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Germany Conflicted

The Struggle Between Xenophobia and Tolerance

February 2017



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Executive Summary

Germany is at a tipping point as it heads into important national elections in 2017. Hate crimes, particularly those associated with xenophobia, have increased drastically—from 5,858 cases in 2014 to 10,373 in 2015.¹ From 2014 to 2015 crimes against asylum refugee shelters, including violent attacks, more than quintupled.² Police reported three hundred crimes against asylum shelters in the first quarter of 2016, exceeding the total number in 2014 and on par with the elevated levels of 2015.³

Germany has been a leader within Europe on the refugee crisis, maintaining a welcoming policy toward those fleeing violence and persecution. However, the uneven implementation of this policy has exacerbated existing social divides. Because the German government failed in important ways to adequately prepare the country to receive refugees, many in Germany perceive that the situation has spiraled out of control.

New far-right parties and movements such as the Alternative for Germany (AfD) and Patriotic Europeans against the Islamization of the West (PEGIDA) have emerged in the past few years by capitalizing on Euroskepticism and xenophobic fear. Supporters of these groups' ideologies are primarily responsible for a surge in hate crimes. In 2015 the Ministry of the Interior reported that right-wing extremists committed 90 percent of all hate crimes—including 96 percent of xenophobic hate crimes—91 percent of antisemitic hate crimes, and 98 percent of racist hate crimes.⁴ While hate crimes committed by left-wing extremists increased from 94 in 2014 to 96 in 2015, hate crimes committed by right-wing extremists increased from 4,983 to 9,426.⁵ Those on the far-right were also responsible for 90 percent of the offenses against asylum shelters.⁶

As support for far-right movements grow along with expressions of hatred, Germans' acceptance of inclusive, liberal democracy is perhaps counterintuitively becoming more widespread. Several factors explain this complicated and seemingly contradictory state. Germany's post-World War II history continues to inform and give shape to current trends. The connective power and relative anonymity of the Internet has proved a powerful force for degrading Germany's longstanding postwar taboo against publicly espousing xenophobic, ultra-nationalist, and racist views. AfD, PEGIDA, and likeminded groups have both benefitted from and contributed to evolving social mores, resulting in a climate in which Germans who nurture intolerant views in private are now more willing to express them publicly. Thus, while surveys do not show a greater portion of Germans evincing intolerant views, those who do hold such views are becoming more connected, public, politically active, tech-savvy, and accepting of violence. Institutional discrimination, a persistent problem, also gives a green light to hatred, catalyzing violence.

While Germany's history makes it unique, its struggle against xenophobia-fueled illiberalism is increasingly representative of trends buffeting Europe and the United States. Across the Atlantic—in societies roiled by social change, globalization, and terrorism—demagogic leaders and far-right movements are magnifying and leveraging hatred toward ethnic, racial, and religious minorities. Evidence of this trend can be seen in France where Marine LePen's anti-Islam, anti-refugee, and anti-European Union (E.U.) positions have contributed to a cycle of violence there, and in the recent U.S. presidential race that fueled hatred, helping lead to a surprising victory for President Donald Trump.

While causation remains difficult to establish, the words and actions of political leaders correlate in key instances with increases in hate crimes. For

example, xenophobic and Islamophobic rhetoric by pro-Brexit campaign leaders in the United Kingdom resulted in a 58 percent spike in hate incidents immediately following the referendum as reported by the British National Police Chiefs' Council.⁷ A similar trend appears to be taking shape in the United States. From November 9 to December 12, 2016 the Southern Poverty Law Center documented 1,094 incidents of hateful harassment or intimidation, many by perpetrators who made references to Trump.⁸

Germany's response to this challenge will reverberate beyond its borders. The country is the continent's most powerful economic force and the foremost champion of the E.U. and its ideals. As such it serves as an important bulwark against opponents of the European project—including authoritarian leaders in Russia and Hungary and neo-fascist groups across the continent. Germany has led the region through the refugee crisis, financial emergencies, and shakeups within the E.U. that threaten the body's structure and inclusive vision. As chair of the Organization for Security and Cooperation in Europe (OSCE) in 2016, Germany prioritized the fight against antisemitism, intolerance, and extremism—often in the face of significant Russian obstructionism—and it has taken important related steps at home.

Yet this mounting challenge to German democracy requires a more aggressive and comprehensive response, one that relies on institutional coordination, collaboration with civil society, public engagement, and the support of allies and international organizations. It is in the urgent interest of the U.S. government to help its important economic, political, and military ally succeed in this effort—and to accept similar support in return. Germany and the United States have common experiences and much to learn from each other. They should continue to share practices on addressing national issues within the framework of federalism and across geographical

divides. And given preliminary indications that the Trump Administration may seek to abandon the United States' traditional role as a government dedicated to supporting voices of tolerance and inclusion, Germany must maintain a strong role in advancing these issues even as the United States and other nations struggle to do so.

Both countries are also facing crises arising from racism and discrimination in law enforcement and criminal justice. In the United States groups and movements like Black Lives Matter and Campaign Zero have advocated for policy changes to address high rates of fatal police shootings, disparities in sentencing, and discriminatory policing. Meanwhile institutional racism is also the subject of conversations in Germany in the wake of the National Socialist Underground's racially motivated crimes and the failure of government to identify and prosecute the perpetrators.

This report—grounded in qualitative and quantitative research and analysis—is the product of a partnership between Human Rights First and an expert research team from the University of Munich. On the ground research included a wide range of in-person interviews with government officials, civil society representatives, members of the media, and academic, technological, and legal experts. This report's goal is to inform policymakers and urge action both in the United States and Germany. Such action would benefit each country, their alliance, and the transatlantic relationship more broadly—at a critical time.

This report explores the causes and catalysts of the increases in politically motivated crimes and hate crimes within the context of shifting social attitudes, the refugee crisis, the growth of far-right groups, and institutional discrimination. At the same time, this report seeks to add context and clarity to a vexing contradiction that these negative trends occur against a backdrop of an increasingly tolerant and rights respecting German society. This report's findings include:

- Germany maintains a large majority that believes in being an inclusive society as well as an influential and extreme minority that supports hate and violence. Many in Germany have answered the moral call to support refugees. Yet voices espousing hate and violence have also grown louder. There is increasing polarization between these irreconcilable views.
- Shifting attitudes reinforce institutional discrimination, which in turn fosters violence and impunity. This institutional discrimination undermines law enforcement's ability to effectively respond to hate crimes.
- The far-right has tapped into the public's fears. Parties like the Alternative for Germany (AfD) both capitalize on and contribute to xenophobic attitudes. Those committing hate violence use the language of the far-right to legitimize their actions.
- In 2015 the police registered 1,031 crimes against asylum shelters, compared to 198 in 2014—meaning offenses quintupled. Violent crimes against asylum shelters increased from 28 in 2014 to 177 in 2015. Ninety percent of crimes against asylum shelters were committed by those with a right-wing extremist background.⁹
- There was a dramatic rise in hate crime in 2015, particularly by right-wing extremists. While hate crimes committed by the left increased from 94 in 2014 to 96 in 2015, hate crimes on the right increased from 4,983 to 9,426. Right-wing extremists were responsible for 90 percent of all hate crimes, including 96 percent of xenophobic hate crimes, 91 percent of antisemitic hate crimes, and 98 percent of racist hate crimes.¹⁰
- The Internet provides a platform for hatred and extremism. It has also contributed to the

spread of misinformation about refugees, which has influenced public opinion.

- The response by the German government, while welcome, has strategic and conceptual problems. Moreover, the government does not fully acknowledge the extent of institutional discrimination, weakening its response. And while Germany has led on the refugee crisis, it did not adequately prepare communities to receive refugees.

This report's recommendations seek to promote greater transatlantic cooperation. Germany and the United States must work together to ensure that tolerance and human rights remain a bedrock of their democracies. Key recommendations include:

- **Counter extremism and promote tolerance:** The U.S. and German governments should continue to prioritize the fight against antisemitism, Islamophobia, and other forms of intolerance and develop common strategies to confront these problems. That a growing majority in Germany supports a liberal democracy is an under-touted fact—and a reason for hope. That narrative of why protecting and nurturing Germany's leadership as a liberal democracy as a source of its strength needs to be told in a more compelling manner.
- **Address institutional racism:** Germany should implement recommendations to bolster training for law enforcement on racial discrimination and hate crimes, and create external accountability mechanisms. As institutional discrimination also persists in American law enforcement, the U.S. and German governments should seek to share best practices.
- **Strengthen responses to hate crime:** Resources to protect communities from hate

crime should be increased to match the increased threat.

- **Prioritize refugee policy and integration:** The German government should seek to restore society's confidence in its ability to manage the refugee crisis and integrate refugees and migrants in a way that is inclusive, safe, and rights-respecting. Germany's steadfast leadership in maintaining a humane refugee policy will be ever more important as the United States navigates a political transition where refugee policy has been a lightning rod.
- **Fight hate online:** Government, technology companies, and civil society in both the United States and Germany should continue to work together to counter the spread of misinformation, intolerance, and extremism online.

Historical Analysis

Germany has experienced multiple forms of non-democratic rule (monarchist, Nazi, and socialist). Its experience with a pluralist democracy has been neither lengthy nor linear. The stark departures from democracy continue to shape Germany today. Post-World War II occupying powers and the Cold War are significant cultural and political influences on the current environment. During the Cold War, West Germany was allied with the United States, Britain, France, and the other Western European founding countries of NATO. As a member of the former Eastern Bloc, East Germany had strong ties to the former Soviet Union and the rest of the Eastern Bloc. This history has produced regional differences in political and cultural attitudes, presenting challenges for unification and national policy.

Changing Political Structures in Germany and the East/West Divide: 1848—Today¹¹

Pluralist democracy came relatively late to Germany. The 1848 revolution, Germany's first attempt at national democratization, was quickly and bloodily quashed, although it led to the first written record of basic civil rights.

Following Napoleon III's defeat in the Franco-Prussian War, the German Empire was established in 1871. Although the empire had an elected parliament ("Reichstag"), power remained largely with the Kaiser and his ministers, who shared a great disrespect for the parliament and a tendency toward authoritarian rule.

Defeat in World War I marked the end of the German Empire and paved the way for the country's first democracy, the Weimar Republic (1919-1933). The Weimar Constitution guaranteed many political, civil, cultural, and social rights, including formal equality before the law, freedom of movement, freedom of expression, protection of the home, freedom of assembly, freedom of religion, and the protection of minorities.¹² For the first time in Germany on the national level, women were granted the right to vote.

Still, Germany suffered from poverty, high unemployment, and insecurity. War reparations burdened the country and ultimately led to economic collapse. Skepticism of democracy remained high among not only the elites but also several political parties. The "Oberen Heeresleitung"¹³ (Supreme Army Command) as well as conservative and national-liberal politicians promulgated the "Dolchstoßlegende," the myth that Germany had been stabbed in the back by democrats, communists, and Jews.

The Nazi Party was born at the beginning of the Weimar Republic as the German Workers' Party.

After a failed coup attempt, Adolf Hitler wrote his antisemitic Nazi manuscript “Mein Kampf” while serving his sentence for treason. Following his release, he reformulated the German Workers’ Party as the National Socialist Germany Workers’ Party (NSDAP). The party capitalized on public anger and hopelessness, blaming democrats, communists, and Jews for Germany’s loss in World War I. After the global economic crisis in 1929, the NSDAP became increasingly successful in elections.

Adolf Hitler was appointed as the Chancellor on January 30, 1933 by President Paul von Hindenburg. On February 27, the Parliament building burned down due to arson. The government falsely portrayed this as a communist uprising and issued the Reichstag Fire Decree, which suspended civil rights in Germany.

The Nazi government used the decree as authority to overthrow state governments. The Law for Rectification of the Distress of Nation and Reich (known as the Enabling Act) allowed Hitler to create law. Democracy abruptly ended in the beginning months of 1933 and a totalitarian regime was established, called the Third Reich. In July, all other political parties were banned.

The Third Reich launched a campaign to exterminate unwelcome segments of the population. Obsessed with the superiority of the “pure” German race, the regime targeted Jews in a highly systematic matter. They were dismissed from civil service jobs and their businesses were seized. They were required to register and identify themselves. Jews from both Germany and occupied territory were transported to ghettos and then to concentration camps, where many were murdered. Other targeted groups were Roma and Sinti, Poles, the Slavic and so-called Asiatic peoples of the Soviet Union, Soviet prisoners of war, Blacks, ideological opponents, homosexuals, Jehovah’s Witnesses, the homeless, and persons with disabilities.¹⁴

At the end of the Holocaust, six million Jews—roughly two-thirds of Europe’s Jews—and five million people of other targeted groups were killed. During the war, millions of people were forced to labor in Nazi camps and other incarceration sites. The United States Holocaust Memorial Museum has catalogued roughly 42,500 forced labor camps, Jewish ghettos, concentration camps, prisoner-of-war camps, brothels filled with sex slaves, and killing centers, a number that shocked even many Holocaust scholars.¹⁵

Roughly 15 million to 20 million people were imprisoned or died at these sites. Many died from malnutrition, disease, and brutal treatment. After years of horror, the Allies defeated Nazi Germany on May 8 and 9 of 1945.

Following the war Germany was divided and occupied by the Allied powers, and Berlin became the “frontline” of the Cold War. From 1945-1949 Germany was governed by the occupying powers, and in 1949 the American, British, and French western occupation zones were incorporated into the new Federal Republic of Germany (FRG, West Germany). A new parliamentary democracy was established. A constitution, the “Grundgesetz” or Basic Law, incorporated traditions from the 19th century Frankfurt Parliament. This is the text that governs today, albeit with several revisions.

While previous democratic institutions were revived and federal states held elections, the rebirth of democracy was driven as much by the western powers as by public demand. However, there was considerable interest in democracy during occupation. A survey from November 1945 to January 1946 found that half of the respondents in the American zone felt sufficiently informed about political affairs, and roughly one-third of those remaining were making an effort to become sufficiently informed.¹⁶

The same survey indicated that 60 percent of West Germans believed that the Nazi Party

should not be permitted to enter politics. In 1949 voter turnout was roughly 78 percent. In subsequent elections and before unification with East Germany, turnout ranged from 84 to 91 percent. Voter turnout since 1990 has been lower, ranging from 70 to 82 percent.¹⁷ Although satisfaction with democracy was relatively high in West Germany, it declined after unification because of lower satisfaction in East Germany.¹⁸

The end of occupation began with the 1952 Bonn Contractual Agreements, and officially ended with a proclamation in 1955.

East Germany took a different path. The Soviet powers established a socialist state in its occupation zone, the *German Democratic Republic (GDR, DDR/East Germany)*. Even though it was given a parliament, there were no free elections and parliamentary seats were allotted to political parties and unions. The socialist party (*Sozialistische Einheitspartei Deutschlands, SED*), which governed in close alliance with the Soviet Union, always received the largest share.

Life under the repressive GDR and Soviet rule was bleak. Many tried to escape, and Berlin represented the closest opportunity. Until 1961 West Berlin was a strange oasis of freedom within East Germany. Between 1949 and the closure of the border in 1961, roughly 2.7 million people fled the GDR to West Germany through West Berlin.¹⁹ The Berlin Wall was constructed to prevent these mass escapes.

The fall of the GDR was marked by economic struggles and political unrest. It became clear that the Soviet system was unsustainable, and people began to demand more. The Berlin Wall was opened on November 9, 1989, and the two German states were officially united on October 3, 1990. The fall of the Berlin Wall was a hopeful moment, one full of opportunity for a new era of pluralist democracy in Germany.

Yet barriers to true unification remained. For more than 40 years, East and West Germany followed different political and cultural trajectories, which has inhibited cohesive responses to national issues, including the refugee crisis.

Unemployment is worse in East Germany and incomes are generally lower.²⁰ Hostility towards immigration, pluralism, diversity, and democracy remain relatively high in East Germany.

Acceptance of right-wing extremism is higher in East Germany²¹ and far-right parties enjoy higher success in the eastern states. While views associated with right-wing extremism enjoy the most support among the older age group in West Germany, these views have higher support among the younger age groups in East Germany.

Immigration Patterns to Germany²²

Fluctuating patterns of immigration and emigration have shaped the composition of Germany's population. During World War I (1914-1918), nearly two million forced laborers—mainly from Poland, France, and Belgium—were forcibly deported to the German Reich. During World War II (1939-1945), approximately 14 million foreigners were deported to the Reich and forced to work at various Nazi camps and other incarceration sites. Due to persecution, Jews and opposition groups fled Germany by the thousands. Most who could not escape quickly became victims of this brutal regime.

