

**GLOBAL  
PLURALISM  
MONITOR**

**GERMANY**



## **Global Pluralism Monitor: Germany**

by Global Centre for Pluralism

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## ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at [pluralism.ca/monitor](https://pluralism.ca/monitor).

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# ABOUT THE GLOBAL PLURALISM MONITOR

## What is pluralism?

**Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.**

## MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, Indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

*Enhances existing efforts by governments, civil society and the private sector*

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts.

### *Approach rooted in both institutional and cultural responses to diversity*

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging.

### *Informed by expertise and data*

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

# GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

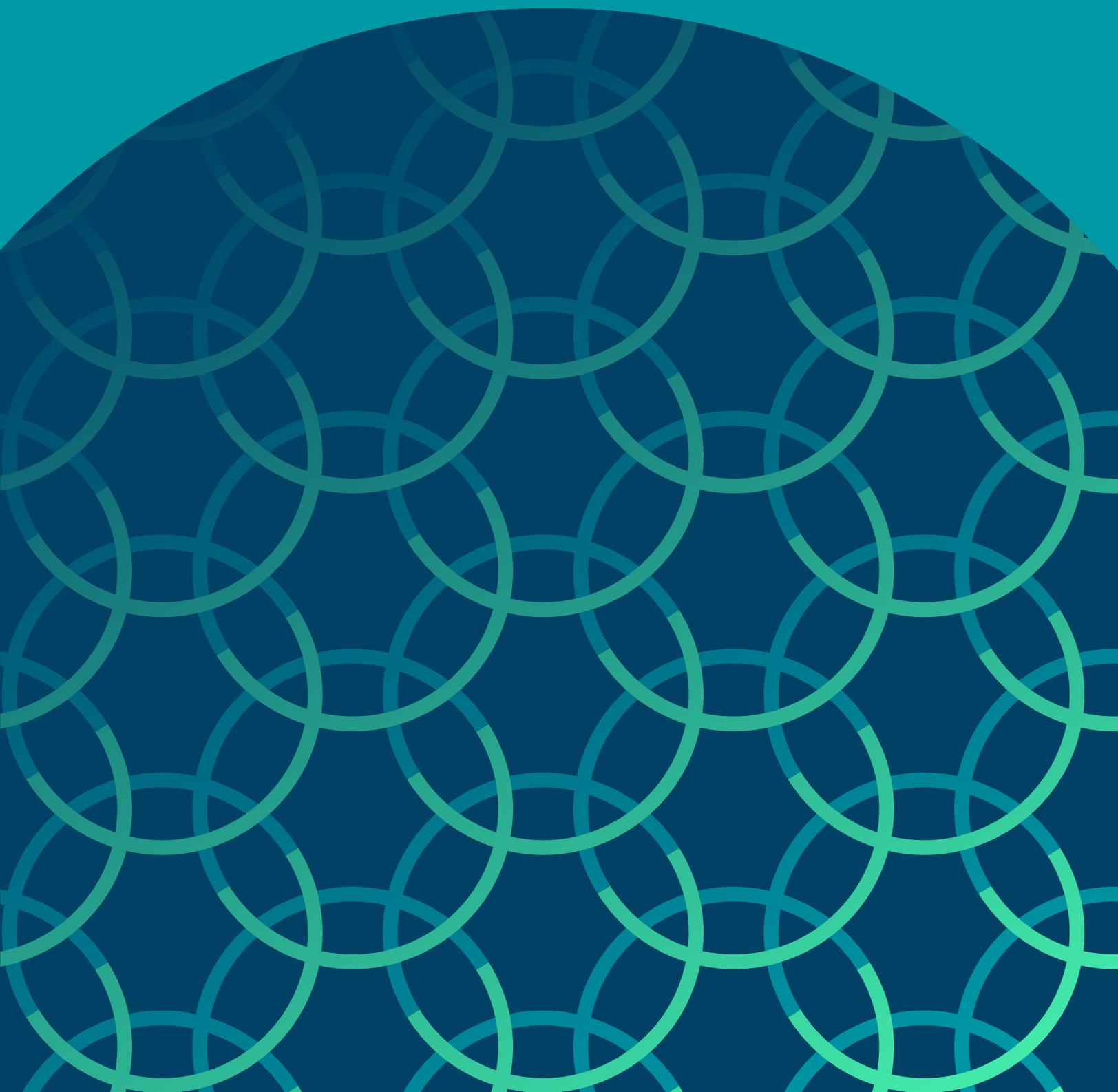
## COUNTRY PROFILE

| COMMITMENTS               | PRACTICES                      | LEADERSHIP        | GROUP BASED INEQUALITIES | INTERGROUP RELATIONS + BELONGING |
|---------------------------|--------------------------------|-------------------|--------------------------|----------------------------------|
| International Commitments | Policy implementation          | Political Parties | Political                | Intergroup Violence              |
| National Commitments      | Data Collection                | News Media        | Economic                 | Intergroup Trust                 |
| Inclusive Citizenship     | Claims-Making and Contestation | Civil Society     | Social                   | Trust in Institutions            |
|                           |                                | Private Sector    | Cultural                 | Inclusion and Acceptance         |
|                           |                                |                   | Access to Justice        | Shared Ownership of Society      |

## RECOMMENDATIONS

# CONTENTS

|   |           |
|---|-----------|
| <b>EXECUTIVE SUMMARY</b>                          | <b>7</b>  |
| <b>COUNTRY PROFILE</b>                            | <b>11</b> |
| <b>PART I. COMMITMENTS</b>                        | <b>14</b> |
| 1. INTERNATIONAL COMMITMENTS                      | 15        |
| 2. NATIONAL COMMITMENTS                           | 16        |
| 3. INCLUSIVE CITIZENSHIP                          | 17        |
| <b>PART II. PRACTICES</b>                         | <b>19</b> |
| 4. POLICY IMPLEMENTATION                          | 20        |
| 5. DATA COLLECTION                                | 21        |
| 6. CLAIMS-MAKING AND CONTESTATION                 | 22        |
| <b>PART III. LEADERSHIP FOR PLURALISM</b>         | <b>23</b> |
| 7. POLITICAL PARTIES                              | 24        |
| 8. NEWS MEDIA                                     | 25        |
| 9. CIVIL SOCIETY                                  | 27        |
| 10. PRIVATE SECTOR                                | 28        |
| <b>PART IV. GROUP-BASED INEQUALITIES</b>          | <b>30</b> |
| 11. POLITICAL                                     | 31        |
| 12. ECONOMIC                                      | 32        |
| 13. SOCIAL  | 33        |
| 14. CULTURAL                                      | 34        |
| 15. ACCESS TO JUSTICE                             | 35        |
| <b>PART V. INTERGROUP RELATIONS AND BELONGING</b> | <b>37</b> |
| 16. INTERGROUP VIOLENCE                           | 38        |
| 17. INTERGROUP TRUST                              | 39        |
| 18. TRUST IN INSTITUTIONS                         | 40        |
| 19. INCLUSION AND ACCEPTANCE                      | 41        |
| 20. SHARED OWNERSHIP OF SOCIETY                   | 41        |
| <b>RECOMMENDATIONS</b>                            | <b>43</b> |
| <b>NOTES</b>                                      | <b>47</b> |
| <b>REFERENCES</b>                                 | <b>58</b> |



# EXECUTIVE SUMMARY

## OVERALL SCORE: 6

**Still, deep divides remain in Germany along social, cultural and religious lines that elevate ethnic Germans above individuals from diverse communities.**

In 2015, as Europe saw a surge in refugee claimants, Germany received an influx of individuals from conflict-affected contexts or with marginalized backgrounds. Subsequently, an onslaught of targeted racialized attacks and far-right terrorism were aimed at these communities. Due to concerns regarding immigrants' integration and Germany's past historical experiences with violence and racialization toward marginalized individuals, discussions in Germany about minority communities can be contentious. Together, the *Global Pluralism Monitor: Germany* report highlights this contention through focussing on two diversity types, national minorities and ethno-religious, immigrant and post-migrant groups (individuals who migrated in the past but whose cultural, ethnic or 'racial' background continues to be seen as a marker of 'difference') to unearth the country's multifaceted reality regarding its relation with diverse communities.

On a policy level, Germany recognizes the importance of valuing diversity. The country has a long history of multiculturalism and has become increasingly diverse due to migration. German society has made efforts to integrate migrants and implement policies to promote equality and diversity. Moreover, Germany has established systems to support and empower marginalized communities, such as advisory councils and anti-discrimination agencies. However, there are still challenges to achieving pluralism in Germany, and discrimination and prejudice still exist. The country has taken steps to address these issues, including introducing legislation to combat hate speech and discrimination. Still, deep divides remain in Germany along social, cultural and religious lines that elevate ethnic Germans above individuals from diverse communities.

### LEGAL COMMITMENTS

Germany's commitment to protect the rights of minorities, women and children, and to prevent discrimination on the basis of gender, race and religion is bound to international treaties, agreements, human rights accords and to its role as a member of the European Union (EU). As a member of the Council of Europe, Germany has signed treaties that further protect cultural and language rights for national minorities. In addition, Germany's Basic Law protects the human and minority rights of individuals and extends equal treatment and non-discrimination to post-migrant and national minority groups. Moreover, Germany's General Equal Treatment Act offers protection for human and minority rights, although the act prioritizes individual protections over group-based discrimination, with notable blind spots. While national minorities and minority languages are addressed in state constitutions, implementation is limited. Moreover, while Germany has laws in place such as the Nationality Law that allow for German citizenship acquisition, access to citizenship is hampered by regulations against dual citizenship, which requires some individuals to abandon their nationality in favour of a German one.

**A systemic underrepresentation of minority groups in the public sector makes promoting visibility and the voice of minorities difficult.**

## PRACTICES AND LEADERSHIP

Germany strives to embody pluralism in its political system but struggles to guarantee equal access and representation to diverse individuals across the country. As a result, it is unable to provide full political equality for its entire population; in other words, political influence and power is not shared equally by all. Regional governments, rather than the federal government, dictate policies and coordinate implementation to provide support for minority communities. This leads to variations in accommodation and access to resources across the country and makes it difficult for the federal government to regulate its legal commitments on a regional level and to guarantee that certain minority supports are in place.

Regarding equal representation, the underrepresentation of political actors with immigrant backgrounds in the national and subnational contexts is a challenge, with only 8.2% of delegates in the Lower House of the German Parliament having an immigrant background. The media sector also lacks diversity, with minorities being insufficiently represented, and inadequate state support for minority-focused media. A systemic underrepresentation of minority groups in the public sector makes promoting visibility and the voice of minorities difficult.

The Monitor report showcases a steady rise in discrimination in the German workplace. Instances of discrimination on ethnic and religious grounds are observed in job application processes. These instances mostly occur in the early stages of job application processes – Muslim applicants are often overlooked and headscarves are seen as detrimental to business success. Germany has no systematic data collection efforts at the national level on ethnic background or national minority status that allows authorities to analyze inequalities.

Germany has a strong civil society with over 645,000 civil society organizations and movements. However, many of these organisations rely on financial support from federal programs or corporate foundations, limiting their ability to operate outside governmental parameters. Migrant advocacy and pro-refugee organizations face considerable hostility from the public, with some organizations labelled as an “anti-deportation industry” or “compassion industry”.

## GROUP-BASED INEQUALITIES, INTER-GROUP RELATIONS AND BELONGING

Ethno-religious, immigrant, post-migrant and national minority communities in Germany face discrimination in education, employment, politics and economic participation. This includes difficulties in accessing these services. At a policy-level, Germany provides access to subsidized housing, education and healthcare to its population. However, minority communities face barriers in accessing these social services, which results in many leaving school early and having a lower rate of employment when compared to the majority population. Systemic inequalities and communication problems also lead to adults from marginalized backgrounds being poorly treated. Despite citizenship law reforms, many individuals are still prevented from exercising their right to vote and standing for elections due to ongoing naturalization requirements and restrictions around dual nationality.

**In line with these attitudes, groups marked as “different” or “immigrants” are often treated with mistrust in German society, with young Muslim men experiencing the highest rate of mistrust.**

To the detriment of pluralism, Germany has experienced a rise in far-right terrorism, institutionalized inequalities and extremism, with Muslim refugees and people of Muslim faith increasingly targeted. There has also been an increase in negative attitudes towards minority communities, as well as anti-Semitic, Islamophobic and anti-Roma hate crimes. In line with these attitudes, groups marked as “different” or “immigrants” are often treated with mistrust in German society, with young Muslim men experiencing the highest rate of mistrust. Individuals with minority backgrounds also experience a lower sense of belonging and shared ownership in society, and often report experiences of discrimination. However, there is a general trend toward Germany’s greater acceptance of diversity recently which shows a promising trend towards greater societal inclusion.

### MONITOR TAKEAWAYS

Germany has numerous national and international commitments that protect minority communities, women’s and girls’ rights. As an EU member, it is also equally bound to offer protections from discrimination to all individuals regardless of background or nationality. However, the Monitor report identifies that while Germany’s legal commitments attempt to construct an inclusive foundation for individuals of diverse backgrounds, these commitments are unable to confront the systemic inequalities that impact many Germans’ everyday lives – leading to a disjoint between policy and practice.

On a societal level, Germany fixates on emphasizing differences, rather than normalizing them. While there is a general trend towards higher acceptance of diversity over time, including levels of trust among people with migrant backgrounds, minority communities still face high levels of mistrust, lack of inclusion, intergroup violence and racial inequalities that permeate the social, economic and political spheres of society. Similarly, while Germans celebrate cultural diversity as a concept, the Monitor report identifies that approximately one in every two Germans believes that social co-existence is only possible if minority groups adapt to the dominant culture. Diversity as a concept in Germany also has multiple nuances. While some minority communities such as Danish immigrants experience greater inclusion in the media and reduced intergroup violence and discrimination, Muslim, Sinti and Roma communities are made hypervisible in society and therefore face more discrimination and exclusion. This report showcases how Germans are at odds, with some viewing pluralism as an opportunity, while others see it as contradictory to German culture.

Germany has many systems in place to protect minority communities but struggles with an ongoing rise in violence, far-right extremism and a lack of intergroup trust and belonging. Currently, many communities find it difficult to overcome discrimination, racial penalties and prejudices connected with ethnicity and religion. For Germany to continue on its path to becoming a more equitable and pluralistic society, it can reduce barriers to accessing the political sphere and address the lack of intergroup trust that prevents a more cohesive society from forming.

**The government can further implement independent monitoring and anti-discrimination bodies and organizations.**

**RECOMMENDATIONS**

The Monitor report’s recommendations align with and reinforce what experts, activists and stakeholders have called for in Germany and provide several pathways to pluralism for the country.

- To continue setting a precedent on minority community protections, Germany can further take steps to promote its law on anti-Romani sentiment and support its Network Enforcement Act, consider how to continuously improve minority protections while defining safe countries (*Sichere Herkunftsstaaten*) in frames of asylum politics, and establish regular reporting on the implementation of minority laws at the state level.
- In facilitating more inclusive policies, Germany can revisit some of its exclusionary practices such as the prevention of minority communities from participating in political parties without German citizenship and the use of the exclusionary term, “German with migration background”.
- Individuals immigrating to Germany often struggle with educational and skill recognition which creates barriers to their economic and social success. To ease this transition, Germany can help enhance diploma recognition and offer governmental support to newcomers.
- To better inform national minorities, ethno-religious, immigrant and post-migrant communities about the systems in place to report discrimination, the German government can promote initiatives to raise awareness.
- To bolster Germany’s system of minority protection, the government can further implement independent monitoring and anti-discrimination bodies and organizations. For instance, non-discrimination and the protection of minorities can become commonplace across the public and private levels. Police and administrative staff can receive training on non-discriminatory practices. Restrictions to participate in political life can be lifted.
- To offer greater trust, ownership and feelings of belonging, Germany can open up minority group’s access to the political or social spheres and encourage their shared ownership and representation in those spaces. For instance, minority media groups have the potential to be expanded and broadcasted in their own languages.
- To make Germany a more inclusive country, it could move toward ending the discriminatory practices and segregation of Sinti and Roma.
- Lastly, many general recommendations highlight the government’s capacity to alleviate the potential for violent encounters, such as reviewing the classification system of hate crime data, conducting a deeper analysis of how right-wing extremist networks are intertwined with public institutions and evaluating the prevalence of racial profiling.

