and coordination process within the framework of the Network against Racism (Netz gegen Rassismus), and a network of LGBTIQ\* organisations that has been coordinated by the Association of Gays and Lesbians (Lesben- und Schwulenverband (LSVD)), the federal association Trans\* (BVT\*) and Lambda, a youth network, since late 2015. The Forum Menschenrechte (Human Rights Forum) supports this paper. It sums up key requirements for the National Action Plan against Racism, Homophobia and Trans\*discrimination.

The paper outlines the key requirements to be met by the National Action Plan (NAP) from the civil society perspective. However, it should not be perceived as a comprehensive programme nor does it outline all the positions, assessments or distinctions made by the individual civil society organisations.

The Federal Government has informed the UN Committee on the Elimination of Racial Discrimination that the following persons face racial discrimination: Jews, Black People, Sinti and Roma as well as Muslims and persons being discriminated against because they are thought to be Muslims. In its closing remarks, the UN Committee on the Elimination of Racial Discrimination refers to the intersectional discrimination of persons belonging to the above-mentioned groups and the LGBTIQ\* community.

The selection of issues addressed and level to which they have been delved into are to be construed merely as examples. There may be additional requirements for the NAP in areas that tend to be either disregarded or taken into consideration to a lesser extent or, in terms of other groups affected by discrimination, that tend to be ignored owing, inter alia, to the different starting prerequisites of advocacy groups.

Civil society requirements do not apply exclusively to fields of tasks that come under the immediate remit of the Federal Government. In the federal system, the Federal Government should seek to develop structured cooperation with the Federal Länder and local authorities in the interest of implementing the National Action Plan.

## 2. Introduction and definition of terms

*“Human dignity is inviolable.”*

This commitment to human dignity is enshrined in the first sentence in Article 1 of the Grundgesetz (Basic Law). The values and fundamental rights of the German constitution are derived from this commitment. The general and comprehensive prohibition of discrimination enshrined in the Basic Law is directly binding on the legislature, executive and judiciary.

Fundamental human rights such as the prohibition of discrimination and the right to equality have to be reinforced time and again in everyday life, especially in an ever-changing society against the backdrop of the globalisation of industry and immigrant societies. Equality and protection against racial discrimination are essential regardless of gender, age, religion, social class, disability, sexual orientation or sexual identity.

One of the basic requirements of the National Action Plan is to establish coherence with the United Nations' and Council of Europe's international instruments for the protection of human rights where it is currently lacking.

### 2.1 Racial discrimination

Racial discrimination is renounced globally by international human rights conventions such as the International Convention on the Elimination of all forms of Racial Discrimination adopted on 7 March 1966. This renunciation is also reflected in the instruments of the Council of Europe, in European law and the German Basic Law.

Pursuant to Article 1.1 of International Convention on the Elimination of all forms of Racial Discrimination, racial discrimination means *“any distinction, exclusion, restriction or preference”* 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 public life. The key criterion in assessing racial discrimination is the impact it has rather than the motivation behind it.

The Federal Government identified four particularly vulnerable ethnic groups in its State Report to the UN Committee on the Elimination of Racial Discrimination

2013<sup>16</sup> (items 31-48): Sinti and Roma, Jewish communities, Muslims and Black People<sup>17</sup>. These ethnic groups were also identified in the Parallel Report using background documentation gathered by civil society organisations.<sup>18</sup> However, any such categories and portrayals can never be considered to be complete or exhaustive; they are merely the result of ongoing social negotiating processes.

The protection afforded by the Convention encompasses all persons affected by racial discrimination without distinction. It includes refugees, Sinti and Roma, “*people of colour*” and people who experience discrimination because of their religion. The principles and goals derived from this understanding of human rights for various political fields of action were defined by the Federal Government and civil society in the policy statement issued on 6 October 2015<sup>19</sup>.

Generally speaking, racial discrimination involves a social process that is defined by the following characteristics:

1. The assumption that a person belongs to a certain group,
2. The attribution of negative features to persons belonging to “*different*” groups in social debate,
3. Discriminatory or racist actions, norms and structures.

Racism can also be manifested in racist remarks, direct or indirect discrimination (inequality), racially-motivated crime and acts of violence or institutional or structural forms of marginalisation.

Racial discrimination must be pointed out clearly and directly wherever it occurs. People need to overcome their frequently observed reluctance to use the word “*racism*”. There is no point in beating around the bush using expressions such as “*xenophobia*” as this conceals people’s perception of otherness, causing them to see things from the racist perspective.

In Germany, the notion of racism is interpreted too narrowly and is linked to organised right-wing extremism. This leads to the deceptive assumption that people and their actions that cannot be assigned to the right-wing, extremist milieu cannot be racist, blurring the perception of institutional and structural forms of racism.

Racism should not be carelessly linked to right-wing extremism. Right-wing extremism is generally associated with people belonging to a right-wing extremist organisation or party and espousing their ideology and actions. It presupposes a more or less entrenched world view based on authoritarian concepts. “*Everyday racism*” as an everyday phenomenon and racial discrimination should not be automatically linked to right-wing attitudes and is also prevalent outside right-wing extremism

## 2.2 Hostility towards lesbian, gay, bisexual, trans\*, intersex and queer persons

Terms used in reference to hostile attitudes do not remain static but are the subject of continuous debate, and rightly so. People object to the term “*transphobia*” because of its proximity to pathologisation (phobia = anxiety disorder). The main argument against the term “*phobia*” is that it focuses on the notion of the perpetrators’ fear rather than their aggressiveness. Nonetheless, the term “*trans\*discrimination*” is used in this paper.

The term “*homophobia*” essentially covers similar concerns although in recent years it has become an established term in vernacular used in Germany as a collective term for antipathy against lesbians and gays which can also include hostility against bisexual persons. It tends to be used without being associated with its origin in social psychology.

This explains why homophobia is being used as a common term in this context. Hostility towards LGBTIQ\* will be used in the following as a general term.

Criminal acts and acts of violence, attacks and enmity towards the LGBTIQ\* community, discrimination and

<sup>16</sup> Bundesrepublik Deutschland, 19.-22. Staatenbericht an den UN-Antirassismusausschuss. (Federal Republic of Germany, 19th to 22nd State Report submitted to the UN Committee on the Elimination of Racial Discrimination) Accessible online at: [http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-Dateien/Pakte\\_Konventionen/ICERD/icerd\\_state\\_report\\_germany\\_19-22\\_2013\\_de.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICERD/icerd_state_report_germany_19-22_2013_de.pdf)

<sup>17</sup> “*Black People*” is written in capital letters to indicate that it is to be construed as a political term in this context. Bundesrepublik Deutschland, 19.-22. Staatenbericht (Federal Republic of Germany, 19th to 22nd State Report), accessible online at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=977&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=977&Lang=en)

<sup>18</sup> Diakonie Deutschland (Hrsg.): *Rassistische Diskriminierung in Deutschland*, Parallelbericht an den UN-Antirassismusausschuss, Berlin 2015 (Diakonie Deutschland (The social welfare organisation of Germany’s Protestant churches), publisher: Racial discrimination in Germany: Parallel Report to the UN Committee on the Elimination of Racial Discrimination, Berlin 2015, <http://rassismusbericht.de/un-antirassismusausschuss/>)

<sup>19</sup> Statement issued by the Forum against Racism, 2015. Accessible online at: <http://www.bmi.bund.de/SharedDocs/Kurzmeldungen/DE/2015/11/erklaerung-fgr-2015.html>



disadvantages are part of reality in Germany. Persons who are hostile towards LGBTIQ\* deny lesbian, gay, bisexual, trans\*, intersex and queer people equal rights and equal human dignity. Religious fundamentalists, right-wing populists and right-wing extremists who are increasingly well networked are fighting vigorously to deny LGBTIQ\* equal rights and development opportunities and to exclude them from public life. They are using hate slogans against educational systems that embrace diversity in many places, for instance, and criticise the alleged “*gender mania*” in an antifeminist way. Yet there is evidence of hostility towards LGBTIQ\* persons and of hostile attitudes and actions towards them above and beyond the above-mentioned spectrum – even at the so-called “*heart of society*”.

After all, structural and institutional barriers continue to prevent LGBTIQ\* persons from participating fully in societal life and from comprehensively exercising their human rights.

We assume that the Federal Government’s Action Plan against Racism, Homophobia and Trans\*discrimination is focusing equally on the rights of bisexual and intersex persons and persons of other sexual orientations, gender identities and genders.

A distinguished group of international human rights experts adopted the so-called “*Yogyakarta Principles*”<sup>20</sup> as far back as 2006, setting out the first systematic principles on equality for lesbian, gay, bisexual, and trans\* persons. A number of countries have announced that their basis for action will be governed by the Yogyakarta principles. They provide an important foundation and impetus for the National Action Plan in Germany although they need to include matters relating to intersex persons.

It is also important to ensure that measures aimed at preventing hostility towards lesbian, gay, bisexual, trans\*, intersex and queer persons are not tackled as isolated phenomena but in the overall context involving the prevention of and fight against other manifestations of group-related enmity.

This opens up an intersectional perspective that takes the diversity of the LGBTIQ\* community into account while focusing on multiple discrimination, given that LGBTIQ\* may also face enmity and structural disadvantages for other reasons.

### 3. Principles governing the development and implementation of the National Action Plan

The following principles in particular will play an important role in determining the success of a national strategy aimed at preventing racism and hostility towards the LGBTIQ\* community from a civil society perspective.

#### Requirements for the National Action Plan (hereinafter referred to as: NAP):

- The NAP should contain unequivocal target agreements and strong voluntary commitments as well as clear timeframes and work schedules for the implementation of measures.
- The publication by the United Nations High Commissioner for Human Rights “*Developing national action plans against racial discrimination – a practical guide*”<sup>21</sup> should be taken into consideration when developing the guiding principles and structure of the NAP.
- Racism and LGBTIQ\* issues should be addressed jointly wherever it is expedient to do so. Specific anti-discrimination needs should be taken into account in a targeted and intersectional way, focusing on special vulnerabilities.
- The National Action Plan should be developed by all Ministries adopting an interdisciplinary approach in a close dialogue with civil society and the communities. All the relevant social players, associations and federations, trade unions and companies, experts from the world of media, academia, culture and sport, religious communities and non-confessional communities should also be invited to participate in developing a national strategy aimed at preventing racism and hostility towards the LGBTIQ\* community.

<sup>20</sup> Principles on the application of international human rights law in relation to sexual orientation and gender identity. Accessible online at: <http://www.yogyakartaprinciples.org>. Relevant German publication: Hirschfeld-Eddy-Stiftung (Hrsg.): Die Yogyakarta-Prinzipien. Berlin 2008. (Hirschfeld-Eddy Foundation (publisher): The Yogyakarta Principles. Berlin 2008. Accessible online at: [http://www.hirschfeld-eddy-stiftung.de/fileadmin/images/schriftenreihe/yogyakarta-principles\\_de.pdf](http://www.hirschfeld-eddy-stiftung.de/fileadmin/images/schriftenreihe/yogyakarta-principles_de.pdf)

<sup>21</sup> New York and Geneva, 2014, <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>.

- A sustainable national strategy needs to be developed on the basis of the action plan actively promoting respect for diversity. It should be accompanied by appropriate public relations work.
- As important fields of activity such as education come under the remit of the Federal Länder, binding measures should be taken to involve them in developing the NAP. The competencies of the Federal Länder should be defined. The Federal Länder should also draw up their own action plans if they have not done so already.
- Sufficient funds need to be appropriated for the implementation of measures associated with the National Action Plan. This also includes providing the structural funding required by civil society organisations for the sustainable implementation of the action plan.
- The measures of the action plan should also be managed and implemented in close cooperation with civil society, for instance, through an advisory board. In addition, the individual steps of the action plan should be evaluated, strategies and measures should be reflected upon and be further developed based on experience gained on a broad scale at regular intervals via public conferences.

## 4. Overarching approaches

### 4.1 Enshrinement in the Basic Law

Racial discrimination and hostility towards the LGBTIQ\* community are incompatible with the basic values enshrined in the Basic Law. They blatantly contravene Germany's free and democratic order which is founded on social principles. They are also incompatible with the principle of equality enshrined in Article 3 of the Basic Law.

#### Requirements for the NAP:

- In order to strengthen protection against racial discrimination, the term “race” should be replaced in the Basic Law and other legal texts and regulations by wording that focuses on the prohibition of racial discrimination.
- “No person shall be disfavoured because of their sexual identity or gender identity” should be added to Article 3 of the Basic Law.

### 4.2 Identifying and tackling institutional discrimination

The term “*institutional racism*” was used for the first time by the public at large, albeit with extreme caution, in the debate about the murders committed by the National Socialist Underground (NSU) in Germany.

*“Institutional racism is [...] the collective failure of an organisation or institution to provide persons affected by racism with suitable and professional services and facilities. It can be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping.”*<sup>22</sup>

This definition is based on the Sir William MacPherson Report<sup>23</sup> published in the United Kingdom in 1999.

The misunderstanding often arises that the term “*institutional discrimination*” reflects a general assumption that employees of the police force or other institutions are racist or act intentionally or single-mindedly in a racist manner. Institutional forms of discrimination occur in places where employees do not necessarily share or are guided by racist convictions. Institutional discrimination does not automatically presume there is one “*perpetrator*”. Rather, institutional discrimination can occur at an institution or in a system that fails to actively prevent or counteract inequality. The term refers above all to the result of action or services provided by the organisation and the impact this action may have.

Legislation also has the potential to marginalise specific groups in terms of its outcome. This can have intended or unintended legal consequences for persons facing marginalisation.

The LGBTIQ\* community faces the same mechanisms of institutional discrimination owing to the automatic assumption that a person is heterosexual and/or cisgender. This means that matters relating to LGBTIQ\* persons tend to be ignored in structural terms. Heteronormativity is a view that considers heterosexuality

<sup>22</sup> from: Büro zur Umsetzung von Gleichbehandlung e.V.: Polizeiliche Untersuchungen bei rassistisch motivierten Straftaten. 2011. (Bureau for the Implementation of Equal Treatment: Police Investigations into Racially-Motivated Crime. 2011) Accessible online at: <http://www.bug-ev.org/themen/schwerpunkte/dossiers/polizeiliche-untersuchungen-bei-rassistisch-motivierten-straftaten.html>.

<sup>23</sup> The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William MacPherson of Cluny. London, 1999. Accessible online: <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>.

and adherence to a strict gender binary to be normal and “*natural*” and uses it as a benchmark for everything, leading to exclusion and marginalisation.

There is evidence of structures in a large number of institutions and organisations that cause or facilitate racial discrimination and discrimination against the LGBTIQ\* community. The obligation to prevent and tackle institutional forms of discrimination is not just incumbent upon security authorities or administrative authorities but also schools, sport clubs and social organisations.

#### Requirements for the NAP:

Groups facing racial discrimination and/or other types of discrimination need solidarity and protection. They should be strengthened by government action and measures implemented by public institutions and social organisations. They should be included in the development of strategies and solutions.

- Institutional racial discrimination and other types of discrimination should be identified as such; it should be analysed and tackled in all its guises.
- The measures aimed at preventing “*subconscious prejudicial structures*” in the police force, the judiciary and other authorities proposed by the Committee of Inquiry into the National Socialist Underground (NSU) of the German Bundestag need to be implemented consistently.
- Relatives of the victims and victims of NSU murders need to be rehabilitated in society.
- Equality mainstreaming should be introduced in public and other relevant institutions based on experience gained with gender mainstreaming. Comprehensive diversity management should include bringing structural staff adjustments into line with the diversity of the population and anti-discrimination training should be provided for all public employees.

### 4.3 Multiple and intersectional discrimination

People are frequently discriminated against on more than one ground. This is known as multiple and intersectional discrimination. This, for instance, affects LGBTIQ\* persons belonging to groups that face racial discrimination. They are particularly vulnerable if

they are also seeking asylum.<sup>24</sup> Even though multiple discrimination tends to be common in everyday life, when processed by the judiciary, discrimination is generally perceived and tackled as a one-dimensional phenomenon.

#### Requirements for the NAP:

- Discrimination owing to several characteristics should be taken into account in application of the law and in advisory practice. Section 15 (2) and Section 21 (2), third sentence, of the German General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz (AGG)) need to clarify that multidimensional discrimination may constitute grounds for entitlement to higher compensation.
- Schools and other educational institutions should take the special vulnerability of underage LGBTIQ\* who belong to a group experiencing racial discrimination into account.
- Awareness should be raised among lawyers and judges, security forces, social workers and medical staff as well as employees involved in recognising refugees of multidimensional forms of discrimination and they should undergo relevant training.
- More academic analyses should be conducted in order to assess multiple discrimination and the impact it is having on persons facing it in order to facilitate the appropriate response.
- Intersectional discrimination should be incorporated into the respective funding guidelines at interministerial level, taking the expertise of persons concerned into account.

### 4.4 Data on equality and participation, research into racism, homophobia and trans\*discrimination

The term “*equality data*” will also be used above and beyond the gender area for all the groups referred to in the above-mentioned chapter on NGOs who experience discrimination, marginalisation and inequality. Gathering data on the equality and participation of specific

<sup>24</sup> Bea Cobbinah, Rassistische Diskriminierung und Gewalt gegen lesbische, schwule, bisexuelle, Trans\*- und Inter\*Personen in Deutschland (Racial discrimination against lesbian, gay, bisexual, trans\*, intersex and queer persons in Germany), <http://rassismusbericht.de/wp-content/uploads/Rassismus-gegen-LGBT-QI-of-Color.pdf>.

groups and socio-demographic data on the situation relating to education, employment, income and life situation of groups facing discrimination is a key tool for identifying and quantifying discrimination. This is necessary in order to prove institutional discrimination exists and to establish positive measures (cf. Chapter 4.5) aimed at eradicating it. Wherever the law has defined data as sensitive<sup>25</sup>, this type of data can only be collected if the protection of privacy and data protection are strictly observed and if the data is collected on the basis of voluntary self-identification. The research approach should be coordinated as closely as possible with civil society organisations and organisations representing the interests of the groups covered by the survey.

Up to now, a migration background (Migrationshintergrund) has been virtually the only criterion used as a statistical category for racial discrimination on which data is collected in the (micro)-census. This criterion is neither expedient nor adequate for recording data on racial discrimination. This has also been pointed out by the UN Committee on the Elimination of Racial Discrimination. After all, not everyone with a migration background experiences racial discrimination and not everyone who experiences discrimination has a migration background. It is not possible, for instance, to gather data on the experience of persons belonging to vulnerable groups such as third and fourth generation people of colour.

Research into the life situation of groups experiencing racial discrimination needs to be conducted on specific groups – there is a particularly large deficit in research conducted into Black People. In 2016, Germany organised an event to kick off the International Decade for People of African Descent proclaimed by the United Nations. However, there is no knowledge of any further measures being implemented to portray or process discrimination against the up to one million Black People living in Germany according to the “*UN Working Group for People of African Descent*”.

Little research has been conducted into the life situation of LGBTIQ\* persons in Germany or into discrimination or hostility towards the LGBTIQ\* community. A lot of the social research conducted is based on heterosexuality as the norm which frequently disregards the LGBTIQ\* community as a section of the population.