The first post-war years were marked by the massive movement of displaced persons. Germans living in Eastern Europe fled or were expelled, often in brutal fashion. Some 12 million returned to Germany, roughly eight million to West Germany and four million to East Germany. Meanwhile, Jews who survived the Holocaust sought refuge and

Migrants and People with Migration Backgrounds

The words *Migranten* (migrants) or *Migrationshintergrund* (migration background) are used in official documents and are also reflected in public political discourse today.

These terms refer to those who themselves or whose parents or grandparents immigrated to Germany from another country. This term encompasses those who immigrated to Germany after 1949, foreign citizens born in Germany (citizenship based on birth within the country was not established until 2000), and Germans who have at least one foreign or foreign-born parent.²³ Thus, this category can include German citizens born in Germany without migration experience of their own.²⁴

safety in other countries. Refugees also fled the new communist regimes in Eastern Europe.²⁵

The period of reconstruction and economic recovery after the war became the “*Wirtschaftswunder*” (economic miracle), leading to a labor shortage in the 1950’s. West Germany began to recruit guest workers from other countries. They were supposed to stay for only a few years, so little was done to integrate them. Because of the high cost of employee turnover, however, many companies lobbied to extend the contracts.

When the economic recession hit in 1973, the West German government imposed a ban on guest workers from non-European Community countries. However, many of the so-called guest workers had acquired long-term or permanent resident status, and the ban actually increased immigration into Germany because of family reunification requests, despite the fact that many guest workers were leaving.²⁶ In the years that followed many immigrant communities remained isolated, struggled to learn German, and had

difficulty climbing Germany’s educational and economic ladders.

East Germany, on the other hand, did not experience sustained immigration. Although it established agreements with partner countries that allowed “contract workers” to live and work there for limited periods due to an economic upturn, it did not allow family reunification.

The fall of the Iron Curtain also marked a critical point in Germany’s immigration history. While ethnic Germans had been returning to Germany before—1.4 million arrived in West Germany between 1950 and 1987, not including East Germans—an additional three million arrived between 1988 and 2003. The continental crises within Europe also led to increased asylum applications from 1988 to 1992. Germany re-entered the temporary labor market during this period.

In the early 1990s a wave of right-wing extremism and racist violence occurred, mostly in the east. The targets included a refugee shelter that housed former GDR contract workers and refugees fleeing civil war in Yugoslavia. Images of the attacks on the East German Rostock-Lichtenhagen shelter were projected around the world.

Since 2014 Germany has ranked as the second most popular destination for migrants behind the United States.²⁷ About 20 percent of Germans have a migration background.²⁸ The most common countries of origin or relation include Turkey, the former Yugoslavia, Poland, Italy, and Kazakhstan.²⁹ The vast majority of people with a migration background live in West Germany and (West) Berlin, due to the different migration histories of East and West Germany.³⁰

In recent years increasing numbers of refugees have fled to Germany, with 890,000 asylum seekers arriving in 2015.³¹ Far fewer asylum seekers arrived in 2016, with preliminary data

indicating that 280,000 new asylum seekers arrived.³² The most common countries of origin include Syria, Albania, Kosovo, Afghanistan, Iraq, Serbia, Eritrea, Macedonia, and Pakistan. Precisely 73.1 percent of the refugees who arrived in the past year are Muslim, 13.8 percent are Christian, 4.2 percent are Yazidi, 1.4 percent have no religious affiliation, 0.5 percent are Hindu, and the remaining 7 percent belong to other religions.³³

Discrimination against Vulnerable Groups in Germany

The current population of Germany is roughly 82 million. While 36 percent of the population does not have a religious affiliation, 29 percent are Catholic, 27 percent Protestant, 4 percent are Muslim, and less than 1 percent are Jewish.³⁴ About 10 percent are citizens of foreign states.³⁵

Many minority groups—including Muslims, Jews, Sinti, and Roma—have difficult histories in Germany and continue to face various forms of discrimination.

Muslims

By the end of 2015 an estimated 4.4 to 4.7 million Muslims were living in Germany.³⁶ Most came as former “guest workers” or are their descendants. Most of them are living in the west of Germany and in major cities. Their families come predominantly from Turkey (2,561,000), followed by southeastern Europe (550,000), the Middle East (330,000), and North Africa (280,000).³⁷ Since 2014 an influx in refugees has increased this number and shifted the proportions of countries of origin.

Only one thousand Muslims lived in Germany when Hitler came to power in 1933. Some with origins in French and English colonies saw the Nazis as allies in the fight against their colonial rulers. In 1945 population levels remained approximately the same, with approximately one

thousand Muslims living in post-war German territory.

After World War II West Germany recruited guest workers to help rebuild the country, and Muslims from Turkey, Morocco, Tunisia, and Yugoslavia became a permanent presence. The Muslim population in Germany grew further as former guest workers brought their families to the country. Muslims were among the refugees who came to Germany from Lebanon during its civil war in the 1970s and later from Iraq.

As in the United States, daily life for Muslims in Germany after the 9/11 attacks was marked by increased discrimination and harassment and persecution from the government. The German government, however, subsequently prioritized integration. In 2006 it initiated the first German Islam Conference to foster dialogue with Muslim Germans and emphasize that “Islam is part of Germany’s present and future.”³⁸

More recently, Muslim refugees have fled to Germany from war-torn countries, including Iraq, Iran, Afghanistan, Lebanon, Bosnia-Herzegovina, Kosovo, and Syria.

Jews

In 2015 Germany’s estimated Jewish population—including those who self-identify as Jewish, those who do not self-identify but have Jewish parents, those who have converted, and non-Jewish household members including spouses and children—was roughly 250,000 people, less than one percent of the population.³⁹ This is an estimated number, as many Jews do not register as such, given the systematic registration that preceded the Holocaust.⁴⁰ A much lower number, approximately one hundred thousand, is often cited; this is the number who registered as Jewish with the Central Council of Jews in Germany.

Jews have lived in areas that comprise present day Germany since at least the fourth century.

Significant restrictions were placed on Jewish life when Christianity became the official religion of the Roman Empire. The living conditions of Jews in Germany largely continued to deteriorate throughout the 15th and 16th centuries.

In 1791 Jewish communities temporarily received emancipation when Napoleon invaded Germany. In 1812 Jews were finally fully emancipated, though the benefits of their newfound civil liberties proved to be short lived. During the Hep-Hep riots in 1819, violence spread from Bavaria to the rest of the German Confederation in response to the Jews' attempts to gain equal treatment and citizenship. When the German Empire came into existence in 1871, Jewish civic and political rights were restored in its constitution.

During World War I, nearly one hundred thousand Jews served in the German military, a disproportionate number. Nearly 12,000 Jews died. Despite this, fallacious "stab-in-the-back" legends attributed Germany's loss to internal traitors, including Jews.

As Germany was blamed for starting the war and made to pay burdensome war reparations, the anger and hopelessness of Germans grew, and antisemitism intensified.

When the Nazi state rose to power in 1933, approximately five hundred thousand Jews—less than one percent of the population—were living in Germany." In the first six years of Nazi rule, Jews were subject to more than four hundred decrees and regulations that restricted their rights and basic freedoms. In 1935 the Nüremberg Race Laws stripped Jews of all basic rights and provided a framework of systematic persecution.

On November 9, 1938, the "Reichskristallnacht"—(also referred to as the Night of Broken Glass) approximately one hundred Jews were murdered, thousands were arrested—and eventually sent to concentration camps—and Jewish homes, synagogues, businesses, and cemeteries were

destroyed. Reinhard Heydrich's plan for the "Final Solution of the Jewish Question" was adopted in 1942. An estimated 160,000 to 180,000 German Jews, and six million European Jews in total, mainly from Eastern Europe, were systematically murdered during the Holocaust.

In 1951 West German Chancellor Konrad Adenauer made an official admission of guilt and formal apology to the surviving Jews who suffered in the Holocaust. The following year Germany agreed to pay reparations to Israel. East Germany issued a formal apology in 1990.

At its first postwar session in 1948 the World Jewish Congress asserted the "determination of the Jewish people never again to settle on the bloodstained soil of Germany."⁴¹ Nonetheless, the Central Council of Jews in Germany was formed in 1950 with the goal of defending the interests of its members in Germany and to promote understanding between Jews and non-Jews.⁴² While most surviving Jews in Germany emigrated to other countries, especially Israel, the United Kingdom, and the United States, roughly 15,000 remained, settling primarily in West Germany.⁴³

When the Berlin Wall fell in 1989 an estimated 30,000 Jews lived in Germany.⁴⁴ In 1990 Chancellor Helmut Kohl created special provisions allowing Jews from the former Soviet Union, who were facing antisemitism, to immigrate to Germany. Over two hundred thousand people arrived within this framework between 1990 and 2005.⁴⁵ They formed new communities and revitalized old Jewish communities across the country, though language difficulties and religious differences proved challenging.

Germany's Jewish population has generally remained steady since, while Israeli immigration to Berlin has increased in recent years. Today 23 regional associations⁴⁶ and 108 local communities⁴⁷ are affiliated with the Central Council.

Sinti and Roma

The Sinti and Roma are one of Germany's four officially recognized ethnic minority groups. Germany does not collect population data on ethnicity, thus determining precise numbers is difficult. One source cites an estimated 120,000 Sinti and Roma were living in Germany in 2010, 70,000 of whom possessed German citizenship.⁴⁸ Another source estimates that there are roughly 170,000 to 300,000 Roma and Sinti in Germany, and that the majority do not have citizenship and are therefore more vulnerable to discrimination.⁴⁹

Their ancestors came to Germany from Northwest India (Roma) and present day Pakistan (Sinti) some six hundred years ago. With the establishment of the German Empire in 1871, the discrimination against Sinti and Roma became more coordinated, and they suffered under the "Gypsy Regulations." In 1896, for example, Sinti and Roma were barred from receiving itinerant trade licenses and in 1899 an intelligence commission was formed with the goal of registering Sinti and Roma and enforcing discriminatory regulations. During the Weimar Republic, the Roma and Sinti were cast as threats to public safety and made scapegoats for an array of societal problems.

Discrimination against Sinti and Roma culminated in the era of National Socialism. Beginning in 1931 they were forced to undergo pseudoscientific testing. Such tests aimed to prove racial inferiority and legitimize their persecution and later execution as a necessary measure to safeguard Germany.

From 1933 to 1938 the Sinti and Roma were confined to their homes, underwent forced sterilizations, lost their citizenship, and were sent to concentration camps. On December 16, 1942, Heinrich Himmler ordered the transport of Sinti and Roma in German-occupied Europe to Auschwitz-Birkenau. By 1945 an estimated five

hundred thousand Sinti and Roma from Nazi-occupied Europe and 21,000 of Germany's 23,000 Sinti and Roma were murdered in forced labor camps, mass shootings, botched medical experiments, and gas chambers.

While not long after the war Jews were recognized as victims deserving of material compensation and re-admittance into society, the genocide of Sinti and Roma was denied for decades. In 1956 a German Federal Court⁵⁰ ruled that their deportation to concentration camps was a "crime prevention measure." Roma and Sinti were forced to register with the police and the criminal identification service, and an intelligence commission tracking them operated until 1970.

Towards the end of the 1970s Sinti and Roma began to self-organize and advocate for their human rights in Germany. In 1980 the Roma and Sinti Union and Roma National Congress were established in Hamburg, and in 1982 the Central Council of German Sinti and Roma was established. In 1982 Chancellor Helmut Schmidt officially recognized the genocide of the Sinti and Roma.

In addition to the Sinti and Roma who survived the Holocaust, the Sinti and Roma community in Germany today includes former guest workers recruited from Yugoslavia in the 1960s and 1970s and their descendants, refugees who fled to Germany during the civil wars in Yugoslavia in the 1990s, and migrants from the eastern and southeastern E.U. member states added in 2004.

In recent years, Germany has also received an influx of refugees from the Western Balkan states, which includes large numbers of Roma. Although Roma face persecution in their homelands, these states are declared "safe" countries of origin by the German government, meaning the vast majority of their asylum applications will be denied.

In addition to the Sinti and Roma, Germany's other three officially recognized minority groups are the Danish minority, the Frisian ethnic group, and the Sorbian people. These are population groups that have lived in Germany for centuries with their own distinct history, language, and culture.⁵¹ Other minority groups include Germans of African origin, who often descend from migrant workers or African American or French soldiers; Polish and Vietnamese, who descend from guest workers; and Russians, who fled to Germany after the collapse of the Soviet Union.

Current Trends

Germany is experiencing a significant spike in “politically motivated crimes” (PMKs), violent PMKs, and hate crimes. To understand political extremism and violence, one must also understand the social attitudes of the general population. Those working on the ground in Germany, government officials, and civil society leaders emphasize that “everyday” discrimination feeds into more extreme views and ultimately violence. Interviewees dubbed this a “cycle of hatred.”

Although parts of society have welcomed refugees and immigrants, this is being marred by drastic increases in hate crimes. The country has faced a wave of xenophobic and anti-Muslim hate crimes, mostly by the far-right. There has also been a surge in violence by the far-left, most often directed at the police, security forces, and perceived right-wing extremists. Violence is increasingly accepted at the margins of German society.

Enmity against Certain Groups and Radical Right Ideologies

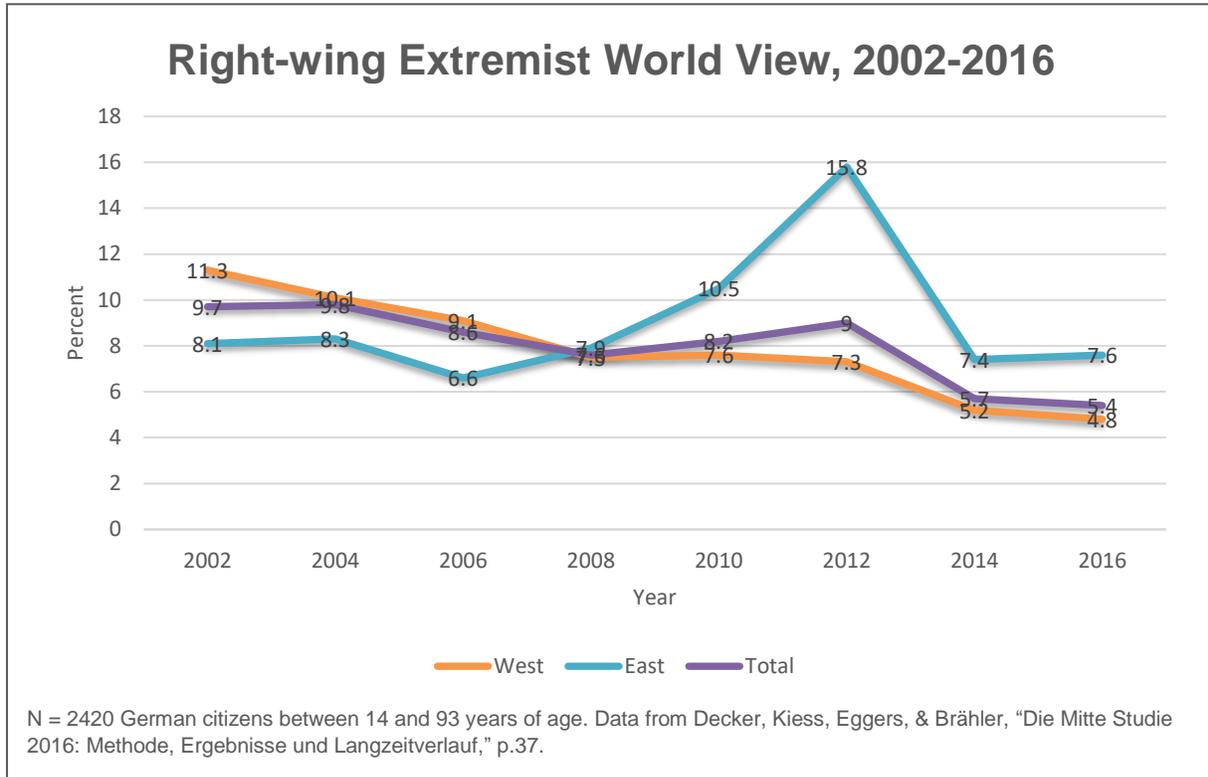
It is important to put Germany's precipitous rise in hate crime into perspective. German society as a whole is not on an illiberal trend line. In fact, the

segment of the German population that subscribes to anti-democratic and intolerant views has decreased. At the same time, however, a small but angry minority has become increasingly active, connected and influential, and has gained support through the effective use of language and the decision to participate in Germany's democratic processes.

According to some polls, liberal democracy is increasingly accepted in Germany: the democratic sphere (those accepting of liberal democratic values and governance) has grown from roughly 37 percent in 2006 to 60 percent in 2016,⁵² while the anti-democratic-authoritarian sphere (those who reject these norms) shrunk from 42 percent in 2006 to 26 percent in 2016.⁵³

Note: To attempt to understand opinions about politics and certain minority groups, representative surveys are used. However, even a methodologically-sound study has limitations. If a particular view is considered socially taboo, respondents may be less likely to openly express that view. For instance, in light of Germany's past, antisemitic statements are considered taboo. Thus, the survey results may be an underestimation, as people may modify their survey responses.