# COUNTRY PROFILE

Pluralism in Germany is characterized by fragmentation. This fragmentation is territorial, the result of the country's federal structure and legal and political system. Legal systems in Germany's federated states (*Länder*) vary considerably with regard to the management of diversity and the pursuit of pluralist policy. Fragmentation also extends to variations among different minority, immigrant and post-migrant groups. Recent challenges are primarily seen in relation to immigrants, refugees and Germans who are (clumsily) referred to as of "migrant background." Finally, fragmentation results from the experience of the Second World War and the Holocaust, which is reflected in strong public concern about heightened anti-Semitism and underpins principles regarding the protection of human dignity (*Menschenwürde*) but not always an accommodating perspective towards cultural pluralism and post-migration "difference." Across this fragmented setting, and especially over the past two decades, conditions and attitudes are shifting, although not in a linear direction toward pluralism. Most recently, a new coalition government of centre-left parties has assumed office and is committed to further changes to move the country in a pluralistic direction, including a revision of immigration and nationality law.<sup>1</sup>

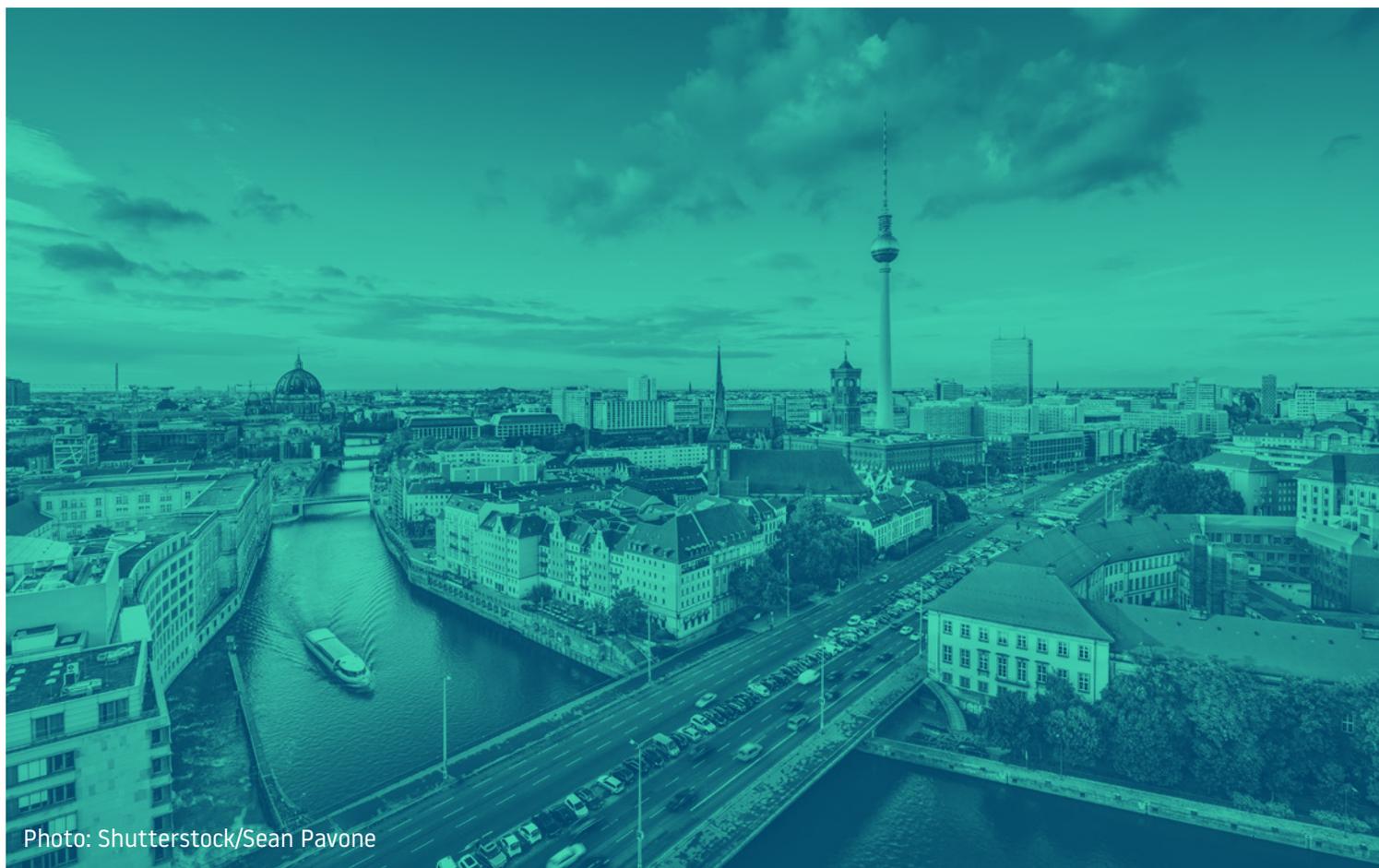


Photo: Shutterstock/Sean Pavone

**Following the sharply increased number of people seeking asylum in Europe since 2015, the focus of debates about cultural pluralism in German society is clearly on immigrants and/or people with immigrant backgrounds, with the main issues being integration and equality.**

The future success of Germany's approach to cultural pluralism will depend on the country's adaptation to new demographic realities and social needs and on the recognition of the cultural diversity that already exists and is certain to grow. While Germany's major political framework to address this challenge—the promotion of *Integration*—is increasingly designed to recognize diversity (*Vielfalt*) and to promote social cohesion (*Zusammenhalt*), more traditional understandings of social unity, which expects minority groups to assimilate and adapt to majority culture, have not been abandoned.

For most of the post-war period, Germany pursued assimilationist policies toward immigrants and their children, often mixed with the misplaced expectation that labour migrants (*Gastarbeiter*) would eventually leave. The recognition of pluralism as a permanent fact is a recent phenomenon, often connected with public “debates” about the place of Islam in Germany. There are currently between 5.3 and 5.6 million Muslims with a migrant background, around 900,000 more than in 2015. This makes up between 6.4 and 6.7 percent of Germany's entire population. Within the German demographic framework, migration background, a term used to describe first-generation migrants and their children, exists alongside the four national minorities recognized by the German state, namely the Danish minority, the Roma/Sinti, the Frisian and Sorb groups. While the largest number of Muslims in Germany are of Turkish heritage, countries of origin have recently become more diverse, also due to the high number of refugees from Syria, Afghanistan and Iraq since 2015.

Following the sharply increased number of people seeking asylum in Europe since 2015, the focus of debates about cultural pluralism in German society is clearly on immigrants and/or people with immigrant backgrounds, with the main issues being integration and equality. Protection of the four “autochthonous minorities” often tends to be taken for granted and as such is not very present in public discourse, despite attempts by Schleswig-Holstein, Mecklenburg-Western Pomerania, Brandenburg and Saxony to acknowledge this diversity.

Public debates about post-migrant circumstances and refugees are often marked by anxiety. The denial of religious rights and experiences of racialization leads to assertive mobilizations and a variety of campaigns, pressure and monitoring groups are present here. The fact that the experience of national minority groups is not accompanied by similar levels of assertive claims-making should *not* be understood to imply challenging issues do not exist. With some exceptions around language and political representation, national minority groups in Germany do not mobilize in favour of enhanced visibility or for the recognition of cultural needs. Policy-makers and administrators are often less aware of national minority concerns. In some instances, the relative absence of conflict around national minority concerns may be seen to imply a degree of acceptance and normality, but it can equally mean that national minority concerns lack visibility and representation.

The identification of “new” minority groups within Germany, along with their self-perception as full Germans, remains ambivalent. Access to adequate housing, to culturally sensitive health care or meaningful employment is not guaranteed, especially for groups such as Muslims, that often experience multiple causes of exclusion. Adding to the fragmentation mentioned above, the interdependence of factors such as religion, ethnicity, gender and social class makes attempts to generalize and address a singular immigration or minority experience highly problematic. The experience of Muslim women,

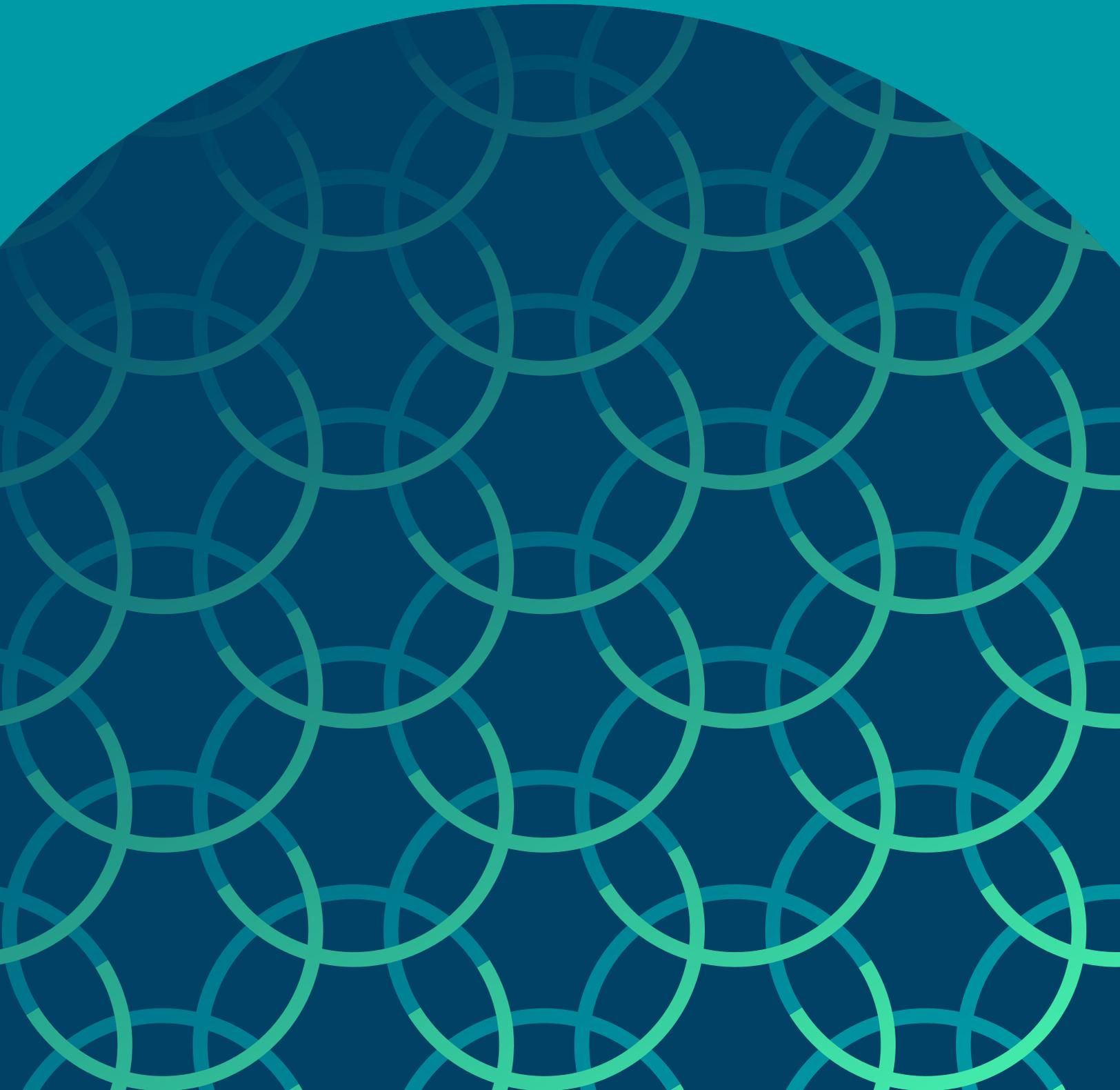
**The resistance of German authorities to ethnic data election is an additional hurdle towards the detailed mapping and remedy of shortcomings in the promotion of diversity-related policies.**

in particular, in German society, economy, politics and culture indicate intersecting experiences of inequality based on ethno-religious background and gender.

The resistance of German authorities to ethnic data collection is an additional hurdle towards the detailed mapping and remedy of shortcomings in the promotion of diversity-related policies.<sup>2</sup> Several factors are relevant here: historical context, data protection regulations and the existing practice of collecting sensitive data in Germany. In historical terms, the annihilation of Jews and Roma during the Nazi regime largely rested on the population registers. More contemporary risks of processing ethnic data—the discrimination, stigmatization and perpetuation of stereotypes against minority groups and persons belonging to them—are also invoked. Yet, discrimination, hate crimes, ethnic stereotyping and inter-ethnic distance do not rest on the availability of ethnic data per se but have deeper causes. As for the claim that the General Data Protection Regulation (GDPR) of the EU prohibits processing of ethnic data, Article 9 of the GDPR does not ban, in absolute terms, the processing of special categories of data, also covering ethnic data.<sup>3</sup> Finally, processing sensitive data in Germany is not as consistent as the authorities claim: data on religion is regularly collected in Germany despite similar concerns about sensitivity.<sup>4</sup>

There is, nevertheless, systematic collection of statistical data on migrants that include their countries of origin and history of naturalization in Germany. The data of the Federal Office of Administration (*Bundesverwaltungsamt*) determined that around 4.5 million people came to Germany as so-called repatriated Germans (*Aussiedler*) from a wide spectrum of countries such as the former Soviet Union, the former Yugoslavia, Poland, Romania, Albania and even China. Upon the completion of the naturalization process, the aforementioned diverse groups are treated as fully integrated Germans and are consequently excluded from migrant-related statistical records. There is comparatively little known about their socio-cultural needs and practices from a diversity perspective.

# PART I. COMMITMENTS



# 1. INTERNATIONAL COMMITMENTS

## AVERAGE SCORE: 9

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 9

NATIONAL MINORITIES | SCORE: 9

**Overall, Germany has a good track record of engagement with the relevant instruments and monitoring bodies, although (not unlike other countries) this does not mean that it shows consistent willingness to act on recommendations and apply fundamental changes to settled policy commitments.**

Germany is bound by a comprehensive set of international and regional treaties, pacts and human rights agreements that commit the country to the protection of minority, women's and children's rights. German political leaders widely refer to the protection of human rights as a reference point for domestic and foreign policy.<sup>5</sup> This extends to the prohibition of various forms of discrimination as well the protection of cultural minority rights.

Among the most important treaties and conventions that Germany has adopted are the following:

- The International Covenant on Civil and Political Rights (ratified in 1973), including its First (1993) and Second (1992) Optional Protocols, as well as acceptance of the individual complaints' procedure under the First Optional Protocol (1993);
- International Covenant on Economic, Social and Cultural Rights (ratified in 1973) but notably not its Optional Protocol, which offers an individual complaints and inquiry mechanism;
- International Convention on the Elimination of All Forms of Racial Discrimination (1969), as well as acceptance of the individual complaints procedure;
- The Convention on the Elimination of All Forms of Discrimination against Women (1985), including the individual complaints procedure (2002);<sup>6</sup>
- The Convention on the Rights of the Child (1992), along with its First (2004) and Second (2009) Optional Protocols, including the individual complaints procedure (2013); and
- The Convention on the Rights of Persons with Disabilities (2009), as well as acceptance of the individual complaints procedure (2009).

In 2019, Germany was elected to the United Nations Human Rights Council (UNHRC)<sup>7</sup> for a three-year term (2020–22).<sup>8</sup> On the UNHRC, it has a central role in protecting and advocating for human rights and covers a wide spectrum of issues from human trafficking to sanitation and water supply.<sup>9</sup> Overall, Germany has a good track record of engagement with the relevant instruments and monitoring bodies, although (not unlike other countries) this does not mean that it shows consistent willingness to act on recommendations and apply fundamental changes to settled policy commitments.

Through its EU membership, Germany is equally bound to offer protections from discrimination based on gender, race, ethnicity, religion or belief, disability, age or sexual orientation. Germany has also signed and ratified different treaties in connection with

its membership on the Council of Europe, which further bolster cultural and language rights for national minorities:

- The European Convention on Human Rights (1953), signed in 2000 but without ratification of Protocol No. 12, which mandates a general prohibition of discrimination beyond the specific rights enshrined in the convention;<sup>10</sup>
- The European Charter for Regional or Minority Languages (1998). This Charter is the core document protecting six minority languages in Germany (Danish, North Frisian, Sater Frisian, Romani, Lower Sorbian and Upper Sorbian) and the regional language Low German, which is spoken in eight of the 16 German federal states and is also protected as an independent language;<sup>11</sup>
- The Framework Convention for the Protection of National Minorities (1995); and
- The European Social Charter (ratified in 2021).

The German Ministry of the Interior co-operates with the European Commission against Racism and Intolerance (ECRI). It introduced the complaint mechanism for individuals in cases related to the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>12</sup> On a bilateral basis, since 1955, Germany and Denmark have issued the unilateral and reciprocal Bonn-Copenhagen Declarations<sup>13</sup> to ensure equal treatment of members of the German and Danish minorities in both countries.

## 2. NATIONAL COMMITMENTS

### AVERAGE SCORE: 7

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 7

NATIONAL MINORITIES | SCORE: 7

**It is important to note that the Basic Law prioritizes individual protections over group-based discrimination and does not provide positive measures in case of unequal treatment based on ethno-religious or racial grounds.**

The German Basic Law (*Grundgesetz*) is the core document protecting the human and minority rights of individuals,<sup>14</sup> and it sets a general baseline of equal treatment and non-discrimination that extends to post-migrant and national minority groups. Yet, the implementation of constitutional norms and the pursuit of pluralist policy is spread out across different levels of the German governance system, and as mentioned, it is characterized by fragmentation between federated states, cities and public institutions.

