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Interim Report

of the Commission of Inquiry 6/1

**'Causes and Forms of Racism and Discrimination in
Thuringia and their Effects on Social Coexistence and
Free Democracy'**

The Commission of Inquiry 6/1 presents the following interim report to the State Parliament pursuant to § 84 Para. 5 of the Rules of Procedure of the Thuringia State Parliament in conjunction with the decisions of the State Parliament dated 26.01.2017 – Document 6/3374 – and 23.05.2018 – Document 6/5765:

Note from the State Parliament Administration:

The interim report can be viewed in electronic form in the information system for members of parliament and in the parliamentary documentation at www.parldok.thueringen.de/parldok/ under the document number given above.

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Glossary

| Term | Definition/Explanation | Reference |
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| Agitation | A media technique, largely synonymous with the term propaganda, refers to the verbal or written activity of political leadership groups or of the mass communication means that are in their control, with the aim of spreading certain ideas, slogans, and political views among broad masses of people to build forces through persuasion and political (re-)education to solve important social and political tasks or to defeat political opponents. [...] | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |
| Ambiguity tolerance | The ability to tolerate ambiguity and contradictory behavioural expectations in social interaction and to cope with them in a practical manner. Key competence for the development and assertion of personal identity and biographical continuity. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Asymmetries | <p>Quality of a → relation</p> <p><u>Symmetry:</u> Proportion, harmony; the uniform arrangement of values [...]</p> <p><u>Here it is understood as:</u> the uneven distribution of socially or societally relevant resources (e.g., power, information, knowledge), which could also potentially be equally (symmetrically) distributed</p> | <p>Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011.</p> <p>Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994.</p> |

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| Biological positions | A school of thought that represents the differences between human beings as 'natural', i.e., rooted in nature and biology. This is associated with the idea that these differences are correct and unchangeable ("That's just how it is in nature!"). The term biologism is used to describe this view, which overlooks socio-cultural conditions. | Amadeu Antonio Foundation; http://www.gender-und-rechtsextremismus.de/service/glossar/biologismus/ |
| Esprit de corps | → <u>Group spirit</u> : Term for the feeling of solidarity and togetherness of the members of a group. The group spirit is particularly expressed in the fact that the group protects its members against attacks and criticism from non-members. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Curricula (plural) | Refers to a syllabus or teaching programme that is based on teaching objectives to be achieved through a learning process or study programme. | H.-E. Tenorth, R. Tippelt (ed.), Lexikon Pädagogik, Weinheim: Beltz 2007, 137f. |
| Discourse shift | → <u>Discourse</u> : Generally the successive, logical progression from one particular argument to another through conceptual thinking. <u>Here it is understood as</u> : A gradual change in the way a topic is socially/politically negotiated. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Disciplinary | Related to specialist academic fields (disciplines) | |
| Diversification measures | Measures that are aimed at promoting social diversity. | |
| Diversity management | Management concept, managerial social engineering to use the diversity of a group of employees having different individual competence profiles as a productive corporate resource. The concept claims to be based on the | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für |

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| | acknowledgement of diversity or differences, which should be included empathetically. | Sozialwissenschaften 2011. |
| Diversity strategies | Method for implementing measures that are aimed at promoting social diversity. | |
| Data on unreported crimes | A crime that has remained 'officially' unknown and therefore does not appear in official files or official statistics. [...] The difference between officially registered offences and alleged crimes that are not officially reported. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Governed by ordinary law | Governed by law, but not enshrined in the constitution. | https://www.duden.de/rechtschreibung/einfachgesetzlich (last retrieved on 14.11.18, 15:00 hours) |
| Non-constitutional | See Governed by ordinary law | |
| Empathy | → <u>Empathy</u> : Term for putting oneself into another person's position (or identifying with that person) with the aim of understanding that person through the internal understanding of his/her behaviour. Empathy is a result of one's own behaviour and one's own experiences with others. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Empowerment, empower to | (Self-)enabling of socially disadvantaged groups to take self-determined action so that they can actively participate in decision-making processes and measures that affect them and can participate equally in the economy, society and politics. On the one hand, this concept, which originated with the American Civil Rights Movement and Women's Liberation Movement, postulates the change of perspective from marginalised and stigmatised deficits to existing resources, strengths, abilities and potentials of individuals and groups. It promotes the discovery, | Dieter Nohlen, Rainer-Olaf Schulze (ed.), Lexikon der Politikwissenschaft, Vol. 1, 4th updated and enlarged edition, Munich: C.H. Beck 2010, p. 200. |

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| | awareness and development of one's own powers and confidence in them. On the other hand, it is characterised by the socio-political content of an emancipatory nature that is rooted in overcoming social injustices, disadvantages and inequalities. | |
| Epistemic violence | <p>→ <u>Episteme</u>: [...] in a given culture, the relationship between perceptible things and what can be predicted about them, i.e., known about them; is coded in a specific way.</p> <p><u>Here it is understood as</u>: Social conditions and mechanisms by which members of socially marginalised groups are not included in social negotiation processes.</p> | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Ethnocentrism | Term to describe the tendency to value the qualities (values, norms, etc.) of one's own group, particularly one's own ethnic group, as being higher than the qualities of other groups and to use them as a reference system to judge the other group, so that the members of one's own group are generally seen as having higher value than those of the other group. The ideologised form of ethnocentrism of national groups is termed 'nationalism'. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Gender check | <p>→ <u>Gender</u>: Gender identity of human beings as a social category. (For example, with regard to one's self-perception, self-esteem or role behaviour)</p> <p><u>Here it is understood as</u>: A checklist for the implementation of legal requirements with regard to equal opportunities for different groups of people in companies/administrations</p> | Duden – Das Fremdwörterbuch, 9th edition, Mannheim: Dudenverlag 2009, p. 357, column 3. |
| Hate speech | A statement intended to demean and brutalize another. | |

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| Hegemonial | <p>→ <u>Hegemony</u>: 'Supreme Command', a specific political or social relationship between superiority and subordination in which, while maintaining formal equality of the participants, one of them assumes a higher status in fact and law. Hegemony is different from other conditions such as power, institutionalised rule, etc., due to its loose and unspecified form that adapts to changed situations. Hegemony can be based solely on de facto supremacy without institutional or legal regulations to back it. Every once in a while, it is just an expression of an ideological claim, on which current and future struggles and rivalry for gaining influence are based. States or social groups that exercise hegemony generally do not engage in complete submission of the weaker partners. Hegemony also means that the de facto superiority of one political or social force over others is outwardly concealed, attenuated or disguised by emphasising common interests and problems of relationships with outsiders in (allegedly equal) alliance agreements.</p> | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |
| Data on reported crimes | In criminology, those punishable acts which have become known to social control authorities. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Heterogeneity | Social diversity, term for social complexity, variety and differentiation of the social structures of highly developed industrial societies or, in particular, the urban regions within these societies. In contrast, social homogeneity (uniformity) is a structural feature of pre-modern societies and developing countries. | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |

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| Homogeneous | → <u>Homogeneity</u> : Similarity, closeness, in sociology. Structural feature of societies with a less developed division of labour, with simple social relationship structures and insignificant conflicts of interest. Ethnic homogeneity refers to the compliance of a society with an ethnic group. | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |
| Homogenised | See Homogeneous | See Homogeneous |
| Ideological | → <u>Ideology</u> : A system of beliefs and ideas, which serves to enforce power interests in society and reproduces social reality in a slightly distorted manner in order to fulfil this role. [...] | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| To implement | → <u>Implementation</u> : Term for the use and implementation of political programmes and state laws. [...] | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |
| Inclusion | Equal participation of all people in all relevant social areas | |
| Related to inclusion policies | Political measures that aim at inclusion | |
| Intended | → <u>Consequence</u> : Consequences of certain actions can be consciously intended or planned and desired as well as unintended. Intended consequences are desired and planned depending on the value and sense orientations, purposes and goals of the individuals and collectives involved. | Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994. |
| Colonial continuities | Persistence of the vestiges of German colonial rule. | Duden – Das Fremdwörterbuch, 8th edition, Mannheim: Dudenverlag 2005, p. 560, column 2. |
| Colonialism | Attitude and activity of interest groups and states aimed at the | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, |

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| | acquisition, preservation and exploitation of ownership and domination over foreign regions | Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Constituting | Establishing, founding | https://www.duden.de/rechtschreibung/Konstituierung (last retrieved on 19.11.2018, 14:37 hours) |
| Culturalise | One-sided and static representation of 'culture' as something that shapes the identity and action of groups of people | |
| Marginalisation | <p>→ <u>Marginal:</u> marginalised, [...] term for the situation of individuals and (sub-)groups who hold a position on the margins of a group, a social class or stratum, society and so on. A marginal individual, [...] is referred to as a marginal personality or outsider, sometimes also called person on the margin; marginality is infrequently also termed marginal existence, marginalisation. The term applies particularly to the situation of persons who stand on the border between two groups or classes and are not fully integrated into either. Marginal individuals generally suffer from norm and role conflicts, status insecurity, disorientation and discrimination. [...]</p> <p><u>Here it is understood as:</u> Demographic groups being pushed to the 'margins' of society</p> | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Mentality | Refers to dispositions of thinking, perception and behaviour that characterise actions and attitudes in a specific way: "standard of living, habits of consumption and of lifestyle in general, use of leisure time, literary taste, patterns of family life and sociability – a thousand details of everyday life together form the type of lifestyle and this is an expression of | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |

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| | mentality". Mentalities can be characteristic of time periods and cultures as well as social situations. | |
| Methodology | Theory of methods; in a broader sense, corresponds to the concept of theory of science. In a narrower sense, methodology involves only the analysis of scientific methods, particularly with regard to the scientific and theoretical objectives of their application. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Monitoring | Surveillance, supervision | https://www.duden.de/rechtschreibung/Monitoring (last retrieved on 19.11.2018, 15:01 hours) |
| Screening of standards | → <u>Screening:</u> Review <u>Here it is understood as:</u> Review of statutory provisions | https://www.duden.de/rechtschreibung/Screening (last retrieved on 19.11.2018, 15:05 hours) |
| Amendment | Revision, improvement | https://www.duden.de/rechtschreibung/Novellierung (last retrieved on 19.11.2018, 15:09 hours) |
| Representatives | All chairwomen and chairmen (people who represent the interests of a particular group, etc.). | https://www.duden.de/rechtschreibung/Obleute (last retrieved on 15.11.18, 13:52 hours) |
| Ombudsman's office | → <u>Ombudsperson:</u> A person who safeguards the rights of citizens against the authorities <u>Here it is understood as:</u> A neutral/independent arbitration body | https://www.duden.de/suchen/dudenonline/Ombudsmann (last retrieved on 19.11.2018, 20:25 hours) |
| East deprivation German | → <u>Deprivation:</u> Feeling of impairment, withdrawal or discrimination. | Duden – Das Fremdwörterbuch, 9th edition, Mannheim: Dudenverlag 2009, p. 218, column 2. |
| Othering process | → <u>Othering:</u> literally: to classify as not one's own, i.e., a coinage to emphasise differentiation in the sense of excluding and perceiving as foreign. [...] When we speak of the opposite pairs normal-other or we- | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für |

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| | <p>they ("the ones there"), there is one side that is socioculturally 'right' and the other side that is 'wrong' because it carries normative defects. Othering is practised with a negative tendency; the excluding characteristic stigmatises in an essentialistic way. At the same time, the 'normal' gets defined by the 'other' [...]. A category of people which does not meet the requirements of the socio-moral majority is pushed to the margins of society and gradually dehumanised. Othering is a process that takes place in several phases. At first, the characteristics that attribute an individual or a behaviour to otherness are defined and evaluated. [...]</p> | <p>Sozialwissenschaften 2011.</p> |
| Plurality | Diversity | |
| Privileging | <p>→ <u>Privilege</u>: Prerogative, exemption clause or special right that favours certain persons or categories of persons in a society by preferentially giving them highly coveted positions, goods, rights and opportunities in life. Privileges can be an equivalent to services rendered or the outcome of previous struggles for power. In any case, they create a more or less differentiated structure of social dependence relationships in the respective social systems and therefore contradict the basic values of modern Western society.</p> | <p>Hillmann, Karl-Heinz, Wörterbuch der Soziologie, 4th revised and enlarged edition, Stuttgart: Kröner 1994.</p> |
| Quota | Regulation | |
| Racial profiling | <p>→ <u>Profiling</u>: Psychological profile of a personality derived from many individual pieces of information</p> <p><u>Here it is understood as:</u> Identity checks conducted by the police based on ethnic origin, skin colour, etc.</p> | <p>Duden – Das Fremdwörterbuch, 9th edition, Mannheim: Dudenverlag, 2009, p. 845, column 2.</p> |

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| Racialise | The 'creation' of a 'race' by categorising characteristics. | |
| Racialised groups | See Racialise | |
| Reproduce | To maintain/restore a condition | |
| Resilience | Power of resistance | |
| Resentment | An emotional, often unconscious aversion that is based on prejudice, inferiority feeling, envy or the like | https://www.duden.de/rechtschreibung/Ressentiment (last retrieved on 28.11.2018, 16:38 hours) |
| Sanctioning | → <u>Sanction:</u> Social reaction to both normal behaviour and deviant behaviour. Benefits are granted for conformity to standards, while penalties are imposed for violation. In particular, deviations from standards are negatively sanctioned to demonstrate that deviant behaviour will not be accepted. At the same time, such a reaction serves to reinforce the validity of the transgressing norm. [...] | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Segregation | Mostly spatial separation of individuals on the basis of skin colour, denomination, gender, status and other characteristics, which is reflected in the access possibilities to residential areas, schools, churches, clubs and public institutions. Segregation leads to forced (for example, in the case of a discriminated section of the population) or voluntary avoidance of contact between different groups. It can take place through standardisation or through individual preferences and choices. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Self-identification | Self-assignment to a social category/group | |
| Self-reflection | → <u>Reflection:</u> Originally a philosophical concept for focusing the mind and thoughts | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, |

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| | on oneself. Today, reflection is usually used in the social sciences in the sense of a critical review of one's own thought materials and theoretical approaches as well as their relationship to one's own social interests or one's own social experience. | Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. |
| Situated knowledge | Knowledge that exists only as a function of a social position and the associated social experiences | |
| Supranational | Transcending established national boundaries or spheres of interest | https://www.duden.de/rechtschreibung/supranational (last retrieved on 28.11.2018, 16:42 hours) |
| Inherent to the system | Intrinsic to a system, belonging to the framework of a system | Duden – Das Fremdwörterbuch, 9th edition, Mannheim: Dudenverlag 2009, p. 1016, column 1. |
| Validity | Validity of operationalised terms, measurement operations (e.g., tests) and experiments. Validity depends on the extent to which collected data or measured values that are determined in tests and experiments actually describe what is meant by the term, the fact, the property to be tested, etc., about which data and measured values were obtained. | Werner Fuchs-Heinritz, Daniela Klimke, Rüdiger Lautmann, Otthein Rammstedt, Urs Stäheli, Christoph Weischer, Hanns Wienold (ed.), Lexikon zur Soziologie, 5th revised edition, Wiesbaden: VS Verlag für Sozialwissenschaften 2011. . |
| Victimisation | A process in which a person is victimised (for example, by a criminal act) or a victim status is attributed to a group of persons | |

List of abbreviations

| | |
|-------------------|---|
| ABl. | Official gazette |
| Para. | Paragraph |
| ADNB | Antidiskriminierungsnetzwerk Berlin (Anti-Discrimination Network Berlin) |
| ADS | Federal Anti-Discrimination Agency |
| UDHR | Universal Declaration of Human Rights, also: Declaration of Human Rights or UN Charter of Human Rights |
| TFEU | Treaty on the Functioning of the European Union |
| CID Working Group | Working Group of the Heads of the State Criminal Police Offices with the Bundeskriminalamt |
| AGG | General Equal Treatment Act |
| AWO | Arbeiterwohlfahrt (Workers' Welfare Association) |
| BA | Bundesagentur für Arbeit (Federal Employment Agency) |
| BAföG | Bundesausbildungsförderungsgesetz (Federal Training Assistance Act) |
| BAO ZESAR | Besondere Aufbauorganisation "Zentrale Ermittlungen und Strukturaufklärung – Rechts" (Special Organisational Structure "Headquarters for Investigations and Structural Elucidation - right-wing extremist") |
| BGB | Bürgerliches Gesetzbuch (German Civil Code) |
| BGBI. | Bundesgesetzblatt (Federal Law Gazette) |
| BGG | Gesetz zur Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz - Law on Equal Opportunities for People with Disabilities) |
| BGleiG | Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - Federal Act on Gender Equality) |
| BJA | Bundeskriminalamt (The Federal Criminal Police Office of Germany) |
| BMI | Bundesministerium des Innern, für Bau und Heimat (Federal Ministry for the Interior, Building and Community) |
| e.g. | for example |
| BVJ | Berufsvorbereitungsjahr (Vocational Preparation Year) |
| and/or | as the case may be |
| CEDAW | The Convention on the Elimination of all Forms of Discrimination Against Women, also: United Nations Convention on the Elimination of all Forms of Discrimination Against Women |
| CERD | Committee on the Elimination of Racial Discrimination (German: Ausschuss für die Beseitigung der Rassendiskriminierung) |
| CRC | Convention on the Rights of the Child, also: United Nations Convention on the Rights of the Child |

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| CRPD | Convention on the Rights of Persons with Disabilities, also: United Nations Convention on the Rights of Persons with Disabilities |
| DHPOL | Deutsche Hochschule der Polizei (German Police University) |
| DIMR | Deutsches Institut für Menschenrechte (The German Institute for Human Rights) |
| DIPOL e.V. | Registered association |
| ECRI | European Commission against Racism and Intolerance (German: Europäische Kommission gegen Rassismus und Intoleranz) |
| EK 6/1 | Commission of Inquiry “Causes and Forms of Racism and Discrimination in Thuringia and their Effects on Social Coexistence and Free Democracy” |
| EKR | Eidgenössische Kommission gegen Rassismus (Swiss Federal Commission against Racism) |
| ECHR | Convention for the Protection of Human Rights and Fundamental Freedoms, also: European Convention on Human Rights |
| ESF | European Social Fund |
| etc. | et cetera |
| EU | European Union |
| ezra | Consultation for victims of right-wing, racist and anti-Semitic violence in Thuringia |
| FHPol | Fachhochschule der Polizei (Police Academy) |
| FSU Jena | Friedrich Schiller University Jena |
| GdP | Gewerkschaft der Polizei (Trade Union of the Police) |
| GEW | Gewerkschaft Erziehung und Wissenschaft (The Education and Science Workers’ Union) |
| GFAW | Gesellschaft für Arbeits- und Wirtschaftsförderung des Freistaats Thüringen mbH |
| GG | Grundgesetz (Basic Law) |
| if req. | If required/applicable |
| GleichstG TH | Thüringer Gleichstellungsgesetz (Thuringian Act on Gender Equality) |
| GMF | Gruppenbezogene Menschenfeindlichkeit (group-focused enmity) |
| CFR | Charter of Fundamental Rights of the European Union, also: EU Charter of Fundamental Rights |
| HfÖ | Hochschule für Öffentliche Verwaltung (University for Public Administration) |
| HRK | Hochschulrektorenkonferenz (Conference of University Rectors) |
| ICCPR | International Covenant on Civil and Political Rights, also: UN Civil Covenant |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination, also: UN Racial Discrimination Convention |
| IDB | Institut für diskriminierungsfreie Bildung (Institute for Non- |

| | |
|----------------|---|
| | Discriminatory Education) |
| IDZ | Institut für Demokratie und Zivilgesellschaft (Institute for Democracy and Civil Society) |
| ILO | International Labour Organisation |
| incl. | inclusive |
| esp. | especially |
| KiTa | Kindertagesstätte (day care centre) |
| KJM | Kommission für Jugendmedienschutz (The Commission for the Protection of Minors in the Media) |
| KMK | Kultusministerkonferenz (Conference of the Ministers of Education) |
| KomRex | Kompetenzzentrum Rechtsextremismus (Competence Centre for Research on Right-Wing Extremism) |
| KOP | Kampagne für Opfer rassistischer Polizeigewalt (Campaign for the Victims of Racist Police Violence) |
| LADG | Landesantidiskriminierungsgesetz (State Anti-Discrimination Law) |
| LADS | Landesantidiskriminierungsstelle (State Anti-Discrimination Office) |
| LGBTTIQ* | Lesbian, gay, bisexual, transsexual, transgender, intersexual and queer |
| LKA | Landeskriminalamt (State Office of Criminal Investigation) |
| LPD | Landespolizeidirektion (State Police Department) |
| LpB | Landeszentrale für politische Bildung (State Centre for Political Education) |
| Mobit | Mobile Beratung in Thüringen (Mobile Consultation in Thuringia) |
| FIS | Federal Intelligence Service (Switzerland) |
| NGO | Non-governmental organisation |
| NRW | North Rhine-Westphalia |
| NS regime | Regime of the National Socialists |
| NS crimes | Crimes of the National Socialists |
| NS downplaying | Downplaying of National Socialism |
| NSU | ‘National Socialist Underground’ |
| ODIHR | Office for Democratic Institutions and Human Rights |
| OSCE | Organisation for Security and Co-operation in Europe |
| PA | Police Academy |
| PISA studies | Programme for International Student Assessment |
| PMK | Politisch motivierte Kriminalität (Politically Motivated Criminality) |
| PUA BT 17/2 | Parliamentary Investigation Committee of the German Bundestag “2nd Investigation Committee pursuant to Article 44 of the Basic Law of the 17th Electoral Term” |
| REX statistics | |
| RiStBV | Richtlinien für das Strafverfahren und das Bußgeldverfahren (Guidelines for Criminal and Fine Proceedings) |
| GL | Guideline |
| Rec. | Recital |

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| RStV | Staatsvertrag für Rundfunk und Telemedien (Rundfunkstaatsvertrag - Interstate Broadcasting Agreement) |
| p. | Page |
| SGB I | Social Security Code (SGB) First Book (I) - General Part |
| SGB IV | Social Security Code (SGB) Fourth Book (IV) - Common Social Insurance Provisions |
| SGB III | Social Security Code (SGB) Third Book (III) - Employment Promotion |
| StGB | Strafgesetzbuch (German Criminal Code) |
| StPO | Strafprozessordnung (The German Code of Criminal Procedure) |
| Thillm | Thüringer Institut für Lehrerfortbildung, Lehrplanentwicklung und Medien (Thuringian Institute for Teacher Training, Curriculum Development and Media) |
| ThürBG | Thüringer Beamtengesetz (Thuringian Civil Service Law) |
| ThürGastG | Thüringer Gaststättengesetz (Thuringian Restaurant Licensing Act) |
| ThürGIG | Thüringer Gesetz zur Gleichstellung und Verbesserung der Integration von Menschen mit Behinderungen (Thuringian Law on Equal Opportunities and Better Integration for People with Disabilities) |
| ThürGleichG | Thüringer Gleichstellungsgesetz (Thuringian Act on Gender Equality) |
| ThürGUSVO | Thüringer Gemeinschaftsunterkunfts- und Sozialbetreuungsverordnung (Thuringian Regulation on Communal Accommodation and Social Support) |
| ThürHG | Thüringer Hochschulgesetz (Thuringian Higher Education Act) |
| ThürKO | Thüringer Gemeinde- und Landkreisordnung (Thüringer Kommunalordnung) (Thuringian Municipal and Rural District Code - Thuringian Communal Order) |
| ThürPersVG | Thüringer Personalvertretungsgesetz (Thuringian Staff Representation Act) |
| ThürSchulG | Thüringer Schulgesetz (Thuringian School Law) |
| ThürVerf | Thüringer Verfassung (Thuringian Constitution) |
| TLM | Thüringer Landesmedienanstalt (Thuringian State Media Authority) |
| TMASGFF | Thüringer Ministerium für Arbeit, Soziales, Gesundheit, Frauen und Familie (Thuringian Ministry for Labour, Social Affairs, Health, Women, and Family) |
| TMBJS | Thüringer Ministerium für Bildung, Jugend und Sport (Thuringian Ministry for Education, Youth and Sport) |
| TMIK | Thüringer Ministerium für Inneres und Kommunales (Thuringian Ministry for Internal Affairs and Municipal Issues) |
| TMMJV | Thüringer Ministerium für Migration, Justiz und Verbraucherschutz (Thuringian Ministry for Migration, Justice and Consumer |

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| | Protection) |
| TMWWDG | Thüringer Ministerium für Wirtschaft, Wissenschaft und Digitale Gesellschaft (Thuringian Ministry for Economy, Science and Digital Society) |
| TSK | Thüringer Staatskanzlei (Thuringian State Chancellery) |
| i.a. | inter alia |
| etc. | and the like |
| UNICEF | United Nations International Children's Fund |
| Investigation Committee 5/1 | Investigation Committee – “Possible misconduct of the Thuringian security and judicial authorities and relevant ministries, including political leaders as well as persons cooperating with the security authorities (so-called human sources) in connection with the activities of right-wing extremist structures, particularly the 'National Socialist Underground' (NSU) and the 'Thuringian Homeland Security' (THS) and its members as well as possible mistakes by the Thuringian security and judicial authorities in the investigation and prosecution of the NSU and of the offences attributed to its affiliated networks”-, also: UA 5/1 |
| UN Covenant | Civil International Covenant on Civil and Political Rights |
| u.U. | unter Umständen |
| u.v.m. | und vieles mehr |
| v.a. | vor allem |
| Cf. | Compare |
| vs. | Versus |
| VStGB | Völkerstrafgesetzbuch (Code of Crimes against International Law) |
| e.g. | For example |
| ZStV | Zentrales Staatsanwaltschaftliches Verfahrensregister (Public Prosecutor's Central Proceedings Register) |
| z.T. | zum Teil |
| zvgl. | zu vergleichende |

A. Formal Foundations

I. Appointment and Work Order

In the 5th electoral term, the investigation committee of the Thuringia State Parliament, called 'Right-Wing Terrorism and Action of Authorities' in short, met to discuss the series of racist murder by the National Socialist Underground (NSU). The investigation committee presented its final report on 16th July¹ 2014. One of the recommendations of the investigation committee was to set up a Commission of Inquiry.²

The Thuringia State Parliament therefore advised the appointment of a Commission of Inquiry 'Tackling Racism and Group-Focused Enmity in Thuringia' at the request of the parliamentary parties THE LEFT, SPD and ALLIANCE 90/THE GREENS³ in the 6th electoral term in its 70th session on 9th December 2016. The CDU filed an alternative motion⁴ to set up a Commission of Inquiry 'Tackling Discrimination through Racism, Political and Religious Extremism and Group-Focused Enmity in Thuringia'. The AfD filed a motion for a resolution: "No Combating of Bourgeois Opinions under the pretext of Combating⁵ Racism". The plenary debate in support of the motions was interrupted. Following the submission of a revised version of the motion by the parliamentary parties THE LEFT, SPD and ALLIANCE 90/THE GREENS,⁶ the agenda item was adjourned by a majority decision at the plenary session in January 2017.

At its 73rd session on 26th January 2017, the Thuringia State Parliament decided to set up the Commission of Inquiry 'Causes and Forms of Racism and Discrimination in Thuringia and their Effects on Social Coexistence and Free Democracy'. The basis of the resolution was the motion by the parliamentary parties CDU, THE LEFT, SPD

¹ Cf. Document 5/8080.

² Cf. Document 5/8080, p. 1630.

³ Cf. Document 6/3108.

⁴ Cf. Document 6/3195.

⁵ Cf. Document 6/3193.

⁶ Cf. Document 6/3108 - revised version -.

and ALLIANCE 90/THE GREENS⁷, pursuant to Article 63 of the Constitution of the Free State of Thuringia and § 84 Para. 1 of the Rules of Procedure of the Thuringia State Parliament.⁸ The motion for a resolution filed by the AfD⁹ was rejected.

The parliamentary parties CDU, THE LEFT, SPD and ALLIANCE 90/THE GREENS have justified the establishment of the Commission of Inquiry as follows¹⁰:

Members of investigation committee 5/1 'Right-Wing Terrorism and Action of Authorities' jointly recommended that a Commission of Inquiry on 'racism' be set up to "set standards and, for example, develop proposals for public discussion of group-focused enmity". The state parliament takes up this recommendation in extended form. Racism is a major source of discrimination against people and violence against them. However, it is not the exclusive source of misanthropic attitudes and actions. These also manifest themselves in political and religious attitudes, and lead to discrimination against which the constitutional legislators have set a clear barrier in Article 2 Para. 3 of the Constitution of the Free State of Thuringia. Building on the recommendation of the investigation committee 5/1 of the Thuringia State Parliament, the Commission of Inquiry should investigate the causes and effects of such attitudes and actions on social coexistence and liberal democracy, and develop proposals for civil society and institutional discussions about them.

With the decision to constitute a Commission of Inquiry, the commission received the following work order:

- "1. To analyse and report forms of manifestation and dissemination of racist attitudes and animosity directed towards groups because of, amongst other reasons, their political and religious attitudes, leading to discrimination in Thuringia due to origin, descent, ethnic origin, social background, language, political, philosophical or religious beliefs, gender, or sexual orientation and having a degrading effect on social coexistence and the practice of liberal democracy; the commission in

⁷ Cf. Document 6/3108 -2nd revised version-.

⁸ See Document 6/3374.

⁹ Cf. Document 6/3193.

¹⁰ See Document 6/3108 -2nd revised version-, p. 2f.

discharging its mission shall take into consideration the findings and results of existing studies;

2. To identify the reasons for the emergence and the quality and quantity of the dissemination of such attitudes in Thuringia and based on this
3. To develop civil society and institutional approaches for the elimination of discrimination rooted in such attitudes by taking into consideration already existing approaches and recommendations to handle such issues.”¹¹

In its decision to constitute a Commission of Inquiry¹² dated 26th January 2017, the state parliament set out that the Commission of Inquiry shall present an interim report “by the 1st quarter of 2018”¹³. The report shall include the current work status and information about the further course of action.

II. Concretisation of the Work Order and Specification of the Work Programme

In the 3rd session held on 12th September 2017, the commission members discussed the work programme¹⁴ – in particular, the further content-related and organisational focus of the Commission of Inquiry. The members agreed on three phases: Information gathering (phase I), information processing (phase II) and systematisation of results (phase III).

Commission members scheduled five hearings/reporting sessions for **information gathering** (phase I). Informants speaking about the following topics were to be heard:

¹¹ See Document 6/3374, p. 1.

¹² Cf. Document 6/3374.

¹³ As set out in Document 6/5704, the Thuringia State Parliament decided by large majority on 23rd May 2018 to amend the resolution of the state parliament set out in Document 6/3374 dated 26th January 2017. According to this amendment, the Commission of Inquiry shall present the interim report at the end of the second quarter of 2018.

¹⁴ See Submission 6/2952.

“1. [...] Causes, forms and consequences of the dissemination of racist attitudes and group-focused enmity (due to political and religious attitudes among other things), represented by expert members of the Commission of Inquiry, [...] their methodology [...] and [...] naming of initial proposals for:

- multipliers and experts from associations, institutions and projects
- the definition of affected groups to be heard,
- strategies adopted by other federal states, the federal government and the European Union and
- possible ministries and authorities [...]” (A1)

“2. Analysis of the political development and culture in Thuringia based on existing scientific studies and the country and NGO reports on compliance with Germany's contractual obligations on anti-racism and discrimination of international anti-racism commissions [...]” (A2)

“3. Discrimination experiences by hearing victims of discrimination, multipliers and experts [...]” (A3)

“4. [...] Situation analysis [...] and strategies against racism of the various Thuringian ministries and authorities [...]” (A4)

“5. Strategies adopted by other federal states, the federal government and the European Union [...]” (A5)

For **information processing** (phase II), the commission members agreed that: “subsequent work phases should be structured during the analysis of gathered information [...] (start of phase II; information processing). This should help process gathered information and identify specific fields of action.”¹⁵

For the **systematisation of results** (phase III), the commission members decided that: “results should be systematised after this (phase III). Counter-strategies and measures to reduce group-focused enmity, racism and discrimination are derived from this. These in turn are reflected in specific recommendations for action and form

¹⁵ See Submission 6/2952, p. 3.

the final report of the Commission of Inquiry along with the results of the other phases.”¹⁶

III. Composition of the Commission

1) Constituting the commission and election of the chairperson and deputy chairperson

The constituting session of the Commission of Inquiry 'Causes and Forms of Racism and Discrimination in Thuringia and their Effects on Social Coexistence and Free Democracy' was held on 27th June 2017. The President of the Thuringia State Parliament, Christian Carius, presided over the session. The CDU was entitled to propose the election of the chairperson – pursuant to § 71 Para. 1 in conjunction with § 9 Para. 2 Sentence 1 of the Rules of Procedure of the state parliament. The commission members elected Member of Parliament Mr. Tischner of the CDU as the chairperson of the commission. Member of Parliament Ms. Diana Lehmann of the SPD was elected as deputy chairperson of the commission – pursuant to § 71 Para. 1 in conjunction with § 9 Para. 2 Sentence 1 of the Rules of Procedure of the state parliament.

2) Parliamentary members of the commission

The decision to constitute a Commission of Inquiry¹⁷ provides the following for the appointment of parliamentary members in Section III:

“The Commission of Inquiry shall, in departure from the Rules of Procedure (§ 84 Para. 3 in conjunction with § 9 Para. 2 and § 120 of the Rules of Procedure of the Thuringia State Parliament), consist of nine members of the state parliament and shall be proportionally distributed amongst the parliamentary parties as given below:

CDU three members,

THE LEFT three members,

¹⁶ See Submission 6/2952, p. 3.

¹⁷ See Document 6/3374, p. 1.

SPD one member,
 AFD one member and
 ALLIANCE 90/THE GREENS one member.

[...] For nominating the respective deputy members, in departure from the Rules of Procedure (§ 84 Para. 3 in conjunction with § 120 of the Rules of Procedure of the Thuringia State Parliament), Numbers 1 and 2 above shall be valid. [...]”¹⁸

The AfD went through personnel changes in October 2017. Instead of commission member MP Mr. Björn Höcke, the parliamentary party appointed MP Ms. Corinna Herold. Instead of the former deputy commission member, MP Mr. Stephan Brandner, the parliamentary party appointed MP Mr. Stefan Möller.¹⁹

The Commission of Inquiry therefore consisted of the following members:²⁰

| Parliamentary party | Commission member | Deputy member |
|----------------------------|--------------------------|------------------------|
| CDU | Lieberknecht, Christine | Herrgott, Christian |
| CDU | Tischner, Christian | Gruhner, Stefan |
| CDU | Wirkner, Herbert | Voigt, Prof. Dr. Mario |
| THE LEFT | Berninger, Sabine | Dittes, Steffen |
| THE LEFT | König-Preuss, Katharina | Leukefeld, Ina |
| THE LEFT | Schaft, Christian | Stange, Karola |
| SPD | Lehmann, Diana | Pelke, Birgit |
| AfD | Herold, Corinna | Möller, Stefan |
| ALLIANCE 90/ THE GREENS | Henfling, Madeleine | Rothe-Beinlich, Astrid |

¹⁸ See III Number 1 and Number 3 Sentence 1 of the decision to constitute the Commission of Inquiry in Document 6/3374.

¹⁹ Cf. Document 6/4691.

²⁰ Also see Documents 6/4436, 6/4691 and 6/5568 for the nomination of members.

§ 84 Para. 4 of the Rules of Procedure of the Thuringia State Parliament provides: The deputies may attend the sessions as listeners. If a member is absent, the deputy members shall have the right to speak, give advice and vote.

3) Expert members of the commission

Section III of the decision to constitute the Commission of Inquiry further²¹ states: “Furthermore, nine expert members shall be part of the Commission of Inquiry. They shall be nominated by the parliamentary parties, in departure from the Rules of Procedure (§ 84 Para. 3 Sentences 2 and 3 in conjunction with § 120 of the Rules of Procedure of the Thuringia State Parliament) as given below:

CDU three members,
THE LEFT three members,
SPD one member,
AFD one member and
ALLIANCE 90/THE GREENS one member.

[...] In addition, the nomination of deputy expert members pursuant to Number 2 above shall be made in consultation with the member to be represented.”²²

Prof. Dr. Ernst Dieter Lantermann was the deputy expert for the commission’s expert member Prof. Dr. Carl Deichmann until August 2017. After his departure, Prof. Dr. Andreas Beelmann was appointed as the deputy commission member in September 2017.

Dr. Frank Lisson was the deputy expert for the commission’s expert member Marc Jongen, MP until September 2017²³. Dr. Erik Lehnert became the deputy expert from September 2017. He was then appointed as an expert member of the commission from November 2017. The former expert Dr. Marc Jongen, MP, was appointed as the deputy expert for Dr. Erik Lehnert in November 2017.²⁴

²¹ See Document 6/3374, p. 2.

²² See III Number 2 and Number 3 Sentence 2 of the decision to constitute the Commission of Inquiry in Document 6/3374.

²³ Dr. Marc Jongen became a member of the German Bundestag during the course of the election for the 19th German Bundestag on 24th September 2017.

²⁴ See Document 6/4755.

In March 2018, Ms. Ceren Türkmen was appointed as the deputy to the commission's expert member Ms. Ayşe Güleç and Ms. Noa Kerstin Ha was appointed as the deputy to the commission's expert member Mr. Koray Yılmaz-Günay.

After these personnel changes, the Commission of Inquiry consisted of the following expert members of the commission:²⁵

- Dr. Marwan Abou-Taam
(Scholar of Islamic Studies and Political Science, Research Associate at the State Office of Criminal Investigation of Rhineland-Palatinate)

Deputy: Dr. Isabelle-Christine Panreck
(Political Scientist, Post-Doctoral Fellow and Lecturer at the Institute of Political Science (IfPol) at the University of Muenster (WWU))

- Mr. Joshua Kwesi Aikins
(Political Scientist, Research Associate in the Political Science specialist group at the University of Kassel)
- Prof. Dr. Iman Attia
(The Alice Salomon University of Applied Sciences Berlin)

Deputy: Mr. Ozan Keskinkiliç
(Lecturer and Research Associate at the Alice Salomon University of Applied Sciences Berlin)

- Prof. Dr. Carl Deichmann
(Retired university professor, Chair, Didactics of Politics at the Friedrich Schiller University Jena until 2011)

Deputy: Prof. Dr. Andreas Beelmann

²⁵ Also see Documents 6/4436, 6/4755 and 6/5568 for the nomination of members.

(Head of the Department for Research Synthesis, Intervention and Evaluation at the Psychological Institute of the Friedrich Schiller University Jena, Director of the Centre for Research on Right-Wing Extremism, Civic Education and Social Integration (KomRex))

- Ms. Ayşe Güleç
(Educationist, Cultural Consultant, initiative 6th April)

Deputy: Ms. Ceren Türkmen
(Research Associate at the Institute for Sociology at the Justus Liebig University Giessen)

- Dr. Erik Lehnert
(Historian and philosopher)

Deputy: Dr. Marc Jongen, MdB
(Politician and philosopher)

- Jun.-Prof. Dr. Tom Mannewitz
(Junior Professor, Political Science Research Methods, Institute of Political Science at the Chemnitz University of Technology)
- Dr. Britta Schellenberg
(Senior Researcher and Project Head at the Geschwister Scholl Institute of Political Science (GSI) of the Ludwig Maximilian University of Munich)

Deputy: Dr. des. Franziska Schmidtke
(Research Associate at the Friedrich Schiller University Jena)

- Mr. Koray Yılmaz-Günay
(Board Member at Migrationsrat Berlin e.V.)

Deputy: Dr. Noa Kerstin Ha

(Scientist and Research Group Leader at the Centre for Integration Studies of TU Dresden)

§ 84 Para. 4 of the Rules of Procedure of the Thuringia State Parliament provides: The deputies may attend the sessions as listeners. If a member is absent, the deputy members shall have the right to speak, give advice and vote.

4) Support for the commission's work

a) State Parliament Administration

The State Parliament Administration provided the Commission of Inquiry 'Causes and Forms of Racism and Discrimination in Thuringia and their Effects on Social Coexistence and Free Democracy' with organisational support by forming a commission secretariat. It was headed by a Head of Division. The commission secretariat included a scientific advisor, a clerk and a transcript writer.

b) Parliamentary parties

In addition, members of the parliamentary parties assisted the parliamentary and expert commission members in their activities.

IV. Course of Sessions

The following ten sessions were held until 10th April 2018:

| Sessions | Focal points |
|--------------------------------|---|
| 1st session: 27.06.2017 | <ul style="list-style-type: none">• Constitution of the Commission of Inquiry• Decision on hearing of experts |
| 2nd session: 15.08.2017 | <ul style="list-style-type: none">• Opinions of the commission's expert members on topics included in A1• Advice on the work programme and definition of |

| | |
|-------------------------------|--|
| | the focus of the Commission of Inquiry |
| 3rd session:12.09.2017 | <ul style="list-style-type: none"> • Opinions of the commission's expert members on topics included in A1 • Advice on the work programme and definition of the focus of the Commission of Inquiry • Decision of an oral hearing on topics included in A2 at the 4th session |
| 4th session:17.10.2017 | <ul style="list-style-type: none"> • Hearings on topics included in A2 • Decision of an oral hearing and information proceedings on topics included in A3 |
| 5th session:22.11.2017 | <ul style="list-style-type: none"> • Continuation of opinions of the commission's expert members on topics included in A1 • Hearings on topics included in A2 • Decision of an oral hearing on topics included in A4 |
| 6th session:19.12.2017 | <ul style="list-style-type: none"> • Hearings on topics included in A3 |
| 7th session:09.01.2018 | <ul style="list-style-type: none"> • Consultation and resolution by the majority on the definitions of 'racism' and 'discrimination' (Submission 6/3522) • Hearings on topics included in A3 |
| 8th session:30.01.2018 | <ul style="list-style-type: none"> • Hearings on topics included in A3 • Decision on oral and written hearing on topics included in A5 • Decision on the structure of the interim report (Submission 6/3577) |
| 9th session:06.03.2018 | <ul style="list-style-type: none"> • Hearing and information proceedings on topics included in A4 • Decision on deviating from the date set for the creation of the interim report and forming work groups (Submission 6/3680) |

| | |
|---------------------------------|---|
| 10th session: 23.03.2018 | <ul style="list-style-type: none"> • Cancellation of the unscheduled session |
| 11th session: 10.04.2018 | <ul style="list-style-type: none"> • Hearing on topics included in A5 • Decision on subsequent working group meetings |

1) Appointment of representatives

During the session held on 27th June 2017 itself, the commission members suggested: facts pertaining to organisational or conceptual issues can be prepared during the meetings of the parliamentary party representatives.

The following Members of Parliament represented the parliamentary parties during the meetings of representatives:

| Parliamentary party | Representative |
|------------------------|-------------------------------|
| CDU | MP Ms. Christine Lieberknecht |
| THE LEFT | MP Ms. Sabine Berninger |
| SPD | MP Ms. Diana Lehmann |
| AfD | MP Ms. Corinna Herold |
| ALLIANCE 90/THE GREENS | MP Ms. Madeleine Henfling |

Representatives of the Commission of Inquiry met eight times until the submission of the interim report.

2) Building of working groups for the preparation of the interim report

In its 9th session held on 6th March 2018, the members of the Commission of Inquiry decided by the majority to set up working groups to prepare the interim report. The topics included “Education”, “Police and Justice”, “Public Administration” and “Other Fields of Action”. The members only specified: “Working groups shall include expert members of parliamentary parties.”²⁶ Following the meetings, the parliamentary parties CDU, THE LEFT, SPD and ALLIANCE 90/THE GREENS appointed expert members and their deputies – AfD did not do so. The working groups started operating on 23rd March 2018. They consisted of three to five expert members.

Four working groups were formed and they met four times on the following dates:

- 23rd March 2018
- 8th April 2018
- 29th May 2018
- 5th June 2018

²⁶ See Submission 6/3680, Section 2.

Members of the **working group “Education”** were: expert Prof. Dr. Iman Attia, Dr. Britta Schellenberg and Dr. des. Franziska Schmidtke.

The **working group “Police and Justice”** consisted of the experts Dr. Marwan Abou-Taam, Dr. Britta Schellenberg and Mr. Joshua Kwesi Aikins.

The **working group “Public Administration”** consisted of the experts Jun.-Prof. Dr. Tom Mannewitz, Ms. Ayşe Güleç, Mr. Koray Yılmaz-Günay, Mr. Joshua Kwesi Aikins and Dr. Isabelle-Christine Panreck.

The experts Ms. Ayşe Güleç, Prof. Dr. Beelmann and Mr. Koray Yılmaz-Günay formed the **working group “Other Fields of Action”**.

3) Details about the course of sessions

a) First session on 27th June 2017

In the first session, the commission members agreed to hear the expert members. Questions 1, 2, 3 and 6 had to be answered urgently during that session. Moreover, the expert members had to address the issues that mattered to them.²⁷

1. What is racism and what is discrimination? What do they have in common and what are the differences?
2. In what forms do racism and discrimination exist?
3. How is discrimination different from objective differentiation?
4. What attitudes, actions and ideologies can racism and discrimination be traced back to?
5. What are the causes of racism and/or discrimination?
6. Who are the victims of racism and discrimination?
7. To what extent does the prohibition of discrimination specified in Article 3 Para. 2 of the Basic Law also bind third parties outside the state?

²⁷ Cf. Submission 6/2860.

8. What consequences of the dissemination of racism and discrimination (at an individual, structural and social level) can or must be stated?
9. What framework conditions must be laid down to take action against racism or discrimination and at what levels can such measures be effective?

b) Second session on 15th August 2017

The Commission of Inquiry heard the commission's expert members in a public session. The following experts gave their opinion on the questions listed under A.IV.

2.) (a):

- Dr. Marwan Abou-Taam²⁸
- Mr. Joshua Kwesi Aikins²⁹
- Mr. Ozan Keskinliç (on behalf of Prof. Dr. Iman Attia)³⁰
- Prof. Dr. Carl Deichmann³¹
- Mr. Koray Yılmaz-Günay³²

The commission members agreed to evaluate the content of written and oral opinions after all opinions were submitted.³³

c) Third session on 12th September 2017

The Commission of Inquiry heard the commission's expert members in a public session. The following experts gave their opinion on the questions listed under A.IV.

2.) (a):³⁴

- Jun.-Prof. Dr. Tom Mannewitz³⁵
- Ms. Ayşe Güleç
- Dr. Marc Jongen, MP³⁶
- Dr. Britta Schellenberg³⁷

²⁸ Cf. Submission 6/2934.

²⁹ Cf. Submission 6/2867.

³⁰ Cf. Submission 6/2862.

³¹ Cf. Submission 6/2959.

³² Cf. Submission 6/2861.

³³ Cf. Submission 6/3522 -revised version-.

³⁴ Cf. Submission 6/2860.

³⁵ Cf. Submission 6/2933.

³⁶ Cf. Submission 6/2868 and Communication 6/1278.

The members decided the work programme and the focus of the commission's work.³⁸ They agreed on an oral hearing on topics included in A2³⁹ with a total of 24 persons to be heard as well as informants in the next session.

d) Fourth session on 17th October 2017

The hearing on the topics included in A2⁴⁰ of the work programme⁴¹ took place in a public session. It focussed on the “analysis of the political development and culture in Thuringia based on existing scientific studies and the country and NGO reports on compliance with Germany's contractual obligations on anti-racism and discrimination of international anti-racism commissions (CERD; ECRI).”⁴² Representatives of the following institutions, associations, unions or authorities provided information on this:

- Friedrich Schiller University Jena
KomRex – Centre for Research on Right-Wing Extremism, Civic Education and Social Integration
Prof. Dr. Heinrich Best
Dr. Axel Salheiser⁴³
- Institut für Demoskopie Allensbach
Gesellschaft zum Studium der öffentlichen Meinung mbH (Allensbach Institute)
Project Director Dr. Thomas Petersen⁴⁴
- Landeszentrale für politische Bildung, Thuringia
Head Mr. Franz-Josef Schlichting
- Thuringian Ministry for Internal Affairs and Municipal Issues
Office for the Protection of the Constitution
President, Mr. Stephan J. Kramer⁴⁵
- Institute for Democracy and Civil Society

³⁷ Cf. Submission 6/2863.

³⁸ Cf. Submission 6/2952, also see Chapter A II above.

³⁹ Cf. Submission 6/3108; and: Submissions 6/2973/2981, also see Chapter A II above.

⁴⁰ Cf. Submission 6/3108; and: Submissions 6/2973/2981, also see Chapter A II above.

⁴¹ Cf. Submission 6/2952, also see Chapter A II above.

⁴² See Submission 6/3108, p. 3.

⁴³ Cf. Communication 6/1267 and Thüringen-Monitor 2017.

⁴⁴ Cf. Communication 6/1268.

⁴⁵ Cf. constitution protection report of the Free State of Thuringia 2016.

Advisor Dr. Janine Dieckmann⁴⁶

- Amadeu Antonio Foundation

Advisor Mr. Oliver Saal⁴⁷

- ezra

Mobile consultation for victims of right-wing, racist and anti-Semitic violence

Mr. Franz Zobel

- Mobit e.V.

Mr. Christoph Lammert⁴⁸

Commission members nominated three more persons to be heard on the topics included in A2⁴⁹: Prof. Dr. Mechtild Gomolla for the subject “School/Education”, a representative of the German Institute for Human Rights for the subject “Police/Racial Profiling” and Dr. Amma Yeboah for the subject “Public Health Service”. They agreed to continue the hearing in the fifth session on 22nd November 2017.

e) Fifth session on 22nd November 2017

The parliamentary parties THE LEFT, SPD and ALLIANCE 90/THE GREENS presented a joint opinion on the definitions.⁵⁰ The CDU parliamentary party⁵¹ and the AfD⁵² submitted their own opinions. The contents were presented and discussed.

The commission continued with the hearing on topics included in A2,⁵³ focusing on the political culture and development of Thuringia. Persons who were heard in the official session⁵⁴:

- The German Institute for Human Rights

Dr. Hendrik Cremer⁵⁵

- Prof. Dr. Mechtild Gomolla

Helmut Schmidt University Hamburg

⁴⁶ Cf. Communication 6/1274 and Communication 6/1843.

⁴⁷ Cf. Communication 6/1277.

⁴⁸ Cf. Communication 6/1266.

⁴⁹ Also see Chapter A.II above.

⁵⁰ Cf. Submission 6/3267 (meanwhile distributed as motion as amended in Submission 6/3320).

⁵¹ Cf. Submission 6/3269.

⁵² Cf. Submission 6/3268.

⁵³ Also see Chapter A.II above.

⁵⁴ Cf. Submission 6/3108.

⁵⁵ Cf. Communication 6/1352.

In a non-public session, commission members decided to hold an oral and written hearing on topics included in A3⁵⁷. The persons, whose oral hearing was to be held, as well as informants were nominated by the parliamentary parties on 24th November 2017.

f) Sixth session on 19th December 2017

The hearing on the topics included in A3⁵⁸ of the work programme⁵⁹ took place in a public session. The commission members used the D'Hondt method to decide to conduct an oral hearing of 18 people. 63 persons to be heard and informants were asked for a written statement and/or information in writing. The focus was the discrimination experiences of those affected. Representatives, multipliers and experts from the following institutions, associations and unions provided information on this:

- Landesschülervertretung Thüringen
Regional Chairperson Mr. Hannes Leiteritz
Members Ms. Walther and Ms. Wötzel
- tlv – thüringer lehrerverband
Regional Chairperson Mr. Rolf Busch
- Landeselternvertretung Thüringen
Gemeinsame Landeselternsprecher aller Schularten (Common State Parent Representatives of all School Types)
Dr. Claudia Martins-Cavaco and Mr. Roul Rommeiß
- Thüringer Volkshochschulverband e.V.
Managing Director Ms. Sylvia Kränke
- Jüdische Landesgemeinde Thüringen, K.d.ö.R.
Chairperson Prof. Dr. Reinhard Schramm
- Evangelisches Büro Thüringen

⁵⁶ Cf. Communication 6/1420.

⁵⁷ Cf. Submission 6/3131 2nd revised version; and: Submissions 6/2976-NF-/3132-NF-/3133/3289/3290, also see Chapter A.II above.

⁵⁸ Cf. Chapter A.II.

⁵⁹ Cf. Submission 6/2952.

Office of the Representative of the Protestant Church in the Free State of
Thuringia

Ms. Christina Büttner

- Friedrich Schiller University Jena
Psychological Institute
Department for Research Synthesis, Intervention and Evaluation
KomRex – Centre for Research on Right-Wing Extremism, Civic Education
and Social Integration
Director Prof. Dr. Andreas Beelmann

The following institutions, associations and unions presented their statements in writing:

- Thuringian Ministry for Migration, Justice and Consumer Protection
Commissioner for Foreigners of Thuringia (Commissioner for Integration,
Migration and Refugees) Ms. Mirjam Kruppa⁶⁰
- Thüringer Arbeitsloseninitiative – Soziale Arbeit e.V.
State Office
Ms. I. Schindler⁶¹
- Landesfrauenrat Thüringen e.V.
Chairperson Ms. Ilona Helena Eisner⁶²
- Open Doors Deutschland e.V.
Chairperson Mr. Markus Rode⁶³
- Vielfalt Leben – QueerWeg Verein für Thüringen e.V.
Verein für Thüringen e.V.
Chairperson Mr. Matthias Grothe⁶⁴
- Studierendenwerk Thüringen
Managing Director Dr. Ralf Schmidt-Röh⁶⁵

⁶⁰ Cf. Submission 6/3511.

⁶¹ Cf. Communication 6/1470.

⁶² Cf. Communication 6/1493.

⁶³ Cf. Communication 6/1496.

⁶⁴ Cf. Communication 6/1508.

⁶⁵ Cf. Communication 6/1509.