Recent surveys⁵⁴ have likewise found that intolerant attitudes, such as racism and xenophobia, have declined from roughly 27 percent in 2002 to 20 percent in 2016.⁵⁵ Right-wing extremist worldviews decreased from ten percent in 2002 to five percent in 2016, with variations according to age and geographical location.⁵⁶ Broadly speaking, older Germans living in the western portion of the country tend most strongly towards extreme right-wing views, a trend reversed in the east, where the youngest age group surveyed most strongly exhibits far-right views, including chauvinism (excessive or blind patriotism), antisemitism, and the trivialization of Nazism.

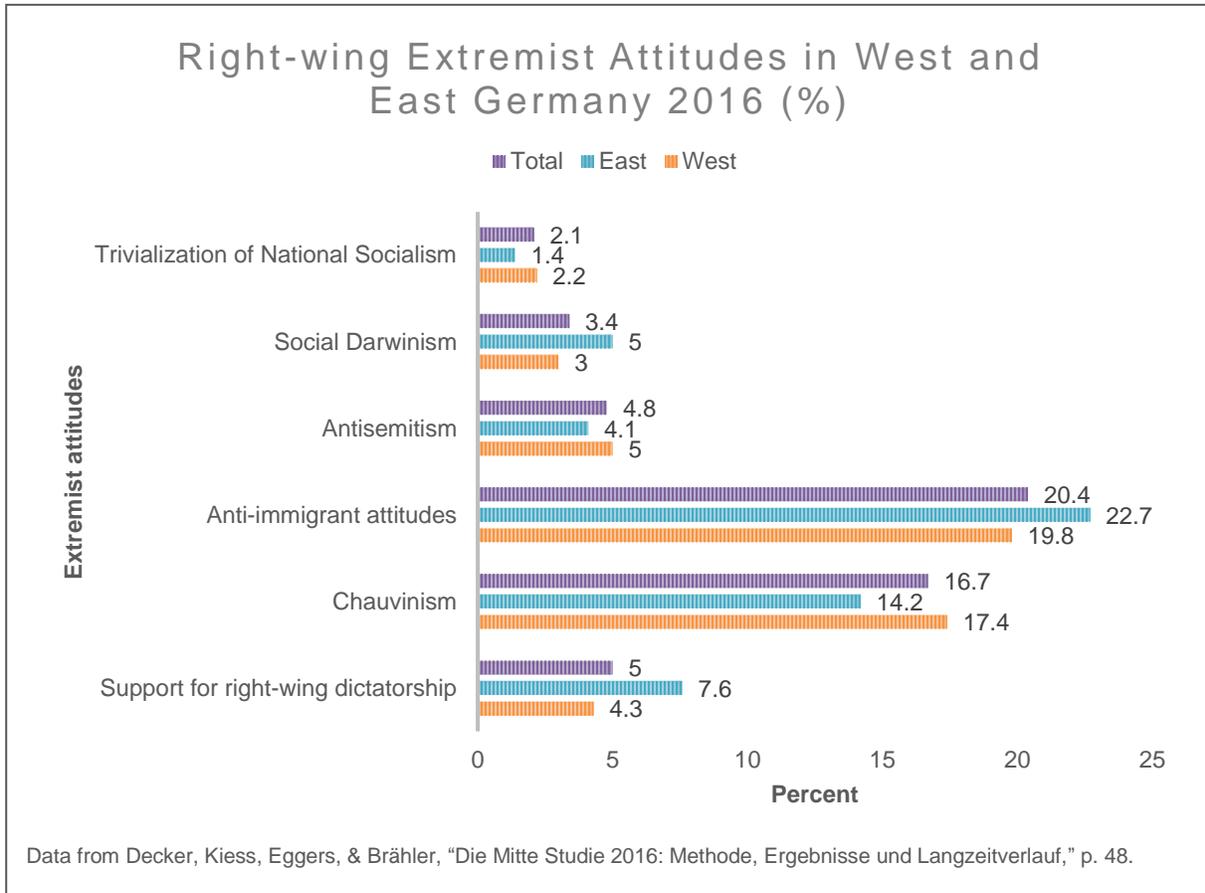


While many segments of German society are becoming more open-minded and tolerant, those working on the ground in Germany note that intolerance—particularly xenophobia—is seemingly becoming less socially taboo as it is normalized in political discourse. Even if individuals do not self-ascribe to right-wing extremist views, political parties like the AfD and movements like PEGIDA have teased out these latent attitudes and made xenophobia more mainstream, often cloaked in the language of security or economic concerns. Another possible interpretation of the representative survey is that the AfD provides German citizens sympathetic to xenophobic and otherwise intolerant ideology a legitimate political outlet, and therefore provides a more acceptable channel (and cover) for their views. Under this interpretation, Germans now don't have to reject a belief in democracy in order to express ideological divergence from the mainstream, because supporting the AfD provides them with an avenue for participation in a democratic political process that was until recently

unavailable. Even if voters don't ascribe to the entire platform of the AfD, the party provides a legitimate political outlet for voters to express these latent attitudes and/or to register opposition to political elites. Thus, even though rates of xenophobia in the general population show signs of decreasing, those espousing hate have managed to achieve an influence beyond their size through engagement with the political process, by effectively mobilizing even those who might not agree with their entire platform, but are nonetheless willing to vote for them.

Discriminatory Attitudes: Antisemitism, Islamophobia, and Bias toward Roma and Sinti

While the precise percentage of Germans who are antisemitic is difficult to determine, particularly given Germany's history, antisemitism persists and is cause for concern. The recent spike in xenophobia may foreshadow an increase in antisemitism: when a group hates one minority, it



is easy for them to shift that hate to other minority groups.

In its first report released in 2011, the German Expert Commission on Antisemitism reviewed various surveys on antisemitism and reported that between 1959 and 1996, agreement with the statement "Jews have more influence in the Federal Republic than they should have" ranged from 7 to 23 percent. Between 2002 to 2010, agreement ranged from 14 to 24 percent.⁵⁷

In a 2016 representative study, nearly five percent were categorized as antisemitic, compared to nine percent in 2002.⁵⁸ Various antisemitic statements gained up to 11 percent agreement.⁵⁹ For instance, ten percent of respondents agreed with the statement, "Jews, more than other people, play dirty tricks to achieve what they want." Eleven percent agreed that, "Even today, the influence of Jews is too great."

The Anti-Defamation League (ADL) conducted a global survey of antisemitism in 2014, and updated it in 2015. ADL presented various statements to respondents to develop an index score that measured the percentage of respondents who answered "probably true" to a majority of antisemitic stereotypes. The results indicated the percentage of the population who holds antisemitic views.

In 2014 Germany had an index rate of 27 percent,⁶⁰ which dropped significantly to 16 percent in the 2015 update.⁶¹ While ADL did not present official findings on the cause of the change, it suggests that one possibility was that high profile attacks on Jews and synagogues increased concern over violence against Jews and impacted attitudes.⁶²

The Pew Research Center also conducted surveys on global attitudes towards minorities. In

surveys between 2014 and 2016, they found that the rates of antisemitism in Germany ranged from five percent to nine percent.⁶³

Polls, especially those testing for socially taboo topics, may underestimate the extent of the problem. Addressing antisemitism as a human rights issue requires understanding people's lived experiences. The European Union Agency for Fundamental Rights sought to bridge this gap in 2013 by conducting a survey on the perceptions of Jews in the European Union.

Of the respondents who participated in Germany, 61 percent felt that antisemitism was a problem in Germany. Sixty-eight percent felt that antisemitism had increased in the past five years, and only six percent felt it has decreased (23 percent felt it had stayed the same and four percent did not know).⁶⁴ While these surveys are not intended to indicate rates of antisemitism in Germany, they shed light on the perceptions of Germans, including those actually facing discrimination and harassment.

Secondary antisemitism is also a problem. Secondary antisemitism can include trivialization or denial of the Holocaust or Holocaust conspiracy theories. It also incorporates antisemitism embedded in criticisms of the Israeli-Palestinian conflict. For instance, a 2014 study measured antisemitism between June and September of 2014, which coincided with the conflict in the Gaza Strip. Although antisemitic beliefs decreased over the past decade, it spiked during the time of the conflict.⁶⁵

Criticism of Israel alone does not constitute antisemitism; it becomes antisemitism when criticisms of Israel turn into criticisms of Jews writ large.

There are antisemites among voters of all political parties, with relatively fewer on the left side of the spectrum (SPD, the Left Party, Alliance 90/The Greens).⁶⁶

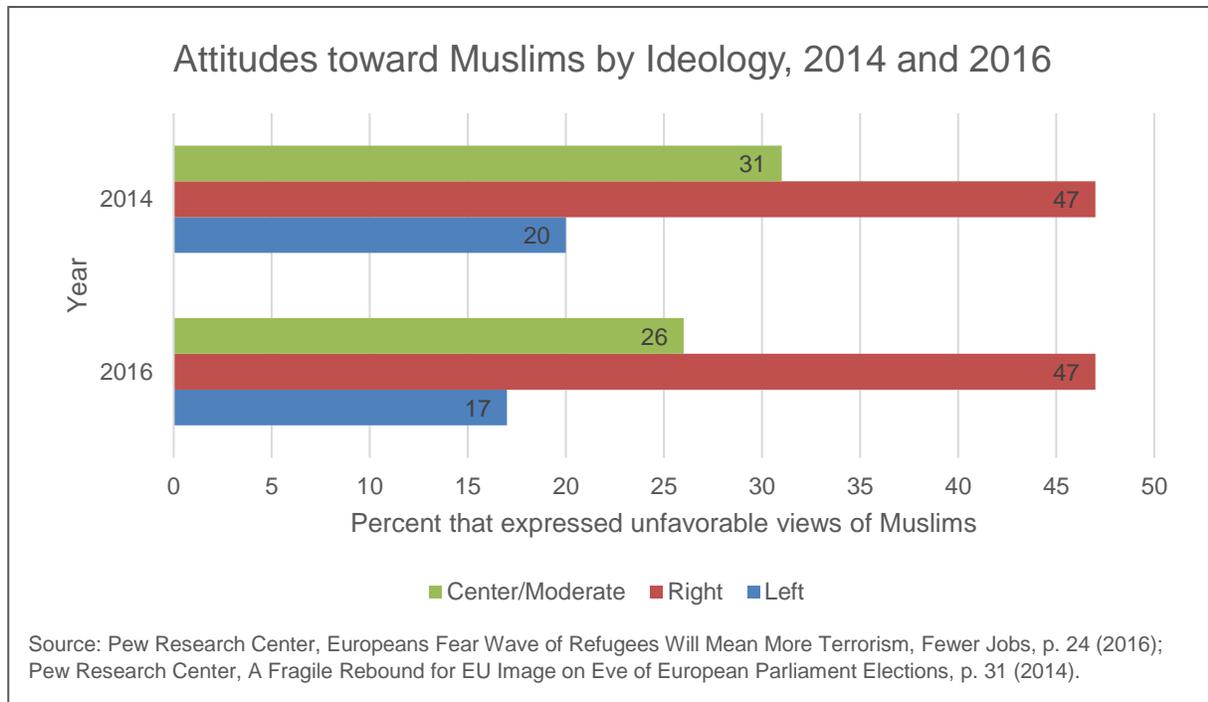
Ausländerfeindlichkeit

The term *Ausländerfeindlichkeit* refers to hostility towards foreigners. Its use has been shaped by changing views of German identity. The Nazi era imposed a singular conception of "Germaneness." German identity has changed significantly since then. In 2000 citizenship laws were amended to include citizenship based on "right of soil," or birth within territorial Germany. More recently, political leaders emphasize that Germany is a country of immigration and seek to re-shape German identity to be more inclusive.

Ausländerfeindlichkeit was once primarily associated with enmity, harassment, and violence against so-called guest workers. Today the term refers more broadly to discrimination based on racial, ethnic, cultural, and religious grounds—similar to the phrase "group-focused enmity," commonly used in Germany today, and concepts like "othering." The term "foreigner" has largely been replaced by the term "migrant" in public political discourse—even though many former guest workers, their children, and grandchildren hold German citizenship today.

Anti-Muslim attitudes are also prevalent. According to Pew surveys, unfavorable views toward Muslims over the past three years have ranged from 24 percent to 33 percent.⁶⁷

Attitudes toward Muslims are tied to ideology. In 2016 47 percent of those on the right expressed an unfavorable view of Muslims, compared to 17 percent on the left.⁶⁸ In 2014 47 percent of those on the right expressed an unfavorable view of Muslims compared to 20 percent on the left.⁶⁹ In a 2016 survey 50 percent felt like strangers in their own country because of the Muslim population



and 41 percent were in favor of limiting or banning Muslim immigration.⁷⁰ Geography matters: In 2014, nearly 24 percent of East Germans viewed Islam with hostility, compared to 14 percent of West Germans.⁷¹

Unfavorable views toward Roma and Sinti are also prevalent, ranging from 34 to 42 percent.⁷² This is also tied to ideology, in 2014 43 percent of those on the right viewed Roma unfavorably, compared to 19 percent on the left.⁷³ Roma and Sinti are stereotyped as primitive, criminal, filthy, and as nomads. In a 2016 survey 58 percent agreed that these groups tend to commit crimes and stated that they would not want them in their neighborhood. Half of the population wants to ban Sinti and Roma from the inner cities.⁷⁴

Anti-Migrant Sentiment

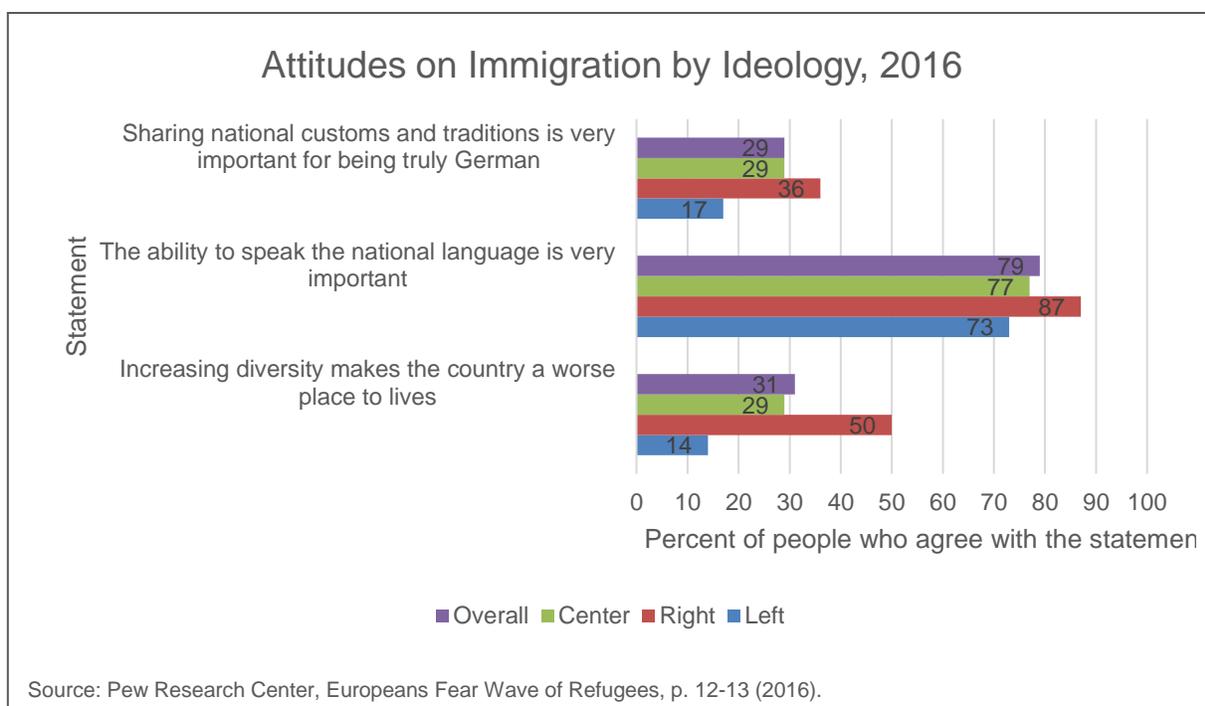
Anti-migrant views are also widespread in Germany. Researchers report that there has been a “resurgence of integration-impeding attitudes.”⁷⁵ One survey found that in 2016 41 percent of respondents agreed with the statement, “We should not allow ourselves to be overrun by

migrants,” compared to 28 percent in 2014.⁷⁶ A Pew Research Center survey found that 61 percent of respondents in Germany agreed that refugees increase the likelihood of terrorism—a worrisome finding. However, the same Pew Research Center survey found a decrease in the percentage of people who agreed that immigrants/refugees are more to blame for crime than other groups (48 percent in 2014, down to 35 percent in 2016).⁷⁷

The available data presents a complex picture. While the decrease in the belief that immigrants or refugees are more to blame for crime is promising, over a third of the country still retains this attitude.