Article 1 of the Basic Law ensures the commitment to human rights and the inviolability of human dignity; other articles prohibit the discrimination of people due to “sex, parentage, race, language, homeland and origin, faith, or religious or political opinions.” Article 4 of the Constitution provides the legal commitment of “undisturbed practice of religion,” and Article 5 provides the “freedom of expression and opinion.” It is important to note that the Basic Law prioritizes individual protections over group-based discrimination and does not provide positive measures in case of unequal treatment based on ethno-religious or racial grounds.<sup>15</sup>

**Legislative initiatives to expand the scope of constitutional protections, whether in constitutional or ordinary law, or to offer new symbolic acknowledgements of pluralism in the Basic Law are often difficult to achieve.**

Constitutional protections have developed over time, often because of rulings by the Federal Constitutional Court, based in Karlsruhe. Legislative initiatives to expand the scope of constitutional protections, whether in constitutional or ordinary law, or to offer new symbolic acknowledgements of pluralism in the Basic Law are often difficult to achieve. In response to the racist murder of 11 young men and women in Hanau, government committees explored the replacement of the term race (*Rasse*) from Article 3. Yet, the initiative failed due to inter-party wrangling.<sup>16</sup> A new legal initiative against hate crimes, focussing on anti-Romani sentiment (*Antiziganismus*), was adopted by parliament, but it was not promulgated by the president due to concerns about constitutionality.<sup>17</sup> This, in turn, led to the appointment of an independent expert commission on anti-Gypsyism within the frame of the federal government that is responsible for drafting specific recommendations<sup>18</sup> on combatting contemporary anti-Gypsyism. However, the law is still not adopted.

In 2006, Germany adopted the General Equal Treatment Act, AGG (*Allgemeines Gleichstellungsgesetz*), which “aims to prevent and eliminate discrimination based on racial or ethnic origin, gender, religion or belief, disability, age, or sexual identity.” The AGG unites protections on the basis of age, disability, ethnicity, gender, religion and sexual identity. Its strongest impact is in the areas of labour market relations and service provision. It brought anti-discrimination norms more squarely into the centre of social relations and into a variety of social, cultural and economic settings. However, there are notable blind spots in the law, such as legal exemptions for the two Christian denominations, which are significant employers in the health and social care sector.<sup>19</sup>

Connected to the federal constitutional structure of the country, the state constitutions (*Landesverfassungen*) address the issue of national minorities and minority languages in federated states such as Schleswig-Holstein (Article 6; LVwG § 82 b), Brandenburg (Article 25) and Saxony (Article 5, 6). In practice, however, the latest analysis of the application of the § 82 b of the State Administration Act (*Landesverwaltungsgesetz*) in Schleswig-Holstein, for example, showed that most of the civil servants have little experience with its actual implementation and mark it as irrelevant to their daily routine.<sup>20</sup>

## 3. INCLUSIVE CITIZENSHIP

### AVERAGE SCORE: 5.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 6

Since 2000, Germany’s Nationality Act (*Staatsangehörigkeitgesetz*) has gone through a series of far-ranging reforms that added new conditions for access, beyond the strong reliance on descent, to the nationality framework. The legislative status quo reflects an uneasy compromise between interest to expand access, maintain restrictions and acknowledge historical obligations. It is the Basic Law<sup>21</sup> and the Nationality Act<sup>22</sup> that regulate the acquisition of German citizenship: this can happen by birth (§ 4 Nationality Act);<sup>23</sup> through adoption (§ 6 Nationality Act);<sup>24</sup> in cases of restoration of German citizenship for refugees or expellees (for the period from 1933 to 1945) of German ethnic origin or

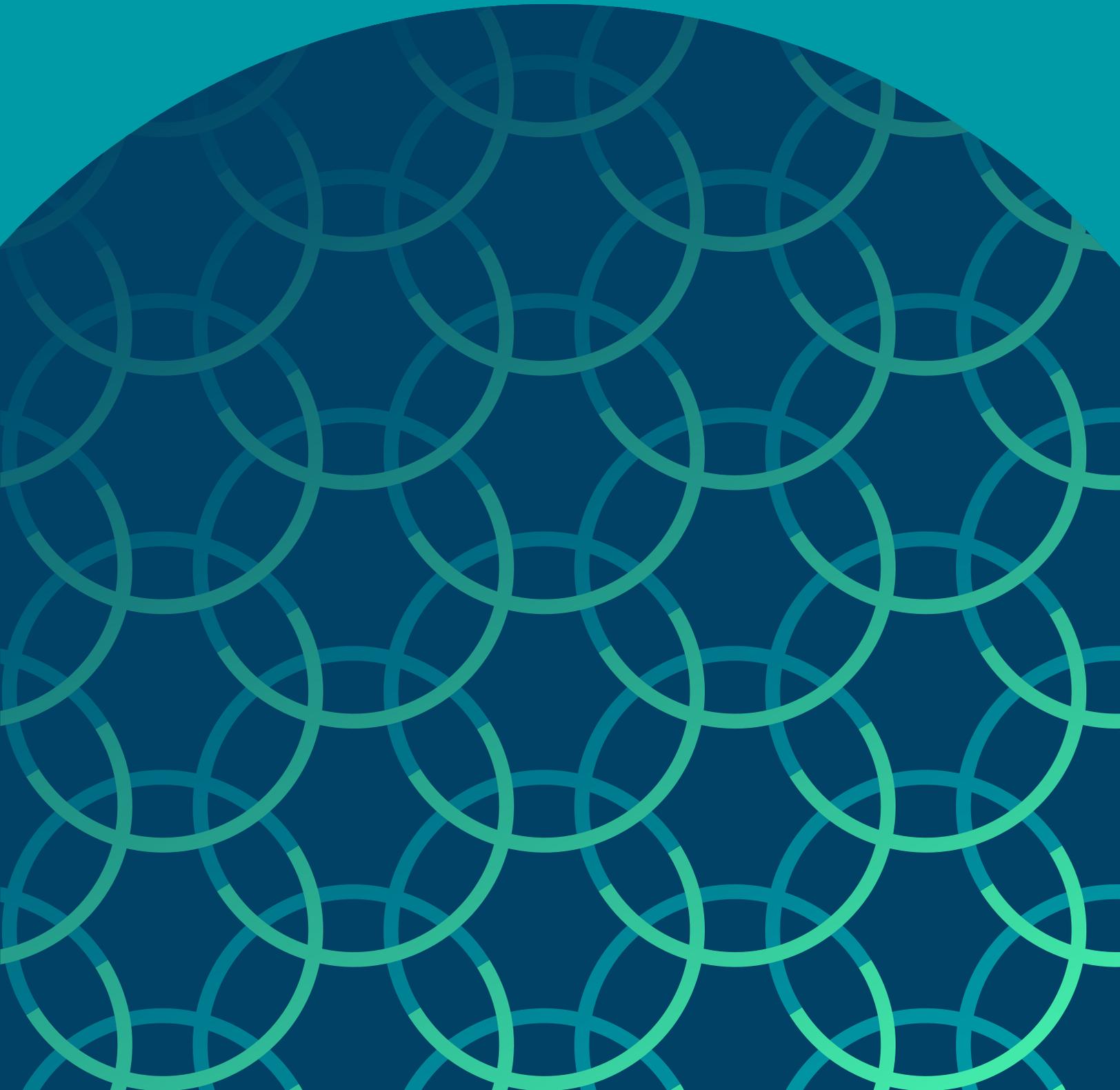
**Differential access to dual citizenship demonstrates continued biases based on suspicion, especially towards Muslim-background applicants.**

as the spouse or descendant of such person; for those deprived of their citizenship on political, racial or religious grounds in the above-mentioned period;<sup>25</sup> for repatriates (§ 40a Nationality Act) and victims of the National Socialist regime in Germany<sup>26</sup> (§ 116 Grundgesetz) and through so-called naturalization (§ 10 Nationality Act).

Differential access to dual citizenship demonstrates continued biases based on suspicion, especially towards Muslim-background applicants. It remains more difficult to acquire dual nationality for second- and third-generation descendants of post-war labour migrants, especially from Turkey, many of whom face the requirement to abandon their parents' nationality in order to acquire German nationality. Conditions in this area have become less restrictive, but they remain unequal in that dual nationality is unproblematically granted to applicants from other EU member states, but not for the largest sending country of twentieth-century immigration, Turkey.<sup>27</sup>

The Nationality Act establishes the criteria that must be fulfilled to obtain citizenship. While in cases of repatriation, only a beginners' level of German language is required, the naturalization process has multiple requirements,<sup>28</sup> which have been specified further with an emphasis on language acquisition and adherence to a civic creed. The Nationality Act was amended in August 2019 and a requirement of adherence to "German living conditions" and "German social norms" was introduced that is obligatory to acquire citizenship.<sup>29</sup> The goal of these amendments was also to deprive the nationals living abroad and involved in terrorist units from German citizenship along with excluding the possibility of polygamous marriages for the new applicants and assuring their conformity with the German identity.<sup>30</sup>

**PART II.  
PRACTICES**



## 4. POLICY IMPLEMENTATION

### AVERAGE SCORE: 5.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 6

**Financial support and symbolic accommodations tend to be locally focussed and are not generally available across the board to other national minority groups in Germany, such as the Romani.**

Arrangements for pluralist policy-making are fragmented across the different regional and administrative levels of the German state. Article 28<sup>31</sup> and Article 30<sup>32</sup> of the Basic Law grant the federated states, *Kreise*, *Gemeinden* and *kreisfreie Städte* the right of self-administration and imply the responsibility to regulate local affairs on their own, unless it contradicts with German law. Political measures for minority support are reserved policies for federated states, *Kreise*, *Gemeinden* and *kreisfreie Städte*, rather than the federal level.

With their legislative responsibilities, but also as major public service employers, federated states set the tone for pluralist policy-making, which varies quite considerably, not least in the area of ethno-religious accommodation that federated states grant. The city-state (Land-equivalent) of Berlin, for example, has adopted a neutrality law (*Neutralitätsgesetz*) that bans visible religious symbols from all public institutions and creates a serious impediment, for example, for female Muslim teachers who—with some exceptions—are prohibited from wearing headscarves in a professional context.<sup>33</sup> Other federated states, such as the most populous Land North Rhine-Westphalia, pursue different policies in this<sup>34</sup> and other areas of ethno-cultural accommodation, though accommodations are often contingent on requirements that can be open to interpretation. For female teachers, for example, the expectation is that their religious practice does not disturb “school peace.”

Accommodating national minority groups with population centres in the relevant federated states, Schleswig-Holstein, the Free State of Saxony, the federal state of Brandenburg, Mecklenburg-Western Pomerania and Lower Saxony has taken a proactive role and introduced various measures and additional budget instruments in order to support the national minority languages in their regions. These include the establishment of motorway signs with bilingual municipality names in places of traditional minority settlements; support of vocational and further trainings for school/kindergarten staff involved in basic education in minority languages and the possibility of using minority languages in courts, police stations and state offices. Indicatively, two federated states, Saxony and Brandenburg, introduced a funding agreement for the Foundation for the Sorbian People (2016–20) that received €18.6 million in annual funding.<sup>35</sup> This amount is planned to be increased to €23.9 million for 2021–25, with retroactive payments for 2021.<sup>36</sup> In 2020, Mecklenburg-Western Pomerania initiated a project with an annual budget of €7.5 million to protect the Low German language.<sup>37</sup> Financial support and symbolic accommodations tend to be locally focussed and are not generally available across the board to other national minority groups in Germany, such as the Romani. New minorities are also not in receipt of similar levels of financial support or the symbolic accommodations mentioned above. In order to assist them in cases of discrimination, the federal government and some federated states<sup>38</sup> established monitoring bodies:<sup>39</sup> the Federal Anti-Discrimination Agency (*Antidiskriminierungsstelle des Bundes*, ADS)<sup>40</sup> and local anti-discrimination bodies. Although the work of ADS is highly important and valuable,<sup>41</sup> it is also almost unknown to the general public.<sup>42</sup>

## 5. DATA COLLECTION

### AVERAGE SCORE: 5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 5

**There is no systematic data collection at the national level on ethnic background or national minority status.**

German authorities are reluctant to collect and monitor demographic data that is, as the ECRI<sup>43</sup> envisages, “broken down by citizenship, national/ethnic origin, language and religion.” There is no systematic data collection at the national level on ethnic background or national minority status. The Central Register of Foreign Nationals (*Ausländerzentralregister*) is a database that contains personal information about approximately 20 million foreign nationals. The database is accessible to over 7,000 authorities and organizations, including police and customs authorities with over 80,000 users. According to section 26 of the law governing the Central Register of Foreigners, personal data stored about individual foreigners in Germany can also be passed to the authorities of foreign states.

The reluctance to collect data on ethnic minorities complicates the detailed mapping of inequalities required for the promotion of diversity-related policies. Several factors are relevant here, including concerns about data protection regulations and historical precedents for the collection of sensitive data in Germany.<sup>44</sup> Instead, data on racial and ethnic origin has largely been registered with the concept of migration background.<sup>45</sup> Diverging definitions of this term are in use, including categories that capture the birthplace of parents, language spoken at home or non-German language of origin.<sup>46</sup> As a result of data gaps, there is some evidence that problematic proximate data is used, such as “ethno-variables” in urban planning and residential management, which categorize tenants of housing co-operatives and companies on the basis of family names.

While the Federal Office of Statistics (*Statistisches Bundesamt*) collects annual data about all people living in Germany by providing statistics on labour and education, its data is less helpful for capturing the reality of racial and religious discrimination. The Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) conducts research on Islam, migration and refugee issues from the government’s point of view but tends to reproduce knowledge already defined by governmental officials.<sup>47</sup> Migrant integration monitoring takes place through the Socio-Economic Panel (*Sozio-oekonomisches Panel*) in studies focussing on *Living in Germany*, sampling immigrants of Turkish, Greek, Italian, Spanish and former Yugoslav households arriving in Germany after 1989.<sup>48</sup>

There are some new state and non-state initiatives that aim to provide a more complete picture of pluralism in Germany. In 2015, the government’s Anti-discrimination Office conducted the largest survey on experiences of discrimination, open to all persons from the age of 14.<sup>49</sup> Prior to conducting the survey, consultations took place with non-governmental organizations (NGOs) from different fields of discrimination providing input on the conceptualization of the questionnaire.<sup>50</sup> Research networks and non-governmental actors play an important role in the monitoring of ethnic penalties or anti-Muslim racism, such as the Network of Competence against Islamophobia (*Kompetenznetzwerk gegen Islam- und Muslimfeindlichkeit*) or by Alliance against Islamophobia, CLAIM (*Allianz against Islam- und Muslimfeindlichkeit*), which has developed a reporting tool for instances of anti-Muslim racism. There are corporate initiatives, such as the Diversity

Charter (*Charta der Vielfalt*),<sup>51</sup> to collect data about the promotion of diversity in companies and institutions.