- Thuringian Ministry for Labour, Social Affairs, Health, Women, and Family
Thuringian Representative for Persons with Disabilities
Mr. Joachim Leibiger⁶⁶
- DaMigra e.V.
Project Coordinator Ms. Victoria Korshnyakova⁶⁷
- Refugio Thüringen e.V.⁶⁸
Member of the Board Mr. Claus-Peter Langer
- GEW Thuringia
Regional Chairperson Mr. Kathrin Vitzthum⁶⁹
- Prof. Dr. Egon Flaig
University of Rostock
Chair, Ancient History⁷⁰
- Ms. Tania Kambouri⁷¹
- Institut für Berufsbildung und Sozialmanagement gGmbH (IBS)
Sprintpool Thüringen
Dipl. Social Worker (FH) Josina Monteiro⁷²
- Prof. Dr. iur. Karl Albrecht Schachtschneider⁷³

g) Seventh session on 9th January 2018

The commission dealt with the terms “racism” and “discrimination”. It decided by the majority in a public session to accept the motion of the parliamentary parties THE LEFT, SPD and ALLIANCE 90/THE⁷⁴ GREENS. This motion also took into account amendments from CDU's⁷⁵ motion.⁷⁶ The motion filed by the AfD⁷⁷ was not accepted.

⁶⁶ Cf. Communication 6/1510.

⁶⁷ Cf. Communication 6/1513.

⁶⁸ Cf. Communication 6/1514.

⁶⁹ Cf. Communication 6/1523.

⁷⁰ Cf. Communication 6/1524.

⁷¹ Cf. Communication 6/1526.

⁷² Cf. Communication 6/1531.

⁷³ Cf. Communication 6/1542.

⁷⁴ Cf. Submission 6/3320 and Chapter B. I. 1).

⁷⁵ Cf. Submission 6/3433.

⁷⁶ Cf. Submission 6/3522.

⁷⁷ Cf. Submission 6/3378.

The hearing on the topics included in A3⁷⁸ took place in a public session. The focus was the discrimination experiences of those affected. Representatives, multipliers and experts from the following associations provided information on this orally:

- Initiative Schwarze Menschen in Deutschland e.V. (Initiative of Black People in Germany)
Dr. Marco Leitzke
- Menschen ohne bezahlte Beschäftigung – Hilfe und Selbsthilfe e.V.
Association Chairperson Dr. Beate Jonscher
- Flüchtlingsrat Thüringen e.V. (The Refugee Council of Thuringia)
Mr. Martin Arnold

h) Eighth session on 30th January 2018

The hearing on the topics included in A3⁷⁹ of the work programme⁸⁰ was continued in a public session. The focus was the discrimination experiences of those affected. Representatives, multipliers and experts from the following institutions, associations and unions provided information on this orally:

- Trade Union of the Police, Thuringia Region
Regional Chairperson Mr. Kai Christ⁸¹
- Landesseniorenrat Thüringen (State Elderly Council, Thuringia)
Chairperson Ms. Hannelore Hauschild⁸²
- Zentralrat der Muslime (Central Council of Muslims in Germany)
Representative Mr. Said Barkan
- University of Applied Sciences Jena
Prof. Dr. Andrea Nachtigall
Mr. Zülfukar Çetin (Alice Salomon University of Applied Sciences)

⁷⁸ Cf. Submission 6/3131 2nd revised version; and: Submissions 6/2976-NF-/3132-NF-/3133/3289/3290; cf. Chapter A. II.

⁷⁹ Cf. Submission 6/3131 2nd revised version; and: Submissions 6/2976-NF-/3132-NF-/3133/3289/3290.

⁸⁰ Cf. Submission 6/2952.

⁸¹ Cf. Communication 6/1511.

⁸² Cf. Communication 6/1494.

- Roma Anti-Discrimination Network Göttingen
Roma Center Göttingen
Representative Ms. Hajdi Barz⁸³
- Jugendliche ohne Grenzen
Support and Counselling Centre
Representatives Mr. Mohammed Jouni and Mr. Jibran Khalil

In a non-public part of the session, the commission members discussed a motion presented by the parliamentary parties CDU, THE LEFT, SPD and ALLIANCE 90/THE GREENS⁸⁴ on topics included in A5⁸⁵. The motion for conducting an oral and written hearing was accepted. The commission members named 12 persons to be heard in an oral hearing and 13 persons to present a written statement. They also decided to structure the interim report according to Section V of the resolution of the Thuringia State Parliament dated 26th January 2017, taking into account the work programme.⁸⁶

i) Ninth session on 6th March 2018

The hearing and information proceedings on the topics included in A4⁸⁷ of the work programme⁸⁸ took place in a public session. 30 informants and persons to be heard were named in advance. The focus was to see what strategies the Thuringian ministries and authorities are pursuing to combat racism. Representatives of the following ministries, authorities, institutions, associations and unions provided information or presented situation analyses:

- Thüringer Ministerium für Kultur, Bundes- und Europaangelegenheiten
(Thuringian Ministry for Culture and Federal and European Affairs)
Coordination Centre for Anti-Discrimination
Minister Professor Dr. Benjamin-Immanuel Hoff⁸⁹
- Thuringian Ministry for Culture and Federal and European Affairs

⁸³ Cf. Communication 6/1532; and Communication 6/1887.

⁸⁴ Cf. Submission 6/3549; and Submissions 6/2975 -revised version-/3566 -revised version-.

⁸⁵ Cf. Chapter A.II.

⁸⁶ Cf. Submission 6/3577.

⁸⁷ Cf. Submission 6/3134; and Submissions 6/2974 -revised version-/3135.

⁸⁸ Cf. Submission 6/2952.

⁸⁹ Cf. minutes of the 9th session, 06.03.2018, pp. 9-15, 20-21, 26-40 and Submission 6/3734.

Coordination Centre for Anti-Discrimination

Mr. Michael Hasenbeck⁹⁰

- Thuringian Ministry for Culture and Federal and European Affairs
Landeszentrale für politische Bildung
Head Mr. Franz-Josef Schlichting⁹¹
- Thuringian State Media Authority
Mr. Jochen Fasco⁹²
- Thuringian Ministry for Education, Youth and Sport
State Secretary Ms. Gabi Ohler⁹³
- Thuringian Ministry for Education, Youth and Sport
Landesprogramm für Demokratie, Toleranz und Weltoffenheit (State
Programme for Democracy, Tolerance and Cosmopolitanism)
Ms. Anja Zachow⁹⁴
- Thuringian Ministry for Labour, Social Affairs, Health, Women, and Family
Minister Ms. Heike Werner⁹⁵
- Thuringian Representative for Persons with Disabilities
Mr. Markus Lorenz⁹⁶
- Thuringian Representative for Equality between Women and Men
Ms. Katrin Christ-Eisenwinder⁹⁷
- Thuringian Ministry for Internal Affairs and Municipal Issues
State Secretary Mr. Udo Götze⁹⁸
- Thuringian Ministry for Internal Affairs and Municipal Issues
State Police Department, Thuringia
Mr. Schneider⁹⁹

⁹⁰ Cf. minutes of the 9th session, 06.03.2018, pp. 21-40 and Submissions 6/3735/3736/3816/3817/3818/3819/3820.

⁹¹ Cf. Submission 6/3821.

⁹² Cf. minutes of the 9th session, 06.03.2018, pp. 16-19, 26-40 and Submissions 6/3738/3815.

⁹³ Cf. minutes of the 9th session, 06.03.2018, pp. 40-44, 46-69.

⁹⁴ Cf. minutes of the 9th session, 06.03.2018, pp. 44-69.

⁹⁵ Cf. minutes of the 9th session, 06.03.2018, pp. 70-75, 83-96.

⁹⁶ Cf. minutes of the 9th session, 06.03.2018, pp. 79-96.

⁹⁷ Cf. minutes of the 9th session, 06.03.2018, pp. 76-79, 83-96.

⁹⁸ Cf. minutes of the 9th session, 06.03.2018, pp. 96-127 and Submissions 6/3837/3838.

- State Office of Criminal Investigation, Thuringia
Vice President Mr. Heiko Schmidt¹⁰⁰
- University for Public Administration
Faculty: Police
Professor Dr. Ley¹⁰¹
- Thuringian Ministry for Internal Affairs and Municipal Issues
Office for the Protection of the Constitution
Vice President Mr. Roger Derichs¹⁰²
- Thüringer Landesverwaltungsamt (State Administration Office, Thuringia)
Mr. Barbian¹⁰³
- Thuringian Ministry for Economy, Science and Digital Society
State Secretary Ms. Valentina Kerst¹⁰⁴
- Thuringian Ministry for Economy, Science and Digital Society
Faculty: Universities
Prof. Dr. Beelmann¹⁰⁵
- Thuringian Commissioner for Integration, Migration and Refugees
Ms. Mirjam Kruppa¹⁰⁶
- Thuringian Ministry for Migration, Justice and Consumer Protection
Minister Mr. Dieter Lauinger¹⁰⁷
- Bildungszentrum der Thüringer Landesverwaltung Gotha (University of Public Administration)
Justizvollzugsausbildungsstätte (Law Enforcement Training Facility)
Dr. mult. Stefan Giebel¹⁰⁸
- Thüringer Landesarbeitsgericht (State Labour Court, Thuringia)

⁹⁹ Cf. minutes of the 9th session, 06.03.2018, pp. 96-127 and Submissions 6/3737/3837/3838.

¹⁰⁰ Cf. minutes of the 9th session, 06.03.2018, pp. 96-127 and Submission 6/3737.

¹⁰¹ Cf. minutes of the 9th session, 06.03.2018, pp. 96-127.

¹⁰² Cf. minutes of the 9th session, 06.03.2018, pp. 96-127.

¹⁰³ Cf. minutes of the 9th session, 06.03.2018, pp. 96-127.

¹⁰⁴ Cf. minutes of the 9th session, 06.03.2018, pp. 128-149 and Submission 6/4005.

¹⁰⁵ Cf. minutes of the 9th session, 06.03.2018, pp. 133-149.

¹⁰⁶ Cf. minutes of the 9th session, 06.03.2018, pp. 167-182.

¹⁰⁷ Cf. minutes of the 9th session, 06.03.2018, pp. 149-182 and Submission 6/3864.

¹⁰⁸ Cf. minutes of the 9th session, 06.03.2018, pp. 149-182 and Submission 6/3864.

Vice President Mr. Michael Holthaus¹⁰⁹

- Thüringer Oberlandesgericht (Higher Regional Court, Thuringia)

President Mr. Stefan Kaufmann¹¹⁰

- Municipality of Jena

JenArbeit – Job Centre of the City of Jena¹¹¹

- Regionaldirektion Sachsen-Anhalt-Thüringen

Federal Employment Agency

Chairperson of the Board Mr. Kay Senius¹¹²

In a non-public part of the session, the commission members discussed a motion presented by the parliamentary parties CDU, THE LEFT, SPD and ALLIANCE 90/THE GREENS.¹¹³ They agreed to conduct an oral and written hearing on topics included in A5¹¹⁴ of the work programme¹¹⁵ on 23rd March 2018 and on 10th April 2018.

Section V of the resolution of the Thuringia State Parliament to set up a Commission of Inquiry dated 26th January 2017 states: the Commission of Inquiry shall present an interim report to the state parliament by the 1st quarter of 2018. The report shall include the work status and information about the further course of action.¹¹⁶ Members of the Commission of Inquiry decided: “1. to deviate from the date for the preparation of the interim report that was previously fixed for the end of the 1st quarter of 2018 and to schedule the submission of the report at the end of the second quarter of 2018. With this resolution, the commission informs the President of the State Parliament about the extension of the period for reimbursement for the interim report. The President of the State Parliament is requested to inform the leaders of the parliamentary parties about this decision.”¹¹⁷ At the request of the commission, the President of the Thuringia State Parliament presented a statement on the

¹⁰⁹ Cf. minutes of the 9th session, 06.03.2018, pp. 149-182 and Submission 6/3864.

¹¹⁰ Cf. minutes of the 9th session, 06.03.2018, pp. 149-182 and Submission 6/3864.

¹¹¹ Cf. Communication 6/1632.

¹¹² Cf. Communication 6/1659.

¹¹³ Cf. Submission 6/3549; and Submissions 6/2975 -revised version-/3566 -revised version-.

¹¹⁴ See Chapter A. II.

¹¹⁵ Cf. Submission 6/2952.

¹¹⁶ Cf. Document 6/3374.

¹¹⁷ See Submission 6/3680, Section 1.

commission's procedure¹¹⁸: according to this statement, the Commission of Inquiry is not allowed to take any decisions which in practice invalidate or contradict the decisions taken by the state parliament in exercising its parliamentary autonomy. The decision¹¹⁹ therefore cannot amend the time-limit for reimbursement of an interim report specified by the parliament in the decision to constitute the Commission of Inquiry set out in Section¹²⁰ V. For the decision to take effect, the state parliament would have to amend the decision to constitute the Commission of Inquiry.¹²¹

With regard to the interim report, the commission members agreed: “2. [...] to form working groups in accordance with the decided structure as per Submission 6/3577 for Part B II 1. Education, 2. Police, 3. Justice, 4. Public Administration and 5. Other Fields of Action. The working groups are composed of the expert members of the commission”.¹²² The commission members agreed to appoint expert members after the session. Each expert member should be given one thematic work area.

j) Tenth session on 23rd March 2018

The 10th unscheduled session on 23rd March 2018 was cancelled.

k) Eleventh session on 10th April 2018

The hearing on the topics included in A5¹²³ of the work programme¹²⁴ took place in a public session. On 30th January 2018, the commission members had decided to invite 13 of the 25 persons to be heard for an oral hearing. 12 persons to be heard were asked for a written statement and/or information in writing. The focus was to see what strategies the other federal states, the German federal government and the EU are pursuing to combat racism. Representatives of the following institutions, associations, unions and authorities provided information orally:

- Anti-Discrimination Association Germany

¹¹⁸ See Submission 6/3884 for Submission 6/3680.

¹¹⁹ See Section 1 in Submission 6/3680.

¹²⁰ Cf. Document 6/3374.

¹²¹ As set out in Document 6/5704, the Thuringia State Parliament decided by a large majority on 23rd May 2018 to amend the resolution of the state parliament in Document 6/3374 dated 26th January 2017, according to which the Commission of Inquiry shall present the interim report at the end of the second quarter of 2018.

¹²² See Section 2 in Submission 6/3680.

¹²³ Cf. Submission 6/3549; and Submissions 6/2975 -revised version-/3566 –revised version-.

¹²⁴ Cf. Submission 6/2952.

Mr. Daniel Bartel¹²⁵

- Coalition for Action against Violence, Right-wing Extremism and Xenophobia
Ms. Anna Spangenberg¹²⁶

- Federal Agency for Civic Education (bpb)
Right-wing and Left-wing Extremism
Mr. Langenbach¹²⁷

- Senate Administration for Education, Youth and Family Affairs
Anti-Discrimination Ombudsman Ms. Saraya Gomis¹²⁸

- Citizens for Europe
Project Director "Vielfalt entscheidet - Diversity in Leadership"
Mr. Daniel Gyamerah¹²⁹

The following institutions, associations and unions presented their statements in writing:

- Bayrische Informationsstelle gegen Extremismus (BIGE)
Mr. Christoph Dauser¹³⁰
- Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen
(Ministry for Internal Affairs and Local NRW)
Department: Verfassungsschutz (Constitution Protection)
Mr. Burkhard Freier¹³¹
- Landesstelle für Gleichbehandlung – gegen Diskriminierung Berlin (Berlin State Office for Equal Treatment and Against Discrimination)
Ms. Eren Ünsal¹³²
- Ministerium für Kultur und Wissenschaft des Landes Nordrhein-Westfalen
(Ministry for Culture and Science NRW)

¹²⁵ Cf. minutes of the 11th session, 10.04.2018, pp. 75-87 and Communication 6/1840.

¹²⁶ Cf. minutes of the 11th session, 10.04.2018, pp. 34-48 and Communication 6/1845.

¹²⁷ Cf. minutes of the 11th session, 10.04.2018, pp. 49-75.

¹²⁸ Cf. minutes of the 11th session, 10.04.2018, pp. 75-87.

¹²⁹ Cf. minutes of the 11th session, 10.04.2018, pp. 87-102.

¹³⁰ Cf. Communication 6/1789.

¹³¹ Cf. Communication 6/1779 and Communication 6/1819.

¹³² Cf. Communication 6/1813.

Landeskoordinierungsstelle gegen Rechtsextremismus (State Coordination
Centre against Right-Wing Extremism)

Landeszentrale für politische Bildung

Ms. Rana Aydin-Kandler¹³³

- European Commission against Racism and Intolerance

Secretariat of ECRI

Council of Europe

Mr. Wolfram Bechtel¹³⁴

- Amnesty International

Department of the Federal Republic of Germany

Mr. Markus N. Beeko¹³⁵

- Swiss Federal Commission against Racism (EKR)¹³⁶

- Neue Deutsche Organisationen (NDO)

Ms. Gabriele Gün Tank¹³⁷

- Center for Intersectional Justice (cij)

Dr. Emilia Roig¹³⁸

- Bundesministerium für Familie, Senioren, Frauen und Jugend (Federal
Ministry for Family Affairs, Seniors, Women and Youth)

Mr. Thomas Heppener¹³⁹

- Behörde für Schule und Berufsbildung Hamburg (Authority for School and
Vocational Training Hamburg)

Senator Mr. Raben¹⁴⁰

- Federal Ministry of the Interior

Department GZ 3

Tariff employee

Dr. Lubinski¹⁴¹

¹³³ Cf. Communication 6/1842.

¹³⁴ Cf. Communication 6/1803.

¹³⁵ Cf. Communication 6/1837.

¹³⁶ Cf. Communication 6/1818.

¹³⁷ Cf. Communication 6/1787 and Communication 6/1830.

¹³⁸ Cf. Communication 6/1841.

¹³⁹ Cf. Communication 6/1780.

¹⁴⁰ Cf. Communication 6/1788.

- Federal Office for the Protection of the Constitution
Drop-out Programme for Right-wing and Left-wing extremists
Mr. Hans-Georg Maaßen¹⁴²

In the non-public part of the session, the commission members decided the dates for subsequent working group meetings.

4) Viewing of session documents

It is possible to view the session documents (minutes of public committee sessions, communications, etc.) mentioned in the footnotes and explanatory notes on request pursuant to § 80 Para. 4 of the Rules of Procedure of the Thuringia State Parliament. From 1st March 2018, the minutes of public committee sessions and related session documents will be made publicly available as electronic documents in the parliamentary documentation prepared by the state parliament. Until then, an informal request to view these can be sent to poststelle@landtag.de pursuant to § 80 Para. 4.

¹⁴¹ Cf. Communication 6/1780.

¹⁴² Cf. Communication 6/1766.

B. Insights from the Work performed by the Commission of Inquiry so far

I. Review and General Problem Description

1) Definition and concretisation

The Commission of Inquiry decided upon a work programme in its third session on 12th September 2017.¹⁴³ At the start, the focus was on the comprehensive discussion on the terms “racism” and “discrimination”. The commission's expert members were asked to describe “the causes, forms and consequences of the dissemination of racist attitudes and group-focused enmity (due to political and religious attitudes among other¹⁴⁴ things)”. It was also important to understand the methodology of the expert members.

In its seventh session on 9th January 2018, the Commission of Inquiry approved by the majority the motion of the parliamentary parties THE LEFT, SPD and ALLIANCE 90/THE GREENS on the definitions of “racism” and “discrimination” in Submission 6/3320. An amendment by the CDU in Submission 6/3433 was partly taken into account in the process. The definition is:

Racism

Racism constructs races, with the result that (attributed) physical, cultural or religious aspects or special characteristics (inclinations, character traits, talents) appear as genuine group characteristics that are of central importance to all group members and mark a fundamental difference from “one's own group”. Constructing “races” has the purpose and/or effect, of creating a separate group identity by excluding others and thereby legitimising aggression, exclusion and privileges.

This continuous process of constructing races (racialisation) serves to implicitly or explicitly derive inequalities from differences. Whether the concerned individual really belongs to the group ascribed to him is not relevant in this process.

¹⁴³ See Submission 6/2952.

¹⁴⁴ See Submission 6/2952, p. 2.

The ideology of ethnopluralism is expressly included in this process, since – to put it in modern terminology – it constructs races and propagates racial segregation. It is based on prioritising and overvaluing ascribed ethnicity and leads to de-individualisation of people. In racism, it must be particularly noted that belonging to a (constructed) group and thereby possessing the characteristics ascribed to the group are considered inalterable. These frequently passed down ascriptions that have been deeply rooted for centuries serve to legitimise claims to power in society. They manifest themselves through obstructing or denying access to social, political and cultural resources to the group that has been segregated as the “other”. Furthermore, racism serves to build the identity of certain groups by excluding the supposed “others” perceived as inferior. It attempts to standardise the plurality of society, and what is defined as other, either overtly or covertly, is not very visible in public representation and awareness.

Racism can happen intentionally or unintentionally and cannot be reduced to deliberate malicious actions. Racism holds at an individual and intentional level the conviction that people are supposed to be treated unequally due to their real or perceived differences and thereby justifies social inequality. Differences in life plans, norms and values are explained away discursively to national-cultural differences. On one hand, while the differences within the “in” group are negated, the plurality within the group defined as the “other” is denied. The forms in which racism manifests are therefore not limited to the historical form of biological racism, which constructs races using biological differences. Instead, races are nowadays preponderantly constructed using allegedly irresolvable cultural differences. Ethnic, cultural and religious differences are naturalised like biological differences in this process of racialisation and thus understood to be unchangeable and hereditary.

In institutional racism, norms and behaviour detrimental to certain groups affected by racism and discrimination are regularly practised in daily life in conjunction with power relationships in society.

The racism debate in Germany is marked by epistemic violence. Groups that have experienced racism are denied their experience of discrimination, racist realities are not acknowledged, dumbbed down, trivialised, the relevance or even existence of

learning and collective experience of groups that have experienced racism is denied. This must be countered with suitable measures.

It is against this background that the legal obligations for Government and official actions emerging from the International Convention on the Elimination of Racial Discrimination (ICERD) must be pointed out. The human rights definition of racial discrimination given in Article 1 of this United Nations Anti-racism Convention transcends beyond a restricted understanding of racism, by including unintentional racial discrimination: This definition states that racial discrimination includes “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” By ratification of the ICERD, the Human Rights Convention acquires the status of a federal law, obligating the compliance of government and public institutions. The Convention furthermore entails concrete obligations to eliminate racial discrimination in all forms in a targeted manner which includes its differentiated recording and the implementation of the UN Convention in ordinary-law terms.

The Committee monitoring the UN anti-racism convention has observed multiple times that Germany is falling behind in terms of its compliance with its obligations under the Convention.

Discrimination

Discrimination is the illegitimate discrimination against people due to their classification into specific categories. People are depersonalised through discriminatory behaviour. They suffer disadvantages in terms of opportunities to participate, to act and self-determine simply because they belong to a specific social or culture category.

People are denigrated and classified in a hierarchical structure based on, amongst other things, gender, sexual orientation, colour, age, disability, religion or social background. Those discriminating are in this way allowed to occupy an unfair position of power.

In institutional discrimination, norms and behaviour, detrimental to certain groups affected by discrimination, are regularly practised in daily life in conjunction with power relationships in society. Groups experiencing discrimination are listed in the Equal Treatment Act (*German abbreviation AGG*). Multiple discrimination (intersectionality) is addressed in the Act. In addition, the Federal Anti-Discrimination Agency explicitly cites additional grounds for discrimination, such as social background, which are not considered in the AGG. The European Charter of Fundamental Rights goes further and also includes the socio-economic status of a person as grounds for discrimination.

Discrimination runs counter to the social principles of equality and justice and represents a violation of human rights. The concept of discrimination is wider than that of racism. It covers a broader spectrum of unequal treatment in society. Contrary to racism, discrimination is not at an attitude level but is illegitimate behaviour. At the same time, both racism and discrimination classify people according to certain characteristics, which are used to denigrate them vis-a-vis one's own group, thereby creating society hierarchies.

We are faced with a difficult dilemma that is not easy to resolve when examining the difference between discrimination and objective differentiation. On one hand, lines of difference must be addressed to help visualise discrimination, so that protection against discrimination and equal treatment can be assured in the first place. On the other hand, by highlighting and recognising lines of difference, boundaries of not belonging can be constructed which may have a discriminatory effect. The charged relationship between illegitimate discrimination and legitimate differentiation can be handled only through a continuous balancing process. A reference point for this can, for example, be found in Article 1 Para. 4 of ICERD which states that special protection measures against discrimination shall not be continued after the objectives for which they were taken have been achieved.”¹⁴⁵

¹⁴⁵ See Submission 6/3522 -revised version-.

2) Social and legal situation in Thuringia and in the Federal Republic of Germany

a) Social situation in Thuringia and in the Federal Republic of Germany

(1) Insights from the topics included in A1 of the information gathering phase

The work programme of the Commission of Inquiry¹⁴⁶ states: The commission's expert members shall share their scientific expertise on the questions listed in A. IV.3.) a). The topics included in A1 "[...] causes, forms and consequences of the dissemination of racist attitudes and group-focused enmity (due to political and religious attitudes among other things) [...]"¹⁴⁷ were discussed in the second and third sessions of the Commission of Inquiry.

1. Dr. Abou-Taam cited the results of the 2016 Microcensus in his statement. Since 2005, this publication by the Federal Statistical Office has provided a comprehensive overview of the significance of migration for the state and society in Germany. Dr. Abou-Taam's statement was based on the results of the 2016 Microcensus, supplemented by comparative data from the 2015 Microcensus. The phenomenon of migration was further defined by the concept "population with a migrant background".¹⁴⁸ Dr. Abou-Taam explained: pluralism is to be understood as an element that structures liberal-constitutional democracy. It is clear that there is a cultural change in Western societies. For example, age structure in Germany will change, as will social composition. Statistically speaking, 17.1 million people with a migrant background live in Germany, which corresponds to about 21% of the resident population. This means that just under one in five people in Germany has foreign roots.¹⁴⁹
2. In his statement, Joshua Kwesi Aikins reported¹⁵⁰ on the results of studies conducted by the Diakonie-Bundesverband (Diakonie federal association)¹⁵¹

¹⁴⁶ Cf. Submission 6/2952.

¹⁴⁷ See Submission 6/2952, p. 2.

¹⁴⁸ Cf. Submission 6/2934; Federal Statistical Office (2017), Population and employment: population with a migrant background - Results of the 2016 Microcensus, Subject-matter series 1 Series 2.2, Federal Statistical Office, Wiesbaden.

¹⁴⁹ Cf. Submission 6/2934.

¹⁵⁰ Cf. Submission 6/2867.

and the Expert Council of German Foundations on Integration and Migration¹⁵². According to these studies, members of racialised groups in Germany are disadvantaged in terms of access to education, work, health and the housing market.

3. In their statement, experts Prof. Dr. Attia and Mr. Keskiniliç reported on¹⁵³ racist, exclusionary social conditions. Racism suggests that it is legitimate to regulate participation and belonging, to favour the “in” group and to discriminate against racialised groups, for example, when it comes to access to resources and privileges in Germany.¹⁵⁴ Investigations point to institutional discrimination. This includes everyday routines and regulations, norms and behaviours in society that favour certain groups and discriminate against other groups.¹⁵⁵ Generally, racism can be compared and interlinked with other othering processes and power relationships in society (multiple discrimination, intersectionality).

Representational relationships convey a picture of normality as cultural signifiers – for example if only white people appear in educational material and media coverage, on the streetscape and in advertisements, and blacks are shown only when one wants to talk about problems or their blackness. Being white then becomes “normal” and being black becomes problematic or at any rate something that needs an explanation.

4. Between 2015 and 2017, the Bertelsmann Stiftung carried out a representative survey together with infratest dimap. In his remarks, Prof. Dr. Deichmann presented the results of this study under the title: “Die Stunde der Populisten? Populistische Einstellungen bei Wählern und Nichtwählern vor der Bundestagswahl 2017”¹⁵⁶. According to these results, populist attitudes are widespread in Germany as well. However, they remain comparatively

¹⁵¹ Cf. Aikins, J. K., & Diakonie federal association (ed.) (2015): Rassistische Diskriminierung in Deutschland – Erscheinungsformen und menschenrechtliche Verpflichtungen zum Schutz vor rassistischer Diskriminierung, Berlin.

¹⁵² Cf. Expert Council of German Foundations on Integration and Migration (2014): Diskriminierung am Ausbildungsmarkt. Ausmaß, Ursachen und Handlungsperspektiven.

¹⁵³ Cf. Submission 6/2862.

¹⁵⁴ Cf. Hall, Stuart (2016): Rassismus als ideologischer Diskurs, in: Krimic Dorothee and others (ed.) Was ist Rassismus?.

¹⁵⁵ Cf. Hormel, Ulrike/ Scherr, Albert (2019): Diskriminierung. Grundlagen und Forschungsergebnisse.

¹⁵⁶ Cf. Submission 6/2959; Robert Vehrkamp/Christopher Wratll (ed.), Die Stunde der Populisten? populistische Einstellungen bei Wählern und Nichtwählern vor der Bundestagswahl 2017. (Study conducted by the Bertelsmann Stiftung).

moderate in the political scenario. Nevertheless, the difficult situation that many western democracies are facing exists in Germany: in democracies, populism fulfils the important function of making the political dissatisfaction of the citizens and democratic deficits visible at an early stage. At the same time, populism can jeopardise the stability and basic values of liberal democracies. Prof. Dr. Deichmann also referred to the constitution protection report 2016.¹⁵⁷ Among other things, the report comments on the nature and extent of anti-constitutional developments as well as on organisations and groups that are directed against the free democratic fundamental order. Individual events are classified analytically and evaluated ideologically and strategically, especially in the chapters “Development trends” and “Potential hazards”. According to Prof. Dr. Deichmann, the constitution protection report makes an important contribution in spreading awareness about the threat dimension of state and society.

5. In his statement, Mr. Yılmaz-Günay explained¹⁵⁸ the relationship between social conditions in the Federal Republic and the valuation of groups. His statements were based on studies by the Federal Anti-Discrimination Agency¹⁵⁹, the International Labour Organisation (ILO)¹⁶⁰ and the Paritätischer Gesamtverband (German Parity Welfare Association)¹⁶¹. The studies confirm that Access in areas such as political participation rights, housing, education, health care, training and labour market as well as leisure is different for different groups. These differences can be traced back to racist attitudes and structures. Racist attitudes are widespread in society – this has been confirmed by various studies. Racist attitudes are also reflected in institutions and structures. As a result, racist relationships in structures and institutions are not addressed and identified as such in society. This helps racism establish itself in society.

¹⁵⁷ Cf. Submission 6/2959 and Federal Ministry of the Interior (BMI) (ed.), constitution protection report 2016 ff., Bonn and/or Berlin 1991 ff.

¹⁵⁸ Cf. Submission 6/2861.

¹⁵⁹ Cf. Federal Anti-Discrimination Agency (ed.) (2016): Diskriminierung auf dem Wohnungsmarkt. Strategien zum Nachweis rassistischer Benachteiligungen. Expert report on behalf of the Federal Anti-Discrimination Agency.

¹⁶⁰ Cf. ILO (2017): Hintergrund: Entwicklung der globalen Arbeitsmigration und das Engagement der ILO.

¹⁶¹ Cf. German Parity Welfare Association (2017): Bericht zur Armutsentwicklung in Deutschland 2017.

6. In his statement, Jun.-Prof. Dr. Mannewitz referred to the sixth edition of the “Mitte Studie” of the Friedrich-Ebert-Stiftung (2016). The study focuses on the perception of flight and migration, endorsement of and propensity to use violence, right-wing populist attitudes, acceptance or rejection of cultural diversity and the extent of democracy distrust.¹⁶²

Jun.-Prof. Dr. Mannewitz also referred to the three-country study “Organisational Development – An Approach to Successful Multicultural Schools”. The study examined school development strategies of primary schools in Germany (NRW/Gelsenkirchen), England (London) and Switzerland (Zurich). The results clearly show, among other things: the measures that are aimed at increasing educational opportunities for all children and in the entire school system are particularly effective.¹⁶³

Jun.-Prof. Dr. Mannewitz cited the report of the Federal Anti-Discrimination Agency and the commissioners of the federal government and the German Bundestag working in its jurisdiction. The aim of the report of the Federal Anti-Discrimination Agency is to make subjective discrimination experiences visible and to identify discrimination risks. § 1 of the AGG mentions the following characteristics: ethnic origin, gender, religion/ideology, age, disability and sexual identity. But other experiences play a role too, for example, “social background”, family status or appearance. The report is based on the consultation requests received by the Federal Anti-Discrimination Agency (ADS), other state and non-state anti-discrimination bodies, the Federal Government Commissioner for matters pertaining to persons with disabilities and the Federal Government Commissioner for migration, refugees and integration.¹⁶⁴

7. In her oral statement, Ms. Güleç explained¹⁶⁵ the close links between historical developments, social framework conditions and the emergence of racism and

¹⁶² Cf. Submission 6/2933; Andreas Zick/Beate Küpper/Daniela Krause, *Gespaltene Mitte – feindselige Zustände. Rechtsextreme Einstellungen in Deutschland 2016*, Bonn 2016.

¹⁶³ Cf. Submission 6/2933; Gomolla, Mechtild: *Organisationsentwicklung – ein Ansatz für erfolgreiche multikulturelle Schulen? A comparative analysis of school development strategies for dealing with a linguistically, socially and culturally heterogeneous student body in England, Switzerland and Germany*, Münster 2005.

¹⁶⁴ Cf. Submission 6/2933; Federal Anti-Discrimination Agency, *Diskriminierung in Deutschland*, Third joint report of the Anti-Discrimination Agency and the commissioners of the federal government and the German Bundestag working in its jurisdiction, Berlin 2017.

¹⁶⁵ Cf. minutes of the 3rd session, pp. 30-56.

discrimination. The study by the Expert Council of German Foundations shows, for example: discrimination exists at the socio-political level despite equal treatment rights, laws and prohibition of discrimination.¹⁶⁶ According to the study, racism and racial discrimination are rooted in everyday life: this is reflected in areas such as the labour market and also in structures and state institutions. This is also the conclusion of the study “Das Unwort erklärt die Untat (The Non-Word Explains the Misdeed)”, published by the Otto Brenner Stiftung.¹⁶⁷ The study looks at how public media deals with NSU victims. It clearly shows the connection between epistemic violence and racism. The study identifies a non-empathetic media portrayal of the murdered people and the ignorance and disinterest towards them. This explains the unspoken, but surely existent social self-conception of how majority of society deals with migrants. Ms. Güleç reported on a finding from North American research¹⁶⁸: there is situated knowledge of the majority of society and situated knowledge of migrants. The situated knowledge of migrants is very rarely taken into account in social discourses.

8. In her statement,¹⁶⁹ Dr. Schellenberg referred to the normative framework conditions of the Federal Republic of Germany and to the current challenges in pluralistic German society. Among other things, she referred to the CERD parallel reports¹⁷⁰ to the nineteenth to twenty-second state report of the Federal Republic of Germany and to the independent report on the implementation of OSCE commitments on human rights and democracy in Germany (commissioned by the Foreign Office at the German Institute for Human Rights).¹⁷¹ The analyses conducted by scientists,

¹⁶⁶ Cf. Expert Council of German Foundations on Integration and Migration (2014):

Diskriminierung am Ausbildungsmarkt. Ausmaß, Ursachen und Handlungsperspektiven.

¹⁶⁷ Cf. Fabian Virchow, Tanja Thomas, Elke Grittmann, Das Unwort erklärt die Untat. Otto Brenner Stiftung, 2014.

¹⁶⁸ Cf. Haraway, Donna (1998), Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective.

¹⁶⁹ Cf. Submission 6/2863.

¹⁷⁰ Cf. lawyers, scientists and NGOs (2015): CERD parallel report. Institutioneller Rassismus am Beispiel des Falls der Terrorgruppe “Nationalsozialistischer Untergrund” (NSU) und notwendige Schritte um Einzelne und Gruppen vor rassistischer Diskriminierung zu schützen; Diakonie Deutschland – Protestant federal association (ed.) (2015) CERD- parallel report. Racial discrimination, LESMIGRAS (2015): CERD parallel report. Rassistische Diskriminierung und Gewalt gegen LSBTI Personen in Deutschland. Eine intersektionale Analyse der Situation in Deutschland. Manifestations and human rights obligations for protection against racial discrimination.

¹⁷¹ Cf. Schellenberg, Britta/ Lang, Kati (2016): Toleranz und Nichtdiskriminierung. Bekämpfung von

lawyers and non-governmental organisations and groups of affected persons showed that there are gaps in compliance with German federal law and international obligations. The analyses also showed new challenges given the composition of German society and current demands for participation. German society is becoming increasingly pluralistic. This is due to family backgrounds as well as to the ideas and preferences of individuals and their ideas of communality. The analyses also showed that at an attitude level, “classic racism” and “primary anti-Semitism” are significantly declining. However, there are “enemy image careers”¹⁷² that are sometimes highly endorsed. Those currently affected include Muslims, Sinti, Roma and refugees. What was observed about smaller groups was that there were racist radicalisation tendencies and that racist offences would also increase. This is a major challenge to social stability, prosperity and peace. Strategies for democracy and human rights in a pluralistic society must therefore take into account and work on individual and institutional racism and discrimination, in particular, also the discriminatory routines and regulations of state institutions. The analysis of causes and social problem areas should be interdisciplinary and should involve different groups. Among other things, it should take into account the research findings on prejudice, racism¹⁷³ and discrimination.¹⁷⁴

(2) Insights from the topics included in A2 of the information gathering phase

The hearing on topics included in A2 covered “an analysis of the political development and culture in Thuringia based on existing scientific studies and the country and NGO reports on compliance with Germany's contractual obligations on anti-racism and discrimination of international anti-racism commissions [...]”¹⁷⁵. The hearing and information proceedings took place in the fourth and fifth sessions of the Commission of Inquiry.

Diskriminierung und Hasskriminalität, in: The German Institute for Human Rights (ed.): Die Umsetzung ausgewählter OSZE Verpflichtungen zu Menschenrechten und Demokratie in Deutschland. An evaluation report on the occasion of the German OSCE Chair 2016.

¹⁷² “Hostility towards certain social groups is not necessarily uniform. It may at times be directed more or less against one group or another.”

¹⁷³ Cf. Gomolla, Mechthild/Frank-Olaf Radtke (2009): Institutionelle Diskriminierung. Die Herstellung ethnischer Differenz in der Schule; Andreas Zick/Beate Küpper/Daniela Krause, Gespaltene Mitte – feindselige Zustände. Rechtsextreme Einstellungen in Deutschland 2016, Bonn 2016.

¹⁷⁴ Cf. Scherr, Alber/El-Mafaalani, Aladin/Yüksel, Gökçen (ed.) (2016): Handbuch Diskriminierungsforschung.

¹⁷⁵ See Submission 6/2952, p. 2.

1. The Thüringen-Monitor¹⁷⁶ is a long-term study conducted by the Kompetenzzentrum Rechtsextremismus (KomRex) of the Friedrich Schiller University Jena (FSU Jena). It reports that ethnocentric attitude patterns are widespread in the¹⁷⁷ Thuringian population since the beginning of the survey. Following a decline starting in 2005, this attitude pattern has stabilised at a high level since 2015 (41% in 2017).¹⁷⁸ Scientists at KomRex also referred to transnational studies¹⁷⁹. The results of these studies are consistent with the results of the Thüringen-Monitor: xenophobic attitudes in East German states are more widespread than in West German states.¹⁸⁰
2. The Institut für Demoskopie Allensbach evaluated the political culture of eastern Germany on the basis of survey results of the institute. Outcome: there are significant differences between the East German and West German mentality.¹⁸¹
3. The Landeszentrale für politische Bildung pointed to a specific East German political culture. The aspect of East German deprivation with its alienation experiences is significant and essential for certain problematic attitudes and behaviours.
4. In a statement, the State Office for the Protection of the Constitution made a reference¹⁸² to the latest Thuringian constitution protection report and to the research results of the Thüringen-Monitor. According to these, there is no significant decline in right-wing extremist attitudes in Thuringia. These attitude patterns are deeply rooted in the society. The results also show that right-wing extremism is the main danger in Thuringia.

¹⁷⁶ Cf. Thüringen-Monitor 2017: Thüringens ambivalente Mitte: Soziale Lage und politische Einstellungen, Document 6/4700.

¹⁷⁷ Cf. Best, Heinrich/ Katja Salomo (2014): Güte und Reichweite der Messung des Rechtsextremismus im Thüringen-Monitor 2000 bis 2014. Expertise für die Thüringer Staatskanzlei.

¹⁷⁸ Cf. Communication 6/1267; Thüringen-Monitor 2017, Document 6/4700 pp. 168, 201.

¹⁷⁹ Cf. Decker, Oliver/Johannes Kies/Elmar Brähler (2016/ed.): Die enthemmte Mitte. Autoritäre und rechtsextreme Einstellungen in Deutschland. The Leipzig Mitte-Studie 2016; Zick, Andreas/ Beate Küpper/ Daniela Krause (2016/ ed.), Gespaltene Mitte – Feindselige Zustände. Rechtsextreme Einstellungen in Deutschland.

¹⁸⁰ Cf. Communication 6/1267, p. 1; Thüringen-Monitor 2017, Document 6/4700, p.163.

¹⁸¹ Cf. Communication 6/1268.

¹⁸² Cf. Submission 6/3177.

5. The Institute for Democracy and Civil Society (IDZ)¹⁸³ devoted itself to developments in Thuringia and presented state reports on Germany for compliance with international anti-racism agreements¹⁸⁴ and parallel reports of civil society organisations¹⁸⁵. The IDZ derived potential measures for Thuringia from the recommendations for the Federal Republic of Germany.¹⁸⁶ The institute referred to findings of its own study “Discrimination and its impact on those affected and the society” in Thuringia: according to the study, the affected persons reported several and multiple discrimination situations at individual, institutional and structural levels over the past two years. The majority of the participants said that they had been discriminated against based on the characteristics of gender, ideology, ethnic origin and sexual orientation. Two-thirds of the respondents suspected more than one characteristic as a reason for their discrimination.¹⁸⁷
6. During the hearing, the Amadeu Antonio Foundation reported that anti-democratic positions and inhuman ideologies were expanding in digital¹⁸⁸ space. The basis for this assessment was a report that tackles developments and threats to democratic culture in digital space.¹⁸⁹
7. ezra, the counselling centre for victims of right-wing, racist and anti-Semitic violence, presented its own study “Die haben uns nicht ernst genommen (They have not taken us ¹⁹⁰ seriously)”. The study qualitatively outlines the experiences of victims of right-wing violence with the police. Every second respondent said they did not feel that they were taken seriously by the police. Just as many doubted the willingness of law enforcement agencies to understand the matter at hand. Furthermore, on the basis of its own surveys,

¹⁸³ Cf. Communication 6/1274.

¹⁸⁴ Cf. European Commission against Racism and Intolerance (2014): ECRI report for Germany 2014; Committee on the Elimination of Racial Discrimination (2015): Concluding observations on the combined nineteenth to twenty-second periodic reports of Germany.

¹⁸⁵ Cf. German Institute for Human Rights (2015): parallel report to the nineteenth to twenty-second state report of the Federal Republic of Germany for the UN Committee on the Elimination of Racial Discrimination (CERD).

¹⁸⁶ Cf. Communication 6/1274.

¹⁸⁷ Cf. Communication 6/1843.

¹⁸⁸ Cf. Communication 6/1277.

¹⁸⁹ Cf. Amadeu Antonio Foundation (2017): Toxische Narrative. Monitoring rechts-alternativer Akteure.

¹⁹⁰ Cf. Quent, Matthias/Daniel Geschke/Eric Peinelt (2014), Die haben uns nicht ernst genommen. A study of the experiences of victims of right-wing violence with the police.

ezra reported that racist violence has risen sharply in Thuringia. The counselling centre estimates a high number of unreported cases.¹⁹¹

8. In its statement, the Mobile Beratung in Thüringen (Mobit)¹⁹² emphasised that political discourse has shifted to the right. For example, statements that were considered racist many years ago are now considered to be expressions of freedom of speech. They are socially tolerated. The opportunities to establish a connection between extreme right-wing positions and resentments that have existed in the Thuringian population for years are clearly visible. This is the reason for an increasing number of extreme right-wing activities in Thuringia, which are documented by the counselling centre.¹⁹³
9. The German Institute for Human Rights referred¹⁹⁴ to a study¹⁹⁵ published by the Friedrich-Ebert-Stiftung in 2016. According to this study, racist positions were moving to the extreme right-wing spectrum. In addition, these positions are also widespread in the heart of society. The institute also assessed how the Federal Republic of Germany complies with legal obligations related to human rights treaties. This assessment shows that the Federal Republic of Germany did not fully meet its obligations to protect people from racism and discrimination. There were loopholes in its protection measures: international organisations and the German Institute for Human Rights particularly criticise racist practices such as racial profiling.¹⁹⁶
10. Professor Dr. Mechthild Gomolla gave an overview of the state of research on discrimination and racism in the field of education. She spoke about the problems of anchoring the idea of discrimination-critical and discrimination-free educational work.¹⁹⁷ Empirical research shows educational inequalities that

¹⁹¹ Cf. Ezra (2017): Chronicle of right-wing activities: <https://ezra.de/chronik/>.

¹⁹² Cf. Communication 6/1266, pp. 2-8; minutes of the 4th session, p. 139.

¹⁹³ Cf. Mobit (2017): Chronik extrem rechter Aktivitäten in Thüringen: <https://mobit.org/chronik-extrem-rechter-aktivitaeten-in-thueringen/>.

¹⁹⁴ Cf. Communication 6/1352.

¹⁹⁵ Cf. Zick, Andreas/Küpper, Beate/Krause, Daniela (ed.): *Gespaltene Mitte - Feindselige Zustände. Rechtsextreme Einstellungen in Deutschland 2016*. Bonn. 2016.

¹⁹⁶ Cf. European Commission against Racism and Intolerance (2014): ECRI report for Germany 2014; European Commission against Racism and Intolerance (2014): *Zusammenstellung von Allgemeinen politischen Empfehlungen von ECRI*; Committee on the Elimination of Racial Discrimination (2015): *Concluding observations on the combined nineteenth to twenty-second periodic reports of Germany*.

¹⁹⁷ Cf. Communication 6/1420.

would result from individual,¹⁹⁸ structural¹⁹⁹ and institutional²⁰⁰ discrimination in the education system. This means that educational inequalities cannot be explained solely by the individual characteristics of students or their family and/or social backgrounds. Therefore she emphasised the importance of²⁰¹ discrimination-critical school development, anti-discrimination work and concrete political education for schools²⁰².

¹⁹⁸ Cf. Hormel, Ulrike (2007): Diskriminierung in der Einwanderungsgesellschaft. Begründungsprobleme pädagogischer Strategien und Konzepte.

¹⁹⁹ Cf. Diehl, Claudia/Patrick Fick (2016): Ethnische Diskriminierung im deutschen Bildungssystem, in: Diehl, Claudia/Christian Hunkler/Cornelia Kristen (ed.): Ethnische Ungleichheiten im Bildungsverlauf. Mechanismen, Befunde, Debatten.

²⁰⁰ Cf. Gomolla, Mechthild/Frank-Olaf Radtke (2009): Institutionelle Diskriminierung. Die Herstellung ethnischer Differenz in der Schule; Gomolla, Mechthild (2017): Direkte und indirekte, institutionelle und strukturelle Diskriminierung. In: Scherr/Albert/El-Mafaalani, Aladin/Gökçen, Yüksel (ed.): Handbuch Diskriminierung.

²⁰¹ Cf. Niendorf, Mareike/Sandra Reitz (2016), Das Menschenrecht auf Bildung im deutschen Schulsystem. Was zum Abbau von Diskriminierung notwendig ist; Schofeld, Janet W./ Alexander, Kira A. (2012): Stereotype Threat. Erwartungseffekte und organisatorische Differenzierung: Schulische Leistungsbarrieren und Ansätze zu ihrer Überwindung, in: Fürstenau, Sara/Gomolla, Mechthild (ed.): Migration und schulischer Wandel: Leistungsbeurteilung.

²⁰² Cf. Alheim, Klaus (2015): Fremdenfeindliche Vorurteile als Thema der politischen Bildung: in Langebach, Martin/Cornelia Habisch (ed.): Zäsur? Politische Bildung nach dem NSU.

b) The legal situation in Thuringia and in the Federal Republic of Germany

The international, transnational, European legal, federal foundations mentioned in point B.I.2.b.) as well as the legal situation in Thuringia are presented below.

International, transnational and European legal foundations

- Universal Declaration of Human Rights (UDHR)
- Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)
- International Covenant on Civil and Political Rights (UN Civil Covenant)
- UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Charter of Fundamental Rights of the European Union (CFR)
- Treaty on the Functioning of the European Union (especially Article 18 of the TFEU)

Federal foundations

- Basic Law of the Federal Republic of Germany; particularly Art. 3 of the GG and the so-called fundamental rights
- General Equal Treatment Act (AGG)
- § 36 Para. 2 Sentence 2 of the Social Security Code (SGB) III
- Law on Equal Opportunities for People with Disabilities (BGG)
- Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (BGleiG)
- § 130 of the German Criminal Code (Incitement to Hatred)
- § 185 of the German Criminal Code (Insult)
- § 46 Para. 2 Sentence 2 of the German Criminal Code (Sentencing)
- § 41 of the Interstate Broadcasting Agreement

Legal situation in Thuringia

- Constitution of Thuringia (Article 2 ThürVerf)
- Thuringian Law on Equal Opportunities and Better Integration for People with Disabilities (ThürGIG)
- Thuringian Act on Gender Equality (ThürGleichG)
- Thuringian Higher Education Act (§ 6 Para. 1 Sentence 1 of the ThHG)

- Thuringian School Law (§ 1 Para. 2 of the Thür SchulG)
- Thuringian Staff Representation Act (§ 67 Para. 1 Number 1 of the ThürPersVG)
- Thuringian Restaurant Licensing Act (§ 10 Number 12 of the ThürGastG)

(1) International, transnational and European legal foundations

Racism and discrimination are treated normatively at different legal levels. International and transnational regulations have direct and indirect effects on German law – either because German legal standards have to be interpreted and applied in the light of these regulations or because legal regulations have to be adopted into German law.

Within the framework of the United Nations (UN), protection against discrimination is anchored in several important human rights conventions. With ratification, the conventions with their human rights standards for protection against discrimination become binding on the contracting states under international law. The state authority in Germany is directly bound by these standards. At an intrastate level, they hold the same rank as the federal laws. These must take administration and the judiciary into account when interpreting the national law. The UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is one of the fundamental conventions. It was formed on 7th March 1966 and has been binding for Germany since 1969. Article 1 Para. 1 defines racial discrimination as follows: “In this convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. Thus, the effect of a racist act and not its motivation is decisive for the existence of racist discrimination. Important for the contracting states are the state reports of the UN Committee of Experts on the Anti-Racism Convention (CERD) that are laid down in the convention. Important human rights conventions were formed based on the Universal Declaration of Human Rights of 1948, for example, the UN Civil Covenant (ICCPR), which stipulates a comprehensive prohibition of discrimination. There were also other conventions on human rights protection against discrimination such as the already

mentioned ICERD Convention, the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), United Nations Convention on the Rights of the Child (CRC), United Nations Convention on the Rights of Persons with Disabilities (CRPD), ILO Convention No. 111 on Discrimination in Employment and Occupation or the UNESCO Convention against Discrimination in Education.

The legal framework of protection against discrimination at the regional European level is ensured by the European Convention on Human Rights (ECHR) of the Council of Europe of 1950 as interpreted by the European Court of Human Rights. In the context of the Council of Europe, the country reports and recommendations prepared by the European Commission against Racism and Intolerance (ECRI) should be taken into account.

Protection against discrimination at the level of the supranational organisation European Union (EU) comes from the Charter of Fundamental Rights (CFR) of 2000. It includes four equal treatment directives: the anti-racism directive²⁰³, the employment equality directive²⁰⁴ and gender directives I²⁰⁵ and II²⁰⁶. These oblige EU member states to create and enforce legal standards that combat discrimination.

(2) Federal foundations

The Basic Law lays down the so-called fundamental rights, which apply to all. Article 3 Para. 1 of the GG contains a general principle on equality which binds the state to treat all people equally.²⁰⁷ In addition, Art. 3 Para. 2 of the GG guarantees equality of women and men²⁰⁸ and Article 3 Para. 3 of the GG prohibits unequal treatment on the basis of specific characteristics.²⁰⁹ Equality rights are subjective public rights having constitutional validity. They bind all three state authorities pursuant to Art. 1

²⁰³ Directive 2000/43/EC.

²⁰⁴ Directive 2000/78/EC.

²⁰⁵ Directives 2002/73/EC and 2006/54/EC.

²⁰⁶ Directive 2004/113/EC.

²⁰⁷ Art. 3 Para. 1 of the GG: "All persons shall be equal before the law."

²⁰⁸ Art. 3 Para. 2 of the GG: "Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist."

²⁰⁹ Art. 3 Para. 3 of the GG: "No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability."

para. 3 of the GG²¹⁰. Constitutional prohibitions of discrimination also play a role in the context of civil law. They are created as rights of defence of citizens against the state, with respect to the so-called “indirect third-party effect of fundamental rights” in the examination of claims under civil law.²¹¹ This concerns, for example, the question of whether discriminatory behaviour or a discriminatory regulation is “contrary to good faith” (§ 242 of the BGB) or “contrary to public policy” (§ 138 BGB).