#### Requirements for the NAP:

- There is an urgent need to obtain more information about equality and participation. Relevant data should be collected both at the relevant institutes and universities, by the Federal Statistical Office and the Land Statistical Offices. Group-specific demographic data should be collected on the education, income and life situation of persons experiencing discrimination based on the principles of data protection, voluntariness and self-identification. Information should be made accessible in academic studies and surveys but also through systematic evaluations of legal action, court rulings and complaints filed with the Anti-Discrimination Agencies of the Federal Government and the Federal Länder.
- More differentiated categories should be added to the somewhat vague term “*migration background*” used in the census.
- In relation to equality of groups referred to in the General Equal Treatment Act, companies should draw up and publish annual equality reports aimed at creating non-discriminatory processes in the world of employment.
- Greater attention should be paid to research on discrimination and this research should be intensified. Processes and everyday events leading to stigmatisation and marginalisation as well as forms of structural discrimination need to be examined in greater detail.
- As such, funding needs to be provided for the hitherto greatly underfunded research into the extent, manifestations and causes of hostility towards LGBTIQ\* persons in order to facilitate the optimisation of counter-strategies, enlisting the services of competent experts.
- The International Decade for People of African Descent proclaimed by the United Nations should be leveraged as an opportunity to greatly enhance knowledge about Black People through an action programme launched by the Federal Government.
- Similar to the Independent Panel on anti-Semitism whose recommendations<sup>26</sup> published in 2017 should be taken into account, institutional anchoring in the Federal Government is needed to facilitate independent and academic work in relation to the concerns of Black People, Sinti and Roma and persons discriminated against as Muslims.

<sup>25</sup> “*Sensitive data*” refer to special categories of personal data, such as information on a person’s racial or ethnic origin, political opinions, religious or philosophical convictions, union membership, health or sex life pursuant to Section 3 (9) of the Federal Data Protection Act (Bundesdatenschutzgesetz).

<sup>26</sup> <http://dip21.bundestag.de/dip21/btd/18/119/1811970.pdf>.

## 4.5 Implementing preventative equality measures

### a) Positive measures

In order to actively prevent discrimination, positive measures need to be implemented in accordance with Section 5 of the General Equal Treatment Act. Groups affected by discrimination stand to benefit from programmes and measures aimed at compensating them if they have been disadvantaged in the past. Funding, for instance, for prioritised access to the labour market for persons with disabilities or women's access to executive positions is already enshrined in the law in Germany. However, no such positive measures have been implemented for LGBTIQ\* persons affected by racism or discrimination.

#### Requirements for the NAP:

- Positive measures need to be taken in areas such as employment and education in order to eliminate marginalisation.
- State institutions need to lead the way, demonstrating best practices by undertaking a commitment to adopt diversity strategies that explicitly include persons experiencing racial discrimination and LGBTIQ\* persons facing discrimination, taking responsibility by acting as role models for acceptance and appreciation of sexual and gender diversity vis-à-vis their staff and in their dealings with citizens.

### b) Equality obligations

Positive experience is being gained in the United Kingdom with “*public sector Equality Duty*”<sup>27</sup>. It envisages the public sector developing legally binding equality programmes that define a specific goal and issue a progress report at regular intervals. The national anti-discrimination agency has the mandate to ensure equality programmes are being properly implemented and can help to develop equality programmes. This kind of approach would also be helpful and meaningful in Germany.

#### Requirements for the NAP:

- The public sector should be obliged to develop and implement equality programmes for groups of people afforded protection under the General Equal Treatment Act.

- Public-sector equality obligations involve enshrining goals to be accomplished in law (for instance, in relation to staff diversity and representation of minority groups at all levels of the hierarchy), identifying measures aimed at equality for the protected groups and making provision for regular reports and evaluations to be carried out based on concrete indicators.
- An agency that has a statutory mandate such as the Federal Anti-Discrimination Agency should monitor reporting and impose a binding obligation on public administrations to draw up reports that have hitherto omitted to do so. If they fail to do so or if they fail to accomplish defined goals, the agency should offer support and be able to impose reasonable sanctions.

### c) Specific measures relating to LGBTIQ\* persons

The public sector needs to implement specific measures in order to counteract discrimination against the LGBTIQ\* community.

#### Requirements for the NAP:

- Job advertisements, official forms and all other documents should be designed to be gender-sensitive or gender-neutral,
- Guidelines on gender transitioning should be introduced for all stakeholders, i.e. guidelines for federal administrations and subordinate authorities, describing best practices for dealing with staff who are transitioning<sup>28</sup>.
- The needs of trans\* persons, intersex persons and gender non-conforming persons should be taken into account in public sector sanitary facilities, changing rooms and uniforms.

<sup>27</sup> “*public sector Equality Duty*”. cf. Government Equalities Office (2011): accessible online at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85041/equality-duty.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf).

<sup>28</sup> Transitioning means passage. Trans\* people take measures to bring their appearance and body into line with their gender identity. This may include medical procedures such as the intake of hormones or surgery, legal procedures or expert attestations under the so-called Gender Recognition Act (Transsexuellengesetz (TSG)) to change one's first name or civil status.

## 5. Specific action initiatives

### 5.1 Protection against and prevention of discrimination

#### a) Expanding the statutory protection against discrimination in the General Equal Treatment Act

Ten years of experience with the General Equal Treatment Act highlight its strengths and weaknesses. The time has come to make the appropriate amendments to the Act now that the various players have published proposals for strengthening it.

#### Requirements for the NAP:

- Any amendment to the General Equal Treatment Act should be coordinated with civil society associations, including associations of persons facing discrimination.
- An amendment should strengthen the General Equal Treatment Act particularly with regard to the derivative right of action, the right of associations to institute proceedings, the extension of periods within which court action must be brought, sanctioning systems, the abolition of unjustified exemptions, expansion of the grounds for discrimination including the explicit designation of “gender expression” as grounds for discrimination.
- An amendment to the General Equal Treatment Act must incorporate state action into protection from discrimination.
- The Federal Länder need to adopt anti-discrimination laws for areas that come under their remit such as education and policing.
- The Federal Government should cease blocking the Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM 2008/426 (2008/0140/APP) and should instead support the further negotiating process.
- The Federal Republic of Germany should also institutionalise a procedure that examines the discriminatory impact proposed legislation, regulations and official acts are likely to have based on a General Equal Treatment Act that has a broader scope.
- Endeavours to prevent discrimination must be recognised as a charitable purpose in the German Fiscal Code.

- Public procurement law should be reviewed in order to enhance funding of diversity. Anti-discrimination principles should be observed when contracts are awarded from public funds.

- The exemption clause set forth in Section 19 (5), third and fifth sentences, of the General Equal Treatment Act (exemption relating to access to housing) should be deleted in its entirety as part of an amendment to the General Equal Treatment Act.

#### b) Legislation aimed at eradicating discrimination against LGBTIQ\* persons

Hostility towards LGBTIQ\* persons is the product of ideologies of inequality that involve devaluing people. These ideologies will be permanently reinforced unless the state grants LGBTIQ\* equal rights. A policy aimed at cracking down on homophobia and trans\*discrimination and other forms of group-focused enmity while denying equal rights to LGBTIQ\* persons loses all credibility. The permanent eradication of legal discrimination is an essential, integral part of an effective action plan for eliminating hostility towards LGBTIQ\*.

#### Requirements for the NAP:

- Same-sex couples and persons of all genders need to be accorded equal rights by virtue of Section 1353 of the Civil Code which allows them to enter into same-sex marriage.
- The fundamental right of intersex persons to physical integrity needs to be enforced and our legal system needs to safeguard the right to self-determination for intersex persons.

#### This includes:

- The statutory ban on the carrying out of medical procedures on intersex persons not necessary for their survival without their complete, free and fully-informed consent,
- A significant extension of the limitation period for violations of the right to sexual self-determination (Section 199 of the Criminal Code) and the obligations to keep medical records (Section 630f (3) of the Civil Code)

- A reform of the Civil Status Act (Personenstands-gesetz) that takes the fundamental right to self-determination of every individual into account and provides unbureaucratic alternatives to the status “male” and “female”.
  - Gender recognition legislation should be reformed to take human rights into account, focusing on self-determination and in particular
    - Abolishing the Gender Recognition Act as a special act and incorporating the requisite provisions into existing law,
    - Allowing people to change their first name and civil status simply by filing an application with the registry office, without requiring them to submit an expert opinion, medical certificates or to institute judicial proceedings,
    - Strengthening the ban on disclosure and sanctioning infringements to ensure they actually have a deterrent effect,
    - Including the legal entitlement to reissuance of references and work-related documents (as originals) for persons changing their name or civil status as well as provisions covering the eventuality that the issuing authority no longer exists. To this end, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (as the responsible authority) should draw up a reform proposal for the Gender Recognition Act in coordination with the Federal Ministry of the Interior and the Federal Minister of Education, Science, Research and Technology. It should do so following consultation with associations representing the interests of trans\* people, the German Institute for Human Rights, the Federal Anti-Discrimination Agency and with the assistance of legal-emancipatory experts. There is no explicit need for medical experts to be consulted since it is not relevant for the legal procedure involved in changing a person’s first name and/or civil status.
  - Persons who were the victims of criminal prosecution for engaging in homosexual activities in Germany after 1945 in violation of their human rights need to be rehabilitated and compensated by law.
  - Intersex persons who underwent surgical procedures as minors to change their gender without their consent must be awarded compensation.
  - The violation of human rights of trans\* persons who were forced to undergo surgical procedures to change their external gender features or sterilisation prior to 11 January 2011 pursuant to Section 8 of the Gender Recognition Act in order to gain recognition of the civil status of their perceived or actual gender and/or to be able to enter into a marriage or registered partnership need to be recognised and the victims need to be awarded compensation.
  - When the General Equal Treatment Act is amended, exemptions for religious communities and the institutions assigned to them need to be abolished as they pose a major risk of discrimination, particularly for LGBTIQ\* persons.
  - All discrimination of same-sex parents needs to be eliminated in family law and in the law of descent in relation to the law on adoption and the right to start a family. Incorporate trans\* persons and intersex persons into the law of descent (amending Sections 1591 ff. of the German Civil Code).
  - Incorporate gender diversity into the wording and content of all federal laws and public documents.
- c) Strengthening anti-discrimination advisory structures**  
The Federal Anti-Discrimination Agency has the mandate to provide advice to persons experiencing discrimination, to conduct studies and to carry out public relations work. It is not sufficient from the perspective of civil society to have an agency at federal level only. The access opportunities are also inadequate for the persons concerned. International human rights bodies recommend that Germany entrust the Federal Anti-Discrimination Agency with responsibility for investigating individual complaints and instituting judicial proceedings.
- Requirements for the NAP:**
- Independent advisory services for the prevention of discrimination need to be developed nationwide and at local level. They should be eligible for public funding.
  - Expand the powers of the Federal Anti-Discrimination Agency with
    - a mandate to provide advisory services even in the event of incidents involving discrimination resulting from state action and
    - a guarantee of independence following the German Institute for Human Rights..

- It is essential to expand the structure and funding of the ADS based on needs.

#### d) Shaping employment so that it rules out discrimination

In 2012, the Federal Government defined the following two goals in the National Action Plan for Integration (NAPI)<sup>29</sup>

“a) Increase job and employment opportunities and upskilling” and

“b) Enhance operational integration”,

as two of four strategic goals in the employment sector for migrants. Sustainable measures that safeguard equality in the long term need to be implemented to accomplish these goals. The associated operational goals, measures and instruments are about to be implemented. Those responsible have been named, a timeframe for implementation has been set and indicators have been identified.

Persons belonging to groups facing racial discrimination continue to be at a disadvantage in relation to access to employment and within the employment system. Although there is no systematic data collection on the employment situation of groups facing racial discrimination, it is known that the employment quota of persons with a migration background and of Muslims is lower than that of the overall population; the rate of unemployment tends to be higher than that of persons without a migration background and of non-Muslims. The employment situation of foreign nationals also tends to be more precarious than that of German nationals. Refugees and other immigrant groups need to have the same rights and suitable promotion measures to safeguard their integration into the labour market.

Discrimination also takes place at the workplace when presumptions are made about a person's sexual orientation or gender identity, gender features or gender expression.

#### Requirements for the NAP:

- State institutions that are employers such as the police, public administrations and educational institutions should ensure their workforce reflects the composition of the population.

- State supervision is needed to ensure that companies implement the obligations ensuing from the General Equal Treatment Act to implement anti-discrimination measures.
- Contact points need to be set up within all companies where employees experiencing discrimination can file a complaint.
- The positive measures mentioned in the foregoing under 4.5 a) and preventative equality obligations should also apply to the employment sector.
- More academic analyses on discriminatory practices in the employment sector should be commissioned.
- Anonymous application procedures should become a tool that is used regularly.
- Training, further training and advanced training should be organised to raise awareness among executives, employees, members of works councils and staff councils specifically of diversity, anti-racism and issues affecting the LGBTIQ\* community. Advanced training should also be provided on the General Equal Treatment Act. This applies in particular to the Federal Ministries, the Federal Office for Migration and Refugees (cf. also 5.4), the Federal Police, the Federal Armed Forces and the Federal Employment Agency.

#### e) Protection against discrimination in the media and correlation with the freedom of information and the freedom of speech

The media represent a forum that reproduces racist concepts. The way minorities such as Sinti and Roma or Black People are presented by the media has been repeatedly criticised. Identifying what groups people belong to or their nationality in coverage on criminal offences and referring to socially-disadvantaged residential areas as “ghettos” or pinpointing the culture of immigrant communities can have a stigmatising effect.

Declaring dissemination of ideas based on racial superiority as an offence punishable by law (International Convention on the Elimination of all Forms of Racial Discrimination, ICERD), incitement to racial discrimination and crimes and violations of dignity of the human being test the boundaries of free speech. They also need to be enforced in social media.

The media have a responsibility not just to desist from promoting racism, racial discrimination and discrimination against the LGBTIQ\* community but to actively

<sup>29</sup> <http://www.bundesregierung.de/Content/DE/Anlagen/IB/2012-01-31-nap-gesamt-barrierefrei.pdf?blob=publication-File>.



counteract them, making sure not to play anti-racism, feminism and LGBTIQ\* rights off against each other. The Federal Government should adopt a media policy which ensures the media fulfil this responsibility.

In communication 8/2010 in relation to the suspension of preliminary investigations against Thilo Sarrazin, Germany was criticised for violating Article 2 (1) (d), 4 and 5 of the CERD because of its failure to conduct effective investigations and to institute criminal proceedings.

The freedom of the press which is enshrined in the Basic Law affords protection to the print media and digital media. Notwithstanding this, they are obliged to observe other fundamental rights. If newsreaders or interviewers call people out as a special group in the news that is generally considered to be balanced and impartial, because of their origin, religion or the colour of their skin, this is frequently associated with stigmatisation and affirmation of prejudice. There is also a tendency to exaggerate challenges, referring to them as crises or disasters. This makes it more difficult to deal with challenges and actually creates the impression that radical solutions are needed. LGBTIQ\* persons are sometimes treated with contempt in the media where discriminating terms are used to put them in the spotlight as a marginalised group, placing them under pressure publicly to justify their existence. The widespread use of male pronouns in the German language systematically excludes women and other genders. This is where the media need to develop greater awareness and sensitivity.

#### Requirements for the NAP:

- The press code of the German Press Council stipulates that the origin of criminal offenders should not be mentioned in media reports unless this is of special relevance for the crime or offence. This requirement needs to be met.
- Media professionals should reflect regularly on their coverage of minorities facing racial discrimination and hostility towards LGBTIQ\* in text and images and ensure that their coverage respects human dignity.
- The appointment of members of supervisory bodies such as those of the broadcasting corporation Deutsche Welle and Deutschlandfunk should adequately reflect the diversity of the German population – and of (groups) of persons experiencing racial discrimination or LGBTIQ\* persons facing hostility. The prevention of racism and hostility towards the LGBTIQ\* community needs to be incorporated into programming principles.
- Civil society initiatives and scientific surveys that are aimed at effectively highlighting racist statements or expressions of hostility towards the LGBTIQ\* community and effectively counteract hate speech, hate music and incitement of hatred in social media and online portals require long-term public funding and support.

#### f) Statutory basis for funding programmes for democracy and against right-wing extremism

An important finding of the Committee of Inquiry into the National Socialist Underground (NSU) is the need to strengthen civil society's ability to tackle racial discrimination and to prevent right-wing extremism. It is to be welcomed that a relevant funding tool was created in 2015 with the launch of the federal programme „Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit“ (Living democracy: Taking action against right-wing extremism, violence and hate) by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth that explicitly encompasses the promotion of pilot projects in the area of homophobia and trans\*discrimination.

However, this programme only fulfils the requirements defined in the final report in terms of content but not structure as it lacks a comprehensive statutory basis. Furthermore, the programme funding does not encompass all the groups facing racial discrimination. The decision to expand funding for the 2017 financial year is welcomed.

#### Requirement for the NAP:

- The parties of the German Bundestag are urged to create an independent legal basis for funding of measures aimed at promoting democracy and open-mindedness and at preventing racism. This is also necessary because racism and hostility towards the LGBTIQ\* community are not a phenomenon that applies exclusively to young people.
- Consolidate and further expand the federal programmes aimed at strengthening democracy, preventing racial discrimination and other forms of group-focused enmity.
- Appropriate funding for voluntary organisations set up by persons who have experience with racial discrimination in order to facilitate structural development and empowerment strategies. This applies in particular to Sinti and Roma, Black People, Jews and persons discriminated against as Muslims.

- Explicitly highlight the area of prevention of hostility against the LGBTIQ\* community and empowerment of LGBTIQ\* persons in all federal programmes as regular topics in future.
- Include funding institutions in the structural funding programme “*Developing central funding institutions*” that deal perhaps not mainly, but permanently, and have expertise, with the areas covered by the federal programme and work against racial discrimination and/or hostility towards the LGBTIQ\* community.

## 5.2 Preventing and consistently prosecuting hate crime – strengthening humans rights in work performed by the police force and the judiciary

Hate-motivated crime fuelled by racist motivation or hostility against the LGBTIQ\* community is not just aimed at individuals but is also intended to intimidate entire sections of the population and to restrict their freedom of movement in the public sphere. The objective of the amendment to Section 46 (2), second sentence, of the Criminal Code implemented in 2015 was to give more weight to inhuman motives of criminal offenders in sentencing, to take them into consideration early on in investigations and to effectively shed more light on them.

### a) Racial crime

There has been a significant increase in violence against refugees, many of whom are Muslim, and in the number of incidents involving damage to refugees’ homes in the past few years. These acts of violence have been carried out also by perpetrators who had no previous criminal record for any specific crimes. This is compounded by the eruption of conflict among refugees which is being exacerbated by overcrowded accommodation.

There has also been a sharp rise in racially-motivated crime in the public sphere outside of refugee accommodation. Racially-motivated crime is aimed, for instance, at Muslims or Jews or at persons presumed to be Muslims or Jews and against their homes and businesses, carried out because of external distinguishing features. This greatly restricts the freedom and participation in societal life of victims and can result in huge health and emotional problems for them.