## 6. CLAIMS-MAKING AND CONTESTATION

### AVERAGE SCORE: 7

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 6

NATIONAL MINORITIES | SCORE: 8

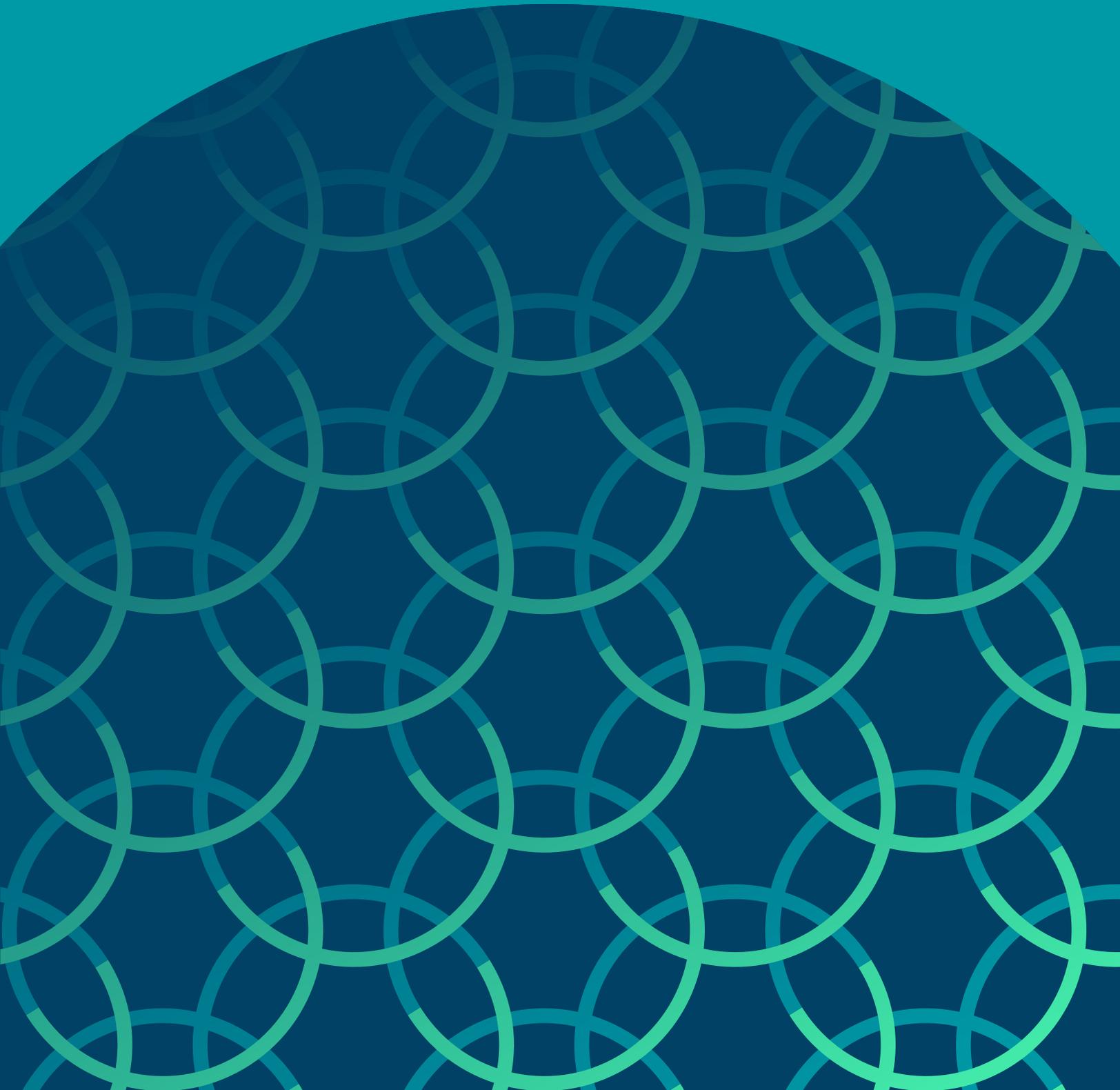
**A continuous rhetoric of “othering,” the emphasis on the purported failure of integration and statements, such as that “Islam doesn’t belong to Germany,” make the claims-making process in Germany problematic for Muslim populations in particular.**

Freedom of association is protected by Article 9 of the German Basic Law and extends to the right to participate in public protests, which can only be restricted in narrowly specified circumstances. Yet, the reality of associational life and political claims-making reflects limitations and obstacles for new and old minorities. Minority organizations are often underfunded. Some of the more visible organizations, such as the Turkish-Islamic Union for Religious Affairs, DITIB (*Türkisch-Islamische Union der Anstalt für Religion*), are funded partially by the Turkish state, which in turn reinforces suspicion about alleged disloyalty among German Muslims. A continuous rhetoric of “othering,” the emphasis on the purported failure of integration and statements, such as that “Islam doesn’t belong to Germany,” make the claims-making process in Germany problematic for Muslim populations in particular. Assertive minority politics often triggers discomfort and is more likely to be portrayed as unreasonable or hostile to liberal-democratic norms than demands and grievances by other organized political interests. However, there are occasional street protests with significant minority participation, including protests in 2019 by 10,000 Kurds against Turkish involvement in the Syrian civil war<sup>52</sup> and the May 2021 protests against Israeli-Palestinian conflict which drew participants from the Jewish and Muslim communities in Flensburg.<sup>53</sup>

The right of participation is limited by the accessibility of citizenship, which remains the precondition for most forms of formal political participation: new minorities in Germany are often forced to opt for either German or kin-state citizenship, which constrains their possibility to vote on different levels (including municipal elections) or to represent their communities.<sup>54</sup> For non-citizens, one of the few possibilities is to be represented by the foreigners’ councils (*Ausländerbeiräte*) that are established in several federated states<sup>55</sup> and are often relatively powerless and also underfunded.<sup>56</sup>

There are mechanisms for the political inclusion of some national minority groups, including representation of the Danish minority through the SSW, South Schleswig Voters’ Association (*Südschleswigscher Wählerverband*) in Schleswig-Holstein, which also achieved first-ever representation at the national level following the 2021 elections. In recent years, there have been new efforts to improve the representation of Muslims through the Islam Conference (*Islamkonferenz*), which envisaged dialogue and a process towards the recognition of Islam, similar to state recognition of Christian and Jewish religious denominations. Yet, such initiatives remain fraught due to suspicion about liberal credentials and the constitutional loyalty of the most significant Muslim organizations (most of which are surveilled by the Federal Office for the Protection of the Constitution, *Verfassungsschutz*, Germany’s domestic intelligence agency) and therefore are also hindered from applying for state-funded projects in the field of social integration, racism and migration.

**PART III.  
LEADERSHIP FOR PLURALISM**



## 7. POLITICAL PARTIES

### AVERAGE SCORE: 5.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 6

NATIONAL MINORITIES | SCORE: 5

**Yet, full political equality in political representation has yet to be achieved.**

Germany has a pluralistic system of political parties. Some of these parties have made strides to improve the (historically poor) descriptive representation of minority identities and voices. Yet, full political equality in political representation has yet to be achieved. Historically, the CDU, Christian Democratic Union (*Christlich-Demokratische Union*) and the SPD, Social Democrats (*Sozialdemokratische Partei Deutschlands*) claimed the mantle of “people’s parties” (*Volksparteien*), although they now receive a much smaller proportion of the national vote (25.7 percent for the SPD and 24.1 percent for the CDU in the September 2021 federal elections). Both parties have played a crucial role in shaping Germany’s post-war social and political history, including the implementation of immigrant integration and minority accommodation. The CDU subscribed for a considerable time to the “myth of return” for post-war labour migrants and was committed to ideas of ethno-cultural nationhood. Although cross-party debates on whether Germany is an “immigration country” (*Einwanderungsland*) have subsided, there are ongoing disputes about the most suitable way of accounting for cultural diversity, such as whether “Islam belongs to Germany.” After Chancellor Angela Merkel’s departure, the future orientation of German conservatism is difficult to predict.

The emergence of AfD, Alternative for Germany (*Alternative für Deutschland*) on the political scene—and the party’s radicalization over time—has changed the tone of political discourse. AfD politicians have personally called for violent measures to contain the supposed “invasion” of refugees after 2015. The party combines hostility towards immigrants, Muslims and presumptive cultural elites. In the 2019 elections in the East German federated state Brandenburg and Saxony, the AfD received 23.5 percent and 27.5 percent of the vote, respectively, and it retains strong support in East Germany in particular. In the most recent federal election, it received 10.3 percent of the vote.

Germany’s levels of parliamentary representation of diverse minority groups are insufficient. In the institutional domain, there is a structural underrepresentation of political actors with immigrant backgrounds both within the national and the subnational contexts.<sup>57</sup> Only 58 of 709 (8.2 percent) delegates in the Lower House of the German Parliament (*Bundestag*) have an immigrant background. The lowest percentage can be observed in reference to the CDU/CSU parliamentary group that currently has the highest number of seats in the parliament<sup>58</sup> but the lowest number of politicians with an immigrant background (2.9 percent).<sup>59</sup> When members of minority groups do enter the political arena, they usually join mainstream political parties and do not form minority group parties (with the rare exception of the Danish and Frisian minority represented by the SSW).<sup>60</sup> Notable mediatized examples of politicians include the politician of Turkish origin, Cem Özdemir (Alliance 90/The Greens (*Bündnis 90/Die Grünen*)), known for his strong critique of the politics of Turkish President Recep Tayyip Erdogan.<sup>61</sup> Özdemir does not claim to represent the rights/interests of the Turkish minority in Germany. Similarly, Christina Henke (CDU), the Russian-speaking politician of Ukrainian origin, concentrates less on the representation of the Russian-speaking community in Germany and more on

women's rights and representation at the governmental level.<sup>62</sup> From the legal perspective, minorities are also not able to establish a political party when the majority of the party members or its leader are considered to be "foreigners" (*Ausländer*).<sup>63</sup> The party must also be led by a German.<sup>64</sup>

## 8. NEWS MEDIA

### AVERAGE SCORE: 6

#### A. Representation | Score: 7

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 7

NATIONAL MINORITIES | SCORE: 7

#### B. Prominence of Pluralistic Actors | Score: 5.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 4

NATIONAL MINORITIES | SCORE: 7

**In general terms, minorities are insufficiently present in the public media service, and state support for minority media is equally insufficient.**

Germany has a diverse media environment consisting of private and public broadcasters at the local and federal levels. Public broadcasters are constitutionally mandated to contribute to public discourse, news and the functionality of democratic political culture (this mandate entails the commitment to serve the public interest and enable the participation of public discourse from a variety of perspectives). The TV landscape is divided into public/private, superregional/regional and general/topic-specific channels. German federal states are responsible for the organization/functioning of public broadcasters, in particular the two major channels (ARD and ZDF) and their local affiliates, through the collection of licence fees. More recently, the public broadcasting service has been the object of political attempts to dismantle its credibility.<sup>65</sup> The Federal Constitutional Court, in a March 2014 decision, found,<sup>66</sup> on the occasion of the renewal of the ZDF's governance contract, that it was partially unconstitutional because public media must operate as remotely as possible from the government and reflect the diversity of German society.

Regarding print media, the large national newspapers reflect a variety of political voices. In the tabloid sector, the right-wing Axel Springer publishing house, which publishes the newspaper with the largest print-run (*BILD*), has been accused of contributing to a hostile climate for people of Muslim descent and for refugees.

In general terms, minorities are insufficiently present in the public media service, and state support for minority media is equally insufficient. The core of the problem lies in the state's rigid interpretation of the principle of media neutrality (*Staatsferne des Rundfunks*), which has been used to justify the lack of state action in this sector. For example, the need for representation of the Danish minority in the Broadcasting Council of the NDR, North German Broadcasting (*Norddeutscher Rundfunk*), an ARD affiliate, was clearly stated. (This can be contrasted with positive developments concerning

**German mainstream media strives to reflect a nuanced and considerate discourse on integration/immigration issues.**

ZDF.<sup>67</sup>) In addition, the absence of financial support from the German side for minority print media (e.g., the Danish language *Flensburg Avis* newspaper) is also worth noting. In recent years, both Danish and Frisian minorities in Schleswig-Holstein have been critical of the developments concerning access to media and media regulatory bodies, as described in reports published by authorities at the federal and regional levels.<sup>68</sup> With regard to content broadcast in minority languages, it is either almost non-existent (the exception is a news bulletin broadcast in Danish by a commercial radio station located in Flensburg) or very limited (the scarce presence of Frisian programs offered by NDR and some content offered by commercial broadcasters or produced by individual enthusiasts of the Frisian language). The issue of minority representation in NDR's Broadcasting Council remains unaddressed.<sup>69</sup> Private media are characterized as more open toward the Frisian language. Minority media claims include those from the Frisian group, for example, demanding more Frisian-language content on NDR, a monthly news magazine on ARD/ZDF and stable funding for Friisk Funk, a radio station.<sup>70</sup>

Beyond national minority groups, Germany as an immigrant country still counts less than 6 percent of its editors-in-chief with an immigration background among media outlets.<sup>71</sup> The encouragement of diversity within media outlets is not visible or tangible. The introduction of a quota within news organizations to guarantee more diversity remains a divisive issue. Media coverage of ethnic/religious groups in Germany, as elsewhere, succumbs to political agendas related to prejudice against specific groups. Attempts to construct a common and unifying German identity (across political beliefs) is connected to the country's increasing ethnic/religious diversity and carries a prominent anti-Muslim theme.<sup>72</sup> In general terms, however, German mainstream media strives to reflect a nuanced and considerate discourse on integration/immigration issues. Links to socio-economic and institutional factors are also considered "beyond" ethnicity. For a smaller proportion of the media, cultural differences are treated as salient through culturalist discourses mainly from right-leaning newspapers.<sup>73</sup>

New minorities are usually actively presented in popular online platforms (e.g., German/Turkish journalist Nalan Sipar and Oktan Erdikmen,<sup>74</sup> who comment on German and European news in the Turkish language on YouTube). Similarly, as there are no Russian-speaking German bloggers on YouTube, resettlers from the former Soviet Union follow different bloggers<sup>75</sup> or get informed<sup>76</sup> on different topics related to daily life in Germany on Instagram. Apart from that, these minorities tend to form thematic groups on Facebook<sup>77</sup> in order to address common needs and share concerns (e.g., connecting over German politics with regard to measures taken against the COVID-19 pandemic).

There are still limited traditional media outlets targeting older generations such as print newspapers covering not only political topics but also entertainment and leisure, such as *New Times (Neue Zeiten)*, a monthly Russian-German magazine or *Russian Germany (Russkaya Germania)*.<sup>78</sup> These outlets usually aim more at entertaining than at establishing a certain position in politics. Apart from the media produced by and for minorities living in Germany, there is another line of media for minorities re-produced by the kin state (e.g., *Russia Today* or *Sputnik Germany (Sputnik Deutschland)*) that present news from the perspective of kin-state politics as an alternative to mainstream opinions in Germany.<sup>79</sup>

## 9. CIVIL SOCIETY

### AVERAGE SCORE: 7.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 8

NATIONAL MINORITIES | SCORE: 7

**Migrant advocacy and pro-refugee organizations experience considerable hostility.**

Germany has a vibrant civil society, which is organized in different legal forms: associations (*Vereine*), foundations (*Stiftungen*) and private organizations (*Gesellschaften*).<sup>80</sup> Currently, there are about 645,000 civil society organizations (CSOs) and movements in Germany.<sup>81</sup> There are also several umbrella organizations that represent faith-based organizations, such as the Central Council of Muslims, Central Council of Jews in Germany and the Evangelical Church in Germany, and ethnic or community-based organizations, such as the New German Organization (*Neue Deutsche Organisationen*)<sup>82</sup> that unites “migrant workers and refugees, Sinti and Roma, Afro-diasporic people, Jewish, Muslim and other volunteers seeking dialogue.”<sup>83</sup>

Many CSOs in Germany rely on financial support through federal programs, federated states or corporate foundations, which can limit their ability to operate outside governmental parameters. Proximity to the state, in terms of ongoing public consultations or recognition in Germany’s intricate corporatist network, is important for civil society actors that seek to exert political influence. In turn, state actors set the frameworks, such as by granting the status of “corporation under public law” (*Körperschaft des öffentlichen Rechts*) to religious organizations, which allows the relevant groups to participate in important consultations and the provision of social services. Access for Muslim associations in this framework has long been debated but has so far only been granted to smaller denominations (such as the Alevi and Ahmadiyah communities), not to the main representative bodies of Sunni or Shia Islam.

During its presidency of the Organization for Security and Co-operation (OSCE) in Europe in 2016 Germany sought an opportunity to address the needs of CSOs and gathered representatives of human rights and minority organizations in the MFA, Ministry of Foreign Affairs (*Auswärtiges Amt*).<sup>84</sup> The goal of the conference was to establish a solid network and initiate a productive exchange between state officials and the NGOs that deal with minority topics (national, new, old and sexual minorities) on a regular basis. However, with the outbreak of the COVID-19 pandemic, the co-operation was suspended. Moreover, the pandemic led to financial cuts that put the existence of some CSOs under threat.<sup>85</sup>

Migrant advocacy and pro-refugee organizations experience considerable hostility. Some organizations that work in the field of asylum and migration have recently been labelled as an “anti-deportation industry” (*Anti-Abschiebe-Industrie*), a “compassion industry” (*Mitleidindustrie*) and an “indignation industry” (*Empörungsindustrie*).<sup>86</sup> AfD politicians have made attempts to criminalize the activities of such organizations under the claim that migrant organizations protect criminals who must be deported.<sup>87</sup>

The effectiveness of civil society representation overall is difficult to estimate, particularly in the context of the COVID-19 pandemic: these include not only financial cuts that challenge the existence of civil society organizations but also the stigmatization

and scapegoating of minorities (e.g., the Sinti and Roma).<sup>88</sup> The Central Council of German Sinti and Roma (*Der Zentralrat Deutscher Sinti und Roma*) has warned that the pandemic strengthened anti-Roma rhetoric in online media.<sup>89</sup> The main problem with banning/removal of racist content is that the server provider is often situated outside Europe, and it is difficult to force them to take xenophobic posts down.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth's "Living Democracy" (*Demokratie Leben*) program funds a "network" of competencies in different areas of racism, such as the monitoring of Islamophobia and anti-Muslim hatred.

## 10. PRIVATE SECTOR

### AVERAGE SCORE: 4

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 4  
NATIONAL MINORITIES | SCORE: 4

**Instances of discrimination on ethnic and religious grounds can be observed at the early stages of the job application processes: the ADS's empirical research showed that German employers tend to avoid inviting Muslim applicants to interview as they are expected to hold below-average levels of qualification and show low productivity.**

The AGG is the core legal reference aimed at stopping discrimination on the grounds of "race" or ethnic origin, gender, religion or belief, disability, age or sexual orientation.<sup>90</sup> Discrimination continues to rise in Germany, especially and primarily in the workplace.<sup>91</sup> According to a survey conducted by the ADS, the primary space of discrimination remains the workplace, where approximately one third of the respondents faced different kinds of discrimination.<sup>92</sup> It is still very difficult to establish patterns of discrimination across different industries and at the different levels of management because German employers do not collect data on race, religion, sexual orientation or world view.