The “General Equal Treatment Act (AGG)” has been applicable in Germany since August 2006. It is commonly called the anti-discrimination law. The purpose of this act is to prevent or stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity (§ 1 of the AGG). The groups of persons protected by the law thus have legal claims against employers and parties involved in civil law, insofar as they have violated the discrimination prohibitions set out in the AGG against them. The AGG serves to implement the four equal treatment directives mentioned above. The provision in § 2 Para. 2 of the AGG contains a reference to two special discrimination prohibitions for benefits under the Social Security Code. When exercising social rights, no one may be discriminated against on grounds of race, ethnic origin or disability (§ 33c Sentence 1 of SGB I). This general prohibition of discrimination applies to the exercise of all rights under the books of the German Social Code and also under laws that are part of a special social law, such as the Federal Training Assistance Act (BAföG). In addition, § 19a Sentence 1 of SGB IV provides for prohibition of discrimination in the field of education, i.e., in the use of benefits that affect access to all forms and levels of career guidance, vocational training, professional development, retraining and practical work experience. Consequently, no one should be discriminated against on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity.²¹²

§ 36 Para. 2 Sentence 2 of SGB III stipulates the following for the area of work and training placement of the Federal Employment Agency: the Federal Employment Agency may take into account only those restrictions that employers impose for the

²¹⁰ Art. 1 Para. 3 of the GG: “The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.”

²¹¹ Cf. Federal Constitutional Court (BVerfG) 15.01.1958 – 1 BvR 400/51.

²¹² § 19a of SGB IV also applies to career guidance and vocational training in the context of basic support for job seekers (SGB II), but not to social assistance (SGB XII) and BAföG.

placement of training applicants and job seekers based on race or ethnic origin, religion or belief, disability or sexual identity, as would be acceptable as unequal treatment under the AGG.

The “Law on Equal Opportunities for People with Disabilities (BGG)” has been in force since May 2002. It aims to eliminate and prevent the discrimination of people with disabilities. It also aims to ensure equal participation in social life and a self-determined lifestyle. Primarily, it is aimed at public-sector institutions at the federal level.

The “Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Federal Act on Gender Equality - BGleIG)” entered into force in September 2001. It aims at achieving equality of women and men in federal offices and enterprises. The focus is on eliminating discrimination based on gender, particularly discrimination against women, and preventing inequality in the future. It is considered particularly important to improve the family-friendliness and reconciliation of family, care and professional life for women and men (§ 1 Para. 1 of the BGleIG).

The German Criminal Code defines incitement to hatred in § 130 of the StGB. The prerequisite for so-called peace-threatening agitation is: whosoever, in a manner capable of disturbing the public peace, incites hatred against a national, racial, religious or ethnic group, against segments of the population or against an individual because of his/her affiliation to a previously indicated group or segment of the population or calls for violent or arbitrary measures against them (§ 130 Para. 1 No. 1 of the StGB) or assaults the human dignity of others by insulting, maliciously maligning or defaming a previously indicated group, segment of the population or an individual because of his/her affiliation to a previously indicated group or segment of the population (§ 130 Para. 1 No. 2 of the StGB). In addition, § 130 Para. 2 of the StGB penalises those public statements, be they in speech, writing or through pictures, which meet the criteria stipulated in § 130 Para. 1 of the StGB (hate-inciting writings and transmissions). Pursuant to § 130 Para. 3 of the StGB, whosoever publicly or in a meeting approves of, denies or downplays an act committed under the rule of National Socialism of the kind indicated in § 6 Para. 1 of the Code of Crimes

against International Law (VStGB), in a manner capable of disturbing the public peace, shall be penalised. The acts indicated in § 6 Para. 1 of the Code of Crimes against International Law²¹³ presuppose the intent “to destroy as such, in whole or in part, a national, racial, religious or ethnic group”. Approval, denial or downplaying of an act committed under the rule of National Socialism (§ 130 Para. 3 of the StGB), justification of the National Socialist rule (§ 130 Para. 4 of the StGB) as well as dissemination of the downplaying of the National Socialist rule in writings (§ 130 Para. 5 of the StGB) are also punishable acts.

Criminal protection against discrimination is also provided by § 185 of the StGB, if discrimination fulfils the elements of the crime of insult.

Since August 2015, “racist, xenophobic or other inhuman” motives and aims (§ 46 Para. 2 Sentence 2 of the StGB) must be explicitly taken into account during sentencing. This affects prosecution investigations. According to the the German Code of Criminal Procedure, these should extend to the clarification and consideration of such motives (cf. § 160 Para. 3 of the StPO). Accordingly, “particularly racist, xenophobic or other inhuman motives” have been playing an important role in the Guidelines for Criminal Proceedings and the Fines Proceedings (RiStBV) since August 2015.²¹⁴

§ 41 of the Interstate Broadcasting Agreement regulates programming principles for the field of public service broadcasting. According to this agreement, radio programs have to respect the dignity of man as well as the moral, religious and political convictions of others. They should also promote solidarity in united Germany and international understanding, and work towards non-discriminatory cooperation (§ 41 Para. 1 Sentences 1, 2 of the RStV).

²¹³ § 6 Para. 1 of the VStGB: “Whosoever with the intent of destroying as such, in whole or in part, a national, racial, religious or ethnic group, 1. kills a member of the group, 2. causes serious bodily or mental harm to a member of the group, especially of the kind referred to in § 226 of the Criminal Code, 3. inflicts on the group conditions of life calculated to bring about their physical destruction in whole or in part, 4. imposes measures intended to prevent births within the group, 5. forcibly transfers a child of the group to another group, shall be punished with imprisonment for life.”

²¹⁴ Cf. No. 15 Para. 5, No. 86 Para. 2 Sentence 1 and 234 Para. 1 of the RiStBV.

(3) Legal situation in Thuringia

Like the Basic Law, the Thuringian Constitution also provides for a general principle on equality (in Article 2 Para. 1 of the ThürVerf.) and guarantees equality of women and men (in Article 2 Para. 2 Sentence 1 of the ThürVerf.). Article 2 Para. 2 Sentence 2 of the ThürVerf. requires the state, regional authorities and other public administration authorities to promote and safeguard true equality of women and men in all areas of public life by taking appropriate measures. Furthermore, Article 2 Para. 3 of the ThürVerf. prohibits unequal treatment that is based on specific characteristics²¹⁵. Art. 2 Para. 3 of the ThürVerf also states that people with disabilities are under the special protection of the Free State. The state and its regional authorities consequently promote equal participation in life in the community.

The “Thuringian Law on Equal Opportunities and Better Integration for People with Disabilities” (ThürGIG) aims to prevent discrimination against persons with disabilities, to eliminate existing disadvantages and to ensure equal participation of people with disabilities in social life. In addition, they should be enabled to lead a self-determined lifestyle (§ 1 of the ThürGIG). Since December 2005, this law has bound public administration authorities in Thuringia to equality and accessibility. They are therefore generally prohibited from discrimination against people with disabilities, for example, in the fulfilment of their legal or statutory duties (§ 7 Para. 1 of the ThürGIG). In addition, they are bound to exercise equality when it comes to existing discriminations (§ 8 Para. 1 of the ThürGIG).

The “Thuringian Act on Gender Equality (ThürGleichG)” has been applicable since March 2013. It aims to promote and safeguard the true equality of women and men in all areas of public life by taking appropriate measures (§ 2 Para. 1 Sentence 1 of the ThürGleichG). This obligation of the state, its regional authorities and other public administration authorities is laid down in the constitution of the Free State of Thuringia. Conditions that enable reconciliation of work and family for both men and women and compensate for the disadvantages that arise from gender-specific division of labour should be created. Conditions that increase the proportion of

²¹⁵ Art. 2 Para. 3 of the ThürVerf. states: “No person shall be favoured or disfavoured because of parentage, ethnic origin, social background, language, political, philosophical or religious beliefs, gender, or sexual orientation.”

women or men should be created if they are under-represented in individual areas. Equal participation of women and men should be ensured in bodies for which the state or the administrative bodies of the regional authorities have the right of appeal or right to designate (§ 2 Para. 1 Sentence 2 No. 1-5 of the ThürGleichG). In order to implement the fundamental right to equality between women and men, Municipal Equal Opportunities Officers must be appointed, among other places, in municipalities with more than 10,000 inhabitants and in districts (§§ 33 Para. 1 Sentence 2 and 111 Para. 3 of the ThürKO).

Even the Thuringian Higher Education Act states that Thuringian universities should promote and safeguard the true implementation of equality between women and men. When performing their tasks, they should work towards providing equal development opportunities for women and men commensurate to their qualifications and towards eliminating existing discriminations (§ 6 Para. 1 Sentence 1 of the Thuringian Higher Education Act - ThHG). Furthermore, gender-specific concerns must be taken into account in all proposals and decisions by the universities and their bodies and committees (so-called gender mainstreaming, § 6 Para. 2 of the ThHG). An Equal Opportunities Officer is also elected (cf. § 6 para. 1 of ThürHG).

The Thuringian School Law (ThürSchulG) prohibits admission to school types and educational programs from being conditional on the origin and gender of pupils, the economic and social position of their parents and beliefs or religion (§ 1 Para. 2 of ThürSchulG). The education and schooling mission of schools in Thuringia is initially derived from the basic values of the Basic Law and the constitution of the Free State of Thuringia (§ 2 Para. 1 Sentence 1 of ThürSchulG). An essential goal of these schools is to enable pupils to share responsibility in society and to help shape the free democratic basic order. In addition, it is important to promote the ability to handle media in a conscious, self-determined and critical manner, as well as the inculcation of open-mindedness towards culture and science, and respect for the religious and ideological convictions of others (§ 2 Para. 1 Sentence 3 of ThürSchulG). Pupils should learn to shape their relationships with other people based on the principles of justice, solidarity and tolerance as well as gender equality (§ 2 Para. 1 Sentence 4 of ThürSchulG). Schools should, among other things, provide space to compensate for educational disadvantages (§ 2 Para. 1 Sentence 4 of ThürSchulG).

Pursuant to § 67 Para. 1 No. 1 of the Thuringian Staff Representation Act (ThürPersVG), offices and staff representatives must ensure that no member of the office is discriminated against on grounds of race, ethnic origin, parentage or other origin, nationality, religion, belief, disability, age, political or trade union activities, attitude, gender or sexual identity.

An administrative offence is committed if an individual, as a person responsible for an enterprise in the hospitality industry, intentionally or negligently discriminates against a person on the grounds of ethnic origin or religion when allowing the person to enter or remain in the hospitality location (§ 10 No. 12 of ThürGastG).

II. Insights from Phase I “Information Gathering” of the Working Group

1) Education

a) Preliminary remark

After the self-exposure of the “NSU”, the Thuringia State Parliament instituted two parliamentary investigation committees. The Thuringia State Parliament is thus already participating intensively in the educational efforts in the area of “right-wing terrorism and responses by the authorities”. The outcome was that the instituted parliamentary investigation committee (5/1) recommended that the causes and forms of racism and discrimination in Thuringia be thoroughly analysed and that recommendations for political action be derived from this. For this purpose, the Thuringia State Parliament set up a Commission of Inquiry, which has been carrying out an extensive hearing process since the summer of 2017. This interim report is based on the opinions of the independent experts appointed by parliamentary parties, the hearing of experts, the comments received and the overall course of sessions. These are supplemented and embedded in the results of the parliamentary investigation committees, as well as by the normative foundations of the Federal Republic of Germany and binding international treaties. The Commission of Inquiry has commissioned politically independent experts to draft the present report.

The interim report in the field of “education” cannot claim to completely cover the educational situation in Thuringia and the measures to be taken. The complete database that would be required to do so is unavailable for various sub-fields and for specific questions or institutions. Nonetheless, scientific studies and expert knowledge on individual aspects and/or from other federal states provide starting points in the identification of problem areas and the initiation of responses. They range from surveys on specific issues, setting up working groups to identify, control and monitor processes, to options for action in education.

The following statements are fundamentally based on the Thuringian education plan. It states (p. 9): “The Thuringian education plan up to 18 years is committed to Humboldt’s understanding of education, which describes education as the ‘linking of our ego to the world’. This is in line with the aim of children and adolescents being able to understand the complex world and their own position in it, to reflect on it and become capable of action. The education plan follows a democratic and inclusive basic understanding: all children and adolescents, irrespective of their background and individual requirements, have the right to participate in society and actively shape it and contribute to it. They are entitled to receive the best possible support in their educational processes so as to be able to develop an autonomous, responsible and social personality.”

In the Federal Republic, formal education is provided especially in school, but also in non-school institutions (including social/educational, political, cultural, artistic, sports, civil society institutions) as well as in day-care centres. In addition to the family, all these institutions are important educational institutions. Teachers and other social/educational professionals facilitate, teach and lead professional pedagogical school education. It is they who help students connect with the world through materials (especially textbooks and classroom materials). Education plans and syllabi provide the background. In this respect, various levels need to be taken into account when working in the field of education: aspects in “the world” that challenge people as social beings and therefore also current education processes, as well as institutional frameworks, syllabi, curricula and persons working in the field of education. The different levels, places and aspects are interrelated. They are also

mutually dependent and therefore have to be approached on an equal footing and simultaneously.

The sequence in which problems and measures are named at a structural, institutional, discursive, cultural, social and inter/subjective level follows the customary approach of going from the general to the specific in scientific texts. The sequence is therefore not subject to the prioritisation of one or the other level. It is explicitly emphasised: measures taken at just one level (regardless of which) are not conducive to the sustainable prevention of racism and discrimination. In this respect, the focus is placed on all those social, institutional, thematic and personal dimensions that work together and are capable of reproducing, critiquing and overcoming racism and discrimination. Examples of connecting factors from different areas are indicated. Some of them already help in dealing with racism and discrimination in educational processes and in processing and minimising racism and discrimination experiences. At the same time, opportunities exist to assess them in empirical studies.

The chapter provides an incomplete inventory of the current situation in Thuringia. It lists some legally binding educational policy goals, agreements and task descriptions, as well as existing measures for handling racism and discrimination in the field of education. It also makes a reference to gaps and deficits that need to be addressed. The report recommends educational policy measures, some of which explicitly follow the demands of expert stakeholders in Thuringia or are derived from the consistent compliance with binding provisions and the goals set by the Free State itself. The chapter contains proposals and recommendations that are crucial for further developing the educational landscape in Thuringia, for strengthening both fundamental rights and human rights, and for improving prevention and intervention responses designed to minimise racism and discrimination. The proposals and recommendations are based on the views of the experts and stakeholders who submitted their opinions during the hearing process, and on those of the commission's expert members responsible for this chapter.

The interim report serves to document the analyses and recommendations made so far. In addition, open questions are collected and will be clarified during the further course of sessions of the Commission of Inquiry.

b) Problem description

The parliamentary investigation committees of inquiry of the Thuringia State Parliament (UA 5/1)²¹⁶ and of the German Bundestag (PUA BT 17/2 and PUA BT 18/3) have pointed out shortcomings in the area of schooling. They have submitted recommendations for the field of “education” as a whole. They thereby created a first basis for this report. Some key conclusions of the investigation committees are mentioned in the following.

UA 5/1 emphasises that “promoting democracy, developing participation rights and creating a true welcoming culture (...) are the most effective prevention responses to contempt of humanity and²¹⁷ intolerance”. The PUA BT 17/2 demands that political education work be strengthened in schools and non-school institutions for children and adolescents. It recommends the development and implementation of specific training and further education programmes on the issues of right-wing extremism and racism.²¹⁸ Furthermore, the investigation committees emphasise the important role of civil society stakeholders in the continuous promotion of democracy.²¹⁹ Even if they are not part of the regulatory structures of formal education, they often fulfil an educational mission. Therefore, the corresponding recommendations have also been reported. They clearly demonstrate that it is the responsibility of the state and society to protect human dignity, to promote democratic culture and to fight racism, anti-Semitism and neo-Nazism.²²⁰

The investigation committees of the federation and the Free State emphasise that civil commitment in these areas can become a target for neo-Nazis and groups motivated by racism. Therefore, it is particularly important “to support and promote, especially recognising personal commitment by politics and administration. Criminalisation of civil commitment and personal commitment is counter-productive and demotivating and has to be avoided.”²²¹ In line with the “continuous promotion of democracy”, projects that fulfil this task should be promoted and measures that

²¹⁶ Also see Chapter A.) Formal Foundations, I. Appointment and Work Order.

²¹⁷ Cf. Document 5/8080, p. 1630.

²¹⁸ Cf. Document of the German Bundestag 17/14600, pp. 865ff; Document of the German Bundestag 18/12950, p. 1162.

²¹⁹ Cf. Document of the Free State of Thuringia 5/8080, p. 1630; Document of the German Bundestag 17/14600, pp. 914-915.

²²⁰ Cf. Document of the Free State of Thuringia 5/8080, p. 1630; Document of the German Bundestag 17/14600, p. 866.

²²¹ See Document of the Thuringia State Parliament 5/8080, p. 1630.

promote civil commitment should be expanded and consolidated.²²² Emphasis is placed on the importance of structures which sensitise multipliers both specifically and according to the target group, and which provide them with instruction on the topic. In particular, these are organisations and initiatives whose work includes preventive information, raising of awareness, empowerment and education. Proven and correspondingly positive approaches to preventive and empowering educational work against racism and right-wing extremism should be consolidated. Years of experience, as well as the activities and perspectives of civil organisations have to be transformed into regulatory structures. In this way, knowledge bases can be safeguarded and improved.²²³

Following the definition adopted by the Commission of Inquiry, racism and discrimination in education should be tackled at the institutional, discursive/cultural and individual levels.²²⁴ Hence: the current focus on right-wing extremism and democracy in political education measures should be broadened both thematically and with regard to discipline and structure. This is the only way to make a detailed examination of racism and discrimination.

In her statement, Prof. Dr. Gomolla stressed that there is a need to combine sensibilisation and empowerment measures regarding racism and the prevention of right-wing extremism with the perspectives of anti-discrimination and inclusion. This would create a viable concept for political education in schools. This has already been stipulated in binding human rights conventions, in recommendations by the Federal Anti-Discrimination Agency and by the Conference of the Ministers of Education.²²⁵ According to Prof. Dr. Gomolla, this would lead to a “comprehensive innovation strategy in schools, systematically linking the task fields of political and democratic education with approaches to tackling educational inequality and structural or institutional discrimination”²²⁶. Expert Mr. Yılmaz-Günay also advocated not focusing solely on individual cases and individual situations in the field of education. The social asymmetries that form the background of these cases and situations must also be taken into account to gain a basic understanding of racism

²²² Cf. Document of the Thuringia State Parliament 5/8080, p. 1630; Document of the German Bundestag, 17/14600 p. 866.

²²³ Cf. German Bundestag, 17/14600, p. 866; Document of the Thuringia State Parliament 5/8080, p. 1630.

²²⁴ See B.I.1).

²²⁵ Cf. Communication 6/1420, p. 2.

²²⁶ Cf. Communication 6/1420, p. 2.

and discrimination.²²⁷ Consequently, anti-racism, anti-discrimination and inclusion policies should include measures to be taken against institutional discrimination, in particular, against institutional racism, and against educational inequality and segregation in the field of education. The following examples illustrate the problem because they consolidate racism in teaching and learning content in the field of education:

- inclusion of knowledge, predominantly of the majority society, in education plans while excluding other knowledge bases
- insufficient accessibility, above all linguistic
- too little consideration of (German) colonial history
- the widespread neglect of colonial continuities as one of the central historical foundations of the emergence of anti-black racism
- the widespread neglect of developing education plans and school materials in such a way that the heterogeneity of life plans and life realities are taken into account.²²⁸

Educational barriers in the school system are problematic. These are expressed, for example, in unequal access and participation opportunities, but also in the disrespect of cultural diversity and in the non-representation of racialised minorities. Overall, educational barriers and educational inequalities are a result of the combined effect of individual, cultural, structural and institutional discrimination and racism.²²⁹ Clear findings are provided by regular PISA studies: there are educational inequalities in the school performance of 15-year-olds based on migrant background, socio-economic status and gender.²³⁰ Schools should be places where an open-ended educational process takes place, which nevertheless takes into account the Basic Law and which aims at the plurality of the student body in terms of its resources and plans.²³¹ Orientation based exclusively on hegemonic standards and limited competences is a hindrance. Economic action orientations in schools can also lead to new forms of discrimination. This is shown by research work carried out in the

²²⁷ Cf. minutes 2. session, p. 92.

²²⁸ Cf. minutes 2. session, p. 92; minutes of the 3. session, p. 48; minutes of the 11. session, p. 77; Communication 6/2867, p. 6.

²²⁹ Cf. minutes 5. session, p. 56; Communication 6/1420, p. 5.

²³⁰ Cf. OECD (2012): PISA 2012 Results in Focus: What 15-year-olds know and what they can do with what they know. (<https://www.oecd.org/berlin/themen/PISA-2012-Zusammenfassung.pdf>); OECD (2009): PISA 2009 Results. Summary <https://www.oecd.org/pisa/pisaproducts/46619755.pdf>.

²³¹ Cf. Communication 6/1420; pp. 10-11.

English-speaking world. In Germany and Thuringia, this field of research is quite underdeveloped. The effects of neo-liberal statehood in the enabling state require the repoliticisation of political education, i.e., political education that also enables students to critically analyse society.²³²

Promoting individual projects that deal with racism and discrimination is only the beginning. This approach will fall short in the long run. It will help neither in taking institutional forms of racism and discrimination comprehensively into account, nor in initiating sustainable measures. But both are needed to repress racist discourses in the long run and to foster a culture of acceptance and recognition, of equality and equal rights. Experts such as Dr. Abou-Taam,²³³ who submitted their opinions during the hearing, and the Education and Science Workers' Union (GEW) criticised the sustainability and coordination problems in individual projects.²³⁴ The short-term and exemplary nature of measures in educational work must be examined. Proven approaches should be adopted and further developed in the regulatory structures of state and civil institutions. Educational measures in the context of racism and discrimination must stimulate discussion about these phenomena and, at the same time, provide a preventive reflection of the plurality of society and represent the equality of democratic cultures and the equal rights of all citizens as normality. This should be established as a cross-sectional task. Moreover, locations must be found in which measures are developed in a target-oriented and highly professional manner and their implementation is monitored and checked.

There are numerous studies on racism and discrimination in education. Expert Kwesi Aikins and expert Prof. Dr. Mechtild Gomolla pointed out that these studies should play a guiding role in the creation of measures in Thuringia.²³⁵ In its country report on Germany, ECRI criticises the high level of discrimination in education.²³⁶ According to this report, there are educational inequalities that cannot be explained only by the individual characteristics of the students or family and social backgrounds, but that

²³² Cf. Communication 2959; p. 9; Communication 6/1420, p. 10.

²³³ "The promotion of an attitude of social responsibility must form the core of a social strategy, which is borne by different stakeholders. Social services, schools, police, youth welfare offices and municipal administrations are a network for this purpose. However, a look at the municipal integration work at the stakeholder level makes it clear that there are massive sustainability and coordination problems and it was also possible to identify some deficits in selected methods."

²³⁴ Cf. Communication 6/2934, p. 9.

²³⁵ Cf. minutes 2. session, pp. 26-28; minutes of the 5. session, pp. 57-77; Communication 6/1420, pp. 1-2.

²³⁶ Cf. Communication 6/1274, p. 29, Communication 6/1803, p. 1.

stem from individual, structural and institutional discrimination in the education system.²³⁷ Prof. Dr. Gomolla made references to several studies and reported that there are structural reasons for educational differences. These differences lie in the structure and accessibility of educational programmes. They result from selection mechanisms that were created in the education system itself.²³⁸ In addition, expert Kwesi Aikins stated that even apparently neutral rules, procedures and omissions could perpetuate racist structures in the field of education.²³⁹ Statistical evaluations demonstrated the lack of validity of performance assessments and school-specific recommendations.²⁴⁰ Qualitative studies indicate that individual discrimination also impacts school-specific recommendations – for example, when teachers base their recommendations on the perceived levels of education of the parents' homes if the student's performance trend is unclear.²⁴¹ These findings are consistent with the reports and assessments of the organisations whose opinions were submitted during the hearing, such as the Education and Science Workers' Union Thuringia, the Anti-discrimination Ombudsman Berlin and Amnesty International.²⁴²

There are no specific studies on discrimination experiences in the field of education in Thuringia. These are urgently needed in the opinion of the IDZ.²⁴³ In a study carried out by the IDZ, 23.8% of those affected by discrimination said they have experienced discrimination in education and work.²⁴⁴ The number of reported offences in the area of right-wing, politically motivated crime in Thuringian schools can also be used as a reference to assess the situation in Thuringia. This number was 68 in 2015 and 60 in 2016.²⁴⁵ Mobit reported an increase in discrimination-related counselling in schools and kindergartens.²⁴⁶ The Landesschülervvertretung (state student council) and the Landeselternvertretung (parents' representative body) pointed to some problems with racism and discrimination that even education authorities were aware of. They reported that the student body was partly unsure

²³⁷ Cf. minutes 5. session, pp. 57-58; Communication 6/1420, p. 8.

For example, fluctuations in the educational participation of different groups direct attention to structural factors, depending on the place and time of school attendance.

²³⁸ Cf. minutes 5. session, p. 59; Communication 6/1420, p. 8.

²³⁹ Cf. minutes 2. session, pp. 26-28.

²⁴⁰ Cf. Bos et al. 2004: Schullaufbahneempfehlungen von Lehrkräften für Kinder am Ende der vierten Jahrgangsstufe. In: IGLU. Einige Länder der Bundesrepublik Deutschland im nationalen und internationalen Vergleich, pp. 191-228.

²⁴¹ Cf. minutes 5. session, p. 59; Communication 6/1420, p. 8; Gomolla/Radtke 2009.

²⁴² Cf. minutes 11. session, p. 76; Communication 6/1523, pp. 1, 4; Communication 6/1837, p. 14.

²⁴³ Cf. minutes 4. session, p. 98; Communication 6/1274, p. 6.

²⁴⁴ Cf. minutes of the 6. session, Annex p. 28; Communication 6/1843, p. 28.

²⁴⁵ Cf. Document 6/4071, p. 1.

²⁴⁶ Cf. minutes of the 4. session, p. 134; Communication 6/1495, p. 3.

about who was responsible for counselling within schools. This is due to the lack of transparency. Experiences include racial insults and attacks by students and teachers as well as discrimination based on sexual orientation.²⁴⁷ Teachers are also affected by racism and discrimination. At the same time, they could also be racist and discriminating. This is illustrated by the statements of the Jüdische Landesgemeinde, Initiative Schwarze Menschen in Deutschland, the Central Council of Muslims, the Roma Anti-Discrimination Network and DaMigra. The remarks were based on noteworthy individual cases as well as on the typical patterns that are considered as shared knowledge in communities.²⁴⁸ The experts cite a lack of sensitivity on the part of the teaching staff in dealing with racism and anti-Semitism in schools.²⁴⁹ Prof. Reinhard Schramm spoke about an incident at a school in Thuringia where the reporting of an incident led to repeated racism and discrimination experiences. This was attributed to an information deficit and fear for the reputation of the school.²⁵⁰

In addition, racist images of black people, Muslims, and Sinti and Roma were included in textbooks and syllabi and, at the same time, certain groups of people were being neglected in the classroom.²⁵¹ GEW Thuringia stated that many victims of racism and discrimination are unsure about contact persons and the support structures in schools and universities. Moreover, structural conditions, such as the structured school system, aggravated the precarious situation in the field of education and training.²⁵² Problematic areas include, in particular, one-sided and homogenising teaching and learning materials, the lack of counselling and appeal options, and the lack of discussion about the significance of marginalisation or privilege for the development of identity and the social participation of different groups of people.

Refugio Thüringen e.V. reported cases of racial discrimination against wards. Some victims had to switch schools and no action was taken against the perpetrators. It was found that there were no protection concepts, no interpreters in educational

²⁴⁷ Cf. minutes of the 6. session, pp. 7-10, 56.

²⁴⁸ Cf. minutes of the 6. session, pp. 33-34.

²⁴⁹ Minutes of the 8. session, pp. 71-72; In her remarks, the expert from the Roma Anti-Discrimination Network referred to a self-initiated study that captured the experiences of racism and discrimination against Sinti and Roma both quantitatively and qualitatively. See: Daniel Strauß (ed.) 2011. Studie zur aktuellen Bildungssituation deutscher Sinti und Roma. Dokumentation und Forschungsbericht. Marburg: I-Verb.de; minutes of the 7. session, p. 35, minutes of the 8. session, pp. 27, 32f; (Mr. Barkan of the Central Council of Muslims in Germany makes references to the research carried out by Prof. Dr. Karim Fereidooni), Communication 6/1513, p. 1.

²⁵⁰ Cf. minutes of the 6. session, pp. 94, 113-114;

²⁵¹ Cf. minutes of the 7. session, p. 43; minutes of the 8. session, pp. 72, 78, Communication 6/1887, p. 10.

²⁵² Cf. Communication 6/1523, pp. 2-4, Communication 6/1420, p. 8.

institutions and no information on support services in the languages of the victims.²⁵³ Flüchtlingsrat Thüringen (Refugee Council of Thuringia) and Jugendliche ohne Grenzen brought attention to the special situation of refugees. Young refugees between the ages of 16 and 27, in particular, are denied access to the regulatory system. Due to the restrictive interpretation of school regulations in Thuringia, the right to attend school ends at the age of 16 – and not after completing 10 years of compulsory schooling. This results in the exclusion of young refugees from all areas of life linked to education, and thus from participation in society.²⁵⁴ The lack of capacity and high additional requirements for language support for the vocational preparation year also contribute to their exclusion. Children from so-called safe countries of origin are sent to school late or not at all due to the fact that the authorities assume that they will not remain in Germany.²⁵⁵ The lack of perspective and the fear of deportation are detrimental to the educational and personality development of young people.²⁵⁶ The Roma Anti-Discrimination Network and the Neue Deutsche Organisationen criticised the separation caused by welcome and preparatory classes. This leads to a two-class policy in the education system.²⁵⁷ According to the Thuringian Commissioner for Migration and Integration, discrimination and racism experiences that arise in dependency relationships such as the field of education have a negative impact on the participation opportunities of victims.²⁵⁸

The recommendations and resolutions of the Conference of the Ministers of Education (KMK) are used as a further basis for problem description. One of the tasks of the standing Conference of the Ministers of Education is to “work towards ensuring quality standards in schools, vocational training and universities”²⁵⁹. Formulated recommendations and resolutions thus implicitly focus on racism and discrimination as well. The recommendations come from experts and resolutions passed by political bodies. In her statement, Prof. Dr. Gomolla referred to the special importance of the KMK resolution “Interkulturelle Bildung und Erziehung in der Schule (Inter-cultural Education in School)”. The resolution provides for the further

²⁵³ Cf. Communication 6/1514.

²⁵⁴ Cf. minutes of the 7. session, pp. 97-98; minutes of the 8. session, p. 88.

²⁵⁵ Cf. minutes of the 8. session, p. 88.

²⁵⁶ Cf. minutes of the 8. session, p. 90.

²⁵⁷ Cf. minutes of the 8. session, pp. 71-72, 78; Communication 6/1887, p. 8; Communication 6/1830, p. 10.

²⁵⁸ Cf. Submission 6/3511, p. 2.

²⁵⁹ Cf. <https://www.kmk.org/kmk/aufgaben.html>.

development of the school system to enable children and young people to participate comprehensively regardless of their origin.²⁶⁰ For this reason, the key elements of the KMK resolution have been included in the analysis of the state of affairs.

The resolution supports the claim that schools see diversity as an opportunity for all. This includes establishing a culture of appreciation and promoting cultural diversity, as well as active advocacy against discrimination even within school structures.²⁶¹

The following are some of the implementation measures mentioned here:

- "Development and implementation of a regulated admission system for new pupils, especially those without sufficient knowledge of German.
- Information and advice appropriate for the target group
- Mentor and Funding programmes [...] Peer-Training Courses
- Developing a [...] school code as a dialogue process [...]
- Promoting and valuing the pupils commitment to democracy and human rights and against violence, racism, anti-Semitism, islamophobia and every other form of discrimination."²⁶²

School continues to contribute towards acquiring intercultural competencies in lessons on all subjects through extracurricular activities. The aim is to enable pupils to deal consciously with racism and discrimination, to deal introspectively with their own images of others and to recognise how social conditions are responsible for the emergence of such images.²⁶³ The following measures, among others, are mentioned specifically to implement this:

²⁶⁰ Cf. minutes of the 5. session, p. 63.

²⁶¹ "The school sees itself as a place of learning and living for all. It regards all pupils with esteem and develops an inter-culturally sensitive environment of dialogue and conflict, including the negotiation of common frameworks for school life so that all members of the school community feel involved. It places high expectations on all pupils and provides them with suitable individual support. It values and uses the experiences and special competencies of all pupils as resources for education and contributes to their evolution and further development. It actively opposes discrimination against individuals or groups. It examines the extent to which structures, routines, rules and procedures can, even unintentionally, have a disadvantageous and exclusionary effect and develops approaches to overcome this. It consciously perceives the linguistic and cultural diversity of its pupils and parents as an opportunity for inter-cultural learning and consciously takes this into account in its school programme work. This also includes the appreciation and promotion of the linguistic skills of pupils growing up as multilinguals. The school welcomes all pupils and their parents. It informs and advises them individually during the entire course of education and opens up comprehensive collaboration opportunities for them." KMK (2013) (ed.), *Interkulturelle Bildung und Erziehung in der Schule*, p. 3.

²⁶² KMK (2013) (ed.), *Intercultural Education and Upbringing in School*, p. 7.

²⁶³ "School supports pupils in acquiring inter-cultural skills, among other things, by creating opportunities for learning about the following interdependent dimensions:
- Knowledge and Insight: perceive cultures as changing collective patterns of orientation and interpretation, analyse the emergence and transformation of socio-cultural phenomena and

- “Examination of teaching and learning materials with respect to whether [...] heterogeneity of the pupils is taken into account and supplementation of the materials, if necessary.
- Inclusion of different perspectives while developing the teaching content of the subjects.
- Encourage and support pupils to articulate differences independently”.²⁶⁴

School actively shapes educational and schooling partnerships with parents. Parents should be “involved and enabled to participate [...] in school life, lessons and committees via low-threshold opportunities for contact and²⁶⁵ cooperation [...]”. The following measures, among others, are mentioned to implement this:

- “Establishing binding offers of welcome discussions
- regular implementation of target group-specific information events and advice for parents
- creating diverse, and also low-threshold participation opportunities
- qualifying and including parents as multipliers.”²⁶⁶

Conditions necessary for equal participation should be optimised within the education administration. The educator and teacher training and further training must therefore be adapted and developed as needed. Personnel with a migrant background should be actively recruited in the field of education.²⁶⁷ Data is needed to review the implementation of objectives. This data should make it possible to make statements about the success of the school, school climate, school satisfaction and socio-spatial data in the school environment.²⁶⁸

Other important resolutions of the KMK that should be mentioned here are:

currents, recognise the influence of collective experiences from past and present on inter-cultural encounters, with regard to the emergence of foreign images in particular.

- Reflection and Evaluation: reflect on our own cultural imprints and patterns of interpretation as well as reciprocal social classifications and stereotypes, develop openness towards others and other patterns of interpretation, tolerate contradictions to one's own patterns of interpretation in communication with others as well as consider socio-cultural development processes from several perspectives.

- Acting and Building: assume shared responsibility for the development of equal participation in personal, school and social life, consciously stand against discrimination and racism, overcome socio-cultural, interest-related or linguistic barriers in communication and cooperation with others, negotiate interests respectfully and resolve conflicts peacefully.” KMK (2013) (ed.) Interkulturelle Bildung und Erziehung in der Schule, p. 4.

²⁶⁴ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 8.

²⁶⁵ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 5.

²⁶⁶ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 9.

²⁶⁷ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 5.

²⁶⁸ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 7.

- Recommendations for the promotion of human rights education in schools²⁶⁹
- Resolution to strengthen democratic education²⁷⁰
- Recommendation of the Conference of University Rectors (HRK) and KMK on teacher training for a school of diversity²⁷¹
- The joint resolution by the KMK, organisations of people with a migrant background and educational media publishers to present cultural diversity, integration and migration in educational media²⁷²
- Joint declaration of the Central Council of Jews in Germany and the KMK on spreading knowledge about Jewish history, religion and culture in Germany²⁷³
- Resolution of the KMK on guidelines for ensuring equal opportunities through gender-sensitive language in education and upbringing²⁷⁴

c) Current state of affairs

The previous section substantiates that racism and discrimination occur in a variety of forms in the field of education. Racism and discrimination are therefore a day-to-day reality in the life of many people. The following section focuses on Thuringia. It makes a reference to the reports collected during the sessions, which again show that a comprehensive, differentiating situation analysis cannot be made for Thuringia. There is no reliable data which records incidents of racism and discrimination. Moreover, scientific analyses and evaluations of this data are required specifically for Thuringia. Nevertheless, individual problems will be analysed in detail during the course of further sessions. Experts endeavoured to make a preliminary status description during the hearing process. This is presented below:

The annually published Thüringen-Monitor provides a reliable data basis.²⁷⁵ With respect to the influence of education, long-term analyses show that a high level of education has a reducing effect on the approval of racist statements. At the same

²⁶⁹ KMK (2000) (ed.), Recommendations for the Promotion of Human Rights Education in Schools.

²⁷⁰ KMK (2009) (ed.) Stärkung der Demokratieerziehung.

²⁷¹ KMK/ HRK (2015), Lehrerbildung für eine Schule der Vielfalt (Teacher training for a school of diversity).

²⁷² KMK (2015) (ed.), Darstellung kultureller Vielfalt, Integration und Migration in Bildungsmedien (Presentation of cultural diversity, integration and migration in educational media).

²⁷³ KMK (2016) (ed.), Gemeinsame Erklärung des Zentralrats der Juden und der Kultusministerkonferenz zur Vermittlung jüdischer Geschichte, Religion und Kultur in der Schule (Joint declaration of the Central Council of Jews in Germany and the KMK on spreading knowledge about Jewish history, religion and culture in schools).

²⁷⁴ KMK (2016) (ed.), Leitlinien zur Sicherung der Chancengleichheit durch geschlechtersensible Sprache in Bildung und Erziehung (Guidelines for ensuring equal opportunities by means of gender-sensitive language in education and upbringing).

²⁷⁵ Cf. minutes of the 4. session, pp. 7-31, Communication 6/1267,

time, the Thüringen-Monitor refers to the dissemination of inequality-based attitudes. Accordingly, it is not surprising that the racist attitude of the Thuringian population is also reflected in educational contexts. This was the conclusion reached by both the Thuringian Ministry for Education, Youth and Sport (TMBJS) and the Thuringian State Chancellery (TSK). During the hearing process, both reported on racism and discrimination in everyday school life.²⁷⁶ This situation is alarming, especially given the legal provisions for eliminating racism and discrimination that have been laid down for education and schools. These include the human right to education in the sense of the non-discriminatory participation of all children and adolescents in educational programmes under the Basic Law, various human rights conventions and the General Equal Treatment Act.²⁷⁷ The TMBJS describes the following in the report on the implementation of the KMK resolution “Interkulturelle Bildung und Erziehung in Schule”²⁷⁸. The implementation of measures in this area has been insufficient. TSK reported that although heterogeneity is normal in schools in Thuringia, gender diversity, for example, is barely taken into account in class.²⁷⁹ There are no assessments or studies on the extent to which other forms of diversity are included, e.g., in the sense of different life realities (e.g., racism experiences) or in the sense of different lifestyles (for example, in the context of cultural, religious or ideological orientations). These gaps must be closed so that reliable data can be used to take political decisions and implement practical measures.

During the written hearing process, the GEW formulated the need for specific training measures for teachers in order to enable them to critically question methods, materials and educational programmes.²⁸⁰ A KomRex study shows that democracy-building competency is acquired in Thuringia primarily as an additional qualification from further training programmes. There are deficiencies in regular education.²⁸¹ Prof. Dr. Deichmann also stated in his written statement that, so far, no reflexive political-didactic education and training exists in the field of teacher training.²⁸² The KMK have (still) not submitted any resolutions for prevention and intervention in the case of racism and discrimination. It is necessary to focus on the resolutions that

²⁷⁶ Cf. minutes of the 9. session, p. 40; Submission 6/ 3735, pp. 17-18.

²⁷⁷ Cf. minutes of the 5. session, p. 56.

²⁷⁸ KMK (2017), (ed.) Interkulturelle Bildung und Erziehung in der Schule. Berichte der Länder über die Umsetzung des Beschlusses, pp. 57-60, https://www.kmk.org/fileadmin/Dateien/pdf/Bildung/AllgBildung/2017-05-11-Berichte_Interkulturelle_Bildung.pdf.

²⁷⁹ Cf. Submission 6/3735, pp. 18-20.

²⁸⁰ Cf. Communication 6/1523, p. 3.

²⁸¹ Cf. Damerau/May/Patz, 2018.

²⁸² Cf. Communication 6/2959.

have already been prepared on the basis of professional expertise and that have been partly coordinated on a national political level in order to promote the development of schools in Thuringia.²⁸³ It is also important to consider the experiences and reports of other federal states.

In addition, there are also some specific regulations and working principles in the education landscape in Thuringia. These make it possible to shape educational institutions and especially Thuringian schools as discrimination-sensitive and racism-critical learning environments. This includes the Thuringian education plan up to 18 years – educational entitlements of children and adolescents.²⁸⁴ The education plan is an important basis for the further development of the educational landscape in Thuringia. It has already made an impact on the number of studies in the field of Thuringian teacher training as well as on the principle of self-governing schools that is applicable in Thuringia.

Various studies and reports that have already been mentioned²⁸⁵ highlight the significance of structures and mechanisms in the education system that lead to discrimination. The AGG protects the employees of public institutions from discrimination. However, it does not apply to school and college students. Several persons to be heard have regarded this gap as problematic. They recommended that appropriate regulations be adopted and implemented at the state level.²⁸⁶ The exact number of racial discrimination cases in Thuringia is not known. In its written statement, the GEW commented on, or rather, criticised this.²⁸⁷ According to the competent ministry, specific incidents of right-wing extremism and violence were reported. However, a separate record is not made. The justification given for this was high administrative expenses and a general shortage of staff.²⁸⁸

Moreover, according to Mobit, Thuringia does not have any school projects for those affected by racism.²⁸⁹ Not all schools have appointed liaison teachers, something that

²⁸³ Cf. Communication 6/1420.

²⁸⁴ Thuringian Ministry for Education, Youth and Sport (2015), (ed.), Thüringer Bildungsplan bis 18 Jahre (Thuringian education plan up to 18 years). Bildungsansprüche von Kindern und Jugendlichen (Educational entitlements of children and adolescents), https://www.thueringen.de/mam/.../bildungsplan/thueringer_bildungsplan-18_web.pdf.

²⁸⁵ Cf.: Communication 6/1420, Daniel Strauß (ed.) 2011, Gomolla/Radtke 2009, Fereidooni 2016. Fereidooni, Karim (2016): Diskriminierungs- und Rassismuserfahrungen im Schulwesen. Eine Studie zu Ungleichheitspraktiken im Berufskontext. Wiesbaden: Springer VS.

²⁸⁶ Cf. minutes of the 2. session, p. 45; minutes of the 5. session, p. 78; minutes of the 8. session, p. 49; minutes of the 11. session, p. 86; Communication 6/1352, p. 5; Communication 6/1830, p. 6.

²⁸⁷ Cf. Communication 6/1523, p. 3.

²⁸⁸ Cf. minutes of the 9. session, pp. 42, 54-55.

²⁸⁹ Cf. minutes of the 4. session, p. 147.

the School Law in Thuringia has stipulated for every school.²⁹⁰ The very welcome support programme for social workers, the state programme for school social work, has so far reached only 200 of the 800 Thuringian schools.²⁹¹ However, according to the state student council, these 200 schools are especially important for local students.²⁹² The TMBJS also emphasised the importance of school social work in the hearing. It envisaged the legal anchoring of school social work.²⁹³ This is one of the reasons why the legal right to individual support of every child, as enshrined in the Thuringian School Law, has not yet been comprehensively implemented in practice.²⁹⁴ Information on existing funding instruments, such as the “Education and Participation Package”, were not made available to all students.²⁹⁵

According to a recent study conducted by the University of Bielefeld, the intensity of classes in social studies in Thuringia is below average when compared to other federal states.²⁹⁶ A more in-depth comparative analysis of the federal states is required for this finding. In contrast to states such as Bremen or North Rhine-Westphalia, Thuringia has anchored social education not only in social studies classes but also in other subjects. Nevertheless, the study referred to indicates that formal political education is poorly anchored. Prof. Dr. Carl Deichmann has made an assessment in this regard. On the whole, he sees the separation of historical and political subjects as disadvantageous. Research on teaching has already shown that this separation would create deficiencies in the communication of historical-political contexts.²⁹⁷ The content-related focus of social studies lessons must therefore be analysed critically.

The content of curricula for pupils in Thuringia teaches competencies in dealing with different cultures, dealing with prejudices and regarding human dignity as a fundamental principle.²⁹⁸ Reference was made, above all, to the contents of various subjects, including social studies and history, as well as ethics, which is compulsory only for non-denominational pupils.

²⁹⁰ Cf. minutes of the 6. session, pp. 15, 20-21, 22.

²⁹¹ Cf. minutes of the 6. session, p. 35.

²⁹² Cf. minutes of the 6. session, pp. 9, 15.

²⁹³ Cf. minutes of the 9. session, pp. 66-67.

²⁹⁴ Cf. minutes of the 6. session, pp. 55f.

²⁹⁵ Cf. Communication 6/1514, p. 7.

²⁹⁶ Cf. Gökbudak M., Hedtke R.: Ranking Politische Bildung 2017. Social Science Education Working Papers. <https://pub.uni-bielefeld.de/publication/2917005>. , also compare an elaboration of the scientific service of the German Bundestag. Ref.: WD 3000 077/16.

²⁹⁷ Cf. Submission 6/2959, p. 9.

²⁹⁸ Cf. minutes of the 9. session, p. 46.

Colonialism as a historical reference for racism is only selectively included in the curriculum.²⁹⁹ An exclusion-critical review of the curricula has not yet been carried out. However, the TMBJS regards this as a necessity.³⁰⁰ The extent to which persons who have faced racism and discrimination are specifically taken into account when filling positions in advisory councils, working groups and commissions (e.g., for revising teaching and learning materials) is unclear.³⁰¹

The Thuringian Institute for Teacher Training, and Curriculum Development provides its staff with pedagogical further training on racism and right-wing extremism. However, the further training is not mandatory for the relevant modules.³⁰²

Thuringian universities reported on the status of their anti-discrimination measures when surveyed by the Commission of Inquiry. All Thuringian universities have designated contact points that students and staff can approach in cases of discrimination and racism. But they have so far been approached only a few times.³⁰³ It was not possible to determine the exact anti-racism measures in greater detail even upon enquiry.³⁰⁴ It can be assumed that there are no (sufficient) competencies in this regard and therefore no corresponding publicity, sensitisation and empowerment work. Moreover, no Thuringian university has so far conducted a Campus Climate survey. These surveys quantify the discrimination and racism experiences of students and staff or collect equality data, and examine the extent to which social diversity is reflected in all status groups.³⁰⁵ By 2019, the Thuringian Ministry for Economy, Science and Digital Society (TMWWDG) will implement diversity strategies and related measures as part of the target and service agreements.³⁰⁶ It is important to take every form of discrimination and its intersections³⁰⁷ into account equally and in a qualified manner. It should also be borne in mind that diversity strategies, in addition to advisory functions, also take organisational development and structural measures into account and provide appropriate opportunities for action (based on funding guidelines for women and people with disabilities).

²⁹⁹ Cf. minutes of the 9. session, pp. 49-53.

³⁰⁰ Cf. minutes of the 9. session, pp. 41-42.

³⁰¹ Cf. minutes of the 9. session, pp. 42, 48, 51.

³⁰² Cf. minutes of the 9. session, pp. 41, 58.

³⁰³ Cf. Communication 6/4005 Appendix 4, pp. 1-14.

³⁰⁴ Cf. minutes of the 9. session, p. 132.

³⁰⁵ Cf. Communication 6/4005 Appendix 4, pp. 1-14; At the Friedrich Schiller University Jena, KomRex – Centre for Research on Right-Wing Extremism, Civic Education and Social Integration – intends to conduct a Campus Climate survey in the current year 2018.

³⁰⁶ Cf. minutes of the 9. session, p. 131.

³⁰⁷ Cf. Definition, p. 33.

The initiative of the Minister of Education Helmut Holter is an indication of the further development of democratic education in Thuringia. He brought up this issue as acting President of the KMK. In this context, the recommendations of the KMK on democratic and human rights education are currently being revised.³⁰⁸

Institutions and authorities with various work assignments are vital in the field of non-formal education in Thuringia. The Landeszentrale für politische Bildung (LpB) has already been referred to in the commission. At its various events, it focuses principally on so-called group-focused enmity. Examples of target-group specific formats include project days, where schools and teaching staff are taught how to deal with homophobia and “xenophobia”. Furthermore, the LpB offers training courses for educational staff. It follows a recommendation of the NSU investigation committee of the federal government.³⁰⁹

The State Media Authority develops and provides training courses for educators, qualification courses for media education, media education events at schools and its own information material. It has developed a “media kit against right-wing extremism” together with the Ministry of Education and the Thuringian Institute for Teacher Training, Curriculum Development and Media (Thillm). This media kit has been distributed to schools and youth facilities in Thuringia.³¹⁰ The State Media Authority also welcomed the idea of developing a “media kit against racism” during the course of its sessions.³¹¹ The Jugendschutz.net project is one of the cooperative programs of the federal and state governments. This primarily involves spreading awareness about racist agitation on the Internet.³¹²

Youth work also forms part of non-formal education. Youth work should build on the interests and living environments of young people and make them capable of self-determination and autonomous action. Experiences with prevention and intervention in the case of racism and discrimination are limited in the youth work in Thuringia and display different intensities in different regions.³¹³ The Landesjugendförderplan (state plan for advancement of young people) 2017 to 2021 has already formulated the need for regional and national youth work and youth association work. The

³⁰⁸ Cf. minutes of the 9. session, p. 66.

³⁰⁹ Cf. Submission 6/3821, pp. 1-2.

³¹⁰ Cf. minutes of the 9. session, pp. 17-18; Communication 6/3738, p. 14; Submission 6/3815, p. 1.

³¹¹ Cf. minutes of the 9. session, p. 35.

³¹² Cf. minutes of the 9. session, p. 18.

³¹³ Cf. Thuringian Ministry for Education, Youth and Sport (2016) (ed.), Landesjugendförderplan 2017 to 2021, p. 111, https://www.thueringen.de/mam/th2/.../landesjugendforderplan_2017_2021_web.pdf.

Landesprogramm für Akzeptanz und Vielfalt (State Programme for Acceptance and Diversity) states that establishing gender equality as a contribution to equal opportunities for young people is a challenge.³¹⁴ Another challenge is to create equal opportunities for racialised persons, i.e., black, Jewish and Muslim people, Sinti and Roma, and people of African and Asian descent.

The TMBJS has adopted the Thuringian state programme for “Democracy, Tolerance and Cosmopolitanism DenkBunt”. The state programme includes training courses and argumentation training for teachers for dealing with racist and discriminatory statements.³¹⁵ According to the TMBJS, the training programme is increasingly in demand among employees of day-care and youth welfare centres, school social workers and teachers.³¹⁶ In the area of promoting acceptance and diversity, the TSK is leading a state programme of the same name. It includes comprehensive measures in the field of education. The state programme aims to implement the essential components of the KMK resolution “Inter-cultural Education in the LGBTTIQ*³¹⁷ Field”. Mention should also be made here of measures for basic and advanced training and further education, a critical review of teaching and learning materials, the creation of an independent complaints body, as well as measures for working with parents.³¹⁸

d) Measures from the course of sessions

A variety of measures can be derived from the sessions held so far. Some of them were explicitly mentioned by the persons who were heard, while others are derived from analyses and status descriptions. At the same time, it should also be noted that recommendations can be added in the further course of sessions. The following measures are recommended:

1. A working group of experts from other federal states³¹⁹ and racialised groups should be set up to further develop racism-critical education. The working group

³¹⁴ Cf. Submission 6/3734, p. 34.

³¹⁵ Cf. minutes of the 9. session, p. 41.

³¹⁶ Cf. minutes of the 9. session, p. 67.

³¹⁷ KMK (2013), (ed.) Interkulturelle Bildung und Erziehung in der Schule.

³¹⁸ Cf. Submission 6/3734, pp. 4, 19-24, 32-33.

³¹⁹ The following experts could be requested to participate in such a body: Marie Therese Aden Ugbomah (working group in NRW, Pädagogisches Zentrum Aachen), Saraya Gomis (Quality and Complaints Management at the Anti-Discrimination Body of the Berlin Senate Department for Education), Hajdi Barz (education material on racism), Prof. Dr. Asiye Kaya

will advise the TMBJS, identify and review existing studies and recommendations with respect to their implementation in Thuringia, develop criteria for the implementation of racism-critical education and for the creation of a discrimination-sensitive educational setting.³²⁰

2. Representatives of racialised groups and experts on racism-critical education need a voice in all education-related advisory councils (e.g., advisory councils including education), committees, working groups and commissions³²¹, in order to
 - a) develop, review and sustainably safeguard criteria for the implementation of racism-critical education,
 - b) identify topics related to racism or facilitate criticism on racism,
 - c) find well-proven examples (“best practice”) and
 - d) monitor the corresponding implementation.
3. Victims of racism and discrimination should be given opportunities for sensitisation, training and empowerment.³²² In the field of education, special programmes are required for mentors, tutors and scholarship holders, both for and by preschoolers and school and college students who have experienced racism. Pupils who can potentially be affected by racism and discrimination require special self-empowerment measures.³²³ The Free State of Thuringia should set up and provide appropriate programmes. Experts should monitor these programmes. In addition, the recommendations of professional institutions on racism-critical education work should be examined for their feasibility in Thuringia, for example, those of the Anti-Discrimination Network ADNB, the Institute for Non-Discriminatory Education IDB or the Initiative Intersektionale Pädagogik I-Päd).
4. It is necessary to collect equality data from Thuringian schools (high schools and vocational schools), day care centres and institutions commissioned with educational work (e.g., Ministry of Education, textbook publishers). In this way,

(Study of Educational Biographies, Mittweida University of Applied Sciences), Prof. Dr. Riem Spielhaus (Diversity in Textbooks, Georg Eckert Institute for International Textbook Research), Prof. Dr. Mechtild Gomolla (institutional discrimination in schools), representatives of the Landeselternvertretung in Thuringia, GEW, the Thuringian Ministry for Education, TMBJS and TMWWDG.