Deficits exist in the pursuit and prosecution of racial crime at executive level in the Federal Republic of Ger-

many.<sup>30</sup> The police, prosecution services and the courts do not seem to be able to adequately record the motives for and reasons behind racial crime or to reflect them in judgments handed down. Racial crime such as arson attacks need to be prosecuted more consistently. This is also being advocated by the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) and by the European Commission against Racism and Intolerance (ECRI).

One drawback of the system of recording data on politically-motivated crime is that it is based on the concept of state protection and the theory of extremism. The data recorded on racially-motivated crime and crime against LGBTIQ\* is incomplete. Data is generally only recorded if the crime is associated with (right-wing) extremism or if there is evidence of the perpetrators having links with organisations known to be involved in right-wing extremism.

### Requirements for the NAP:

- Consistently take racist motivation for an ordinary offence into account as an aggravating circumstance and document this across the entire chain of investigations, police, prosecution services and the judiciary. When acts of violence are committed it needs to be examined and documented whether there is evidence to suggest racial motivation is involved, for instance, if the victim has been stereotyped and/or if witnesses or victims testify that racial motivation was involved.
- Establish special competencies for racist crime in public prosecutors offices. The relevant department or division should be responsible for launching investigations as soon as there is evidence suggesting crimes were racially motivated.
- Ensure racial motivation is documented fully and seamlessly in the Code of Criminal Procedure based on the testimonial evidence given by victims of crime during investigations.
- Promote the actual application of the amendment to Section 46 (2) of the Criminal Code by amending the Guidelines for Criminal and Regulatory Fine Proceedings (Richtlinien für das Strafverfahren und das Bußgeldverfahren (RiStBV)) and Police Service Instructions.

<sup>30</sup> Cf. „*Rassistische Diskriminierung in Deutschland*“, Parallelbericht 2015, Seite 29-31 (Racial discrimination in Germany, Parallel Report 2015, page 29-31).

- Implement relevant further training measures for members of the police and prosecution services and ensure they have adequate resources to enhance the prosecution of hate crime and the protection of and dealings with the victims of hate crime.
- It appears to be necessary to reform the Police Crime Statistics (PKS) as well as the definition of “*politically-motivated crime*”. Hate crime and offences involving racial discrimination and discrimination against the LGBTIQ\* community need to be recorded fully in statistics. They need to be shown, highlighting the groups affected. Indicators also need to be developed. The practice of restricting racism to organised right-wing extremism needs to be abandoned.
- Judicial statistics need to be kept in court files and on evidence submitted by plaintiffs on all cases involving racial discrimination and LGBTIQ\* discrimination.
- Investigative and judicial authorities need to inform victims and their families what stage the proceedings are at, especially if there are joint plaintiffs appearing.
- Collective housing centres make refugees a target for violence and right-wing populist mobilisation. The aim should therefore be to arrange decentral accommodation as soon as possible. There should be no delay in prosecuting or tackling acts of violence or preventing violence in relation to refugees.
- The Federal Government and Federal Länder should adopt a structured cooperation approach in order to develop preventative measures against all types of hate crime and violence, particularly hostility towards Muslims, anti-Semitism, anti-Gypsyism and hostility towards Black People.

#### b) Preventing violence against LGBTIQ\* persons

Acts of violence against LGBTIQ\* persons represent the most severe form of expression of hostility towards LGBTIQ\* persons. Violence can occur within families, frequently against young LGBTIQ\* persons, but acts of violence are also committed by complete strangers in the public sphere. Even today it can be dangerous for people to be identified as LGBTIQ\* in the public sphere or to be held as LGBTIQ\*. This considerably restricts the freedom and participation in societal life of the persons concerned and can potentially have major health implications for them. The few surveys that have been carried out suggest the risk of violent attacks is far higher for LGBTIQ\* and in particular LGBTIQ\* of colour facing multiple discrimination than for the population as a whole.

#### Requirements for the NAP:

- A Federal-Länder programme needs to be launched in cooperation with the Federal Länder to prevent violence against LGBTIQ\* persons, enabling the police to draw a more realistic situation report on violence and hostility against the LGTBIQ\* community in Germany. This programme should encompass targeted measures aimed at prevention, training and further training for the police force and the judiciary, appointing police officers who can deal with the concerns of LGBTIQ\* persons. The programme should provide police officers with adequate funding, tasks and powers, creating independent points of contact where persons facing discrimination can register a complaint as well as target group-specific victim support measures.
- The obvious research gaps in Germany in relation to hate crime against LGBTIQ\* persons need to be remedied and relevant surveys need to be commissioned, inter alia, to garner empirical data on the extent and manifestations of hate crime as well as strong evidence on how the police and judiciary tackle these manifestations of hate crime.
- Specifically mention hate crime against LGBTIQ\* persons in the statutory provisions against hate crime that were incorporated into Section 46 subsection 2 sentence 2 of the Criminal Code in 2015 by virtue of the Act Implementing Recommendations by the Committee of Inquiry into the National Socialist Underground of the German Bundestag.
- Develop protection concepts and safe areas specifically for trans\* and intersex persons that also take the needs of ill, disabled or LGBTIQ\* of colour into account.

#### c) Unlawful police conduct

Reports of incidents involving racist abuse and attacks by police officers have been repeatedly published in Germany, for instance, by Amnesty International<sup>31</sup>. The UN Human Rights Council and the European Commission against Racism and Intolerance also see a need for action and recommend measures to investigate poor conduct and to deliver further training. The Commissioner for

<sup>31</sup> Amnesty International: Leben in Unsicherheit. Wie Deutschland die Opfer rassistischer Gewalt im Stich lässt. (Life in Uncertainty. How Germany is letting down the victims of racist violence). Accessible online at: <https://www.amnesty.de/sites/default/files/2017-05/Amnesty-Bericht-Rassistische-Gewalt-in-Deutschland-Juni2016.pdf>

Human Rights of the Council of Europe recommends that an independent police complaints office be set up.<sup>32</sup>

Members of the LGBTIQ\* community have repeatedly spoken about their experience of being humiliated by police officers and of the latter's tendency to blame the victim rather than the perpetrator. This may explain why they are so reluctant to report acts of violence.

Civil society organisations frequently criticise the tendency of police to mention the nationality or ethnic affiliation of actual or suspected offenders in their press releases. In many cases, the choice of words vis-à-vis LGBTIQ\* persons is filled with prejudice, for instance, when they refer to the "*homosexual milieu*" in relation to acts of violence motivated by homophobia or when the gender of trans\* persons is stated incorrectly.

#### Requirements for the NAP:

- It is of paramount importance in the area of policing to strengthen police officers' ability to engage in discussion and to accept criticism (in order to ensure police officers can learn from their mistakes). The police forces of the Federal Government and the Federal Länder should be given additional training and coaching to ensure police work is non-prejudicial and non-discriminatory as proposed in the recommendations put forward by the Committee of Inquiry into the National Socialist Underground (NSU).
- Independent points of contact need to be set up at federal and regional level where complaints can be filed to investigate misconduct by the police. They should be based on the British model and be issued with a mandate to investigate any such incidents.

#### d) Abolishing racial profiling

Racial profiling which involves innocent people of colour<sup>33</sup> being screened deliberately by law enforcement officers because they are suspected of having links with terrorist organisations, being involved in drugs traffick-

ing or of illegal entry contravenes the principle of equality enshrined in the Basic Law and flouts international human rights standards. This humiliates the persons concerned, making them feel they are being discriminated against. Although racial profiling is widespread, it does not contribute in any major way to solving crime or to the arrest of illegal immigrants.

#### Requirements for the NAP:

- The German Bundestag should take the initiative to abolish Section 22 (1a) of the Federal Police Act (Bundespolizeigesetz) and to reform Section 23 in order to establish conformity with European law.
- The legislator at federal and state level should review and possibly abolish rules containing the relevant authorisation for police officers to carry out checks on persons for no obvious reason in order to establish if they are violating fundamental rights and human rights.
- Police reports and searches should, by and large, cease providing information on a suspect's skin colour, religion, nationality, national or ethnic background. The Federal Länder must create binding guidelines for the police for the protection against discrimination – in accordance with the recommendations issued by the European Commission against Racism and Intolerance (ECRI). The police should only be allowed to divulge relevant details to the public and the media if a legally permissible purpose is being pursued.

#### e) Trans\* and intersex persons in custody

Intersex and trans\* persons in custody face marginalisation and situations that are sometimes intolerable.

#### Requirements for the NAP:

- Ensure these persons have access to the requisite medical treatment and therapy based on the highest medical standards available.
- Ensure the self-defined gender of intersex and trans\* persons in custody is observed in all practical matters.

<sup>32</sup> Opinion by the Commissioner for Human Rights of the Council of Europe on conducting an independent and effective inquiry into complaints filed against the police published on 12 March 2009 (CommDH(2009)), accessible online at: <https://rm.coe.int/opinion-of-the-commissioner-for-human-rights-thomas-hammarberg-concern/16806daa54>.

<sup>33</sup> Person of colour (plural: people of colour) is an Anglo-American term used for persons who are considered to be non-white and who face everyday, institutional and other types of racism because of their ethnicity. It is being used increasingly in Germany as a self-description. cf: Nduka-Agwu/Hornscheidt (edd.). *Rassismus auf gut Deutsch*, Frankfurt/M 2. Aufl. 2013 (Racism in plain language. Frankfurt/M 2nd edition 2013).

### 5.3 Education

#### a) Eradicating discrimination in the education system

A National Action Plan against racism and hostility towards LGBTIQ\* persons also needs to address the areas of training, advanced training and further training because facilities such as day-care facilities, kindergartens and schools are places where discrimination can be nipped in the bud and where acceptance can be promoted. This applies regardless of the fact that the field of “schools and education” come, by and large, under the remit of the Federal Länder in the federal system.

It is part of the mandate of schools and preschool facilities to counteract discrimination and ensure all children and adolescents can participate equally in accordance with applicable school laws and the United Nations Convention on the Rights of the Child. Having equal access to and equal opportunities in education is a fundamental right of all children. Socio-economic factors such as school leaving certificates, interest in education and families’ level of income as well as residential area and school catchment area affect children’s educational path and therefore have the potential to pass social disadvantages down from one generation to another.

Structural and individual discrimination occurs on the grounds of cultural, ethnic and social origin and based on a person’s sexual orientation, gender identity and gender. There is evidence to prove this reduces opportunities for achieving a good school leaving certificate so this type of discrimination needs to be tackled.

It is rare for teachers, other educators and students to be able to come out as LGBTIQ\* in educational institutions without risk to themselves and they have little protection against attacks. Uncertainty is rife in pre-school facilities and schools in respect of how to deal with trans\* and intersex children and adolescents and rainbow families. Educational institutions often lack the basis to facilitate equal participation of LGBTIQ\* persons and persons facing racial discrimination.

In order to identify structural discrimination and to achieve fairness in education and equal opportunities in educational institutions, the privileges and social power structures need to be analysed. As such, the vertical segregation mechanism (a system of education that segregates children by sending them to different types of schools) and the horizontal segregation mechanism (concentrating children from socio-economically disadvantaged families at problem schools that tend to have major disciplinary problems) should be taken into account.

There should not be any failure to implement positive measures that can help to eliminate structural discrimination just because funding is scarce. However, resources should not be cut back in other parts of the education system in order to finance these measures either. It is called to mind in this context that the Ministers for Education of the Federal Government and Federal Länder agreed back in 2008 to raise the proportion of expenditure for education and research to ten percent of GDP.

#### Requirements for the NAP:

- The Federal Government is urged to develop extra-curricular youth and adult education programmes to raise awareness of and intensify the prevention of racism.
- The Federal Government is also urged to develop anti-racist programmes in cooperation with the Federal Länder that focus on raising awareness of teachers from all types of schools (including vocational schools), encouraging them to reflect on any prejudice they themselves may have.
- The training and further training of teachers at all types of school and educators should raise awareness of the diversity of sexual orientation, gender identities, gender features and gender expression. These programmes should be developed in coordination with the expertise of NGOs and extra-curricular projects. Participation of teachers in these programmes should be compulsory.
- Incorporate effective non-discrimination provisions into the school laws of the Federal Länder in order to counteract the specific discrimination experience particularly of Sinti and Roma, Jews, Muslims and Black People.
- Set up points of contact in the area of education where persons experiencing discrimination can file a complaint.
- The Federal Länder are urged to develop action plans for an education system at state level that embraces diversity and prevents homophobia and trans\*discrimination, that take the concerns of young persons adequately into account if there are no such plans in place.

- Persons facing racial discrimination and LGBTIQ\* persons should not be stereotyped as the exception in all types of schools or within the framework of preschool education both with regard to lesson content of all subjects, teaching resources and everyday school life, but as equal members of a diverse, inclusive society. The persons portrayed in teaching material should reflect the diverse living environments of the students and therefore represent wide diversity. As such, learning resources should contain as few barriers as possible (for instance, simple, easy language should be used, resources should be made available in several languages, and content should be suitable for reading out in class).
- The elimination of prejudice also needs to be enshrined in vocational education and vocational training: in addition to specialist training, awareness needs to be raised of diversity in the workplace and of how to deal with colleagues and customers.
- Ensure age-appropriate and sensitive sex education is an additional and independent aspect of the school education mandate.
- There should be a statement against prejudice, bullying and marginalisation in mission statements, school rules and day-care facilities. They should effectively and consistently counteract these phenomena in practice and enhance pupils' self-esteem.
- Ensure a legally binding, reliable and non-discriminatory framework is created for intersex persons, trans\* persons and gender non-conforming persons of every age at educational institutions and leisure facilities and that practical guidelines are drawn up. This should ensure intersex and trans\* persons are addressed properly, that their gender identity is taken into account in lessons that separate boys from girls (not co-educational lessons), that gender-neutral toilets and changing rooms are provided, that protection and counselling is available for students transitioning and for those facing discrimination and violence.
- The Federal Government is urged to promote recommendations for action based on law and educational science for non-discriminatory dealings with trans\* and intersex children and adolescents (for instance, keeping first names in documents such as school journals and student files or changing certificates at the students' request even before they have applied to the courts to change their first name or civil status).

- Funding should be provided for extra-curricular education projects that foster the acceptance of groups facing discrimination and advocate an intersectional perspective of discrimination.
- The Standing Conference of Ministers of Education and Cultural Affairs of the Länder should expand its inclusion and diversity strategy and incorporate the criteria of sexual orientation, gender identity, gender features and gender expression.
- The work performed by the Federal Agency for Civic Education to prevent racism and hostility towards the LGBTIQ\* community needs to be stepped up. The same applies to institutions of adult education and vocational education.

#### **b) Facilitating equality of opportunities and participation in early childhood**

Early childhood education and full day-care are crucial especially for the development of children from socially-disadvantaged families. They include children from immigrant families.

#### **Requirements for the NAP:**

- Expand early childhood education and care services for the under three-year-olds and implement the legal entitlement to care that was introduced in 2013. Children should be able to attend day-care facilities free of charge. The general conditions for nurseries and day-care facilities should meet a high quality standard. Language development services need to be expanded and consolidated on a nationwide basis. This is the only way the basis for future equality of opportunities can be created irrespective of a person's origin.
- Training and advanced training for childcare workers and teachers should include further training aimed at raising awareness of racism and non-discriminatory behaviour.

Some children from immigrant families grow up speaking their family's native language and start learning German as their second language in preschool. Many surveys prove that having a good command of one's mother tongue provides the ideal basis for learning a second language. In addition, languages highlight different attitudes and behavioural patterns, develop mental pictures and harness cultural traditions. The values communicated through languages are part of a person's identity.

**Requirement for the NAP:**

- Ensure multilingualism as a basis of communication and education is perceived as a natural phenomenon in childcare and day-care facilities in Germany and that these facilities have the necessary resources and funding.

**c) Eliminating institutional discrimination against children in schools**

Children from immigrant families face structural disadvantages when they start school and when they move from primary school to secondary school. Children with an actual or presumed migration background frequently start school when they are older and receive poorer grades during the first few years of primary school even if they perform just as well as their classmates, making them less likely to advance into higher secondary education. The proportion of adolescents from immigrant families who leave school with the secondary school leaving certificate enabling them to enter third-level education is far lower than the average of adolescents as a whole. The objective to overcome the existing link between education opportunities and characteristics of social, linguistic and ethnic origin was defined when the National Integration Plan was drawn up.

**Requirements for the NAP:**

- The Federal Länder are urged to systematically implement positive measures (referred to as “*affirmative action*” in the US context) for children disadvantaged because of racist discrimination, by developing special funding programmes, providing German courses, social work in schools, scholarships and remedial lessons until indicators prove the standard of education has been brought into alignment. This includes consistently funding schools with special needs.
- The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder has identified individual and structural discrimination as a problem and has agreed to develop strategies. Agreement has been reached with the publishers of educational books and other education media to portray life realities in a more differentiated way. Notwithstanding this, curricula and learning objectives need to be further developed in accordance with General Recommendation No. 32 of the Convention on the Elimination of All Forms of Racial Discrimination. School boards should endeavour to ensure that the rules are actually implemented and put into practice.

- Independent points of contact need to be set up outside schools to provide counselling and intervention and to enable students facing discrimination to file a complaint.
- Directly ensure compulsory school attendance for the children of asylum seekers as soon as possible in order to facilitate access to school education regardless of residence status or what stage the asylum procedure is at.
- The Federal Länder should draw up schemes to increase the number of teachers with a migration background or who originate from a group affected by racial discrimination.

**d) Preventing discrimination at institutions of higher education and in the world of academia and research**

The mandate of offices currently responsible for equality between men and women, some of which are part of commissioners on women’s affairs or gender equality officers at institutions of higher education in Germany, is inadequate in terms of the degree to which the concerns of trans\* and intersex persons are taken into account. Matters relating to persons experiencing racial discrimination and/or bisexual and homosexual persons are generally taken into account as subordinate, are completely disregarded or are subsumed under headings like “*diversity*” in commissioners’ structures. By contrast, representatives for the disabled are appointed for the area of discrimination.

**Requirements for the NAP:**

- Coordination offices for diversity, equality, anti-discrimination and inclusion need to be set up at institutions of higher education. They should adopt a horizontal strategy, pursue an intersectional approach and be provided with adequate structural and financial resources.
- The content of courses at institutions of higher education needs to be reviewed to establish if it includes racist content or content that is hostile towards LGBTIQ\* persons. It needs to be ensured, for instance, that courses do not contain any colonialised content or content that pathologises trans\* persons.
- Funding programmes aimed at safeguarding gender equality and academic funding programmes need to be expanded within institutions of higher education and be made accessible for LGBTIQ\* persons and persons who have experienced racism.

- The appropriation of federal funds should be contingent upon these criteria being met.
- The Federal Government is urged to launch relevant model programmes and research projects.

## 5.4 Immigration and refugees

Germany is a country of immigration. Immigration and emigration processes have always been a feature of Germany's history even if this fact was ignored for several decades. Waves of racist violence fuelled by the influx of refugees have occurred twice since reunification (around 1993 and in 2015/2016). Although the Convention on the Elimination of All Forms of Racial Discrimination allows for distinctions to be made between citizens and non-citizens (Article 1 (2) of the Convention), unequal treatment must not lead to undermining of human rights<sup>34</sup>.