Researchers have aptly described this trend in public opinion: while the country as a whole is positively disposed toward refugees, there is significant polarization between two irreconcilable viewpoints.⁷⁸ Far-right parties have been able to tap into this polarization and the latent xenophobic fears to gain political support.

This is a snapshot in time. The spike in xenophobic attitudes corresponds to the influx of



refugees from 2014 to 2016, but these attitudes may stabilize as the refugee influx subsides. This appears to be the case, but the E.U.-Turkey deal is still in a precarious position. This spike must be understood within the long-term trend of decreasing xenophobia overall.

There are also important ideological differences associated with one's views on immigration, integration, and diversity. For instance, people on the right are more likely than those on the left to say increasing diversity makes life worse (50 percent on the right, 14 percent on the left, 29 percent in the center; overall 31 percent).⁷⁹

People on the right are more likely to say that the ability to speak the national language is very important (87 percent on the right, 73 percent on the left, 77 percent in the center; 79 percent overall).⁸⁰ People on the right are also more likely to say that sharing national customs and traditions is very important for being truly German (36 percent on the right, 17 percent on the left, 29 percent in the center; 29 percent overall).⁸¹

Support for refugee and asylum policies has also fluctuated. In 2016 81 percent of the population

agreed that the state should “not be too generous” in examining asylum applications. Additionally, 60 percent believed that most asylum seekers were not really afraid of being persecuted, compared to 55 percent in 2014.⁸² Yet hesitance toward refugees actually increased more from 2011 to 2014 than 2014 to 2016.⁸³

Acceptance of Violence

Another troubling trend is the parallel increase in the acceptance of violence. While a large segment of the population rejects violence altogether, there is a significant uptick in violence acceptance in a relatively small part of the population—the anti-democratic authoritarian milieu, which uses ideology to justify their violence.

Researchers call this group the “rebellious-authoritarian milieu,” and place roughly seven percent of the population in this category.⁸⁴ Data from the Interior Ministry supports this conclusion. At the margins, acceptance of violence is also high. Of right-wing extremist followers, roughly 50 percent are “violence-oriented,” or accept violent

methods to promote their ideology.⁸⁵ For left-wing extremists, 29 percent are “violence-oriented.”⁸⁶

Institutional and Structural Discrimination

Between 1998 and 2011 a neo-Nazi terrorist cell called the National Socialist Underground (NSU) murdered at least ten people, robbed fifteen banks, and bombed three targets. Eight of the ten murder victims were Turkish, one was Greek, and the last, a police officer, was German.

The conspiracy consisted of three members. Two committed suicide after a failed bank robbery. The remaining co-conspirator is on trial for her involvement in the crimes.

As these crimes unfolded the police response revealed widespread institutional and structural discrimination against those of Turkish descent. The authorities were primarily concerned with investigating the victims based on stereotypes of Turkish involvement in organized crime.

The police not only failed to consider a racial motive, but also ignored evidence pointing to one. An FBI assessment of the offender’s profile based on the circumstances of the crimes committed shared with German authorities in 2007 described the racist motivations of the offender, stating: “the offender is a disciplined, mature individual who is shooting the victims because they are of Turkish ethnic origin or appear to be Turkish. The offender has a personal, deep rooted animosity towards people of Turkish origin.”⁸⁷ Not all German state authorities agreed with that perspective and it was ultimately dropped from the case analysis.

Instead of pursuing neo-Nazi suspects, the police continued to investigate the families of the victims and other minorities. The police refused to consider theories other than that the murders were committed by another person of Turkish descent. They investigated “suspicious” leads in

Institutional Racism

Institutional racism is “the collective failure of an organization to provide an appropriate professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behavior which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping.”⁸⁸ This definition was developed in the U.K. and is often cited by international bodies.

Institutional racism refers to the ways discrimination is integrated into the processes of an organization. Structural racism refers to the total system of public policies, institutions, and norms that discriminate against specific groups and reinforce racial group inequity. It is often unintentional and is a feature that has developed into our social, economic, and political systems.⁸⁹

the Sinti and Gypsy communities. Family members were interrogated, treated as suspects rather than victims, and publicly humiliated because of ethnic discrimination.

This case showed that police, prosecutors, government officials and agencies, and politicians grossly underestimated the threat of violence committed by far-right extremists. Moreover, they operated according to racial stereotypes to identify suspects and failed to even consider the racial motivation behind the crimes, despite being prompted to do so.

This was an institutional and structural failure to ensure equal treatment without regard to race. It was not simply police error, but a larger failure to train officers on hate crimes and discrimination and ensure checks to counter the biases of the police.

Social attitudes feed into and reinforce institutional and structural discrimination, which in turn permits violence to be committed with impunity. The NSU

case provides a clear example of the danger of institutional racism.

Institutional racism undermines law enforcement's ability to effectively respond to, or even recognize, a crime as a hate crime. It also gives implicit cover to others to act based on intolerance and discrimination, and contributes to a lack of trust between law enforcement and vulnerable communities.

The victims' families were stigmatized and targeted throughout the investigation. When these experiences become commonplace it makes vulnerable communities much less likely to seek protection from the very people who are there to serve them.

The Rise of Far-Right Parties, Movements and Organizations

Far-right parties, movements, and organizations are on the rise in Germany. They have capitalized on anti-immigrant sentiment to gain political prominence. For instance, the Alternative for Germany (AfD) has gained significant representation in ten out of 16 federal state parliaments, by focusing on the influx of refugees.

The rise of far-right parties is important in understanding the rise of hate crimes in Germany. Those committing hate violence can use the language of the far-right to legitimize their actions. In 2015 the Ministry of the Interior reported that right-wing extremists committed 90 percent of recorded hate crimes,⁹⁰ and 90 percent of the attacks on asylum shelters.⁹¹

Germany is a federal, democratic republic and has sixteen states.⁹² Like the United States, power is distributed between the federal government and the states. The federal government is comprised of an executive, judicial, and legislative branch. The executive branch is comprised of the president (the head of state, who

operates mostly in a ceremonial role), the federal chancellor, and the cabinet. The highest body in the federal judicial system is the Federal Constitutional Court, which like the U.S. Supreme Court, has the power of judicial review. If a law passed according to the democratic process violates the Basic Law (the constitutional law of Germany), the Federal Constitutional Court can repeal the law.

The federal legislative branch has two chambers: the Bundestag (Federal Assembly) and the Bundesrat (Federal Council). Unlike the United States, Germany has a multi-party and proportional voting system. The current parties in the Bundestag, in order of representation, include: The Christian Democratic Union and Bavarian Christian Social Union (CDU/CSU) with 310 seats; the Social Democratic Party of Germany (SPD) with 193 seats; the Left Party with 64 seats; and the Alliance 90/The Greens with 63 seats. The parties represented in the Bundesrat include the CDU, CSU, SPD, Greens, Left, Free Democratic Party (FDP), and the South Schleswig Voters Association (SSW). Each federal state has its own governing system as well, including a state parliament.

The far-right contains two primary ideological currents, the neo-national socialist right and the populist right. The new right, which generally refers to the more recent right-wing political, cultural, and intellectual movements that have fused nationalism, xenophobia, and populism, has been successful in recruiting from a broad range of the population. These ideological trends manifest themselves in different organizational forms: political parties, movements, and other subcultural entities.

Far-Right Political Parties

The **National Democratic Party of Germany** (NPD), established in 1964, is a neo-Nazi political party that the German intelligence agency has

described as “racist, anti-Semitic and revisionist.”⁹³ It openly propagates a biological race concept with political demands, including expropriation and expulsion of Germans with immigrant backgrounds. It has become increasingly radicalized in the course of its existence. Over time more violent right-wing extremist segments and younger generations have joined.⁹⁴

German courts have scrutinized the party several times to determine whether it can be banned.⁹⁵ Prior attempts to ban the party were rejected by the court because the party had been infiltrated by covert operatives, thus obscuring who was responsible for the acts. In the most recent attempt the German Constitutional Court rejected the ban because even though they found the NPD was hostile to democracy, the party lacked the ability to undermine or abolish democracy in Germany.⁹⁶ About one-quarter of its leadership has been convicted for crimes such as assault and battery, coercion, material damage, violation of the public peace, violation of the assault weapons laws, and the creation of criminal and terrorist groups.⁹⁷

The party has formed an active and stable base in rural areas of eastern Germany, gaining representation among local councils. It was previously represented in the Mecklenburg-Western Pomerania (a federal state) parliament, but lost its votes to the AfD in September 2016.

The **Alternative for Germany Party** (AfD) was established in 2013 during the Euro bailout. It originally gained traction by promoting Euroscepticism and criticizing Germany’s handling of the Greek debt crisis, but today it gains support by opposing immigration and refugees. The party supports closing its borders to all refugees.

The AfD asserts that Islam does not belong in Germany and that Muslim beliefs go against “the free, democratic social foundation” of Germany.⁹⁸

They support a ban on foreign funding of mosques, the burka, and the Muslim call to prayer. The AfD also advocates for state vetting procedures for all imams.

The AfD is also homophobic and promotes the so-called “traditional family.”

While antisemitism may not be an organizing feature of the party, it is still prevalent among the party’s members.⁹⁹ A state parliament representative’s antisemitic statements in the summer of 2016 caused a rift in the party. Several members tried to get the representative expelled from the party, but were unsuccessful.¹⁰⁰

The AfD has achieved significant political representation by playing on fears about refugees. The AfD is represented in ten out of the sixteen state parliaments. In the most recent election in Berlin, the party came away with 14.2 percent of the vote¹⁰¹ and gained representation on the city’s parliament for the first time. The AfD performed even better in other states, such as in Mecklenburg-Vorpommern, where it received 21 percent of the vote.¹⁰²

Far-Right Organizations and Movements

PEGIDA (Patriotic Europeans against the Islamization of the West) is a new xenophobic movement that originated in Dresden and the surrounding rural areas. It has taken hold in Germany with the arrival of increasing numbers of refugees. Drawing many supporters who identify with or are sympathetic to far-right political parties, PEGIDA emerged in 2014 as an umbrella structure for expressing xenophobia and racism. It gained momentum in 2015, with chapters now active throughout Germany.

The Interior Ministry found in December 2015 that far-right organizations, including the NPD, “controlled and influence” PEGIDA-related demonstrations in at least six German states. The

ministry also noted that some speakers had neo-Nazi backgrounds and that some protestors used Nazi symbols and gestures.

PEGIDA appeals to xenophobic fears that Western values and culture would be compromised by the arrival of Muslims who develop “parallel societies” in Europe. The movement was founded with weekly demonstrations.

PEGIDA capitalizes on an “us-versus-them” mentality. They view their “own” as threatened and believe they are acting out of self-defense and self-protection. Germany’s leaders, including President Joachim Gauck and Chancellor Angela Merkel, have spoken out against PEGIDA, describing it as racist and xenophobic.

Politically Incorrect (pi) is a blog and information portal, attributable to the new right. It combines populism and right-wing extremism with aggressive anti-Muslim attitudes. The portal tries to bring its ideological convictions into the public discourse and to portray its ideology as widespread through mass emailing campaigns.

Pi’s self-image is superficial, and it paints itself as explicitly pro-Israel and pro-American. However, the deeper one goes into the blog, the more familiar German-nationalist, antisemitic, racial superiority sentiments appear, reaching back to typical right-wing language. This approach seems bizarre, but satisfies the right-wing radical will to skirt government bans on parties that seek to undermine or abolish the free, democratic order of Germany¹⁰³ so that they can continue to spread their ideological convictions.

The **Identity Movement**, originally begun in France, has gained momentum in various European countries, including Germany, where it has been an organization since 2014. Like other radical-right organizations, it advocates for “ethnopluralism,” replacing the term “racial segregation,” but not the meaning behind it.

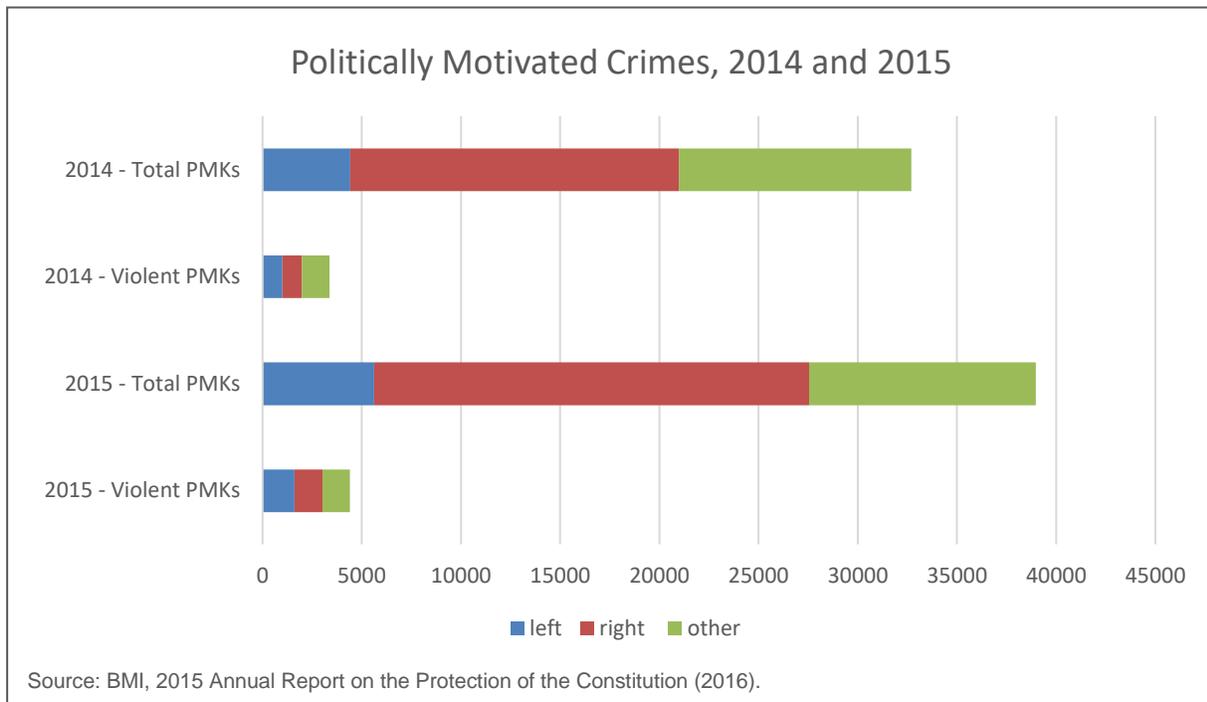
The movement claims to be about preserving the essence of “the people” and their culture, which is under threat by foreigners (Muslims, Jews, Arabs, Americans, Chinese, etc.) and migration. Trying to label human rights activists as traitors, dictators, or leftists is a strategy they share with other right-wing radicals.

The **Reichbürger** movement¹⁰⁴ has recently emerged in Germany. This movement does not believe in the legitimacy of the Federal Republic of Germany and sees Germany as “an administrative construct still occupied by the Western powers.” They refuse to pay taxes, continually sue German authorities, and are not opposed to violence. While most of their violence to date seems to be against state authorities, the group holds right-wing populist, antisemitic, and Nazi ideologies. The name “Reichbürger” translates as “Citizens of the Reich,” which is indicative of their idea of German citizenship.

Politically Motivated Crimes and Hate Crimes

Politically motivated crimes (PMKs) increased 19 percent from 2014 to 2015, from 32,700 to 38,981. Violent PMKs increased 30 percent, from 3,368 in 2014 to 4,402 in 2015. There was a dramatic rise in violent right-wing extremist crimes motivated by xenophobic attitudes, as 65 percent of right-wing violent offenses were directed at foreigners and offenses against asylum shelters quintupled. Violent PMK offenses on the right increased 42 percent, and violent PMK offenses on the left increased 62 percent. Hate crimes also nearly doubled between 2014 and 2015.¹⁰⁵

Germany’s Criminal Code does not specifically criminalize or define politically motivated crimes or violent hate crimes. However, this conduct is criminalized through general provisions of the Criminal Code.