³²⁰ Cf. minutes of the 3. session, pp. 39, 47; minutes of the 8. session, p. 45; minutes of the 8. session, p. 52; minutes of the 8. session, p. 75; Communication 6/1787, p. 6; Communication 6/1837, p. 17.

³²¹ Cf. minutes of the 6. session, p. 67f; minutes of the 6. session, pp. 81, 85.

³²² Cf. minutes of the 6. session, pp. 85-86; minutes of the 6. session, p. 96, minutes of the 8. session, pp. 30-31; minutes of the 8. session, p. 89.

³²³ Minutes of the 4. session, p. 106.

the state and development of structural disadvantage can be analysed and reduced using targeted measures. Such research in the Free State of Thuringia can contribute to the targeted implementation and ongoing development of the Thuringian education plan. In the process, it is essential to collect statistical data on the education sector, which includes the environment of pupils, AGG features and “social background”.³²⁴ The aim of such an investigation is to make institutional barriers in the education field visible so that they can be overcome.³²⁵

5. It is suggested that Thuringian universities should establish pedagogical and educational science chairs with a focus on “racism experience and racism-critical education”. The holders of these positions should have a self-critically considered experience of racism in addition to the professional qualification.³²⁶
6. School as an organisation needs to be comprehensively developed in terms of anti-racism and anti-discrimination.³²⁷ Human rights conventions and the AGG signed by the federal government have stressed the right to education as a starting point for anti-discriminatory school development in the educational policy discourse.³²⁸ The review of the implementation of the KMK resolution of 2013 also includes an important change of course in the field of education. An examination must be made as to which racism-criticism and anti-racism measures are contained in the recommendations on democratic and human rights education and inter-cultural education and schooling, and which simply need to be taken up and implemented. An examination should also be made as to whether and in what way a separate focus on racism-critical education is required. Besides questions about the curriculum, this could also take into account questions about personnel and organisational development at schools or universities.
7. The legal loophole in protection against discrimination in school education should be overcome. In Thuringia, there is no protection against discrimination (based on

³²⁴ Cf. minutes of the 4. session, p. 98; Communication 6/1274, p. 6; Communication 6/1523, p. 5; minutes of the 11. session, p. 79.

³²⁵ Cf. Communication 6/1420, p. 9.

³²⁶ Cf. minutes of the 9. session, pp. 136-137; minutes of the 11. session, pp. 75-87; Communication 6/1841, p. 4.

³²⁷ Cf. minutes of the 3. session, p. 12; minutes of the 3. session, pp. 97-98; Submission 6/2863, p. 12; minutes of the 5. session, p. 56f.

³²⁸ Cf. Communication 6/1420, p. 2.

the AGG features and including “social background”). It is urgent that this be included in the School Law.³²⁹ The Berlin School Law can be used as a point of orientation.³³⁰ Furthermore, there is a need for a legal obligation for schools to develop independent anti-discrimination concepts and anti-discrimination instruments. It is important to encourage schools to accomplish this task.³³¹

8. The shortcomings in current teaching and learning materials have been repeatedly highlighted during the course of the sessions. Initial scientific studies also point to this.³³² Teaching and learning materials need to be analysed across states for the way in which they deal with racism and discrimination. In cooperation with textbook publishers, a check must be made as to whether materials represent ethnic origin, religion and belief, disability, social environment, sexual identity and gender appreciation according to the AGG without prejudice and with respect. The extent to which certain groups are addressed at all (as determined in the KMK resolution) should also be examined.³³³ Racialised groups must be involved in this review.
9. Political education in schools needs to be consolidated.³³⁴ School education plans should be further developed by including concepts of racism and discrimination-critical political education as part of the syllabus. The historical backgrounds, causes, characteristics and manifestations of the phenomena of racism against Sinti and Roma, racism against black people and people of African and Asian descent, anti-Muslim racism, anti-Semitism and other forms of social discrimination must form an inherent part of classes in all subjects – as

³²⁹ Cf. minutes of the 11. session, p. 80; Communication 6/1837, p. 14; Communication 6/1787, p. 4.

³³⁰ Cf. minutes of the 11. session, p. 76f.

³³¹ Cf. Communication 6/1523, p. 4.

³³² Cf. Marmer, Elina (2013): Rassismus in deutschen Schulbüchern am Beispiel von Afrikabildern. In: Zeitschrift für internationale Bildungsforschung und Entwicklungspädagogik 36, pp. 25-31.
Georg Eckert Institute for International Textbook Research (2011): Keine Chance auf Zugehörigkeit? Schulbücher europäischer Länder halten Islam und modernes Europa getrennt. Available online at: http://repository.gei.de/bitstream/handle/11428/172/Islamstudie_2011.pdf?sequence=1&isAllowed=y, Federal Government Commissioner for Migration, Refugees and Integration (ed.) (2015): Schulbuchstudie Migration und Integration. Berlin. Available online at: http://repository.gei.de/bitstream/handle/11428/65/820991228_2015_A.pdf?sequence=2&isAllowed=y.

³³³ Cf. KMK (2013) (ed.) Interkulturelle Bildung und Erziehung in der Schule, p. 8; minutes of the 2. session, p. 44; minutes of the 7. session, p. 44; minutes of the 8. session, p. 71; Communication 6/1352, p. 16; Communication 6/1841, p. 2; Submission 6/2959, p. 9.

³³⁴ Cf. Submission 6/2959, p. 9; minutes of the 5. session, p. 55.

special and interdisciplinary topics.³³⁵ The role of education policy is to fully anchor human rights education in the school system, in accordance with the UN Declaration. The focus is therefore on providing general knowledge and knowledge about protection against discrimination and on promoting the ability of learners to act appropriately when it comes to their own rights and the rights of others.³³⁶ Racism-critical and discrimination-critical education is seen as an important prerequisite in navigating a globalised, plural and multicultural world.³³⁷ ECRI proposes that Thuringia should implement the general policy recommendation No. 10. Section II 2: “To make sure that school education makes a significant contribution to preventing and combating racism and intolerance”³³⁸.

10. Many victims and experts heard by the Commission of Inquiry recommend revising and expanding the content of education and training content to include right-wing extremism, especially for teachers, social pedagogues and day care centre staff.³³⁹ Attitude and knowledge deficiencies must therefore be clearly identified, both in the programmes for advanced training and further education, as well as in education itself. Advanced training and further education should include the areas of (critical) inter-cultural education, anti-racism work, sensitivity towards diversity and prejudice, human rights education, legal foundations, mediation and argumentation training.³⁴⁰ Concrete knowledge transfer should be provided. In addition, sensitisation and empowerment measures for racism and discrimination are just as important as the ways to constructively deal with racism.³⁴¹ The KomRex research on changes in the teacher training curricula should be taken into account.³⁴² Teachers also need room for more critical self-reflection and a

³³⁵ Cf. minutes of the 2. session, p. 28; minutes of the 5. session, pp. 58-59; minutes of the 7. session, p. 44; Communication 6/1420, p. 9; Communication 6/1523, p. 2.; Communication 6/1837, p. 7; Communication 6/1840, p. 83.

³³⁶ Cf. minutes of the 5. session, p. 78; Communication 6/1352, p. 5.

³³⁷ Cf. minutes of the 11. session, p. 77.

³³⁸ Communication 6/1803, p. 2.

³³⁹ Cf. minutes of the 6. session, p. 35; minutes of the 7. session, p. 39; Submission 6/2959, p. 9; Communication 6/1352, p. 16; Communication 6/1523, pp. 2-5.

³⁴⁰ Cf. minutes of the 6. session, p. 82; minutes of the 6. session, p. 115; minutes of the 7. session, p. 39; minutes of the 8. session, pp. 56, 67; Communication 6/1352, p. 16.

³⁴¹ Cf. minutes of the 7. session, p. 39; minutes of the 8. session, p. 67; minutes of the 8. session, p. 89; Communication 6/1508, pp. 3-6; Communication 6/1523, pp. 2f, 5; Communication 6/1508, p. 3, 5f; Communication 6/1841, p. 4.

³⁴² Cf. minutes of the 2. session, p. 72; minutes of the 9. session, p. 139.

culture in which mistakes are addressed constructively, enabling them to improve their work.³⁴³

11. Currently, contact points, information centres and counselling centres (e.g., liaison teachers or an independent anti-racism representative office) are not found in all educational institutions, despite being legally stipulated.³⁴⁴ This legal requirement must be implemented soon and supported by appropriate education and financing programmes. The cooperation between schools, youth welfare offices, social work and possibly also the judiciary and police must be improved for dealing with incidents of racial discrimination.
12. Experts repeatedly referred to individual cases where teachers and schools responded inappropriately to racism and discrimination.³⁴⁵ Therefore, guidelines and concepts on how schools should deal with cases of discrimination and racism need to be developed. It is essential to involve teachers and schools in this work.³⁴⁶ In order for schools to be able to tackle these pedagogical tasks, they need appropriate financial and time resources. A committee³⁴⁷ can be set up to lead this development work.
13. Children and adolescents with linguistic, psychosocial or other special needs must not be excluded. All children and adolescents should have access to regulation systems. Restrictive application of the regulations on full-time compulsory schooling excludes young refugees aged 16 and above from the education system. This practice must be stopped. The admission requirements of the education system must be simplified.³⁴⁸

³⁴³ Cf. minutes of the 6. session, p. 70.

³⁴⁴ Cf. minutes of the 6. session, p. 11f; minutes of the 6. session, p. 33; minutes of the 6. session, p. 85f; minutes of the 11. session, p. 75; Submission 6/3511, p. 4; Communication 6/1523, p. 5; Communication 6/1805, p. 6; Communication 6/1830, p. 6; Communication 6/1837, p. 14f.

³⁴⁵ Cf. Communication 6_1514, p. 3; minutes of the 5. session, p. 21; minutes of the 6. session, p. 10; minutes of the 6. session, p. 56ff.; minutes of the 6. session, p. 105. The TMBJS also stated that : 45 incidents of politically motivated (right-wing) crime were recorded at Thuringian schools in 2014, with 68 incidents in 2015 and 60 incidents in 2016. This information is part of the response to a minor inquiry by MPs König-Preuss about the number of right-wing extremist, racist or anti-Semitic incidents (Document 6/4071).

³⁴⁶ Cf. minutes of the 4. session, p. 144; minutes of the 6. session, p. 40.

³⁴⁷ See B.II.1.c) Point 1 concerning the formation of a working group.

³⁴⁸ Cf. minutes of the 7. session, pp. 7, 14; minutes of the 8. session, p. 89.

14. Thüringer Lehrerverband and the Landeselternvertretung demand that multi-professional teams be present in schools.³⁴⁹ These can provide more transparency and bring in more competencies. Cases of discrimination and racism can be better handled in this way.³⁵⁰ The recommendation follows the “Kompetenz Netzwerk Schule” (competence network school) model of the Thüringer Lehrerverband.³⁵¹ Pedagogues and pedagogy students with their own racism experiences that they have reflected upon (early and preschool education, primary education and all teaching posts, social education) should be actively recruited or encouraged.³⁵² Furthermore, pedagogues with a migrant background should be given preference in personnel policy – professional recognition should be improved in this regard. Better opportunities for post-qualification are also decisive.
15. According to the agreement of the KMK resolution,³⁵³ there is a need for targeted work with parents and the setting up of honorary committees in the field of education. Here, it is important to ensure support services, such as providing language courses for parents, providing interpreters and improving information and counselling services.³⁵⁴
16. Thuringian schools report specific incidents to the TMBJS on a notification sheet. They report events based on the use of symbols of unconstitutional organisations, as well as on incitement to hatred and terrorism. But so far, there is no way to record incidents of racism and discrimination.³⁵⁵ Accordingly, the notification sheet must be revised promptly and previous reports must be evaluated. For this, it is necessary to train the employees entrusted with this task so that they can classify racism in all its forms and manifestations.³⁵⁶
17. By the end of 2019, Thuringian universities will implement a diversity strategy³⁵⁷ which will include a complaint management system. This is laid down in the target

³⁴⁹ Cf. minutes of the 6. session, p. 35; minutes of the 6. session, pp. 68, 71.

³⁵⁰ Cf. minutes of the 6. session, p. 48.

³⁵¹ Cf. minutes of the 6. session, p. 33.

³⁵² Cf. minutes of the 6. session, p. 41; Communication 6/1523, p. 3; Communication 6/1841, p. 4.

³⁵³ Cf. KMK (2013), (ed.) Interkulturelle Bildung und Erziehung in der Schule.

³⁵⁴ Cf. minutes of the 6. session, p. 60; minutes of the 6. session, pp. 67-69; minutes of the 7. session, p. 44; Communication 6/1523, p. 3; Communication 6/1841, p. 2f.

³⁵⁵ Cf. minutes of the 6. session, p. 58; minutes of the 9. session, p. 42; Communication 6/1523, p. 3; Communication 6/1837, p. 9f.

³⁵⁶ Cf. minutes of the 6. session, p. 58; minutes of the 6. session, pp. 81, 85f.

³⁵⁷ The Thuringian universities have each concluded individual agreements with the TMWWDG,

and service agreements with the state of Thuringia. These measures need to be reviewed, especially low-threshold access and awareness among students and staff.³⁵⁸ It is recommended that Campus Climate surveys be conducted. These can reveal the extent and contexts of discrimination and racism in universities.

e) Outlook for the further course of sessions

The following questions will be the guiding points for further sessions on education within the commission:

1. How are targets achieved when the initial conditions are different? – especially in connection with racism against and the racism experiences of Jews, Muslims, blacks and Roma/Sinti, as well as in the case of uncertain residential status (importance of perspective in education)?
2. In what areas are structural and institutional barriers identified or suspected? What is being done to explore them, deal with them and remove them? How is equal access to education guaranteed? What checks exist to find out if and where concrete educational barriers exist?
3. In what areas are discursive barriers identified or suspected? What is being done to determine them, deal with them and remove them? How is equal access to education guaranteed? What evaluation and assessment is carried out to find out if and where concrete educational barriers exist?
4. Which committees, working groups, advisory councils, etc., are active in the field of education in Thuringia? Who sits on them?
5. How is the participation of racialised groups ensured in all positions, committees and working groups, as well as in the development and implementation of all structures, settings and materials related to education?

for example:

https://www.thueringen.de/mam/th6/wissenschaft/zlv_ue_20160120.pdf,
https://www.thueringen.de/mam/th6/wissenschaft/zlv_fsu_20160120.pdf.

³⁵⁸ Cf. Communication 6/1523, p. 3.

6. Are experiences from other forms of discrimination (sexism, heteronormativity, disability) and diversity (gender, language, prejudice) being examined for their potential to deal with racism (advisory council, ombudsperson, independent complaints body, representatives, directives, etc.)?
7. What is defined as a local challenge? How is it tackled? Which resources can be activated? Which resources are not being utilised? What resources need to be introduced?

Questions for the TMBJS:

1. How is inclusive education implemented? How is inclusive education interpreted?
2. How is inter-cultural education implemented? How is inter-cultural education interpreted?
3. How is the integration concept implemented? Please give concrete examples and measures for reporting and evaluation/assessment.
4. How is the education plan implemented? Please give concrete examples and measures for reporting and evaluation/assessment.
5. How do the syllabi, curricula, textbooks and other materials in college and school life and the composition of learning groups, etc., take into account the heterogeneity of society and the historical experiences of injustice (especially colonialism, National Socialism, Middle East conflict, right-wing populism)? What is the experience of privilege and discrimination (especially in the current environments)? How are the historical, social, cultural and legal framework conditions applicable to education and its target groups?
6. How are educators and other persons and institutions involved in education-related work (administration, parents representation, publishers, etc.) enabled to implement racism-critical, non-discriminatory and diversity-sensitive pedagogy? What is the amount and value of racism-critical education contained in education

and/or third-level studies, in early childhood education, in teaching posts (including support and employment), (non-educational and educational) social work, extracurricular education, pedagogy and educational sciences, etc.?

7. How can it be ensured that all those involved in educational issues are aware of their rights to non-discrimination and equal treatment (AGG), in particular, in the context of racism and intersectional discrimination? Where can Jews, Muslims, blacks and Roma/Sinti (or those racialised as such) go if they feel racially or intersectionally discriminated? Which instruments are available for which cases? How to ensure that a complaint has no negative impact on racially discriminated people? How is the principle of non-injury complied with?

Questions for the state programme "DenkBunt":

1. Is there an established exchange between the state programme with the TMBJS and the Ministry of Economy, Science and Digital Society?
2. What forms of established cooperation exist with schools, in-service training, police training, universities, etc., (e.g., committees, working groups, regular meetings)?
3. What structural difficulties do you see in dealing with the issues related to racism and discrimination in your area of operation?

2) Police and Internal Affairs

a) Preliminary remark

After the self-exposure of the 'NSU', the Thuringia State Parliament instituted two parliamentary investigation committees. The Thuringia State Parliament is thus already participating intensively in the educational efforts in the area of 'right-wing terrorism and action of authorities'. The outcome was that the instituted parliamentary investigation committee (5/1) recommended that the causes and forms of racism and discrimination in Thuringia be thoroughly analysed and recommendations for political action be derived from this. For this purpose, the Thuringia State Parliament set up a

Commission of Inquiry, which has been carrying out an extensive hearing process since the summer of 2017. This interim report is based on the opinions and analytic expertise of the experts appointed by parliamentary parties and the overall course of sessions. Results of the parliamentary investigation committees as well as the normative foundations of the Federal Republic of Germany and binding international treaties also form the framework and basis of the interim report. The Commission of Inquiry has commissioned politically independent experts to draft the present report.

The interim report in the area of Internal Affairs/Police identifies key points and presents promising strategies that are appropriate for addressing racism and discrimination. In particular, it looks at how effectively racist and other inhuman offences are handled, how 'racism and discrimination' can be avoided while respecting fundamental rights and human rights, and how potential problems in practical work can be described.

The chapter provides an incomplete inventory of the current situation in Thuringia. It is based on the descriptions provided by experts during the hearings. It lists some legally binding educational policy goals, agreements and task descriptions. It also presents already implemented measures that deal with racism and discrimination. It also makes a reference to gaps and deficits that need to be dealt with.

It is clear that there are unresolved problems – even though the hearings provided information on structures in the area of Internal Affairs and on police structures in Thuringia. At the end of the report, therefore, questions are directly addressed to the Thuringian Ministry for Internal Affairs and Local (TMIK) and recorded for use when questioning other stakeholders in the process. This information, which is still to be obtained, should help to further refine the analysis and develop the best possible policy recommendations.

An interim report in the area of Police/Internal Affairs would also face the specific challenge that the data available is meagre and that there are hardly any empirical studies. This applies both to the Federal Republic of Germany and to the state of Thuringia. Data on the situation and how 'racism and discrimination' are dealt with is largely lacking, for example data on the attitudes of police officers and on experiences of discrimination and victimisation by the police (both among 'clients' and among their own co-workers). To the extent known, present studies were taken as

reference. The interim report is therefore intended to specify fields of investigation and action that enable a more detailed analysis and that can be promising steps and measures for the current practice. It is strongly recommended that immediate efforts be made to improve the data situation in Thuringia.

Topics such as Internal Security and police work in Thuringia are not unknown. Along with the TIMK, the parliamentary investigation committees on the 'NSU', the previous hearing process, study results and the experience and expertise of experts have enabled an initial analysis. The chapter also contains recommendations. The experts and stakeholders who were heard and the commission's expert members responsible for this chapter assume that: the proposals are crucial to further develop the prospect of internal security and, in particular, police work in Thuringia in order to reinforce fundamental rights and human rights and to improve the punishment, prevention and intervention of racism and discrimination.

Another aim of the interim report is to address unresolved problems and thus to guide the further course of sessions of the Commission of Inquiry.

b) Problem description

The Federal Republic of Germany is a pluralistic society: that means there are diverse and accepted ideas and preferences about how people shape their lives individually and collectively. The German society has a lot of migrants: about one-fourth of Germany's population has a so-called 'migrant background'.

Germany's self-perception as a country of immigration is reflected both in the Federal Citizenship Act, which has been in effect since 2000, and the Immigration Act, which came into force in 2005. This is applicable outside the current refugee situation worldwide.

Prohibition of discrimination is a fundamental human rights principle. Germany has implemented the International Anti-Racism Convention (ICERD). Germany is also a contracting state to the European Convention for the Protection of Minorities. The Basic Law gives high priority to human rights and protection against discrimination. Since 2006, the General Equal Treatment Act (AGG) has guaranteed, as governed by ordinary law, legal protection against discrimination in employment and occupation as well as in general civil proceedings. In 2015, it was laid down in the German

Criminal Code that 'racist', 'xenophobic' or other 'inhuman' motives must be strictly taken into account for sentencing purposes (§ 46 Para. 2 of the German Criminal Code). Protection from discriminatory statements is provided by § 130 of the StGB (Incitement to Hatred) and § 86 of the StGB (Prohibition of the Use and Dissemination of Symbols of Unconstitutional Organisations).

The German police is bound by the Basic Law. It is the responsibility of the police to enforce the rule of law. They must uphold the fundamental rights of every individual, which are inalienable according to the Basic Law: “All persons shall be equal before the law and shall be entitled to equal protection by the law without discrimination. In this respect, the law shall prohibit every form of discrimination and guarantee equal and effective protection to all persons.”³⁵⁹ The discovery of the racially murderous 'NSU' was followed by a confrontation with 'right-wing terrorism' in Germany. The German Bundestag has confirmed its willingness to stand up “for a Germany where everyone can be different without fear, and feel safe; a country where freedom and respect, diversity and cosmopolitanism are vital”.³⁶⁰

After the discovery of the 'NSU' complex, a parliamentary investigation committee was convened in the Thuringia State Parliament (UA 5/1 – “Right-Wing Terrorism and Action of Authorities”). The investigation committee recommended that a “Commission of Inquiry on ‘racism’” be set up to “set standards and, for example, develop proposals for public discussion on group-focused enmity”.³⁶¹ Along with the parliamentary investigation committees in the German Bundestag (PUA BT) and in Thuringia, all parliamentary parties jointly proposed important and comprehensive reforms in the areas of police, judiciary, protection of the constitution and parliamentary control, as well as to strengthen civil society.³⁶²

The Thuringian UA 5/1 recommended a “better democratic and parliamentary control of acting authorities” for the areas of internal affairs and judiciary. This includes “the establishment of an independent clearing house for complaints against official action, which can be approached both by victims and employees” and “an adequate personnel and material structuring of [parliamentary] supervisory bodies with

³⁵⁹ OSZE (1090), 5.9., cited in: OSCE Human Dimension Commitments (2011), pp. 92, 200.

³⁶⁰ Joint declaration of the German Bundestag after discovery of the 'NSU' complex in 2011.

³⁶¹ Cf. Document of the Thuringia State Parliament 5/8080, C.2., p. 1630.

³⁶² Cf. Document of the German Bundestag 17/14600, pp. 865ff.

simultaneous extension of control rights and reporting obligations”.³⁶³ What is needed therefore is a “reorganisation of the security and judicial authorities in compliance with the existing constitutional limits, including the amendment of legal regulations”³⁶⁴.

The Thuringian investigation committee established that “racism must finally be seriously considered as an urgent problem and discussed across societies”³⁶⁵. As a result, “commitment against right-wing extremism and against all forms of group-focused enmity” is important. “Racist ideas embedded in the heart of the society” and “racism that is sometimes seen in institutions” must be specifically countered.³⁶⁶ At present the challenges for the area of 'Internal Security/Police' are many: this is underlined by the results of the parliamentary investigation committees on the 'NSU'. Challenges are also evident when one looks at current racist offences, movements and discourses. In addition, racist traditions, some of which are followed to this day, and particularly the current 'enemy image careers', which are also reflected in the attitudes of broader sections of the population, also pose challenges.

What is needed is an honest and factual analysis of the area of 'Internal Security' and especially of the 'Police'. Such an analysis has to “touch on sore points” to professionally ensure security for all citizens and people in Germany, now and in the future.

The Commission of Inquiry has identified that the traditional fight against 'extremism' or 'politically' motivated crime is not effective. Customary approaches and strategies are too meagre to deal professionally with racist violence or altogether with offences related to the (alleged) origin, religious affiliation, sexual orientation, disability, social status (e.g., homelessness) of the victim. The basis of these findings were the work and recommendations of the parliamentary investigation committees in Thuringia and those at the federal level and the hearings of the Commission of Inquiry. It is clear that our society is characterised by pluralism, i.e., it is diverse. The promise of equal treatment and freedom from discrimination has constitutional validity. Therefore, the discussion must focus more on the positive reference points of 'democracy' and

³⁶³ See Document of the Thuringia State Parliament 5/8080, C.3., p. 1631.

³⁶⁴ See *ibid.*, C.4., p. 1631.

³⁶⁵ See *ibid.*, C.1., p. 1630.

³⁶⁶ See *ibid.*, C.1., p. 1630.

'human rights'. This also applies to the problem areas of 'racism' and 'discrimination'. Professional work in the field of 'Internal Affairs' requires clear framework conditions and unambiguous work orders. This is how different forms of racism and discrimination can be dealt with in the most effective way possible. Individual and especially institutional forms must be taken into account. Institutional forms are often unintentional but, like individual forms, have a discriminatory effect.³⁶⁷

Police/officials are bound by legal norms and represent the state's monopoly on the use of force. In our pluralistic society and in the sense of the Constitution of the Federal Republic of Germany, 'Internal Security' can only mean that it is made available to all members of society at the same time and to the same extent.

The following section outlines individual problem areas and challenges for professional work in the area of 'Police/Internal Affairs':

(1) Attitudes and routines

According to the recent attitudinal research of the Mitte-Studie, the dissemination of racist attitudes (recorded under the term 'xenophobia' in the study) was 20.4% in 2016 (26.9% in 2002), of anti-Semitism was 3.4% in 2016 (5.2% in 2002), of Muslim hostility was 41.1% in 2016 (21.4% in 2009).³⁶⁸ The Thüringen-Monitor measures the dissemination of racist attitudes annually. In 2017, ethnocentrism was 41% (record high was 51% in 2003 and 2005).³⁶⁹ 14% of Thuringians shared anti-Semitic views.³⁷⁰ The statement "Muslims in Germany make too many demands" received a majority backing with 62%.³⁷¹ The statement "Islam belongs to Germany" was rejected by a large majority of Thuringians in 2016.³⁷² A study of the attitudes of trade union members in 2007 showed that compared to the general population, an above average number of trade union members were 'right-wing extremists'; they also

³⁶⁷ Cf. Submission 6/2933, p. 9, Submission 6/2863, Appendix Matrix.

³⁶⁸ Cf. Decker, Oliver, Kiess, Johannes & Brähler, Elmar (ed.) 2016: Die enthemmte Mitte. Autoritäre und rechtsextreme Einstellung in Deutschland. The Leipzig Mitte-Studie. Gießen: Psychosozial Verlag, p. 50ff. Remark about the study: 'Muslim hostility' was measured only in the later part of the study, hence the varying data; racist attitudes continue to be called 'xenophobic' in the study.

³⁶⁹ Cf. Thüringen-Monitor 2017, p. 135.

³⁷⁰ Cf. Thüringen-Monitor 2017, p. 137.

³⁷¹ Cf. Thüringen-Monitor 2017, p. 161.

³⁷² Cf. Thüringen-Monitor 2016, p. 43.

approved of 'xenophobic'/racist attitudes. This was particularly true of employees in positions of responsibility and simple workers.³⁷³

If employees in the area of 'Internal Affairs', such as police officers, were the mirror of society, it would be necessary to include the "discussion and training on what it means for one's own profession to respect human dignity of all people and that protection against discrimination is enshrined in the Basic Law" in the education and training. "Particularly for employees in the area of internal security, the requirement to act in accordance with the law is high. This not only includes the knowledge of fundamental rights, but also the recognition of discrimination as well as racist violence and the ability to deal with them in a problem-oriented manner".³⁷⁴

This includes a critical view and changing of possible discriminatory routines and practices. "For reviewing the problems the state faces in dealing with racism and particularly racial violence, it is important to address institutional racism when investigating racist acts. [...] The statutory framework conditions of civil service [must] be critically examined for discriminatory attitudes and for the values conveyed to society as a result." The findings of this review must lead to active measures to ensure equal protection for the whole population through effective prosecution.³⁷⁵

Two Federal German investigations have been systematically and over a longer period of time recording attitudes, among other things to 'racism/hostility to foreigners/xenophobia' - on the concept of right-wing extremism and/or the concept of group-focused enmity. Both currently state that the approval of hostilities against Muslims, Roma and Sinti and refugees has increased in society.³⁷⁶ Therefore there is a risk that people thus classified are particularly affected by racism and

³⁷³ Cf. Zeuner, Bodo/Gester, Jochen/Fichter, Michael/Kreis, Joachim/Stöss, Richard 2007: Gewerkschaften und Rechtsextremismus: Anregungen für die Bildungsarbeit und die politische Selbstverständigung der deutschen Gewerkschaften, Münster: Westfälisches Dampfboot.

³⁷⁴ Cf. Schellenberg, Britta 2018: Rassistische Gewalt: Konzeptionalisierungs- und Bearbeitungsprobleme, in: Hans-Jörg Albrecht, Rita Haverkamp, Stefan Kaufmann and Peer Zoche (ed.): (Un-)Sicherheiten im Wandel. Series: Zivile Sicherheit. Schriften zum Fachdialog Security research, Berlin: Lit Verlag 2018 (in press).

³⁷⁵ See lawyers, NGOs & scientists 2015: parallel report to the nineteenth to twenty-second state report of the Federal Republic of Germany and for the UN Committee on the Elimination of Racial Discrimination (CERD): Institutioneller Rassismus am Beispiel des Falls der Terrorgruppe „Nationalsozialistischer Untergrund“ (NSU) und notwendige Schritte, um Einzelne und Gruppen vor rassistischer Diskriminierung zu schützen (Institutional racism using the example of the case of the terrorist group 'National Socialist Underground' (NSU) and necessary steps to protect individuals and groups against racist discrimination), April, Berlin, p. 9.

³⁷⁶ Cf. Decker, Kiess & Brähler, 2016; Zick, Andreas/Beate Küpper/Andreas Hövermann 2011: Die Abwertung der Anderen. Eine europäische Zustandsbeschreibung zu Intoleranz, Vorurteilen und Diskriminierung, Berlin: FES, pp. 2, 4, 6.

discrimination, but social institutions do very little to protect them and to counter racism and discrimination.

Experts Ms. Ayse Güleç and Prof. Dr. Iman Attia remarked: training alone would not help, partly because it teaches culture-based and ethnically oriented content that is not suitable for dealing professionally with racialised people.³⁷⁷

Personnel with a migrant background working in the area of 'Internal Security' and 'Police' are under-represented. This is a particular problem when dealing with 'racism and discrimination'. There is a risk of the existence or creation of a 'police culture'. In such a culture, people who are socially severely affected by negative attitudes and marginalisation experiences can be made into objects of 'police work' without factual grounds because this confirms prejudice. Including migrants in the police structure is a tough challenge. This concern is overshadowed by an intensive migration and integration debate in which old devaluation discourses blend with current thematic trends. The debate unsettles many parts of society – sometimes under very different circumstances.

Politicians and police management should derive their guiding principles from a value-oriented police culture that is committed to democratic fundamental rights. In reality, police officers change or disrupt this police culture in their individual actions. For example, there was resistance to policewomen joining the constabulary. This was based on the images and ideals of masculinity in a man's society, which functions according to its own patterns and influences and does not correspond to policy guidelines. The challenge was to change these images and attitudes – this objective is still not achieved. Therefore a strategic personnel policy and the modification of education and training contents are required. This way, it would be possible to overcome the resistance to the pluralistic opening of the police to racialised and migrant persons.

(2) Esprit de corps and “culture in which mistakes are tackled constructively”

Professional work is possible only if mistakes are viewed critically. Clear and systematic ways of dealing with mistakes are equally important. “Development of a

³⁷⁷ See minutes of the 3. session, p. 52f.; minutes of the 5. session, p. 16.

culture in which mistakes are tackled constructively is needed urgently instead of adhering to a false understanding of esprit de corps – a false esprit de corps has also massively hindered the work of spreading awareness of the investigation committee³⁷⁸. It should be possible to learn from mistakes and to critically review common as well as new procedures. In the process, “self-criticism and self-reflection [...] must not be understood as personal weakness but a sign of an opportunity to learn from one’s own mistakes”³⁷⁹.

(3) Collection, punishment, prevention

It is emphasised that the current classification as 'politically motivated' or 'extremist' is not adequate to record and prosecute offences in the area of 'racism', discrimination and hate crimes professionally. The result of this classification is that these phenomena are less tackled or perceived.

“A central problem in dealing with racism, including racial violence, is its usual categorisation under (right-wing) extremism in Germany. This dominant concept often prevents the perception of racism; all the more reason to have a target-oriented approach to the problem.”³⁸⁰ The extremism approach is often criticised – especially by international organisations³⁸¹, persons from the fields of science³⁸² and independent state reports³⁸³, NGOs³⁸⁴ as well as the NSU investigation committee in the Bundestag³⁸⁵. The UN Committee on the Elimination of Racial Discrimination (CERD) strongly emphasised in 2015: although Germany recognises the importance of fighting right-wing extremism and neo-Nazism, CERD is concerned that the

³⁷⁸ See Document of the Thuringia State Parliament 5/8080, Point C.4, p. 1631.

³⁷⁹ See *ibid.*, C.4., p. 1631.

³⁸⁰ Lawyers, NGOs & scientists 2015, p. 6.

³⁸¹ Cf. European Commission against Racism and Intolerance (ECRI) 2009: ECRI report about Germany (fourth round of tests), adopted on 19.12.2008, Strasbourg, published on 26. May, p. 16.

³⁸² Cf. summary and listing in Schellenberg, Britta 2018: Die Radikale Rechte. Vorschläge zu einer zeitgemäßen Konzeptionalisierung und Analyse, in: Politische Psychologie. Journal of Political Psychology (in press).

³⁸³ Cf. Schellenberg, Britta/Kati Lang 2016: Toleranz und Nichtdiskriminierung. Bekämpfung von Diskriminierung und Hasskriminalität, in: The German Institute for Human Rights (ed.): Die Umsetzung ausgewählter OSZE Verpflichtungen zu Menschenrechten und Demokratie in Deutschland. Independent evaluation report on the occasion of the German OSCE Chair 2016, Berlin: DIMR, 10-40.

³⁸⁴ Cf. Human Rights Watch 2011: Die Reaktion des Staates auf „Hasskriminalität“ in Deutschland. New York/Berlin, p. 3.

³⁸⁵ Cf. PUA BT 2013, Document 17/14600, p. 861.

(exclusive) use of the terms prevents the broader problem complex of racial discrimination that needs urgent attention.³⁸⁶

Classification of the approach of 'hate crime' into the extremism concept is criticised. Equally problematic, therefore, is the assumption that the extremism concept and the definition system 'politically motivated crime' mean that it must be a 'political' act.³⁸⁷

If racism and other forms of group-focused enmity are not taken into account when recording, investigating and prosecuting criminal offences, then this would lead to security problems. In Germany, racism or hate crimes are not seen as independent concepts by which offences are classified. This creates a loophole in the security of citizens, people and the staff of state and civil society institutions – and thus in the protection of constitutional democracy.³⁸⁸ Classifying racism and hate crime under 'political' categories invalidates concerns related to human rights as well as gender equality and anti-discrimination policies. This classification is also contradictory to the findings of prejudice research and the concerns of the OSCE.³⁸⁹

The IDZ emphasised that the ECRI criticises the fact that there is 'no reliable statistical method' in Germany for recording hate crimes and hate speech. With the available statistics, it is difficult to make a concrete observation, thus making it impossible to assess the extent of racism, homophobia and transphobia. The ECRI welcomes a sub-category called 'hate crimes' within the category 'politically motivated crime' in police statistics. It differs according to different discrimination features. However, according to ECRI, it is incorrect to include hate crime in the 'politically motivated crime' category. This is because not every racist attack or attack on homosexuals or transgenders is politically motivated. This criticism also applies to religiously motivated crime (another sub-category). In addition, so far there has been no opportunity to classify hate crimes based on gender identity. This is misunderstood as 'sexual orientation'. If they were to be categorised under politically

³⁸⁶ Cf. CERD 2015: Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD): Germany. CERD/C/304/Add.115, p. 4.

³⁸⁷ Cf. Schellenberg/Lang 2016, p. 19.

³⁸⁸ Cf. Schellenberg, Britta 2014: Die Rechtsextremismus-Debatte. Charakteristika, Konflikte und ihre Folgen, Wiesbaden: Springer VS (second edition); Schellenberg in SiFo (security research) 2018 in press

³⁸⁹ Cf. Schellenberg in SiFo 2018 in press

motivated crimes, civil servants would not classify many crimes as hate crimes because a political motive cannot be identified.³⁹⁰

If hate crimes are categorised under politically motivated crimes, it would not be clear how the terms 'racism' and 'xenophobia' can be differentiated from each other. The term 'xenophobia' is fundamentally objectionable: due to its attribution to 'foreignness', the term assumes the perspective of racist perpetrators. Thus the social dimension of racism is played down.³⁹¹

Overall, there is a data and punishment problem, mainly due to the lack of clarity when recording cases. Since the detection and recording of cases of hate crime varies from individual to individual because of learning processes, subjective experiences and sensitivity, there is a high degree of ambiguity, uncertainty and arbitrariness. This calls into question the validity of official statistics in Germany on the whole.³⁹²

All the above-mentioned ambiguities could give the fatal impression that an organised neo-Nazi who burns down an inhabited refugee home or a lawbreaker who is driven by racism and self-justice are seen differently.³⁹³

ODIHR operates the digital 'Tolerance and Non-Discrimination Information System (TANDIS)' (<http://tandis.odihr.pl/>) and the digital 'Hate crime reporting' portal (<http://hatecrime.osce.org/what-odihr-doing>). They provide comprehensive state-related hate crime data, data collection backgrounds and information on significant

³⁹⁰ Cf. Communication 6/1274, pp. 7-8.

³⁹¹ Cf. Terkessidis, Mark 2004: Die Banalität des Rassismus. Migranten zweiter Generation entwickeln eine neue Perspektive, Bielefeld: Transcript Verlag, p. 44ff.; Kleinert, Corinna 2004: FremdenFeindlichkeit. Einstellungen junger Deutscher zu Migranten. Wiesbaden: VS Verlag; German Institute for Human Rights 03/2014, p. 1f.; Schellenberg/Lang 2016.

³⁹² Cf. Glet, Alke 2009: The German Hate Crime Concept: An Account of the Classification and registration of Bias-motivated Offences and the implementation of the hate crime model into Germany's law enforcement system. Internet Journal of Criminology; Glet, Alke 2011: Sozialkonstruktion und strafrechtliche Verfolgung von Hasskriminalität in Deutschland. Eine empirische Untersuchung polizeilicher und justizieller Definitions- und Selektionsprozesse bei der Bearbeitung vorurteilsmotivierter Straftaten. Publication series of the Max Planck Society for foreign and international criminal Law, Freiburg i.Br./Berlin: Ducker & Humblot.

³⁹³ Cf. Schellenberg, Britta 2016: Hassrede, Vorurteilskriminalität und rechte Radikalisierung in Deutschland, in: Wolfgang Benz (ed.): Fremdenfeinde und Wutbürger. Verliert die demokratische Gesellschaft ihre Mitte?, Berlin: Metropol Verlag, 99-116, p. 35ff.

activities and publications in the OSCE area.³⁹⁴ It is to be noted that data on extremism and/or politically motivated crimes comes from the states in Germany.³⁹⁵

Overall, it can be stated that people who are supposed to record the data are not adequately informed about or sensitised towards what currently constitutes politically motivated crimes (topics and categories). During the course of the sessions, it was found that there is a lot of confusion regarding this even among specialist personnel. Dr. Dieckmann (IDZ) noted that civil servants and victims of hate crimes (such as racist or homophobic incidents) often fail to identify a political motive. The recording and prosecution of hate crime thus remains difficult.³⁹⁶ Also, the necessary sensitisation for the (new) way of recording Islamophobic criminal offences is still absent. Mr Barkan of the Central Council of Muslims stated: objective data can only be expected in the foreseeable future after the new way of recording is introduced.³⁹⁷ Mr Christ, the Regional Chairman of the Gewerkschaft der Polizei (Trade Union of the Police - GdP) commented: "On the classification: I must actually say that this is a question of instructing, educating and further training our colleagues [...] I believe that the issue of classification as a racist attack [...] has not yet been implemented far enough in the Thuringian police, has not yet advanced far enough to make a distinction there. I think if I were to ask ten colleagues out there today, they would tell me they don't yet know exactly — of course they already know what the difference is, but they probably wouldn't define it precariously and in a decisive manner. That, I believe, is the dilemma of this matter."³⁹⁸

(4) Dealing with victims of racist and other inhuman violence, secondary victimisation

UA 5/1 of the Thuringia State Parliament and the PUA BT called for an improved handling of victims and victim witnesses of racist crime. They require that victim witnesses be protected, that they be supported in exercising their rights, that they be informed proactively about consulting structures and existing rights (in their mother tongue) and that information material be made available, that civil servants (training

³⁹⁴ Cf. <http://hatecrime.osce.org/what-do-we-know/our-mandate>; For Germany: <http://hatecrime.osce.org/germany>; cf. OSCE/ODHIR (2014): Hate Crime Data Collection.

³⁹⁵ Cf. Schellenberg/Lang 2016, p. 20.

³⁹⁶ Cf. minutes of the 4. session, p. 111.

³⁹⁷ Cf. minutes of the 8. session, p. 43.

³⁹⁸ See minutes of the 8. session, p. 14ff.

of specialist personnel) be specifically trained, and that they be informed about compensation claims. All this is connected with the explicit request to document these efforts.³⁹⁹ Another important phenomenon is secondary victimisation, i.e., re-victimisation after the actual act. The consequences of secondary victimisation can sometimes be worse than the consequences of primary victimisation, i.e., the actual act.

Based on a qualitative study, ezra, the victim counselling service, clarified: 47% of those affected by hate crime did not feel that the local police took them seriously. 56% did not get the impression that the explanation of the political background of the crime was important to the police. About a fifth reported about accusations of being complicit on the part of the civil servants. The focus of the survey 'They have not taken us seriously' was "the experience and perception and opinion of those affected. The basis and starting point for this is the concept of victimisation. Secondary victimisation plays a particular role here."⁴⁰⁰

According to Thüringen-Monitor, 64% of all Thuringians trusted the police in 2016 and only 11% did not trust them. The results of a study conducted by the IDZ in Thuringia show: if people affected by discrimination are considered, the numbers differ considerably.⁴⁰¹ In the survey, only 34% of the discriminated Thuringians expressed their trust in the police, while 36% did not trust the police. Although the survey is not representative of all victims of discrimination, the difference gives a scientifically sound indication that a sub-group of the Thuringian population has a very low level of trust in the professionalism of the police.⁴⁰²

Results of a pilot study on 'Refugees' at the University of Jena prove: "With respect to our findings we can perhaps say that relatively high rates of affirmation are seen on the basis of, let us say, relatively harmless forms of discrimination, such as being treated rudely at the supermarket. About 50 per cent report that this has already happened recently. On the other hand, when it comes to serious forms of

³⁹⁹ Cf. Document of the Thuringia State Parliament 5/8080, C. 5., p. 1633; Document of the German Bundestag 17/14600, p. 862, Points 13, 14, 15.

⁴⁰⁰ See minutes of the 4. session, p. 124ff.

⁴⁰¹ Cf. Thüringen-Monitor 2016, p. 78.

⁴⁰² Cf. Minutes of 6. meeting, Appendix 1, p. 30.

discrimination/disadvantage, we also have relatively low affirmation rates from state authorities, including the police.”⁴⁰³

The expert Dr. Schellenberg stated: An empirical study on racist attacks (Schellenberg 2014) shows that “whenever victims’ advocates or employees of victim counselling centres were present at the interrogations, at least no racist statements were made and, overall, these protocols and everything else was much more professional”. It is therefore important for victim counselling centres to provide staff or for victims’ advocates to be present so that victims of discrimination/racist violence are protected and legally informed.⁴⁰⁴

(5) Racist and discriminatory behaviour of or by police officers or the police as an institution

Time and again there are reports of cases in which individual police officers and the police as an institution have shown racist behaviour. There are also other forms of discrimination practised by the police that cannot be satisfactorily processed because there is no independent investigative body.

In reports by international human rights organisations and in independent evaluation reports, Germany has repeatedly been made aware of discrimination against minorities by the police. According to ECRI and Human Rights Watch, minority groups feel they cannot rely on the police. The independent evaluation report of the German Institute for Human Rights (DIMR) also notes this grievance – civil society organisations, including self-organisations of affected groups, were interviewed for this report.⁴⁰⁵

Particularly noted were the discrimination of Muslims, a negative climate in the police against the Roma, the lack of openness towards black people when they ask for police help after racist attacks, and blanket suspicions of black victims or negligence in the prosecution of perpetrators. The UN Anti Racism Committee, ECRI and Amnesty International have noted with concern that there have been repeated reports of racist incidents at police stations and mistreatment of foreigners, including asylum seekers, and of German nationals of foreign origin. The perpetrators were

⁴⁰³ See minutes of the 6. session, p. 140.

⁴⁰⁴ See minutes of the 3. session, p. 108.

⁴⁰⁵ Cf. Schellenberg/Lang 2016.

civil servants of law enforcement agencies.⁴⁰⁶ Following the burning of Oury Jalloh in police custody, initiatives such as 'Break the Silence' (in Remembrance of Oury Jalloh) were founded.⁴⁰⁷

(6) Racial profiling

The increasing diversity in the German society also challenges the police. Here, it is important to avoid instruments of 'racial profiling'. Professional police work means that people should not be suspected because of their skin colour or faith. Rather, their actions should be viewed objectively and free from personal or emotional influences. The colour of a person's skin and facial features, alleged ethnic or cultural characteristics and sexual orientation must not be used as a basis for decisions on police measures such as identity checks, investigations and surveillance. The German Institute for Human Rights called for a critical examination of the phenomenon. It stated that the checking practice is problematic but legal orders and powers of intervention of the police have priority over it. At this point, the police as an institution and the legislature must examine the extent to which established procedures and existing regulations encourage fundamental and human rights discriminations. Investigations of the NSU murders prove how much racism can cloud the success of the search.

The practice of racial profiling has been criticised in numerous articles and branded as a human rights problem that violates protection against discrimination.⁴⁰⁸

The fact that various institutions do not take this problem seriously is criticised. This is probably related to the fact that racial discrimination is often perceived only as an intended form of behaviour. As a result actions that are usually carried out without any racist or discriminatory intent are overlooked. But these often have racist and

⁴⁰⁶ Schellenberg/Lang 2016, p. 24; cf. concrete CERD, Concluding Observations 2001 and 2015, Section 11; European Commission against Racism and Intolerance (ECRI) 2009: ECRI report about Germany (fourth round of tests), adopted on 19.12.2008, Strasbourg, published on 26th May. Available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Germany/DEU-CbC-IV-2009-019-DEU.pdf> (previously also: ECRI report 1998 and 2004); Human Rights Watch 2011.

⁴⁰⁷ Cf. <https://initiativeouryjalloh.wordpress.com>.

⁴⁰⁸ Cf. Communication 6/1837, p. 9f; minutes of the 7. session, p. 98f; Communication 6/1352, p. 17; Communication 6/1274, p. 9; minutes of the 4. session, p. 127; minutes of the 8. session, p. 27; Communication 6/1532, p. 1f.

negative repercussions (individual, against certain specific groups, society as a whole).⁴⁰⁹

Cremer from DIMR emphasised that violation of the prohibition of discrimination under Article 3 Para. 3 Sentence 1 of the Basic Law does not occur only when unequal treatment is exclusively or conclusively linked to one of the earlier mentioned characteristics. Rather, it already exists if an inadmissible differentiation characteristic among a set of motives has been a supporting criterion among several. The Higher Administrative Court of Rhineland-Palatinate has clarified this with reference to the jurisdiction of the Federal Constitutional Court. The court declared the checking of a black German family in a regional train without suspicion by the federal police to be inadmissible; according to the court, the check had been linked to the skin colour of the persons concerned.⁴¹⁰ Amnesty International also emphasised that it is irrelevant whether racist criteria were the sole reason for the check or whether other reasons triggered it too. Linking to criteria such as 'skin colour' or the supposed 'origin' is not discriminatory and therefore not prohibited only if there is an objective reason for linking the check to the appearance, for example in the form of a specific search (e.g., due to video recordings of a crime).⁴¹¹

Amnesty International criticised the Thuringian *Polizeiaufgabengesetz* (Law on Police Duties - PAG): § 15 Para. 1 No. 5 contains a provision that provokes discriminatory and racist police checking practice due to a specific formulation. Thus, the paragraph allows unwarranted identity checks “on thoroughfares (federal motorways, European roads and other roads of major importance for international traffic) and public international transport facilities to avert or prevent unauthorised crossing of the national border or unlawful residence and to fight against cross-border crime”. However at first glance, the standard seems non-discriminatory but the practical area of application is determined by the purpose of the measure, namely ‘prevention of unauthorised residence’ among other things. This can only concern non-Germans, which is why the corresponding checks will be based on external appearance. This substantiates the widespread and discriminatory assumption that German citizenship can be discerned from external features. German citizens who don’t look 'typically German' are regularly subjected to passport checks due to regulations such as § 15

⁴⁰⁹ Cf. Communication 6/1837, p. 7f; minutes of the 2. session, p. 28.

⁴¹⁰ Cf. minutes of the 5. session, p. 82.

⁴¹¹ Cf. Communication 6/1837, p. 7f.

Para. 1 No. 5 of the PAG or § 22 Para. 1A of the *BPolG* (Law of the German Federal Police), which are perceived as very humiliating in the accumulated experience".⁴¹²

Representatives of the Central Council of Muslims and the Roma Anti-Discrimination Network reported in detail about negative experiences and how this practice affects members of certain communities or persons to whom certain affiliations are attributed. Barkan stated that young men and males in general 'who are marked as Muslims' are particularly affected⁴¹³.

Mr. Christ, the Regional Chairman of the Trade Union of the Police, Thuringia, described the difficulties in dealing with racial profiling from the point of view of the police. He stated that there are currently no solutions for avoiding such checks.⁴¹⁴

(7) Education and training

Racism is an ideological 'discourse of difference'. It creates a basis for the justification of exclusion. Police officers defend themselves against the accusation of deliberately discriminating and thus violating universal human rights. Their main

⁴¹² See Communication 6/1837, p. 7f.

⁴¹³ See minutes of the 8. session, p. 27 and cf. Communication 6/1532, p. 1f.

⁴¹⁴ Minutes of the 8. session, p. 9f. and 14f. "We all know the term 'racial profiling' and I try to lobby for the police at every opportunity, even if that's not always easy. For example, if I deploy [...] a federal police officer to control/monitor illegal entry on trains or motorways, he would usually not approach people who have a classic central European outward appearance, but would rather accost people who have a different skin colour and possibly an Asian facial cut more frequently. They are more likely to be scrutinised. Frankly, I'm not quite sure whether one may/must attribute this to racism within the police because I think it is difficult for a police officer - because of his training and the wealth of experience that he may have gathered in his couple of years of service - to simply create a different system here. In my opinion, in a central European country, it is easier for a police officer to catch such a person, who innately and from his/her appearance somehow seems 'unlikely' to be born here, to have possibly obtained illegal entry. That's how the system works. That's how the police works, that's how the police thinks. [...] Racial Profiling. In fact, I do believe — and this is not a thing of glory I admit — that the police have no concept of racial profiling at the moment. [...] But the way in which my colleagues do their job of checking people should not be offensive and their demeanour should, generally speaking, be as professional, calm and composed as possible, such that even those being checked can feel it — this is what we promote and what we train for. At the moment, I believe this is the only way because, technically speaking, there are currently few other ways for us to rule out racial profiling. We could of course say (and that would be just as ineffective) that people with a different skin colour will not be checked in trains, at airports etc. on Mondays. This cannot be specified, it will not work, it is not a solution. One would have to find a different approach, but I don't have any ideas yet. Moreover, any other variant of the check has not been discussed yet." (ibid., pp. 14-15).

argument for many actions is 'gut feeling' or 'knowledge gained from experience'. Very often these are based on a logic inherent in the system, which seems to be legitimate considering partial successes but which is fed by simple categorisations, stigmas and prejudices, which are deeply derogatory and demeaning. These stigmas provide individuals with an orientation within their social environment. Individuals then draw conclusions about others based on just a few characteristics. Stigmas structure the situation, reduce its complexity and enable quick decisions. They also serve to channel aggression in a specific direction. This makes these unprofessional mechanisms very 'useful' for everyday police work.

The challenge for the future of police work in a pluralistic society will be to develop strategies that enable police officers to carry out their sovereign tasks without discriminatory profiling. One way to do this is to impart 'pluralistic' competence. It is also important to consider the education and training contents. Police officers must be able to move emotionally and intellectually in their respective environment. The instrument of inner guidance, imparting of values and strengthening of resilience are the building blocks of a strategy. Police work urgently requires all this in an age of a plural and diverse, and perhaps 'colourful' world.