Instances of discrimination on ethnic and religious grounds can be observed at the early stages of the job application processes: the ADS's empirical research showed that German employers tend to avoid inviting Muslim applicants to interview as they are expected to hold below-average levels of qualification and show low productivity.<sup>93</sup> Apart from that, wearing a headscarf can cause problems while applying for a job as the employers see such applicants as sources of trouble and as detrimental to business success.<sup>94</sup> Women wearing headscarves thus face discrimination in the workplace more often than other women in Germany.<sup>95</sup> There are only two non-white people among the 179 leading managers or executive board members of Germany's 29 *Fortune* Global 500 companies.<sup>96</sup>

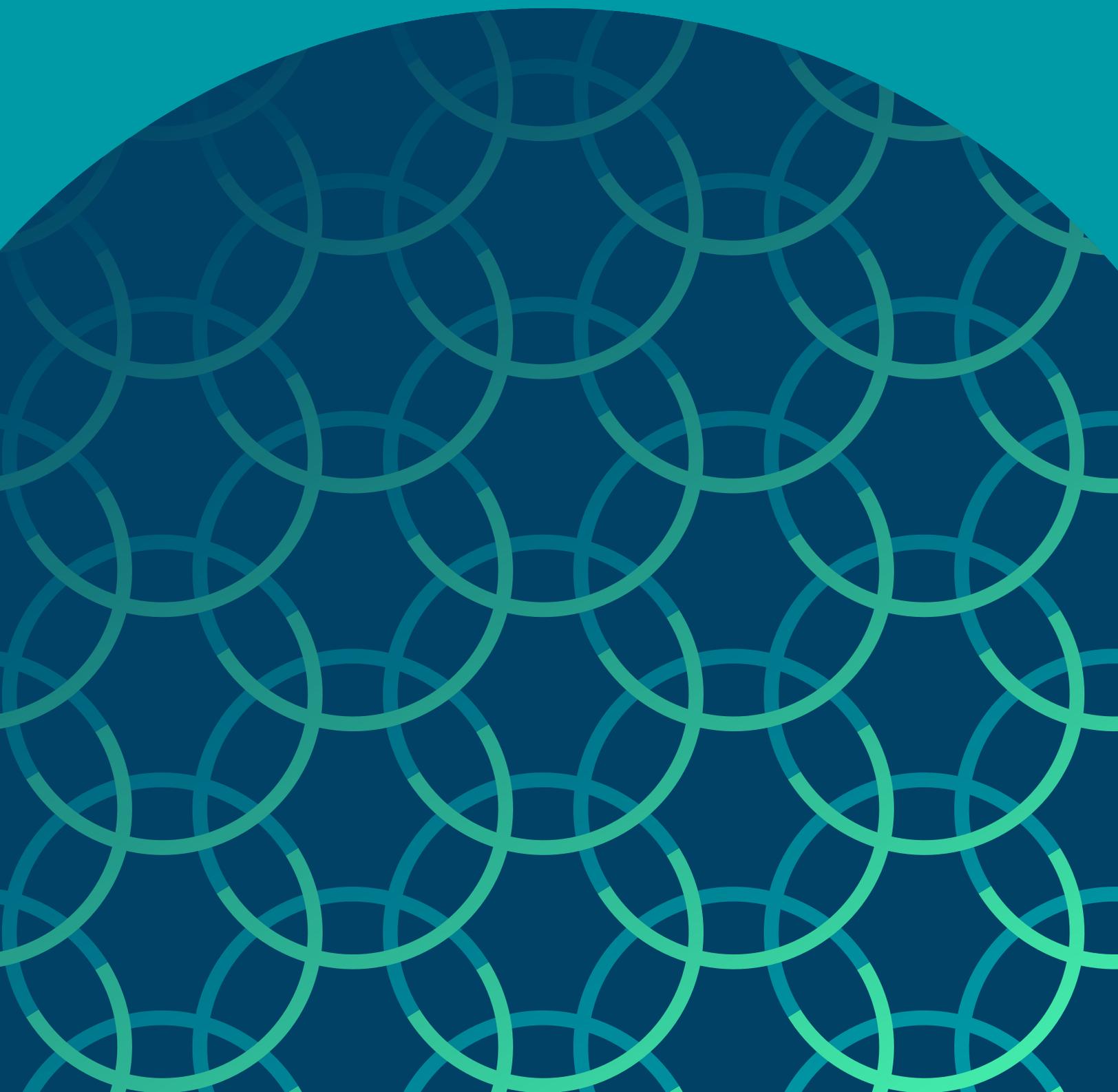
Two cases of discrimination on religious grounds in the private sector in Germany were considered by the Court of Justice of the European Union (CJEU) in February 2021.<sup>97</sup> Both had to do with Muslim women returning from maternity leave and wearing headscarves. The employees' years of previous work experience with these companies had no impact on the decision to suspend them from work for refusing to remove their headscarves. The CJEU concluded that such suspensions were legitimate when wearing the headscarves is proven to be against a "policy of neutrality" that private business embraces.<sup>98</sup>

Another important aspect of discrimination within employment is gender-specific discrimination. In 2020, women were earning an average of 18 percent less than men.<sup>99</sup> The Gender Pay Gap index also showed that regardless of the decrease in the salary

gap between men and women in 2020 (in comparison to 1991, when it constituted 51 percent), it is still higher than the average in Europe and constitutes 21 percent.<sup>100</sup> The reason behind this is often connected to family issues. Many women must take care of children and the household, which leads to them switching to part-time employment. Men usually take over full-time contracts regardless of family issues.<sup>101</sup> The inability to take a full-time position causes financial losses and is often the reason why women are underrepresented in leading and management positions.<sup>102</sup>

Multiple initiatives supporting diversity at work were introduced within the frame of the ninth Diversity Day organized by the Diversity Charter (*Charta der Vielfalt*)<sup>103</sup> in Germany. The Diversity Charter is a union supported by the Federal Ministry of Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales*) that covers more than 3,500 enterprises<sup>104</sup> that volunteered to join it in order to promote diversity in their workplaces. They covered awareness-raising programs in employment agencies (*Agentur für Arbeit*) across Germany; thematic cultural events and workshops conducted in various enterprises and companies, such as Adidas, ADAC, Airbus, the Center for Military History and Social Sciences of the Bundeswehr Potsdam (*Zentrum für Militärgeschichte und Sozialwissenschaften der Bundeswehr Potsdam*) and others.<sup>105</sup>

# PART IV. GROUP-BASED INEQUALITIES



# 11. POLITICAL

## AVERAGE SCORE: 5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 5

**The status quo prevents a significant number of the population from enjoying the basic right to vote and to stand for elections.**

Citizenship is an important precondition for active political rights, and naturalization rates among Germany's post-migrant populations remain relatively low.<sup>106</sup> The ability to vote and assist in the conduct of elections (as poll workers (*Wahlhelfer*)) in federated states is granted only to those who possess German citizenship. Potential aspirants to citizenship from Muslim-background countries, especially Turkey, have experienced discriminatory naturalization requirements, even after reforms of citizenship law in 2000, due to widespread suspicion about their legitimate belonging and restrictions around dual nationality. The status quo prevents a significant number of the population<sup>107</sup> from enjoying the basic right to vote and to stand for elections. Some minorities in Germany exercise their right to vote in their countries of origin, which deepens the cleavage between the majority and minorities.<sup>108</sup> The inability of minority group members to exercise the right to vote in their country of residence, even on the municipal level; the lack of a dual-citizenship frame; the lack of knowledge about the actual inner-political situation in their state of residence along with media propaganda and influence may significantly impact German minorities' political opinions and their willingness to claim their space through political participation.

The ability to create political parties is granted to the traditional national minorities and is only actively exercised by the Danish and Frisian minority. Thus, the SSW, the Danish-Frisian political party, is going to stand for the upcoming elections in the Lower House of the German Parliament in 2021.<sup>109</sup> The party's goal is to promote minority rights and relevant transport projects in Berlin. New minorities in the Lower House of the German Parliament still remain underrepresented, and any form of representation usually consists of individual politicians with a migration background who represent their own interests in connection with the leading "mainstream" political parties.

The German state encourages constitutionally active involvement of new national minorities in social and political life through participation in political parties, unions and related gatherings and initiatives. In cases of proven active involvement, the length of residency required for acquiring German citizenship can be shortened from eight years to seven. Additionally, there is an opportunity for third-country residents to be indirectly represented through the Integration Advisory Board/Foreign Nationals Advisory Board (*Integrationsbeirat/Ausländerbeirat*) in some federated states.<sup>110</sup>

## 12. ECONOMIC

### AVERAGE SCORE: 5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 5

**Cases of intersectional discrimination (e.g., gender in relation to religious discrimination or religious and ethnic discrimination) transcend the public and private sector when it comes to employing minority and post-migrant individuals.**

Germany conceives of itself as a social and democratic market economy. Its tax system is comparatively progressive.<sup>111</sup> Income inequality has remained stable since 2005 and is considered low in comparison to other countries.<sup>112</sup> Yet, social mobility is also comparatively low. Inequality and low income tends to span generations, more so than in Scandinavian countries but also compared to the United Kingdom and Italy.<sup>113</sup> “Foreign-born” Germans are overrepresented among the unemployed,<sup>114</sup> and this group experiences considerable income inequality.<sup>115</sup> German society faces substantial challenges regarding equitable participation in economic life: for example, women are still underrepresented in leading and management positions.<sup>116</sup>

Cases of intersectional discrimination (e.g., gender in relation to religious discrimination or religious and ethnic discrimination) transcend the public and private sector when it comes to employing minority and post-migrant individuals. Muslim women wearing headscarves often become targets for discrimination at work and while applying for jobs both in the public and private sectors.<sup>117,118</sup> This type of discrimination remains difficult to address due to ongoing debates and insecurities regarding religious symbols at work. The Lower House of the German Parliament issued a draft law regulating the appearance of civil servants.<sup>119</sup> It states that wearing religious symbols at work (including headscarves, Jewish kippas and Christian crosses) can be prohibited only in cases when a civil servant’s neutrality and impartiality is under question.<sup>120</sup> Currently, it is obligatory for an employer (also in the private sector) to prove that the company is supporting a policy of neutrality and regulates religious symbols only where they are found to interfere with an employee’s duty<sup>121</sup> (although this proves to be a slippery condition). Common recruitment practices require a high level of person-specific information, which facilitates discriminatory recruitment practices. Different studies note that invitation or callback rates are markedly different for post-migrant employment applicants, although there is no uniform picture.<sup>122</sup> As mentioned previously, it is remarkable that there are only two non-white people among the 179 leading managers or executive board members of Germany’s 29 *Fortune* Global 500 companies. Regardless of their skills profile, it remains difficult for the descendants of immigrants to overcome discrimination, racial penalties and the prejudice connected with ethnicity and religion. The economic experience of national minority groups in Germany is internally diverse and difficult to capture as data is largely unavailable. Whereas some of the more prominent cultural minorities, such as Danish Germans in Schleswig-Holstein, are unlikely to suffer substantial economic disadvantage, there is evidence of discrimination, inequality and a severe lack of opportunities for Romani groups in Germany.<sup>123</sup>

## 13. SOCIAL

### AVERAGE SCORE: 5.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5

NATIONAL MINORITIES | SCORE: 6

**In spite of state support, new minorities in Germany tend to leave school earlier and have a lower level of education and lower rate of employment compared to the majority population.**

Although Germany provides subsidized housing, free education and a comparatively well-functioning health care system, there is evidence that migrants and their descendants face difficulties in accessing high-quality housing, education and health services. The circumstances for national minority groups are, again, difficult to generalize.

All German citizens have the right to education secured by the German Basic Law and the Universal Declaration of Human Rights.<sup>124</sup> The German state sponsors (partially or fully) language and integration courses. The successful completion of these courses is also a precondition for obtaining a German residency permit and a German passport.<sup>125</sup> These courses also help adults obtain secondary or primary education at professional schools (*Berufsschule*) and supports them<sup>126</sup> with finding an apprenticeship (*Ausbildung/Weiterbildung*) or employment in accordance with their individual skills.

In spite of state support, new minorities in Germany tend to leave school earlier<sup>127</sup> and have a lower level of education and lower rate of employment compared to the majority population.<sup>128</sup> This trend is more connected with the socio-economic level of families the pupils are coming from and has less to do with cases of direct discrimination.<sup>129</sup> However, there are examples of children with migrant backgrounds being advised to go to intermediate secondary school (*Realschule*) by their teachers.<sup>130</sup> This complicates access to higher education, which largely requires the degree that only high schools (*Gymnasien*) offer.

The gap between majorities and minorities in the German educational and employment systems is often connected with several obstacles that minorities face due to issues with Germany's recognition of foreign educational qualifications: first, foreign diplomas (from so-called third countries) are not recognized in Germany,<sup>131</sup> an applicant has to go through several confirmation exams in order to have their diploma recognized;<sup>132</sup> and second, the job offer that an applicant receives from an employment agency (*Agentur für Arbeit*) is usually incompatible with the acquired foreign degree.<sup>133</sup> An employer can be additionally reluctant to recommend a foreign employee for further education, which, in turn, is often connected with the employee's lack of knowledge of the German language and/or the lack of bilingual *Fortbildung* (further education) programs for foreigners.<sup>134</sup>

The health care system in Germany is well-structured from the perspective of reporting and systematizing data on patients, especially when it comes to children's health. However, when it comes to the adult immigrant population, the problems of discrimination and poor treatment occur regardless of the country's universal health care system.<sup>135</sup> For example, "nationals from Portugal/Spain/Italy/Greece, from Turkey and from former Yugoslavia were reported to have a 24%, 62% and 68% higher chance of a poor self-perceived treatment outcome than Germans, independent of differences in health status as well as their demographic and socioeconomic profile."<sup>136</sup> The reasons behind this are structural racism<sup>137</sup> and communication problems that lead to the

inability of health providers to raise awareness about possible rehabilitation programs and services to increase health literacy and, consequently, boost the sufficiency of medical treatment in general.<sup>138</sup> Available data for health outcomes for minority and post-migrant populations is patchy, although it seems that “class” substantially intersects with migration background in determining unequal outcomes.<sup>139</sup> There is evidence that minority and post-migrant groups rely less frequently on health services, pointing towards cultural or linguistic barriers in accessing appropriate care.

The German state has a structured system of social protection for German citizens and people with a residence permit, which includes five core branches: sickness insurance, long-term care insurance, pension insurance, accident insurance and unemployment insurance.<sup>140</sup> Thus, for example, in cases of unemployment, a person receives an unemployment payment and can apply for reduction/complete coverage of the other costs by the state (e.g., paying for rent, kindergarten and child care (*Hort*)). The payments are automatic and regular, which protects citizens from sudden livelihood risks. The level of pension payouts through the insurance system depends on income over the course of one’s life, and immigrant groups’ experience of low income in employment leads to higher rates of poverty during retirement, which impacts women in particular.<sup>141</sup>

## 14. CULTURAL AVERAGE SCORE: 6

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 6  
NATIONAL MINORITIES | SCORE: 6

**While cherishing and maintaining one’s own culture and religion within the private domain is not problematic, it looks different with respect to the public domain.**

Cultural diversity as an idea is widely celebrated, but approximately every other German believes that social co-existence is only possible if minority groups adapt themselves to a dominant culture. One-out-of-three people believes that the existence of different cultures can lead to the emergence of a new culture. Only 10 percent of respondents in a survey by the Bertelsmann Foundation (*Bertelsmann Stiftung*) agree that different cultures can co-exist side by side.<sup>142</sup> Religious freedom is a constitutional right, although the free and public practice of the Islamic faith is often problematized. Islam is often associated with inferiority and/or is seen as a threat that requires the firmness of a German guiding culture (*Leitkultur*).<sup>143</sup> Cultural inequalities are especially observable with regard to non-European and/or Muslim minorities. According to survey studies from 2018, 47 percent of those surveyed responded that Islam belongs to Germany but 46 percent disagree. Participants from the former East Germany (62 percent) and people over 60 showed negative attitudes to the question in particular.<sup>144</sup> While cherishing and maintaining one’s own culture and religion within the private domain is not problematic, it looks different with respect to the public domain. One-out-of-two people with no immigrant background prefer that Muslim women not wear headscarves if they work as civil servants.<sup>145</sup> The same applies to the question on whether teachers should be allowed to wear headscarves during classes, which a majority (57 percent) rejects.

Visible signs of Muslim religious practice, including the construction of mosques and the call by the muezzin only progress slowly. In 2021, the City of Cologne became the

first to permit five-minute public transmissions of the prayer call (on Fridays between 12:00 p.m. and 3:00 p.m.), although this arrangement invited significant critique.<sup>146</sup> In 2012, a state court issued a judgement that put the Jewish and Muslim practices of male circumcision in legal doubt, yet legislation fast-tracked in the Lower House of the German Parliament remedied this potential threat.<sup>147</sup>

According to the latest ADS study on the Sinti and Roma in Germany, these minority groups are not welcomed as neighbours by approximately one third of German respondents.<sup>148</sup> Every fourth respondent agreed with the statement that the Sinti and Roma lifestyle is very different from that of the majority of Germans. Every third person was certain that they could recognize Sinti and Roma by their appearance.<sup>149</sup> The *Roma Civil Monitor* report mentions similar trends and underlines the ongoing discrimination in public administration and social work.<sup>150</sup> Thus, the Sinti and Roma minority remains the only socially rejected minority from those that are officially recognized.