The politically motivated crimes (PMK) framework is a classification system, used by police since 2001. Politically motivated crimes include crimes committed with a bias motivation (i.e. hate crimes) and crimes that “counteract the democratic order or the stability and security of the nation.”¹⁰⁶ Hate crimes are also recorded through this system. PMKs are a broader category of crime than hate crime. Hate crimes include PMKs that are committed against someone due to their political goals, nationality, ethnicity, race, color of skin, religion, ideology, origin or physical traits, disability, or sexual orientation or social status.¹⁰⁷

In August of 2015 Section 46 of the Criminal Code was amended to mandate that courts consider racist, xenophobic, and other bias motives while determining the sentence. This sentencing factor does not change the range of permissible sentences, but rather allows the court to sentence higher up in that range.

While Section 46 is a positive step because it is a specific regulation for hate crimes, civil society criticized the final formulation of the law because the rule was too vague.¹⁰⁸

Documenting hate crimes presents challenges; this is not unique to Germany. First, underreporting hate crimes by victims to police is a significant problem. For instance, by comparing FBI data and victimization studies in the United States, the Bureau of Justice Statistics estimated that roughly two-thirds of hate crimes went unreported in recent years.¹⁰⁹ This is often due to issues like lack of trust or feeling like the police cannot or will not do something.

Sometimes hate crimes are not taken seriously by the police, as seen by the NSU case. Detecting and accurately recording the underlying motivation of a person is also inherently difficult and is not always immediately known. More information about the criminal motive may be developed later by the prosecutors and the court.

Finally, motives are often a complex combination of factors, which may be difficult to attribute to a political or prejudiced attitude. Additionally, the motive may be misinterpreted by police, and their normative opinions and subjective judgment may influence how crimes are classified.

Given these limitations, data regarding PMKs and hate crimes must be interpreted carefully. Despite challenges in recording hate crime, data is nevertheless crucial in understanding current trends and crafting effective policy responses. Data from the Interior Ministry allows for year-to-year comparison.

Politically Motivated Crimes

Each year the Interior Ministry compiles statistics based on information from the Federal Criminal Police Office (BKA). In 2015 the BKA registered 38,981 politically motivated crimes. Right-wing politically motivated crimes accounted for 21,933 offenses, which is approximately one-third more than the previous year. Left-wing politically motivated crime accounts for 5,620 offenses, a 27 percent increase from 2014.¹¹⁰

The report also noted a category of politically motivated crimes committed by foreigners. Foreigners accounted for 1,524 PMK offenses, which was a 24 percent decrease from the prior year. Of all recorded PMKs, 604 could not be attributed to a specific category (i.e., right-wing, left-wing).¹¹¹

Of the recorded PMKs 4,402 were violent offenses, a 30 percent increase from 2014. The ministry highlighted the dramatic rise in the number of violent right-wing offenses with a xenophobic background.

Right-wing violent offenses accounted for 1,408 of the violent PMKs, which represents a 42 percent increase since 990 in 2014. Of those, 918 (65 percent of right-wing violent offenses) were directed at foreigners. Two hundred and fifty-two were directed at actual or supposed left-wing extremists, 82 at other political opponents, and 29 were motivated by antisemitism.

Left-wing violent PMKs accounted for 1,608 of the violent PMKs in 2015, which represents a 62 percent increase compared to 995 in 2014. Many

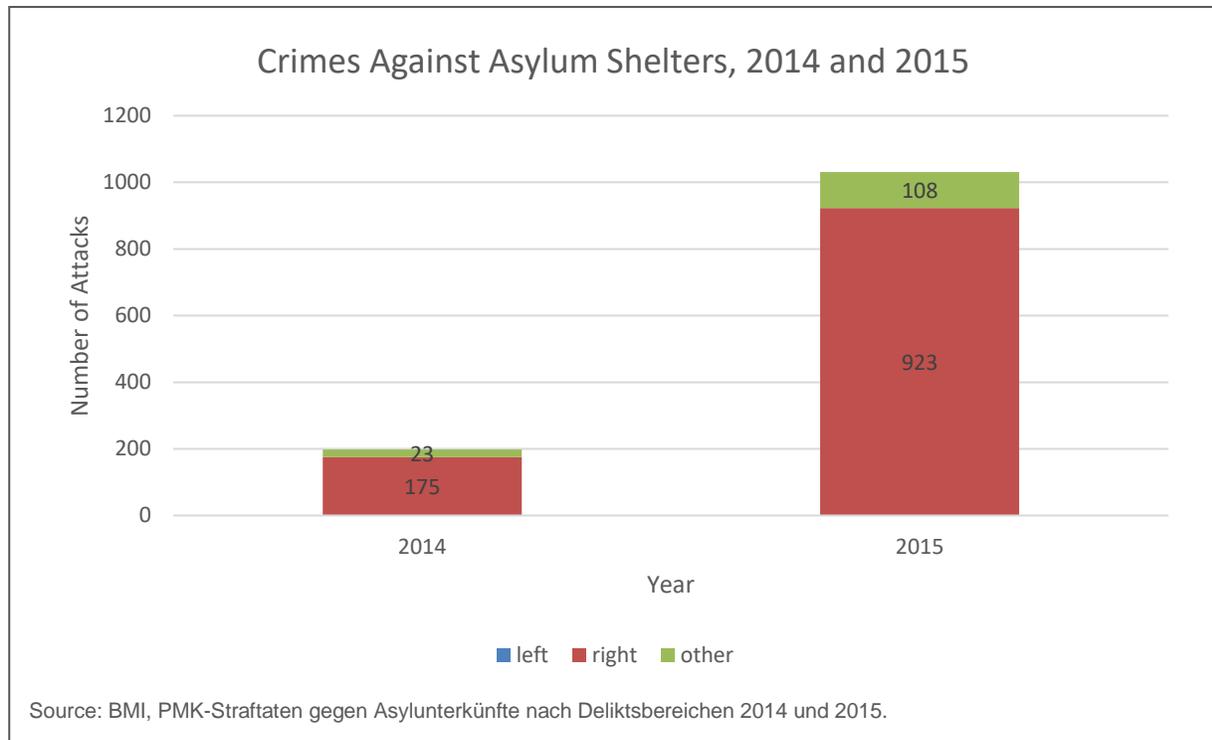
of the 1,608 violent left-wing motivated PMKs were directed at police and security forces or the state, its institutions, and symbols.

The most significant increase in PMKs targeted asylum shelters. In 2015 the BKA registered 1,031 crimes against asylum shelters, compared to 198 in 2014¹¹²—meaning offenses against asylum shelters quintupled from 2014 to 2015. Violent crimes against asylum shelters increased from 28 in 2014 to 177 in 2015.

The violent offenses included four attempted murders, eight attacks involving explosive devices, 60 assaults, and 94 arson attacks.¹¹³ Right-wing extremists were responsible for 88 percent (155 out of 177) of the violent attacks committed against asylum shelters.¹¹⁴ Of all crimes, both violent and non-violent, committed against asylum shelters, the Interior Ministry reported that roughly 90 percent of them were committed by far-right extremists.¹¹⁵

Representatives of liberal democracy are increasingly becoming the targets of hate and attacks. Politicians from all parties are affected, but especially the Left Party (46 attacks) and the SPD (22 attacks), who engage in activities against the radical right and for refugees. In 2015 75 violent crimes and cases of property damage aimed at politicians were registered.¹¹⁶ This trend is significant because it prevents political leaders from speaking out on issues of intolerance.

Media groups are also targeted. Reporters Without Borders describes growing harassment, threats, and violence against journalists covering far-right groups, especially PEGIDA.¹¹⁷ The European Center for Press and Media Freedom recorded 49 attacks on journalists in Germany, including 29 violent crimes, 13 property crimes (often damage to cameras), and seven serious verbal threats.¹¹⁸



PMK data also includes propaganda offenses and hate speech. In 2015 13,687 of the recorded PMKs were propaganda offenses.¹¹⁹ Of right-wing extremist crimes, approximately 12,200 were propaganda offenses (such as dissemination of propaganda of unconstitutional Nazi organizations or use of their symbols) and hate speech accounts for approximately 6,700 offenses.¹²⁰

Hate Crimes

Hate crimes are a subset of politically motivated crimes and can include both violent and non-violent offenses. Hate crimes target individuals or groups based on race, religion, or other characteristics, and may include acts of Islamophobia, antisemitism, homophobia, racism, and xenophobia.

Hate crimes in Germany increased dramatically from 5,858 cases in 2014 to 10,373 cases in 2015, or 77 percent.¹²¹ Right-wing extremists were responsible for approximately 9,400 hate crime offenses—90 percent of all committed. Of these, roughly 8,200 were classified as xenophobic,

1,200 were classified as antisemitic, and 1,200 as racist—compared to 3,700 xenophobic, 1,300 antisemitic, and 800 racist hate crimes in 2014.¹²² While hate crimes committed by left-wing extremists increased from 94 in 2014 to 96 in 2015, hate crimes committed by right-wing extremists increased from 4,983 in 2014 to 9,426 in 2015.¹²³ Right-wing extremists committed 90 percent of all hate crimes, including 96 percent of xenophobic hate crimes, 91 percent of antisemitic hate crimes, and 98 percent of racist hate crimes.¹²⁴

Civil society groups monitoring hate crimes have also recorded the recent spike. ReachOut and Berliner Register released a report focused on hate crimes in the capital city of Berlin.¹²⁵ They reported 320 incidents of assault in 2015, compared to 179 in 2014. Twenty-five of those attacks were antisemitic, compared to 18 the year before. They recorded an additional 412 incidents of people being followed, threatened, or hurt. There was a total of 1,820 hate incidents, including propaganda offenses and violent

offenses. This also included 401 antisemitic incidents in 2015, which is significantly higher than the number of incidents in 2014. However, the city-sponsored Anti-Semitism Research and Information Point (RIAS) launched in 2015, and did not collect reports in 2014. Thus the increase in part is due to a public effort to better record and monitor hate incidents.

Germany also participates in the OSCE ODIHR Hate Crime Reporting.¹²⁶ In its report for 2014 to ODIHR, Germany reported 3,059 hate crimes recorded by the police.¹²⁷ Of these, 2,039 were motivated by racism and xenophobia, 413 by antisemitism, 449 by bias against Christians and members of other religions, 129 by bias against lesbian, gay, bisexual, and transgender (LGBT) people, and 15 by bias against people with disabilities and other groups.

Germany did not report an increase in hate crimes to the OSCE in 2015. This is likely because of a difference in definitions. OSCE data does not include certain offenses, such as hate speech, whereas Germany's internal reports on hate crimes—where they recorded a significant increase—include the full spectrum of offenses criminalized in Germany. In 2015, Germany reported 3,046 hate crimes to the OSCE, compared to 3,059 in 2014.

In 2015 Germany reported 2,447 crimes motivated by racism and xenophobia and 192 crimes motivated by antisemitism. In 2016 Germany started to categorize anti-Muslim hate crimes separately from racism and xenophobia. Disaggregating data is important for understanding trends in hate crimes.

While Germany does track data by type of crime, in its report to the OSCE in 2014, 1,472 incidents were reported as “unspecified” type of crime. This represents 48 percent of all crimes reported, making it difficult to draw conclusions. This

improved in 2015 and Germany classified the type of crime for each incident reported.

Significantly, there is no data available on the prosecution and sentencing for hate crimes. This data is important to follow up and see if justice is effective. To craft effective policies, it is important to understand the extent to which perpetrators are held accountable.

Analysis: Causes and Catalysts

Causes of Pejorative Attitudes and Right-wing Extremism

A recent survey shows that hostility towards Muslims, as well as sympathies with the anti-Muslim PEGIDA movement, are especially pronounced in people who have no personal contact with Muslims.¹²⁸ This is consistent with the contact hypothesis, originally developed in 1954 by Gordon Allport, and repeatedly proven through empirical data.

The Contact Hypothesis

The contact hypothesis states that the more interaction one has with members of other groups, the less prejudice one will have against those groups. The impact is greater when those involved: 1) pursue common goals 2) have the same social status 3) have to interact with each other in order to achieve their goals, and 4) the contact is supported by authorities.¹²⁹

Researchers in Germany found that belief in stereotypes is decreasing in districts that have growing proportions of foreigners. Positive effects were also seen in secondary contact (e.g., friends who have contact).¹³⁰

The contact hypothesis may explain some of Germany's changes in social attitudes. For instance, the percentage of the population that believes that immigrants or refugees are more likely to commit crimes decreased from 48 to 35 percent between 2014 and 2016. The contact hypothesis may also relate to the regional differences in attitudes towards refugees and immigration in East and West Germany, as the west has had a more sustained history of immigration and thus a more diverse population.

One's receptiveness to right-wing radicalism depends on their personality and socialization. Important factors include how their personality is influenced by those around them, including their parents, upbringing, school, religion, media, and peer groups. Fear and self-esteem issues also play a role. Whether a person has had positive experiences with diversity or has experienced conflicts is also a factor.

The surrounding social, political, and cultural environment also influences one's susceptibility to right-wing radicalism. Economic crises and unemployment may boost the attractiveness of exclusionary right-wing ideologies. How the media and politicians interpret the situation can also drive the development of right-wing ideologies.

The political environment in Germany has shaped the growth of far-right parties, who are now are stoking existing discontent within the population. Perceived and actual failures of officials have weakened trust in government. Far-right groups feed off regional economic crises and the population's feelings of economic insecurity. For instance, the AfD was initially established during the Euro bailout and gained popularity by criticizing Germany's handling of the debt crisis. These parties and movements also exploit fears of terrorism.

The relationship between far-right parties and prejudicial attitudes is likely cyclical. A 2016 Pew

Research Center Survey found that 61 percent of the population agreed with the sentiment that refugees would increase the likelihood of terrorism in Germany and 31 percent agreed that refugees are a burden on the country because they take away jobs and social benefits.¹³¹ These attitudes fuel the success of far-right parties like AfD and the rhetoric of the far-right spreads these attitudes further.

Right-wing Beliefs and Violence

Extreme right-wing violent offenders often have had problems and developmental stresses in childhood, such as abuse at home, loss of parent(s), or child neglect, and have not developed appropriate coping strategies. As children they often felt unsupported by parents, schools, and other community sources. Right-wing radical peer groups become an attractive substitute for family and these groups reformulate and direct previously unsorted thoughts and feelings of hatred, anger, frustration, fear, and envy.¹³²

These groups often believe they are supported by the "silent majority," emboldening their violence. They do not respect the state's monopoly on the use of force and they reject plural democracy; therefore they implement their ideology through force and violence.

This is the mindset present among those committing right-wing attacks against asylum shelters. The rhetoric of movements like PEGIDA reveal that they feel like they are protecting their "own," (which is often built on a racist understanding of being German), that they are the majority, and are acting in self-defense.

An Enabling Environment: What is Contributing?

The social, political, and economic environment in Germany is potentially fueling momentum for right-wing radicalism on a larger scale. Our contacts repeatedly stressed that “low-level” discrimination (i.e., prejudicial attitudes and “everyday” acts of discrimination) creates an environment that accepts greater discrimination and violence. One interviewee stated, “We need to stop racist discourse because it’s fertile soil for extremism.”

The uptick in hate crimes is fueled by factors including institutional discrimination, political rhetoric, social attitudes, and online hate. Institutional discrimination by the state gives credence to groups committing hateful crimes and undermines the ability of the state to effectively prevent or respond to hate crimes.

Far-right parties are spreading prejudicial attitudes that give rise to violence. The Internet is changing the landscape of political dialogue, and allowing divisions to fester and magnifying hateful ideologies. Violence against one vulnerable group increases the possibility of violence towards others—as well as social anxiety about it—and interferes with the peace and stability of the nation as a whole.

The Role of the Internet and Social Media

The Internet provides the far-right an easy platform for recruitment and spreading misinformation to fuel greater intolerance. Right-wing groups have used the Internet to coordinate their activities and recruit and indoctrinate new members—PEGIDA first launched as a Facebook group and grew through social media.¹³³

Hate speech online has continued to increase and become more aggressive. Hate speech online has

corresponded with physical harassment and attacks offline.¹³⁴

In a representative survey of Germany, two thirds of interviewees indicated that they see hate speech online and one-fourth confirmed that they see it frequently.¹³⁵ Another study suggested that one in nine German Internet users have been victims of hate speech online themselves.¹³⁶

Hate speech online is often directed at Jews, Muslims, Sinti and Roma, refugees, and Germans with a foreign family history via social media platforms that include Facebook, Twitter, and YouTube, among others. Statements insulting, threatening, or calling for violence against these groups appear in the comment sections at news outlets as well.

According to the Social Media Coordinator for the German TV news show *Tagesschau*, of the approximately 12,000 comments written daily, one third contain hate speech.¹³⁷ Other news outlets, such as *Der Spiegel*, have disabled comment functions for certain articles because of hate speech concerns. Human rights defenders, journalists, and politicians committed to helping targeted groups are often subjected to threats and hate mail as well.