Innovative and action-oriented measures must also be taken to raise awareness of national laws and international agreements, particularly on racism, protection against discrimination, the prosecution of hate crimes and the protection and treatment of victims of racism and hate crime. This would ensure their acceptance and implementation in everyday professional life.⁴¹⁵

The topics of racism, discrimination and hate crime as well as the treatment of racism victims have hardly ever been discussed in the education and training of employees in the area of 'Internal Affairs' (e.g., police officers). An in-depth discussion is needed in order to teach awareness about such phenomena and to be able to recognise and prosecute such offences better.⁴¹⁶

The shortcoming that was found to be common across the country was that there are no special training materials on racism, discrimination and hate crimes for the police,

⁴¹⁵ Joint position of experts, expert meeting on 29th May 2018. Cf. also: Schellenberg/Lang 2016, p. 35.

⁴¹⁶ Cf. Communication 6/1352, p. 17; OSCE, CERD and ECRI cited in Schellenberg/Lang 2016, p. 27; Communication 6/1837, p. 13; minutes of the 4. session, p. 127; Communication 6/1841, p. 4.

or they have not been mentioned by the interviewed institutions (nationwide survey on police education and training).⁴¹⁷

The problem of institutional racism or institutional discrimination has not been discussed so far in education and training or has only been discussed occasionally. Solutions for dealing with this phenomenon have not been thought about or they have been considered only in individual cases. Among other things, it is necessary, to discuss racial profiling as a case study.⁴¹⁸ The debate on this topic is increasing, at least in the police education and training. However no significant steps have been taken in Germany to seriously counter racial profiling.⁴¹⁹

Individual education and training topics and content run the risk of anchoring or reinforcing ethnically oriented and culturalistic prejudices. This applies, for example, to education and training measures designed to strengthen inter-cultural competences. However, these do not deal with the topics of 'racism' and discrimination.⁴²⁰ Prejudices can – as the failed 'NSU' investigations show – prevent the awareness and punishment of criminal offences. This is impressively illustrated by a report of the State Office of Criminal Investigation of Baden-Wuerttemberg dated 30th January 2007, drawn up in the context of the 'NSU' murders: “Given that killing people is a great taboo in our cultural environment, it can be deduced that the behaviour system of the perpetrator is very different from the norms and the value system here”.⁴²¹

Typical training modules in police education and training institutions include topics such as 'migration and crime', 'migration and extremism' as well as 'Islam' and 'Salafism'. Evaluation of the lesson plans and curricula shows: these institutions teach 'cultural specifics of the Arab world' as well as 'own and foreign cultural standards' among other things. The topics of extremism and terrorism, often also specifically right-wing extremism, are handled in the context of 'foreigners', 'Islam' and 'outsiders'.⁴²² Lawyers, NGOs and scientists draw attention to the risk that they teach generalising negative attributions towards non-nationals, migrants and people with religions different to that of the majority of society. This reinforces or can reinforce prejudices. Professional police work means: possible prejudices and a

⁴¹⁷ Cf. Schellenberg/Lang 2016, p. 28.

⁴¹⁸ Cf. Communication 6/1841, p. 4.

⁴¹⁹ Cf. minutes of the 5. session, p. 83.

⁴²⁰ Cf. lawyers, NGOs and scientists: Parallel report CERD 2015, p. 11.

⁴²¹ See Document of the German Bundestag 17/14600. p. 575.

⁴²² Cf. Schellenberg/Lang 2016, p. 29.

blanket linking of minorities, migrants and non-nationals with crime, extremism and terrorism must be counteracted.⁴²³

(8) Cooperation with NGOs/civil society organisations

From the security policy point of view, it requires courage and effort to work with cooperation partners outside the security apparatus. Other state actors, particularly parliaments and parliamentarians, are important cooperation partners for professional work in the field of 'Internal Security'. Furthermore, an exchange with civil society organisations, including migrant self-organisations, is essential. The capacity for dialogue and cooperation is a means of achieving the goal of social security. In a dialogue, all people must be made to understand the advantages of the free democratic basic order which includes recognising the dignity of the individual, equality before the law and freedom, including freedom of religion, among other things. They must be able to recognise that democracy offers options for development and also demands respect for others, and that these demands are supported by the constitutionally guaranteed fundamental rights. A modern security policy is discursive-cooperative in this sense.

It is found that cooperation with NGOs/civil society organisations and especially with victim counselling services is not working well enough yet. Cooperation between police training institutions and civil society organisations and especially organisations that protect victims of hate crimes are very rare.

The investigation committees in Thuringia and the federal government have come to the conclusion that the new, necessary measures should be developed "in cooperation with 'People of Colour' and actors of civil society"⁴²⁴. The PUA in the German Bundestag recommends the development of funding concepts. Here, it is important to "ensure the participation of civil society initiatives" in order to make use of their "experience and expertise" in "shaping the organisation and content".⁴²⁵

⁴²³ Cf. Schellenberg/Lang 2016, p. 29.

⁴²⁴ See Document of the Thuringia State Parliament 5/8080, C.1., p. 1630.

⁴²⁵ Cf. Document of the German Bundestag 17/14600, p. 866ff.

c) Current state of affairs

(1) Attitudes and routines

In society as a whole, the proportion of people with a migrant background is about 20%. It is under one percent in the German police.⁴²⁶ The Federal Criminal Police Office of Germany and the Federal Police are pursuing the goal of increasing the proportion of employees with a migrant background.⁴²⁷

This is also what the TMIK intends to do. State Secretary Götze emphasised that the search for staff is based on 'technical criteria' and that selection is 'non-discriminatory'. There is only 'a very limited option' of including certain points in an advertisement. It is not possible to include 'migrant background as selection criteria' due to 'legal boundaries'. He also emphasises that the applicant situation in Thuringia cannot be compared to that in Hessen or Schleswig-Holstein, for example, where “the most varied people sit before me”. Instead, the applicants in Thuringia are members of a “very homogeneous local population”.⁴²⁸

The President of the Constitution Protection department, Mr. Kramer, states: especially in case of the topics 'combating Islam' and 'foreign extremism', the Constitution Protection department attaches great importance to reaching “persons with a migrant and cultural background” from the field that the Constitution Protection department is concerned with in the broadest sense. However, the 'willingness' to “tread in a new direction is still somewhat restrained” in Thuringia.⁴²⁹

Many NGOs, civil society organisations, scientific institutions and also the experts of the Commission of Inquiry advocated strengthening the efforts to employ more personnel with foreign family biographies. However, this is not enough; problematic structures and routines would need to be changed simultaneously in order to actually be able to work on the topic better.

Inclusion of migrants into the police force boosts democratisation within the institution, similar to women joining the constabulary. In the 1970s and 1980s,

⁴²⁶ Cf. Ooyen, Robert Chr. van 2017: Polizei und Fremde – zu einem (ver)störenden Thema im Spiegel neuerer Literatur, in: Kopke, Christoph/Wolfgang Kühnel (ed.): Demokratie, Freiheit und Sicherheit. Festschrift zum 65. Geburtstag von Hans-Gerd Jaschke. Scientific writings of the Berlin School of Economics and Law. Volume 63, Baden-Baden: Nomos, 273-282, p. 276.

⁴²⁷ Cf. Communication 6/1780, p. 45.

⁴²⁸ See minutes of the 9. session, p. 125.

⁴²⁹ See minutes of the 4. session, p. 81f.

women's participation was justified with the prognosis that fewer and fewer men would apply. The police leadership also noted that they can no longer be closed to the “demand for equality and thus to allowing women in a traditionally ‘male profession’”. Today, one hears similar statements about allowing migrants to join the police force. This has both demographic and democratic-theoretic reasons. The debate, which is conducted in almost all areas of society, also finds its way into the historically established institution of the police. It moves in areas of conflict: the police as an institution has developed 'conventional' routines, its staff is a part of society and the institution must exist as a contemporary institution in a plural society.

Expert Güleç stated that it was not enough to employ staff with a migrant background. Routine perceptions and procedures cannot change by increasing the percentage alone. “I know [...] of police officers who have gone to the police with migrant history. I know that there is also a very high pressure to adapt because they are themselves a minority within this police apparatus. This means that the police force has practices that are simply enforced.” There are mechanisms that work regardless of the percentage. This needs to be worked on.⁴³⁰

(2) Esprit de corps and “culture in which mistakes are tackled constructively”

“Development of a culture in which mistakes are tackled constructively is needed urgently instead of adhering to a false understanding of esprit de corps – a false esprit de corps has also massively hindered the work of spreading awareness of the investigation committee”. It should be possible to learn from mistakes and to critically consider common as well as new procedures. In the process, “self-criticism and self-reflection [...] must not be understood as personal weakness but a sign of an opportunity to learn from one’s own mistakes”⁴³¹.

(3) Collection, punishment, prevention

Learning from mistakes through analysis means: the failed investigations in the 'NSU' complex must become the starting point of critical self-examination even by the police.

⁴³⁰ See minutes of the 3. session, p. 52f.

⁴³¹ See Document of the Thuringia State Parliament 5/8080, C.4., p. 1631.

In the course of the NSU investigation, murder cases were re-examined, particularly those that have been recorded as being motivated by racism, anti-Semitism or right-wing extremism in the statistics of civil society. The state of Brandenburg assigned this task to an external body, an institute of the University of Potsdam. The ECRI welcomed this. It should be noted that independent bodies, e.g., research institutes of universities, should be commissioned for investigations. These may be assisted by an advisory body consisting of representatives from the Ministry of the Interior, the police training institution and civil society among others. A positive side effect could be that representatives of the police and NGOs/civil society organisations would communicate with each other and a mutual understanding could develop. There has been no such investigation in Thuringia so far.⁴³²

“The European Commission against Racism and Intolerance (ECRI) of the Council of Europe has recently criticised in February 2017 that the statistics of civil society organisations, such as those in Saxony, show significantly more racially motivated violent acts than the official statistics, which ECRI ascribes particularly to the very narrow understanding of such offences in police work. However, the factors and causes leading to prosecution failures have not been sufficiently researched.”⁴³³ Even the data available within the police force is inconsistent. For example, the Berlin police recorded 74 homophobic/transphobic crimes, including 24 violent crimes, in 2014.⁴³⁴

Politically motivated crimes are recorded in a national reporting system. The basis for this is a definition that has been decided upon by a working group of the heads of the State Criminal Police Offices along with the Federal Criminal Police Office of Germany (AG Kripo) (version dated 1.1.2017).⁴³⁵ Until the category of politically motivated crimes was introduced in 2001, the police recorded and prosecuted crimes against the state based on the concept of extremism. The focus was on perpetrators and their ideologies. Attitude dimensions such as racism and anti-Semitism, which are not limited to extremist boundaries, could not be recorded. Introduction of the

⁴³² Cf. Communication 6/1274, p. 7f;
<http://www.mmz-potsdam.de/todesopfer-rechtsextremer-gewalt-in-brandenburg.html>

⁴³³ See Communication 6/1352, p. 9.

⁴³⁴ Cf. MANEO: Annual report 2014, p. 90. Nationwide however, only 60 offences against sexual orientation, including 34 violent crimes, were recorded under politically motivated crime. (Cf. Schellenberg/Lang 2016, p. 20)

⁴³⁵ Cf. Submission 6/3980, pp. 10-12.

category of politically motivated crimes got rid of the traditional way of recording. But the problematic rough classification into politically 'right' and 'left' remained. For example, 'xenophobia' is listed as a sub-category of 'politically right'.⁴³⁶ In the course of the discussion on the NSU complex, a working group was set up to review politically motivated crimes. Since then, hate crime has been included as a further recording criterion in the category of politically motivated crimes.⁴³⁷ Crimes are now recorded under 11 categories: 'anti-Semitic', 'antiziganistic', 'xenophobic', 'disability', 'anti-Christian', 'social status', 'anti-Islam', 'racism', 'other ethnicity', 'other religions' and 'sexual orientation'.⁴³⁸ The data collected is currently published inconsistently. For example, offences are published under 'hate crime' and separately under 'xenophobia' and 'anti-Semitism' or additionally data on 'racist violence'. The intersections are neither scrutinized nor explained. This way it is impossible to understand the real situation of racist offences and hate crimes. The National Action Plan against Racism therefore encourages constant scrutiny and further development.⁴³⁹ Mr. Menzel of TMIK commented that the definition system had been agreed upon nationwide. Thuringia cannot deviate from it even if it is functionally justifiable.⁴⁴⁰

How are politically motivated crimes recorded in Thuringia? Thuringia has a 'joint instruction' of the State Police Department (LPD) and the State Office of Criminal Investigation (LKA) for this. Officials are obliged to check for possible political motivation for committing an offence in all cases of violent crime.⁴⁴¹ For quality assurance while processing politically motivated crimes, all criminal police departments have set up their own police stations (K4). The LKA has a separate department for crimes against the state (Dept. 2). Thus, it is possible to influence the police station, where the report was filed, in the framework of functional supervision.⁴⁴² In its statement, the GdP mentioned the staff unit 'Prevention of Police

⁴³⁶ Cf. Förster, Hans-Jürgen 1986: Der Täterschwund zwischen der Polizeilichen Kriminalstatistik und der Strafverfolgungsstatistik am Beispiel der Raubkriminalität in Lübeck 1978 bis 1980, Karlsruhe: na; cf. Schellenberg 2018 SiFo, in press

⁴³⁷ Cf. minutes of the 9. session, p. 126.

⁴³⁸ See Communication 6/1780, p. 19; cf. among other things minutes of the 9. session, p. 108.

⁴³⁹ Cf. Communication 6/1780, p. 41.

⁴⁴⁰ Cf. minutes of the 9. session, p. 126.

⁴⁴¹ Cf. Submission 6/3836, Appendix 2.

⁴⁴² Cf. Submission 6/3980, p. 10ff.

Extremism', which offers prevention services such as counselling of the police organisation.⁴⁴³

The experts criticised the following directly and, moreover, expressly in common exchange of views: The establishment of an 'extremism' post in 2012, i.e., immediately after the self-exposure of the 'NSU', must be surprising. The UA 5/1 and the Commission of Inquiry along with actors from the field of science and NGOs/civil society deal with the extremism concept critically. This is because it allows for racism and discrimination to not be recognised or addressed.⁴⁴⁴

(4) Dealing with victims of racist and other inhuman violence, secondary victimisation

During the hearing, Mr. Menzel of the TMIK mentioned a ministerial decree to encourage victim witnesses during the investigation process. They have thus fulfilled a mandate from the investigation committees. When registering complaints, the authorities are obliged to document the personal view of the victim in a form.⁴⁴⁵ Authorities where complaints are filed are instructed to provide victims with assistance and support services. Officials should also inform victims about the assistance offered by various associations and counselling centres.⁴⁴⁶ The Thuringian police has a victim protection guideline, which is practised in the cooperation with victim protection associations.⁴⁴⁷

A master service agreement was concluded with the staff councils for the employees of the TMIK, subordinate authorities and the Thuringian police for the internal handling of discrimination. According to this agreement, social points of contact would be available for the protection of staff. In addition, the TMIK has a complaints body pursuant to § 13 Para. 1 of the AGG.⁴⁴⁸ State Secretary Götze explained that the TMIK had consciously decided not to set up the new police complaints body as an internal complaints body but as a complaints body only for citizens⁴⁴⁹ (see bullet point b.(5)).

⁴⁴³ Cf. Communication 6/1511, p. 2.

⁴⁴⁴ Cf. detailed criticism of the extremism concept by various actors below; cf. Schellenberg 2018, Polpsych, in press

⁴⁴⁵ Cf. minutes of the 9. session, p. 101f.

⁴⁴⁶ Cf. minutes of the 9. session, p. 104, Submission 6/3837.

⁴⁴⁷ Cf. minutes of the 9. session, p. 113; Submission 6/3838, minutes of the 9. session, p. 107.

⁴⁴⁸ Cf. Submission 6/3980, p. 2; Submission 6/3980, pp. 5-9.

⁴⁴⁹ Cf. minutes of the 9. session, p. 99f.

(5) Racist and discriminatory behaviour of or by police officers or the police as an institution

Several parties, including the European Commission against Racism and Intolerance (ECRI), UN Working Groups and the Commissioner for Human Rights of the Council of Europe, Amnesty International and the German Institute for Human Rights, have demanded the establishment of independent complaints bodies for police misconduct.⁴⁵⁰ Some federal states already have police complaints bodies. In Rhineland-Palatinate, a police commissioner was appointed to the Ombudsman in 2014, who reports to the parliamentary committee on internal affairs. Complaints about police officers and internal grievances are recorded. In Schleswig-Holstein, a representative has been processing citizens' complaints and inputs from police officers for the state police since 2016. The post has extensive powers such as the rights to interview, access files and inspect; in addition, civil society organisations can also file complaints.⁴⁵¹ The Thuringia investigation committee 5/1 also recommended the setting up of a complaints body.⁴⁵² During the hearing, State Secretary Götze reported that a police complaints body in Thuringia had become operational a few weeks back. The body comes directly under the State Secretary.⁴⁵³

(6) Racial profiling

Racial profiling is a form of institutional racism. Thus, the discussion on 'racial profiling' is not about whether individual police officers are racist. The focus is on institutional racism, which can be independent of personal conviction or motivation.

'Racial profiling' occurs in various forms, including checks by the federal police in border areas or against passers-by or residents of so-called dangerous areas. Here the police is authorised by state law to check persons even without suspicion.

⁴⁵⁰ Cf. Töpfer, Eric, with the cooperation of Julia von Normann (2015): Unabhängige Polizei-Beschwerdestellen (Independent Police Complaints Bodies). Eckpunkte für ihre Ausgestaltung (Key Points for their Structure). Policy Paper No. 27. Institute for Human Rights, Berlin; ECRI report 2009, p. 11) and corresponding demands are repeated at the hearings of the Commission.

⁴⁵¹ Schellenberg/Lang 2016, p. 29.

⁴⁵² As a result of the detailed parliamentary analysis of the failures of the investigation and security authorities in the 'NSU' context, the Thuringian UA 5/1 recommends the "establishment of an independent clearing house for complaints against official action, which can be approached both by victims and employees" (Document 5/8080, Point C.3., p. 1631).

⁴⁵³ Cf. minutes of the 9. session, p. 99f.

“Victims of 'racial profiling' have started speaking up more frequently. Some even resort to courts. In many cases, they perceive the offending police checks as serious experiences of injustice, in which they are publicly placed in a criminal context and stigmatised. Organisations for victims, such as the 'Initiative Schwarze Menschen in Deutschland' are increasingly criticising the practice of racist checks.

'Racial profiling' questions the affiliation of those affected by this practice to society. Thus the practice also has negative consequences for the society as a whole - for peaceful coexistence, for trust in the police and for the affiliation and social participation of affected groups. State authorities must adhere to the personal right for respect of all people that is based on human dignity. Therefore, they must not blindly suspect people because of unchangeable characteristics.”⁴⁵⁴

Nevertheless, there is evidence of *good practice*: There are isolated measures in some federal states to prevent 'racial profiling' in the context of checks without suspicion, for example by means of a legal ban. “This topic is also being handled more and more in police education and training as well. However, no significant steps have been taken in Germany to seriously counter the practice.”⁴⁵⁵

Mr. Ley, Head of the Thuringian Police Training Centre said that a training course on how to deal with racial profiling is currently offered in Thuringia.⁴⁵⁶

(7) Education and training

So far, the issue of hate crime has not been handled in education and training. But there is one good practice: the federal police (DIPOL) deals with the topic explicitly. The University for Public Administration (HfÖ) Bremen discusses the topics of hate crime, victim groups, effects of victimisation and prevention among others in the module 'Hate Crimes – Politically Motivated Crime'. There are only a few explicit references to certain groups that are particularly discriminated against, for example the University for Public Administration in North Rhine-Westphalia considers disabled people and homeless people as particularly vulnerable groups. The *Hochschule der Polizei* of Rhineland-Palatinate involves people with disabilities and some refugee institutions. Brandenburg explicitly deals with anti-Semitism and Islamophobia in the

⁴⁵⁴ See minutes of the 5. session, p. 83.

⁴⁵⁵ See minutes of the 5. session, p. 83.

⁴⁵⁶ Cf. minutes of the 9. session, p. 107.

electronic learning application 'Basic knowledge of right-wing extremism' in its training course.⁴⁵⁷

Analysis of the education and training situation of the state and federal police showed: national and international regulations, including human rights, are addressed – but to varying degrees.⁴⁵⁸ However, this does not mean that they are learned and understood in an action-oriented manner thus becoming significant for police practice. The topic will become action-relevant when it is linked to the work of the police, in particular to everyday working life.

Examples of good practice can be found in Brandenburg, Rhineland-Palatinate and Münster: individual events on the topic of 'human rights and police' have been or will be organised here (*Fachhochschule der Polizei, FHPol, Hochschule der Polizei, HdP, and Deutsche Hochschule der Polizei, DHPOL/BpB*).

The subject of victim protection is usually discussed generically. Hate crime is not explicitly discussed. An investigation of the *Fachhochschule Polizei* in Saxony-Anhalt dealt with how the police deals with migrant victims of racist crimes. Urgent action is needed especially in this area: according to the study, there are clear indications of a lack of sensitivity among police officers when dealing with migrant victim witnesses of prejudice-motivated crimes.⁴⁵⁹ There is an example of good practice in case of 'victim protection' in Brandenburg: the FHPol Brandenburg has a sustainable approach to the topic of victim protection and treatment of victims: a five-day training course on 'victim protection' provides information about cooperation with victim support organisations among other things. It also introduces *Opferperspektive Brandenburg* (The Victim's Perspective), which supports victims of right-wing, racist and anti-Semitic violence.⁴⁶⁰

Cooperation or exchange with civil society organisations, especially the protection organisations for victims of hate crime, is very rare. In *Saxony-Anhalt*, work in this area is being carried out in cooperation with the *Mobile Opferberatung Halle* and the *Arbeiterwohlfahrt* (AWO). One can see good practice in Lower Saxony too: the topic is discussed in the police academy (PA): among other things, the training topics include the "deconstruction of culturalist assumptions of crime among migrants,

⁴⁵⁷ Cf. Schellenberg/Lang 2016, p. 28.

⁴⁵⁸ Cf. Schellenberg/Lang 2016, p. 28.

⁴⁵⁹ Cf. Asmus, Hans-Joachim/Enke, Thomas 2016: *Der Umgang der Polizei mit migrantischen Opfern*. Wiesbaden: Springer VS, p. 147; Schellenberg/Lang 2016.

⁴⁶⁰ Cf. Schellenberg/Lang 2016, p. 28f.

which is initially increasingly represented by students". Crime theories, increased tendency of complaining about migrants, negative consequences of selective suspicion and dealing with civilian diversity are topics that are discussed in class.⁴⁶¹

Good practice: some institutions count on the promotion of social skills (e.g., conflict resolution skills, critical self-reflection, ambiguity tolerance) to achieve the best possible performance with investigative authorities and to prevent difficult behaviour patterns. If social skills are a key qualification in modern police work, then 'pluralism' skills of civil servants in Germany today can only be logical.⁴⁶²

(8) Cooperation with NGOs/civil society organisations

Mr. Ley from the Thuringian Police Training Centre said: "We [...] involve civil society actors in the field of education". The state programme for democracy, tolerance and cosmopolitanism is also useful for this. Among other things, it is arranged "in cooperation with the State Police Department" that "services actually reach police officers". This is done by "different agencies", among others by Violence Prevention Network and Mobit.⁴⁶³ Mr. Kramer, Head of the Constitution Protection department also emphasised that the handling of institutional racism in the authorities requires an exchange with, for example, civil society actors.

d) Measures from the course of sessions

(1) Normative foundations for democracy and human rights, against racism and discrimination

a) A 'Racism and Discrimination' working group should be set up to initiate further positive change in the area of 'Internal Affairs'. The group should be small and manageable (8-12 people) – consisting of specialist personnel from the TMIK/police, parliamentarians, scientists and representatives of NGOs and racialised groups. The working group should be directly funded by the parliament. Its role would be to advise the TMIK and (a) to critically review existing regulations, laws, habits in terms of anti-

⁴⁶¹ See Schellenberg/Lang 2016, p. 29.

⁴⁶² Joint position of experts, expert meeting on 29th May 2018; further: Schellenberg/Lang 2016, p. 29; Expert Commission of Inquiry.

⁴⁶³ See minutes of the 9. session, p. 107.

discrimination, (b) to develop anti-discrimination quality standards and (c) to contribute towards creating an environment that is sensitive to discrimination.⁴⁶⁴

b) The profile of anti-discrimination policies must be structurally strengthened. Experts have proposed that a minister should be appointed for anti-discrimination policies. The position should be outside the Ministry of the Interior, possibly in the TSK. An exchange with the area of 'Internal Affairs' is important. Nominated (non-ministerial) representatives of the working group 'Racism and Discrimination' (cf. a) should be involved in the process.⁴⁶⁵

(2) Attitudes and routines

a) A new survey should be conducted to analyse the spread of prejudice and racism among police officers. This will provide information about the current challenges. The last survey in Germany was carried out in 1996. Thuringia could lead the way here with good practice.

b) It is important to identify contentious and potentially inadmissible structures and habits in the TMIK's area of operation. This allows a better quality of processing. In addition, strategies can be developed for expert handling.

- This includes critically examining racism and discrimination of racialised persons in institutions, regulations, laws, etc.⁴⁶⁶
- State police laws should be critically assessed and revised.⁴⁶⁷ It is important to ensure that the broad discretionary power that is assumed during identity checks is limited.⁴⁶⁸ Particularly § 15 Para. 1 No. 5 should be reviewed because it contains a provision which, by its formulation, provokes a discriminatory and racist police checking practice (unwarranted identity checks).⁴⁶⁹

⁴⁶⁴ Cf. minutes of the 3. session, pp. 39, 47; minutes of the 8. session, p. 45; minutes of the 8. session, p. 52; minutes of the 8. session, p. 75; Communication 6/1787, p. 6; Communication 6/1837, p. 17.

⁴⁶⁵ Joint position of experts, expert meeting, Berlin, 8.4.2018.

⁴⁶⁶ Cf. minutes of the 3. session, p. 12, minutes of the 3. session, p. 103.

⁴⁶⁷ Cf. Communication 6/1352, p. 17.

⁴⁶⁸ Cf. minutes p. 98f; Communication 6/1274, p. 7; minutes of the 2. session, p. 28; Communication 6/1274, p. 7; minutes of the 4. session, p. 99.

⁴⁶⁹ Cf. Communication 6/1837, pp. 7-8; minutes of the 4. session, p. 127.

- It should be checked if an anti-racism clause is incorporated in the state constitution. This is being discussed and has already been done in Berlin and Brandenburg respectively.⁴⁷⁰

c) Citizens with a migrant background in the police are an expression of normalcy. A side effect is important with respect to inclusion policies. If knowledge is defined as a skill for social behaviour, then this knowledge could improve the police's ability to act in real situations and point out new innovative ways. Knowledge advantages under certain social and cognitive framework conditions do not automatically create equal opportunities for action. Rather, this depends on an active and strategic inclusion of this potential. The efforts to recruit people with foreign family biographies should be improved further. Examples of good practice in this area should be obtained from the federal government and other federal states.⁴⁷¹

d) Strategic measures and offers should be developed that can protect and empower employees who are (potential) victims of racism and discrimination. It should be examined whether cooperation with progressive federal states is feasible.

(3) Learning from the 'NSU' complex and developing a culture in which mistakes are tackled constructively

a) The PUA in the German Bundestag emphasised that particularly the areas of 'Internal Affairs' and 'Judiciary' should develop a critical 'analysis culture' and a "culture in which mistakes are tackled constructively".⁴⁷² Learning from mistakes through analysis means the failed investigations in the 'NSU' complex must be taken as the starting point of critical self-examination, especially by the police and the Constitution Protection department. Thuringia should organise a regulated exchange particularly between NGOs/civil society actors, the TMIK/police, parliamentarians, scientists and the Constitution Protection department. The first step towards this could be to deal with the killings/differences between civil society and state data.

b) Thuringia should re-examine the murders that were racially motivated from a civil society perspective – by an independent body/commission.⁴⁷³ The good practice from

⁴⁷⁰ Cf. minutes 3. session, p. 92; minutes of the 3. session, p. 45; minutes of the 8. session, p. 65.

⁴⁷¹ Cf. minutes of the 4. session, p. 127.

⁴⁷² Cf. Document of the Thuringia State Parliament 5/8080, Point C.4, p. 1631.

⁴⁷³ Cf. Document of the Thuringia State Parliament 5/8080, Point C.4.c, p. 1631.

Brandenburg could provide orientation. The Moses Mendelssohn Institute of the University of Potsdam conducted the investigation here.⁴⁷⁴

(4) Collection, punishment, prevention

a) Well-defined education and awareness of racism and hate crime in the police is recommended. Many emphasised that the classification as 'politically motivated' or 'extremist' is not useful to record and prosecute offences in the area of 'racism', discrimination and hate crimes.⁴⁷⁵ Even after a thorough discussion of the valid concept of politically motivated crime, it is difficult to understand it clearly. Therefore we can assume that the definition and recording system is quite unclear to police officers in service as well.

Measures must therefore be taken to allow police officers to understand and thus to productively deal with racist and hate crime. Thuringia cannot change the nationwide system indiscriminately. But it should develop and use materials, instructions and training courses such that its personnel recognise, document and punish racist and hate crime. Among other things, comprehensible standards should be developed that clearly define what hate crime is.⁴⁷⁶

b) When materials, instructions, and training courses are created, it must be checked in a system-independent and problem-oriented manner how the classification and explanation can be made appropriate. This way, racist and other inhuman offences can be better recorded, documented and prosecuted.

The TMIK/police, NGOs/civil society organisations, persons from the fields of science and educational practice (e.g., human rights and democracy education) should be involved in the process. In addition, these actors should critically review and discuss the outcomes. Thuringia could lead the way here and be a pioneer – with good practice in recording, documenting and punishing racist offences and hate crime. In

⁴⁷⁴ Cf. Communication 6/1274, p. 7f.

⁴⁷⁵ Lawyers, NGOs and scientists 2015, p. 6; ECRI 2008, p. 16; Human Rights Watch 2011, p. 3; Lang, Kati (2015): Background paper 'Parallel report to the German state report for the UN Anti-Racism Commission'; <http://rassismusbericht.de/wp-content/uploads/Hintergrundpapier-Dr-Kati-Lang.pdf>, p. 7f; Schellenberg/Lang 2016, p. 19. summary and listing in Schellenberg 2018, Psychopol, in press; PUA BT, BT-Dokument. 17/14600, p. 861, CERD 2015: Concluding remark, p. 4.

⁴⁷⁶ Cf. minutes of the 4. session, p. 103f.

the medium term, Thuringia could even competently support the reform (in planning) of the police recording system in Germany.⁴⁷⁷

c) The materials and training units (cf. a and b) should be included in the police education and training modules. The following findings should be considered when designing the training content:

The extremism concept is not useful for dealing with the topics of 'racism' and 'discrimination'. It must be avoided especially in relation to preventive work.

Terms such as 'xenophobia' should be avoided because they deny people's affiliation and arise from ethnically oriented or nationalistic ways of thinking.

d) Hate speech should be recorded, documented and punished.⁴⁷⁸

e) Social science studies point to the disparity between the data on reported and unreported crimes in the area of hate crime and racist violence.⁴⁷⁹ The recording statistics that constantly need improving should include studies on both reported and unreported crimes. This is what is practised in USA.⁴⁸⁰

f) The online reporting procedures of the police should be reviewed for user-friendliness. They should be low-threshold and user-friendly.⁴⁸¹

g) An “independent investigation” should aim at the question: are racially motivated crimes now being adequately perceived and prosecuted – as required by the PUA TH and BT? The focus should be on the 'actual consequences in practice', “i.e., whether and how prosecution work has changed due to the police and public prosecutors”.⁴⁸²

h) It is recommended that an independent system be established for the quantitative and qualitative collection of data covering the extent of racism in all state authorities.

⁴⁷⁷ Cf. Communication 6/1274, p. 7f.

⁴⁷⁸ Cf. ECRI; minutes of the 4. session, pp. 97-116.

⁴⁷⁹ Cf. among others Geschke, Daniel 2017: Alle reden von Hass. Was steckt dahinter? Eine Einführung, in: Wissen schafft Demokratie, Publication series of the Institute for Democracy and Civil Society, 1, 168-190, p. 50; Coester, Marc 2017: Das Konzept der Vorurteils kriminalität und Folgen für die polizeiliche Praxis (The Concept of Hate Crime and Consequences for Police Practice), in: Kopke, Christoph/Wolfgang Kühnel (ed.): Demokratie, Freiheit und Sicherheit. Festschrift zum 65. Geburtstag von Hans-Gerd Jaschke. Scientific writings of the Berlin School of Economics and Law. Volume 63, Baden-Baden: Nomos, 167-182, p. 171.

⁴⁸⁰ Cf. Coester 2017, p. 177.

⁴⁸¹ Cf. statement of the Amadeu Antonio Foundation, p. 4 /TH Commission.

⁴⁸² See minutes of the 5. session, p. 80f.

This also includes the recording of racial profiling cases. The extent of such practices is unknown.⁴⁸³

(5) Dealing with victims of racist and other inhuman violence

a) A particular concern is to improve the “situation of the actual and potential victims of right-wing extremist and racist violence”. For this, it is vital “[to] protect victim witnesses and support them in exercising their rights”.⁴⁸⁴ The important thing is that the police must better educate victims about their rights. This includes: “obligation to provide information about specialised victim counselling services analogous to the Weisser Ring e.g. on EZRA by handing over their communication details and providing the respective information material on the premises of the police and judiciary”⁴⁸⁵, option of incidental action, right to safety on the way home after the crime and the obligatory passing on of information about counselling services.⁴⁸⁶ Authorities should also proactively provide information about regulations that protect victims – such as escorting injured parties to interrogation and court hearings by victim counsellors.⁴⁸⁷

b) The conditions that encourage victims to report racist and other hate crimes⁴⁸⁸ should be further improved. It is important to train and appoint contact persons with advanced training for hate crimes at police stations.⁴⁸⁹ In addition, it should be checked if an independent ombudsman’s office can be set up to take care of victims and their relatives.⁴⁹⁰

(6) Racist and discriminatory behaviour of or by police officers or the police as an institution, secondary victimisation

a) A police complaints body has been set up. However the complaints body is not independent. Once detailed information about the work order and the functioning of

⁴⁸³ Cf. Communication 6/1837, p. 9f.

⁴⁸⁴ See Document of the Thuringia State Parliament 5/8080, C.5., p. 1633.

⁴⁸⁵ See Document of the Thuringia State Parliament 5/8080, C.5., p. 1633.

⁴⁸⁶ Cf. minutes of the 4. session, p. 126; ezra study (Communication), pp. 39-40, minutes of the 6. session, p. 145, minutes of the 8. session, p. 31.

⁴⁸⁷ Cf. interview of senior public prosecutor R. Kästner-Hengst dated 6.4.2016, in: ezra 2014, p. 40.

⁴⁸⁸ Cf. OSCE (2009), MC.DEC/9/09, p. 2 No. 3. reproduced in: DIMR 2016, p. 30.

⁴⁸⁹ Cf. Communication 6/1274, pp. 7-8.

⁴⁹⁰ Cf. recommendations of lawyers, NGOs & scientists 2015, p. 6.

the complaints body is available, the following should be discussed in the further hearing process: What steps are proposed to tackle sensitive internal issues through the complaints body? Possible independence of the body should be expressly discussed. The body should also issue notifications officially.⁴⁹¹ The Thuringian UA 5/1 recommended the “establishment of an independent clearing house for complaints against official action, which can be approached both by victims and employees”.⁴⁹² This option should be reviewed.

b) Secondary victimisation is a problem that should be taken seriously and that often has severe consequences for those affected. There have been very few studies on this topic in Germany so far. A study should be commissioned to analyse the experience of victims of racist violence and hate crime by the police. It should be examined whether a study carried out by ezra could be re-published with a clearer focus on racism, discrimination and hate crime. In addition, regular quantitative and qualitative studies on the subject should be carried out.⁴⁹³

(7) Racial profiling

a) Formulations and measures that could be designed for the purpose of or that result in racial profiling should be given special attention during the critical examination and review of regulations, habits, etc. (see above). It is recommended to remove relevant passages if necessary and to supplement or reformulate them in a problem-oriented manner. During this process, it is necessary to set standards for reasonable suspicion for implementing checks, surveillance measures and investigations.⁴⁹⁴

⁴⁹¹ The expert commission members

Mr. Yılmaz-Günay and Dr. Schellenberg as well as the representative of the victim counselling centre ezra made similar recommendations in their statements; cf. Communication 6/1837, pp. 7-10; cf. Töpfer, Eric, with the cooperation of Julia von Normann (2015); ECRI report 2009, p. 11.

⁴⁹² See Document of the Thuringia State Parliament 5/8080, Point C.3., p. 1631.

⁴⁹³ Cf. minutes of the 6. session, p. 132.

⁴⁹⁴ Cf. Communication 6/1352, p. 17, Communication 6/1274, p. 9. During the advisory process, a reference was made to the DIMR study from 2013 entitled: 'Racial Profiling – Identity Checks Violating Human Rights', which contains numerous recommendations for authorities and policy makers. Amnesty International recommends that § 15 Para. 1 No. 5 of the PAG should be reformulated such that police officers do not specifically search for “non-German-looking” persons, and cf. Communication 6/1837, p. 9f.

b) At the same time, practice-oriented strategies should be developed to enable human rights oriented, discrimination-critical and yet goal-oriented practice. The working group proposed above should undertake this task or at least monitor it.

c) The Berlin 'Campaign for the Victims of Racist Police Violence' is highlighted as an example of *good practice*. Since 2000, it has maintained a chronicle of racist police checks in the state of Berlin. So far no reliable information on individual cases is available in Thuringia⁴⁹⁵. It is recommended that initiative be taken and similar ventures be supported in Thuringia.

(8) Education and training

a) The aim of education and training measures is to change selection processes and raise awareness among the staff towards an improved recognition and punishment of racist offences and hate crime. It is essential to include anti-racism, anti-discrimination and inclusion perspectives. The human rights and constitutional legal framework should also be taken into account. Imparting of knowledge and the development of social competence, e.g., the promotion of empathy and sensitivity, as well as the ability to act should be strengthened. Racism-critical and discrimination-critical education is seen as an important prerequisite to be able to act as per the work order in a norm-oriented manner and to navigate the globalised, plural and multicultural world.⁴⁹⁶ Human rights and democracy education as well as a sensitivity towards diversity and prejudice should be implemented as inter-disciplinary issues. The following topics should be included in regular education and training/curricula⁴⁹⁷:

- Racism and discrimination
- Victim protection, also explicitly for victims of racism and hate crime
- Hate crime
- Compulsory inclusion of anti-discrimination and anti-racism perspectives in inter-cultural competence trainings

In addition to concrete knowledge transfer, development of social competence should also always be taken into account. Besides problem-solving and conflict resolution,

⁴⁹⁵ Cf. minutes of the 7. session, p. 98f.

⁴⁹⁶ Cf. minutes of the 11. session, p. 77.

⁴⁹⁷ Cf. Communication 6/1352, p. 17; Communication 6/1841, p. 4; DIMR 2016, p. 27, Communication 6/1837, p. 13. Minutes of the 4. session, p. 127; minutes of the 6. session, p. 35; minutes of the 7. session, p. 39, Submission 6/2959, p. 9; also: Schellenberg/Lang 2016, p. 35.

specific awareness-raising and empowerment measures for racism and discrimination should also be offered. It is also important to provide opportunities that help deal with racism constructively.⁴⁹⁸

It is also recommended to avoid naive 'inter-cultural competence development'. There are different cultural influences in Germany. This is not just because a large number of people have a migrant background or are foreigners. Therefore, it is essential to impart 'plural' competences. 'Inter-cultural competence development' must include the topics 'racism and discrimination' and also see itself as 'pedagogy of migration'. Otherwise there is a risk that in the police context, people with a migrant background are seen as "the others", whose value-culture appears to be negatively contrasted to that of the police and its employees (presented as being without a migrant background). This risk must be prevented in order to avoid unprofessional work in the future.⁴⁹⁹

b) A working group should be set up (cf. first point above). This would be based on the (interim) results of the Commission of Inquiry – and later on the results of the independent study. The working group should develop strategies, quality criteria and concrete measures for dealing with the topics of the Commission of Inquiry and the insights into the education and training of the Thuringian police. When performing this task, the group should particularly consider the topics of 'racism', 'discrimination', 'hate crime' and 'dealing with victims of racist etc. offences'. There should be an effort to make a systematic inventory. An independent study on the education and training situation of the Thuringian police should be commissioned for this.

c) The NSU investigation committee has urged the development of a "culture in which mistakes are tackled constructively" in the police force. This includes a critical self-examination of one's own work as well as an institutional discourse and critical faculty.⁵⁰⁰ For education and training this means that the ability for critical analysis should be taught. In addition, there should be a discussion on investigation errors. The basis of such a discussion in police education and training should be the 'NSU', in particular the flawed police work in the context of 'racism and discrimination'.

⁴⁹⁸ Cf. minutes of the 7. session, p. 39; minutes of the 8. session, p. 67; minutes of the 8. session, p. 89; Communication 6/1523, pp. 2f, 5; Communication 6/1508, pp. 3, 5f.

⁴⁹⁹ Cf. investigative work on the 'NSU' killings and attacks, among other things in the analysis of UA 5/1 and PUA of the Bundestag.

⁵⁰⁰ Cf. Document of the German Bundestag 17/14600, pp. 909, 911.

Specific exercises must be developed and implemented for education and training. The expert Dr. Schellenberg (LMU Munich) is working on this in various projects along with a small group of experts from the police field among others. Thuringia should actively support this project, which builds on the findings of the Thuringian investigation committee (5/1) and the interim report of the Thuringian Commission of Inquiry. Thuringia should actively support the project and endeavour to broaden and further develop the initiative for developing police training material. In the medium term, Thuringia should set up an independent scientific body – together with representatives of the TMIK/police and representatives of racialised groups who would monitor and/or would be responsible for training development.

(9) Cooperation with NGOs/civil society organisations

a) Setting up a 'joint working group' as proposed above (point d). (1), will reinforce the cooperation between the TMIK/police and NGOs/civil society organisations. This also applies to other recommended measures, such as independent investigations of cases of deaths/racist violence and hate crimes. The new, necessary measures should be developed “in cooperation with ‘People of Colour’ and actors of civil society”.⁵⁰¹

b) The following should be analysed: How can the police implement a mandatory provision of civil society assistance services, in particular from ezra and other institutions that deal with racism, discrimination and hate crime, in a target-oriented manner? The provision could be documented.

e) Outlook for the further course of sessions

The following questions should be answered for further advisory sessions within the commission in the area of 'Internal Affairs':

⁵⁰¹ See Document of the Thuringia State Parliament 5/8080, C.1., p. 1630.

(1) Normative foundations for democracy and human rights, against racism and discrimination

(a) Questions for the TMIK:

a) Which standards expressly mention the corresponding foundations, in particular in the oath of office/pledge pursuant to Section 54 *ThürBG*, employment contract, instructions/'instruction round', in criteria for quality assurance through supervision; in mission statements of the TMIK and its subordinate authorities? Please mention specific formulations.

b) Are there any considerations or suggestions that lead to a clearer naming of standards? What are they?

(b) Questions for other persons to be heard

Which good practice (with regard to the areas mentioned under A.a) is prevalent in other federal states and at the federal level?

(2) Attitudes and routines

(a) Questions for persons to be heard

a) What recruitment practices do the Federal Criminal Police Office of Germany and the Federal Police follow when recruiting personnel with a migrant background?

b) What do associations and organisations of groups affected by racism and discrimination – such as the Federal Gay and Lesbian Association of Police – recommend about helpful internal measures against discrimination and multiple discrimination?

(3) Learning from the 'NSU' complex and developing a culture in which mistakes are tackled constructively

(a) Questions for the TMIK:

a) Were approaches, patterns and educational content analysed as a consequence of the failed investigation in the 'NSU' complex?

- Please give concrete answers. When were they introduced? When and how regularly were they implemented or applied? (For example criteria catalogues, education modules, control instruments)
- Please name and list detailed measures that have been implemented in the course of the “culture in which mistakes are tackled constructively” that is required by the PUA TH and BT.
- What are the implementation difficulties according to the TMIK?

b) Which personnel changes were initiated and enforced in the course of parliamentary work and the work on spreading awareness about the 'NSU'/failure of the authorities? Please list dismissals and transfers.

(b) Questions for other persons to be heard

a) Invite members of the current PUA on the NSU in Thuringia: Please comment on the topics “esprit de corps and culture in which mistakes are tackled constructively” in connection with NSU at that time and - if possible - today. What steps have been taken and what are the implementation problems?

b) Invite authors or professors/lecturers: Report about study results and education and training modules on the topics of 'esprit de corps' and “culture in which mistakes are tackled constructively”

c) Independent review of death cases due to racist or other violence: Prof. Kopke (Berlin School of Economics and Law, formerly Moses Mendelssohn Institute of the University of Potsdam) can report on the research project completed in Brandenburg and name the challenges and opportunities of such a study.

(4) Collection, punishment, prevention

(a) Questions for the TMIK:

a) How is it ensured that Thuringian police officers recognise, prosecute and punish racist and other inhuman motivations leading to violent crimes and other offences? – even if they don't categorise them as 'politically motivated' and 'right-wing'? Please list all relevant points (e.g., information and educational material, mandatory trainings etc.).

b) Is there a professional crime prevention concept that guarantees victim protection to victims of racism and other discrimination (e.g., LGBTTIQ*)?

c) Does the federal government involve Thuringia in the ongoing evaluation and further development process?⁵⁰² Who is responsible for this at the federal level? Who is responsible for this in Thuringia?

d) Which measures of its own can Thuringia take in order to better punish racist and other inhuman (violent) offences?

(b) Questions for other persons to be heard

What measures do federal states implement in the area of 'Internal Affairs', which regard anti-discrimination, racism and/or hate crime as independent phenomena? The Federal Criminal Police Office, Brandenburg, Berlin and Lower Saxony should be consulted among others. Are there

- Instructions?
- Information materials?
- Training courses?
- Other measures?

⁵⁰² Cf. the federal government 2017: National Action Plan against Racism. Positions and measures to deal with ideologies of inequality and associated discriminations. <https://www.bmfsfj.de/blob/116798/5fc38044a1dd8edec34de568ad59e2b9/national-er-aktionsplan-rassismus-data.pdf>.

(5) Dealing with victims of racist and other inhuman violence, secondary victimisation

(a) Questions for the TMIK:

a) Submit ministerial decree, victim protection guideline and form for documentation.⁵⁰³ Explain implementation in practice (concrete, step-by-step process). Address possible implementation difficulties in the process.

b) Social contact persons and special representatives:

- Please submit the job description of the social contact persons to the authorities. Are there any social contact persons who are specifically appointed and/or responsible for victims of racist and other inhuman crimes? For which areas of group-focused enmity or hate crime do social contact persons exist?
- About the various representatives: Are there representatives, whose special tasks and areas of work are 'racism' and group-focused enmity? Submit concrete job description as well as master service agreement.
- How and when were social contact persons and representatives educated and trained in the field of 'racism and discrimination'?
- How are employees informed about this training?
- How can the information and programmes be communicated to employees more effectively?

c) Ensuring that victims of racist offences/hate crime are made aware of their rights and assistance services:

- Please submit instructions and a form with assistance services as well as a submission that serves as information for police officers on the rights of victims of racist crime/hate crimes and on services for victims. Is it mandatory to inform victims about their rights and assistance services when they are with the police? In which cases or offences are they informed?
- The Weisser Ring is not specialised in services for victims of racist crime or hate crime. How is it guaranteed that victims of racist crime/hate crime know

⁵⁰³ Cf. minutes of the 9. session, pp. 96-127.

who the professional contact persons are? Are the services prepared in a systematic way that is clear and thus can be used by victims? Submit the corresponding newsletter/information sheet.

- Are there compulsory measures or at least services in the area of education and training, which teach the police about the situation and how to deal with victims of racist crime/hate crime and inform them about the rights of victims and assistance services? What are they?

d) Is there a strategy for dealing with the non-recognition of racist offences and hate crime? Any suggestions?

(b) Questions for other persons to be heard

a) Obtain statements from persons from the state or federal police who have experience in implementing recommended measures (see above)

b) Invite the representative of the *Verband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt e.V.* (Association of Counselling Centres for Victims of Right-wing, Racist and Anti-Semitic Violence - VBRG): What are the possible measures to support victims better?

(6) Racist and discriminatory behaviour of or by police officers or the police as an institution

(a) Questions for the TMIK:

a) What are the possible sanctions for misconduct by police officers? List measures starting from service interview to termination.

b) Police trust centre:⁵⁰⁴

- Please submit a formal job and task description
- Does the trust centre of the Thuringian Police work together with civil society actors, e.g., with victim counselling services and self-organisations of victim

⁵⁰⁴ Cf. minutes of the 9. session, pp. 96-127.

groups? Which ones? Does a structured exchange take place between them? Are there any cooperation agreements? What are they? Are there any measures to make citizens aware of the services? What are they?

- Is the responsible 'lawyer' trained in dealing with victims of "racism and discrimination"? Or is such a training planned?

(b) Questions for other persons to be heard

a) Obtain experience reports of the independent police complaints bodies in Rhineland-Palatinate and Schleswig-Holstein. Challenges, opportunities, pitfalls?

b) Obtain statements from representatives of the "Campaign for the Victims of Racist Police Violence" in Berlin to chronicle them

(7) Racial profiling

(a) Questions for the TMIK:

If a working group is set up or a constructive exchange on the topic is initiated: Who should be represented according to you?⁵⁰⁵ Would it be useful to involve police education and training institutions?

(b) Questions for other persons to be heard

a) Obtain reports on the practice and measures taken by the police representatives from Lower Saxony and Bremen

b) In which states or federal states is there an express legal ban?

⁵⁰⁵ Cf. Document of the Thuringia State Parliament 5/8080, C., measures in the same document, in concrete terms: proposal to set up a working group in the area of 'Internal Affairs'.

(8) Education and training

(a) Questions for the TMIK:

a) Which of the following topics are integral components of education and training/curricula? Where, for whom and how are these examined? Give a concrete description of how the topic is discussed:

- 'Anti-Discrimination'
- 'Racism'
- 'Hate crime'
- 'Dealing with victims', explicitly victims of racism, discrimination and hate crime

b) The TMIK explained that in “educational institutions, there are training courses on Islam/terrorism, right-wing extremism, left-wing extremism and victim protection, whose main content is knowledge on racism and discrimination”.⁵⁰⁶ Please specify the extent to which racism and discrimination are dealt with here.

c) Individual events: Please list all special events on 'racism', 'discrimination', 'hate crime', 'dealing with victims' since 2012.

d) Training courses for the police and the administration as part of the state programme can be found “on the page denkbunt-thueringen.de”.⁵⁰⁷

- Are there any individual events? Part of the curriculum?
- Can services also be availed directly from the police and if so, where? Or do police officers need to go to the page of the state programme DenkBunt?
- Which TMIK employees make use of the services/offers? Authority? Work areas? Number?
- Evaluation: How are the services evaluated by employees? (This is the only way to assess whether the services reach the employees and are perceived as helpful.) What are the problems from the point of view of the TMIK? How can the services be improved meaningfully?

⁵⁰⁶ Cf. minutes of the 9. session, pp. 96-127.

⁵⁰⁷ Cf. minutes of the 9. session, pp. 96-127.

e) Faculty of Police of the Thuringian University for Public Administration, module handbook:⁵⁰⁸ Explain how and to what extent topics such as 'racism' and 'discrimination' are dealt with in theoretical and practical lessons. Possible improvements?

f) The TMIK has already taken the initial counteractive measures for the phenomenon of 'negative reinforcement' (for example changing of clerks).⁵⁰⁹ Which other measures would be useful?

g) In general: in which areas would the TMIK like to improve?

(b) Questions for other persons to be heard

a) Invite/interview representatives of education and training institutions, who have one first good practice (see above: DIPOL, Police Academy Lower Saxony, etc.), about their modules/contents and experiences

b) Obtain the statement of Prof. Kopke (Berlin School of Economics and Law) on studies for evaluating police training courses

c) Obtain statements from the Federal Ministry for the Interior, Building and Community (BMI) and the Federal Police – concrete content of internal measures designed to strengthen the “understanding and acceptance of respect for and enforcement of human rights in the area of racism and discrimination”; events on the definition of racism according to ICERD and on 'racial profiling' were mentioned⁵¹⁰. Where, when and by whom were they conducted?

(9) Cooperation with NGOs/civil society organisations

⁵⁰⁸ Cf. minutes of the 9. session, pp. 96-127.

⁵⁰⁹ Cf. minutes of the 9. session, pp. 96-127.

⁵¹⁰ Cf. the federal government 2017: National Action Plan against Racism.

(a) Questions for the TMIK:

a) Involvement of NGOs/civil society organisations in the TMIK, at police stations, at police education and training institutions, in the Constitution Protection department?

- Who is involved via the state programme? How regularly?
- With which NGOs/civil society organisations are there cooperation or other agreements?
- How often or regularly are joint activities conducted? Who are the actors? What are the activities?

b) The President of the Constitution Protection department has proposed to set up a federal prevention centre.⁵¹¹ Could a similar format be established at the state level in Thuringia? Would it be useful? How should it look? Submit suggestions.

(b) Questions for other persons to be heard

Obtain examples of good practice: “exchange/cooperation” in general in the area of 'Internal Affairs' and especially in police education and training from the states of Brandenburg and Saxony-Anhalt

⁵¹¹ Cf. minutes of the 4. session, pp. 66-96.