**a) Ensuring the situation of asylum seekers is humane**  
**The Act on Benefits for Asylum Applicants (Asylbewerberleistungsgesetz) has resulted in fundamental unequal treatment. Even though the Federal Constitutional Court ruled unequivocally in 2012 that the subsistence level that respects human dignity including the physical and socio-cultural subsistence level needs to be ensured even for persons residing briefly and those who have poor prospects of residing permanently in Germany, the group of persons receiving limited benefits under the Act on Benefits for Asylum Applicants, for instance, under the Integration Act (Integrationsgesetz) has broadened. This is why many civil society organisations are demanding that entitlements of non-German nationals be regulated via the Social Code rather than by virtue of special laws.**  
 The growing tendency for asylum seekers' prospect of remaining in Germany to influence their access to integration measures is posing a major risk of marginalisation. This is based more so on the recognition quotas of the respective countries of origin rather than their individual situation.

Persons from Afghanistan and Pakistan, for instance, only have limited access to these measures.

The assignment of a place of residence for recognised refugees and persons entitled to subsidiary protection introduced by the 2016 Integration Act (Integrationsgesetz) constitutes unequal treatment that is incompat-

ible with the integration requirement regarding the right to freedom of settlement. In practice, regulatory deficits are leading to unjustifiable hardships and even destitution for persons who have exercised their right to free establishment of residence in good faith. The residence-related requirements fail to acknowledge the huge potential for help and self-help that immigrant communities and their local networks leverage for the benefit of new immigrants especially in the first few years of their stay.

### Requirements for the NAP:

The following special rules for asylum seekers in particular should be amended:

- There should be no special laws offering a level of benefits that is beneath the subsistence level for persons seeking protection.
- The Federal Government, Federal Länder and local authorities need to create affordable housing for persons in search of protection and for anyone with housing needs.
- The regulation governing the assignment of a place of residence should be revoked. The objectives of regional and urban development should be pursued using control tools such as infrastructure planning and district management, leveraging the potential of the resident population.
- The subsistence level also includes access to good healthcare. Access of persons seeking protection should also be facilitated by the introduction of health cards in all the Federal Länder.
- The categorisation of [Bosnia-Herzegovina](#), [Macedonia](#), [Serbia](#), [Montenegro](#), [Albania](#), Kosovo, [Ghana](#) and [Senegal](#) and the envisaged categorisation of Morocco, Algeria and Tunisia as safe countries of origin are incompatible with the findings on the human rights situation in these countries and should be revoked. This categorisation has serious implications for the persons concerned in terms of the housing situation, participation in societal life and access to the labour market.
- Making distinctions regarding access to integration services and funding tools in the labour market based on

<sup>34</sup> cf. General Recommendation no. 30 (2004) of the Committee on the Elimination of Racial Discrimination (CERD) on discrimination against non-nationals.



the prospects the third country national has of remaining in the Federal Republic amounts to discrimination and should be eliminated.

- Section 25 (4a) of the Residence Act (Aufenthaltsgesetz) permits victims of human trafficking to be granted a residence permit for the duration of the judicial process against their human traffickers. In parallel, this Section should be amended to include the victims of racist violence.

#### **b) Lesbian, gay, bisexual, trans\*, intersex and queer persons**

LGBTIQ\* flee from political systems and societies that frequently condemn homosexuality, trans\* and intersexuality and consider them to be taboo, meaning their life, limb and freedom may be at risk. Persons whose gender expression does not conform to the norm are particularly vulnerable. Germany needs to take them in like any other person fleeing war, violence, torture and persecution and to protect them from becoming the target of hostility and violence once again. In order to ensure that LGBTIQ\* refugees are actually guaranteed a fair asylum procedure in Germany, this starting situation needs to be taken fully into account, bearing the relevant cultural aspects in mind.

#### **Requirements for the NAP:**

- Raise awareness more effectively among staff at the Federal Office for Migration and Refugees in cooperation with civil society organisations, in particular organisations run by migrants themselves, on how to deal with asylum seekers who are seeking protection in Germany because they are at risk of persecution owing to their sexual orientation, gender identity or gender expression and inform them about the legal and social situation in the countries of origin. This training should not just include decision-makers but also the interpreters whose services are enlisted in the procedure.
- The staff of the Federal Office should undergo training that will enhance their ability to identify trauma and ensure they refer asylum seekers to the right authorities to prevent them from suffering any further trauma.
- The terms and conditions relating to asylum need to be amended to ensure that any experience of sexual violence or of sexual and gender-specific persecution can still be reported even after initial contact has been made with the authorities and that it can still be incorporated into the asylum procedure because reporting any such experience requires a minimum level of trust. Psychological and medical support should also be available.
- The Federal Office for Migration and Refugees' Service Instruction on Asylum needs to be amended in parallel with the provision governing persecution specific to women to ensure that LGBTIQ\* persons can ask to be interviewed by a man or woman and can ask for a male or female interpreter to be used, taking their experience of persecution into consideration.
- Facilities providing accommodation and support for lesbian, gay, bisexual, trans\*, intersex and queer persons need to be organised in a way that ensures they do not face hostility, intimidation or discrimination.
- Information about the legal and social situation of lesbian, gay, bisexual, trans\*, intersex and queer persons in Germany, the diversity of sexual orientations and gender identities and different ways of life should be incorporated into the curricula in integration courses for migrants in a binding way and the addresses of LGBTIQ\* and anti-racist counselling services and self-help organisations should be provided. Relevant educational concepts focusing on diversity also need to be developed in orientation and language courses.

#### **c) Granting of visas**

Anyone wishing to enter Germany from a country outside the EU, for instance, to work or study, to visit family members or to live with relatives needs to apply for a visa unless arrangements to the contrary have been made with the country of origin.

In principle, visa applications must be filed in person at the competent German mission abroad after an appointment has been made. As it is often necessary to travel a considerable distance from the place of residence to the mission abroad and owing to the lack of transport links, Internet access or cover available, and of possibilities to make appointments online and in crisis-ridden regions, this frequently causes major problems above all for old and sick people, pregnant women and people with young children. Online appointments are very often impossible to get even if people spend hours during the day or night attempting to make them.

Local staff who are reportedly unfriendly and rude tend to control access to German missions abroad. It is also reported that access is denied even if an appointment has been made, for instance, because the documents available are considered to be incomplete. Many people suspect corruption is involved.

German missions abroad are the flagship for Germany and are generally the first point of contact with our

country. It is therefore in Germany's interest to ensure foreigners have non-discriminatory access to missions abroad.

#### Requirements for the NAP:

- The requirement to appear in person to file a visa application should be waived for persons facing a particular hardship (lack of infrastructure, personal situation).
- In principle, applications should also be accepted and processed by missions abroad in other countries. There should be a range of options available to make appointments so that people can choose whatever is most convenient for them.
- Decisions on whether the requested documents are complete should be taken by regular employees of the German mission abroad. Visa applicants should receive comprehensive and above all comprehensible information on the documents and certificates to be submitted before they undertake a long journey.
- All embassy staff including all locally-employed staff should have social and intercultural skills. They need to undergo the necessary training to ensure they are able to provide customer-oriented service

#### d) Safeguarding the human rights of persons who do not have a regular residence status

Even persons who breach applicable law by entering or residing in Germany unlawfully are entitled to have their human rights respected. However, the requirement that public institutions have to report about any interaction with persons without legal residence status to the aliens' authorities and the risk of deportation associated with it are preventing them from being able to exercise these rights. This applies, for instance, to basic healthcare services even though, as a signatory to several international agreements, including the United Nations Convention on the Rights of the Child (UNCRC), Germany is obliged to ensure they have access to these services. Children who do not have a regular residence status continue to be denied access to education in several Federal Länders as a result of the requirement for submission of a registration certificate by schools even though the registration requirement was abolished nationwide in 2010. Furthermore, it is virtually impossible to invoke workers' rights owing to the courts' notification requirement to the aliens' authorities.

#### Requirements for the NAP:

- The human rights of all individuals must be respected at all times in the areas of healthcare, education and jurisdiction, including persons without a regular residence status. Persons who, for humanitarian reasons, support those who do not have a regular residence status should not be criminalised.
- New-born babies are entitled to a birth certificate. Registry offices should provide parents who have no documents with an excerpt from the registry of births at the very least to enable them to avail themselves of medical check-ups for their babies.
- All children have a human right to education. Schools are obliged to give access to children whose parents are residing unlawfully in Germany by waiving the requirement for them to submit a registration certificate in any such cases. The Federal Länder are obliged to ensure they have unrestricted access.
- The Federal Government is urged to consider adopting regularisation programmes for persons without a regular residence status who have been living in Germany for more than five years. Persons who are residing permanently in Germany and do not have a residence title should be offered the prospect of remaining lawfully.

#### e) Freedom of movement within the EU

The entry of EU nationals from Bulgaria and Romania has frequently been referred to in the media as "*poverty migration*" („*Armutsmigration*") and is aimed at contributing needlessly to fuelling adverse sentiment towards Bulgarian and Romanian nationals. Yet the statistics paint a completely different picture of the socio-economic implications in this context.

#### Requirements for the NAP:

- Consistently apply the provisions set forth in the EU Treaties on the prohibition of discrimination owing to nationality and in secondary law; this also means that EU nationals should not be at a disadvantage over German nationals in respect of old age pensions.
- EU nationals must also be afforded equal treatment and be granted freedom of movement in practical everyday terms regardless of their nationality or whether they belong to a minority (such as Roma).

## 5.5 Youth policy

It is a natural part of adolescence for young people not just to explore what groups they wish to belong to but also to explore a large number of identities and orientations. Furthermore, the life situation of young LGBTIQ\* persons is influenced by the way in which society deals with sexual and gender diversity. The life situation of many young persons from groups protected under the International Convention on the Elimination of All Forms of Racial Discrimination as well as refugees is marked by experience such as failure at school, unemployment, right up to spells in prison.

Despite endeavours undertaken over many years, youth federations in Germany have not yet managed to achieve intercultural opening of the work performed by them for young people with different cultural, religious or LGBTIQ\* inclinations. This means these young people continue to face barriers preventing them from accessing advocacy group structures, funding possibilities in youth work and youth education services at local, regional and federal level. Groups representing the interests of these young people do not receive sufficient support or funding to develop their own structures.

### Requirements for the NAP:

Unless specifically indicated to the contrary, the following requirements refer to every single one of the above-mentioned groups facing discrimination.

- Take each individual group explicitly into account in all suitable fields of action outlined in the Federal Government's child and youth plan.
- Provide structural funding for the work aimed at preventing group-focused enmity, eradicating discrimination and supporting young people facing prejudice and hostility.
- Press ahead with the intercultural opening of children's and youth welfare facilities.
- Provide competent information, advisory and anti-discrimination services for adolescent and young adults nationwide. Appropriate funding for the provision of information about networking opportunities.
- Organisations set up and run by young people need support. Funding should be made accessible at all levels.
- International youth exchange programmes should take aspects relating to LGBTIQ\* and protection from racial discrimination into account.
- Provide expert training, instruction and further training for child welfare and youth welfare experts and youth leaders in order to raise awareness of youth work.
- Conduct academic studies into the real-life situations of young people in order to ensure their real-life situation is taken properly into account. This should also include aspects of multi-discrimination and intersectionality.
- The Federal Government should seek to ensure, in cooperation with the Federal Länder, that youth welfare organisations and youth welfare measures reflect the acceptance of the diversity of sexual orientations, gender identities and gender features, know how to prevent racism and hostility towards the LGBTIQ\* community, are rendered capable of counteracting the latter and how to create an environment that is devoid of discrimination.
- Appropriate funds should be provided to enable young LGBTIQ\* persons and young adults to set up their own leisure facilities and organise their own leisure activities. It seems necessary to raise awareness of generally accessible leisure facilities and activities.
- Arrange special accommodation facilities for young LGBTIQ\* persons in crisis.
- Eliminate restrictions under unemployment legislation which stipulate that young persons and young adults must remain living in their parents' household until they reach the age of 25.
- Ensure all intersex young persons have access to peer counselling, are informed of their rights of self-determination and that, in the event that they wish to or need to undergo medical treatment, young intersex persons receive comprehensive medical information.
- Investigate human rights violations of intersex persons who underwent medical treatment, and sterilisation in particular, that was not necessary for their survival when they were babies, young children or adolescents, without their complete, free and fully informed consent.

- Also process violations of human rights of young people who were admitted to psychiatric hospitals or similar institutions because of their sexual orientation, gender identity or gender expression.

## 5.6 Policy for senior citizens

### a) Older persons with a history of immigration

Demographic change has led to extensive changes for work performed with older persons, services for the elderly and attitudes towards senior citizens in Germany. After retiring, a large number of older people enter an extended period in their lives in which their health actually allows them to participate in society and to lead an active life in terms of self-determination and personal fulfilment. However, those who work with senior citizens are slowly becoming aware of the existence of people belonging to groups facing racial discrimination and LGBTIQ\*.

It needs to be ensured that once they reach old age, immigrants receive care and support which takes their biography and cultural backgrounds into consideration. Organisations providing services for the elderly are not always able to fulfil this task adequately. The *“Memorandum for culture-sensitive care in old age”*<sup>35</sup> urges politicians and society to honour the entitlement of all senior citizens to access services for the elderly, taking their specific cultural needs into account.

#### Requirements for the NAP:

- A key task of racism-sensitive services for the elderly is the financial and institutional safeguarding of times, tasks and structures that are necessary for the process of intercultural dialogue and further professionalisation of care. The necessary resources need to be incorporated into regular finance as deductible expenditure.

### b) Older LGBTIQ\* persons

Many older LGBTIQ\* persons are accustomed to others having a perception of them that is far removed from reality. This applies even more so to lesbian, trans\* and bisexual women because public perception tends to focus more on men. It is essential to highlight their interests and needs more effectively. Furthermore, women are at

greater risk of poverty in their old age owing to gender pay gaps in their employment history, the difference in pay and the resulting gender gap in pensions. This restricts their opportunities to lead an independent life and participate in society. Female couples have the potential to be hit twice as hard by the gender pay gap and gap in pensions.

The proportion of persons amongst the elderly gay and trans\* community who experienced and internalised criminal prosecution for engaging in homosexual activities, real or presumed, who live secret lives and, for instance, *“try to remain off the radar”* in homes for the elderly is high.

The majority of services provided by open facilities for senior citizens and out-patient and in-patient nursing care facilities for the elderly tend not to take the special needs and life situations of older LGBTIQ\* persons into account. This explains why LGBTIQ\* persons are less inclined to avail themselves of these services. Public opinion surveys suggest that prejudice against LGBTIQ\* persons is more widespread among today’s older generation than in society as a whole.

Steps need to be taken to eliminate the risk of marginalisation, hostility towards and discrimination against LGBTIQ\* persons in all areas of services for the elderly and work performed with senior citizens. It must be ensured that no person is denied access to services for the elderly or work performed with senior citizens because of their biography or life situation and that awareness is raised among voluntary and professional structures, administrative decision-makers, staff and service providers.

#### Requirements for the NAP:

- Ensure that the interests and needs of older LGBTIQ\* persons are also taken adequately into account in all areas of policy for the elderly and work performed with senior citizens. This applies, for instance, to the Federal Government’s demographic strategy, promoting pilot projects on self-determined shared housing, fostering the inter-generational dialogue from the federal programme *“Cohesion through participation”* and the programme *“Points of contact for older persons”* in work performed at local level.

<sup>35</sup> Forum für eine kultursensible Altenhilfe, Memorandum für eine kultursensible Altenhilfe, Ein Beitrag zur Interkulturellen Öffnung am Beispiel der Altenpflege, Berlin 2002 (Forum for culture-sensitive care in old age, Memorandum for culture-sensitive care in old age, A contribution on intercultural awareness, taking services for the elderly as an example, Berlin 2002), <https://www.kultursensible-altenhilfe.de/files/PDF-Veroeffentlichungen/memorandum2002.pdf>.

- Develop comprehensive concepts for culturally-sensitive, biography-oriented care and support for persons facing racial discrimination and LGBTIQ\* persons experiencing discrimination. These concepts should be integrated into the training and further training of care professionals and into organisational and human resources development in work with the elderly.

## 5.7 Healthcare policy

### a) Safeguarding healthcare that is sensitive to the needs of LGBTIQ\* persons

The past and ongoing stigmatisation and (psycho)-pathologisation of LGBTIQ\* persons are having a sustainable effect on the mental health and social aspects of the persons concerned. This applies in particular to persons with HIV who continue to face major discrimination and stigmatisation.

Trans\* persons are being prevented from achieving optimum physical and mental health owing to the unacceptable association made between the Gender Recognition Act (including forced assessments) and the psycho-pathologisation of trans identity. This is compounded by rigid, inaccessible guidelines for medical treatment and medical assessment (including enforced psychotherapy) that disregard the needs of trans\* persons, the delay in or non-delivery of necessary healthcare services by statutory health insurance funds, negative and sometimes discriminatory compulsory assessments carried out by the Medical Advisory Service of the German Social Health Insurance Funds (Medizinischer Dienst des Spitzenverbandes Bund der Krankenkassen (MDS)), the lack of a nationwide supply structure and insufficient expertise or discriminatory conduct by healthcare service providers.

To the present day, intersex persons continue to face violations of their right to physical integrity and self-determination including irreversible, cosmetic, surgical and hormone treatment that is not medically necessary and is carried out without the prior free and complete, informed consent of the intersex persons themselves.

#### Requirements for the NAP:

- Impose a ban on medical treatment being carried out on intersex persons that is not necessary for their survival without their prior free and complete, informed consent.

- Ensure healthcare services take the actual health needs of intersex persons into account, respecting their right to self-determination.
- Inform the public at large about the hazards of so-called “conversion” or “reparative” therapies provided above all by religious-fundamentalist organisations that are aimed at changing a person’s sexual behaviour, sexual orientation, gender identity or gender expression. Impose a statutory ban on any such pseudo-“therapies” being carried out also on children and young persons.
- Abolish the Assessment Guide „Geschlechtsangleichende Maßnahmen bei Transsexualität“ (Gender Confirmation Treatments in Cases of Transsexuality) published by the Medical Advisory Service of the German Social Health Insurance Funds on 19 May 2009 or update it in cooperation with associations representing the interests of trans\* persons based on human rights, medical ethics and specialist medical evidence.
- Safeguard the formalisation of statutory health insurance funds’ service obligation (German Social Code Chapter 3 Section 5) in relation to needs-based gender-alignment measures (inter alia hormone therapy, hair removal, mastectomy, voice therapy, breast construction, gender-aligning genital operations, genital epitheses, facial feminisation, hair transplants).
- Provide training, further training and advanced training on a nationwide basis for healthcare service providers, including midwives, employees of statutory health insurance funds, physicians, psychotherapists and nurses in order to raise awareness of the needs of LGBTIQ\* persons, particularly intersex and trans\* persons.
- Establish national centres of expertise on transsexuality/transgenderism under the auspices of organisations run by trans\* persons and intersex persons in cooperation with medical-advisory experts with a view to advising Federal and state institutions and drawing up guidelines.
- Endeavour to eliminate (psycho)-pathologisation in the international negotiations on the WHO’s International Classification of Disease, Eleventh Revision (ICD-11) by employing national specialist medical organisations in a dialogue with the national LGBTIQ\* associations.