Misinformation in political rhetoric online is also fueling intolerance. Although information from the German Federal Criminal Police (BKA) confirms that refugees from the Middle East are not more likely to commit crimes than Germans,¹³⁸ the Internet is also used to spread false rumors about crimes committed by refugees, aiming to legitimize racism against them.

The impact of the Internet is drastically changing. More and more people get their news from social media sites. While the Internet makes information more accessible, it has also allowed the spread of misinformation.

User-generated content does not go through the same editing process as news stories published in traditional media. This editorial “check,” for better or for worse, is disappearing.

Despite the breadth of information accessible on the Internet, the “echo-chamber” phenomenon means that people are less exposed to different world views. Tech companies have been a bit late to the game in understanding their role in the spread of misinformation and intolerance.

The Refugee Crisis

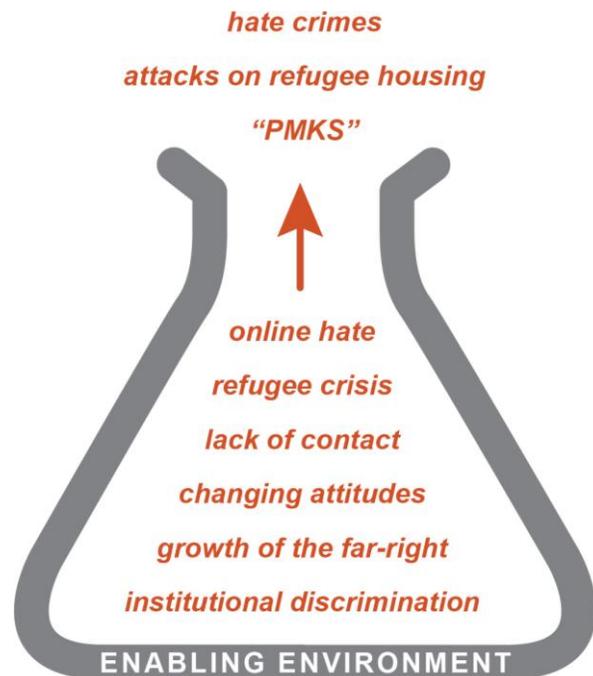
Germany’s welcoming refugee policy has made it an important leader in the region. However, implementation of the policy has stressed existing social divides, paving the way for the current challenges.

Over one million asylum seekers have arrived in Germany since 2015. It is no easy feat to integrate so many people in a humane and efficient manner. One reason anti-immigrant sentiment and anti-immigrant violence are at such high rates is the failure of the German government to adequately prepare for the social impact of the influx of refugees in the country.

The German government did not do enough to prepare communities to integrate refugees, to consider regional differences or how prevailing social attitudes would impact a community’s readiness to receive refugees, and it did not provide law enforcement with sufficient resources to protect refugees from hate crimes.

Several interviewees expressed the need for the German government to better communicate to its citizens not just the moral imperative to accept refugees, but also the benefits of diversity. This type of communication would better prepare communities to accept refugees.

As Chancellor Merkel’s party has dealt with election losses, Merkel has acknowledged Germany’s lack of preparedness. Following the



Berlin elections she stated, “If I could, I would turn back time by many, many years to better prepare myself and the whole German government for the situation that reached us unprepared in late summer 2015.”¹³⁹ However, she still stands by her decision to accept refugees, and points to new efforts to regain control of the situation.

Far-right parties, like the AfD, have gained disproportionate political representation because of their ability to capitalize on fears that are more widely shared than the whole of their platform. As noted, right-wing radicalism has declined overall, at the same time, 61 percent of the population believes that a wave of refugees increases the likelihood of terrorism in the country. Thus, despite not agreeing with the right-wing platform as a whole, parties like AfD have been able to mobilize more voters by exploiting people’s fears.

Discussing the political approach of AfD, a civil society leader at an organization promoting democracy and human rights described it best: “They’re offering an emotional approach, not a rational one... People are losing trust in politics to resolve crises. Extremist parties’ strategies are to

give easy answers to complex questions. They're instrumentalizing fears.”

Far-right parties and movements have also targeted the Jewish community for recruitment with this strategy. Their primary method is stoking the fear that refugees are highly antisemitic. Antisemitism among refugees has been a common, unsubstantiated thread in discourse on refugee policy. More research is needed to understand the scope of prevailing attitudes and to design effective integration programs and policies accordingly.

Importantly, this narrative ignores the existing, and longstanding, antisemitism in Germany and in far-right parties. In 2015 the Ministry of the Interior reported that right-wing extremists committed 91 percent of recorded antisemitic hate crimes and 83 percent of violent antisemitic hate crimes.¹⁴⁰ Those on the far-right were also responsible for 90 percent of the attacks on asylum shelters.¹⁴¹

In this strategy, far-right movements are a wolf in sheep's clothing—they present a façade of concern for the Jewish community, but in the long run are doing more to harm it. These attempts at xenophobic fearmongering distract from crafting real policy efforts to address existing antisemitism and racism in Germany.

More research is needed to assess the scope of antisemitic attitudes among asylum-seekers. Empathy must be the lens, for first and foremost they are a group of individuals from different backgrounds, who share one thing in common for certain: they are desperately fleeing persecution and conflict, seeking refuge and safety.

Institutional Responses to Counter Xenophobia and Extremism

German Government

Programs and Strategies to Combat Intolerance and Extremism

The German government response to extremism, though welcome, contains strategic and conceptual deficiencies.

Germany has developed several macro-level initiatives to counter xenophobia, racism, and extremism. However, these responses have struggled to fully define the problem and articulate a coordinated approach. Several of the approaches and policies were newly implemented in the past year, and need further assessment on their efficacy.

Two of the key national-level strategic documents are the National Action Plan to Combat Racism, Xenophobia, Anti-Semitism, and Related Forms of Intolerance (the National Action Plan) and the Strategy for the Prevention of Extremism and Advancement of Democracy (the Strategy). The National Action Plan,¹⁴² first published in 2007, came out of the 2001 U.N. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa.

The National Action Plan was intended to reach broad segments of the public, including potential victims of hate crimes and discrimination, opinion leaders in politics, media, and civil society, and potential supporters of racist theories. The plan seeks to prevent violence and discrimination and encourage integration and participation. It encourages “a policy of recognizing and valuing difference.”¹⁴³

The federal government is currently working on a new national action plan. The first plan was criticized for lack of civil society consultation, but the Ministry of the Interior (BMI) is taking civil society consultations seriously as it updates the document.

The Strategy, released in 2016 in the wake of the NSU investigations, details government-sponsored activities to counter “group-focused enmity” and extremism. It was developed through coordination between several ministries, with the BMI and the Ministry of Families, Senior Citizens, Women and Youth (BMFSFJ) taking lead roles.

The Strategy explains what is being done and financed at the federal level in a single document. It also reiterates the importance of coordination in policy, research, evaluation, and practice at the international, national, state, and local levels. The Strategy’s goals include:

- to contribute to a democratic and secure society through the prevention of extremism and violence;
- to strengthen the protection and respect of human dignity and social cohesion in a society shaped by diversity;
- to support those who work locally for democracy, those who need help for themselves or their family members, and those who want to exit out of extremist affiliations with comprehensive counseling frameworks;
- to strengthen the existing democracy and its values by encouraging engagement, bravery, civil courage, and conflict resolution skills.¹⁴⁴

Under this strategy the German government has funded programs that promote democracy as a means of countering extremism, with increasing funding in 2016 and 2017. One such program is Partnerships for Democracy, which supports local initiatives and projects and is coordinated by

BMFSFJ and BMI. The cabinet doubled funding for this program to 104.5 million euro, citing the rise in crimes with a right-wing extremist or racist background.¹⁴⁵ Other programs, such as Solidarity through Participation, target rural or structurally weak areas in eastern Germany especially vulnerable to extremism.

The Strategy is a welcome first step, but there is much room for improvement. First, conceptualizing the problem as one of extremism does not fully capture the issue. The reductive classifications of right-wing and left-wing extremism may do more to exacerbate the ideological battle and result in further analysis problems. CERD has expressed concern with this conception as well, stating that right-wing extremism should not be used to encompass the broader notion of racial discrimination.¹⁴⁶

Second, the Strategy is more of a list of existing programs and efforts than a newly established plan for tackling extremism, xenophobia, and discrimination. The German government needs to articulate a coordinated, systematic, evidence-based strategy for combating extremism and hate crimes.

The Strategy’s reach is limited because the activities are disjointed and voluntary—and it only refers to existing efforts and actors. A new strategy should be mainstreamed to reach all relevant actors, such as teachers and police.

New approaches to a national strategy should incorporate “bottom-up perspectives.” Bottom-up perspectives would allow programs to incorporate known child development science, such as how children and young people develop their personalities, learn social skills, establish stereotypes, and acquire social and political knowledge.

Little is known about the effectiveness the Strategy’s programs. They should be empirically evaluated to understand their long-term

effectiveness. A more rigorous and scientific approach to developing and evaluating programs will lead to more effective interventions.

Two other important efforts to promote tolerance include the Expert Commission on Antisemitism and the Forum Against Racism.¹⁴⁷ The Expert Commission on Antisemitism began its work in 2009 and released a report in January of 2012.¹⁴⁸ The report found that anti-Jewish sentiment was significantly entrenched in Germany and there was widespread acceptance of anti-Jewish speech and actions. However, despite the scope of the problem, the commission found that no comprehensive strategy existed. It recommended that the government invest in creating a long-term sustainable strategy alongside civil society and social organizations.¹⁴⁹

The government was criticized for lack of implementation and follow through on the findings of the commission.¹⁵⁰ Some familiar with the work noted that the release of the report was overshadowed by the revelation of the NSU crimes.

When the second commission was created, no Jewish experts or organizations were included. This prompted significant concern, as the expert commission excluded the very voices it purported to represent. The work of the commission was delayed as Jewish representatives were selected to participate. The commission is now working to update the report and include recommendations on new issues like hate speech. In an effort to be more inclusive, it is actively seeking best practices from experts in the field.

The Forum Against Racism was established in 1998 and is coordinated by the BMI. The forum promotes dialogue and cooperation between state agencies and NGOs actively engaged in fighting racism, violence, and anti-foreign attitudes. Its 80 members, including 55 NGOs, meet twice a year to address current forms of intolerance.

Tolerance promotion has also been integrated into the education policy in Germany. Several people that we spoke with emphasized the importance and power of education in creating a tolerant society. While the German government has taken great strides in this area, more needs to be done to develop data-driven practices in this field.

Although preparing students for life in a pluralistic society is widely accepted as a goal of the German education system, and it incorporates a wide variety of didactics, little is known about the effectiveness of various educational activities in schools.¹⁵¹

Educational staff bring different levels of preparedness to their jobs. Without careful preparation and tested methods, well-intentioned intercultural activities can backfire, escalating problems rather than alleviating them.

For example, instructing children of different backgrounds to paint their national flags in order to exhibit colorful pluralism, or to bring in food from their “home” to make the culture better known in a classroom, can further stress the difference between “we” and “the other,” contributing to prejudices and building subjective barriers between children.¹⁵²

The importance of early childhood education has only recently gained the attention of state supported programs, which were previously directed primarily at youth.¹⁵³ BMFSFJ now offers funding for developing appropriate education concepts in its program “Live Democracy—Active Against Right-Wing Extremism, Violence and Group-Focused Enmity,” as does the Federal Ministry for Education and Research (BMBF).

Traditional funding structures also pose challenges because they tend to fund short-term actions. Model or pilot projects often have important impacts in a local community, but these approaches are often not integrated into the larger

educational structures in Germany, which is crucial to long-term impact.

Addressing Institutional Racism

While the NSU case highlighted the issue of institutional racism, Germany still does not fully acknowledge the extent of institutional discrimination, preventing it from effectively dealing with it.

When the crimes of the NSU were first revealed, many wondered how the group was able to commit these crimes undetected for so long. The discovery of this terror group shocked the Turkish community, general public, and politicians. The Bundestag established two parliamentary investigation committees (*Parlamentarische Untersuchungs-Ausschüsse*, PUAs) in 2012 and 2015 to analyze the state's failure to investigate and to make recommendations to improve the practices of the police and intelligence services. Seven states also established PUAs between 2012 and 2016.

The PUAs established that public authorities have been underestimating right-wing extremism. The PUAs urged for the government to create a process to review police work and analyze mistakes. However, to date, neither the central issue of a racial motivation nor the discriminatory work of the intelligence and security authorities have been the focus of the PUAs. The PUAs have mostly considered the problem as failures of coordination, instead of considering institutional and structural discrimination as a root cause of the investigation's failures.

The NSU case was a central issue in Germany's CERD review, and in their concluding observations, CERD requested that Germany provide follow-up information on the progress of the NSU investigation. Germany opened their response to CERD stating, "We categorically reject the blanket accusation of institutional racism."¹⁵⁴ The problem cannot be fully addressed

if Germany does not acknowledge the extent of the problem.

As Germany became the Chair of the OSCE, the German Institute for Human Rights conducted an evaluation on Germany's implementation of selected OSCE commitments, including those related to tolerance and non-discrimination. In its commentary on the evaluation, Germany repudiated accusations that it had not adequately confronted institutional discrimination within law enforcement and in the public prosecutor's office.¹⁵⁵ This resistance to acknowledging institutional racism presents significant challenges to effectively dealing with it.

One of the PUAs' and CERD's central recommendations was to improve training for law enforcement, prosecutors, and the judiciary. This includes training on racial discrimination and intercultural competence as well as training specific to hate crimes.

In its follow up to CERD, Germany documented several police training programs underway as well as initiatives in development. These initiatives must be thoroughly evaluated to ensure their effectiveness.

Currently there are no comprehensive studies on attitudinal and behavioral patterns in law enforcement and the judiciary. However, a study of the Saxony-Anhalt State Police Academy found that police lacked sensitivity in dealing with immigrant victims.¹⁵⁶ The government is working with the German Institute for Human Rights to build on this training in the coming year.¹⁵⁷

The Federal Anti-Discrimination Office (ADS)¹⁵⁸ addresses various forms of discrimination in Germany. ADS was established to provide information on the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*, "AGG"), This 2006 anti-discrimination law implements four E.U. directives on equality. It provides counseling to

victims of discrimination, researches root causes and best practices, and organizes trainings and workshops.

There are additional anti-discrimination offices at the state and local level that work to enforce the AGG. However, much more could be done. Knowledge of the AGG varies among institutions and is not frequently the subject of training.¹⁵⁹ More should be done to ensure that all government employees understand anti-discrimination law and how it relates to their work.

Strengthening Responses to Hate Crimes

An effective response to hate crimes includes properly recording, investigating, and prosecuting incidents and providing appropriate support services to victims. Several new regulations and initiatives in this regard are positive developments, but more should be done to effectively respond to hate crimes.

Recording Hate Crimes

Germany has recorded hate crimes under the PMK framework since 2001. It has reported data to the ODIHR every year since 2009, when ODIHR started collecting this data.

Germany currently records hate crimes under the following subcategories: antisemitic, disability, xenophobic, social status, racism, religion, and sexual orientation. In 2017, subcategories will also include Islamophobic, anti-Christian, and anti-ziganist (anti-Roma and Sinti) offenses.¹⁶⁰ The expansion of the sub-categories for recording hate crimes is promising. More thoroughly disaggregated data will help develop effective policy responses to hate crimes.

The PMK framework has significant limitations, both in an overall lack of strategy as discussed above, and because incorporating hate crimes into extremism risks under-inclusion. In addition to

CERD's criticism on this point, civil society organizations have voiced concerns over the PMK system in Germany. It is described as "opaque" and unable to accurately describe the situation of various specific groups and minorities.¹⁶¹

In its evaluation of Germany's implementation of its OSCE commitments, the Germany Institute for Human Rights observed, "The extremism concept focuses primarily on subversive efforts and dedicates itself to averting dangers to the free democratic order. Therefore, bias-motivated crimes are often only recognized as such when they are linked to right-wing extremist perpetrators or organizations."¹⁶² While accurately capturing hate crime data is no doubt a difficult task, the PMK system seems to do little to alleviate the obstacles presented and may do more to add confusion.

Investigating and Prosecuting Hate Crimes

In 2015, in part because of pressure following the NSU revelations and the PUAs, Germany amended section 46 of its Penal Code to require that "racist, xenophobic or other inhumane motivations"¹⁶³ be considered as an aggravating circumstance in sentencing. In its most recent review, the CERD Committee commended Germany for this change.¹⁶⁴

The Guidelines for Criminal Proceedings and Fine Proceedings (RiStBV), a binding guide for police and public prosecutors, was also amended to state that "if there are indications that racist, xenophobic or other bias motivations exist, [...] the investigation is to be expanded to include these circumstances, as well."¹⁶⁵

In Germany, prosecutors have the discretion to not move forward with certain non-serious cases if there is no public interest in the case. The regulations were also amended to clarify that if the offense is bias-motivated, it is typically in the public interest to prosecute,¹⁶⁶ meaning the

prosecutor should move forward with these kinds of cases.