3) Judiciary

a) Preliminary remarks

The following description focuses on the judiciary. For clarity, the section is structured by the essential measures that were mentioned in the course of sessions: 1. Introducing judicial statistics and legal impact assessment based on gender equality and anti-discrimination data; 2. Closing of the protection gaps of the AGG at the state level by introducing a state anti-discrimination law or an anti-racism clause in the constitution and 3. Measures in the area of education and training of personnel in the judiciary.

b) Problem description

The judiciary is fundamentally bound by the constitutional prohibition of discrimination under Article 3 Para. 3 of the Basic Law and the general principle on equality under Article 3 Para. 1 of the Basic Law. According to a study by the Federal Anti-Discrimination Agency, 5% of discrimination consultations took place in the judiciary system – mainly on racist grounds (15%), due to a disability (15%) and due to gender (11%).⁵¹² The AGG does not provide for any legal claims for disadvantaged persons in cases of discrimination by government action. There is also structural discrimination in the judiciary. This is shown by the experiences from the NSU complex. The question of possible misbehaviour of the judiciary in the NSU complex was an important point in the parliamentary investigation committees in Thuringia and the federal government.⁵¹³ The final report of UA 5/1 identified shortcomings and misconduct in the judiciary. These concern the investigation area of the Commission of Inquiry and are associated with recommendations for the judiciary, e.g., improved education and training of judges and public prosecutors. Above

⁵¹² Cf. Federal Anti-Discrimination Agency (2017) (ed.), Diskriminierung in Deutschland. Third joint report of the Federal Anti-Discrimination Agency and the commissioners of the federal government and the German Bundestag working in its jurisdiction pp. 45, 139.

⁵¹³ Cf. Document of the Thuringia State Parliament 5/8080; Document of the German Bundestag, 17/14600.

all, the conclusions of the PUA reveal structural shortcomings in the judiciary, which led to an information deficit.⁵¹⁴

(1) Statistics on the course of justice and legal impact assessment

Appropriate data must be collected to get a perspective on the numbers and progression of crimes motivated by racism. If the collected data has to make sense, then racist motives must be recorded. This starts with the racist motives being recorded when the police create the file. This will allow the role and significance of these circumstances to be traced throughout the entire procedure up to completion by the judiciary.⁵¹⁵ The demand for statistics on the course of justice is linked to the demand for collecting anti-discrimination and equality data. These are discussed in more detail in Chapter B.II.5) Other fields of action. If both demands are implemented, discrimination and racism realities in Thuringia and the Federal Republic of Germany can be represented better. This will allow the development of effective counter-strategies.⁵¹⁶

According to ezra, the mobile victim counselling service, the following is important for people who have been victims of a racist crime: the motivation for the crime must be clearly stated in the judicial process and in the judgement.⁵¹⁷ Mr. Lauinger, Minister of Justice, confirmed the contribution that judicial statistics can make in elucidating experiences of discrimination. He referred to the survey of 'right-wing extremist' and "xenophobic" crimes according to uniform federal criteria since 1992.⁵¹⁸ Statistics on hate crime have been maintained since 2018. Criminal proceedings for racism against police officers would also be recorded in these statistics. Statistics on the course of justice going beyond these are not available in Thuringia. None are planned currently.⁵¹⁹ So it can be established that there is a lack of differentiated statistics on the course of justice. This makes it difficult to monitor racist discrimination, especially the discrimination embedded institutionally and structurally. Possible development trends of racism are difficult to

⁵¹⁴ Cf. Document of the Free State of Thuringia 5/8080, pp. 1579 – 1585, 163 -1633; Document of the German Bundestag pp. 863-864.

⁵¹⁵ Cf. minutes of the 2. session, p. 28.

⁵¹⁶ Cf. minutes of the 2. session, p. 34; minutes of the 7. session, p. 39; Submission 6/2867, p. 8.

⁵¹⁷ Cf. minutes of the 6. session, p. 131.

⁵¹⁸ Cf. minutes of the 9. session, p. 153.

⁵¹⁹ Cf. minutes of the 9. session, pp. 161, 167.

identify.⁵²⁰ In the long run, the lack of differentiated anti-discrimination and equality data⁵²¹ will hamper a human rights-compliant assessment of legal consequences. Before laws are passed, the extent to which a law could produce intended or unintended racist impacts would need to be examined. Seemingly neutral regulations and laws can also have an unintended racist impact. Racist structures are continued in this way. An expressly anti-racist check of the legal consequences could counteract this. However, this is omitted.⁵²² At the same time, though, the prohibition of discriminatory laws and the obligation to prevent discriminatory actions by authorities and officials are part of the prohibition of discrimination under constitutional and human rights law. The Federal Republic of Germany committed itself to this with the signing of the Anti-Racism Convention.⁵²³

(2) State anti-discrimination law/anti-racism clause in the constitution

The Thuringian constitution includes a ban on discrimination. However it is not implemented in ordinary-law terms. Gaps in protection arise particularly in areas that are not covered by the AGG. The AGG does not represent adequate implementation in ordinary-law terms of the obligations under international law under the Anti-Racism Convention.⁵²⁴ At the federal level, civil society actors are already demanding an amendment of the AGG. This demand has also flowed into the National Action Plan against Racism of the federal government.⁵²⁵ People in Thuringia are thus not effectively protected against discriminatory action by the Thuringian administration, police or educational staff.

There is another problem: existing European directives that combat discrimination in the private and public sector⁵²⁶s have so far been implemented only partially or not at all in the public sector.⁵²⁷ Many organisations, victims and experts have requested action by the state during the hearing process to close this gap in protection.⁵²⁸

⁵²⁰ Cf. minutes of the 2. session, p. 44.

⁵²¹ Also cf.: B.II. 5.

⁵²² Cf. minutes of the 2. session, p. 28; Submission 6/2867, p. 4; also cf. B II. 4.

⁵²³ Cf. minutes of the 5. session, p. 78.

⁵²⁴ Cf. minutes of the 2. session, p. 44; minutes of the 5. session, p. 78f.

⁵²⁵ Cf. Communication 6/1780, p. 98.

⁵²⁶ Cf. Directives 2000/43/EC; 200/78/EC; 2016/54/EC and 2004/113/EC.

⁵²⁷ Cf. Communication 6/1787, pp. 3-4.

⁵²⁸ Cf. minutes of the 2. session, p. 44f; minutes of the 8. session, p. 54; minutes of the 8. session, p. 72; minutes of the 9.

(3) Personnel/education and training

A prerequisite for non-discriminatory action in the judiciary is that the staff has sufficient knowledge. The Representative of the Protestant Church illustrated this using the example of a criminal case, in which the lack of knowledge among judges and prosecutors led to the inability to recognise an anti-Semitic background of crime, and was not included in the sentence.⁵²⁹ Consideration of the background of crime would have led to a different evaluation of the motives (hate crime) and to a different sentence (according to § 46 Para. 2 Sentence 2 1st Var. StGB). The National Action Plan against Racism refers to training modules for judges and prosecutors in the field of racism.⁵³⁰ The State Programme for Acceptance and Diversity reported: the prosecution lacked contact persons who were sufficiently qualified and sensitised towards acts of violence against LGBTTIQ*.⁵³¹

(4) Criminal prosecution/procedural law

The investigation errors in the NSU complex prove the shortcomings of effective prosecution for crimes motivated by racism. As a consequence, in 2015 the legislature amended the German Criminal Code and the Guidelines for Criminal and Fine Proceedings (*RiStBV*) for racist crime motives.⁵³² The sentencing regulation § 46 Para. 2 Sentence 2 1st Var. of the *StGB* now considers racist, xenophobic or other inhuman motives as well. These must be expressly taken into account when sentencing.⁵³³ A corresponding change was also made in the *RiStBV*.⁵³⁴ The Free State of Thuringia supported both changes in the Bundesrat.⁵³⁵ In addition to the legally assigned task of prosecuting criminal offences, law enforcement authorities also have a preventive function.⁵³⁶ In the Commission of Inquiry, the DIMR explained another need for reform: the category 'xenophobia' as a motive. In addition, there are severe deficits in the actual

session, p. 10; minutes of the 11. session, p. 32; Communication 6/1787, p. 2.

⁵²⁹ Cf. minutes of the 6. session, p. 124.

⁵³⁰ Cf. Communication 6/1780, p. 41.

⁵³¹ Cf. Submission 6/3734, p. 13.

⁵³² Cf. minutes of the 5. session, p. 80f; Communication 6/1352, p. 8.

⁵³³ Cf. § 46 Para. 2 Sentence. 2 1st Var. of the *StGB*.

⁵³⁴ Cf. No. 15 Para. 5 of the *RiStBV*; No. 86 Para. 2 of the *RiStBV*.

⁵³⁵ Cf. Submission 6/3864, p. 4f.

⁵³⁶ Cf. minutes of the 9. session, p. 153.

prosecution of racially motivated crimes. Other initiatives, organisations and victims also criticised this in the National Action Plan against Racism.⁵³⁷ The Amadeu Antonio Foundation reported about the inadequate prosecution of racist and discriminatory stories on the Internet. International organisations demand a more effective fight against hate speech – the foundation joined this demand.⁵³⁸

c) Current state of affairs

(1) Statistics on the course of justice and legal impact assessment

A positive example of the collection of judicial data for racially motivated crimes is the practice in Switzerland. Since 1995, the Swiss Federal Commission against Racism (EKR) has been collecting case data of relevant criminal cases. Perpetrators and victim groups can be evaluated using this data. The Federal Intelligence Service shares cantonal judgements and decisions on racist crimes with the EKR. Cantonal authorities are obliged to inform the Federal Intelligence Service (NDB) about all judgements and decisions in the context of racist crimes. When doing so, they rely on the regulation on the communication of cantonal criminal decisions. The EKR prepares an anonymised summary of each of the judgements and decisions it receives.⁵³⁹

A transnational working group has agreed on a survey for the so-called REX statistics in Germany. This should improve data collection in this area too. Data for the REX statistics is collected as per uniform federal criteria for right-wing extremist and xenophobic offences. The Federal Office of Justice publishes this data. Crimes where there are indications of a “right-wing” orientation of the perpetrators are also recorded, insofar as the acts are linked to nationalism, racism or National Socialism.⁵⁴⁰ In the “prosecutorial survey for the so-called REX statistics”, the following offences are referred to as 'right-wing extremist' and/or 'xenophobic': crimes where there are indications of a 'right-wing' orientation, in recognition of the action and/or the attitude of the perpetrator, without the action aiming at the invalidation or abolition of an element of the free democratic basic

⁵³⁷ Cf. minutes of the 5. session, p. 80; Communication 6/1780, Appendix III, pp. 18-21;

⁵³⁸ Cf. Communication 6/1277, p. 4, Communication 6/1803, p. 2.

⁵³⁹ Cf. Communication 6/1818, p. 9.

⁵⁴⁰ Cf. Submission 6/3864, Appendix 3.

order (extremism in the strict sense).⁵⁴¹ In particular, acts that are directed against persons “because of their political attitude, nationality, ethnicity, race, origin, skin colour, religion or because of their disability, sexual orientation, social status or external appearance” should be recorded.⁵⁴² ‘Xenophobic’ offences are deeds that have been “directed against foreigners or alleged foreigners (e.g., naturalised persons or Germans with a ‘foreign’ (!) appearance)”⁵⁴³.

In Thuringia, public prosecutor's offices have been collecting relevant data since 1st January 2018. In addition to the motives of the crime, it is recorded whether such a motivated act was carried out by employees of a state authority. This would allow conclusions to be drawn on institutionalised hate crime. The first report figures are expected in the second half of 2018.⁵⁴⁴ Minister Lauinger referred to the features still missing in the survey and to the uniform federal regulations which cannot be unilaterally changed by Thuringia. He promised to commit to further improvements.⁵⁴⁵

As per current knowledge, there is no explicit anti-racist check of legal consequences in the Free State of Thuringia or in the Federal Republic of Germany. In other areas such as the economy or sustainability however, there are procedures and instruments in place for reviewing legal consequences.⁵⁴⁶

(2) State anti-discrimination law/anti-racism clause in the constitution

Organisations that pointed to loopholes in the AGG have primarily identified the education and authority laws as gaps in protection. It was demanded that the right for associations to take legal action be introduced and that the areas of civil and labour law be included in the AGG. Since people also face discrimination because of their social status, the discriminatory grounds should be broadened.⁵⁴⁷ According to the *Neue Deutsche Organisationen*, the Thuringian Act on Gender Equality could serve as a model for a state anti-discrimination law.⁵⁴⁸ Currently, comparable legislative processes are carried out in Berlin. Brandenburg has already incorporated an anti-racism clause in the state

⁵⁴¹ See Submission 6/3864 Appendix 3, p. 1.

⁵⁴² See Submission 6/3864 Appendix 3, p. 1.

⁵⁴³ See Submission 6/3864 Appendix 3, p. 2.

⁵⁴⁴ Cf. minutes of the 9. session, p. 158f.

⁵⁴⁵ Cf. minutes of the 9. session, p. 166.

⁵⁴⁶ Cf. minutes of the 2. session, p. 34f.

⁵⁴⁷ Cf. minutes of the 8. session, p. 54; minutes of the 11. session, p. 32.

⁵⁴⁸ Cf. Communication 6/1787, p. 3f.

constitution.⁵⁴⁹ The Coalition for Action, Brandenburg reported about its introduction: Brandenburg declared the stance against racism as a state goal in 2013 by making a change in the constitution. The term 'race' was removed from the constitution and replaced by the phrase 'for racist reasons'.⁵⁵⁰ Here it should be emphasised that refutation of the existence of human races has still not led to the deletion of the term 'race' from language and legal texts – not in Thuringia either. The Coalition for Action pointed out: the mere deletion of the term 'race' creates a gap in protection – thus a formulation that refers to racism would need to be included at the same time. The Coalition for Action explained the benefits of the clause using the example of its own work: the civil society network has easier access to state actors; moreover, it could invoke the state goal in front of authorities.⁵⁵¹

The TSK stated: there are deficits in implementing the AGG. However, the state legislator has the option to make regulations for a state anti-discrimination law within the framework of a concurrent legislation.⁵⁵² In any case, it would be necessary to sensitise employees in public administration and in the authorities towards the gaps in protection of the AGG.⁵⁵³

(3) Personnel/education and training

About the Thuringian Ministry for Migration, Justice and Consumer Protection (TMMJV), its subordinate areas as well as the jurisdictions and the public prosecutor's offices, Minister Lauinger reported: there is no relevant problem with racism and discrimination within the authority.⁵⁵⁴ He pointed out that the topic of “xenophobic and extreme right-wing crime and motives” is included in the legal education at FSU Jena. He also reported about training courses for judges and prosecutors.⁵⁵⁵ In addition, he provided information on seminars for correctional staff on inter-cultural and inter-religious competence training and against mobbing and homophobia at the correctional training facility. According to Lauinger, correctional staff also takes part in further training programmes of the state programme

⁵⁴⁹ Cf. minutes of the 11. session, p. 32; minutes of the 11. session, p. 40.

⁵⁵⁰ Cf. minutes of the 11. session, p. 40.

⁵⁵¹ Cf. minutes of the 11. session, p. 47f.

⁵⁵² Cf. minutes of the 9. session, p. 24f.

⁵⁵³ Cf. minutes of the 9. session, p. 10.

⁵⁵⁴ Cf. minutes of the 9. session, p. 150.

⁵⁵⁵ Cf. Submission 6/3864, p. 5f.

DenkBunt.⁵⁵⁶ Agitations aimed at weakening the free democratic basic order would be consistently suppressed in legal enforcement itself. This is supported by deradicalisation programmes within the framework of re-socialisation measures as well as by other educational measures aimed at strengthening democratic values and convictions.⁵⁵⁷

The German Institute for Human Rights pointed out the importance of education and training for the effective investigation and prosecution of racially motivated crimes. Legal practice could therefore be changed if competence of the public prosecutor's office and the judiciary were required to recognise and punish possible racist motives and crimes. In addition, knowledge about human rights obligations in connection with international agreements should be communicated more forcefully during education, training and further education.⁵⁵⁸

(4) Criminal prosecution/procedural law

Minister Lauinger was convinced that this way the investigation errors of the NSU complex would not be repeated, particularly due to the priority setting of the public prosecutor's offices and their good work.⁵⁵⁹ Priority settings in the Thuringian prosecutor's offices have broadened in recent years. In February 2013, the Thuringian Attorney General issued an administrative circular and the Chief Public Prosecutor issued in-office orders to make prosecution of right-wing extremist crimes more effective. It was decreed that

- “the cases handled by the Special Organisational Structure 'Headquarters for Investigations and Structural Elucidation – Right-wing' (BAO ZESAR) should be exclusively processed in special political units,
- transfer of cases to state protection units by department heads should be especially monitored and
- regulations on conducting collective proceedings (Nos. 25 - 27 of the *RiStBV*) should be applied strictly and the exemption clause (No. 25 Sentence 2 of the *RiStBV*) should be used only restrictively”.⁵⁶⁰

⁵⁵⁶ Cf. minutes of the 9. session, pp. 152, 155.

⁵⁵⁷ Cf. minutes of the 9. session, p. 154f.

⁵⁵⁸ Cf. minutes of the 9. session, p. 81.

⁵⁵⁹ Cf. minutes of the 9. session, p. 160.

⁵⁶⁰ See Submission 6/3864 Appendix 2, p. 2f.

Information on the perpetrators who are already known can be found in the Public Prosecutor's Central Proceedings Register (ZStV). At the Thuringian prosecutor's office, a responsible department head and a unit head were appointed as permanent points of contact for the BOA ZESAR. They are responsible for jurisdiction issues and other overarching issues of coordination and specialist administrative supervision in the area of right-wing extremism.⁵⁶¹

d) Measures from the course of sessions

(1) Judicial statistics/legal impact assessment

- Separate collection of data on the course of justice, particularly to be able to understand the role that a racist component on record at the beginning of the proceedings plays during the course of proceedings⁵⁶²
- Establishment of a legal impact assessment from a racism-critical perspective⁵⁶³

(2) State anti-discrimination law/anti-racism clause in the constitution

- Drafting of a state anti-discrimination law⁵⁶⁴
- Inclusion of an anti-racism clause in the Thuringian constitution⁵⁶⁵
- Deletion of the term 'race' from the constitution and legal texts⁵⁶⁶

(3) Personnel/education and training

- Development of an education and training programme with regard to racism and discrimination: Inclusion of the training modules 'Racism and Human Rights –

⁵⁶¹ Cf. Submission 6/3864 Appendix 2, p. 2.

⁵⁶² Cf. minutes of the 2. session, p. 34.

⁵⁶³ Cf. minutes of the 2. session, p. 34f.

⁵⁶⁴ Cf. minutes of the 2. session, p. 45; minutes of the 8. session, p. 54; minutes of the 9. session, p. 24f; minutes of the 11. session, p. 31f; Communication 6/1787, pp. 3-4.

⁵⁶⁵ Cf. minutes of the 2. session, p. 92; minutes of the 8. session, p. 65; minutes of the 11. session, p. 40.

⁵⁶⁶ Cf. minutes of the 7. session, pp. 33, 39; minutes of the 11. session, p. 43.

Strengthening Criminal Justice' developed by the Federal Ministry of Justice in cooperation with the German Institute for Human Rights into the training programme for judges and public prosecutors in Thuringia⁵⁶⁷

- Developing the education and training programme to better understand the phenomena of racist and multidimensional discrimination and how to combat them⁵⁶⁸

(4) Criminal prosecution/procedural law

- Actual implementation of the (adapted) service regulations for amendments to the *RiStBV* through targeted trainings⁵⁶⁹
- Consideration of the racist motivation at the time of sentencing through regular trainings for judges and prosecutors⁵⁷⁰
- Ensuring reliable protection of the data of victims and witnesses during criminal proceedings⁵⁷¹

e) Outlook for the further course of sessions

(1) Statistics on the course of justice and legal impact assessment

- How can judicial data during racially motivated crimes be collected in Thuringia – inspired by the separate collection of data on the course of proceedings by the Swiss Federal Commission against Racism? Which legal bases or subordinate regulations need to be created for this?

⁵⁶⁷ Cf. minutes of the 5. session, p. 81.

⁵⁶⁸ Cf. minutes of the 6. session, p. 132; minutes of the 8. session, p. 58.

⁵⁶⁹ Cf. Communication 6/1837, p. 13.

⁵⁷⁰ Cf. Communication 6/1837, p. 13.

⁵⁷¹ Cf. Communication 6/1277, p. 4.

(2) State anti-discrimination law/anti-racism clause in the constitution

- Will the profile of the anti-discrimination policy be strengthened by appointing a respective minister (Berlin: Senator for Justice, Consumer Protection and Anti-Discrimination)?
- How will the drafting of a state anti-discrimination law, which is currently in the process of interministerial coordination and the first of its kind in the legislative process, improve anti-discrimination protection in Berlin?
- What specific legal improvements and flanking measures are planned?
- How are the state anti-discrimination law (LADG) and the other anti-discrimination legislation in Berlin related?

(3) Personnel/education and training

- What are the mentioned educational measures being enforced, which serve to strengthen the democratic values and beliefs of those taken into custody? Who implements these? How are these measures funded?

4) Public administration

The following description focuses on those areas of public administration that are not covered more precisely by the others (such as 'Police and Internal Affairs', 'Judiciary', 'Education', etc.). It summarises the studies and experience reports on racism and discrimination mentioned by those invited in the individual sub-areas, as well as the proposed measures. The interim report attempts to identify possible gaps and presents recommendations for action which the invited experts suggested for the field of public administration.

a) Preliminary remark

In Submission 6/2952 of the Thuringia State Parliament, the parliamentary parties CDU, THE LEFT, SPD and ALLIANCE 90/THE GREENS agreed on a work programme of the Commission of Inquiry. The phase 'Information Gathering' preceded the interim report. Causes, forms and consequences of the dissemination of racist attitudes and group-focused enmity, political development and culture in Thuringia, experiences of discrimination, situation analysis in various Thuringian authorities and ministries as well as strategies of other federal states, the federal government and the European Union need to be presented and heard. In Submission 6/3134, the above-mentioned parliamentary parties of the Thuringia State Parliament agreed to hear the highest state authorities in the area of 'Public Administration' as well as public agencies, public corporations and public foundations and other authorities that are subject to functional and legal supervision. This was decided with the purpose of recording “strategies against racism in the various Thuringian ministries and⁵⁷² authorities”. A number of multipliers, experts and persons who have experienced discrimination reported about racism and discrimination in various areas – some referring to the administration. In addition, the statements (written or oral) of the following public administration authorities were also taken:

- Thuringian State Chancellery
- Thuringian Ministry for Migration, Justice and Consumer Protection
- Thuringian Ministry for Labour, Social Affairs, Health, Women, and Family

⁵⁷² See Submission 6/2974, p. 1.

- Thuringian Ministry for Economy, Science and Digital Society
- Thuringian Ministry for Internal Affairs and Municipal Issues
- Thuringian Representative for Equality between Women and Men
- Thuringian Commissioner for Integration, Migration and Refugees
- Thuringian Representative for Persons with Disabilities
- Thuringian State Media Authority
- Thuringian State Centre for Political Education
- Thuringian Office for the Protection of the Constitution
- Studierendenwerk Thüringen (Student Union)
- Municipality of Jena
- City of Suhl (mayor)
- Federal Employment Agency – Regional Directorate Saxony-Anhalt Thuringia

b) Problem description

According to the Federal Anti-Discrimination Agency, government agencies and authorities are the third most frequently mentioned areas where people face discrimination.⁵⁷³ The Thuringian Commissioner for Integration, Migration and Refugees stated: About half of the immigrant population in Germany reports experiences of discrimination, mainly on racist grounds, about a quarter of them encountered discrimination over the past 24 months. Many of them encountered discrimination in government agencies and on the job market. These are two areas that play a vital role in the social participation of those affected.⁵⁷⁴ A KomRex research into the experience of discrimination of Syrian refugees in Thuringia revealed the following: few forms of state discrimination and disadvantage are known

⁵⁷³ Cf. Federal Anti-Discrimination Agency (2017) (ed.), Diskriminierung in Deutschland. Third joint report of the Federal Anti-Discrimination Agency and the commissioners of the federal government and the German Bundestag working in its jurisdiction, pp. 120-121.

⁵⁷⁴ Cf. Submission 6/3511, p. 3.

within this group.⁵⁷⁵ The state appears as an actor in people's everyday lives in the form of government agencies and authorities or public administration. It is the task of the administration to enforce the rule of law. The administration itself is also subject to this rule of law.⁵⁷⁶ In principle, authorities acting as sovereign are bound by the constitutional prohibition of discrimination and the general principle of equality in the Constitution. However, there is a loophole in the protection for those affected, who stand at a disadvantage as a result of state action.⁵⁷⁷ If experiences of racism and discrimination occur in this area, those affected have no legal recourse pursuant to § 2 of the AGG. This considerably impairs the persons concerned from actually recognising and perceiving the rule of law as lawful. Finally, the area of 'Public Administration' itself is the bearer of a social strategy for social responsibility.⁵⁷⁸

Society is becoming more diverse, there is a cultural opening. The expert Dr. Abou-Taam stated: Authorities and government agencies therefore face additional challenges. "From the perspective of state theory, the state must make public goods available to all members of a society simultaneously and in full. In order to achieve this, the state must always adapt its institutions to the transformation of society in terms of content, bearing in mind that the citizens of a pluralistic system do not always have the same preconditions and needs."⁵⁷⁹ Three forms of discrimination can be identified in the area of 'Public Administration' based on a study by the Federal Anti-Discrimination Agency: Discrimination through legal regulations, through lack of accessibility and through the acting parties.⁵⁸⁰ These areas are listed below in the statements and reports of experts and affected persons.

With regard to legal regulations: Primarily, people without paid employment perceive the regulations in SGB II as discriminatory. This leads to enormous pressure to perform, coupled with fears of failure, lack of security in the event of sanctions and violations of privacy and data protection due to the obligation to submit blackened bank statements.⁵⁸¹

The Landesfrauenrat (State Women's Council) described tax splitting for married couples and the amendment of tax law as discriminatory regulations: as a rule, wives earn less, are

⁵⁷⁵ Cf. minutes of the 6. session, p. 140.

⁵⁷⁶ Cf. Submission 6/2934, p. 12.

⁵⁷⁷ Cf. ADS (2017), p. 121.

⁵⁷⁸ Cf. Submission 6/2934, p. 9; ADS (2017), p. 121; also see B. I. 2.

⁵⁷⁹ Submission 6/2934, p. 12.

⁵⁸⁰ Cf. ADS (2017), p. 121.

⁵⁸¹ Cf. minutes of the 7. session, pp. 73-75.

worse off and the needs of single mothers are not covered at present.⁵⁸² The *Thüringer Beauftragte für Frau und Mann* (Thuringian Representative for Equality between Women and Men) described the structural disadvantage arising particularly from institutional regulations and structures.⁵⁸³ The Thuringian Representative for Persons with Disabilities reported about the lack of social benefits and the fact that they were calculated on a small scale or implemented insensitively.⁵⁸⁴ The rigid obligations and sanctions imposed created additional hurdles – for example for participation in language and orientation courses. For example, the conditions for participation in language courses and classes of the BVJ would be classified as too demanding; this would reduce the participation opportunities of those affected.⁵⁸⁵

In addition, it was found after the hearings that legal regulations do not treat people of non-German nationality as equals of people of German nationality. This is a problem mainly because there is a one-sided dependency relationship between the public administration and those affected.⁵⁸⁶ It is with respect to specific regulations – e.g. a regulation for foreign students according to which they can only work for a certain number of days, in contrast to other students.⁵⁸⁷

There are regulations that have a direct discriminatory effect on those affected. Moreover, there are seemingly neutral regulations that are discriminatory for certain groups. Particularly affected are women wearing a headscarf;⁵⁸⁸ they are discriminated against in public service: the neutrality principle of the state prohibits them from wearing a headscarf. This leads to the exclusion of Muslim women. Other religions, such as Christianity, are not associated with the wearing of such visible religious symbols. Therefore, this rule does not apply to them.⁵⁸⁹ The absence of certain regulations too can have a discriminatory effect, such as the lack of recognition of professional qualifications acquired abroad.⁵⁹⁰

This is particularly evident in the context of refugee accommodations, initial reception facilities and the missing and applicable provisions therein. Serious shortcomings in collective accommodation were mentioned, also due to inadequate standards of

⁵⁸² Cf. Communication 6/1493, pp. 1,3.

⁵⁸³ Cf. minutes of the 9. session, p. 78.

⁵⁸⁴ Cf. Communication 6/1510, p. 1.

⁵⁸⁵ Cf. minutes of the 7. session, p. 14; Communication 6/1274, p. 6.

⁵⁸⁶ Cf. minutes of the 7. session, p. 90.

⁵⁸⁷ Cf. Communication 6/1509, pp. 2.

⁵⁸⁸ Cf. Submission 6/3511, p. 3.

⁵⁸⁹ Cf. minutes of the 2. session, pp. 50-51.

⁵⁹⁰ Cf. minutes of the 6. session, p. 41; Communication 6/1513, p. 2.

accommodation, lack of options for lodging complaints, non-transparent regulations, deportations in the middle of the night, including house searches and family separations.⁵⁹¹ Fundamental rights, which should apply to all humans in the Federal Republic of Germany, would not be valid in these accommodations, for instance the right to inviolability of the home (Art. 13 of the Basic Law).⁵⁹² Since protection concepts for certain groups, such as LGBTTIQ* persons or people of Christian faith, are lacking within collective accommodations, this leads to experiences of discrimination and violence.⁵⁹³

Refugio Thüringen e.V. has found that the structural discrimination for refugees has decreased, e.g. through the withdrawal of the residence obligation. At the same time, however, the de facto division of refugees into groups has increased - sorted according to the prospects of permanent residence. This primarily discriminates against those with supposedly poor prospects of permanent residence.⁵⁹⁴ Jugendliche ohne Grenzen and the Roma Anti-Discrimination Network reported that authorities would treat people with an uncertain residence status badly. They are denied access and would suffer from permanent insecurity and fear of state arbitrariness.⁵⁹⁵

The structural causes of discrimination against persons with a higher need for counselling also include requirements of the authorities, such as the tight timeframe for counselling interviews, changing of legal bases for further training opportunities, lack of supervision or the attitudes of the authorities.⁵⁹⁶ The risk of discrimination is already inherent in the system here because different government agencies operate on different legal bases with different financing and reimbursement options of the state.⁵⁹⁷

Another form of discrimination is the lack of accessibility in government agencies and authorities. This refers to the lack of or inadequate access for people with disabilities and/or specific needs. These accesses can be of a spatial nature or relate to the information, forms and communication options provided. This makes accessibility more difficult and restricts opportunities for contact. The Thüringer Beauftragte für Menschen mit Behinderung (Thuringian Commissioner for People with Disabilities) criticised the lack of accessibility to public buildings and public services in the digital media. There is also no

⁵⁹¹ Cf. minutes of the 7. session, pp. 93, 99, 106; Communication 6/1496, p. 29.

⁵⁹² Cf. minutes of 9. session, pp. 94-95.

⁵⁹³ Cf. minutes of the 8. session, pp. 55-56; Communication 6/1496, pp. 26, 29.

⁵⁹⁴ Cf. Communication 6/1514, pp. 6-7.

⁵⁹⁵ Cf. minutes of the 8. session, p. 86; Communication 6/1532, pp. 1-2.

⁵⁹⁶ Cf. Communication 6/1513, p. 3, Communication 6/1531, p. 3.

⁵⁹⁷ Cf. minutes of the 9. session, p. 94.

accessibility on the Internet – not even in the state parliament administration, with the documents often being marked as non-accessible.⁵⁹⁸ The language barrier mainly affects people of non-German origin, but others are also affected. The documents and forms are mostly available only in German. The organisation *Menschen ohne bezahlte Beschäftigung* (Humans Without Paid Employment) noted: they are either written in a way that is difficult to understand even for people with German as their mother tongue, or they are not barrier-free.⁵⁹⁹ Furthermore, it was stated: authorities would demand signatures on documents with contents that were not comprehensible for the persons concerned because of the language.⁶⁰⁰ The principle of the official language of German implicitly leads to justifying the discrimination of non-German-speaking people. This would exclude them from public service offerings.⁶⁰¹ Another problem is that the persons concerned would not learn anything about their rights and duties, among other things, due to the lack of accessibility coming from not knowing the language. They would not be able to take advantage of the opportunities to combat discrimination because they do not know the relevant administrative rules and thus cannot contact government agencies and authorities.⁶⁰²

Affected people living in more rural regions of Thuringia face a particular challenge. Information, counselling, support and assistance services are available only in isolated cases, if at all, at the local level and are not available for all affected groups.⁶⁰³

In addition, there is discrimination by the acting parties. Structural barriers become visible in the employee structure. National minorities, people with migrant histories or women are represented weakly, especially at the management levels of the administrative and state authorities. This also applies to employees in general.⁶⁰⁴ The Thüringer Beauftragte für Menschen mit Behinderungen (Thuringian Commissioner for People with Disabilities) spoke of barriers in the minds of employees. Owing to a lack of sensitivity, they would not respond to specific life situations and needs of people, or their actions would deliberately be discriminatory.⁶⁰⁵ Those working in the ministries and authorities would thus

⁵⁹⁸ Cf. minutes of the 9. session, p. 82; Communication 6/1510, p. 1.

⁵⁹⁹ Cf. minutes of the 7. session, p. 75; minutes of the 9. session, p. 82.

⁶⁰⁰ Cf. minutes of the 7. session, p. 75; Communication 6/1532, p. 1.

⁶⁰¹ Cf. Communication 6/1531, pp. 2-3.

⁶⁰² Cf. minutes of the 6. session, p. 126; Submission 6/3511, p. 3; Communication 6/1496, p. 27; Communication 6/1532, p. 1f.

⁶⁰³ Cf. minutes of the 8. session, p. 61; Submission 6/3511, pp. 3-4.

⁶⁰⁴ Cf. minutes of the 9. session, p. 11; Communication 6/1493, p. 2; Communication 6/1532, p. 1.

⁶⁰⁵ Cf. Communication 6/1510, p. 2.

discriminate. A lack of sensitivity towards the needs of people with disabilities is a general problem in the administration.⁶⁰⁶ The Thüringer Flüchtlingsrat (Thuringian Refugee Council), Open Doors and the Roma Antidiscrimination Network reported on the situation of asylum seekers in collective accommodation. The situation there is a particularly serious example of the power gap between staff and residents.⁶⁰⁷ However, complaints and reports of discriminatory actions in the administrative context are only possible with the perpetrators themselves. This is a major problem considering the described background. Many of those affected would shy away from naming racism and discrimination, especially because of the power gap and the unequal distribution and access to information.⁶⁰⁸

Experiences of discrimination when dealing with employees of government agencies and authorities are commonplace. The Roma Anti-Discrimination Network, Sprintpool, *Jugendliche ohne Grenzen*, Refugio Thüringen e.V., the Central Council of Muslims and ezra reported about disrespectful handling, generally poor treatment, prejudices and stereotypes by employees.⁶⁰⁹ Sprintpool described open dislike by employees of authorities, rude behaviour, degradation of people and their skills, unsatisfactory education and counselling particularly at the immigration authorities, youth welfare offices and social benefits authorities. In addition, those affected said that government agencies would accuse people of non-German origin of abusing asylum or pretending to be homosexual, etc.⁶¹⁰

Menschen ohne bezahlte Beschäftigung (Humans Without Paid Employment), the Thuringian Representative for Persons with Disabilities, Open Doors and the Roma Anti-Discrimination Network report of official arbitrariness, e.g. retrenchment of benefits without providing reasons.⁶¹¹ Lack of knowledge of legal regulations as well as insufficient qualification on the part of the employees are the reasons for such behaviour.⁶¹² Refugio Thuringia e.V. described cases of abuse of power by the staff of government authorities in Thuringia. In one case, the issue of a work permit for a refugee was linked to her previous

⁶⁰⁶ Cf. minutes of the 9. session, p. 80; Communication 6/1510, p. 1.

⁶⁰⁷ Cf. minutes of the 7. session, pp. 90, 94-95; Communication 6/1496, p. 2; minutes of the 8. session, p. 73.

⁶⁰⁸ Cf. minutes of the 7. session, pp. 91-94.

⁶⁰⁹ Cf. Communication 6/1532, p. 1f; minutes of the 6. session, p. 120; minutes of the 8. session, p. 27; Communication 6/1514, p. 2-3.

⁶¹⁰ Cf. minutes of the 8. session, p. 55; Communication 6/1531, p. 2.

⁶¹¹ Cf. minutes of the 7. session, pp. 74, 80; minutes of the 9. session, pp. 80-81; Communication 6/1532, p. 1.

⁶¹² Cf. Communication 6/1496, p. 28f.

signature for voluntary departure.⁶¹³ According to Mobit, actors in civil society are also increasingly confronted with rejection and arbitrariness on the part of the authorities, for example when registering demonstrations.⁶¹⁴

The consequences of discrimination arising from dependency relationships are devastating for those affected. The Thuringian Commissioner for Integration, Migration and Refugees listed the consequences for the chances of social participation as well as of physical and mental experience.⁶¹⁵ The consequences included relatively lower life satisfaction, frustration, isolation, aggression, poorer health and increasing identification with the region of origin. At the same time, many who experience discrimination do not even seek support. The possible reasons cited for this included: Fear of further victimisation, lack of reliable evidence, ignorance of options, reduced trust in state authorities. The people affected would not only feel a deep mistrust of state institutions, but also expected to become victims of racial discrimination again when visiting the authorities.⁶¹⁶ Many asylum seekers did not dare to lodge a complaint for fear of a deterioration in their chances of staying.⁶¹⁷ For certain groups such as the Sinti and Roma, this translates into a double burden in view of the transgenerational traumatisation, that is, the transmission of a trauma to subsequent generations through the genocide at the time of National Socialism, which was implemented by authorities.⁶¹⁸

c) Current state of affairs

Overall, the area of 'public administration' comprises a large number of possible actors. In this text, the focus is on Thuringian ministries and their subordinate authorities, that provided information to the Commission of Inquiry as part of the hearing procedure A4. The aim here is to explain how the authorities deal with racism and discrimination within their own departments and how they deal with third parties. In general, the principles of the

⁶¹³ Cf. Communication 6/1514, p. 5.

⁶¹⁴ Cf. Communication 6/1495, p. 2.

⁶¹⁵ Cf. Submission 6/3511, p. 2.

⁶¹⁶ Cf. minutes of the 8. session, p. 73; minutes of the 8. session, p. 87; Communication 6/1532, p. 1.

⁶¹⁷ Cf. minutes of the 6. session, p. 120; Communication 6/1514, p. 2.

⁶¹⁸ Cf. minutes of the 8. session, p. 74.

prohibition of arbitrariness and discrimination as well as the AGG apply to administrative actions in the Federal Republic of Germany.⁶¹⁹

A variety of measures are already in place, especially in the area of gender equality. Equality between men and women is an objective anchored in the Thuringian Act on Gender⁶²⁰ Equality. According to this act, departments in the administration with at least 50 employees are obliged to appoint Equal Opportunities Officers. This is also implemented in the Thuringian ministries and subordinate authorities.⁶²¹ Like local equal opportunities officers, they have specific tasks and rights. They support the management in implementing the act.⁶²² In addition, the law provides for establishing plans for the advancement of women to reinforce the opportunities for women in the public sector and to develop a role model for the private sector. The Thuringian Ministry for Labour, Social Affairs, Health, Women, and Family (TMSGFF) ensures that these are also implemented by local authorities by agreeing on objectives.⁶²³ Other authorities, such as the Federal Employment Agency (BA), Regional Directorate Saxony-Anhalt Thuringia, reported on plans for equal opportunity at work during the hearing.⁶²⁴ Furthermore, the BA sees itself specifically as an employer oriented towards equal opportunity. Both, the employment policy guidelines of the EU and the National Action Plan of the Federal Republic of Germany, would be followed. Gender equality, the balance between work and family life as well as private life, promotion of severely disabled people, cultural diversity and sexual identity thus play a major role.⁶²⁵ The Thuringian Commissioner for Gender Equality criticised the following: There are no uniform obligations and/or sanctions despite the good regulations on equality.⁶²⁶

The invited Thuringian ministries and authorities have provided extensive information on the handling of racism and discrimination within the departments. The AGG provides the framework for the debate.⁶²⁷ Implementation and structuring are the greatest challenges

⁶¹⁹ Cf. minutes of the 9. session, p. 150.

⁶²⁰ GleichstG TH 2013.

⁶²¹ Cf. minutes of the 9. session, pp. 12-13; minutes of the 9. session, p. 73; minutes of the 9. session, pp. 128-129; minutes of the 9. session, p. 150; Submission 6/3980, p. 2.

⁶²² Cf. minutes of the 9. session, p. 72.

⁶²³ Cf. minutes of the 9. session, p. 72.

⁶²⁴ Cf. Communication 6/1659, p. 2.

⁶²⁵ Cf. Communication 6/1659, pp. 2-3.

⁶²⁶ Cf. minutes of the 9. session, p. 77.

⁶²⁷ Cf. minutes of the 9. session, pp. 10, 39.

for the actors.⁶²⁸ All informants of the Thuringian ministries reported that there are complaints bodies according to the AGG or Conflict Commissioners, Equal Opportunities Officers or persons of trust for severely disabled persons within the organisation.⁶²⁹ It was reported that there are representatives and complaints bodies in the municipalities, jurisdictions, public prosecutor's offices, at two school offices and in universities throughout Thuringia.⁶³⁰ Within the Thuringian ministries, the low number of cases reported was conspicuous considering the experiences of discrimination. The TSK conducted a survey among employees and counted nine cases of discrimination within the TSK.⁶³¹ The Thuringian Representative for Equality between Women and Men informed the commission that she counsels within the authorities and their subordinate areas – although discrimination within authorities as defined in the AGG is not within her area of responsibility.⁶³² No cases of discrimination were directed to the internal complaints bodies within the TMWWDG and TMASGFF.⁶³³ The TSK explained the small number of cases by stating that the workforces in the Thuringian state administration were homogeneous. Thus, there is an extremely small proportion of employees with migrant background in the public administration. In the TSK, none of the employees stated that they had a migrant background.⁶³⁴ However, the state government's personnel development concept provides a uniform departmental framework for personnel management. Diversity management and further training on diversity for employees are planned in the day-to-day work of the authorities. This would be implemented both within the TSK and in the TMASGFF in the future.⁶³⁵ The TMMJV said: it applied so-called disadvantage compensation measures during the training of judicial staff in order to ensure true equality, in particular for people with disabilities.⁶³⁶ The Thuringian Office for the Protection of the Constitution stated that it was making greater efforts than in the past to recruit people with a migrant background.⁶³⁷ According to its own statements, the Saxony-Anhalt Thuringia Federal Employment Agency also puts up job postings specifically for people with a migrant background. In

⁶²⁸ Cf. minutes of the 9. session, p. 43.

⁶²⁹ Cf. minutes of the 9. session, pp. 12-13; minutes of the 9. session, p. 41; minutes of the 9. session, p. 73; minutes of the 9. session, pp. 128-129; minutes of the 9. session, p. 150; Submission 6/3980, p. 2.

⁶³⁰ Cf. minutes of the 9. session, p. 41; minutes of the 9. session, p. 130; minutes of the 9. session, pp. 150-151; Communication 6/1734, p. 1.

⁶³¹ Cf. Submission 6/3820, p. 3.

⁶³² Cf. minutes of the 9. session, pp. 76-77; Communication 6/1512, p. 2.

⁶³³ Cf. minutes of the 9. session, p. 72f; minutes of the 9. session, p. 129.

⁶³⁴ Cf. minutes of the 9. session, p. 11; Submission 3820, p. 3.

⁶³⁵ Cf. minutes of the 9. session, pp. 13-14; minutes of the 9. session, p. 70.

⁶³⁶ Cf. minutes of the 9. session, p. 151.

⁶³⁷ Cf. minutes of the 4. session, p. 81.

order to promote inter-cultural openness, a diversity and gender check has been introduced for personnel managers and executives.⁶³⁸

In public service, equality for people with disabilities as well as women and men is regulated. There are no further quotas for filling posts. The TMBJS stated: persons with a “background of discrimination and experience of racism” would not be specifically considered in personnel planning.⁶³⁹ The TMMJV referred to strict selection criteria in the civil services career. In particular, relevant preliminary checks are to be carried out on state employees.⁶⁴⁰

The informants who were heard also mentioned further preventive measures in their field of activity. The Thuringian ministries and their subordinate authorities reported that employees would participate in further training courses of the state programme 'DenkBunt'.⁶⁴¹ The State Programme for Tolerance and Diversity includes further measures and training related to gender and sexual diversity.⁶⁴² The Refugee Council and Prof. Dr. Nachtigall assessed the situation as follows: municipal offices and authorities currently tend to block sensitisation measures or see no need for action.⁶⁴³ Participation of employees is not mandatory, but according to TMIK it is key to the regular assessment of civil servants.⁶⁴⁴ The TSK referred to its annual management retreats, which also deal with preventive measures and are recorded in management policies.⁶⁴⁵

The TMIK has a master service agreement between the ministry, the main staff council within the ministry and the Thuringian police. The agreement aims at protecting employees from mobbing, sexual harassment and discrimination. A social contact person has been appointed for employees for this purpose.⁶⁴⁶ In the TMMJV, racism and discrimination are prevented in the establishment and in the subordinate authorities through appropriate practices in personnel management, the internal service and the organisational unit. In addition, there are complaints centres. The critical (self-)examination of administrative

⁶³⁸ Cf. Communication 6/1659, pp. 2-3.

⁶³⁹ Cf. minutes of the 9. session, pp. 41-42.

⁶⁴⁰ Cf. minutes of the 9. session, p. 151.

⁶⁴¹ Cf. minutes of the 9. session, p. 13; minutes of the 9. session, pp. 41, 45; minutes of the 9. session, pp. 129-130; minutes of the 9. session, pp. 152, 154-155; Communication 6/1632, p. 1; Communication 1734, p. 2.

⁶⁴² Cf. Submission 6/3734, p. 51.

⁶⁴³ Cf. minutes of the 7. session, p. 111; minutes of the 8. session, p. 50.

⁶⁴⁴ Cf. minutes of the 9. session, p. 120.

⁶⁴⁵ Cf. minutes of the 9. session, pp. 11-12.

⁶⁴⁶ Cf. Submission 6/3980, p. 6.

practice should be strengthened: through the principle of dual control, the fundamental possibility of challenging administrative actions, and the guarantee of legal protection.⁶⁴⁷ The aim is to counteract discrimination.

The TMWWDG stated that it applies the legal requirements of the AGG. There are no other measures or programmes in place to combat discrimination and racism within the ministry.⁶⁴⁸ Questions on how to deal with discrimination and racism do not play a role within the Thuringian State Media Authority.⁶⁴⁹

The Commission of Inquiry deals with racism and discrimination within the public administration. The options for institutions to take action against discrimination and racism committed against third parties are also interesting. Additional measures are important particularly with regard to the gap in protection in the public sector.⁶⁵⁰ The following list includes information provided to the Commission. It is not complete. Any outstanding issues will have to be resolved later by the Commission.

The TSK has a Coordination Unit for anti-discrimination issues (LADS). It has been open for the concerns of third parties since 2014.⁶⁵¹ The TSK has the following core objectives: to improve the quality of communication and cooperation between citizens, state parliament and administration; to actively manage complaints and conflicts between citizens and the state; to actively engage in anti-discrimination work in the field of LGBTTIQ* and AGG at the suggestion of citizens seeking advice and assistance.⁶⁵² This results in the following objectives for the Anti-Discrimination Agency: initiating, accompanying and promoting the planning, steering and monitoring of projects or individual processes in the governmental sector and at the interface with the non-governmental sector; establishing and maintaining cooperation in the field of federal-state relations; LGBTTIQ* work in Thuringia through implementation of the State Programme for Acceptance and Diversity; accompanying individual LGBTTIQ* cases; network centre for representatives of the state government in the multidimensional field of action concerning

⁶⁴⁷ Cf. minutes of the 9. session, pp. 150-152.

⁶⁴⁸ Cf. minutes of the 9. session, p. 129.

⁶⁴⁹ Cf. Submission 6/3738, p. 3.

⁶⁵⁰ Cf. minutes of the 9. session, p. 39.

⁶⁵¹ Cf. Submission 6/3735, p. 2; Submission 6/3736, p. 15.

⁶⁵² Cf. minutes of the 9. session, pp. 22-23; Submission 6/3736, p. 15.

discrimination and racism.⁶⁵³ The centre thus looks at discrimination based on origin, descent, ethnicity, social position, language, political, philosophical and religious conviction, gender and sexual orientation. It also focuses on racism that does not lead directly to the preference or disadvantage of people (discrimination), but is equally problematic for an open, democratic society. Mainly project-related work arises from the objectives for the anti-discrimination centre. "The agency focuses on sensitising society, preventive work, counselling within and outside the authorities, networking and public relations work. In terms of content, it is subsidiary to the thematic areas of discrimination, which are covered by other representatives of the state government."⁶⁵⁴ The Anti-Discrimination Agency does all this by advising the state government on fundamental and legislative procedures, maintaining cooperation with the federal government and other states in the anti-discrimination field, coordinating the work of the representatives of other ministries, maintaining contacts with non-governmental associations, accompanying and promoting civic LGBTTIQ* work, initiating a network-oriented and needs-based advisory structure, advising authorities and public institutions on the implementation of the AGG, raising public awareness on work and services related to anti-discrimination, and identifying various forms of discrimination.⁶⁵⁵ Work in the field of racism and discrimination currently concentrates on developing a language that is both understandable and legally secure, e.g. in case of answers and information from the administration. In addition, the focus is on the 'Mehrkindkarte' (Multi-Child Card) project of the National Association to support families with many children, designing the best possible Internet presence, improving the public relations work of the Anti-Discrimination Agency, implementing the National Programme for Acceptance and Diversity, implementing anonymised application procedures in public administration and the private sector, continuing and deepening the work of the Working Group on 'Tolerance and Diversity' and initiating and supporting projects in the field of 'antiziganism'.⁶⁵⁶

In addition to the Anti-Discrimination Agency, there is a police trust centre for third-party complaints against the police since 2017. This is affiliated to the TMIK. The complaints body is expressly not active internally, i.e. within the police apparatus. The purpose of the body is to develop and promote a culture of leadership and a culture in which mistakes are

⁶⁵³ Cf. minutes of the 9. session, pp. 22-23; Submission 6/3469, Submission 6/3735, pp. 3-4, 8.

⁶⁵⁴ Cf. minutes of the 90. session, p. 144; Submission 6/3735, pp. 4-5.

⁶⁵⁵ Cf. Submission 6/3735, p. 8; Submission 6/3736, p. 15.

⁶⁵⁶ Cf. Submission 6/3735, p. 11.

tackled constructively within the police force. In order to achieve this, the body cooperates with citizens and institutions outside the police.⁶⁵⁷

The representatives of the State of Thuringia are also responsible for counselling, information and complaints. The Thuringian Commissioner for Integration, Migration and Refugees reported: persons affected by discrimination have the option of contacting them or the Anti-Discrimination Agency within the TSK. They can also contact the Thuringian Ombudsman in case of discrimination by the public administration.⁶⁵⁸ In addition, three honorary coordinators work in the office of the Ombudsman. They look after migrant self-organisations, advise on setting up associations and organise events on the subject.⁶⁵⁹ There are no funds expressly intended to promote these self-organisations and associations.⁶⁶⁰

The Thuringian Representative for Equality between Women and Men drew attention to the reports on equality: these reports reveal structural disadvantages which are also caused by institutionalised regulations.⁶⁶¹ The Conference of Gender Equality and Women's Ministers, Senators of the States (GFMK) is working on measures to create administrative structures and set up entrepreneurial incentives. These should enable women to develop a stable employment biography and to make decisions that safeguard them in their old age.⁶⁶² The reports also referred to the planned implementation of UNICEF minimum standards for the protection of refugee women from violence in refugee shelters. The planned implementation of a barrier-free women's shelter was reported as well.⁶⁶³

The Thuringian Representative for Persons with Disabilities is the contact person and public interest representative. He publishes information material, in easy language among other things, and examines the accessibility in public life as well as on the labour market in Thuringia for this purpose.⁶⁶⁴ The new Act on Equal Opportunities for People with Disabilities is currently in the process of interministerial coordination. The Commissioner should be given a better position and more rights and opportunities for intervention to be

⁶⁵⁷ Cf. minutes of the 9. session, p. 99; Submission 6/3980, p. 8.

⁶⁵⁸ Cf. Communication 6/3511, p. 4.

⁶⁵⁹ Cf. minutes of the 9. session, pp. 175-176.

⁶⁶⁰ Cf. minutes of the 9. session, p. 180.

⁶⁶¹ Cf. minutes of the 9. session, pp. 77-78.

⁶⁶² Cf. Communication 6/1512, Annex GFMK 2017, p. 5.

⁶⁶³ Cf. minutes of the 9. session, pp. 88-89.