- Re-appraisal of the pathologisation history of homosexuality, intersexuality and trans\* identities press ahead with the social rehabilitation and provision of financial compensation for the victims of (psycho-)pathologisation and coercive measures in medicine.
- The Federal Ministry of Health should draw up a group-specific report on the health situation of LGBTIQ\* persons in Germany as a concrete guideline for health-care promotion that is sensitive to the needs of the target groups, taking intersectional aspects into account.
- Initiate measures to promote and safeguard the right of persons with disabilities to determine their sex and gender.
- Implement measures to develop barrier-free health-care services for homeless and LGBTIQ\* refugees who represent a particularly vulnerable group.
- Include LGBTIQ\* issues in the educational work performed by the Federal Centre for Health Education.

#### b) Racial discrimination in the healthcare system

Black People and people of colour informed the UN-Committee on the Elimination of All Forms of Racial Discrimination in the German parallel report that when they have problems communicating, they are frequently not even asked what their mother tongue is. They say even the sound of their name makes people jump to conclusions about their behaviour, the reasons of their health problem and possible causal links. Internal interpreting services are often in short supply even in large hospitals and are generally not available in out-patient facilities or are not always used if and when they are available. This repeatedly gives rise to situations in which the patients are turned away or are not thoroughly examined. Furthermore, problems have arisen ensuring the requisite “*informed consent*” of patients undergoing medical treatment and developing suitable coping and compliance strategies (patient cooperation).

When diagnosed, patients are often thought to be exaggerating their symptoms and fake medical terms are sometimes used to describe their symptoms. So-called Morbus M, which is short for Morbus Mediterraneus, is one example. It is used to describe patients from the Mediterranean region but is used first and foremost for people of colour.

There is often a lack of knowledge or acceptance in relation to the different cultural aspects of illness and death. Medical staff often lack empathy when giving a serious diagnosis to patients or when dealing with dying patients.

Several studies conducted on the consequences of migration processes and different cultural experience provide information about the psychological morbidity among immigrants compared to the majority population. These studies revealed that psychotic disorders, affective and psychosomatic disorders are more prevalent among women, that patients tend to be treated more frequently in closed departments and less often in day wards or out-patient departments and that fewer psychotherapies are offered. Studies also revealed a higher suicide rate among persons with a Turkish migration background.<sup>36</sup>

#### Requirements for the NAP:

- In order to be able to record the scope, type and impact of racial discrimination in the healthcare system, studies need to be conducted on the experience gained by specific groups facing racial discrimination.
- Quality standards need to be developed and staff need to undergo comprehensive training and instruction in order to be able to handle the growing diversity among patients.
- The services of interpreters need to be enlisted in order to reduce language barriers. The financial and statutory framework needs to be created to this end (Social Code Book V).

## 5.8 Sport

Racial discrimination, hostility towards LGBTIQ\* and sexist discrimination are just as rampant in the field of sport as they are in all areas of society. The management boards and executive boards of sport federations do not always reflect the structure of their members. Institutional discrimination against women, trans\* persons and intersex persons is not always recognised as an acute problem.

<sup>36</sup> For more detailed information, see: Fortuna Ghebremeksel, Rassistische Diskriminierung und physische Gesundheit, sowie Dr. Amma Yeboah, Rassismus und psychische Gesundheit in Deutschland, <http://rassismusbericht.de/hintergrundpapiere-2/>. (Fortuna Ghebremeksel, Racial Discrimination and Mental Health as well as Dr. Amma Yeboah, Racism and Mental Health in Germany)

**Requirements for the NAP:**

- More funding should be provided for anti-discrimination work and the prevention of racism, sexism, hostility towards LGBTIQ\* persons in sport policy.
- Top-level sport federations should be urged to further develop anti-discrimination concepts and campaigns promoting diversity and inclusion in sports.
- The Federal Government is urged to ensure that racial discrimination and hostility towards LGBTIQ\* persons are highlighted as a further focal point in the area of prevention in the “*National Concept for Sport and Security*” (Nationales Konzept Sport und Sicherheit (NKSS)).
- The FIFA Anti-Discrimination Monitoring System should be implemented at matches in the senior leagues at all German football stadiums.

**5.9 International human rights policy****a) Counteracting prosecution of LGBTIQ\* persons**

Homosexuality is still criminalised in over 70 countries, in some countries it is even punishable by death. In many countries, government authorities are involved in the oppression of LGBTIQ\* persons, denying them any protection against enmity and violence. LGBTIQ\* persons also face hatred in Europe. Laws against alleged “*propaganda promoting homosexuality*” have been adopted in some countries in a bid to make LGBTIQ\* persons invisible in society and to deny them the right to freedom of expression, the freedom of association and the free development of their personality.

**Requirements for the NAP:**

- In order to strengthen and cement Germany’s commitment to respecting the human rights of LGBTIQ\* persons, an LGBTIQ\* inclusion concept needs to be developed for foreign policy and development cooperation in collaboration with civil society.
- This calls for structurally sustainable support for human rights work performed by civil society organisations such as the “*Hirschfeld-Eddy Foundation*” in the global South and Eastern Europe. Specific vulnerabilities and multiple discrimination need to be taken particularly into account.

**b) Establishing coherence with international human rights mechanisms**

Even though Germany has reached a high standard of human rights by international comparison, some gaps continue to exist in protection against racial discrimination.

The Federal Republic has been urged regularly both by the Council of Europe (European Commission Against Racism and Intolerance (ECRI)) and the United Nations Human Rights bodies with concrete recommendations to tackle problem situations involving racial discrimination within the framework of reporting. From the civil society perspective, these demands have only been met to a very limited extent.

Germany has hitherto refused to ratify Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of the year 2000. Article 14 of the ECHR only prohibits discrimination in the area of rights spelt out in the ECHR and its Protocols. Protocol 12 to the Convention would establish an independent prohibition of discrimination. This would constitute far-reaching progress as the list of grounds for discrimination extends beyond the General Equal Treatment Act.

**Requirement for the NAP:**

- Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms should be ratified immediately.

**c) Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force in 2003. It has been signed mainly by countries of the global South.

**Requirements for the NAP:**

- The Federal Republic of Germany should assume a pioneering role in the EU and ratify the Convention.

# Annex III

## Abridged Version

### **Review of Disparaging Attitudes and Discriminatory Prejudices in German Society**

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March 2018



## Executive Summary

This report undertakes a review of disparaging attitudes and discriminatory prejudices in Germany and Europe. Key terminology used in prejudice research which is of relevance when it comes to designing measures to break down those prejudices is discussed and defined. To that end the report describes various perspectives on these phenomena and draws on current discourses. More specifically, it documents the trends over time and manifestations of key facets of the concept of “*group-focused enmity*” (Gruppenbezogene Menschenfeindlichkeit). The focus is on disparaging attitudes to migrants, asylum seekers and refugees, Sinti and Roma, Jews and Muslims, people of colour and those who identify as homosexual. According to the current state of research, these elements are of particular relevance because they again and again lead to prejudice-based hate crimes.

The following can be said in regard to the aforementioned elements:

- Disparaging attitudes to migrants are declining;
- Anti-Semitism has seen a slight decline;
- Islamophobia varies depending on external factors, although the trend is downwards;
- Racism remains at stable levels;
- Anti-gypsyism is declining;
- Disparagement of asylum seekers has risen again lately;
- Disparagement of homosexuals has continued its downwards trend.

In terms of prevention and intervention, it is crucial to promote and initiate measures which address the root causes of such disparaging attitudes and prejudice-based discrimination. The following can be said as regards which groups are particularly prone to agreeing with disparaging and discriminatory statements.

- Older people (> age 65) are currently more prone to hold prejudices than younger people;
- There are no big gender differences when it comes to prejudices;
- People with lower levels of education have more prejudicial attitudes than those with higher levels of education. Education at any rate protects against overt prejudice;
- People on low incomes more frequently express disparaging attitudes, though in some cases only slightly more frequently.

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## 1. Introduction

This report undertakes a review of both research and the public and political discourse on disparaging attitudes and discriminatory prejudices in German society, that is negative social prejudices and denigration which, in turn, is usually founded upon prejudices.

The report in particular makes reference to empirical results provided by large-scale opinion polls. They include, in Germany, studies on group-focused enmity (GFE) and studies on extreme right-wing attitudes (known as the „*Mitte-Studien*“), which were initially conducted under the auspices of the Friedrich Ebert Foundation by our colleagues Elmar Brähler and Oliver Deckert and were then, in 2014, amalgamated with studies on GFE conducted by the Institute for Interdisciplinary Research on Conflict and Violence led by Andreas Zick. Focusing the research in this way ensures that claims made are, as far as possible, based on (essentially) representative groups surveyed in the studies. Where appropriate, other studies are incorporated too.

This report documents the trends over time and prevalence of prejudices and discriminatory attitudes to various groups. It focuses on the disparagement of those groups which can be meaningfully and appropriately addressed in the Federal Government's National Action Plan. The spotlight is therefore on the disparagement of people of the Jewish and Muslim faith, people of colour, refugees and asylum seekers, Sinti and Roma, people who identify as homosexual, as well as „*others*“, i.e. migrants and those who are perceived as foreign and labelled as such. The report addresses these types of disparagement in detail because they can form the basis of prevention, intervention and political counteraction set out in the National Action Plan (NAP). Further, the theoretical and empirical concept of the syndrome of group-focused enmity offers a broader perspective on denigrated groups because it puts the aforementioned types of disparagement into relation to each other and addresses other disparaging attitudes which are characteristic of the social climate as well.

The report focuses on three questions the answers to which are relevant whenever policies are to be based on empirical evidence:

- How are disparaging attitudes conceptualized and measured?

- How and where are the various patterns of disparaging behaviour currently prevalent?
- What causes appear to be particularly important when it comes to combating these attitudes by means of counter-measures?

## 2. Racism or misanthropy: perspectives and concepts

This report focuses on disparaging attitudes and discriminatory prejudices. The terms used to describe hostile, disparaging and marginalizing attitudes, emotions, behaviour etc. towards other groups have been standardized neither in research nor in the public and political debate, nor are they uncontroversial. It makes no sense to standardize terminology for the sake of controlling prevention and intervention. It is crucial to know, however, that the terminology used is based on different perspectives and approaches. The following perspectives are central to any research which aims to deliver insights:

- Empirical social psychology bases its analysis of disparagement and discrimination on the concepts of „*attitudes*“ and „*belief structures*“ (ideologies, beliefs etc.). In the context of research into prejudices and racism (the latter primarily in the United States), it provides an understanding of the cognitive, emotional and behaviour-based representation and psychological causes of social prejudices.
- Sociology and sociological racism research focuses on the cultural and social conditions which give rise to attitudes and, in particular, to forms of structural and institutional discrimination. Based on the criticism that prejudices, defined as social attitudes, are reduced merely to individual propensities and that there has been no critical engagement with the history of colonial rule and the challenges which human rights pose, the concepts of „*racism*“ and „*hostility to foreigners*“ are currently much in vogue.
- The cultural studies perspective is closely linked to the sociological perspective. In so far as generalizations are in fact possible, disparagement is defined as the culturally defined (as well as racially motivated) distancing and difference from, rejection and intolerance of „*the other*“. This perspective tends to be characterized by an attempt to gain a qualitative and deeper understanding of disparaging and discriminatory patterns of behaviour and less by the question of how prevalent disparagement and discrimination are in different countries.

- The anthropological, sociobiological and ethnological perspective on the disparagement of groups and their discrimination focuses on investigating the extent to which hostility to others has been a constant feature in human history. This specific perspective is less interested in analysing the prevalence and clustering of disparagement in different societies. It is currently less influential in research.
- This viewpoint sometimes also crops up in a criminological and political science perspective. Disparagement and discrimination are of relevance when they refer to hate crimes and as such represent relevant social deviance to which society reacts normatively. This perspective is compatible with prejudice research because hate crimes in the narrower sense are founded on prejudices and should in fact be defined as prejudice-based offences.
- Other fields of research also contribute to our understanding of disparagement because they focus on phenomena which are linked to denigration. They include research into inclusion and intersectionality, gender, sexism, discrimination etc. These are established fields of research which have developed their own traditions..

However, in the context of the social and political discourse one should not lose sight of the fact that there are also non-academic groups and institutions which influence the concepts applied in regard to disparagement and discrimination. Since the discourse shifted to the media, concepts such as *“hostility to others”* and *“fear of the other”* have asserted themselves and also influenced the academic discourse. Such concepts are, not least, also framed by politicians, who are responsible for designing funding models, for instance, and address concepts which are then adapted by the relevant applicants. When it comes to preventive and interventionist programmes dealing with prejudices, it makes a difference whether they are framed as programmes against xenophobia, intolerance, racism or group-focused enmity. Hence the importance of conceptualising the key terminology, to which specific other concepts and phenomena can then be assigned.

Turning to how these key concepts, disparaging attitudes and discrimination are specifically defined in the various research traditions and recapitulating them once more, semantic similarities emerge between the concepts. The concept of *“prejudice”*, for example, is largely based on the concept of *“attitudes”*, i.e. an analysis of attitudes has led to the emergence of a distinct field of prejudice research. The concepts of *“racism”* and *“xenophobia”* emphasize the behavioural level as well as the level of the structural

disparagement of entire groups. The concept of *“cultural racism”* focuses on values which give rise to disparaging attitudes. The concept of *“racist ideologies”* attempts to understand belief patterns. The concepts of *“fear of foreigners”* and *“hostility to foreigners”* tend to focus on emotionally and culturally derived resistance in the sense of ethnocentrism.

However those concepts on which an analysis is to be based are then selected, attention should be paid to which phenomenological level they are to be used to describe or analyze. Disparagement and discriminatory prejudices can be

- described as individual, interpersonal phenomena, thus as dispositions, personality structures, individual world-views or relationship patterns between individuals;
- described as collective or inter-group phenomena, i.e. as the disparagement of groups by groups or by members of groups;
- understood as structural, institutional phenomena which can be observed independently of whether someone believes, holds or advocates them on an individual level;
- understood as cultural phenomena which are expressed in terms of the patterns of values and norms in cultural communities.

When considering these phenomena, attention should also be paid to their different manifestations (facets). In established empirical research on prejudices and racism, a distinction can be drawn between traditional, openly expressed disparagement, i.e. disparagement which is more or less clearly discernible in communities and which violates the basic social norm, on the one hand, and modern, subtle disparaging attitudes on the other. While disparagement is openly expressed when it is not kept in check by social norms (such as tolerance), modern disparaging attitudes and discriminatory prejudices are not directly denigratory, because they are communicated in a roundabout way.

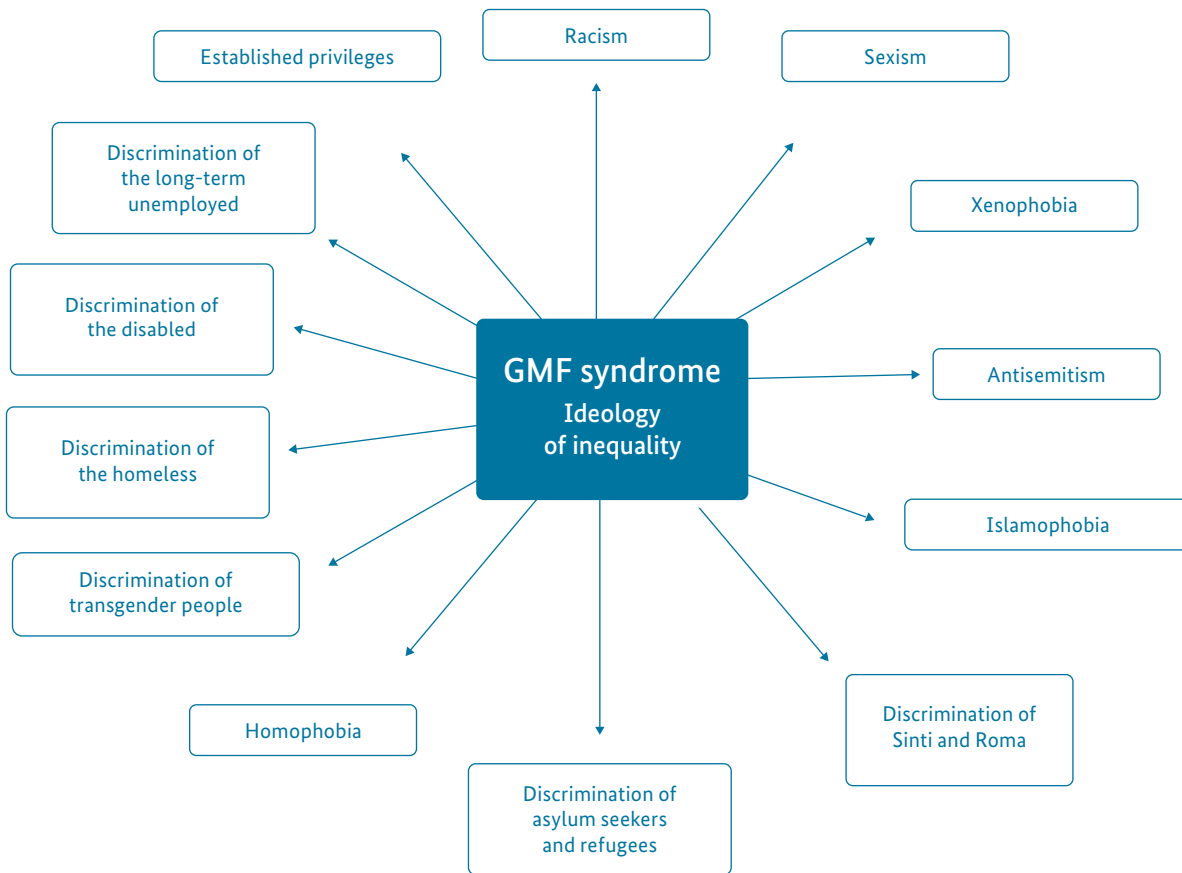
When reflecting on the diverse above-mentioned approaches, it is worth noting that most regard disparaging attitudes as the conflict-laden drawing of distinctions – in the sense of hostile convictions, emotions, and intended and actual behaviours – between one group and other groups. The aim is to present and perceive one’s own reference group as positive and distinct from another group which is defined as the other, as posing a threat, not belonging, deviating from the norm etc.

***Disparaging attitudes are, therefore, defined as negative judgements and attributions made by groups or individuals on account of their identifying with a particular group (ingroup) vis-à-vis groups which are labelled or perceived as outsiders (outgroup). Discriminatory prejudices are defined as the insistent denigration of outsiders by means of opinions, ascribed emotions and, above all, perceived behaviours so that they are regarded as not being equal to the ingroup.***

The concept of “attitude” is well suited because of its strong definition. Attitudes are the “... *evaluation of an object, concept, or behavior along a dimension of favor or disfavor, good or bad, like or dislike*” (Ajzen/Fishbein, 2000, p. 3). Attitudes can be positive or negative; stable and unvarying or unstable and variable; strong or weak; or explicit or implicit. They can be classified along cognitive, affective and conative (i.e. behaviour-related) dimensions.

Based on this, disparaging attitudes in the most general sense can be understood as social prejudices which serve to highlight and stabilize the inequality of groups in a society.