These are positive developments. By adding this sentencing enhancement, Germany fulfills the OSCE requirement to have specific regulations for hate crimes. The amendments to the RiStBV are a positive step toward ensuring hate crimes are properly investigated and that prosecutors bring charges. However, some have criticized the language used to implement these changes for being vague and neglecting certain groups, like LGBT people or people with disabilities.¹⁶⁷

The OSCE has provided guidance to participating States on developing hate crimes laws. While it's "good practice to use a combination of terms such as 'race', 'ethnicity', 'national origin' and 'nationality,'" the OSCE recognizes "there are no universal criteria for inclusion" and each country will need to do its own assessment.¹⁶⁸ To determine which characteristics should be protected, it should consider: "historical conditions; contemporary social problems; and the incidence of particular kinds of crime."

Civil society's dissatisfaction with Section 46 is reflective of the need for greater consultation to determine if Section 46 should be amended again to incorporate more protected characteristics. Hate crime laws should be developed according to the experience of each country, and to protect groups that are particularly vulnerable or marginalized. Broad civil society consultation is vital in this process.

A vital part of an effective response to hate crimes is accountability, including prosecution of offenders. The public trial of the remaining NSU member Beate Zschäpe began on May 6, 2013. The trial will determine the guilt of Zschäpe and four people charged with aiding the group, and whether the NSU should be classified as a "terrorist organization." The trial is not just about punishment, but many view this as an opportunity

for truth-telling and restoring confidence in the rule of law.

However, testimonies during the trial have suggested that authorities may have known more than they originally admitted to through the work of informants. The trial is moving at a slow pace, and there are several logistical limitations. Some victims are seeking civil penalties, but may be barred because of statutes of limitation.

After three years, the trial is still ongoing. Effective and speedy prosecution of those who commit hate crimes is an essential piece of the response.

Germany does not collect comprehensive data on prosecutions and convictions of hate crimes. This means it is difficult to assess its response to hate crime. However, human rights organizations have documented several instances of ineffective prosecutions of hate crimes and that courts often ignore bias motivations.¹⁶⁹ While the change to the sentencing law is relatively recent and it may be too early to draw conclusions on its effectiveness, clearly much remains to be done to ensure that hate crimes are effectively investigated and prosecuted.

Victim Support Services

The NSU trial highlighted the importance of providing victim-centered services in response to hate crimes. Instead of feeling stigmatized and targeted, victims and their family members should receive appropriate support services, including assistance with the legal process and counseling. While several efforts are underway in Germany to provide these services, they are underutilized.

Training of Relevant Authorities

In addition to general training on anti-discrimination, police and legal professionals should receive training specific to hate crimes, including how to identify and record them and how to interact with victims. CERD called on Germany to strengthen training of law enforcement on hate

crimes.¹⁷⁰ While there are several initiatives underway,¹⁷¹ these initiatives should be rigorously evaluated and modified to improve their effectiveness.

Other Initiatives

In response to rising politically motivated violence, the federal and state governments came together to discuss addressing racism and intolerance at the 2016 Justice Summit. The gathering was unique and praised as a first step.

The summit released a final declaration agreeing on several important steps, including: the need for specialized divisions to address politically motivated crime, which have been effective in the states that have implemented them; the need to address hate crime on the Internet because it is often the starting point for violent extremist offenses; the need for greater data collection and analysis regarding hate crimes; and the need for further training for judges and prosecutors. This collaboration should be sustained to see through these agreed steps.

Welcoming and Integrating Refugees

Germany has been a leader in the region because of its welcoming refugee policy, but lack of preparedness has prompted backlash to the policy.

As many other countries in Europe closed their doors, Chancellor Merkel kept Germany's borders open to refugees fleeing war and persecution in 2015 with the now famous statement, "Wir schaffen das," or "We can do it." The high point of her welcoming refugee policy was late in the summer of 2015, when Germany opened its borders to thousands of refugees traveling through Hungary.

However, over the past year, this policy has received mixed reception. While many are happy to welcome refugees and view it as a moral imperative, Chancellor Merkel's refugee policy

has been subject to much criticism and protest in Germany. Many commentators also attributed CDU's recent electoral losses to the refugee policy.

Chancellor Merkel has continued to defend her refugee policy. In response to the Berlin state elections, she maintained it was the communication of the policy, not the policy itself, that fell short: "If one of the reasons for the bad performance of the CDU is that the direction, aim and the underlying conviction of our refugee policy were not sufficiently explained to some people, I would like to put more effort into this."¹⁷²

Many experts, leaders, and advocates working on the ground in Germany agree with this sentiment. In our interviews many expressed frustration that the discourse labeled the refugee influx as a crisis rather than an opportunity. While supportive of the open-door refugee policy, they felt the government did not clearly communicate to the country the moral imperative of accepting refugees, nor did they get the "software" right, meaning they failed to anticipate community fears and put in place enough programs to make citizens confident that integration would be a safe process.

Right-wing groups were able to manipulate this emotional side of the response. Civil society has been relatively encouraged by the resources dedicated to refugee protection, but recognize that it is not enough to have an open-door policy. Germany must further implement commitments to refugee integration and ensure that refugees may fully participate and be welcomed in German society.

The number of refugees arriving in Germany dropped in 2016. Compared to the 890,000 asylum seekers who arrived in Germany in 2015, only 280,000 asylum seekers arrived in Germany in 2016. This is due in part to more restrictive

policies in Germany, the E.U.-Turkey deal, and border closures in the Balkans.

Germany is also investing in integrating and educating those who came to Germany as refugees, something it did not do with guest workers a few decades ago.¹⁷³ Education is crucial to the integration of newcomers to Germany. German-language education allows them to function more fully in society while education and degree conversion programs allow them to get jobs that meet their potential.

The Organization for Economic Cooperation and Development has praised Germany's efforts to improve access to education and the labor market for asylum seekers, but encourages it to continue to make progress in this area. An OECD report stated, "Refugee children and youth should be included quickly within the regular compulsory education system to avoid segregation and the standard curriculum should be supplemented with German language training."¹⁷⁴

In August of 2016 a law aimed at integrating refugees came into effect in Germany with the basic mission to "support and challenge" refugees (Fördern und Fordern).¹⁷⁵ The law provides for additional language classes, vocational training opportunities, limited labor market access, and for specific residency placements for refugees to share responsibility evenly between German states and to prevent high concentrations of refugees in certain areas.

Refugees who make efforts towards integration will receive benefits, such as permanent residency permits, if they reach certain language and integration criteria. Those who do not show adequate progress towards integration will face reduced benefits. However, refugee-supporting organizations like Pro Asyl have criticized this law, saying that it is counterproductive and may violate the constitutional rights of refugees.¹⁷⁶

Countering Hate Online

Although there are several initiatives to counter hate online, there is a need for more strategic thinking and engagement with civil society and tech.

The German Constitution protects free opinion and expression.¹⁷⁷ However, there are some limitations to this right and German criminal law regulates some forms of hate speech. The distribution of propaganda for anti-constitutional organizations and signs from prohibited parties are criminalized.¹⁷⁸ Incitement to hatred or violence on the grounds of nationality, ethnicity, or religion is also prohibited.¹⁷⁹ Under this provision, Holocaust denial is explicitly prohibited.¹⁸⁰

While the government does not yet seem to have a comprehensive strategy for handling hate online, its work in this area is expanding. In 2015 the Federal Ministry of Justice and Consumer Protection (BMJV) convened government representatives, internet providers, social media companies, and civil society actors as a task force to discuss strategies for dealing with hate speech on the Internet. Tech company participants included Facebook, Google, and Twitter.

The convening resulted in a working paper titled "Together Against Hate Speech" that establishes best practices the parties agreed on. The paper called for companies to improve their complaint processing, provide user-friendly mechanisms to report content, and implement transparent terms and conditions addressing how they handle such requests.¹⁸¹ It instructed the companies to review, and remove if necessary, the majority of flagged content within 24 hours. The working paper also asked civil society to support tech companies in this process and share information.

This example of dialogue between tech, civil society, and government is promising. Countering hate online is complicated, and requires the active participation from all stakeholders. Responses to

hate should also protect the human right to free expression. Continued dialogue and efforts to counter hateful narratives, not just remove them, should be prioritized.

It appears Germany might be getting ready to take a tougher stance with tech companies. Justice Minister Heiko Maas has repeatedly criticized Facebook for its inability to promptly remove content that is illegal in Germany, which he asserts Facebook promised in 2015 through the task force.¹⁸²

After a complaint lodged by a lawyer in Germany, prosecutors in Munich are investigating Mark Zuckerberg and other Facebook senior executives for failing to block content that is illegal in Germany. This is the second such suit in Germany—the first was dismissed for jurisdictional reasons.¹⁸³ Germany seems ready to address its concerns through legislation soon, citing insufficient rates of deletion for flagged content.¹⁸⁴

Civil Society Responses

Civil society plays an important role in countering right-wing extremism and promoting tolerance. Civil society in Germany is engaged from a grassroots level researching and documenting the causes of radicalization and holding the government accountable through participation in international organizations and law mechanisms.

Promoting Democracy and Tolerance

Civil society is deeply engaged in promoting democracy and tolerance. Religious organizations, charitable organizations, NGOs, local community groups, political and non-profit foundations, university institutes, youth organizations, migrant organizations, and others have engaged in a wide array of projects to understand the root causes of intolerance,

develop tolerance-promotion activities, support grassroots initiatives, and critically assess the government's policies. Some activities include poster campaigns,¹⁸⁵ creating materials to serve as models for discussion topics,¹⁸⁶ recognizing successful and innovative projects countering xenophobia by awarding a prize,¹⁸⁷ and more.

Local groups are also trying to promote dialogue between different religions. Some examples: Salaam-Shalom¹⁸⁸ is an interfaith and intercultural initiative aimed at promoting tolerance and raising awareness around social and institutional exclusion. It seeks to change mainstream dialogue and dispel dangerous group-based stereotypes. Dialogue Perspectives, a project of the Ernst Ludwig Ehrlich Scholarship Fund (ELES), is a multi-faith initiative¹⁸⁹ that engages interfaith groups in conversations about the role of religion in society.

Religious groups are also engaged in interfaith dialogue through various councils that bring together leaders of all faiths. The Kreuzberg Initiative against Anti-Semitism (KIgA),¹⁹⁰ founded by young Muslims of Turkish origins, with an interfaith staff, was one of the first German civil society initiatives to develop education-based methods for dealing with antisemitism in a multicultural German society.

De-Radicalization

The *Violence Prevention Network* has worked since 2001 to deradicalize young people who have committed right-wing extremist or religious fundamentalist motivated crimes.¹⁹¹ Trained coaches help youth change their attitudes and behavior through anti-violence training and civic education in prisons, youth detention centers, as well as in the months after a participant is released from custody. To bolster these efforts, academics are engaged in long-term studies of PEGIDA supporters to better understand what drives individuals to right-wing extremism.

Countering Online Hate, Extremism and Misinformation

Civil society has led the way in countering extremism and promoting tolerance on the Internet. They were active partners in the initiative of the BMJV to foster dialogue between civil society, tech, and the government. They have also been involved in efforts to develop strategies to develop counter-narratives on social media.¹⁹²

- **Facebook's Online Civil Courage Initiative (OCCI)** in partnership with Amadeu Antonio Stiftung: The OCCI is a European project to challenge hate speech and extremism online. OCCI supports European NGOs and activists countering extremism and hate speech online, develops effective methods, and assists in research on the relationship between online speech and offline action. OCCI seeks to amplify the voices of those spreading positive message of tolerance. This is a good example of how civil society and technology companies can pair needs and capabilities to address a social issue.
- Hate against refugees is fueled by the spread of misinformation online. Some sources attempt to post false stories of refugees committing crimes. In an effort to counter this, a German woman launched a website called **Hoax Map**¹⁹³ to debunk false rumors about refugees in 2015. The website tracks false stories and allows users to interact with the map to learn more about the spread of misinformation targeting migrants.

Refugee Assistance

Approximately 11 percent of the German population volunteered to help refugees last year, with activities ranging from donating clothes or funds, to tutoring German, to taking refugees into their own homes.¹⁹⁴ They have coordinated and attended refugee welcome campaigns at train stations throughout Germany as well as anti-

PEGIDA marches, where they have often outnumbered the number of PEGIDA demonstrators.¹⁹⁵ Private citizens are engaged to help combat hate speech online by reporting such incidents to authorities or special initiatives.¹⁹⁶

Participation in Multilateral and International Bodies

Civil society was very engaged in Germany's most recent review by the CERD. A group of NGOs and lawyers came together to submit a shadow report during Germany's 2015 review to provide information about the NSU trial and urge CERD to consider what steps Germany must take to address institutional racism.¹⁹⁷

In part because of their advocacy, CERD requested more information from Germany on the NSU case and called on Germany to fully investigate the case and implement measures such as law enforcement training to address institutional racism.

Civil society is a key actor in international and multilateral bodies. Germany's civil society engagement in the CERD review process is an excellent example of the impact it can have. However, German civil society is less focused on multilateral bodies. German civil society should enhance its engagement with these institutions.

U.S. Government Responses

Support from U.S. Leadership on Issues of Tolerance

The United States was a strong ally of Germany in its OSCE chairmanship and supported Germany's effort to promote tolerance in the OSCE. In his opening remarks at the 2016 OSCE Ministerial, Secretary of State John Kerry urged participating States to remember that a commitment to democratic institutions and tolerance is at the heart of the OSCE.¹⁹⁸

Although no decision in the human dimension (the OSCE arena dealing with human rights and democracy) was adopted at the 2016 OSCE Ministerial Council, the United States worked tirelessly alongside Germany advocating for adoption of the IHRA and EUMC working definition of antisemitism, and supporting civil society efforts to build up awareness on issues such as combating hatred online. The U.S. Helsinki Commission has continuously promoted awareness in the U.S. Congress.

U.S. leaders have expressed their commitment to supporting European governments in countering hate, intolerance, and extremism. Congress has urged the State Department and other agencies to work with their European counterparts on issues of antisemitism and has put forward concrete legislative proposals to support civil society in combating antisemitism and other forms of intolerance.¹⁹⁹ President Obama and former U.S. ambassador to the U.N. Samantha Power have also recognized the need to confront growing antisemitism in Europe.²⁰⁰ Under their leadership helped galvanize the UN holding the first two UN events on antisemitism. This is an important legacy of the Obama administration that should be carried on into the new administration.

When releasing the 2014 Report on International Religious Freedom, Ambassador David Saperstein stressed the importance of protecting religious minority communities, particularly in the aftermath of terror attacks. Citing the influx of refugees, he also called on European governments to “uphold their obligations for humane treatment of refugees and ensuring that individuals do not face harassment or discrimination on account of their Muslim faith.”²⁰¹

President Obama has repeatedly praised Chancellor Merkel for her leadership on refugee integration in Europe, including in his address to the U.N. General Assembly.²⁰² He commended her for doing the right thing, even if the politics are

hard. He has called her his most important ally on the world stage. This close relationship between the United States and Germany must remain a foreign policy priority in the new administration.

However, words of encouragement are not enough. There is a need for greater technical support and cooperation between the relevant government agencies in the United States and Germany. The U.S. government has been in constant communication with the German government to discuss the refugee crisis. One example of such cooperation was the recent Leaders’ Summit on refugees that was held at the U.N. General Assembly in New York, co-hosted by the United States, Germany, Israel and the European Union.²⁰³

The United States has historically been a strong partner in promoting tolerance. The Trump Administration and Congress should maintain this partnership. Following a political campaign in the United States characterized by hateful, discriminatory rhetoric, Chancellor Angela Merkel and others expressed concerns that the bigotry and hatred will carry over into his administration. She cautioned that the health of the relationship between the United States and Europe depends on President Trump adhering to the “shared values of freedom, democracy, and respect” and has reminded him of obligations under the Geneva Convention.

Sharing Best Practices

Intolerance and hateful rhetoric are also gaining more traction and public airing in the United States. This is often matched with hate crimes. Anti-Muslim and anti-refugee policies are being proposed and enacted in a backlash to the refugee crisis. Politicians are coming to power by teasing out these fears and prejudices.

Institutional racism among law enforcement persists in the United States as well. These problems are shared challenges, and the United

States must be humble in its relationship with European counterparts, acknowledging its own challenges and missteps. The United States and Germany face similar obstacles, and both must address these trends within a federalist system and among serious social and political divides.

However, despite these similarities, there are significant differences that must be recognized in U.S.-German relations. For instance, while hate speech is protected in the United States, hate speech is criminalized and Holocaust denial is illegal in Germany. These differences should be closely examined to find common ground on priority issues so that they do not inhibit broad cooperation between the two countries.