⁶⁶⁴ Cf. minutes of the 9. session, p. 79f; Communication 6/1510, p. 1; <https://www.thueringen.de/th10/bb/materialien/index.aspx>.

able to act as early as possible in official decision-making processes and thus support people with disabilities better.⁶⁶⁵

As an additional measure in the field of anti-discrimination, the TMASGFF referred to a funding practice of the ministry: Support from the European Social Fund is linked to the 'fight against racism and discrimination'. The ministry applies these guidelines when awarding grants.⁶⁶⁶ In addition, the Fair Mobility project has been implemented since December 2017. It is intended to protect foreign female employees from exploitation.⁶⁶⁷ In the area of combating age discrimination, the Ministry referred to the programme *Solidarisches Zusammenleben der Generationen* (Coexistence of generations in solidarity) and local alliances as well as the *Seniorenmitwirkungsgesetz* (Senior Citizens' Participation Act). The screening of the standards of laws and draft laws was presented in relation to the protection of the disabled. The aim is to check whether a text complies with the UN Convention on the Rights of Persons with Disabilities. The German Institute for Human Rights also conducts reviews in this area. The ministry presented the 'SprInt' project in the area of "people with a migrant background" – it promotes the use of professional language and integration mediators; the 'IPSO' promotes psychosocial specialists with an inter-cultural background.⁶⁶⁸

The measures of the state programmes can be regarded as measures vis-à-vis third parties. The State Programme for Democracy, Tolerance and Openness to the World is part of the TMBJS. One of its central objectives is to combat discrimination and racism; the most important strategy is civil society action and government action. Municipal measures against racism and discrimination are also supported.⁶⁶⁹ In addition, the training courses of the state programme are aimed at employees in public service and administration. Training courses are intended to raise awareness about dealing with third parties without discrimination.⁶⁷⁰ The state programme 'Acceptance and Diversity' deals specifically with LGBTTIQ* topics. It also provides measures to sensitise employees in public administration.⁶⁷¹ The state programme describes the review of anonymised application

⁶⁶⁵ Cf. minutes of the 9. session, p. 82.

⁶⁶⁶ Cf. minutes of the 9. session, p. 72.

⁶⁶⁷ Cf. minutes of the 9. session, p. 73.

⁶⁶⁸ Cf. minutes of the 9. session, pp. 74-75.

⁶⁶⁹ Cf. minutes of the 9. session, p. 45; Communication 6/1734, p. 2.

⁶⁷⁰ Cf. minutes of the 9. session, pp. 45-46.

⁶⁷¹ Cf. Submission 6/3734, pp. 50-51.

procedures in public administration.⁶⁷² LGBTTIQ* refugees are also considered separately. For them, special regulations are to be included in the Thuringian Regulation on Communal Accommodation and Social Support. Information material will be developed to help create institution-specific concepts for protection against violence. In addition, caregivers in the institutions and employees in the administration will be sensitised.⁶⁷³ In addition to the existing Anti-Discrimination Agency of the Free State of Thuringia, there will be a civil society-based Coordination Unit for LGBTTIQ* work, which will also act as a counselling centre.⁶⁷⁴

The TMMJV has admitted: standards for the accommodation of refugees in collective accommodation were not met in 2015 due to capacity reasons.⁶⁷⁵ The TMMJV pointed out that in some cases it was unable to intervene in the event of complaints. Although the ministry is responsible for the technical supervision, administrative supervision is the responsibility of the administrative districts and independent cities.⁶⁷⁶ Work is currently under way to meet or raise standards, for example through higher social care lump sum payments. The TMMJV also reported on the implementation of anti-violence concepts in accommodations and on the establishment of independent and low-threshold complaints bodies.⁶⁷⁷

In November 2017, the TMMJV and the Thuringian Commissioner for Integration, Migration and Refugees presented an integration concept. The link between integration measures and the prevention of discrimination is a basic assumption of the concept.⁶⁷⁸

Summary:

After the oral hearings and the evaluation of the communications, it is possible to establish that: in the field of public administration, there are exemplary developments as well as developments that are “lagging behind” in the area of racism and discrimination. In the area of supreme state authorities, most of the work is done by the Anti-Discrimination

⁶⁷² Cf. Submission 6/3734, p. 51.

⁶⁷³ Cf. Submission 6/3734, pp. 45, 47.

⁶⁷⁴ Cf. Submission 6/3734, p. 70.

⁶⁷⁵ Cf. minutes of the 9. session, p. 172.

⁶⁷⁶ Cf. minutes of the 9. session, pp. 172, 176.

⁶⁷⁷ Cf. minutes of the 9. session, p. 173.

⁶⁷⁸ Cf. minutes of the 9. session, p. 154.

Agency, the Integration Representative and the Equal Opportunities Officer. All authorities have complaints bodies according to § 13 of the AGG.

Information gaps currently exist with regard to the implementation of many measures – such as in the case of the Anti-Discrimination Agency: Which measures have been implemented? In which of the defined working areas (e.g. racial discrimination, discrimination on the basis of sexual identity, age, etc.) are there no current (or planned) measures? What effect do the measures have? The budget for measures in 2016 was 20,000 Euros. Only 12,219 euros were spent.⁶⁷⁹ It is not clear how many cases the agency accompanied or advised. Generally it seems to be a case of patchwork: Occasionally, measures were described during the hearing process promoting and strengthening disadvantaged groups. In some Thuringian ministries and subordinate authorities (e.g. *Verfassungsschutz* or Office for the Protection of the Constitution) no strengthening measures were mentioned, while no sensitising measures were mentioned in others (e.g. TMMJV). This does not necessarily mean that no corresponding efforts are being made in this area. However, the fact that it is not mentioned, proves the lack of importance ascribed to the issue. All in all, it seems, there are more or less pronounced complaint structures for various forms of discrimination in all Thuringian ministries as well as in the subordinate authorities. Awareness-raising measures are handled in different ways - sometimes as a mandatory part of training, sometimes voluntarily in further training, and sometimes as part of the experienced organisational culture. The design of sensitising measures (mostly "projects") indicates a temporary character.

The key prerequisites for a successful fight against racism and discrimination with respect to authorities are: approach towards racism, the leading role of the local government in setting framework conditions and sustainable and networked integration work of the local government, an administrative structure that adapts to social changes as well as its dialogue orientation.⁶⁸⁰ The biggest obstacle is that there is a lack of monitoring across all ministries and administrative levels. For example, the situation of those affected by racism and discrimination by the authorities cannot be described and recorded in detail. It is therefore also not possible to make a professional assessment of measures still to be taken. This applies to racism and discrimination within the authorities and to the way the

⁶⁷⁹ Thuringian Budget Account 2016 Volume 2a, p. 52.

https://www.thueringen.de/mam/th5/tfm/haushalt/rechnung/hh_rechnung_2016_band_2a.pdf.

⁶⁸⁰ Cf. minutes of the 2. session, p. 22; Submission 6/2934, pp. 9, 11.

authorities deal with society. The fleeting and therefore selective internal views of the authorities and the case numbers of the victim counsellors and self-organisations cannot replace a complete record of incidents. The scope of the racism and discrimination cases reported to the Commission of Inquiry is unclear.

d) Measures from the course of sessions

In the course of the sessions, a large number of reform proposals were made for the public administration sector:

1. The hearing process has revealed: the Anti-Discrimination Agency in the TSK is not sufficiently well-known. Intensified, target group-specific public work would be necessary here.⁶⁸¹ Moreover, those affected often do not find any target-group-specific services provided by the local government in rural regions. It is therefore important to broaden the range of offered services. Above all, contact points are needed to report cases of discrimination.⁶⁸²
2. In general, comprehensive organisational development of the public administration is encouraged. This includes communicating models that are based on the principles of anti-discrimination and anti-racism. Protection against discrimination can therefore be implemented if there is knowledge of the legal options.⁶⁸³ To this end, the administration should also be confronted with demands from civil society – similar to those already implemented in the State Action Plan against Racism in Berlin.⁶⁸⁴
3. Women and people with a migrant background should be specifically recruited in public administration. This can achieve a cultural opening of the administration. The representativeness of women and people with a migrant background can also be improved in this way.⁶⁸⁵ By introducing anonymous application procedures, it can

⁶⁸¹ Cf. Communication 6/1274, p. 5; Communication 6/1508, p. 3; Communication 6/1532, p. 3.

⁶⁸² Cf. Submission 6/3511, p. 4, Communication 6/1531, p. 3.

⁶⁸³ Cf. Submission 6/2863, p. 12; minutes of the 3. session, p. 98; Communication 6/1531, p. 3.

⁶⁸⁴ Cf. minutes of the 2. session, p. 92.

⁶⁸⁵ Cf. minutes of the 4. session, p. 81; Communication 6/1531, p. 3.

also be ensured that competencies are in the foreground when recruiting personnel and that exclusion for racist reasons is ruled out.⁶⁸⁶

4. For employee loyalty and the further opening of the Thuringian administration, it is important to collect equality data separately. The varying discrimination dynamics within the administration, which are not based on migrant background, must be represented in relation to intersectional discrimination experiences⁶⁸⁷. The survey can be the basis for measures that reduce discrimination. It can also make it possible to verify the impact of anti-discrimination measures and positive measures.⁶⁸⁸
5. Public administration documents, forms and information material must be provided in simple language.⁶⁸⁹ Translations into other languages are also necessary.⁶⁹⁰
6. In order to support affected groups, there needs to be a permanent and structural empowerment with regard to one's own rights. Support services and contact points as well as an improved communication culture by the public administration are also important.⁶⁹¹
7. The Thuringian ministries reported about education, training and further education programmes, including anti-discrimination and cultural sensitisation. These should be reinforced and made mandatory for employees in public administration.⁶⁹² Training courses and contents on human rights obligations, protection against discrimination, diversity and anti-racism trainings, inter-cultural competences, empathy, tolerance, detachment from role and ambiguity tolerance as well as special training measures for people who frequently deal with refugees.⁶⁹³

⁶⁸⁶ Cf. minutes of the 9. session, p. 13; Submission 6/3734, p. 51; Communication 6/1274.

⁶⁸⁷ Cf. Definition, p. 33.

⁶⁸⁸ Cf. minutes of the 9. session, pp. 27-28, 32.

⁶⁸⁹ Cf. minutes of the 7. session, p. 75; Communication 6/1510, p. 1.

⁶⁹⁰ Cf. minutes of the 8. session, p. 67; Communication 6/1531, p. 3.

⁶⁹¹ Cf. minutes of the 4. session, p. 126; minutes of the 7. session, p. 41; minutes of the 7. session, p. 76; minutes of the 7. session, p. 145; minutes of the 8. session, p. 75; Communication 6/1514, p. 8; Communication 6/1532, p. 3.

⁶⁹² Cf. minutes of the 9. session, p. 90; Communication 6/1514, p. 8.

⁶⁹³ Cf. minutes of the 7. session, p. 91; minutes of the 8. session, p. 76; Submission 6/2934, p. 12; Communication 6/1352, p. 16; Communication 6/1496, p. 41; Communication 6/1514, p. 8; Communication 6/1531, p. 4.

8. In order to avoid structural discrimination, official practices in Thuringia need to be analysed. These must be adapted to the CERD and ECRI recommendations where necessary. Thuringian laws and regulations for public institutions are already subject to a standard screening under the UN Convention on the Rights of Persons with Disabilities.⁶⁹⁴ The UN Convention against Racism also requires such a screening.⁶⁹⁵ It is also important to abolish discriminatory regulations and amendments or to adapt regulations that have a discriminatory effect on certain groups.⁶⁹⁶
9. It is advisable to link public procurement with the acceptance of German anti-discrimination policy to combat discrimination and racism outside public administration. This can be achieved, for example, through a commitment to inclusion and integration or by signing the 'Charter of Diversity' or applying anonymised application procedures.⁶⁹⁷
10. Awareness must be raised about the Charter of Diversity and its underlying values. To this end, authorities and companies should be encouraged to sign and implement the ideas contained in the charter.⁶⁹⁸
11. A state participation report should answer which barriers exist in public administration, how these can be removed and which measures can be taken, subdivided into different groups.⁶⁹⁹
12. Improved mandatory standards for the accommodation of refugees at initial reception facilities, collective accommodation and accommodation in municipalities.⁷⁰⁰ It is necessary to revise the *ThürGUSVO*, in particular with regard to the introduction of anti-violence concepts and transparent quality standards. A

⁶⁹⁴ Cf. Submission 6/4133.

⁶⁹⁵ Cf. minutes of the 2. session, p. 28; minutes of the 3. session, p. 97; Communication 6/1274; Communication 6/1531, p. 3. Communication 6/1837, p. 9.

⁶⁹⁶ Cf. minutes of the 7. session, p. 82; Communication 6/1493, p. 1; Communication 6/1496, p. 12.

⁶⁹⁷ Cf. Communication 6/1274, p. 6; Communication 6/1510 Annex Inklusionsmonitor, p. 17.

⁶⁹⁸ Cf. Communication 6/1274, pp. 6-7.

⁶⁹⁹ Cf. Communication 6/1510, p. 2.

⁷⁰⁰ Cf. minutes of the 7. session, pp. 102, 108; minutes of the 8. session, p. 55; minutes of the 8. session, p. 87f.

regular review is vital.⁷⁰¹ In addition, persons of trust must be made available in the accommodations for asylum seekers and victims of violence.⁷⁰²

e) Outlook for the further course of sessions

- How can the reality of discrimination be recorded separately and with differentiation within the Thuringian administration? What forms of address are planned to better inform administrative employees about their rights and the options for lodging complaints?
- What role does the location of the complaints body play? Is it perhaps perceived as not independent enough to be able to complain without fear of consequences? Should an independent complaints body be set up via a possible LADG?
- How can a specific increase in the proportion of people with a migrant background and people with experience of racism be achieved in public administration? (See e.g. Berlin police with respect to migrant background, other good practice examples are still to be identified)
- What verifiable measures can be taken to increase the anti-racist competence of the administration? For example, how precisely can training courses be evaluated?
- How can it be ensured that inter-cultural and anti-racist competence or anti-discrimination competence is taken into account in the Thuringian administration when deciding on promotions?
- How exactly are anti-discrimination measures assessed and evaluated? How can this evaluation be consolidated within the framework of a comprehensive impact orientation?

Questions for the TSK/Anti-Discrimination Coordination Unit

⁷⁰¹ Cf. minutes of the 7. session, pp. 91-94, Communication 6/1496.

⁷⁰² Cf. minutes of the 7. session, pp. 102-103.

- Considering the context of its coordination work, is the TSK capable of ensuring coherent internal and external anti-discrimination and anti-racism work of the Thuringian ministries and administration?
- How does the Coordination Unit assess and evaluate the impact of its work with regard to the handling of different discrimination dynamics?
- The work of the Commission of Inquiry shows: racist discrimination in Thuringia must be recorded and dealt with comprehensively and in a differentiated manner. How can it be ensured that the Anti-Discrimination Agency will make full use of the resources allocated to it in future?
- What concrete measures has the Anti-Discrimination Agency been able to take in order to reduce racist discrimination in Thuringia?
- What does the Anti-Discrimination Agency need to continue its work sustainably?
- How can the Anti-Discrimination Agency's coordination work on anti-discrimination within and between Thuringian ministries be improved?
- How does the TSK assess and evaluate the knowledge of the administration regarding human rights directives to which administration actions are directly bound, in particular the UN Convention against Racism? How does the TSK assess and evaluate the internal handling of human rights directives regarding discrimination?

5) Further areas for action

This part of the interim report deals with further areas of action that have not been, or have only partially been, discussed in the Commission of Inquiry. Therefore, the issues described here will not be dealt with in detail. Instead, they should be the subject of in-depth discussion as further points in the remaining time.

There are also areas that cannot be allocated to points B.II1) – 4). However, these were significant during the hearings and should not be neglected. Furthermore, higher-level measures and those spanning several issues should now be specified.

a) Insufficient database

The insufficient database on discrimination is an overarching issue. In the course of several Commission of Inquiry sessions, it was acknowledged that the following problem exists: There is too little data to be able to ascertain discrimination realities in and throughout the Thuringian administration, as well as in other areas, such as civil society.⁷⁰³ Anti-discrimination data is lacking on both the AGG protection criteria and the four groups most affected by racism, which are recognised by the Federal Republic as:

- Black people
- Sinti and Roma
- Jews
- Muslims⁷⁰⁴

This data would permit the differentiated recording of the development of discrimination in Thuringia, as well as the assessment and evaluation of anti-discrimination measures and other counter-measures. It would also provide important indications of diversity and would allow an assessment of anti-discrimination and diversification measures. Differentiated recording of data is important here. It must not be limited to the category 'immigration

⁷⁰³ Cf. Submission 6/2867, p. 8; minutes of the 7. session, p. 39; minutes of the 8. session, p. 48; minutes of the 11. session; minutes of the 11. session, p. 89; minutes of the 11. session Appendix 1, p. 8; Communication 6/3511, p. 2;

Communication 6/1508, p. 6; Communication 6/1787 p. 6; Communication 6/1837, p. 10.

⁷⁰⁴ Cf. Communication 6/1780, pp. 10–12.

background'. One problem was raised repeatedly: The category 'immigration background' is imprecise and increasingly unsuitable for recording differentiated racial discrimination. Firstly, because people can have an immigration background without being affected by racism; secondly, because this classification is limited to the first and second generations, and other people with experience of racism are no longer included, such as third and subsequent generations, but also members of recognised national minorities, black people without immigration history, etc.⁷⁰⁵

Numerous persons to be heard pointed out⁷⁰⁶: Gender equality data has already been successfully collected. They emphasised the fact that this sort of data collection is central to making discrimination visible and reducing it. In addition: The Federal Republic has committed to collecting differentiated data as a result of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 7 March 1966.⁷⁰⁷

The TSK has stated that an examination is being conducted into how such data can be collected. However, there are problems with data protection.⁷⁰⁸ The 'Citizens for Europe' organisation and 'New German Organisations' have delivered standards to the Commission of Inquiry that have been discussed on a European-wide basis, and which should be taken into consideration:

- Anonymity
- Consideration of the query of self-identification
- Voluntary nature of participation
- Clarification of the meaning and purpose of data collection
- Involvement of discriminated groups in the process of data collection, analysis and dissemination
- Possibility of specifying multiple grounds for discrimination, identities and/or

⁷⁰⁵ Cf. minutes of the 9. session, pp. 27-28.

⁷⁰⁶ Cf. minutes of the 11. session, pp. 89–90; minutes of the 11. session, p. 79; Communication 6/1787, pp. 6-7; Communication 6/1837, p. 17; ECRI report about Germany (fifth round of tests), https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Europarat_Dokumente/ECRI_Bericht_Deutschland_5_2014_de.pdf; Communication 6/1830, p. 6; Communication 6/1841, pp. 5-6.

⁷⁰⁷ Cf. concluding remarks by the Committee for the Elimination of Racial Discrimination: Germany 2008, https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICERD/icerd_state_report_germany_16-18_2006_cobs_2008_de.pdf Concluding remarks 14; https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICERD/icerd_state_report_germany_19-22_2013_CoObs_2015_en.pdf, Concluding remarks 6.

⁷⁰⁸ Cf. minutes of the 9. session, p. 25.

third-party ascriptions

– Application of the principle of non-injury⁷⁰⁹

The Anti-discrimination Commissioner of the Berlin Education Administration reported on the first survey of discrimination and equality data among executives at the Commission of Inquiry.⁷¹⁰ This survey could serve as a model.

b) Reappraising German colonialism

One of the overarching themes is the reappraisal of German colonialism and the reappraisal of the genocide of European Sinti and Roma in the period of National Socialism. This includes previous exclusions, as well as exclusions that occurred after the Nazi era. This reappraisal cannot be limited to the area of education. The systematic exclusion and genocide of Sinti and Roma, as well as German colonialism, must be made clear in the curricula as a historical reference to racism.⁷¹¹ Similarly, societal and governmental reappraisal needs to take place on different levels. It is necessary to initiate public debates, for example, on the renaming of streets that are named after colonial criminals. In this way, perspectives can be shifted and a sense of historical justice can emerge in the collective memory.⁷¹²

c) Media and the public sphere

(1) Problem description

Racist attitudes and psychological and physical violence both shape the public arena in different ways. Demeaning racist representations can be found at demonstrations, in publications, on billboards, on the Internet, in spaces such as public transport or in the social environment (neighbourhood, when purchasing goods and services, gyms, discos, etc.). Racist attitudes are here promoted and racist attacks and abuses occur. Several of

⁷⁰⁹ Cf. minutes of the 11. session, pp. 89-91; minutes of the 11. session, Appendix 1, p. 10; Communication 6/1830, Appendix 2, p. 38.

⁷¹⁰ Cf. minutes of the 11. session, p. 79; minutes of the 11. session, Appendix 1.

⁷¹¹ Cf. minutes of the 9. session, p. 53.

⁷¹² Cf. Appendix 6/2681, p. 5; Appendix 6/3177, p. 2.

the persons to be heard reported that: Discriminating, racist depictions are increasing in the media; there is more experience of everyday racism; the number of openly hostile acts in public is increasing.⁷¹³ This included taunting in trams or on the street, because people were speaking in a language other than German. This also included public physical assaults and attacks on homes, religious centres, etc. The changes were attributed to shifts in media discourse. There was also assumed to be a connection with comments made by individual politicians. These have led to a "significant reduction in the level of inhibition of openly formulated racism"⁷¹⁴. The DIMR (German Institute for Human Rights) interprets this process, like Mobit, as a creeping shift in discourse. It was initiated almost ten years ago.⁷¹⁵ The Amadeu Antonio Foundation reported that: According to research, this development is currently particularly evident in social networks and in the social media. The mobilisation of hate and group-related misanthropy across social networks has reached new dimensions nationwide. Corresponding statements have also aroused hatred and agitation in Thuringia, and are apparently capable of permanently damaging political discourse.⁷¹⁶

Media discourse plays a central role in disseminating biased attitudes towards particular groups. A study by FSU Jena concluded: Certain hostile attitudes and their dissemination can be attributed to the way in which the contents of national political and media discourse are perceived and evaluated.⁷¹⁷ According to the study, media discourse is shaped by negative depictions. This has been established just as much by scientists as by those affected.⁷¹⁸ At the same time, representative policies are absent in the public sphere. Such policies must reflect the experiences of people affected by racism, or draw positively on

⁷¹³ Cf. minutes of the 6. session, p. 118; minutes of the 6. session, p. 81, Communication 6/1513, p. 151; Communication 6/1514, p. 2; minutes of the 8. session, p. 49; Communication 6/1843; minutes of the 6. session Appendix, p. 28; minutes of the 8. session, p. 26; Communication 6/1532, p. 2.

⁷¹⁴ See minutes of the 5. session, p. 93; minutes of the 7. session, p. 33.

⁷¹⁵ "The point is that racist attitudes and other misanthropic positions are increasingly evident in the public sphere. This was already somewhat evident in 2009 and 2010 when a board member of the Deutsche Bundesbank, Thilo Sarrazin (also a member of the SPD political party) spread racist propositions in well-known publications and newspapers, especially against Turks, Arabs and Muslims. With regard to the statements made by Mr Sarrazin, the UN Committee made it very clear in a *Lettre Internationale* interview in 2009 that these were racist statements. Incidentally, this also referred to statements by the leaders of a party that speaks in favour of shooting refugees, promotes racist sentiment against German national football players, advocates disposing of people, and ridicules victims of National Socialist tyranny. This is what I mean when I say that there are increasing numbers of actors who want to push the boundaries of what can be said, and – as can be also partly found in writing – pursue this as a strategy." See minutes of the 5. session, p. 93; Communication 6/1495, p. 7.

⁷¹⁶ Cf. Communication 6/1277, p. 1.

⁷¹⁷ Cf. Communication 6/1267, p. 4.

⁷¹⁸ Cf. minutes of the 8. session, p. 28; Communication 6/1267, p. 4; Communication 6/1532, p. 1.

the stories of minorities and their history in Germany, e.g., in the naming of streets and public spaces.⁷¹⁹

Negative depictions carried by the media and negative lines of argumentation in society are establishing themselves in the mainstream of society. Persons to be heard reported how widespread these racist and discriminatory attitudes are in the mainstream of society. Such attitudes can be attributed to the media discourse and to the representation of minorities. This leads to a socially accepted form of everyday racism.⁷²⁰ This goes hand-in-hand with the experience of those affected, who feel a loss of security and loss of trust in society.⁷²¹

The results of everyday racism include physical and psychological injury. Also included are: Forms of institutional racism and discrimination are reflected in other areas, for example, in the education system and in institutional processes.⁷²²

(2) Current state of affairs/practical examples

The Secretariat of the European Commission Against Racism and Intolerance of the

⁷¹⁹ Cf. minutes of the 3. session, p. 48; minutes of the 6. session, p. 123; Communication 6/1532, p. 1.

⁷²⁰ Cf. minutes of the 2. session, p. 26; Communication 6/1352; minutes of the 3. session, pp. 33-34; Communication 6/1267, p. 4; minutes of the 7. session, p. 34; Communication 6/1352, pp. 13-16.

⁷²¹ "You can only find out about this if you speak with them [...]. Newspaper reports just look different. And it's not taken seriously in our society. [...] If you do not approach people very quickly and show them solidarity or enter into conversation with them, then many become tongue-tied and don't want to talk about it, want to forget it." See minutes of the 6. session, p. 120f or: "Those affected encounter discrimination and racism in all walks of life. We are aware of the following cases from our work:

- with transport companies (threat of refusal of access);
- housing market (refusal to rent, arbitrary termination by landlords);
- in the hospitality industry;
- doctor's visits (refusal of appointments for reasons of communication problems);
- racist insults in public places;
- hate comments in social networks (YouTube, Facebook, Instagram);
- arson attacks on buildings in which primarily Roma families live (see Plauen currently);
- racist statements by politicians (e.g., Hans-Thomas Tillschneider);
- – racist representations in the media/films (most recent example: Nelly's Adventure)" Cf. Communication 6/1532.

The Central Council of Muslims explicitly refers to the experiences of its employees in Erfurt and Weimar: "The affected areas don't need to be listed here, because they are all areas where discrimination or racist violence are expressed. It is very clear in the area of services, at the fitness studio or in public transport that refugees, in particular, have to endure the discriminatory comments of security people and drivers over and over again. This is an area infused with everyday racism, so to speak." See minutes of the 8. session, pp. 7-16.

⁷²² Cf. minutes of the 2. session, p. 48; Communication 6/1837, p. 14; Communication 6/1780; National Action Plan Against Racism, <https://www.bmfsfj.de/blob/116798/5fc38044a1dd8edec34de568ad59e2b9/nationaler-aktionsplan-rassismus-data.pdf>, p. 9.

European Council (ECRI) have taken up the possibilities for action that Thuringia possesses for countering hate rhetoric.⁷²³ The authorised expert, Dr Schellenberg, emphasised the responsibility of the media for racist discourse, and that it is necessary to review journalistic working methods.⁷²⁴

The TLM (Thuringia State Media Institution) described its possible courses of action.⁷²⁵ According to the TLM,⁷²⁶ dealing with racism and discrimination does not play a "decisive role" within the TLM – unlike the handling of such content in electronic media. In 2017, there was a focused analysis of current incidents of 'Internet content hostile to refugees and immigrants', in cooperation with other state media institutions. In Thuringia, more than 100 regional or local websites "with potential right-wing extremist content" have been identified. In some cases of suspicion, content was documented that was inadmissible, harmful to minors or detrimental to their development. Prosecutable contents were passed

⁷²³ To work towards a situation where politicians and the media do not use or disseminate hate rhetoric, and to implement the ECRI's general policy recommendation No. 15. According to § 6 therein, the state parliament, the government, the media and their representative associations should adopt codes of conduct that prohibit the use of hate rhetoric and ensure effective sanctions and sanction mechanisms in cases of hate rhetoric.

(https://www.coe.int/t/dghl/monitorinWecri/activities/GPR/EN/Recommendation_N15/REC-15,2016-015-ENG.pdf, short version <https://www.coe.int/t/dghl/monitoring/ecri/activities/GPRiEN/ENG-Rec%2015%20-%20KeyTopics.pdf>). Cf. Communication 6/1803.

⁷²⁴ "Public debates and media – this is also an issue – how journalists are trained, the amount of time that journalists actually have to speak to victims and then also to come to their own conclusions and not simply write something up." See verbatim record, p. 98. "And this has happened – this is why I emphasised the media again – not only in the investigation and security authorities of the various federal states [NSU], but rather exactly what we define as racist discourse has been generally accepted in the overall social discourse as discursive and institutional racism." See minutes of the 3. session, pp. 100-101.

⁷²⁵ "We know, of course, that there are stereotyped representations of particular groups of people to this day, and often, of course, also a kind of marginalisation, unless it is about particular events that really shape the reporting. Otherwise, we have this problem of marginalisation, of a tendency toward negative reporting, of a tendency toward negative representation and of stereotyping, to this day, regardless of whether it has to do with the representation of women, the LGBT community or ethnic minorities. This is actually a problem we have everywhere. As a media regulator – and this probably goes to the core of the matter – we have a legal basis upon which we can act even in cases of extreme representation, and can also act on individual cases, but only retrospectively. Of course, we have a censorship ban, but we can review content based on discriminatory representation and can now act on the basis of criminal law, for example, in the area of sedition, but also in the area of youth protection. When it comes to the protection of minors, such questions of discriminatory representation play a major role in the assessment of individual cases from the point of view of assessing what is potentially detrimental for the development of which age groups. But – and this must be clearly added in the area of supervision – of course we always have to assess the individual case, which naturally means I can't say that the entire sample is, for example, deficient. In the representation of particular groups of people and minorities, the problem is actually always the entire sample, because the stereotyping, marginalisation and tendencies are, of course, always a question of the entire range on offer and not of individual programmes. In this respect, this reference to the individual programme limits our ability to tackle such stereotypical representations, and so we are all the more interested in working with, informing, researching and engaging with providers, for example, in the area of 'people with disabilities'. For many years now, we have been monitoring private broadcasters and asking them to tell us how much of their content is subtitled, for example, and how they deal with this issue. We can already see, over the years, that if you continue to inquire and also continue to ask them to show how they deal with this issue, we can have very positive effects come out of this level of dialogue. But you have to work very persistently, very sustainably and for a very long time." See minutes of the 9. session, pp. 19-20.

⁷²⁶ Cf. Appendix 6/3738, p. 3.

on to the state prosecutors and a KJM (Commission for Youth Media Protection) review process was opened. The analysis of networked pages proved to be a fruitful approach. At the same time, experience has shown that the legally constituted freedom of expression permits many opinions. In addition, many legal violations were not clearly attributable to one person.

The TLM sees it as one of its central tasks to sensitise and to inform both media providers and the public. It urges for topics such as ethnicity, migration and social minorities to be represented more strongly in news reporting. There should be more frequent and more positive (instead of frequently negative) reporting on people with immigrant backgrounds. People with immigrant backgrounds and ethnic minorities should not be represented symbolically. This will happen only if individual programmes are examined. Structural deficits in the service itself and "summary effects in the overall supply" can hardly be penalised.

The TLM⁷²⁷ identified – particularly in the relevant laws – ways to combat racist and discriminatory media content – but only in radio and television media. There are practical difficulties with the Internet in particular (provability, accountability). Indeed, the TLM has been working together with other state media for years – in the areas of information, prevention and education. Another central task is 'classical supervision', the regular training of media creators and active involvement in media education for all generations in the area of racism and discrimination. To do this, the TLM depends on securing their financial basis. The TLM takes action against discriminatory media content on the basis of sexual orientation, social background, ethnicity and physical characteristics. However, this works only with regard to individual programmes. The broadcaster as a whole would never be the subject of proceedings. For this reason, the TLM has campaigned for informative, sensitising and discourse-oriented measures. The goal must be to create insight. This includes a wide range of information materials for teachers, parents and young people. So far, this has been directed more at right-wing extremism and less at racism.

Moreover, the TSK sees the staffing of broadcasting councils as an opportunity to work towards the diversification of public service broadcasting. It was reported⁷²⁸ that the Thuringian Lesbian and Gay Association submitted a proposal to the ZDF television council. At the same time, the MDR Broadcasting Council should be reformed in a similar way, so that social groups that have so far not been represented can find their place.

⁷²⁷ Cf. minutes of the 9. session, pp. 15-21.

⁷²⁸ Cf. minutes of the 9. session.

(3) Measures from the course of sessions

- aa. Positive references to immigration history must be increased, for example, by the renaming of public places and streets.⁷²⁹
- bb. There need to be structural changes with regard to images in the media.⁷³⁰
- cc. The Thuringia State Programme for Democracy, Tolerance and Cosmopolitanism should be evaluated and assessed, used and developed together with the appropriate communities.⁷³¹
- dd. Standardised financing of costs for interpreters is to be introduced (in all areas).⁷³²
- ee. Observing the duty of intervention: Racist statements in the political sphere and public life must be countered consistently and decisively. Sanctioning is also important.⁷³³
- ff. There is an urgent need to improve the sensitivity of journalists in training and professional development, as well as in their dealings with those affected by racism and discrimination.⁷³⁴ The code of conduct against hate rhetoric needs to be developed further.⁷³⁵ Professional groups and media organisations must accept this code.
- gg. Supervisory bodies should be obliged to implement the MDR Broadcasting Council's adaptation – unrepresented social groups should be represented.⁷³⁶
- hh. Strengthening the competences of pupils, young people and teachers in their dealings with racism and discrimination in the digital world.⁷³⁷

⁷²⁹ Cf. minutes of the 2. session, p. 92; minutes of the 3. session, p. 48.

⁷³⁰ Cf. minutes of the 2. session, p. 92.

⁷³¹ Cf. Communication 6/1508; minutes of the 6. session, p. 146; Communication 6/1787, p.3; Communication 6/1837 p. 16.

⁷³² Cf. minutes of the 9. session, p. 90.

⁷³³ Cf. minutes of the 2. session, pp. 41-43; minutes of the 2. session, p. 102; minutes of the 6. session, p. 91; minutes of the 8. session, p. 71; Communication 6/1352, p. 17; Communication 6/1513, p. 2; Communication 6/1803, p. 2,
Cf. <https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/ENG-Rec%2015%20-%20KeyTopics.pdf>.

⁷³⁴ Cf. minutes of the 3. session, p. 107; minutes of the 3. session, p. 98; Communication 6/1803 p. 2.

⁷³⁵ Cf. minutes of the 3. session, p. 98, Communication 6/1803, p. 2.

⁷³⁶ Cf. minutes of the 9. session, p. 21.

- ii. There needs to be public education and strategies for dealing with racism in the Internet. These must be developed and regularly updated.⁷³⁸
- jj. Intensive media education must be implemented.⁷³⁹ A good example of this is the National Centre for Political Education NRW. The State Coordination Office Against Right-wing Extremism is attached to this Centre. The office has developed an "integrated concept of action against right-wing extremism".⁷⁴⁰ However, a clear distinction must be made between racism and right-wing extremism – as in all other educational policies.
- kk. Radio/TV programmes must be provided in their own language and the media production of such services must be supported: This affects people with an immigration background and recognised national minorities such as Sinti and Roma.⁷⁴¹
- ll. Information on the legal situation and offers of help for those affected by hate speech must be made easily accessible. This also applies to information and training activities related to the culture of digital democratic debate, source querying and information practices.⁷⁴²
- mm. Self-organisation into committees must be involved, as well as a definition of the problem from the perspective of those affected.⁷⁴³
- nn. State actors must speak out against racism.⁷⁴⁴

⁷³⁷ Cf. Communication 6/1277, p. 5.

⁷³⁸ Cf. Communication 6/1837, p. 16.

⁷³⁹ Cf. minutes of the 9. session, p. 35; VL 6/3738, p. 17.

⁷⁴⁰ Cf. Communication 6/1842; cf. benchmark paper:
http://www.nrweltoffen.de/aktuelles/nachrichten/Eckpunktepapier/Eckpunkte_eines_integrierten_Handlungskonzepts_gegen_Rechtsextremismus_15-02-02.pdf.

⁷⁴¹ Cf. minutes of the 8. session, p. 81.

⁷⁴² Cf. Communication 6/1277; minutes of the 4. session, p. 118ff.

⁷⁴³ "A politically effective negotiation of action-determining diagnoses [...] requires the direct and comprehensive participation of those groups affected by racism. [...] This denial, levelling, or trivialising of racist realities is a form of epistemic violence in which the relevance or even existence of the knowledge and collective experiences of groups experiencing racism is denied." See VL 6/2867, p. 7.

⁷⁴⁴ "ICERD contains obligations for the contracting states to counter racism in the political sphere and in public life. For example, if members of minorities or people who have sought refuge in Germany are publicly defamed, the contracting states are responsible for opposing such statements. The ability of the state to

oo. Knowledge of the Diversity Charter must be made more widespread.

(4) Forecast of further advisory proceedings

- aa. The Commission of Inquiry must hear from more civil society actors in the media sector, such as scientists and cultural workers. This will allow a greater understanding of how those affected by racism and discrimination experience media coverage and social media. This includes scientists and cultural workers who are affected by racism.
- bb. Journalists and professional associations must be questioned as to how training and professional development can be improved in the context of racism and discrimination.
- cc. Professional journalist associations should be heard, in order to acquire an overview of the existing channels for complaints. After that, consideration must be given to how these can be improved. This includes the question of which consequences are (can be) systematically drawn from complaints.

d) Civil society

(1) Problem description

KomRex underlined in its communication: Democratic civil society is challenged by discriminatory exclusion and devaluation mechanisms.⁷⁴⁵ Mobit pointed to continuity in

respond is not limited to reacting to racist statements that have violated freedom of expression and are to be prosecuted. Rather, it is just as important that state actors use counter arguments to react directly to racist statements, even those under the threshold of criminal liability. [...] Such an obligation to intervene can be justified based not only on the state's obligation to protect constitutional and human rights on behalf of the defamed groups. It is also concerned with defence against attacks on democratic society and human rights as a whole." See Communication 6/1352.

⁷⁴⁵ See communication 6/1267: "The continuing spread of prejudices and negative attitudes toward ethnic and cultural minorities in the Thuringian population presents a particular challenge to political culture and

terms of anti-democratic and misanthropic behaviour in the Thuringian population and an established extreme right-wing scene.⁷⁴⁶

The Institute for Democracy and Civil Society and many other actors strengthened the significance of a *democratic* civil society. A wide range of opinions and communications have commented on the benefit of efforts to increase preventative measures, which inform young people in particular about neo-Nazism. Civic engagement against racism is particularly important in the eastern German federal states. An example is the Thuringian state 'DenkBunt' programme with local action plans, which is coordinated by the TMBJS (Thuringian Ministry for Education, Youth and Sport), the programme 'Acceptance and Diversity for LGBTIQ', as well as projects, citizens' alliances and other initiatives. There is certainly a need to generate visibility for organisations that are negatively affected by racism. This must be remedied in the future, e.g., by the affected group of Sinti and Roma.⁷⁴⁷

(2) Current state of affairs/practical examples

The mayor of Suhl reported on preventative measures.⁷⁴⁸ At a local level, a network of initiatives has been established, e.g., 'Promoting Tolerance – Strengthening Competence', 'Diversity does good. Youth for Diversity, Tolerance and Democracy', 'Competent for Democracy – Advisory Networks Against Right-Wing Extremism'. The project 'Live Democracy. Active Against Right-wing Extremism, Violence and Misanthropy' is currently being established and locally networked. Supported by funds from the local action plan 'Suhl Acknowledges Colour', among others.

Die Thuringian Centre for Political Education claimed⁷⁴⁹: Numerous event formats are concerned with the issues of racism, discrimination and enmity towards particular groups. These have generally been very well attended. Participants reported, in the context of the

democratic civil society in the federal state. These attitudes, which exist in the 'mainstream' of society, characterise a climate that is hostile to migration and integration in locally specific contexts in which, on the one hand, members of ethnic and cultural minorities (or fellow citizens perceived as 'foreign' or 'strange') do not feel welcome or have to fear devaluation and discrimination and in which, on the other hand, extreme right-wing perpetrators of violence feel legitimised, i.e., they are able to stylise themselves as enforcers of a supposed 'people's will'."

⁷⁴⁶ Cf. Communication 6/1266, p. 1.

⁷⁴⁷ "The ECRI report emphasises that, above all, the protection and support of Sinti and Roma has received too little attention in Germany, as has the fight against intolerance towards lesbians, gays, bisexuals and trans people (LGBT). At the moment, to the knowledge of the author, there are no concrete projects in the state programme that specifically address the needs of Sinti and Roma, although they too may be affected by racial discrimination in Thuringia". See Communication 6/1274, p. 4.

⁷⁴⁸ Cf. Communication 6/1734.

⁷⁴⁹ Cf. Appendix 6/3821

event, several occasions of experiences of discrimination and trivialisation. This is remarkable, because the expression of discrimination experiences in public requires particular courage. The actual number of incidences of discrimination among the participants was probably much higher. The Thuringian Centre complained that a strong civil society organisation for migrants is lacking.

An important contextual proviso is: The number of self-organisations of people affected by racism is relatively small in Thuringia. In 2016, 2017 and 2018, there were exchange and networking events. This was implemented by the volunteer coordination at the Commission for Migration, Integration and Refugees. The exchange and networking events partly served to strengthen and support civil society structures.

Those affected also reported: There is too little provision of information, advice, care and assistance in the rural regions of Thuringia.⁷⁵⁰ In Thuringia there is no independent, non-governmental, anti-discrimination advisory body offering qualified anti-discrimination advice on the AGG and other legal bases.⁷⁵¹ This is different to many other federal states. An independent, non-governmental, anti-discrimination advisory body would be an important corrective to state structures that do not sufficiently reach certain groups.⁷⁵² An example of good practice is a campaign in Hessen. The RHAMA project supports Muslims, especially women and children,⁷⁵³ with experiences of racism and discrimination, develops empowerment approaches, and explains their rights.

The 'Thuringia MigraNetz' has emerged as a milestone. This is the permanent networking of more than a dozen organisations. The majority of the work is still done on a voluntary basis. The next few years will show how enduring this umbrella is. The proof will be where it stands with regard to the professionalisation of the work, as well as its public perception. So far, there is a plan to set up or support civic coordination bodies with civil society sponsorship, as part of the state programme of 'Acceptance and Diversity' for LGBTTIQ people.⁷⁵⁴

⁷⁵⁰ Cf. minutes of the 8. session, p. 61; Appendix 6/3511, pp. 3-4.

⁷⁵¹ Cf. Communication 6/1840.

⁷⁵² "In response to the actions of the state in the framework of organisation, involvement and participation, it may happen that its actions are not socially accepted, so that civil society actors correctively intervene." See Communication 6/2924, p. 12.

⁷⁵³ Cf. minutes of the 8. session, p. 33.

⁷⁵⁴ Cf. Appendix 6/3734, pp. 69-70.

(3) Measures from the course of sessions

aa. There needs to be promotion of self-organisation, empowerment strategies and sensitisation of those affected by racism and discrimination, including a reconciliation commission with the Roma community.⁷⁵⁵ This should help to financially strengthen self-organisations, to involve them in committees and to build up capacities, for example, in a body in which the state government enters into an institutionalised dialogue with the self-organisations.⁷⁵⁶

bb. Democratic civil society and the culture of debate must be strengthened overall, especially the principle of equality, for example, by means of support programmes that expressly emphasise engagement against racism.⁷⁵⁷

cc. This requires an independent, low-threshold, target-group-specific anti-discrimination body. This should be oriented specifically toward those groups affected and should serve as an examination and complaints body. Further aims are to provide advice to those affected by racism and discrimination, as well as clarification through

⁷⁵⁵ Cf. minutes of the 6. session, p. 123; Communication 6/1352, p. 16; Communication 6/1532, p. 3; Communication 6/1495, p. 3; minutes of the 7. session, p. 41; minutes of the 6. session, pp. 123-138, VL 6/3511, p. 4, Communication 6/1512, p. 5; minutes of the 8. session, p. 30; minutes of the 8. session, p. 75; minutes of the 8. session, p. 92; Communication 6/1841, p. 3; Communication 6/1787, p. 7.

⁷⁵⁶ For example, state and non-state anti-discrimination bodies, minutes of the 11. session, p. 13.

⁷⁵⁷ Cf. Communication 6/1495, p. 3, Communication 6/1532, minutes of the 7. session, p. 41, minutes of the 6. session, pp. 123, 138; Appendix 6/3511, p. 4; Communication 6/1512, GFMK 2017, p. 5; minutes of the 8. session, p. 30, minutes of the 8. session, p. 75; minutes of the 8. session, p. 92; minutes of the 11. session, pp. 75-87;

Self-organisations and individuals should be included as often as possible, so that their perspectives can be heard. If, as here in Thuringia, there are perhaps not so many self-organizations, then it is important to promote such self-organization, also with financial means. Cf. minutes of the 6. session, p. 123. In its statement, the German Institute for Human Rights recommends civil society initiatives that are committed to fighting racism.

Cf. Communication 6/1352, p. 16. The lack of structural support in anti-discrimination work for Roma should be pursued. Cf. Communication 6/1532, p. 3.

The federal coordination for prevention is about the fact that good experiences that have been achieved in some areas, in my opinion, must be made known and many others not only have to be made known, but should be used as best practice models, so as not to reinvent the wheel, and not to make the same mistakes or repeat possible bad experiences. I think there is a need for some improvement, especially as regards the issue of financing, so that the funds, parts of which are abundantly available, will actually arrive where they are needed, especially in civil society initiatives. That has less to do with my office or the authorities. See minutes of the 4. session, p. 72.

The NDO recommends a structural support policy for migrant organisations and new German organisations. To participate in social politics, the interested parties (migrant organisations and new German organisations) need financial resources. The aim is away from project financing and towards structural support. At its core, it is about minimum standards for the safeguarding of infrastructure. Cf. Communication 6/1787, p. 7.

Societal groups affected by structural discrimination and racism should be actively involved in the prevention of racism. Empowerment initiatives play an important role in empowering people who are disadvantaged, enabling them to act in situations of discrimination. Cf. Communication 6/1841, p. 3.

the provision of education and campaigns against discrimination.⁷⁵⁸ An independent, low-threshold and professional advisory body is also important in rural regions. The expansion of support services and the provision of outreach advice should be promoted.⁷⁵⁹ The Anti-discrimination Association recommended a model in Thuringia to establish qualified anti-discrimination counselling.⁷⁶⁰ The comprehensive recommendations should be considered. This also includes the recommendations of the ECRI for Thuringia.⁷⁶¹

e) Work and living

(1) Problem description

Authorised expert, Mr Aikins, pointed out that: People affected by racism are often systematically excluded from essential parts of society – and this despite the state's obligation to respect social human rights, to protect them from attacks by third parties, and to work towards the fulfilment of their potential. Members of racialised groups are more affected by inequalities in access to education, work, health and the housing market than non-racialised groups. To simply reduce racism to openly right-wing extremist biologicistic positions is not acceptable. This makes it more difficult to combat these exclusions.⁷⁶²

An IDZ study showed: Around 35% of those affected by racism and discrimination experienced racism and discrimination in the housing and/or labour markets.⁷⁶³

Various studies have suggested: It could be assumed that there would be higher housing density/concentration among some migrants, especially from Turkey and the Arab countries, as well as Roma. Often a 'discrimination surcharge' is added. On average, they

⁷⁵⁸ Cf. minutes of the 3. session, p. 103; minutes of the 4. session, p. 127; minutes of the 7. session, p. 91; minutes of the 8. session, p. 83; Appendix 6/3511, p. 4; Communication 6/1274, p. 4; Communication 6/1508, p. 6.

⁷⁵⁹ Cf. Appendix 6/3511, p. 4; Communication 6/1508.

⁷⁶⁰ Cf. minutes of the 11. session, pp. 12-13; Communication 6/1840; Communication 6/1941.

⁷⁶¹ Cf. Communication 6/1803, p. 2.

⁷⁶² "This is promoted by a problematically reduced political education policy of the historical 'reappraisal' of National Socialism, which conceals its central colonial continuity and thereby conceals the compatibility of racist Nazi policies within it, likewise justified by the Allies (who themselves conducted codified racist segregation regimes until long after the Second World War)." See Appendix 6/2867; Communication 6/2863, p. 10.

⁷⁶³ Cf. Communication 6/1843, p. 25.

also have to pay higher rents than people born in Germany.⁷⁶⁴ This is an example of how everyday racism takes the form of structural discrimination.⁷⁶⁵

The situation in the training and labour markets can be described in similar terms, despite the skills shortage and demographic changes. However, there are significant differences between individual groups: In application processes, Asian people and people from other European countries have similar opportunities to white Germans. Black and Muslim people, on the other hand, have to write significantly more applications in order to be invited to an interview.⁷⁶⁶ Authorised expert, Mrs Güleç, describes the training and job markets: Young people with 'immigrant-sounding' names have fewer chances of being invited to interviews at all.⁷⁶⁷

The Minister for Migration, Integration and Refugees called for targeted attention to be paid to people affected by various forms of discrimination, especially women wearing head scarves.⁷⁶⁸ This was seconded by 'DaMigra', the national network of migrant organisations, in its statement on labour market opportunities for refugee women.⁷⁶⁹

The Studierendenwerk recommended that attention be paid to the situation of students from countries outside of the European Economic Area. Due to their legal situation, they are worse off than other students: Approval from the Employment Agency and Immigration Office is required for them to be allowed to work more than 120 full or 240 half days. This results in the situation "that international students as a rule have a harder time, or are

⁷⁶⁴ See, e.g., Federal Anti-discrimination Agency: Discrimination in the housing market. Strategies for demonstrating racist discrimination:

https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise_Wohnungsmarkt_20150615.pdf?__blob=publicationFile).

⁷⁶⁵ Communication 6/1837, p. 14.

⁷⁶⁶ See current Berlin Social Science Centre: Ethnic hierarchies in applicant selection: A field experiment concerning the causes of discrimination in the labour market,

<https://bibliothek.wzb.eu/pdf/2018/vi18-104.pdf>. This means that a (supposed) country of origin, religious affiliation or phenotype can supersede questions of competence, performance or productivity.

⁷⁶⁷ "These chances improve dramatically when non-German names and passport photos are left out of applicant portfolios. This connection regarding racist

discrimination was substantiated, for example, by a study in 2014 by the Council of Experts of German Foundations, funded by the Robert Bosch Foundation." See minutes of the 3. session, p. 32.

⁷⁶⁸ Cf. Appendix 6/2511

⁷⁶⁹ "In working life, the risk of discrimination is particularly high. Discrimination is evident in all walks of life, but especially common regarding access to employment and in the workplace. [...] Women with immigration and refugee backgrounds experience such discrimination daily. We are continually reminded that the qualifications and references of women with immigration and refugee backgrounds are not recognised. [...] Many refugee women have scarcely any realistic chance of integrating themselves into the German labour market. The uncertainty of their residency prospects also worsens their situation. But numerous studies prove that people with immigration backgrounds who were born and raised in the Federal Republic are also discriminated against in the labour market." See Communication 6/1513, p. 2.

completely denied the possibility of, financing their studies through their own gainful employment, as students without these limitations are more attractive to employers."⁷⁷⁰

The studies and practical experiences mentioned above also demonstrate that: Access to the housing market is obstructed or impossible for blacks, Sinti and Roma and refugees, due to discriminatory practices.⁷⁷¹ The Roma Anti-discrimination Network Göttingen pointed out the diversity within the supposedly same population group.⁷⁷²

The Refugee Council of Thuringia emphasised: The previous standards, as laid out in the Thuringian Communal Housing and Social Care regulations, were absolutely insufficient. Accommodation is a matter for the district and the local authorities. These have very varied configurations.⁷⁷³ At the same time, various people to be heard expressed concern that: Even the accommodation of asylum seekers and tolerated persons in communal accommodation with high standards is not a solution that conforms to human rights.⁷⁷⁴

(2) Current state of affairs/practical examples

The right to work forms part of bindingly regulated social human rights, enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and in international law. This includes the right to appropriate living standards (food, clothing, housing) and the right to a high standard of physical and mental health. Aspiration and reality diverge even more widely than in the case of individual human rights. Their violation is legally contestable.

⁷⁷⁰ See Communication 6/1509, p. 2.

⁷⁷¹ Cf. Appendix 6/2867, p. 6; Appendix 6/2850, pp. 2-3; minutes of the 7. session, pp. 89, 96-87.

⁷⁷² "The German Sinti and Roma have the problem here of segregated living, a later consequence of housing policies after 1945. The survivors of the concentration camps were often taken to certain detention centres located outside of the cities. At that time, there was no running water there, no electricity, etc. Today it's a bit better, but still ramshackle. Many German Sinti and Roma actually still live in such housing estates – also due to the fact that the housing market is racist and it's not easy to move. [...] Even when you are not visible, an address in your application for a house or a job can be a marker, so that people know: Okay, those are Sinti.

Migrant Roma from EU countries often experience segregated living. This means that maybe only one house in a neighbourhood will accept Roma from EU countries. Rent usury: There are cases of rent usury in which people take advantage of exactly this desperate situation and charge 100 Euro for a mattress in a one-bedroom apartment containing ten people. We have this problem of homelessness, that is, not even being able to find an apartment or a mattress, there's nothing, and many bureaucratic hurdles. [...] Because I have no registered address, I can't get a job. Because I don't have a job, I can't get an apartment. Because I don't have a registered address, I can't apply for the Hartz IV benefit [...].

Asylum seekers from third countries: [...] Here there is also segregated accommodation, in containers, in tight spaces, outside the cities, terrible living conditions. There was also a study at the time by RomnoKher which proved that children's rights were being massively violated in such accommodation." See minutes of the 8. Session, p. 72f.

⁷⁷³ Cf. minutes of the 7. session, p. 92.

⁷⁷⁴ Cf. minutes of the 8. session, p. 86; minutes of the 8. session, p. 55.

The state programme for 'Publicly Subsidised Employment' aims to counteract the exclusion of the long-term unemployed.⁷⁷⁵ The fight against racism and discrimination is a horizontal objective of the European Social Fund (ESF). The funding guidelines require that "any form of discrimination based on gender, racial or ethnic background, religion or world view, disability, age or sexual orientation be counteracted."⁷⁷⁶ The TMASGFF (Thuringian Ministry of Labour, Social Affairs, Health, Women and Family) sets these targets for potentially disadvantaged groups (long-term unemployed, single parents, people with immigration backgrounds) through the GFAW (Society for Employment and Economic Development of the Free State of Thuringia mbH)⁷⁷⁷.