## 15. ACCESS TO JUSTICE

### AVERAGE SCORE: 7

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 7  
NATIONAL MINORITIES | SCORE: 7

**The judicial system applies to everyone regardless of citizenship status when residing in Germany (and in possession of a valid address).**

The judicial system in Germany is strong and independent.<sup>151</sup> Individuals of both post-migrant and national minority backgrounds have access to justice on different levels through submitting a case directly to city/municipal courts in the following scenarios:

- By addressing a case on discrimination through special state bodies (e.g., the ADS or the German Institute for Human Rights);<sup>152</sup>
- By submitting a complaint to the complaint departments in the places where the inappropriate treatment occurred, referring to the breach of the particular law; and
- By seeking legal aid (in the case of low-income individuals, it is possible to submit an application to the District Court (*Amtsgericht*) and request the costs for legal consultation be carried by the state).

The judicial system in Germany protects all the individuals living in Germany in an equal manner and serves as a tool to fight against discrimination. Unfortunately, in practice, there are cases of racial profiling among police officials and in the judiciary.<sup>153</sup> It is important to note that, in 2020, research on racial profiling by police was blocked by Interior Minister Horst Seehofer as he considered this to be “irrelevant.”<sup>154</sup>

The German social welfare system is also well-developed<sup>155</sup> and allows people with low income to be represented in the court at low cost (typically approximately €100–250). The system applies to everyone regardless of citizenship status when residing in Germany (and in possession of a valid address). In cases of national minorities in places of their

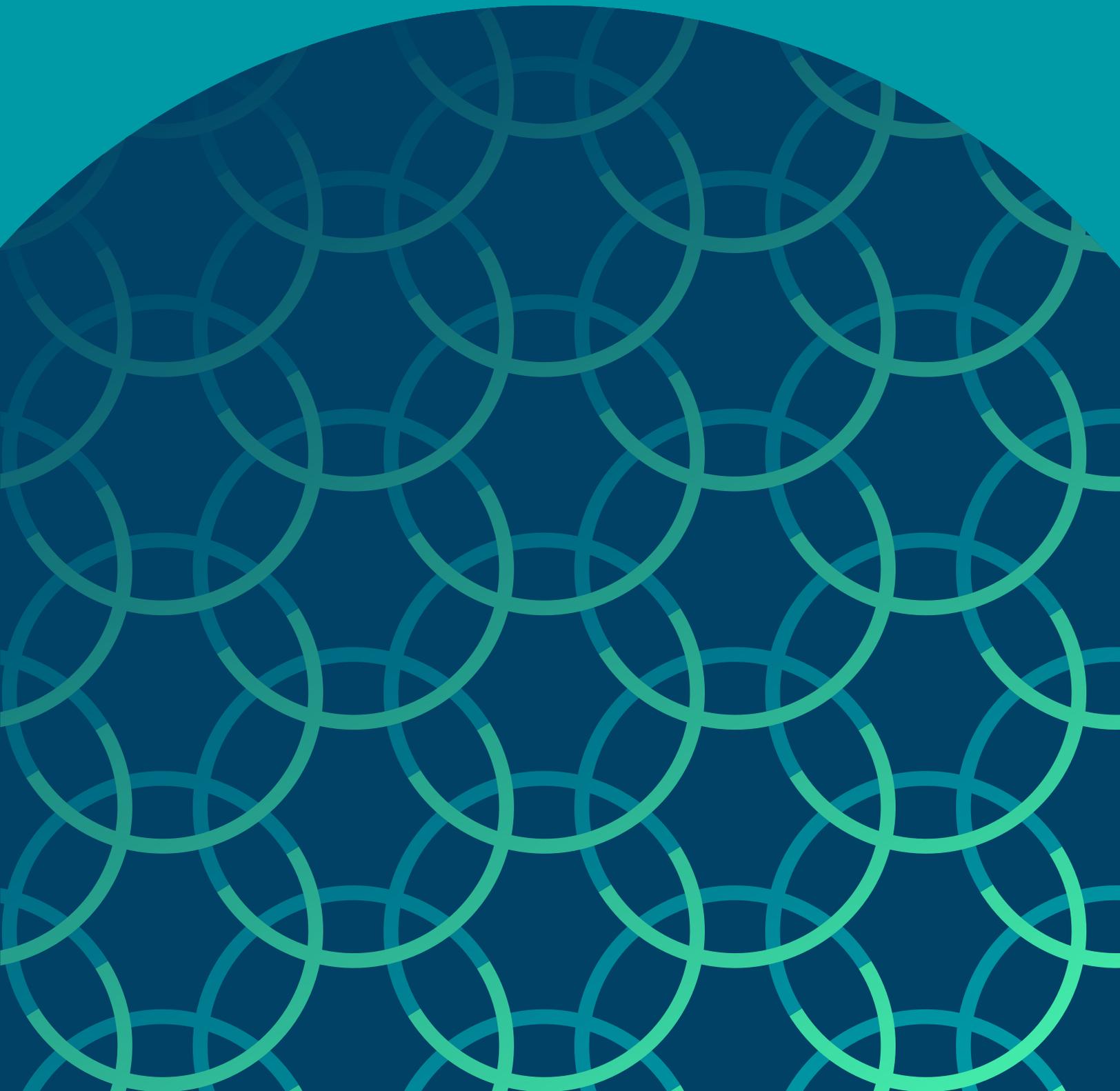
traditional settlements, it is also possible to be represented in front of the court and submit documents in a native language (Frisian, Low German or Danish).

The average duration of court proceedings is about four-to-five months,<sup>156</sup> but it can also be extended to one year or more due to the different circumstances of each case (e.g., where additional translations or interpreter assistance is required). Generally, the judicial system operates well and largely without any unreasonable delays.<sup>157</sup>

The 2012 Mediation Act (*Mediationsgesetz*) provides alternative possibilities of conflict mediation and conflict resolution.<sup>158</sup> The Act provides the guidelines for mediators and parties in mediation. The law paved the way for the establishment of alternative mediation initiatives, and for law firms dealing with commercial/business disputes and human rights violations involving German organizations in Germany or abroad. However, mediation is connected most closely with business disputes and not with human rights or minority rights as such.

Regarding the issue of funding of human rights organizations to provide access to justice support, there are two additional funding lines for NGO and human rights organizations' general budgets: state grants and EU grants. The state grants are provided by the MFA and by the Ministry for Economic Cooperation and Development (*Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung*) that works in co-operation with the German Society for International Cooperation (*Deutsche Gesellschaft für Internationale Zusammenarbeit*); KfW, a German development bank; and Engagement Global.<sup>159</sup> Some research organizations or minority institutions are directly financed by the state and/or federated states <sup>160</sup> (e.g., the MFA funds German political foundations, such as the Rosa Luxemburg Foundation, that also distribute funds among applicants working for the protection of human rights and freedoms).

**PART V.  
INTERGROUP RELATIONS  
AND BELONGING**



## 16. INTERGROUP VIOLENCE

### AVERAGE SCORE: 6

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 6

NATIONAL MINORITIES | SCORE: 6

**Although everyday experiences of racial violence can be difficult to capture due to ambivalent reporting requirements, it is clear that violence and hate crimes have increased in the years after the arrival of refugees in 2015–16, which is in line with a changing political atmosphere.**

In recent years, people of Muslim background and refugees have increasingly become the target of racialized attacks. Recent atrocities in Hanau (in 2020, 11 customers of two Shisha bars were killed) and in Halle (in 2019, there was an attempted attack on a synagogue and the killing of two bystanders) demonstrate the increasing danger of far-right terrorism. Furthermore, the increasing frequency of incidents has exposed far-right extremists within German institutions, such as police departments and the federal army, showing the magnitude of institutionalized racism and extremism.<sup>161</sup> Although everyday experiences of racial violence can be difficult to capture due to ambivalent reporting requirements, it is clear that violence and hate crimes have increased in the years following the arrival of refugees in 2015–16, which is in line with a changing political atmosphere.

According to the Federal Ministry of Interior and Community, 9,420 cases of xenophobic hate crimes were recorded in 2020, which illustrates a rise of 22.3 percent compared to 2018 (7,701 cases). With regard to anti-Semitic hate crimes, the numbers show that 2,351 cases were recorded in 2020. In comparison with 2018, the data reveals an increase of 30.6 percent (1,799). It is noteworthy that 94.6 percent of these recorded crimes were committed by far-right perpetrators. Furthermore, 1,026 cases of Islamophobic hate crimes were documented which represents an increase of 12.7 percent compared to 2018 (910 cases), while 128 cases of anti-ziganistic (anti-Roma) hate crimes were reported which illustrates a rise of 64.1 percent compared with 2019.<sup>162</sup>

For the Jewish minority in Germany, in particular, a general increase of anti-Semitic crimes and violence has been occurring in recent years. Anti-Semitic violence and hatred largely originates from right-wing extremists but also from Islamists, while the reproduction of anti-Semitic prejudices and conspiracy theories can also be found in different social groups who would not consider themselves extremists. According to a study by the Institute of Interdisciplinary Conflict and Violence Research (University Bielefeld) in 2017, 78 percent of the Jewish participants emphasized that anti-Semitism increased slightly or strongly in the past five years. Another 83 percent believed that anti-Semitism will increase within the next five years.<sup>163</sup> With special regard to the current political and social situation, an increased propagation of anti-Semitic conspiracy theories and violence is visible among the so-called Querdenker movement, a diffuse movement that draws in citizens with concerns about the government's measures against COVID-19 and that is generally open to far-right influence.<sup>164</sup>

Violence and hate crimes by neo-Nazis are also targeting national minorities, such as the Sorb minority who mostly live in the border regions of Saxony and Brandenburg. According to the State Office of Criminal Investigations in Saxony, 15 cases of criminal acts from the far right were reported between 2017 and 2020, while the number of unreported crimes is presumably higher.<sup>165</sup>

# 17. INTERGROUP TRUST

## AVERAGE SCORE: 6.5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 6

NATIONAL MINORITIES | SCORE: 7

**While there are specific class differences and regional disparities that impact intergroup trust and opinions on diversity, the general trend is towards a higher acceptance of diversity over time, including levels of trust among people with migrant backgrounds.**

In the aftermath of 2015, refugees from Syria and Afghanistan (often coded as Muslim and potentially “violent”) were targeted, and the climate towards ethno-religious minorities, in particular, has deteriorated. More generally, young Muslim men experience considerable mistrust. Survey data on intergroup trust reveals a relatively uniform picture across different categories of social otherness. Groups that are marked as “different” on religious or ethnic grounds do not experience higher levels of mistrust. Circumstances are slightly different with regard to people marked as “immigrants,” who experience somewhat higher levels of mistrust.<sup>166</sup> Such responses are context-dependent and shifting, often responding to changing political circumstances and the portrayal of groups as dangerous and hostile.

More generally, it is difficult to draw a general picture of intergroup trust in Germany as there are significant regional differences, which alongside social characteristics, such as class and educational background, tie in with vastly different views towards social “others,” especially minorities and immigrants.<sup>167</sup> The Global Centre for Pluralism’s *Pluralism Perceptions Survey* data shows that higher education correlates with higher levels of social trust.<sup>168</sup>

According to a quantitative study by Schmid et al., the more a positive interaction exists between a dominant group and immigrants, the less negative views predominate.<sup>169</sup> This is relevant in Germany because the distribution of ethnic minorities is not evenly balanced between federal states in West Germany and East Germany, where fewer migrants live. Regarding the influx of ethnic minorities in the former East Germany, a recent study shows that 36 percent of those polled emphasized their negative attitude towards Muslims, while 22 percent mentioned a negative attitude in West Germany. In the former East Germany, 48 percent of those polled are more likely to have negative views towards Sinti and Roma, which is 14 percentage points above those questioned in the former West Germany. Yet, 86 percent of the Germans surveyed profess favourable opinions towards Jews.<sup>170</sup> It is important to recognize the multiplicity of East German experiences, yet the gap between the two parts of the country also needs to be acknowledged.<sup>171</sup>

While there are specific class differences and regional disparities that impact intergroup trust and opinions on diversity, the general trend is towards a higher acceptance of diversity over time,<sup>172</sup> including levels of trust among people with migrant backgrounds. For example, participants in the Council of Integration and Migration (SVR) 2019–20 Integration Barometer<sup>173</sup> with a migrant background emphasized a general positive perception of social co-existence in Germany (68.8 percent). Among them, participants who belong to the group of (late) repatriates reached 68.1 percent and participants with a Turkish migrant background reached 64.7 percent. The same positive attitude applies to citizens with no migrant background who reached 65.6 percent in the survey.<sup>174</sup>

As for national minorities, the Sinti and Roma still suffer from different forms of inter-generational discrimination and everyday racism, which in many cases leads to social exclusion and segregation.<sup>175</sup> Recent studies have shown that 26 percent of the population have hostile opinions about the Sinti and Roma, and 56 percent emphasized that it would be a problem if members of the minority were located in their neighbourhood.<sup>176</sup>

## 18. TRUST IN INSTITUTIONS

### AVERAGE SCORE: 7

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 7  
NATIONAL MINORITIES | SCORE: 7

**Out of those who have a migrant background and were born in Germany, 66.2 percent stressed that they feel disadvantaged within the educational system, while 80 percent emphasized that they do not feel disadvantaged.**

The level of trust in institutions is important to consider for the functionality of pluralist societies. There are different forms of trust: for example, particular trust in family or general trust in fellow human beings.<sup>177</sup> The level of trust in public institutions is important in the context of democratic and pluralist societies, especially in times of crisis and when difficult questions of identity, belonging and representation are being worked through.

In a study for the Friedrich-Ebert-Stiftung Academic Foundation,<sup>178</sup> 51.1 percent of those polled emphasized that they are very happy with the public health system. Among them, 59.1 percent of participants with a migrant background mentioned that they are happy with the public health system. With respect to the public education system, 77.1 percent of participants (no migrant background) and 82.5 percent (with migrant background) emphasized that they are absolutely or fairly satisfied with the educational system.<sup>179</sup> Out of those who have a migrant background and were born in Germany, 66.2 percent stressed that they feel disadvantaged within the educational system, while 80 percent emphasized that they do not feel disadvantaged.<sup>180</sup>

With regard to the socio-political circumstances brought on by the COVID-19 pandemic, 89.2 percent of participants with a migrant background pointed out that they fully or partly trusted the police before the pandemic. In comparison, 85.6 percent emphasized the same attitude after public authorities introduced measures and restrictions in March 2020.<sup>181</sup>

According to the 2017 *German Victimization Survey*, participants with a migrant background tend to trust the courts (6.8 points on a scale of 1–10) as well as the public prosecution system (6.8 points) whereas there is no significant difference in both categories when compared to participants without a migrant background.<sup>182</sup>

It is important to keep in mind that, throughout the years, specific events have occurred that tended to undermine trust in public institutions. Recurrent revelations about police officers who participated in racist chat forums, the theft of arms and ammunition by members of the German Special Forces Command, the exposure of far-right extremists in the armed forces (Bundeswehr) and racist statements by the former head of the Federal Office for the Protection of the Constitution are just a few recent incidents

that are likely to weaken the democratic legitimacy of institutions and will have had an impact on institutional trust.<sup>183</sup>

## 19. INCLUSION AND ACCEPTANCE

### AVERAGE SCORE: 4

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 4  
NATIONAL MINORITIES | SCORE: 4

**One major issue is the problem of othering, where majority groups oftentimes distance themselves from minority groups by constructing their own socio-cultural identity through viewing minorities as inferior.**

The issue of the inclusion and acceptance of minority groups is an ongoing problem in German society. Becoming an accepted member of society, on the one hand, is dependent on personal features, such as socio-economic status and a demonstration of a “willingness to integrate.” On the other hand, negative attitudes toward minority groups, different forms of discrimination and institutionalized inequalities can lead to group-based marginalization and thus to a lower sense of inclusion and acceptance. One major issue is the problem of othering, where majority groups oftentimes distance themselves from minority groups by constructing their own socio-cultural identity through viewing minorities as inferior.<sup>184</sup>

While social exclusion due to poverty can affect every member of society, ethnic-, religious-, and gender-based discriminations are specifically directed at minority groups (e.g., within the work environment, when searching for housing or within the educational system).<sup>185</sup> This mostly concerns foreign-born and/or non-white individuals and Muslims. Discrimination and exclusion based on identity markers is especially visible with regard to Muslim women. The results of a survey have shown that a woman with a Turkish name and a hijab needs to send four-and-a-half times more job applications in order to receive the same number of invitations to interviews as a woman with a German name and no hijab.<sup>186</sup>

The Centre’s *Pluralism Perceptions Survey* data confirms that people born outside Germany experience a lower sense of “belonging” and that experiences of discrimination, especially if such experiences entailed violence and physical harm, coincide with a lower sense of belonging.