The United States and Germany must create sustainable pathways to share best practices. There are several examples of exchanges between the two countries.

For instance, the Welcoming Communities Transatlantic Exchange²⁰⁴ is an opportunity for local leaders in Germany and the United States to meet and share best practices related to welcoming and integrating migrants and refugees. This program is focused on reaching the local level to strengthen the capacity of communities in the countries to receive refugees.

Technology Companies

Technology companies have partnered with civil society to develop initiatives like OCCI to counter hate online. They have engaged with the government and civil society to formulate practices to respond to illegal content on social media. Increased engagement of technology companies on this issue is promising.

These companies do have a variety of community policies that regulate the behavior of their users. Under Facebook's Community Standards, credible threats of physical harm²⁰⁵ and harassing content that targets private individuals²⁰⁶ are

removed. Facebook's policies also state that they remove hate speech and "organizations and people dedicated to promoting hatred against these protected groups are not allowed a presence on Facebook."²⁰⁷ The social media platform relies on its users to report this content.

The German government²⁰⁸ and the European Commission²⁰⁹ have criticized tech companies for their slow response time in removing illegal or prohibited content. Although they are supposed to review the majority of flagged content within 24 hours under the EU Code of Conduct on Countering Illegal Hate Speech Online,²¹⁰ the assessment found tech companies only reviewed 40 percent of the flagged content in less than 24 hours.²¹¹ An additional 43 percent was reviewed within 48 hours.²¹²

However, these efforts have received critical attention from human rights and free expression groups. For instance, Article 19 and European Digital Rights (an association of civil and human rights organizations across Europe) are critical of the code and other similar national efforts that put primary responsibility for taking down content in the hands of private companies. Their concerns are rooted in the fact that often unclear and less transparent terms of use policies overtake the role of law enforcement and private companies are not well-suited to adjudicating measures affecting fundamental rights and the illegality of content.²¹³

Recommendations

The problem identified in this report—politicization of social attitudes, institutional discrimination, the rise of hateful rhetoric contributing to spikes in hate crimes—is not limited to Germany, and similar trends have taken shape in the United States.

In the most recent election cycle candidates preyed on people’s fears to get votes and openly promoted discrimination and hatred of Muslims, migrants, Jews, and other ethnic, racial, and religious minorities. Instead of widespread condemnation, policy proposals rooted in racial, ethnic, and religious bigotry became increasingly accepted. Social media contributed to the spread of intolerance and misinformation, occurring parallel to hate offline.

The Southern Poverty Law Center reported 1,094 bias-related incidents between November 9 and December 12, 2016,²¹⁴ as well as the prevalence of anti-Muslim sentiment in extremist Twitter accounts.²¹⁵

Institutional discrimination, particularly among law enforcement, is also a challenge in the United States. High profile killings of African Americans and other people of color have ignited a discussion of this same topic in America. Police violence often goes unpunished and accountability mechanisms have proven ineffective.²¹⁶

Such discrimination in the United States has also manifested itself in policing tactics and disparities in sentencing. It impedes law enforcement’s ability to protect the communities it is tasked with serving, including in response to hate crimes.

Much of the path forward for Germany and the United States will overlap and influence each other. It will require working not just at the federal level, but state and local—and international as

well. A joint commitment to addressing xenophobia, extremism, and hate violence must be the starting point.

Countering Extremism and Promoting Tolerance

Against the backdrop of recent spikes in intolerance and hate in both Germany and the United States, there is an urgent need for bilateral cooperation to counter extremism and promote tolerance.

- **The German government should continue to play a leadership role in multilateral and international bodies on issues of antisemitism, anti-Muslim bigotry, and other forms of intolerance.** As the United States transitions to a new administration that may be less committed to prioritizing tolerance, Germany will need to strengthen its leadership efforts. Its financial support as Chair of the OSCE for civil society’s capacity to confront these issues has been instrumental and should be continued by both governments and future chairs.
- **The U.S. government should not abandon leading on issues of antisemitism, anti-Muslim bigotry, and other forms of intolerance.** After a divisive and toxic election cycle, our allies question our shared commitment to these values. Senior U.S. officials should strongly reiterate their support for these values and their vision for an inclusive, democratic society.
- **The U.S. government should continue to support initiatives to strengthen democracy,** which at its core includes the values of tolerance and diversity. While it is unclear what the priorities of the new administration will be, allies in Congress have been spearheading support for a European Democracy Initiative, “which would bolster

those democratic institutions vulnerable to Russian pressure.”²¹⁷ German backing for such a project would be welcome as would demonstrations of broader European support for the U.S. Congress to push through and spearhead this and similar initiatives.

- **The U.S. Congress should continue to support efforts to coordinate with U.S. and European civil society organizations to combat religious, ethnic, or racial intolerance.** Section 419 of the 2017 State Department Authorization Act directs the Office of the Special Envoy to Combat and Monitor Anti-Semitism to coordinate with U.S. and European civil society organizations on activities focusing on antisemitism and religious, ethnic, and racial intolerance in Europe. Section 419 provides an important vehicle for the U.S. government to support its key allies in fighting intolerance and push back against those who threaten the vision of Europe as whole, free and at peace. The U.S. Congress must continue to support and expand these initiatives to foster transatlantic cooperation on issues of intolerance, hate, and extremism.
- **The U.S. and German governments should develop common strategies to fight intolerance.** Both countries have experienced similar trends with rising levels of hate speech and attacks, and can learn from each other. This collaboration must include civil society and partnerships with the private sector. A platform or exchange for sharing case studies and expertise on how the United States addresses issues of antisemitism, anti-Muslim bigotry, and anti-refugee sentiment would be a welcome and needed initiative.
- **The German government should rigorously evaluate existing programs and strategies countering extremism and intolerance.** This evaluation should be

focused on assessing their effectiveness. The United States can support Germany in this by sharing best practices in monitoring and evaluation.

- **The German government and civil society should undertake collaborative efforts to understand the development of xenophobic and extremist attitudes and the most effective interventions for de-radicalization and prevention.** Additional data is needed to inform policy, including studies to understand right-wing extremist attitudes. Programs to counter extremism and intolerance should be evidence-based. These studies should also include efforts to understand the development of aggression and prejudices in children. Sharing results would be valuable.
- **Germany should focus on youth,** cultivate innovative new voices, and foster a deeper understanding of Germany’s history. Germany’s history is an underlying factor in policy approaches, but young people do not have the same connection to the past. Germany must start early by helping children develop open-mindedness, empathy, resilience, and the values of tolerance and inclusion. Addressing prejudices and extremism among all age groups is important, as is taking into account the different contexts in East and West Germany—the younger population in the east has higher rates of far-right views, whereas the oldest group in the west has higher rates of far-right views.²¹⁸ However, youth presents a special opportunity to build a future vision of society.
- **Community, cultural, faith-based, and other groups should facilitate increased opportunities for interfaith and intercommunity exposure and collaboration.** These opportunities, which should be appropriately designed and

facilitated, build tolerance as different groups are exposed to each other. A pilot project in Dresden illustrates an important caveat: the design of the interventions is critical as good intentions can lead to unintended counterproductive effects. Well-designed initiatives should also include religious and non-religious actors, activists and advocates, and marginalized communities, such as the LGBT community. While each community faces intolerance and discrimination in different ways, many groups acting in solidarity with each other will contribute to a more inclusive society.

Addressing Institutional Racism in Law Enforcement

- **Germany should implement the 2015 CERD recommendations** to bolster training for law enforcement officials on racial discrimination, combating racial discrimination, and investigating hate crimes. In response to shadow reports submitted to CERD during its reporting cycle, CERD offered several recommendations to address shortcomings in investigating racially motivated acts. It recommended mandatory training and testing of law enforcement “on racial discrimination and measures to combat racial discrimination, and report and investigate hate crimes.”²¹⁹ While several important steps to increase training have begun, these efforts should be strengthened. This training should also include anti-discrimination and the AGG (Germany’s general anti-discrimination law).
- **German and U.S. law enforcement communities should work to diversify their police forces.** The police force is disproportionately white and male, in both Germany and the United States. In Germany, police officers encounter migrants and foreigners often only through their job, and then in relation to criminality. It is critical for police forces to be more reflective of the communities they serve.²²⁰ It is worth examining civil engagement roles for police officers to experience positive aspects of diversity.
- **The German government should develop external accountability mechanisms.** An independent body should do a comprehensive review of the way institutional racism is embedded and functioning within the law enforcement structures. An independent ombudsman position could be created outside of official structures, particularly in communities such as Dresden where police are not believed to be “upholding the duty of neutrality.” This would serve as a check on institutional racism within law enforcement. This body should investigate acts of racial discrimination by law enforcement.
- **Germany and the United States should share best practices to address institutional racism among law enforcement.** Both Germany and the United States struggle with this issue. The German government, U.S. government, and civil society from both countries should create opportunities and platforms to share best practices. Many of the recommendations for Germany to address institutional racism, such as increased training, diversifying law enforcement, and independently investigating instances of discrimination by the police, are also the same recommendations advocates in the United States have pushed the U.S. government to do.²²¹

Strengthening Responses to Hate Crime

- **The German police and Federal Statistical Office should review the PMK system** to ensure that there is a clear, transparent, and workable system to collect data on hate crimes and reduce underreporting. In the process of reviewing the PMK system, consultation with civil society and affected communities is crucial. The United States should also share best practices on hate crime data collection and learn from Germany's experiences.
- **Germany should collect prosecution and sentencing data.** In order to understand the effectiveness of the new hate crime regulations and if crimes are being investigated and prosecuted, Germany should collect prosecution and sentencing data and submit this information to ODIHR for its annual hate crimes report.
- **The German police force should improve their communications training and process for counseling referrals.** The NSU investigation committee in the Bundestag (UABT) recommended special communication trainings for dealing with victims and surviving relatives,²²² and that police officers refer victims and surviving relatives to specialized counseling services provided by independent agencies/NGOs.²²³ The German government should enhance efforts on communications and sensitivity training and support civil society initiatives to make counseling more widely available.
- **Germany should increase police resources to protect communities from hate crime.** Police have increased responsibilities with the influx of refugees and are stretched thin protecting refugees from hate crimes. As the

scale of the problem has increased, personnel and resources should also be comparably increased to allow them to do more and with greater efficacy.

Refugee Policy and Integration

- **The German government must restore society's confidence in its ability to manage and integrate the large numbers of refugees and migrants in a way that is inclusive, safe, rights-respecting, and lawful.** Urgent tasks include processing asylum applications with greater speed, increasing support for states and communities, and focusing on integration.
- **The German government must remain committed to accepting refugees.** Given the political situation in Germany and recent electoral setbacks for Merkel's party, it may be tempting to step back from the welcoming refugee policy. However, it is vital that Germany continue to be a leader on refugee issues.
- **Germany must continue to support refugee integration and apply learning to improve the integration of refugees.** Effective integration of refugees will contribute to a strong and cohesive German society. To do this, Germany should offer more language classes, improve the process of recognition of employment qualifications, and provide profession-based German language courses to enable refugees to successfully work in their fields of expertise. These efforts should also include additional tools and resources for schools receiving refugee students. Integration efforts should also address the responsibility of living in a pluralist democracy, which includes respecting the rights of others and valuing diversity as an asset to society.

■ **There is a public diplomacy challenge, both in Germany and the United States, for the governments to better address concerns of citizens and counter political fear-mongering strategies.**

- The German government should address legitimate concerns of citizens about security risks while putting such concerns into context, and reframe the arrival of the refugees as an opportunity. This should be coupled with placing a values-based emphasis the importance of tolerance and acceptance. Far-right parties capitalize on fears of the population using emotional language. The government should communicate that it understands the anxieties the population faces. Not only is there a moral imperative, but there are some who believe that if managed properly and if refugees are given the proper support services for integration and education, there may broader economic benefits to Germany.²²⁴
- German leadership should work to incorporate inclusivity into the national identity. The task for doing so differs in East and West Germany. While in the west there is a longer tradition of understanding diversity and inclusion as necessary parts of a democratic system, in the east there is a greater need to communicate, educate, and build support around this core value.
- U.S. congressional leaders and state and local officials must take on this role in the U.S. They should strongly denounce fear-mongering strategies and refugee policies based on bigotry.
- **Senior government leaders in both Germany and the United States should avoid using language that fuels a “clash of**

civilizations” narrative and instead urge tolerance and inclusion. President Trump’s campaign was filled with hateful language directed at Muslims and Muslim refugees. He consistently described Muslims as a “problem” that needed to be addressed. In voicing some support for a burka ban, Merkel said “The full veil is not appropriate here, ... it does not belong to us.”²²⁵ Such language expresses hostility towards Muslims as a group and fuels an “us-versus-them” narrative that ultimately undermines security and stability.

- **Religious leaders should make joint statements against intolerance.** Joint statements from different religious leaders can be a powerful voice. Many faith organizations have spoken out in support of Merkel’s refugee policies. Faith leaders should continue to speak out on inhumane refugee policies and all issues of intolerance and hate violence.

Hate Online

- **Tech companies should examine their role and responsibility in preventing the spread of misinformation, intolerance, and extremism online.** The Internet is a key platform for those spreading hate and misinformation. As more people use social media as their primary source of news, technology and social media companies must rethink their role as responsible corporate citizens. While still maintaining a public and user-driven platform, technology companies should consult with civil society and the government as stakeholders in how they redefine their responsibilities in the fight against intolerance and the spread of hatred. These responsibilities should be well-defined and incorporate human rights and governance concerns.

- **Governments should engage tech companies and civil society to prevent the spread of misinformation, intolerance, and extremism online.** The U.S. and German governments should forge more constructive relationships between technology companies and civil society to better partner together in combating intolerance, misinformation, and extremism. Tech and government officials are often already in contact, whereas civil society often has less access to, or less perceived leverage with, high-level decision-makers of technology companies. The government can help facilitate or structure new relationships.
- **Civil society and tech should continue counter-narrative efforts** and studies to understand what drives right-wing extremist ideology and how to combat it.
- **Civil society, both in Germany and the United States, should build their digital skills.** The rise of hatred online is one of the most significant drivers of increased enmity online and offline. Several encouraging initiatives, such as Facebook's Online Civil Courage Initiative, are underway. Tech companies should continue to be a resource to civil society as they implement innovative approaches to countering extremism and intolerance.
- **The German government should avoid unintended consequences in responding to hate speech.** As the German government responds to hate speech, the right to free expression must remain a central pillar of its approach. Tailor responses (and measure them) to hate speech to ensure that the responses do not drive those sympathetic to PEGIDA closer to their ideology by overbroad directives to remove speech.
- **Tech companies should support international, multilateral, and regional efforts to create working standards related to online hate and extremism.** The recent E.U. Code of Conduct on Illegal Hate Online is an important development, but would have benefited from earlier consultation with civil society and suffers from concerns about how it balances free speech. It also improperly delegates overbroad authority to private companies, and replaces the role of law with unclear and less transparent terms of use, which are private contracts. Tech companies should continue to work in international, multilateral, and regional bodies as they develop standards and principles for addressing key human rights issues and promote consultation with civil society and human rights groups in the process.
- **Tech companies should build industry-wide coalitions to share best practices on key human rights issues.** Disjointed and ad-hoc initiatives to address intolerance and extremism will be insufficient to address one of the most challenging and complex human rights issues. Industry-wide collaboration will facilitate the adoption of best practices and make a larger impact.

Strengthening the Role of Civil Society

- **German civil society should diversify their funding sources.** The government has been the major funder of German civil society. A dedicated effort is needed to build connections to potential donors, support collaborative efforts to develop cofounding mechanisms, and establish greater independence through other funding streams. This will also help build a wider base of support for their missions among society.
- **German civil society should increase engagement with international and**

multilateral frameworks. Civil society engagement in the 2015 CERD reporting cycle for Germany was a great example of the influence civil society can have in international and multilateral frameworks. This engagement pushed the Committee to critically examine the NSU case and institutional discrimination among law enforcement in Germany. Germany's chairmanship of the OSCE in 2016 was also devoted to increasing the organization's capacity to support civil society in combating antisemitism and intolerance. Building partnerships with other countries and seeking outside coalitions will help Germany's civil society grow and apply new approaches. German civil society should continue to engage in these frameworks.

- **The U.S. Congress and State Department should facilitate additional funding to civil society and find ways to partner in coalitions,** including with groups in the United States working to foster tolerance and social cohesion. A joint fund could be considered.
- **The German government should increase support for and evaluation of civil society activities.** Over the past two years, there has been a significant investment of resources in civil society programs through grant funding in Germany. The government must implement these grants in a transparent and collaborative manner and include effective evaluation and monitoring programs. ■

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