Inequality is, ultimately, a key aspect underlying all concepts of racism, prejudice, hostility to others etc. In view of this, very diverse facets of disparaging attitudes can be distinguished and seen in a common context. Applying the “*syndrome of group-focused enmity*” is a suitable means of doing just that.



**Figure 1:**  
The syndrome of group-focused enmity  
after Heitmeyer (2002)  
Source: Zick/Küpper/Krause (2016), p. 37

Figure 1 illustrates that

- disparagement and discriminatory prejudices are closely linked and should be looked at in relation to one another. That means that people who hold prejudices against one group also tend to express prejudices against other groups;
- disparagement insistently establishes inequality between groups, whereby it would need to be investigated whether there are other ideologies or factors which are relevant here in addition to the ideologies of inequality;
- society disparages new and alien groups as well as groups which are regarded as a minority because they allegedly deviate from the norm; they are classified as “*inferior*” on account of lifestyles, social status or gender.

Empirically and theoretically speaking, prejudices can be described individually and in relation to other denigrated groups. What all prejudices have in common, though, is that they are set against the backdrop of the distinction between “*belonging*” and “*not belonging*”. This is based on the psychological phenomenon that people are assigned to ingroups and outgroups (Tajfel/Turner, 1979), which is in turn based on the social categorization of people. Such assignment is done externally, i.e. whether someone is actually a member of a social group or not is of no relevance when it comes to the process of categorization. Assigning people to a particular group is the first step on the path to prejudice, because social groups are ascribed certain descriptions and characteristics. These stereotypes form the basis for the emergence of prejudices.

This focus on groups is thus the common ground upon which all prejudices are built. This can also be expressed linguistically by applying the term “*group-focused enmity*” (GFE, Gruppenbezogene Menschenfeindlichkeit)



(Heitmeyer, 2002; see Fig. 1). The term places the emphasis on the very essence of prejudices, namely that they constitute a social and not an individual relation of hostility, without focusing any more or less on a particular types of disparagement. The term was originally coined in German: „*Menschenfeindlichkeit*“ explicitly refers to the fact that people (*Menschen*) are regarded with enmity (*feindlich*) as members of weaker social groups and that they are regarded disparagingly on account of their membership of a specific group (*Gruppenbezogen*). The concept of GFE goes beyond finding terminology to describe as closely as possible individual forms of disparaging behaviour in that it shows by empirical means that prejudices are interrelated (Zick et al., 2008). Empirical studies have all demonstrated that the elements are highly correlated. That means that where a person, on the basis of his or her membership of a group, devalues another group, the probability increases that he or she will devalue other groups as well. The disparagement of specific groups entails the disparagement of other groups. This link results from the common core of individual prejudices, namely the ideology of inequality. Accordingly, considering members of outgroups as unequal establishes the foundation for expressing hostility to them.

Nevertheless, the links between various prejudices are not always equally strong. While, for example, xenophobic prejudices are strongly linked to the disparagement of asylum seekers and Islamophobia, the link to sexism is weaker (Krause/Zick, 2013a). Thus, close links can be shown between those groups in which the disparagement is based on similar motives (see Zick/Hövermann/Krause, 2012; Hövermann, 2016).

Naturally, other groups can be part – we call them “*elements*” – of the syndrome, depending on the context of the debate and analysis. However, the concept is geared to the empirical study of cross-sections of society and, like political control measures, focuses on investigating which groups are denigrated by a relatively large group to such an extent that they appear unequal or objectively experience inequality.

### 3. Facets of disparagement

#### 3.1 Xenophobia

The essential feature underlying all xenophobic attitudes is the perceived threat from immigrants. This perceived threat is based on the alleged competition for sought-after social resources such as positions in the labour, education, consumer and housing market. Even though migrants do not constitute a homogeneous social group, they are in fact perceived as such. People from across the world have come to make their home in Germany, and it does not do justice to these migrants to consider them as one group. Social heterogeneity, however, is not only expressed in terms of nationality, but also in religious, value-based and everyday ways of life. This heterogeneity is also key when it comes to considering prejudices against migrants. Not only the material aspect of the purported threat to an autochthon society has a role to play, but also the perceived cultural threat. Social psychology distinguishes between a realistic and a symbolic threat. The Intergroup Threat Theory (Stephan/Renfro, 2002) holds that the subjectively perceived threat can refer to realistic resources such as jobs or to symbolic resources such as values, norms or moral beliefs. This distinction is not insignificant when analyzing xenophobia, given that the perceived threats are based on different motivations for disparaging others. What is particularly relevant when it comes to xenophobia is the element of “*perceived otherness*”, meaning that social groups which are perceived as extremely different then become the target of hostility to foreigners.

### 3.2 Anti-Semitism

Anti-Semitism refers to the devaluing of people of the Jewish faith, their cultural practices and symbols. This very old prejudice, which has a long history, is based on hostility to Jews. Another essential feature of anti-Semitism is the imputed conspiracy and complicity in the persecution of Jews (see, e.g., Zick, 2015).

Accordingly, a distinction can be drawn between different facets of anti-Semitic attitudes. Classic anti-Semitism relates to the Jewish religion and ascribes certain patterns of behaviour and characteristics to people of the Jewish faith. A conspiracy myth of the global Jewish influence has a particularly important role to play in this. Modern, transformed anti-Semitism, by contrast, is expressed in a less clear-cut manner and is thus more difficult to make out. Modern anti-Semitism is communicated in a roundabout way, because the myths about Jews and Judaism have been changed so as to avoid social condemnation. It currently manifests itself in secondary and Israel-focused anti-Semitism. These two facets are based on the idea that Jews are collectively striving for power and dominance in various social spheres. This idea is based on conspiracy theories about a Jewish collective acting in line with ascribed “Jewish” characteristics (Wetzel, 2014). In this way anti-Semitism also has elements of a perceived threat relating both to material and immaterial aspects. Other important aspects include ascribing Jews complicity in their persecution, the allegation that they derived advantages from the Holocaust, supposedly keep themselves separate from others, lack loyalty, and call for a line to be drawn under the past.

### 3.3 Islamophobia (hostility to Muslims and/or Islam)

Islamophobia in its guise as hostility to Muslims refers to the devaluing and fear of people professing the Muslim faith. This disparagement is linked to a negative attitude to Islamic culture as well as to the socio-political and social activities of Muslims. Further, Muslims are ascribed characteristics, features and behaviours which are regarded as contrasting and being incompatible with those of the majority in society. The importance of religious affiliation is exaggerated and perceived as diametrically opposite to western democracy and is thus presented as incompatible with it. Accounts of a stereotypical Muslim lifestyle and cultural practices are narrowed down unilaterally to schematic categories which

are perceived as being in alleged contrast to the pluralistic and Christian lifestyle of the majority of society. In consequence, hostility is not only expressed towards people of the Muslim faith but also to Islam as a religion, which is linked to a perceived threat (Zick, 2011, 2016).

At the theoretical level there are thus overlaps with xenophobia, which purports that values and norms are under threat. The two phenomena nevertheless differ in other respects: Xenophobia refers more generally to migrants, while Islamophobia refers, firstly, only to those practising Islam and, secondly, can also refer to German nationals with a migrant background.

In terms of discriminatory prejudices, hostility to Muslims is of greater interest than hostility to Islam. Hostility to Muslims refers very specifically to people of that faith, while hostility towards Islam focuses only on the religion itself. This distinction also needs to be drawn in empirical research, since only clearly delimited and concrete instruments will be able to provide a proper understanding of a specific prejudice.

### 3.4 Racism

Racism encompasses disparaging attitudes and behaviours associated with an alleged “*natural*” superiority of white people. It is, therefore, defined as biological or ethnic/cultural racism which categorizes ethnic or phenomenological categories as a biological difference. Like sexism, racism is an ideological hostility which refers to a person’s physical or biological features. It implies an emphasis on the cultural superiority of white people over people of colour (Heitmeyer, 2002).

As referred to in the above, the term “*racism*” can also be applied to other facets of misanthropy, i.e. depending on its manifestation it can take the form of anti-Muslim, anti-gypsyist, anti-Semitic or homophobic racism. However, we do not believe it makes sense to apply the term “*racism*” as a catch-all term without further empirical or theoretical reflection where there is also empirical evidence of non-racism-related disparagement. At the very least, however, it should be borne in mind that racism without racism is possible.

### 3.5 Anti-gypsyism

Anti-gypsyist prejudices are expressed by way of insinuated deviating (e.g. criminal) behaviour and practices which are allegedly incompatible with those of the majority of the population. Since Roma represent an alleged threat on account of these attributions, hostility towards them is linked to the wish to keep one's distance and avoid any contact (Zick/Hövermann/Krause, 2012).

The prejudice of anti-gypsyism has a long history in Europe. Consequently, stereotypical convictions about Roma are firmly entrenched in the collective social memory. Parallels can thus be drawn to anti-Semitism. Social concepts about how Roma behave and live their lives are linked to contempt for them and thus influence how others relate to and interact with them. Seen from the perspective of discriminatory prejudices, this aspect represents a behaviour-related element of prejudice. This dimension has a key role to play for anti-gypsyism in particular, because avoiding social contact is an element which is central to this form of disparagement.

In contrast to the other above-mentioned prejudice-based attitudes to groups of people, Sinti and Roma are an officially recognized national minority. That is why special attention is also paid to members of this group.<sup>37</sup>

### 3.6 Disparagement of asylum seekers

The disparagement of asylum seekers refers to hostility to refugees who come to Germany in search of safety and protection from persecution. When asylum seekers file a claim they are accused of being illegitimate, of abusing existing legislation. Asylum seekers are accused of seeking to live at the expense of the community as a whole. This hostility is based on doubts, firstly, as to the legality of asylum legislation and of international refugee conventions. Secondly, the devaluing of those seeking asylum also makes reference to the motivations of those

expressing the prejudice, who seek to present the state's granting of asylum as a threat to personal resources. Consequently, perceived material threats play a role here, as do immaterial threats, because of the implication that values and norms are under threat. Hence, the denigration of asylum seekers on the one hand and Islamophobic and xenophobic attitudes on the other hand are empirically linked (Krause/Zick, 2013b).

### 3.7 Disparagement of homosexuals

The disparagement of people who identify as homosexual refers to hostile attitudes to people whose sexual orientation differs from what is regarded as normal, namely heterosexuality. People who identify as homosexual are perceived as a threat to society because they call into question a way of living founded on Christian values and its associated moral ideals. The otherness and labelling of homosexuals as "abnormal" are over-emphasized, and homosexuality is regarded as the central and overriding trait for judging a person (Heitmeyer, 2006).

## 4. Disparaging attitudes: trends and prevalence

### 4.1 Germany

Our observations regarding disparaging attitudes and discriminatory prejudices are based on the results of the Study into Group-Focused Enmity. From 2002 onwards, what became known as the "GFE studies" took random samples of German citizens chosen according to representative criteria. As a rule, approx. 2,000 people were surveyed in each round, with demographic distortions largely being ruled out by the sampling procedure.

<sup>37</sup> Three other groups are officially recognized as national minorities in Germany: Sorbs, Danes and Frisians. The majority of them live in specific regions of Germany, meaning that no reliable, tried and tested instruments for measuring their disparagement are available. It thus does not appear possible to record the level of denigration of these groups across the whole of Germany. No data are therefore available for these three groups.

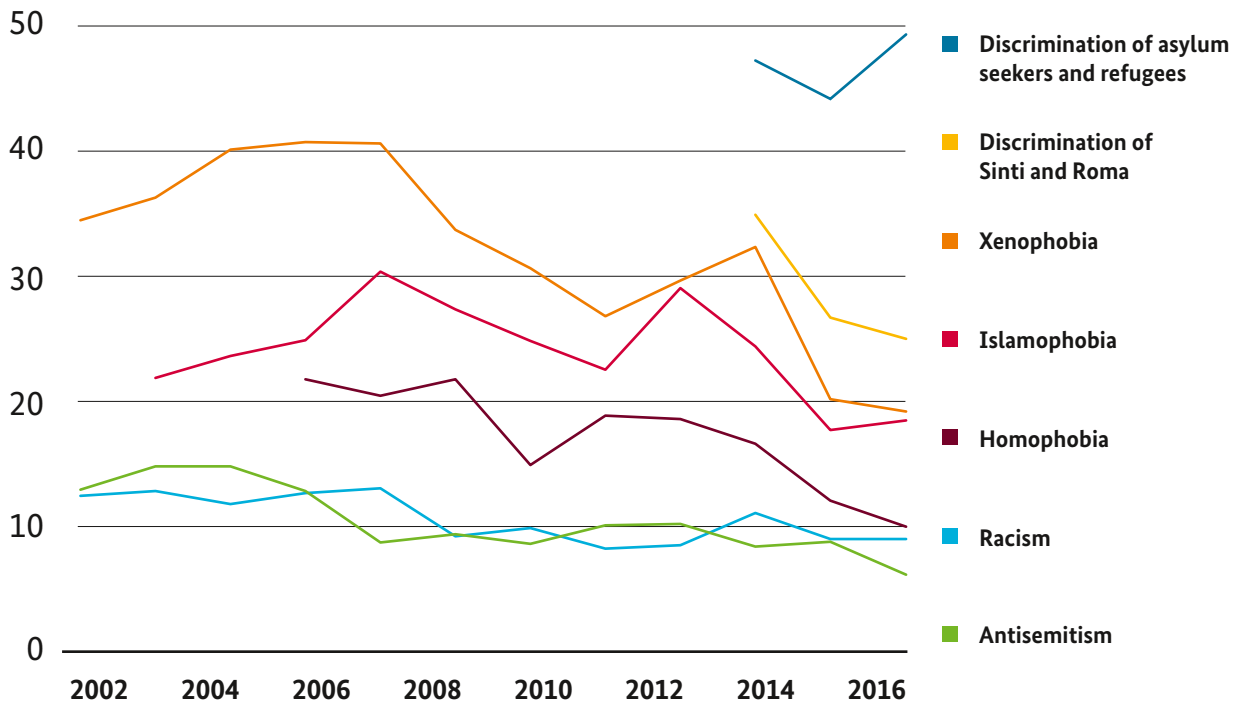


Figure 2:  
Trends in various prejudices, 2002 – 2016

Source: GFE studies, 2002–2011, Friedrich Ebert Foundation Study into Extreme Right-Wing Attitudes, 2014–2016, own calculations, figures cited as percentages

The Study noted the following in regard to the key elements of disparagement:

- **Xenophobia** has been on the decline since 2002, though the downwards trend has not been linear. A constantly high level was observed over the three years between 2004 and 2006, followed by three years of decline, after which there was a slight upturn. Certain parallels with economic factors can be traced, namely that a rise in unemployment as well as the consequences of the financial crisis are reflected in the trend as regards xenophobic attitudes. One specific impact appears to be a perceived material threat. However, the last two surveys plotted the lowest figures by far to date.
- Prevalence and trends as regards **racist attitudes** are, by contrast, less likely to be influenced by external factors, as they have been subject to less fluctuation since 2002. Over the 14-year period the figures varied by only 5 percentage points. This indicates enormous stability and constancy and thus permits the conclusion that racist disparagement is based on deep-seated ideological convictions.
- The same can also be said for **anti-Semitism** (in this case classic anti-Semitism) since it, too, fluctuates very little over time. Three phases can nevertheless be made out: The first phase of the period surveyed covers 2002 to 2005, in which anti-Jewish attitudes were plotted in the double figures. From 2006 prevalence is consistently at a low level and varies by less than 2 percentage points up until 2014. Finally, a significant drop can be seen in 2016, when classic anti-Semitism was at its lowest level to date.
- By contrast, the trend as regards **disparaging Islamophobic** attitudes is less clear-cut. Substantial fluctuations can be seen across the 14-year period surveyed. Following an increase in 2006 there was a drop over a three-year period, followed by a renewed sharp increase in 2010. Islamophobic attitudes again dropped to below 20 per cent in 2014 and 2016, the lowest level since the first survey in 2003.
- **Disparaging attitudes to homosexuals** can also be seen to be on the decline, reaching their lowest level in 2016. This form of denigration is a good example of how social discourses can influence the prevalence of negative attitudes. Continuous demands for equal

treatment have very likely contributed to the population accepting and respecting different types of relationships and to their being recognized as equal, and thus to a drop in disparaging attitudes.

- Research into **disparaging attitudes to asylum seekers** has a shorter history than research into other types of disparagement. Only three surveys have been carried out to date. Following a slight drop in disparaging attitudes to asylum seekers between 2012 and 2014, such attitudes rose significantly in 2016. At almost 50 per cent, that is half the population, the proportion of people agreeing with such disparagement is very high. It cannot be ruled out that, due to current developments in terms of refugee movements and the number of asylum seekers in Germany, different figures would emerge if the survey were to be repeated again now. As the surveys show, the population’s political and social attitudes cannot be seen in isolation from contemporary events and changes taking place in society.
- A chronological comparison of **anti-gypsyist** prejudices can likewise only be made for 2011, 2014 and 2016. However, these attitudes are declining. In the most recent survey almost one quarter of respondents agreed with this disparaging attitude. As in the case of anti-Semitism, anti-gypsyist prejudices have a fairly long history in German society. However, such prejudices are subject to less social condemnation than anti-Jewish attitudes.

## 4.2 Europe

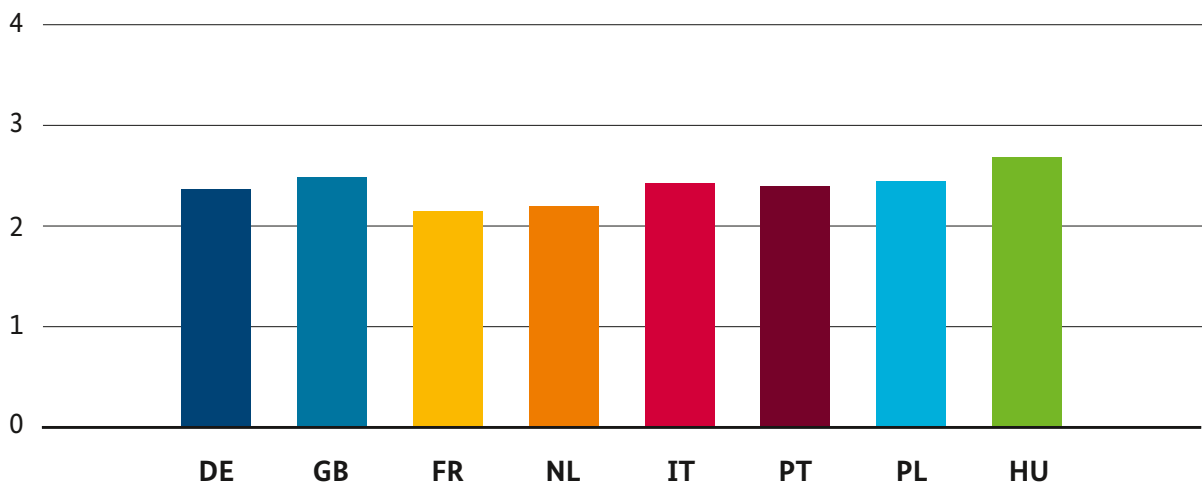
The study „Die Abwertung der Anderen“ (Devaluing the Others) was the first broad-based, comparative study of disparaging attitudes in Europe. It investigated the prevalence of different prejudices in eight European countries in 2008 based on representative samples.