## 20. SHARED OWNERSHIP OF SOCIETY

### AVERAGE SCORE: 5

ETHNO-RELIGIOUS, IMMIGRANT AND POST-MIGRANT GROUPS | SCORE: 5  
NATIONAL MINORITIES | SCORE: 5

The revision of German citizenship law in the early 2000s opened space for new understandings of citizenship and belonging. For Turkish Germans, for example, homeland ties and transnational relations can be important and meaningful. More inclusive versions

**Although 26 percent of the German population has a migrant background, there is a structural underrepresentation within the public sector.**

of national identity that acknowledge this multiplicity and allow for ownership in two polities (e.g., Germany and Turkey) would be a significant step towards pluralism. Further changes to nationality law are a prerequisite for this.

In addition to national identification and emotional attachment, the issue of shared ownership is also linked to issues around representation and agency within the socio-political domain. Although 26 percent of the German population has a migrant background, there is a structural underrepresentation within the public sector. For instance, only five out of 335 mayors in Germany have a migrant background.<sup>187</sup> The visibility as well as the voice of minorities in public institutions needs to be promoted, which is not an easy task due to intersecting experiences of marginalization that include whiteness, sexism and racism.<sup>188</sup> This applies especially to German-born citizens with a migrant background. Although they were born and socialized in Germany and have multiple identities, they are in many cases not seen as “real Germans” because of a lack of specific requirements which are usually associated with being “German.”<sup>189</sup> According to a representative study, three-out-of-four Germans with a migrant background emphasized that they “do feel German.”<sup>190</sup> Only 50 percent of the participants pointed out that it is important for them to be seen and recognized as a German.

The issues that have been aired in the integration debate and affect groups with an immigrant background, such as issues pertaining to mixed swimming lessons in schools, the headscarf ban, or the repeated calls for Islamic religious education in state schools and Islamic theology departments in public universities cannot be easily qualified as a “mass phenomena.”<sup>191</sup> They should not, however, be neglected in the context of the debate on major trends on the processes of self-separation within German society. Intergroup socialization is present: for example, Muslim and people of German descent showcase relatively high daily contact, with only 1 percent of Muslims from all contexts of origin not having/wishing to have contact with persons of German descent.<sup>192</sup> Membership of Muslims in associations related to Germany (as opposed to those related only to their country of origin) is also comparatively high (37 percent based on 2008 Ministry of Interior figures).

Furthermore, the level of political participation of minority groups can also be interpreted as evidence for ownership. Of course, formal political participation requires German citizenship, which is why almost 8 million people were not able to take part in the last federal election.<sup>193</sup> Among the eligible voters with an immigrant background, only 65 percent participated in the 2017 election, whereas educational levels constitute a significant factor when exercising the right to vote. However, expressing political concerns in an informal way (e.g., in terms of participation in demonstrations) through organizations and associations can be even more enlightening. According to the SVR-Integration Barometer, 30 percent of the population with an immigrant background is committed to associations or charitable organizations, and 55 percent of German-born descendants pointed out that they take part in non-electoral forms of political participation.<sup>194</sup>

Finally, there are strong group-specific associations functioning as intermediary organizations between minorities and the public/political sphere. Popular and powerful examples are the Central Council of Jews in Germany, the Integration Advisory Board (*Integrationsbeirat*) and the Central Council of German Sinti and Roma. These institutions play a crucial role when it comes to claiming membership in society because they are directly in contact with political actors and can thus represent minorities who are otherwise excluded from formal political participation mechanisms.

# RECOMMENDATIONS

## POLICY-SPECIFIC RECOMMENDATIONS

- 1) The law on anti-Romani sentiment (*antiziganismus*) was adopted by the parliament but has not been promulgated by the president. Further steps should be taken with regard to promotion of the law.
- 2) The cumulative grounds for persecution and the real state of minority protection should be considered while defining safe countries (*Sichere Herkunftsstaaten*) in frames of asylum politics.
- 3) There is a lack of systematic reporting on the implementation of minority laws at the federated state level. Federated states (especially those embracing places of traditional minority settlements) should report annually about the implementation of minority laws.
- 4) The Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*) should be supported further. The reports submitted by media companies should be regular and more transparent; cases of hate speech online should automatically oblige media companies to immediately disclose information about offenders.
- 5) The possibility to establish political parties and form their membership as a majority should be granted to minorities regardless of their possession of German citizenship. The right to access political parties being granted to only natural people (*natürliche personen*) (§ 2 Abs. 1 Satz 2 PartG) should be reconsidered and extended at least to German citizens with permanent residence (*Niederlassungserlaubnis*).
- 6) The term ‘German with migration background’ (*Deutsche mit Migrationshintergrund*) undermines integration and leads to further exclusion and discriminatory practices. This term should be abolished.
- 7) The process of diploma recognition should be well-structured and supported by the government.

## GENERAL RECOMMENDATIONS

- 1) There is a need for **awareness-raising initiatives** that will inform post-migrant *and* national minorities about the complaint mechanisms available in cases of discrimination in Germany. For example, the distribution of thematic leaflets in minority languages explaining the complaint mechanisms through the ADS available in city halls, employment agencies and job centres.
- 2) The accountability of ADS and its regional representations is questionable, as these are state-established and state-financed bodies. ADS’s mandate is also limited to its organizational scope which does not explicitly cover hate speech, discrimination on racial origin, language, citizenship or gender identity, as well as intersectional discrimination. It is recommended not only that ADS’s mandate be extended but also

that it should promote and support **independent monitoring and anti-discrimination bodies** and organizations in Germany in order to create a comprehensive balanced system of minority protection.

- 3) Non-discrimination and the protection of minorities should be mainstreamed at the public and private level. **Workshops and training for police and administrative staff** should be organized on an annual basis and conducted by external trainers. The evaluation should be done by an independent committee/institution.
- 4) Minorities should have an opportunity to **participate in political life** at the state and municipal level regardless of citizenship status. Due to the fact that minority councils (*Beirat*) appear not only to be powerless but are also often underfunded, new alternative bodies of minority representation need to be established in every state. Sufficient funding should be provided in order to ensure their adequate functionality. In return, activities and financial spending done by the new minority representational bodies should be documented and regularly reported. Minorities should be informed in correspondent languages that they have a possibility to influence decision-making processes at the municipal level through the new minority *Beirat*. Moreover, there should be a two-way communication established between minority groups and the Parliament.
- 5) Minority youth should be **involved in political life** regardless of their citizenship status (e.g., serving as poll workers (*WahlhelferInnen*) at the municipal elections (currently possible only for those who hold a German passport).
- 6) There is a need to support both **traditional and new minority media** in electronic and printed form in order to cover every age group (e.g., supporting local Russian and Turkish media in Germany may help to establish alternative sources of information than that presented by the kin-state media).
- 7) Minority media should be broadcast in their own languages, meeting the following additional criteria: being produced locally and entirely by or with significant involvement of minority members; discussing issues of importance for a given group and referring to the local context; minority media platforms should be provided by public service broadcasters and financed (or to a significant extent co-financed) by public sources.
- 8) **Broadcasting in Danish and Frisian languages** should be strongly supported. NDR's Broadcasting Council should include Danish and Frisian groups. There is a need for more Frisian-language content on NDR, a monthly news magazine on ARD/ZDF and stable funding for Friisk Funk.
- 9) **Media coverage** of ethnic/religious groups in Germany succumbs to political agendas related to prejudice against specific groups. The legal regulations surrounding the transparency of media content as well as **awareness-raising** programs on diversity and non-discrimination within the media outlets are needed.
- 10) There is a need to review the classification system of **hate crime** data (e.g., for anti-Semitic crime) to acknowledge its multiple origins (e.g., identity of perpetrators) and to track its patterns.

- 11) The tracking of individuals that purposely use VPNs to commit activities illegal under the Network Enforcement Act should be enforced.
- 12) There is a need for deeper analysis on how right-wing extremist networks have become part of public institutions (e.g., in parliament, the police, etc.) in legal and media investigations.
- 13) It is important to keep the format of dialogue and exchanges between CSOs and the MFA that was introduced in 2016 within the framework of Germany's OSCE presidency .
- 14) **Racial profiling** in job applications, and stereotyping and prejudice connected with ethnicity and religion are still present. A clear system of evaluation for applications and consequent reporting on decision-making processes should be introduced for **employers**.
- 15) There is a need to strengthen **women's participation in worklife** and to introduce compulsory quotas in order to reach "gender-neutral" composition in the workplace.
- 16) Men could also be more motivated to take over child care responsibilities, which can be achieved through the extension of partner months (*Partnermonate*) to six months in order to relieve women and give them an opportunity get back to work at a time most appropriate for them.
- 17) It is important to **raise awareness** about democratic values and the benefits of a diverse society among **teaching staff and pupils**. It should be obligatory for every teacher to go through diversity management training once a year.
- 18) There should be leaflets informing employees about educational training and of the programs available at their workplaces. Even if an employer avoids proposing an employee for educational training, they should be aware of the programs and possibilities for personal growth in the company.
- 19) As there are still cases of racial profiling among **police officials and in the judiciary**, it is important to conduct research on alleged racial profiling, determine the trends and find solutions in order to tackle this problem.
- 20) The discriminatory practices and segregation **of Sinti and Roma** should be stopped. It is important to conduct **awareness-raising** programs to fight the stereotyping and stigmatizing of the Sinti and Roma population among **teaching staff at schools and to revise state curricula**.
- 21) The **complaint mechanisms** in cases of maltreatment and discrimination at the **hospital and by doctors** should be clearly explained in all minority languages. The complaint offices (*Beschwerdestellen*) should be able to move complaints forward in different languages (and, if needed, with the help of a contracted interpreter) in order to deal with every case of discrimination/maltreatment.
- 22) There should be **systematic research** on the effects of discrimination (intersectional discrimination) on the state of health.

- 23) There is a need to develop a critical understanding of how class, race and religion create exclusion in Germany.
- 24) There is a need for evaluating and critically exposing to the public how right-wing extremists have been deploying COVID-19-related demonstrations.
- 25) There is a need to encourage public debate on the **Jewish and Muslim** presence in Germany, including on how they are instrumentalized in xenophobic discourses.
- 26) Rural areas should be included in diversity training initiatives and anti-racist **awareness-raising**.

# NOTES

- 1 The new government of Social Democrats, Green Party and Liberals took office on December 8<sup>th</sup>, 2021. The present assessment does not address its prospective legislative agenda, although it appears likely that some critical issues (e.g., restrictive practices in granting dual citizenship) will be revised.
- 2 There are very precise statistics on immigrants and persons of “immigrant background.” Statistisches Bundesamt, “Population: Migration and Integration,” n.d., accessed September 16, 2021, [https://www.destatis.de/EN/Themes/Society-Environment/Population/Migration-Integration/\\_node.html;sessionid=0E3AE137BC1B68C3E039897CE786A3E3.live742#sprg265538](https://www.destatis.de/EN/Themes/Society-Environment/Population/Migration-Integration/_node.html;sessionid=0E3AE137BC1B68C3E039897CE786A3E3.live742#sprg265538).
- 3 In fact, Article 9.2 lists several exceptions under which the processing of ethnic data is permitted: a person whose data are being processed has given explicit consent (Article 9.2. lit. a.); processing occurs in the field of employment, social security and social protection laws (Article 9.2. lit. b.); it is necessary for the establishment, exercise or defence of legal claims (Article 9.2. lit. f.); it is justified with reasons of substantial public interest (Article 9.2 lit. g.); and it is necessary for the purposes of archiving, research or statistics, provided that set conditions are met (Article 9.2 lit. j). In addition to this, the GDPR establishes several data protection key principles that are also crucial for the processing of ethnic data and can provide important safeguards: lawfulness, fairness and transparency; purpose limitation; data minimization; accuracy; storage limitation; integrity and confidentiality; and accountability (Article 5 GDPR). For details, see European Union Agency for Fundamental Rights and CoE, *Handbook on European Data Protection Law* (Luxemburg: Publications Office of the European Union, 2018).
- 4 Answering question 8 was voluntary. The data on affiliation with a religious community is also regularly recorded as personal data with every registration of place of residence (with the main purpose being the “church tax”). See questions 7 and 8 of the census form: Zensus 2011, “Haushaltbefragung auf Stichprobenbasis zum Zensus 2011” [Census 2011-Household survey on a sample basis for the 2011 census], May 9, 2011, accessed May 16, 2021, [https://www.zensus2011.de/SharedDocs/Downloads/EN/Questionnaires\\_German/Household\\_survey.pdf?\\_\\_blob=publicationFile&v=4](https://www.zensus2011.de/SharedDocs/Downloads/EN/Questionnaires_German/Household_survey.pdf?__blob=publicationFile&v=4).
- 5 Permanent Mission of the Republic of Germany to the United Nations, “Human Rights and International Law,” n.d., accessed April 24, 2021, <https://new-york-un.diplo.de/un-en/themen/human-rights-and-intl-law/949388>.
- 6 CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, Council of Europe Treaty Series – No. 210, 2011, accessed June 21, 2021, <https://rm.coe.int/168008482e>.
- 7 The HRC is the central political organ for the development and implementation of human rights worldwide.
- 8 Permanent Mission of the Republic of Germany to the United Nations, “Human Rights and International Law,” n.d., accessed April 24, 2021, <https://new-york-un.diplo.de/un-en/themen/human-rights-and-intl-law/949388>.
- 9 Auswärtiges Amt [German Federal Foreign Office], “Special Responsibility: Germany Elected to the UN Human Rights Council,” October 17, 2019, accessed June 21, 2021, <https://www.auswaertiges-amt.de/en/aussenpolitik/themen/menschenrechte/human-rights-council/2258396>.
- 10 CoE, “Chart of Signatures and Ratifications of Treaty 177,” Treaty Office, n.d., accessed April 24, 2021, [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/177/signatures?p\\_auth=70qiKCZY](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/177/signatures?p_auth=70qiKCZY).
- 11 Federal Ministry of the Interior and Community, “Nationales und internationales Minderheitenrecht” [National and International Minority Law], n.d., accessed April 24, 2021, <https://www.bmi.bund.de/DE/themen/heimat-integration/minderheiten/minderheitenrecht/minderheitenrecht-node.html>.
- 12 In 2020, there were 570 applications against Germany. Of them, 559 were considered inadmissible or were struck out. ECtHR, “Press Country Profile: Germany,” n.d., accessed June 21, 2021, [https://echr.coe.int/Documents/CP\\_Germany\\_ENG.pdf](https://echr.coe.int/Documents/CP_Germany_ENG.pdf).
- 13 MIRIS, “Bonn-Copenhagen Declarations,” European Academy of Bozen/Bolzano, n.d., accessed June 21, 2021, <http://miris.eurac.edu/mugs2/do/blob.html?type=html&serial=1020852956675>.
- 14 Article 1 states that “Human dignity shall be inviolable” and binds the legislature, the executive and the judiciary to protecting and applying the fundamental rights described further in law. This includes, for example, personal freedoms (Article 2); equality before the law along with the prohibition of discrimination on the grounds of sex, parentage, race, language (Article 3Abs.3), homeland and origin, faith, religious or political opinions (Article 3); freedom of faith and conscience (Article 4); freedom of expression (Article 5); freedom of arts and sciences (Article 5); freedom of assembly and associations (Article 8 and Article 9). The law also grants the right to citizenship (Article 16) and asylum (Article 16a), as well as equal citizenship (Article 33). Federal Ministry of Justice, Basic Law for the Federal Republic of Germany, n.d., accessed April 22, 2021, [https://www.gesetze-im-internet.de/englisch\\_gg/englisch\\_gg.html#p0019](https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0019).
- 15 The CDU/CSU coalition and SPD adopted a General Equal Treatment Act in 2006.