### 4.2.1 Xenophobia

The prevalence of xenophobic attitudes to disparage migrants differs across Europe. While such attitudes are expressed relatively rarely in France and the Netherlands, they are particularly frequently expressed in Hungary and the United Kingdom. Germany ranks among the average in Europe.

The European Social Survey (ESS)<sup>38</sup> has also looked into xenophobia. The ESS is a long-term study, enabling trends in xenophobic attitudes to be observed.

<sup>38</sup> In addition to a number of other attitudes, the ESS surveyed xenophobic attitudes and disparaging attitudes to homosexuals over a period of 12 years in seven rounds between 2002 and 2014.



Scale: 1 = “strongly disagree” to 4 = “strongly agree”; difference between countries:  $F(7.7508) = 51.00, p < .001$ ; Post-hoc comparisons: FR, NL < DE, PT, IT, PL < IT, PL, GB < HU.

Figure 3  
Xenophobia in a European comparison, 2008  
Source: Zick/Küpper/Hövermann, 2011, p. 64, averages

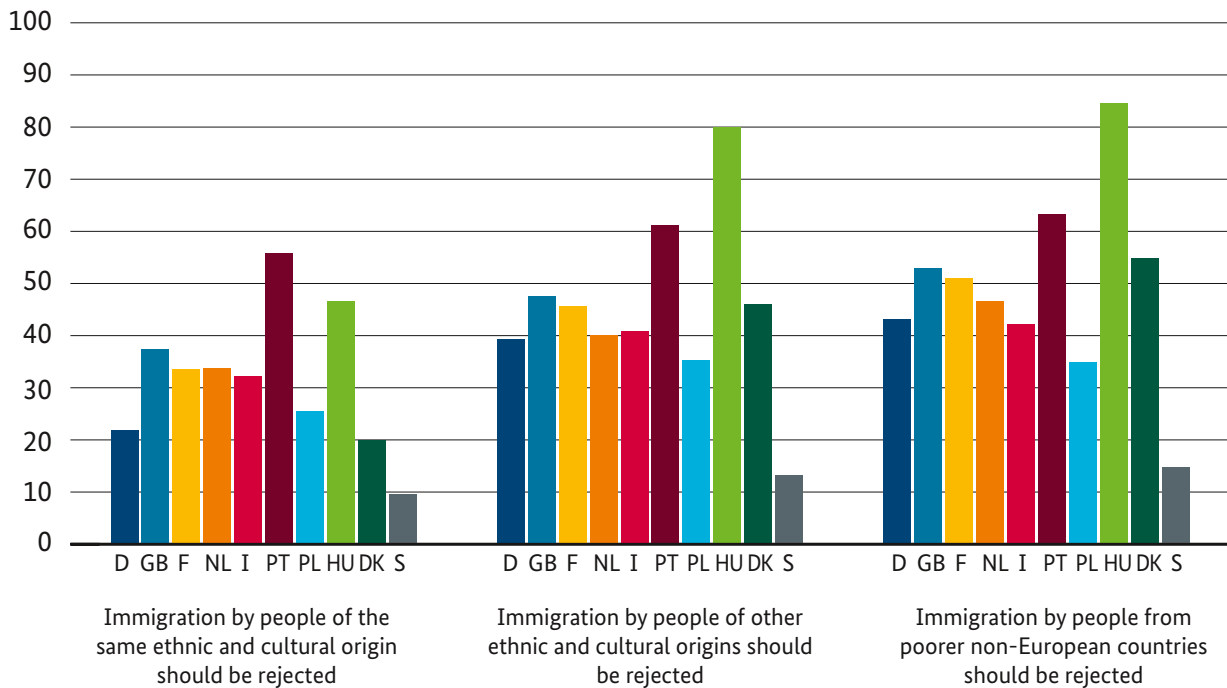
**Attitudes to immigration – which groups should be denied the possibility of immigrating?<sup>39</sup>**

Figure 4 shows that people in European countries distinguish between migrants with the same ethnic/cultural background and those with a different ethnic/cultural background. According to the long-term comparison, on average between 20 and 50 per cent of Europeans surveyed were of the opinion that only few or no migrants with the same ethnic background should be allowed to migrate to their country. When asked about migrants with other and “foreign” ethnic backgrounds, more Europeans oppose migration, namely on average between 35 and almost 60 per cent. Hungary and Portugal are upwards outliers, Sweden a downwards outlier. The number of people rejecting migrants in Sweden is extremely low. While respondents in Portugal are against migrants with the same ethnic/cultural background (some 55 per cent), according to the ESS some 80 (!) per

cent of respondents in Hungary were against people with a different background migrating to their country. By contrast, when asked about migrants with the same and with a different ethnic/cultural background, only some 10 and 13 per cent of respondents in Sweden respectively expressed their disapproval.

In Germany, some 20 per cent of respondents were opposed to migrants with the same ethnic/cultural background, which is slightly lower than the average. Even lower figures were only plotted for the two Scandinavian countries. By contrast, some 40 per cent of respondents in Germany were against migrants with a different ethnic/cultural background migrating, the average across Europe.

The ESS also plotted how willing the majority in society was to integrate migrants against the migrants’ geographical origin, and explicitly asked about migrants



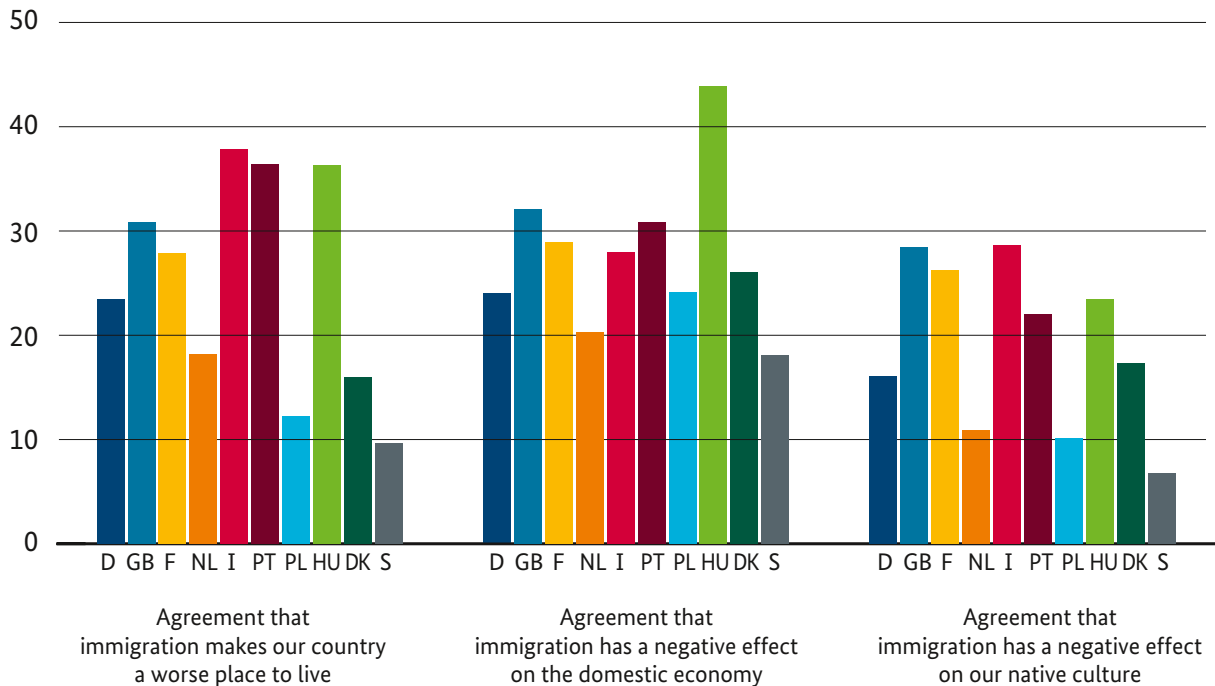
**Figure 4**  
Rejection of immigrants  
Source: ESS, own calculations, averages per country, 2002–2014, as percentages

<sup>39</sup> Figure 4 plots the total number of respondents who agreed that “few migrants” and “no migrants” in each respective group should be permitted to enter the country.

immigrating from poorer countries outside Europe. On average between 40 and 55 per cent of respondents in most of the ten countries included in the survey stated that they were ready to accept only few or no migrants from poorer countries outside Europe. Respondents in Hungary were most likely to reject migration by this group (almost 85 per cent). However, in Portugal (63 per cent), Denmark (55 per cent), the UK (53 per cent) and France (51 per cent) more than half of respondents were against migration on a large scale. Once again, respondents in Sweden have the most positive attitude by far to immigration. In Germany on average 43 per cent of respondents are against larger-scale immigration from poorer countries outside Europe.

**Does immigration make for a better place to live?**

As well as investigating Europeans’ willingness to accept migrants, the ESS asked a further three questions to determine whether respondents felt that their country was made a better place to live by migrants coming to live there from other countries. The questions addressed three different aspects: generally made a better/worse place to live; bad/good for the domestic economy; and good/bad influence on own culture.



**Figure 5**  
Agreement that immigration makes for a worse place to live in various respects

Source: ESS, own calculations, averages per country, 2002–2014, as percentages<sup>1</sup>

<sup>1</sup> Answers to the three items were provided on a scale of 0 = “negative impact” to 10 = “positive impact”. The number of respondents answering “0”, “1”, “2” and “3” were added together and plotted in the graphs.

Let us first consider the extent to which the respondents agreed with the general statement, namely that migrants make their country a worse place to live. Almost one in four respondents in Germany agrees with this statement. Respondents in Italy, Portugal and Hungary are most likely to agree with the statement (more than 35 per cent of respondents). The values are lowest in the Netherlands, Denmark, Poland and Sweden.

When it came to the impacts which respondents presumed immigration would have on the domestic economy, the majority of those in Hungary expressed negative opinions. Respondents primarily perceived economic threats. The perceived threat to the economy is also widespread in the UK, Portugal, France and Italy (some 30 per cent of respondents in each case). By contrast, these fears are expressed by significantly fewer respondents in the Netherlands and, once more, in Sweden.

The ESS also surveyed the influence of migration on own cultural life. Overall, fewer respondents in the countries surveyed are generally speaking afraid of migration having a negative impact, since on average less than 30 per cent of respondents in all countries stated that this was the case. Such fears were expressed most frequently in the UK, Italy and France (by just over 25 per cent of respondents). The figure for Germany is 16 per cent. Fears that migration will have a negative impact on cultural life are lowest in the Netherlands, Poland and, once again, Sweden.

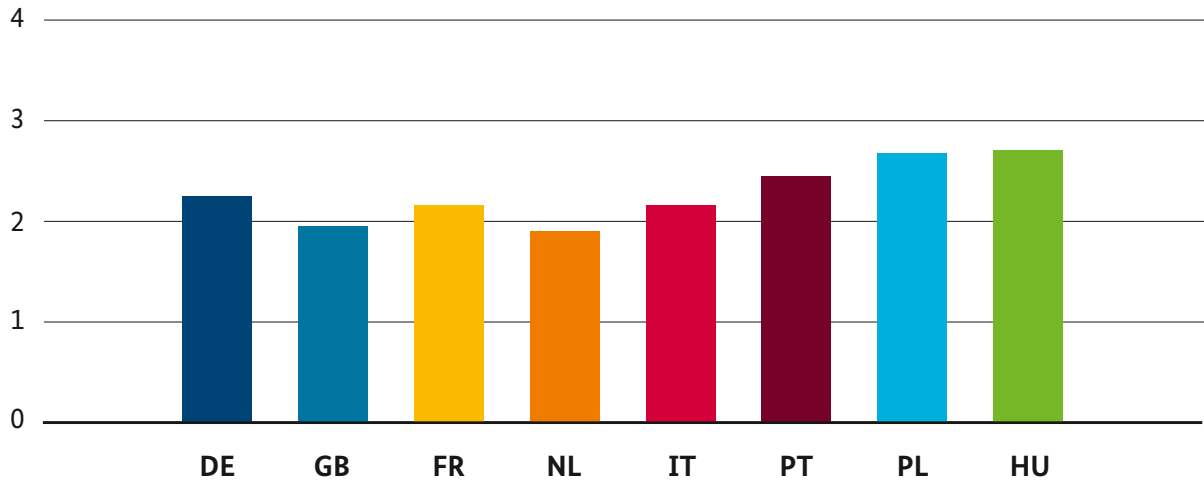
Based on the ESS the conclusion can thus be drawn that in the period between 2002 and 2014 xenophobic attitudes varied across different European countries. The survey showed, as did the cross-sectional analysis carried out by Zick et al. (2011), that xenophobia has been very widespread over an extended period of time in Hungary in particular. Respondents there showed the greatest disparagement of migrants in regard to three out of six xenophobic statements. Hungary also ranked among those countries with the largest proportion of xenophobic attitudes in regard to other questions too. For instance, almost 80 per cent of respondents in Hungary were unwilling to allow migrants with different ethnic/cultural roots to migrate to their country.

The fewest xenophobic attitudes by far were expressed by respondents in Sweden. Only between 10 and 15 per cent of respondents are unwilling to accept migrants in their country. In a European comparison Germany usually ranked somewhere in the middle, although over time noticeably fewer respondents agreed with xenophobic statements than in other countries (e.g. Poland and France), where xenophobic attitudes have risen again recently.



#### 4.2.2 Anti-Semitism

The prevalence of anti-Semitic prejudices varies across Europe. It is highest in Hungary and Poland and lowest in the Netherlands and the UK. Germany, France and Italy rank in the middle.



Scale: 1 = "strongly disagree" to 4 = "strongly agree"; difference between countries:  $F(7.7233) = 204.07, p < .001$ ; Post-hoc comparisons: NL, GB < IT, FR < DE < PT < PL, HU.

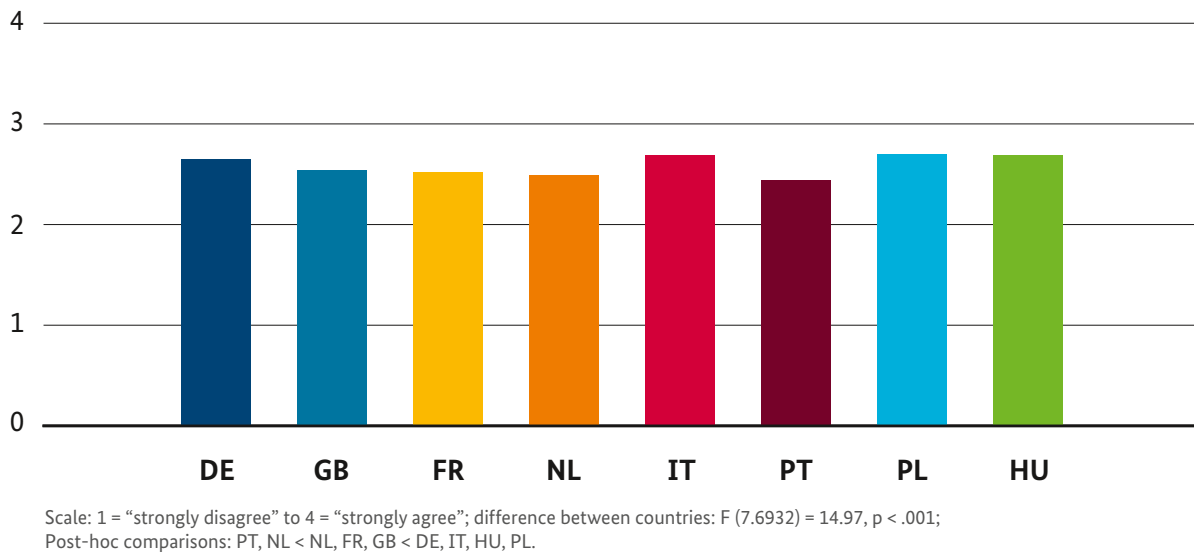
**Figure 6**

Anti-Semitism in a European comparison, 2008

Source: Zick/Küpper/Hövermann, 2011, p. 67, averages

#### 4.2.3 Islamophobia (hostility to Muslims/Islam)

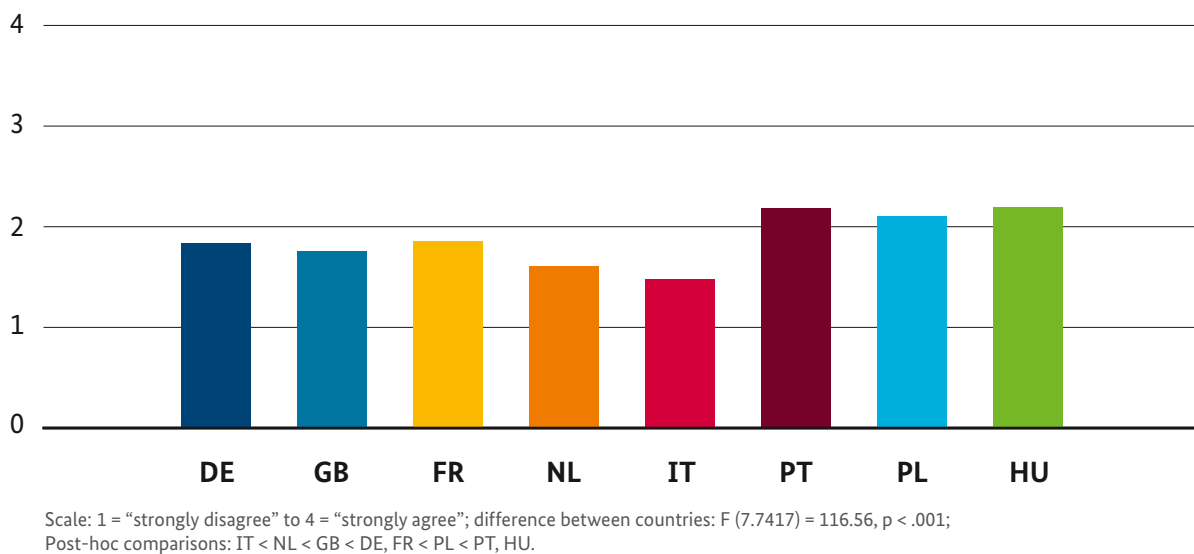
Little difference can be made out as regards the prevalence of Islamophobia across Europe. The countries surveyed can be put into two groups: Respondents in the first group (Italy, Germany, Poland and Hungary) are quite strongly opposed to Muslims and Islam, with almost identical results being plotted. Respondents in the second group of countries (the UK, France, the Netherlands and Portugal) showed less disparagement of Muslims and Islam.