- 16 *Der Tagesspiegel*, “Warum es vorerst bei ‚Rasse‘ im Grundgesetz bleibt” [Why the term ‘race’ is kept for the time being in the Basic Law], June 9, 2021, accessed October 3, 2021, <https://www.tagesspiegel.de/politik/doch-keine-verfassungsaenderung-warum-es-vorerst-bei-rasse-im-grundgesetz-bleibt/27269802.html>.
- 17 See, for example, Bündnis 90/Die Grünen, “Rechtspolitik: Rechte und Pflichten, Freiheit und Verantwortlichkeit gehören zusammen” [Legal policy: rights and duties, freedom and responsibility belong to each other], n.d., accessed June 21, 2021, <https://www.gruene-bundestag.de/themen/rechtspolitik/gesetz-gegen-hasskriminalitaet-umgehend-verfassungskonform-machen>.
- 18 The latest extended report on the situation of the Sinti and Roma in Germany was released on May 21<sup>st</sup>, 2021, and contained a detailed overview of the fields of discrimination and included proposed solutions and recommendations for each area. Deutscher Bundestag, *Bericht der Unabhängigen Kommission Antiziganismus Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation* [Report of the Independent Commission: Anti-gypsism and the Change of Perspective - Retrieved Justice – Participation], Drucksache 19/30310, May 21, 2021, accessed June 21, 2021, <https://dserver.bundestag.de/btd/19/303/1930310.pdf>.
- 19 Aleksandra Lewicki, “Allgemeines Gleichbehandlungsgesetz: Zwischenbilanz eines brüchigen Konsenses” [General Equal Treatment Act: Interim assessment of the fragile consensus], *bpj: Bundeszentrale für politische Bildung*, March 18, 2014, accessed June 21, 2021, <http://www.bpb.de/apuz/180859/allgemeines-gleichbehandlungsgesetz-zwischenbilanz-eines-bruechigen-konsenses?p=all>.
- 20 Confidential information based on the European Centre for Minority Issues Evaluation Report, which was published in October 2021: *Evaluierung des Gesetzes zur Umsetzung des Verfassungsauftrags zur Stärkung der nationalen Minderheiten und Volksgruppen in Schleswig-Holstein* [Evaluation of the law to implement the constitutional mandate to strengthen national minorities and ethnic groups in Schleswig-Holstein]. June 14, 2021, accessed August 4, 2022, <https://www.landtag.ltsh.de/infothek/wahl19/drucks/03300/drucksache-19-03339.pdf>
- 21 Federal Ministry of Justice, Basic Law for the Federal Republic of Germany.
- 22 Anuscheh Farahat and Kay Hailbronner, *Report on Citizenship Law: Germany*, Country Report 2020/05, March 2020, Global Citizenship Observatory, Robert Shuman Centre for Advanced Studies and Edinburgh University Law School, accessed May 3, 2021, [https://cadmus.eui.eu/bitstream/handle/1814/66430/RSCAS\\_GLOBALCIT\\_CR\\_2020\\_5.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/66430/RSCAS_GLOBALCIT_CR_2020_5.pdf?sequence=1&isAllowed=y).
- 23 Federal Ministry of Justice, Staatsangehörigkeitsgesetz [Citizenship Act], n.d., accessed May 10, 2021, [http://www.gesetze-im-internet.de/englisch\\_stag/englisch\\_stag.html#p0025](http://www.gesetze-im-internet.de/englisch_stag/englisch_stag.html#p0025).
- 24 Federal Ministry of Justice, Staatsangehörigkeitsgesetz.
- 25 This group is made up of Russian Germans that were expelled from the Soviet Union. They left for territory in the North Kazakhstan and Karaganda regions between 1936 and 1941. See the National Data Bank of Victims of Soviet Political Repression in Ukraine, n.d., accessed June 21, 2021, <http://www.reabit.org.ua/>.
- 26 For example, Russian Jews.
- 27 An additional complication here is the unwillingness of a home state to release an applicant from old obligations to the kin state, additional costs for an applicant, and the occasional required trips to the homeland, which might lead to persecution.
- 28 Requires the applicant to have the following: possess an intermediate level of knowledge of the German language; to live in Germany for at least eight years (and in the case of active involvement in social life/participation in a naturalization course—seven years); successfully pass an exam on German history and politics [*Einbürgerungstest*]; have a permanent job and have confirmation that they have never received any social support from the state (e.g., *Arbeitslosengeld II*); and have no criminal record in Germany. Federal Ministry of Interior and Community, “Einbürgerung” [Naturalization], n.d., accessed April 27, 2021, <https://www.bmi.bund.de/DE/themen/verfassung/staatsangehoerigkeit/einbuengerung/einbuengerung-node.html>.
- 29 Bundesrecht, “Synopse aller Änderungen des StAG am 09.08.2019” [Synopsis of all changes to the StAG as of 08/09/2019], August 9, 2019, accessed May 9, 2021, <https://www.buzer.de/gesetz/4560/v225367-2019-08-09.htm>.
- 30 Bundesrecht, “Synopse aller Änderungen des StAG am 09.08.2021.”
- 31 dejure.org, Grundgesetz, Article 28, n.d., accessed June 25, 2021, <https://dejure.org/gesetze/GG/28.html>.
- 32 Federal Ministry of Justice, Grundgesetz, Article 30, n.d., accessed June 25, 2021, [https://www.gesetze-im-internet.de/gg/art\\_30.html](https://www.gesetze-im-internet.de/gg/art_30.html).
- 33 Wolfgang Hecker, “Keine Einsicht des Berliner Bildungssenats” [No understanding in the Senate Department for Education, Youth and Family], *Verfassungsblog* [blog post], February 4, 2021, accessed June 12, 2021, <https://verfassungsblog.de/keine-einsicht-des-berliner-bildungssenats/>.
- 34 Riem Spielhaus and Martin Herzog, *Die rechtliche Anerkennung des Islams in Deutschland* [The legal recognition of Islam in Germany], Arbeitspapier Religion und Politik 1, Friedrich-Ebert-Stiftung, 2015, accessed February 15, 2021, <http://library.fes.de/pdf-files/dialog/11386.pdf>.

- 35 CoE, European Charter for Regional or Minority Languages, Sixth Periodical Report Presented to the Secretary General of the Council of Europe in Accordance With Article 15 of the Charter: Germany, February 19, 2018, accessed June 2, 2021, 168078a778 ([coe.int](https://www.coe.int)).
- 36 *Wochen Kurier*, “Mehr Geld für die Stiftung sorbisches Volk” [More money for the Sorbian People Foundation], accessed August 4, 2022, <https://www.wochenkurier.info/bautzen/artikel/mehr-geld-fuer-sorbische-stiftung>.
- 37 Landtag Mecklenburg-Vorpommern, *Realisierung und Zukunftsperspektive des Heimatprogramms* [Implementation and future perspectives of the home program], Drucksache 7/1757, April 10, 2018, accessed June 2, 2021, <https://www.dokumentation.landtag-mv.de/parldok/dokument/40707/.pdf>.
- 38 Baden-Württemberg, Berlin, Brandenburg, Bremen, Hamburg, Hessen, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Schleswig-Holstein, Thüringen and Sachsen. Federal Anti-Discrimination Agency, “Discrimination? What Is Discrimination?,” n.d., accessed May 10, 2021, [https://www.antidiskriminierungsstelle.de/DE/ThemenUndForschung/Projekte/abgeschlossene\\_Projekte/Koalition\\_gegen\\_diskriminierung/Absichtserklaerungen/absichtserklaerungen\\_node.html](https://www.antidiskriminierungsstelle.de/DE/ThemenUndForschung/Projekte/abgeschlossene_Projekte/Koalition_gegen_diskriminierung/Absichtserklaerungen/absichtserklaerungen_node.html).
- 39 Local anti-discrimination bodies, together with the ADS, are an integrated into the governmental system, which puts into question their ability to ensure accountability and accurate response to the needs/claims of groups experiencing discrimination. ECRI and CoE, *ECRI Report on Germany*, Sixth Monitoring Cycle, March 17, 2020, accessed May 10, 2021, <https://rm.coe.int/ecri-report-on-germany-sixth-monitoring-cycle-16809ce4be>.
- 40 A significant attempt in monitoring of the policy implementation in the area of non-discrimination and sexual harassment is undertaken by the ADS that is both a state-lead research body and an action-oriented body. It supports ordinary citizens on an individual basis and assists them in bringing the cases to court.
- 41 The drawback is that its mandate is limited to the scope of the AGG (and does not explicitly cover, for example, hate speech, discrimination on the grounds of racial origin, language, citizenship or gender identity, as well as intersectional discrimination).
- 42 Data on Facebook (15–150 likes, 20–40 shares against 25,000 followers) shows that not many young people, who can be a target of discrimination, are aware of its initiatives. More specifically, the respondents were asked if they had heard about the *Antidiskriminierungsstelle des Bundes* [Federal Anti-Discrimination Agency] (26 percent said yes, 73 percent no), *Landesstelle für Gleichbehandlung – gegen Diskriminierung – Berlin* [State Office for Equal Treatment - Against Discrimination – Berlin] (18 percent said yes, 81 percent no), *Amt für multikulturelle Angelegenheiten – Frankfurt am Main* [Office for Multicultural Affairs – Frankfurt am Main] (17 percent said yes, 83 percent no) and the *Antidiskriminierungsstelle für Menschen mit Migrationshintergrund – München* [Anti-discrimination agency for people with a migration background – Munich] (12 percent said yes, 87 percent said no). Moreover, it has been found that more men (40 percent) than women (35 percent) are aware of at least one equality body. Lastly, by looking at target groups, the survey found that 32 percent of the respondents coming from Sub-Saharan Africa and 38 percent coming from Turkey knew at least one equality body.
- 43 ECRI General Policy Recommendation No. 4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims (adopted March 6, 1998).
- 44 In historical terms, the annihilation of Jews and Roma during the Nazi regime largely rested on the population registers. More contemporary risks of processing of ethnic data—discrimination, stigmatization and the perpetuation of stereotypes against minority groups and persons belonging to them—are also invoked.
- 45 The previous German-foreigner divide was de facto abolished following the new citizenship law in 2000.
- 46 Lilla Farkas, *Data Collection in the Field of Ethnicity: Analysis and Comparative Review of Equality Data Collection Practices in the European Union* (Brussels: European Commission, 2017), 12.
- 47 Vinzenz Kratzer, *Governmental Migration Research in Germany* (Bielefeld: Transcript Verlag, 2021), 109.
- 48 SOEP, *Living in Germany*, 2016, accessed April 16, 2022, [https://www.diw.de/en/diw\\_01.c.550239.en/soep\\_broschure\\_\\_living\\_in\\_germany.html](https://www.diw.de/en/diw_01.c.550239.en/soep_broschure__living_in_germany.html).
- 49 More than 16,000 entries were counted and discrimination patterns were included from various spheres of social life, including education, professional life, insurance, banking and leisure.
- 50 Farkas, *Data Collection in the Field of Ethnicity*, 42.
- 51 Charta der Vielfalt [Diversity Charter], n.d., accessed August 27, 2021, <https://www.charta-der-vielfalt.de/>.
- 52 *Frankfurter Allgemeine*, “Tausende Kurden protestieren gegen türkische Militäroffensive” [Thousands of Kurds protest against Turkish military offensive], October 12, 2019, accessed August 30, 2021, <https://www.faz.net/aktuell/politik/kurden-demonstrieren-in-deutschland-gegen-militaeroffensive-16430008.html>.
- 53 *Süddeutsche Zeitung*, “Mann bei Pro-Palästina-Demo kurzzeitig in Gewahrsam” [Man is arrested at the Pro-Palestinian demonstration], May 15, 2021, accessed June 24, 2021, <https://www.sueddeutsche.de/politik/demonstrationen-flensburg-mann-bei-pro-palaestina-demo-kurzzeitig-in-gewahrsam-dpa.urn-newsml-dpa-com-20090101-210515-99-612431>.

- 54 Luise Sammann, "Einstieg in die Politik: Wo ist die Tür für Migranten?" [Getting into politics: where is the door of opportunities for migrants], *Deutschlandfunk*, June 11, 2020, accessed August 30, 2021, [https://www.deutschlandfunk.de/einstieg-in-die-politik-wo-ist-die-tuer-fuer-migranten.862.de.html?dram:article\\_id=478461](https://www.deutschlandfunk.de/einstieg-in-die-politik-wo-ist-die-tuer-fuer-migranten.862.de.html?dram:article_id=478461).
- 55 Bremen, Baden-Württemberg, Bayern, Berlin, Brandenburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland, Sachsen, Sachsen-Anhalt and Schleswig-Holstein. Juraforum, "Ausländerbeirat" [Foreign Nationals Advisory Board], accessed June 8, 2021, <https://www.juraforum.de/lexikon/auslaenderbeirat>.
- 56 Ruud Koopmans and Paul Statham, "How National Citizenship Shapes Transnationalism: A Comparative Analysis of Migrant Claims-making in Germany, Great Britain and the Netherlands," in *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, ed. by C. Joppke and E. Morawska (London: Palgrave Macmillan, 2003), 195–238.
- 57 Mediendienst Integration, "Politische Teilhabe" [Political participation], 2017, accessed August 30, 2021, <https://mediendienst-integration.de/integration/politik.html>; Cihan Sinanoglu and Daniel Volkert, "Politische Partizipation und die Präsenz von Menschen mit Migrationshintergrund in den Räten deutscher Großstädte: Vielfalt oder Einfalt?" [Political participation and visibility of people with migration background in the councils of German cities: diversity or homogeneity], Heinrich Böll Stiftung, September 2011, accessed August 30, 2021, <https://heimatkunde.boell.de/de/2013/11/18/politische-partizipation-und-die-praesenz-von-menschen-mit-migrationshintergrund-den-raeten>.
- 58 Flemming Myer, "Mission Bundestag," SSW, 2021, accessed August 30, 2021, <https://www.ssw.de/bundestagswahl>.
- 59 Mediendienst Integration, "Politische Teilhabe."
- 60 Yet, one exception is the political party of the Danish minority, the SSW, in Schleswig-Holstein. It has represented the Danish minority in Germany for several decades in the state parliament, and the SSW participated for the first time since 1961 in the 2021 federal election. Meyer, "Mission Bundestag."
- 61 Claus Christian Malzahn and Jacques Schuster, "Cem Özdemir: ‚Ich könnte vor Wut explodieren und verstehe die Naivität nicht“ [Cem Özdemir: I am fumed with rage and don't understand how naive one could be], *Welt*, May 25, 2021, accessed June 24, 2021, <https://www.welt.de/politik/deutschland/plus231304583/Cem-Oezdemir-ueber-Erdogan-und-NRW-CDU-Ich-koennte-vor-Wut-explodieren.html>.
- 62 abgeordnetewatch.de, "Christina Henke," n.d., accessed June 24, 2021, <https://www.abgeordnetenwatch.de/profile/christina-henke>.
- 63 Federal Ministry of Justice, Parteiengesetz (PartG), Article 9 Abs. 1 GG, accessed September 8, 2021, <http://www.gesetze-im-internet.de/partg/BJNR007730967.html#BJNR007730967BJNG000103307>.
- 64 Federal Ministry of Justice, Parteiengesetz, § 2 Abs. 1 Satz 2 PartG.
- 65 Johanna Haberer, "In the Public Interest: Public Broadcasting in Germany and Europe Under Review," WACC, May 21, 2018, accessed August 30, 2021, <https://waccglobal.org/in-the-public-interest-public-broadcasting-in-germany-and-europe-under-review/>.
- 66 Bundesverfassungsgericht [Federal Constitutional Court], Urteil des Erstes Senats vom 25.03.2014 -BvF 1/11.
- 67 ZDF, "Fernsehratsmitglieder nach entsendenden Organisationen" [Members of the Television council and the issues of organisation], n.d., accessed September 1, 2021, <https://www.zdf.de/zdfunternehmen/zdf-fernsehrat-mitglieder-entsendende-organisationen-102.html>.
- 68 Comments were submitted by the *Sydslesvigsk Forening* [South Schleswig Association], the umbrella organization of the Danish minority in South Schleswig (<https://syfo.de>) as well as by the Fräsche Rädj / Friesenrat Sektion Nord [Frisian Council Section North], the umbrella organization of the Frisian ethnic group in Nordfriesland and on Helgoland (<http://www.friesenrat.de/>) in response to the Schleswig-Holsteinischer Landtag, *Minderheiten- und Volksgruppenpolitik in der 18. Legislaturperiode (2012–2017)–Minderheitenbericht 2017* [Minority and ethnic group policy in the 18th legislative period (2012–2017) - Minority Report 2017], Drucksache 18/5279, accessed September 1, 2021, <http://www.landtag.ltsh.de/infothek/wahl18/drucks/5200/drucksache-18-5279.pdf>.
- 69 According to NDR's website, in the current composition of the Broadcasting Council representing Schleswig-Holstein (there are four such councils, each elected in a given federal unit participating in NDR), none of its members has obvious formal ties to any of the three recognized minority communities residing in the region. At the same time, it is interesting to note that in parallel councils elected in Niedersachsen and Hamburg, a broader ethnic and confessional diversity—at least to some degree—is reflected, as in the former, *Niedersächsischer Integrationsrat* is represented, while in the latter, it is the local Jewish community. NDR, "Der NDR Rundfunkrat" (The NDR Broadcasting Council), n.d., accessed August 30, 2021, [https://www.ndr.de/der\\_ndr/unternehmen/rundfunkrat/Mitglieder-des-Rundfunkrates,ndr1154.html](https://www.ndr.de/der_ndr/unternehmen/rundfunkrat/Mitglieder-des-Rundfunkrates,ndr1154.html).
- 70 Friisk Funk is a type of community radio, using the so-called open-channel Schleswig-Holstein. During weekdays, in the morning and afternoon, it broadcasts two two-hour program blocks in Frisian.

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The **Global Centre for Pluralism** is an independent, charitable organization founded by His Highness the Aga Khan and the Government of Canada. We work with policy leaders, educators and community builders around the world to amplify and implement the transformative power of pluralism. Our programming supports societies looking to address injustice, inequality and exclusion, while remaining grounded in the contexts and lived experiences of each place.

The **Global Pluralism Monitor** is an innovative measurement tool designed to assess the state of pluralism in countries around the world. By examining countries holistically across political, economic, social, and cultural domains, the Monitor informs decision-making by policymakers and practitioners in order to address root causes of exclusion and improve the prospects for pluralism.



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