**Figure 7**  
 Islamophobia in a European comparison, 2008  
 Source: Zick/Küpper/Hövermann, 2011, p. 72, averages

#### 4.2.4 Ethnic racism

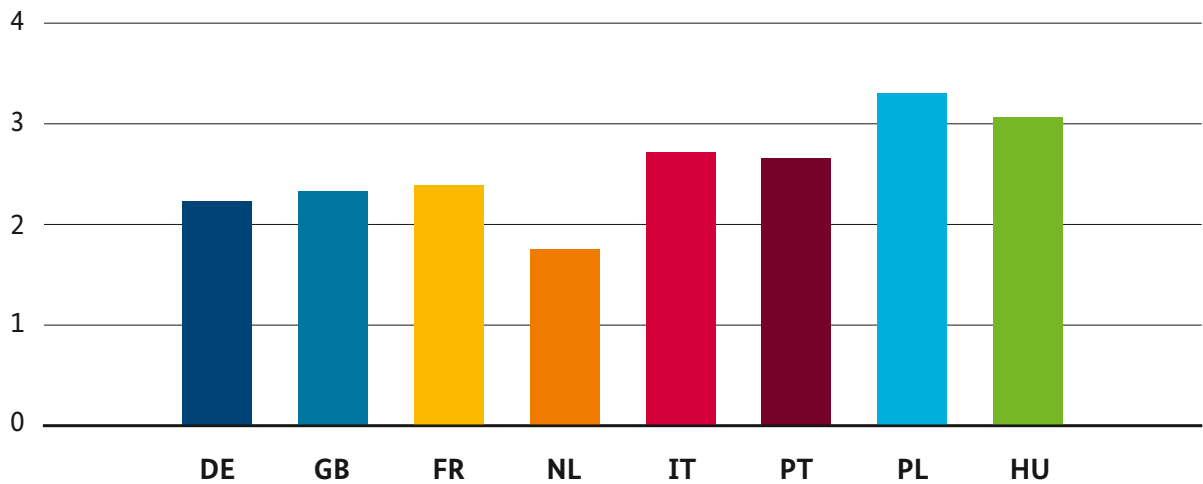
Respondents in Portugal, Poland and Hungary agree strongly with the purported superiority of white people over people of colour. In Italy and the Netherlands, by contrast, respondents expressed the lowest level of ethnic racism. There is hardly any difference between Germany, France and the UK, where racist attitudes are prevalent in some sections of society.



**Figure 8**  
 Ethnic racism in a European comparison, 2008  
 Source: Zick/Küpper/Hövermann, 2011, p. 69, averages

#### 4.2.5 Disparaging attitudes to homosexuals

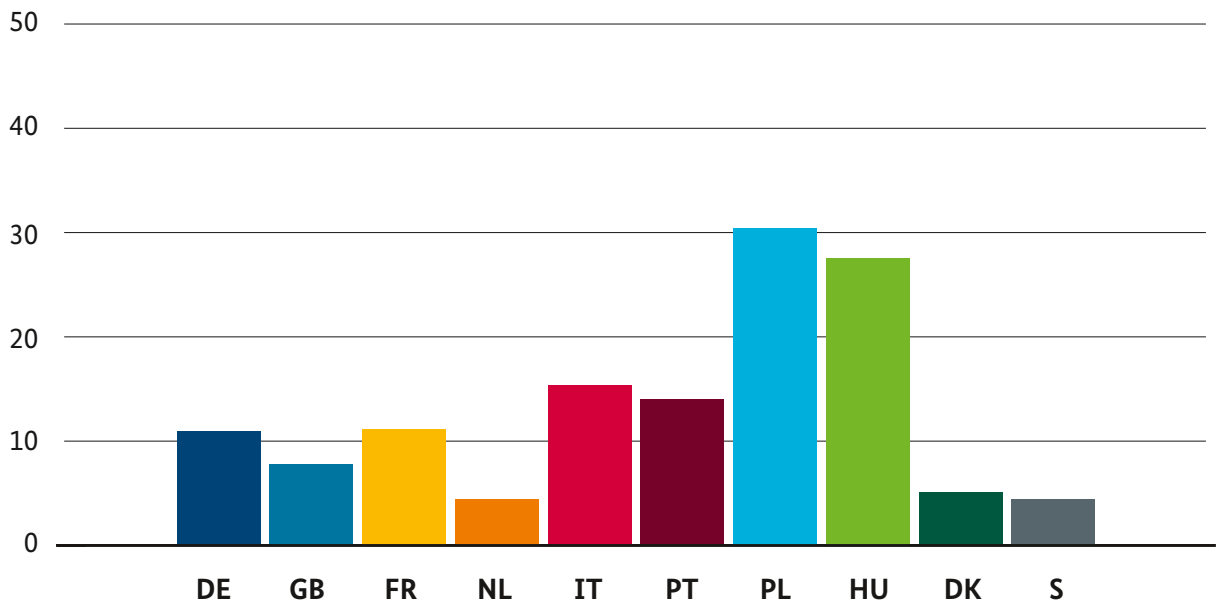
The bandwidth of values across Europe is greatest when it comes to hostility to homosexuals. Progress made towards equality and equal treatment of different lifestyles across Europe varies. Poland and Hungary in particular are conspicuous when it comes to respondents' strong disparagement of homosexuals. The Netherlands, by contrast, has the lowest levels of disparaging attitudes by far, while average rates were plotted for Germany and four other countries.



Scale: 1 = "strongly disagree" to 4 = "strongly agree"; difference between countries:  $F(7.7504) = 178.56, p < .001$ ;  
 Post-hoc comparisons: NL < DE < GB, FR < PT, IT < HU < PL.

**Figure 9**  
 Disparagement of homosexuals in a European comparison, 2008  
 Source: Zick/Küpper/Hövermann, 2011, p. 75, averages

The ESS also includes a statement referring to disparaging attitudes to homosexuals, namely the item “*Homosexuals should be free to live their own life as they wish*”. Two of the countries selected for comparison stand out. The highest level of rejection and also the most stable over time is registered in Poland (30 per cent) and in Hungary (28 per cent), followed by Italy and Portugal (both approx. 15 per cent), then Germany and France (both approx. 10 per cent). Only around 5 per cent of respondents in the Netherlands, Denmark and Sweden, by contrast, disagree with the statement that homosexuals should be free to live their own life as they wish.

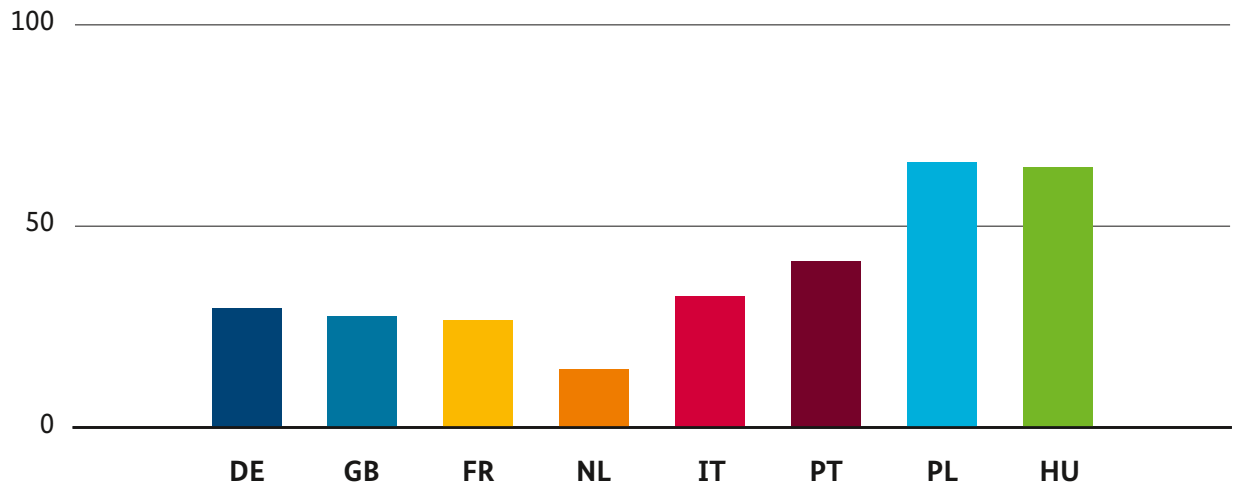


**Figure 10**  
Disagreement with the statement that homosexuals should be free to live their own life as they wish  
Source: ESS, own calculations, country averages, 2002–2014, as percentages

#### 4.2.6 Group-focused enmity as a whole

The prevalence of disparaging attitudes and discriminatory prejudices varies across Europe. When six types of disparaging attitudes are combined<sup>40</sup> to produce an overall value, the following picture emerges:

- Hungary and Poland present with a high degree of misanthropy.
- Germany, the UK, France, Italy and Portugal occupy a broad middle ground.
- The Netherlands has the lowest level of misanthropy by far.



**Figure 11**  
Trends in extreme right-wing attitudes, 2002 – 2016  
Source: Decker/Kiess/Brähler 2014; own graph, as percentages

<sup>40</sup> Xenophobia, racism, anti-Semitism, disparaging attitudes to homosexuals, Islamophobia and sexism

#### 4.2.7 Disparagement in the context of extreme right-wing attitudes

Studies of extreme right-wing attitudes (referred to in Germany as the „Mitte-Studien“) recorded disparaging and discriminatory attitudes in the context of key extreme right-wing convictions. According to a Consensus Working Group, these include anti-Semitism and xenophobia. Figure 12 plots the trends over time for both elements in the context of the other dimensions of extreme right-wing attitudes.

The following previously reported trends as regards the “extreme right-wing syndrome” were confirmed:

- Xenophobic disparaging attitudes have been on a downwards trend among the German population since 2002, although there was, latterly, a slight increase.
- Anti-Semitism is also slightly in decline.
- The overall construct which the authors refer to as a “manifest extreme right-wing attitude” comprising the six plotted dimensions indicates a stable, slight downwards trend between 2002 and 2012. In 2014 there was then a sharp drop; figures were even lower in 2016.

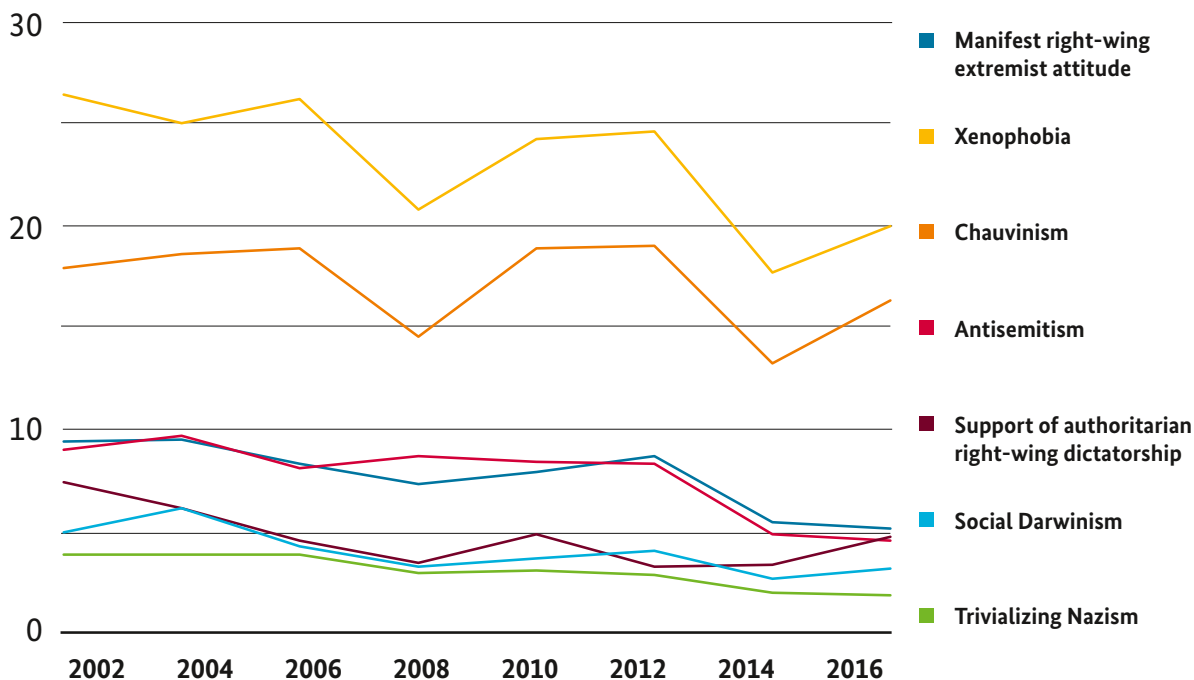


Figure 12  
Trends in extreme right-wing attitudes, 2002 – 2016  
Source: Decker/Kiess/Brähler 2014; own graph, as percentages

## 5. Vulnerable groups and key causes

### 5.1 Vulnerable groups

The question of the demographic distribution of disparaging attitudes is important when it comes to pinpointing the causes, as well as most importantly for developing preventive and interventionist strategies. In the following we report on disparaging attitudes and discriminatory prejudices in groups which have a bearing on socio-economic status.

#### 5.1.1 Gender

It is impossible to make any general statements regarding gender differences when it comes to prejudices, although some differences have proved to have been stable over several years. They include xenophobia and anti-gypsyism. Ever since the first surveys were conducted in 2002 women have been shown to be more xenophobic than men. Table 1 lists prejudices according to gender as recorded in the most recent 2016 survey. It shows that men are more xenophobic – though not statistically significantly so. By contrast, the difference between the two genders was more marked when it comes to anti-gypsyism. Although no long-term data are available for this item, women held more anti-gypsyist prejudices than men during all the previous surveys (2011, 2014 and 2016). The difference was, however, smaller and no longer significant in the last survey in 2016. In the last survey women also expressed prejudices against asylum seekers a little more frequently than men. This finding is, however, not statistically significant. Men, in turn, are more disparaging when it comes to homosexuals. This finding is very constant over time. The 2016 survey also revealed that men had statistically significantly more disparaging attitudes in regard to classic anti-Semitism. There are, however, no clear gender differences when it comes to racism and Islamophobia.

**Table 1: Prejudices among men and women, 2016**

	Men	Women
Xenophobia	20.1	18.1
Classic anti-Semitism**	7.7	4.1
Islamophobia	18.9	17.7
Racism	9.9	7.7
Anti-gypsyism	24.1	25.7
Disparaging attitudes to asylum seekers	48.6	50.4
Disparaging attitudes to homosexuals**	11.9	7.8

Source: Zick/Küpper/Krause, 2016, as percentages,  
\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p < .001$ .

#### 5.1.2 Age

The types of disparaging attitudes which are relevant to this report present a uniform trend in the different age groups which has proved extremely stable over time: The older the respondents the more frequently they agree with disparaging attitudes. The oldest age group (> age 61) expressed the strongest hostility for all items (with the exception of Islamophobia and anti-gypsyism) (see Table 2). By contrast, the youngest group of respondents (age 16 – 30) expressed the lowest levels of disparaging attitudes for all items. The only exception here was racism, though this was not statistically significant. Neither of the two younger age groups showed significantly stronger prejudices for any of the elements.

**Table 2: Prejudices in various age groups, 2016**

	Age 16 – 30	Age 31 – 60	> age 61
Xenophobia**	12.1	19.1	22.3
Classic anti-Semitism*	4.1	5.1	8.0
Islamophobia**	11.2	19.9	19.5
Racism**	8.0	6.8	12.4
Anti-gypsyism**	17.1	27.7	25.7
Disparaging attitudes to asylum seekers***	33.5	52.7	53.4
Disparaging attitudes to homosexuals***	3.7	7.6	16.3

Source: Zick/Küpper/Krause, 2016, as percentages,  
\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p < .001$ .

### 5.1.3 Education

A clear, unequivocal pattern emerges as regards the prevalence of disparaging attitudes in various education groups. That pattern is also extremely stable over time. Those with a higher level of education (higher education entrance qualification) are by far the least likely to hold prejudices (see Table 3).<sup>41</sup> A linear increase from a lower, to a medium, to a higher level of education can generally also be made out. The only small exception to this rule is anti-gypsyism, where respondents with a medium education level showed slightly more disparaging attitudes than respondents with a low education level.

<sup>41</sup> Three levels of education were distinguished: low level = no school leaving certificate or school leaving certificate (Hauptschulabschluss); medium level = intermediate school leaving certificate (mittlere Reife); high level = qualification for technical university/general university entrance qualification (Fachhochschulreife/Abitur).

**Table 3: Prejudices according to level of education, 2016**

	Low	Medium	High
Xenophobia**	26.9	19.8	6.9
Classic anti-Semitism***	8.7	6.1	1.8
Islamophobia***	24.4	20.4	7.7
Racism**	14.5	8.1	2.0
Anti-gypsyism**	26.5	29.1	18.6
Disparaging attitudes to asylum seekers***	57.8	51.5	36.3
Disparaging attitudes to homosexuals***	15.6	7.7	3.7

Source: Zick/Küpper/Krause, 2016, as percentages,  
\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p < .001$ .

Even though educated individuals hold fewer prejudices than those with a lower education level, they are not entirely free of them. It is only possible to say that the proportion of those who openly agree with hostile statements is lower among those with a high education level than among those with a lower level of education. Level of education therefore proves to be highly relevant and extremely stable when it comes to explaining respondents' agreement with prejudices.

### 5.1.4 Income

The same linear pattern can be made out for people in different income groups almost analogously to the results presented for different education groups. The highest level of prejudice relevant to our report is found in the group on a low income, followed by those on a middle-level income. Accordingly, the lowest level of prejudice is found in those on a high income. There are some deviations from this pattern, however. For example, those on a low and middle-level income do not deviate significantly as regards their disparaging attitudes to homosexuals and asylum seekers. When it comes to the latter element, those in the middle-income group even tend to hold the most prejudices.



**Tabelle 4: Vorurteile in verschiedenen Einkommensgruppen 2016**

	Low income	Middle-level income	High income
Xenophobia**	29.1	20.8	9.4
Classic anti-Semitism***	7.5	6.5	3.6
Islamophobia***	29.7	18.0	10.3
Racism**	12.1	9.9	4.4
Anti-gypsyism**	30.9	24.9	22.1
Disparaging attitudes to asylum seekers***	49.8	48.9	42.1
Disparaging attitudes to homosexuals***	41.9	42.6	26.5

Source: Zick/Küpper/Krause, 2016, as percentages,  
\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p < .001$ .

What is remarkable as regards prevalence, however, is that the extent of the link varies strongly. While the differences between the income groups are very large when it comes to xenophobia and Islamophobia (approx. 30 per cent low income v. approx. 10 per cent high income), they are significantly smaller in the case of anti-gypsyism and disparaging attitudes to asylum seekers. The aforementioned linear effect can also be noted in regard to the latter element, although the differences are not statistically significant.

## 5.2 Main causes of disparaging attitudes

Modern attempts at providing an explanation for these phenomena undertaken by prejudice researchers adopt a multiperspective and interdisciplinary approach. Taking account of theories from various academic disciplines and different levels of analysis make it possible to do appropriate justice to the complexity of the subject matter. This approach not only means it is possible to gain a deeper understanding of how disparaging attitudes arise and are maintained but also to draw up more broader-based preventive and interventionist strategies. Consequently, several levels need to be taken into account, since attitudes in general and thus also hostile disparaging attitudes are not monocausal; quite the contrary, they are multicausal.

Structural factors which determine people's living conditions and possibilities of social participation are also relevant. For instance, perceived inferior economic status and lack of participation can promote the emergence of prejudices. In addition, being part of social networks and having the opportunity to meet a variety of people and groups have a role to play since they promote trust, acceptance and open-mindedness and can thus prevent or inhibit prejudices. Further, certain individual ideologies and perspectives on social life prove to have a negative impact. For example, support for a dominant leadership and strict hierarchies as well as authoritarianism contribute to the emergence of prejudices and discriminatory attitudes.

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