The implementation of the Payment Transparency Act pursues the goal of reducing discrimination in pay. The TMASGFF has confirmed that this Act is not strong enough. The suggestions introduced for strengthening it did not reach a majority in the Federal Assembly.⁷⁷⁸

The TMASGFF supports the project 'Fair Mobility'. The project is aimed particularly at workers from other EU countries. The goal is to prevent exploitation through gainful employment.⁷⁷⁹

In the target agreements of Job Centres with the TMASGFF and the authorised municipal sponsors, special attention is paid to promoting disadvantaged target groups. Incidents of racism and discrimination are unknown to the Ministry.⁷⁸⁰

(3) Measures from the course of sessions

aa. A screening of Thuringian laws for standards relating to human rights must be implemented – analogous to the UN Disability Rights Convention.⁷⁸¹

bb. The building of social housing must be promoted.⁷⁸²

⁷⁷⁵ Cf. minutes of the 9. session, p. 71.

⁷⁷⁶ See Joint Regulation for ESI Fund, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0320:0469:DE:PDF>, Section 13, pp. 321-322.

⁷⁷⁷ Cf. minutes of the 9. session, p. 72.

⁷⁷⁸ Cf. minutes of the 9. session, p. 73.

⁷⁷⁹ Cf. minutes of the 9. session, p. 73.

⁷⁸⁰ Cf. minutes of the 9. session, p. 72.

⁷⁸¹ Cf. minutes of the 9. session, p. 74; Communication 6/1837.

⁷⁸² Cf. minutes of the 7. session, pp. 88-112; minutes of the 7. session, p. 107.

- cc. Refugees must be dispersed regionally and on the basis of regional resources such as work, prospects and living space, instead of according to rigid quotas.⁷⁸³
- dd. Protection from violence for women in communal accommodation must be improved.⁷⁸⁴
- ee. The conditions in communal accommodation must generally be improved. Compliance with minimum standards must be ensured.
- ff. Projects for the unemployed must be implemented by the state (previously LOKAST).⁷⁸⁵
- gg. Sufficient dormitories must be created for international students.⁷⁸⁶ These must ensure a social mix, to avoid international and national students being segregated.
- hh. Tailored measures to counter discrimination must be developed in the labour market.⁷⁸⁷

(4) Forecast of further advisory proceedings

It would be appropriate to hear other experts in this area and to develop measures. These measures should result in a non-isolating and self-determined lifestyle for all, in which social participation is possible.

⁷⁸³ Cf. minutes of the 7. session, p. 103.

⁷⁸⁴ Cf. minutes of the 9. session, p. 88.

⁷⁸⁵ Cf. minutes of the 7. session, p. 76.

⁷⁸⁶ Cf. Communication 6/1509, p. 2.

⁷⁸⁷ Cf. minutes of the 8. session, p. 92.

f) Health

(1) Problem description

A large amount of the empirical research on the relationship between discrimination and physical health comes from the USA. The majority of studies relate to the ethnic discrimination of the African American population.⁷⁸⁸ Epidemiological studies on health largely confirm a significantly worse level of health compared to white reference groups. The effects of ethnic discrimination can cause various illnesses.⁷⁸⁹ In some cases, the physical reactions are discernible only after a longer period. In other cases, the physical reactions require a certain amount of time to develop a disease profile (e.g., heart disease, obesity, diabetes). In others, the reactions are immediately measurable (e.g., high blood pressure). In the majority of surveys, the connection between self-reported ethnic discrimination and health problems is multifaceted, e.g., because there are non-linear influences or because only certain subgroups are affected. Finally, the majority of findings indicate: The experience of discrimination is accompanied by long-term increased health risks, e.g., in diseases of the heart and blood vessels. They can therefore lead to an increased risk of mortality.

The experience of stress, depressive illnesses and anxiety are at the centre of research into mental health.⁷⁹⁰ The vast majority of scientific studies finds significant links between discrimination and the experience of stress.⁷⁹¹ Ethnic discrimination as a stress factor can have various effects on health. Repeated experiences of discrimination necessitate constant coping efforts and massive coping resources. Ethnic discrimination can act as a chronic stressor if it occurs frequently, such as through social rejection and exclusion due to ethnicity. The experience of long-term ethnic discrimination can change people's perception so that new situations and interactions are categorised as more likely to involve

⁷⁸⁸ Z.B. Krieger, N. (2000). Discrimination and health. In L. Berkman & I. Kawachi (Eds.), *Social Epidemiology* (pp. 36-75). Oxford: University Press; Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-901.; Williams, D. R., Neighbors, H. W. & Jackson, J. S. (2003). Racial/Ethnic discrimination and health: Findings from community studies. *American Journal of Public Health*, 93 (2), 200-208.

⁷⁸⁹ Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-901.

⁷⁹⁰ Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-901.

⁷⁹¹ Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-90; Williams, D. R., Neighbors, H. W. & Jackson, J. S. (2003). Racial/Ethnic discrimination and health: Findings from community studies. *American Journal of Public Health*, 93 (2), 200-208.

conflict and are potentially more threatening. This experience of stress can increase the risk of health impairments.

Likewise, serious physical complaints and illnesses have been variously confirmed to be the result of discrimination.⁷⁹² Research has focused in particular on clinic diagnoses such as depression, anxiety disorders, obsessions, psychosis and other psychological disorders. Other studies considered subjective evaluations of one's own psychological health, e.g., personal well-being and happiness, as well as life satisfaction, feelings of self-worth or feelings of irritation and anger. Overall, the research shows a link between higher evaluations of self-reported discrimination and evaluations of poorer mental health. Epidemiological studies consistently discovered a connection, e.g., between ethnically motivated discrimination and proven psychological conditions, mental health complaints and complaints of symptoms of anxiety, depression and hostility. The clear data supports the assumed relationship between perceived discrimination and negative effects, including feelings of anger and sadness.

In the relationship between perceived discrimination and health symptoms, mental health measurements are often considered as mediating mechanisms for a bodily disease process. The stress research provides evidence in this regard: Stress factors can influence a physical disease via negative emotional conditions, e.g., anxiety or depression. These can then have a direct effect on biological processes or behavioural patterns that in turn have an effect on the risk of physical diseases.⁷⁹³ In addition, perceived discrimination can exacerbate the negative effects of other stressors. Reported ethnic discrimination and concern and anger over interethnic interactions are predictive of various negative mental health indicators, for example, in African American adolescents. These include increased depressive symptoms, low self-esteem, stress, anxiety, feelings of hopelessness, and lower life satisfaction. Adolescent risk behaviour, crime and less positive academic performance correspond to perceived discrimination.

The experience of prejudices and perceived discrimination can indirectly bring about mental stress. Experiences of social inequality are encouraged by an ethnic minority

⁷⁹² Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-90; Williams, D. R., Neighbors, H. W. & Jackson, J. S. (2003). Racial/Ethnic discrimination and health: Findings from community studies. *American Journal of Public Health*, 93 (2), 200-208.

⁷⁹³ Williams, D. R., Neighbors, H. W. & Jackson, J. S. (2003). Racial/Ethnic discrimination and health: Findings from community studies. *American Journal of Public Health*, 93 (2), 200-208.

status. Experiences like these play a large role in the risk of psychological diseases. The connections cannot be attributed exclusively to the experiences of discrimination. But they indicate the indirect effects of ethnicity and social disadvantage. A further phenomenon is termed internalised discrimination in stigmatised ethnic minorities.⁷⁹⁴ After that, long-term devaluation and discrimination by others can lead to the acceptance of negative messages about one's own abilities and worth. This is then expressed in self-deprecation, self-denigration and the rejection of one's own culture. Internalised discrimination is accompanied by resignation, feelings of helplessness and hopelessness and risky behaviour in relation to health. Overall, the level of psychological functioning is reduced. This is reflected over the long term as lower self-esteem, inferior relationships with other individuals in one's own group, higher levels of depression, aggression, alcohol consumption and criminal behaviour.

Migration can be understood in the context of stress theory as a critical life event. It can overload acquired adaptive, coping and problem-solving strategies. Impairments to mental and physical health are therefore also the subject of migration research. Many migrants experience direct and indirect discrimination. It has direct and indirect effects on psychological health. The psychological diseases that often appear in connection with migration include depression, post-traumatic stress disorder and psychosomatic complaints. However, migration is a profound process and even more complex in connection with discrimination. It is subject to many influential factors and can be experienced differently by different individuals. The group of immigrants is a very heterogeneous group. They differ significantly in their immigration motives, resources and expectations, among other things. This makes generalisations about the health consequences of migration difficult. Therefore, it is necessary to research different immigrant groups independently and to regard discrimination experiences in a differentiated way. Nor should migration experiences be generalised to equate to psychological complaints.

The indirect consequences of discrimination must also be considered. One example is provided by the often difficult working conditions of immigrants. These are often physically demanding and less qualified. This can promote accidents, injuries and poverty. The same goes for discrimination with regard to access to the labour market and qualified positions.

⁷⁹⁴ Meyer, I. H. (2003). Prejudice, social stress, and mental health in lesbian, gay and bisexual populations: Conceptual issues and research evidence. *Psychological Bulletin*, 129, 674-697.

There is a link between low work status, work stresses, underemployment and unemployment and physical health and well-being. Attractive work, on the other hand, is linked to activity and purchasing power, structures time, creates important social contacts and helps immigrants to develop a corresponding sense of self-worth and a positive identity. The disadvantages of immigrants are often linked to social and financial status. This is accompanied by a low level of academic education. Health risks are increased in living situations that are economically difficult. Access to medical care is more difficult,⁷⁹⁵ e.g., in that doctors deliberately omit medical information or services.

It is largely agreed that: Experiences of discrimination can impair people's health in different ways. The influences seem to have a greater effect on mental health than on physical health. This may be due to the fact that discrimination can have a delayed effect on physical health, which is mediated through the experience of stress and negative psychological reactions.⁷⁹⁶ In any case, it is assumed that: The relationship between discrimination and health is influenced by numerous additional factors. The extent of the direct effects depends, on the one hand, on the frequency, duration and type of complaint (for example, acute vs. chronic), and, on the other hand, on numerous other individual and social factors, such as individual coping strategies and resources. Certain factors reduce the negative effects of self-reported discrimination on depressive symptoms, psychological stress, and subjective health status. These include a strong ethnic identity, participation in traditional activities, spirituality, religious support, social support and certain personality traits, e.g., resilience. Stressful events and substance abuse are factors that have negative effects on psychological health, life satisfaction and anxiety and depression. Socio-demographic factors – for example, gender, age, background, place of residence and living situation – are also considered additional influential factors. Family and demographic data is important in investigating discriminatory phenomena in adolescents. This allows for a more differentiated picture of potentially threatened groups of people. This could be of benefit to future research into mental and physical impairments in this area, as well as providing guidance for prevention and intervention.

Coping with and dealing with the experience also has an impact on mental and physical health. It begins with the way in which events are evaluated and how one's own coping

⁷⁹⁵ Kirkcaldy, B. D., Wittig, U., Furnham, A., Merbach, M. & Siefen, R. G. (2006). Migration und Gesundheit. Psychosoziale Determinanten. Bundesgesundheitsblatt – Gesundheitsforschung – Gesundheitsschutz, 49 (9), 873-883.

⁷⁹⁶ Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. International Journal of Epidemiology, 35, 888-90.

resources are estimated. The coping attempts of those affected can be completely different. Some people actively seek out social support. Some of these even seek out confrontational encounters with the discrimination offenders to improve their situation. Other affected persons attempt to cope with the experience internally and in terms of emotions.

Which coping reactions or strategies are most successful for the different forms of discrimination depends on many factors. The concrete characteristics of the situation and the cultural context are decisive. It is assumed, for example: In individualistic cultures (American, European) active coping strategies are more successful. In collectivist cultures (e.g., Japan) passive coping strategies are more promising. Overall, coping reactions are considered to be decisively significant in the relationship between discrimination and health. Active reactions to discrimination can reduce the effects of self-reported discrimination on depressive symptoms, such as seeking out social support. Good social support and a feeling of control over the situation can strengthen the coping capacity of individuals.⁷⁹⁷

The effects of discrimination experiences on physical and psychological health therefore need to be considered in the light of various situational factors. Furthermore, when citing results, research methods must always be taken into account (measurement of discrimination, self-reporting, longitudinal analyses, predominantly African American study groups, etc.). Even when it is difficult to generalise the results, it can be established that: Social discrimination can result in significant individual illnesses and health impairments in those people and groups affected. Likewise, social discrimination indicates serious societal implications. The physical and psychological health problems reported here belong primarily to the area of chronic diseases and complaints. Their treatment is often protracted and cost-intensive. Less discrimination in society could have noticeable effects on health costs – and therefore also be in the interests of the non-discriminated majority (beyond ethical and legal considerations).

⁷⁹⁷ Williams, D. R., Neighbors, H. W. & Jackson, J. S. (2003). Racial/Ethnic discrimination and health: Findings from community studies. *American Journal of Public Health*, 93 (2), 200-208.

(2) Current state of affairs/practical examples

Overall, the findings on the health impairments of discriminated groups of people in Thuringia are very meagre. However, it can be assumed: International findings on the link between experienced discrimination and health complaints are comparable. As there are clear indications of discrimination phenomena in Thuringia,⁷⁹⁸ the health implications for people affected by discrimination can be assumed.

In the framework of advice and hearings within the Commission of Inquiry, the issue of health was only touched on. A statement by Refugio Thüringen e.V. drew attention to the health implications of everyday discrimination for immigrants.

"From a psychological point of view, this [discriminatory] behaviour on the part of institutions and/or associated persons is fatal: because everyday racism, cumulatively, as people of colour, for example, are actually exposed to, acting like a series of micro-traumas, has an immense effect on the health and behaviour of those affected. Some react with depressive, anxious withdrawal, others react increasingly aggressively."

Presently, a large refugee survey by FSU Jena is taking place at the Centre for Right-wing Extremist Research, Democracy Education and Social Integration (KomRex) in Thuringia (Thuringian Monitor Integration). In the survey, discrimination experiences and health-related parameters, among other things, are being recorded. The results are expected to be available at the end of the year. They could then provide detailed information for these groups of people in the context of discrimination and health.

(3) Measures from the course of sessions

Only a few aspects of the issue of health were reported on in the Commission of Inquiry, such as in the statement from the Thuringian Ministry of Labour, Social Affairs, Health, Women and Family⁷⁹⁹ on the training and professional development of physicians with regard to interculturality, diversity and anti-racism.

⁷⁹⁸ See, for example, attitudinal studies within the framework of the Thuringian Monitor.

⁷⁹⁹ Minutes of the 9. session, p. 71f.

(4) Forecast of further advisory proceedings

From international research, numerous conclusions can be drawn for measures against discrimination, and therefore for reducing health risks. First of all, stakeholders should be made aware of opportunities for action and legal claims of discrimination (for example, in the context of anti-discrimination bodies). In addition, there are various opportunities to cope with the consequences of discrimination experiences (counselling and therapeutic measures). These can contribute to increased self-esteem and confidence in discriminated people, among other things. For the further work of the Commission, it is necessary to ask: a) to what extent do structural disadvantages or personal discrimination exist in the healthcare sector and, b) what are the healthcare needs of certain groups (such as asylum seekers) in Thuringia. Further, c) clarification is required as to which structural measures are needed in the healthcare system (e.g., training of health and nursing staff, creation of ombudsmen and patient advocates for health insurance and other institutions) in order to prevent disadvantage/barriers to access and to counteract discrimination.

g) Age

(1) Problem description

The newer fields of discrimination research include the area of age discrimination. It likely has to do with (at least in Germany) the age demographics of the population. Nevertheless, numerous empirical findings are available. Discrimination experiences of older people are demonstrated therein.⁸⁰⁰ They are found in working life (preferential treatment of younger people in recruitment), in health (limited services for older people), in care (non-compliance with standards of care) and in other areas of public life (law, housing, technology, new media). The consequences for older people are numerous. They range from self-esteem problems to withdrawal from communal activities and social participation. The situation with in-patient and out-patient care is described as a particular problem.

(2) Current state of affairs/practical examples

At this point, there is no systematic empirical data on age discrimination in Thuringia. In the framework of the Commission of Inquiry, the state senior citizen council has indicated the special situation for older people. The statements principally addressed the issue of patient safety and particularly in-patient care safety, but also the threat of increasing poverty in old age.⁸⁰¹

(3) Measures from the course of sessions

The state regional council stated that: The training and professional development of nursing staff is necessary with regard to violence phenomena and structural changes (e.g., pressure to economise in nursing, establishing of state patient representatives). In this regard, comprehensive clarification of age discrimination and possible countermeasures are recommended for further proceedings.

⁸⁰⁰ Rothermund, K. & Mayer, A.-K. (2009). Altersdiskriminierung. Erscheinungsformen, Erklärungen und Interventionsansätze. Stuttgart: Kohlhammer.

⁸⁰¹ Communication 6/1494, p. 7.

(4) Forecast of further advisory proceedings

Education and knowledge transfer about rights and advisory options are of particular significance in the area of age discrimination. In the context of advisory services, there is also work to be done regarding age stereotypes and preconceptions about age. At a societal level, it is important to create environments and legal regulations to counter age discrimination. So far, information has not been systematically gathered regarding: To what extent could these measures be implemented in Thuringia? And: What are the problems of age discrimination beyond care? A systematic assessment would be useful.

h) Disability

(1) Problem description

There are numerous studies available on the discrimination of disabled people. This is one of the most well-researched and classic fields in discrimination research. Meanwhile, relatively comprehensive legal anti-discrimination guidelines exist internationally. There are various initiatives and legal regulations. Particularly worthy of mention is the UN Convention on the Rights of Persons with Disabilities, which was adopted in 2006 and entered into force in 2008. This replaced the existing Human Rights Convention in this area, and made it more concrete. These kinds of convention could be models for other discriminated groups of people (e.g., in the area of sexual orientation). In Germany, there are also numerous laws and guidelines (e.g., building regulations concerning barrier-free access). However, despite this comparatively favourable starting position, the situation for disabled people is not free from discrimination. There are considerable differences with regard to different disability groups. Research continues to reveal considerable aversions, particularly to people with severe disabilities, people with especially visible disabilities, and people with serious mental disabilities (schizophrenia, autism). It indicates everyday social exclusion and experiences of discrimination.⁸⁰² There are also new disability groups in the area of chronic diseases, such as AIDS patients.

(2) Current state of affairs/practical examples

So far, in the context of the Commission of Inquiry, the question of discrimination against disabled people has been neglected. The findings mentioned suggest that the situation is not satisfactory. It should be assessed whether further efforts are necessary to ensure unrestricted access to public buildings. Additionally, disability organisations should be consulted on the situation regarding advisory and assistance services.

(3) Measures from the course of sessions

None (but see remarks about health)

⁸⁰² Eurobarometer, 2008.

(4) Outlook for the further course of sessions

Clarification is necessary on whether targeted information needs to be gathered on the disadvantaging/discrimination of people with disabilities/chronic illnesses.

III. Further proceedings of the Commission of Inquiry

The members of the Commission have agreed to incorporate further topics into the content of the Commission by means of hearings. Individual topics must also be deepened, in order to set in motion the implementation decision⁸⁰³ contained in number II. Accordingly, the statement of this task is:

"1

to analyse and report forms of manifestation and dissemination of racist attitudes and animosity directed towards groups because of, amongst other reasons, their political and religious attitudes, leading to discrimination in Thuringia on the basis of origin, descent, ethnic origin, social background, language, political, philosophical or religious beliefs, gender, or sexual orientation, and having a detrimental effect on social coexistence and the practice of liberal democracy; in discharging its mission, the Commission shall take into consideration the findings and results of existing studies;

2.

to identify the causes for the emergence and the quality and quantity of the dissemination of such attitudes in Thuringia [...] [.]⁸⁰⁴

In order to consider the task as a whole, further complex issues will be handled via hearings and consultation proceedings. The Commission decided to invite experts in the fields of 'Labour'⁸⁰⁵, 'Health'⁸⁰⁶, 'Justice'⁸⁰⁷ as well as 'Media and Culture'⁸⁰⁸. In this way, the state of knowledge and expertise will be improved. The consultants and persons to be heard will present their topics both orally and in writing.

Following the consultation and hearing proceedings, the Commissioners will discuss and advise on all topics discussed during the course of the session, in particular, with

⁸⁰³ Cf. Printed material 6/3374 - 2.NF -.

⁸⁰⁴ See printed material 6/3374 - 2.NF -, II. Tasks, p. 1.

⁸⁰⁵ Cf. Appendix 6/4302

⁸⁰⁶ Cf. Appendix 6/4303

⁸⁰⁷ Cf. Appendix 6/4304

⁸⁰⁸ Cf. Appendix 6/4446

regard to the measures already mentioned. The members will follow the decision to implement:

"3.

[...] to develop civil society and institutional approaches for the elimination of discrimination rooted in such attitudes by taking into consideration already existing approaches and recommendations to handle such issues."⁸⁰⁹

The Commissioners will highlight the measures from the previous topics. These measures will be assessed in further oral and written hearings by authorised experts. Approaches and recommendations for action in Thuringia will be the focus. The topics include the following areas:

- Education
- Public administration
- Police and internal affairs
- Labour market
- Health
- Justice
- Media and culture
- and other areas of action⁸¹⁰.

The results will then be considered by all experts and members of the Commission of Inquiry and put up for discussion. Approaches and recommendations for action will form the basis of the final report of the Commission.

In the further session proceedings, the Commissioners will formulate measures for recommendations for action, both with regard to civil society and to institutions. These will form the basis for the final report of the Commission of Inquiry in accordance with the decision to implement.⁸¹¹ The common goal is to present the

⁸⁰⁹ See printed material 6/3374 - 2.NF -, II. Tasks, p. 1.

⁸¹⁰ Note: The so-called 'other areas of action' correspond to the topics additionally covered or additionally named in the hearings and during discovery proceedings by discovery persons and those heard.

⁸¹¹ Cf. Printed material 6/3374 - 2. NF -, V. Report Appendix, p. 2.

final report to the Thuringia state parliament before the 2019 parliamentary summer break.

C. DISSENTING OPINION

I. Dissenting opinion of the CDU fraction

On Part B. I., sub-item 1. 'Definition and Concretisation'

Preliminary Remarks on the Dissenting Opinion

The work achieved so far by the Commission of Inquiry testifies to the increasing diligence of the members, especially in the weeks prior to the preparation of the interim report. Nevertheless, it has become evident that despite very concentrated work and long meetings of the Commission, well-founded and comprehensive handling of the complex decision to constitute the Commission of Inquiry, findings and recommendations for action ought not to be achieved in a hurry. Furthermore, we are irritated by the definition of the key terms 'Racism' and 'Discrimination' in Part B I, where the majority of the Commission members from THE LEFT, SPD and ALLIANCE 90/GREENS fractions believe that they can determine the content of these terms by a majority decision. We are sceptical about an inflationary use of these terms, as they become nebulous and lose their meaning in political debate.

It was particularly important for the CDU fraction not to lose sight of the causes of racist attitudes and discriminatory actions inherent in personalities. In our view, they offer the most effective starting points for effectively combating these phenomena. From the outset, we have worked to ensure that even extreme political and religious convictions are taken into account as sources of corresponding attitudes and actions. We are therefore opposed to drawing conclusions from a yet incomplete picture of the situation. The Commission members of the CDU fraction do not believe in hasty conclusions or the implementation of measures before the submission of the final report to the Thuringian state assembly.

The final report should make it possible to derive suggestions for concrete prevention and intervention measures against attitudes that can undoubtedly be characterised

as racist and deemed as actual discrimination. We believe this is difficult to achieve when racism and discrimination are seen as ubiquitous phenomena as it were.

On Section B. I., sub-item 1. 'Definition and Concretisation', we would like to submit our own suggested text as below⁸¹² for the interim report.

Preliminary remark

There are numerous and differentiated approaches on the scientific definition of racism and discrimination in terms of scientific theory and content (as stated in the opinions submitted), on which no political majority decision may be taken. In order to ensure that the work of the Commission continues, we therefore confine ourselves to the core elements of discrimination and racism.

The primary objective of the work of the Commission of Inquiry is to derive concrete prevention and intervention measures against the causes and forms of racism and discrimination. The Commission should not lose sight of this objective even at this stage. A socio-psychological approach is therefore preferred in describing the core elements of discrimination and racism (questions at the individual level: Why do individuals become racist? Why do racist prejudices arise?). Moreover, it should be possible to operationalise these key elements and they should be oriented and aligned with the values of the Constitution of the Federal Republic of Germany. The development of preventive measures against 'real forms' of racism and discrimination becomes increasingly difficult if racism and discrimination are accepted as widespread problems. Consequently, forms of racism and discrimination are understood as a 'misguided desire' of some people, which requires the creation of a framework, in which this desire can be eliminated or non-racistically dispelled.

Discrimination

Discrimination is the illegitimate discrimination against people due to their classification into specific categories. People are depersonalised through discriminatory behaviour. They suffer disadvantages in terms of opportunities to participate, to act and self-determine simply because they belong to a specific social or culture category.

People are denigrated and classified in a hierarchical structure based on, amongst other things, gender, sexual orientation, colour, age, disability, religion or social background. The definition of human rights in Article 1 of the UN Convention against Racism and endorsed by the Commission of Inquiry also

⁸¹² The following text is suggested for B.I., sub-item 1. 'Definition and Concretisation' resulting from the request for change by the CDU fraction in the Thuringian state assembly (VL 6/3433) for VL 6/3320.

includes non-intentional racial discrimination: This definition states that racial discrimination includes "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." As with other forms of discrimination, this enables the discriminators to assume an unjustified position of power.

Institutional discrimination can be considered to exist when individually and/or collectively shared values and behaviours lead to regular actions in everyday routines that are detrimental to those discriminated against.

The General Equal Treatment Act (AGG) lists the groups that suffer discrimination. It also takes multiple discrimination (intersectionality) into account. In addition, the Federal Anti-Discrimination Agency explicitly mentions additional grounds of discrimination, such as social background, which are not taken into account in the AGG. Furthermore, the EU Charter of Fundamental Rights includes discrimination on the basis of a person's assets.

Discrimination runs counter to the social principles of equality and justice and is a violation of human rights. The concept of discrimination is broader than that of racism. It covers a wider range of social inequalities. Unlike racism, discrimination does not stem from the attitude level, but is an illegitimate behaviour. Nevertheless, discrimination, like racism, classifies people according to certain characteristics which devalue them in relation to their own group, thus creating a hierarchy of society.

Racism

Racism can be a specific form of discrimination. Racism forms 'races' so that (attributed) physical, cultural or religious aspects or characteristics (inclinations, character traits, talents) appear to be genuine group characteristics that are of key importance to all group members and mark a fundamental difference from 'one's own group'. The formation of 'races' has the objective and effect of creating a separate group identity through differentiation from others and that legitimises aggressions, exclusions and privileges.

This continuous process of racial structuring (racialisation) serves to implicitly or explicitly derive inequalities from differences (whether the affected individual actually belongs to the group ascribed to him/her is irrelevant here). The concept of ethnopluralism is explicitly included as it is based on prioritisation and overvaluation of ethnicity and de-individualises people. Racism can be spoken of primarily when the (structured) belonging to a group and thus the attributed characteristics are regarded as unchangeable. These attributions are often

traditional and serve to legitimize social claims to power. They manifest themselves through hampering or denying access to social, political and cultural resources to the group that has been segregated as the 'other'. Furthermore, racism can serve the formation of identity (Social Identity Theory) of certain groups, by setting themselves apart from the supposed 'stranger'. The attempt is to harmonise the plurality of society and what is defined as 'the other' can be expressed both openly and covertly.

On an individual level, racism encompasses the conviction that people are to be treated unequally because of actual or supposed differences and thus serves to justify social inequality. Differences in life plans, standards and values are declared discursively as national-cultural differences. While on one hand, the differences within the 'own' group are negated; the plurality within the group defined as 'the other' is denied. The forms in which racism manifests are therefore not limited to the historical form of biological racism, which constructs races using biological differences. Instead, races are nowadays preponderantly constructed using allegedly irresolvable cultural differences. Ethnic, cultural and religious differences are naturalised like biological differences in this process of racialisation and thus understood to be unchangeable and hereditary.

Institutional racism can be considered to exist when individually and/or collectively shared values and behaviours lead to regular actions in everyday routines and rituals that are detrimental to those affected by the racism and discrimination. Here, 'institutions' stand for rule systems of a social nature, i.e. consolidated role expectations between people with fixed expectations of action.

The problem of racism for democratic and pluralistic societies is clarified with this background: Racism places basic human and civil rights at the bottom of the list individually and/or collectively, de-individualizes people by perceiving them only as representatives of a social group, defines the people ethnically (not legally) and denies the universal validity of human rights.

The aim should therefore be to counteract the danger of denial, levelling and trivialisation of racism in society. Against this background, it remains to be pointed out that the ICERD (International Convention on the Elimination of Racial Discrimination) Convention imposes legal obligations on the state and public authorities to act in this area.

Preamble to Part B. II

There are overlaps in the content of paragraphs and passages from the interim report of the Commission of Inquiry 6/1, which was adopted by a majority, in the Sections “2. Police and Internal Affairs”, “3. Justice”, “4. Public Administration” as well as “5. Additional fields of action”. These text passages were made known directly or indirectly in the dissenting opinion of the CDU state assembly faction. These text passages were used to make an attempt to emphasise the consensual aspect in the preparation of the interim report and to accentuate the existing dissent at the content level. In addition, the draft texts of the sections on Part B. II were also included in the submissions 6/4430, 6/4431, 6/4432, 6/4433, 6/4434 while creating the dissent opinion of the CDU state assembly faction. In general, the following sections deal with a descriptive analysis of the different verbal and written opinions of the participants as well as the scientific discourses in the course of the Commission of Inquiry 6/1 so far.

On Part B. II 1. Education

a. Problem description

Specific analytical questions arise unavoidably when analysing the verbal and written opinions on discriminatory and racist phenomena in the educational context, i.e. in school education in general and political education (school and out-of-school political education) in particular, that have been received by the Commission during its work.

- In addition to the analysis of the contexts of origin of discrimination and racism that have been presented, have aspects of motivation of those actors also been considered? In what way is the perspective of those affected taken into account?
- Have aspects of the required openness in communication in the political learning processes been addressed?
- Is the problem of the different didactic levels (especially the problem of the distinction between everyday life and the political sphere and their interdependence) taken into consideration?

- Do the political educational processes and the educational processes in general address everyday experiences and attitudes of the (political) learners and are these experiences confronted with different controversial analyses, theories and interpretations, so that the (political) learners can form their own opinion against the background of the basic values of the Constitution (especially Art. 1GG, the "inviolability of human dignity")?
- Is the open formation of opinion restricted by a given interpretation of reality?

Observation perspective of the analysis of the hearings:

The analysis of discriminatory and racist attitudes and, if necessary, actions in the field of educational processes and actors in the field of education cannot be considered separately from a) the connection between activities in social and political fields of action and b) the direct possibilities for shaping the general, and especially the political learning process in schools and outside schools. Consequently, the following aspects must be considered with respect to the expert opinions:

- In what way do policy (political decisions) and political culture (particularly values and standards, but also the type of political communication) influence the general socialisation process, in that conditions for dealing with specific topics on racism or discrimination are created or the confrontation between school children from different cultures (e.g., anti-semitism among the right-wing radical and Muslim schoolchildren) is influenced?
- In what way does policy influence the political learning process directly through the requirements in the curricula and other regulations? Do these requirements consider the perspective of those affected?
- In what way do other social fields of action (civil society initiatives) exert influence on the political decision-making and political socialisation process?

Key elements of the KMK resolution for the analysis of the current state of affairs

The relevance of discrimination and racism in education is reflected in resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs of the States in the Federal Republic of Germany (KMK), among other things. The KMK resolution 'Intercultural Education in Schools', for example, provides for the further development of the school system to enable children and young people to participate

comprehensively regardless of their origin.⁸¹³ For this reason, the key elements of the KMK resolutions have been included in the analysis of the current state of affairs. The resolution follows the claim that schools see diversity as an opportunity for all. This includes establishing a culture of appreciation and promoting cultural diversity as well as active advocacy against discrimination, including within school structures.⁸¹⁴ The following are some of the implementation measures mentioned here:

- “Developing and implementing a regulated admission system for new pupils, especially those without adequate command of German.
- information and advice appropriate for the target group.
- Mentor and Funding programmes [...] Peer-Training Courses
- Developing a [...] school code as a dialogue process [...]
- Promoting and valuing the pupils commitment to democracy and human rights and against violence, racism, anti-Semitism, islamophobia and every other form of discrimination.”⁸¹⁵

School continues to contribute towards acquiring intercultural competencies in lessons on all subjects through extracurricular activities. The aim is to enable pupils to deal consciously with racism and discrimination, to introspect on their own images of others and to recognise how social conditions are responsible for the emergence of such images.⁸¹⁶ The following measures, among others, are mentioned specifically to implement this:

⁸¹³ Cf. minutes of the 5. session, p. 63.

⁸¹⁴ “The school sees itself as a place of learning and living for all, it regards all pupils with esteem and develops an intercultural sensitive culture of dialogue and conflict, including negotiating a common framework for school life to ensure that all members of the school community feel involved. It has high expectations from all pupils and offers them the corresponding individual support. It values and uses experiences and special competencies of all pupils as resources for education and contributes to their involvement and further development. It actively opposes discrimination against individuals or groups. It examines the extent to which structures, routines, rules and procedures have a disadvantageous and exclusionary effect even unintentionally, and develops approaches to overcome them. It consciously perceives the linguistic and cultural diversity of its pupils and parents as an opportunity for intercultural learning and takes this into account in its school programme work. This also includes the appreciation and promotion of linguistic skills of pupils growing up as multilinguals. The school welcomes all pupils and their parents. It informs and counsels them individually during the entire course of education and opens up comprehensive opportunities for collaboration for them.” KMK (2013) (ed.), Intercultural Education and Upbringing in the School, p. 3.

⁸¹⁵ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 7.

⁸¹⁶ “School supports pupils in acquiring intercultural skills, among other things, by supporting pupils in acquiring intercultural skills, among other things, by creating opportunities for learning about the following interdependent dimensions

- Skills and Insight: Perceive cultures as changing collective patterns of orientation and interpretation, Analyse the emergence and transformation of socio-cultural phenomena and currents, recognise the influence of collective experiences from the past and present on intercultural encounters, with regard to the emergence of foreign images in particular:
- Reflecting and Evaluating: reflect on own cultural imprints and patterns of interpretation as well as reciprocal

- “Examination of teaching and learning materials with respect to whether [...] heterogeneity of the pupils is taken into account and supplementation of the materials, if necessary.
- Inclusion of different perspectives while developing the teaching content of the subjects.
- Encourage and support pupils to articulate differences independently”.⁸¹⁷

School actively shapes educational and schooling partnerships with parents. Parents should be “involved and enabled to participate [...] in school life, lessons and committees ⁸¹⁸through low-threshold opportunities for contact and cooperation [...]”.

The measures listed below, among other things, are taken to implement this:

- “Establishing binding offers of welcome discussions
- Regularly conducting target group-specific information events and counselling for parents
- Creating diverse, and also low-threshold participation opportunities
- Qualifying and including parents as multipliers.”⁸¹⁹

In addition, conditions necessary for equal participation should be optimised within the education administration, the training and further education of educators and teachers should be adapted and further developed in line with requirements, and staff with an immigrant background should be recruited actively in the education sector.⁸²⁰ Data is needed to review the implementation of the objectives, and should also provide information about the school environment, school satisfaction and socio-spatial data in the school environment along with the success of the school.⁸²¹

Other important resolutions of the KMK that should be mentioned here include:

- Recommendations for the promotion of human rights education in schools⁸²²
- Resolution to strengthen democratic education⁸²³

social classifications and stereotypes, develop openness towards others and other patterns of interpretation, tolerate contradictions to one's own patterns of interpretation in communication with others as well as consider socio-cultural development processes from several perspectives.

- Acting and Designing: Assume shared responsibility for the development of equal participation in personal, school and social life, consciously stand up against discrimination and racism, overcome socio-cultural, interest-related or linguistic barriers in communication and cooperation with others, negotiate interests respectfully and manage conflicts peacefully”.

⁸¹⁷ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 4.

⁸¹⁸ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 8.

⁸¹⁹ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 5.

⁸²⁰ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 9.

⁸²¹ KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 5.

⁸²² KMK (2013) (ed.), Intercultural Education and Upbringing in School, p. 7.

⁸²³ KMK (2000) (ed.), Recommendations for the Promotion of Human Rights Education in Schools.

- Recommendation of the HRK and KMK on teacher training for a school of diversity⁸²⁴
- the joint resolution of KMK, organisations of people with an immigrant background and educational media publishers to present cultural diversity, integration and migration in educational media⁸²⁵
- the joint declaration of the Central Council of Jews in Germany and the KMK on conveying knowledge of Jewish history, religion and culture in Germany,⁸²⁶ as well as
- the resolution of the KMK on guidelines for ensuring equal opportunities through gender-sensitive language in education and upbringing.⁸²⁷

b. Current State of Affairs and Measures Mentioned in the Course of the Consulting Proceedings

Since all expert interviews cannot be weighted in view of the large number of surveys, as mentioned before, the interviews that allow an insight into practical action and at the same time point out controversial points of view as well as practices or measures are evaluated in the following in the sense of a quality analysis. The differentiation of the observation questions as mentioned above must also be considered in the further interviews undertaken within the framework of the Commission's work, so that a final decision can be made in the final report and differentiated recommendations for action can be provided. The details and other institutions are listed in the minutes.

The interviews have demonstrated that quantitative scientific studies assume a differentiation of various elements in extremist attitudes and establish links between

⁸²³ KMK (2009) (ed.), Strengthening Democratic Education.

⁸²⁴ KMK/ HRK (2015), Teacher Training for a School of Diversity.

⁸²⁵ KMK (2015) (ed.), Presentation of Cultural Diversity, Integration and Migration in Educational Media.

⁸²⁶ KMK (2016) (ed.), Joint Declaration of the Central Council of Jews in Germany and the KMK on Conveying Knowledge of Jewish History, Religion and Culture in Schools.

⁸²⁷ KMK (2016) (ed.), Guidelines for Ensuring Equal Opportunities through Gender-Sensitive Language in Education and Upbringing.

racism and the glorification of nationalism in right-wing extremist attitudes⁸²⁸, as also made clear by Prof. Dr. Best in his statement:

*"If you look at the indicators, it actually consists of two main components, namely ethnocentrism - that is, the higher valuation and preference of one's own group, which means one's own ethno-cultural group here, and in the Thuringia Monitor it has the facets of xenophobia and nationalism, and then neo-national socialism, which is an attitude syndrome composed of the facets of anti-Semitism, racism, social Darwinism, trivialisation of national socialism and support for a right-wing dictatorship. Therefore, these are the two components of right-wing extremism. Both dimensions of the right-wing extremism are asymmetric to one another."*⁸²⁹

In addition, Prof. Dr. Best's statement provides insight into potential preventive measures in the field of political education where empirical studies clearly show that the effects of (political) education are positive factors in the sense of curbing the right-wing extremist attitudes.

*"First of all, education is important in relation to status assignment. Higher status of education leads to a higher professional status. This is also included in our model, so that the higher professional status achieved through educational status is represented by this professional status in our model to some extent. I think that what we now see here as the effect of variable education in this specific model is in fact the consequence of cognitive aspects or the cognitive component of education. In other words, it is the availability of a world knowledge which in turn has a dampening effect on ethnocentrism, neo-national socialism and then on the combination of the two - right-wing extremism."*⁸³⁰

The interviews led to the further realisation that institutions which are of key importance for political education, e.g., because they prepare materials and organise training events and want to initiate or design exemplary political education processes through conferences (e.g., the State Agency for Civic Education in Thuringia or the Federal Agency for Civic Education), initiate participant-oriented education processes and thus also represent the problem of the various didactic levels. This differentiation then also implies a differentiation of the problem of racism. The State Agency for Political Education in Thuringia, for example, focuses on the so-called Thuringia Monitor⁸³¹, and draws didactic conclusions from it: "It is important to take socio-psychological dimensions seriously, however they may be hard to grasp, to make room for debate to provide for the discourse sites and possibilities".⁸³²

Another perspective emerges from the interview with the representative of the Federal Agency for Civic Education, when he differentiates and presents the work related to the Beutelsbach consensus⁸³³:

⁸²⁸ Cf. minutes of the 4. session, p. 8.

⁸²⁹ Ibid., p. 8.

⁸³⁰ Ibid., p. 14.

⁸³¹ Cf. minutes of the 4. session, p. 53.

⁸³² Cf. minutes of the 4. session, p. 53.

⁸³³ Cf. minutes of the 11. session, p. 51.

"The so-called prohibition of indoctrination - it could be said in brief -, the precept of controversy, i.e. taking note of controversial positions in science and politics, and finally and thirdly the orientation towards the interests of pupils and participants and not only towards what interests the leader or political educator."

And on being asked, he characterised the basic orientation of the institution he represented towards the problem of "racism as well as left-wing and right-wing populism/extremism":

"Regarding the 'overlap': Yes, as far as I can see, I would say we at the Federal Centre differentiate between so-called extremism and so-called populism. We differentiate between so-called left-populism/left-extremism and right-populism/right-extremism. I would say, the subject of 'racism' is completely overlapping. Perhaps, if you have already taken a look at the studies - there were the Heitmeyer studies, they became known as GMF, there are the so-called Mitte studies from Leipzig, which actually show that we are confronted with racism in all areas of society. If these were to be sorted according to election preferences, we would find people who may have internalised a racist prejudice structure, the depth of which is debatable, but which can at the very least be demonstrated, in all parties, so we could also say, it spans from the left to the right. We find them here and there, in different densities and numbers, but we still find them. That's why it's difficult to deal with the subject of 'racism' or 'discrimination' through the glasses of 'populism' or 'extremism', but I would always say, as we do at the Federal Centre, at least for the 'anti-Semitism' section as well, you have to observe it across the board, it is fairly common in society. I think it is something you always have to keep in mind. This also makes it more difficult, for example, to tackle the topic, because it is fairly hard at times to convince all target groups to deal with it in the same way."⁸³⁴

The pedagogical consequences then consist in realising a participant-oriented pedagogical work and publications with different didactic levels:

"Also from the point of view of how didactic material is designed for this purpose, this is where we would actually start, by starting conversations on the subject, starting to approach the subject and then work out a definition of racism in this context of a class group or a seminar with young people or young adults."⁸³⁵

Representatives of institutions which start from the perspective of those affected and focus on integration policy aspects of the work also see it to be the task of political education to organise meeting places for people of different religions and in extracurricular political learning by organising visits to memorials, for example.⁸³⁶

If we start from an undifferentiated concept of institutional racism or institutional discrimination and the structure (and the normative values guiding it) of the corresponding organisation is ultimately assumed to be the condition for the decipherable racist/discriminatory attitudes, as examples of the hearings show, then the groups of persons acting in the institutions are quasi presented as 'victims' of the

⁸³⁴ See *ibid.* p. 60.

⁸³⁵ Cf. minutes of the 11. session, p. 57, see continuation p. 57ff

⁸³⁶ Cf. minutes of the 8. session, p. 39.

assumed structural conditions. With reference to schools, pupils belonging to educationally disadvantaged strata or (and) strata with an immigrant background are also affected by said institutional discriminations:

“A teacher does not make these decisions consciously to say “No, you don't go to the high school”, but these school transition decisions creep in unconsciously. For example, teachers recommend high school three times less to children who have parents with lower-income or come from an immigrant background (...)”⁸³⁷.

In this context, the Parents Association of Thuringia [Landeselternvertretung Thüringen], the joint parents' representative body for all types of schools (represented by Mr Rommeiß and Dr Martins-Cavaco), states that cases of intercultural racism (e.g., school meals), socio-economic discrimination (poor performance of pupils, poorer parents) and discrimination in the area of partial performance disorders or disabilities (e.g., Inclusion) are reported to them. The introduction of a weekly class teacher lesson or other investment in resources for language competence was proposed in the area of parenting work. In their perspective, teachers must also be encouraged to take a critical look at themselves, recognise problems and seek assistance without having to expect supposed or actual disadvantages to their further professional development.⁸³⁸

Hannes Leiteritz, state student representative, states that the treatment of the topic 'Racist tendencies in schools' depends on the importance ascribed to upbringing in the family home, the influence of the media and basically, school education. The student representatives would actually assign the most importance to the upbringing in the family home. The internet also influences the youth in this regard. Media studies, in particular, have a lot of catching up to do. A recommendation has been expressed regarding the voluntary or mandatory implementation of project days on the subject of 'Racism and Discrimination'.⁸³⁹

However, the State Chairman of the Thuringian Teachers' Association, Mr Rolf Busch, makes it clear in his statement for the perspective of the teachers that he is not aware of any cases of racism or discrimination emanating from teachers. In his opinion this can also be because something like this is not reported or many colleagues do not report such incidents of violence at all. Closer cooperation is recommended between youth welfare offices, school psychologists as well as

⁸³⁷ See minutes of the 4. session, p. 106.

⁸³⁸ Cf. minutes of the 6. session, pp. 55-79.

⁸³⁹ Cf. minutes of the 6. session, pp. 7-31.

employees who come from prevention into police work or in the judiciary. This also includes school health professionals who can carry out preventive work, for example.⁸⁴⁰

The hearing led to an interesting insight into keeping political communication and socialisation processes open, with respect to the connection between the activities in the social and political fields of action and the direct possibilities of shaping the general and especially the political learning process related to discrimination in schools and out of school.

In his written statement, Dr Abou Taam stated that civil liberties must be moved back to the centre of regulatory considerations and that their content must be revived. This requires a functioning political education that is in a position to reach major sections of society and conveys skills necessary to disenchant 'alternative facts'. In particular, where family conditions are characterised by cumulative risks such as poverty, exclusion, educational deprivation and violence, substitutes must be provided by protective factors in schools or other non-familial areas of bonding. People, and especially children, require orientation because the identity of an individual is formed in the social process.⁸⁴¹

In his scientific statement, Prof. Dr. Best from KomRex reiterated with reference to the findings of the Thuringia Monitors, that education is a dampening factor throughout. Education is a key factor with regard to status assignment. Higher educational status leads to a higher professional status. Whatever is represented as the effect of variable education in the models is in fact the consequence of cognitive aspects or the cognitive component of education. Therefore, it is the availability of a world knowledge which in turn has a dampening effect on ethnocentrism, neo-national socialism and then on the combination of both - right-wing extremism.⁸⁴²

Prof. Dr. Deichmann made it clear in his scientific expertise that preventive measures must refer to the contents, methods and structures of political education in a broader sense. But they also have consequences for education policies, especially for the recruitment one. In particular, the findings of empirical studies (e.g., Thuringia Monitor) demonstrate the importance of a person in the development of democratic political consciousness. Much greater emphasis must therefore be placed on the appropriate training and further education of teachers. As political education always

⁸⁴⁰ Cf. minutes of the 6. session, pp. 32-55.

⁸⁴¹ Cf. Appendix 6/2934, pp. 8-9.

⁸⁴² Cf. minutes of the 4. session, pp. 7-31.

has a historical dimension for him, it is incomprehensible that the combination of political science/political didactics and history was done away with due to financial reasons with respect to study courses in Thuringia. Because, research on teaching shows clear deficit in imparting historical-political contexts. Therefore, in addition to knowledge of political science, sociology and economics, teachers of politics must also have sound historical knowledge of the 19th century, the Weimar Republic, National Socialism, post-war history, the history of the Federal Republic of Germany and the GDR, if they want to pursue sustainable prevention of racism and discrimination. In addition, it is necessary to strengthen extracurricular political education and the corresponding educational organisations in Thuringia, to carry out political education in the sense of enlightening people about racism and discrimination and to not perceive themselves as organisations for the corresponding political actions.⁸⁴³

Prof. Dr. Beelmann from KomRex made it clear in his scientific explanations that experience of discrimination always generates discrimination among the groups that are discriminated against. If a lot of people suffer from discrimination, the attitude towards ones own group improves and that towards the foreign group worsens. It can be demonstrated that perceived ethnic discrimination actually leads to a connection with deviant groups, even if the discrimination cannot be adequately made up for and thus finally leads to increased rates of crime and imprisonment.⁸⁴⁴

c. Insights and Conclusions for the Further Course of Consultation

The hearings to date and the subsequent, albeit unfinished discussions in the Commission have emphatically led to three basic findings from which clear points of observation must be derived for further work and interviews of the Commission of Inquiry:

1. Respondents whose assessment report was mainly based on a comprehensive concept of racism clearly showed that no direct consequences can be drawn from it for the organisation of political learning processes that take place in the everyday life of those affected. Educational processes are individual teaching and learning processes, they are difficult to initiate when the entire groups and/or institutions are

⁸⁴³ Cf. Submission 6/2959, p. 9.

⁸⁴⁴ Cf. minutes of the 6. session, pp. 139-152.

defined as the 'racist' ones from the outset in the interaction-theoretic context. This risk is demonstrably present in interpretative approaches based solely on the concept of group-related hostility. The extensive interviews conducted during the Commission meetings have demonstrated that people from different cultural experiences and attitudes getting to know each other proves to be a useful pedagogical approach. It thus meets the individual needs of those affected. This can and must counteract the deficit of the extended concept of racism.

Conclusions for further consultation:

- Schools and interdisciplinary political education, as well as extracurricular political education, must offer a common space for experience and counteract the establishment of a populist and unidimensional echo space.
- It is about articulating multicultural experiences, about a space for cultural identification and especially about shared cultural experiences in generating a democratic political order.
- Action-oriented simulations of political processes must enable experiencing knowledge of rules, institutions and the future, i.e. the essential elements of democratic patterns of interpretation, in political education. Last but not least, the aim is to create an experience of justice in everyday life and in the political system. Since political learning, like learning in general, has an emotional and rational dimension, the methodological focus in learning processes should be on role-playing games, business games and simulation games, i.e. on action-oriented methods. These are aimed at promoting those dispositions that are suitable for reducing prejudices, avoiding discrimination and ultimately for actively perceiving the role of a citizen.
- A further didactic step provides a necessary emotional foundation to handling populist and extremist/racist patterns of interpretation in the classroom based on these considerations, if the political learners are enabled to visualise their own political consciousness-building process and can thereby examine the formation of their own prejudices. This creates the emotional disposition that allows them to make populism, extremism and racism the subject of a rational analysis instead of having to report to state authorities, for example.

2. The interviews have also shown that the assessment reports based on the epistemological approach of the comprehensive concept of racism, often imply a historical point of view, according to which German and European history is viewed as an undifferentiated and unidimensional history, in which racist perspectives are the key motives for the actions of all actors. In this sense, social inequalities are construed as discrimination strategies with racist 'assertions', which are reflected in the social subsystems such as schools, for instance.

An argumentation structure as expressed in the interpretation concept of the 'comprehensive concept of racism', must be rejected not just from the point of view of scientific theory, but also as it leads to 'counterproductive' pedagogical concepts and implementations in the political education processes, as the interviews have shown.

Conclusions for further consultation:

- Political didactics with its principles, methods and procedures of school and extra-curricular political education must enable to decipher the complex multidimensional political reality and to prepare the knowledge gained in this way considering the necessary acquisition of competence by learners to practice political education. The analysis and understanding of political reality is possible through the consideration and application of scientifically differentiated political didactic approaches. These approaches to political education are based on the assumption that there is a gap between the everyday world of young people and politics, as empirical studies regularly show, and, also that everyday life and political awareness of young people are closely linked to politics. Even if they are not particularly aware of this, young people are not only affected by political decisions, they are also part of the political world. They should further develop their political consciousness by reflecting on this fact.

Didactic approaches regarding politics can also be understood as paths on which learners learn to analyse and assess the political world, in which they play their roles as citizens. They should draw consequences for the perception of their roles as citizens from these processes. They should be able to shape them as actively as possible. In everyday discussions, students are confronted with people in politics, the development of the political world, in which they live and with political language symbols, be it in the media world or when dealing

with literature. They come across different effects of political decisions and developments in schools, during school trips to other European countries, etc. In order to deal competently with these diverse phenomena, learners must be empowered in the sense of lifelong political learning.

- Didactic approaches regarding politics, which must be seen as an adequate response for preventive measures against discrimination and racism, are based on a multidimensional view of political and social realities. In practical political education, it is necessary to consider didactic approaches regarding politics that provide political learners with insights and the competence to act, that begin with their own everyday and political experiences and thus the potential discriminatory experiences and actions.
- In addition to an institutional, future and symbol-centric approach as well as the personal approach, the focus is on the value-oriented and the historical approach. Unlike the unidimensional view of history that comes to the fore in some interviews, the historical approach is concerned with the development of historical awareness in political education. The approach that places the manifestations of political culture at the centre of teaching and learning is promising for the analysis of political culture and thus the prevention of discriminatory, racist and misanthropic views and actions. It always starts with the everyday world of the learners and leads to knowledge, realisations and insights into political contents, forms and processes through independent analysis and reflection processes.

3. The third realisation is the need for a perspective of the social phenomena of discrimination and racism that seeks analytical clarity and differentiation and consciously separates itself from theoretical approaches that use a 'broad concept of racism', or vice versa, that deny the phenomena of racism. It is therefore necessary to use a definition of discrimination and to translate it into the concepts of political education that is aligned with the values of the Constitution.

Conclusions for further consultation:

- Discriminatory statements and actions exist if they contradict the values of the Constitution, which are differentiated in the *Antidiskriminierungsgesetz* (Anti-Discrimination Act, AGG), among other things.
- Statements and actions violate moral principles of human solidarity or Christian ethics and contradict the inviolability of human dignity guaranteed by Article 1 of the Constitution. They often also contradict the constitutional principles of the asylum law (Article 16 (2) of the Constitution) and the social welfare state (Article 20, paragraph 1 of the Constitution).
- Racist statements and actions should also be captured starting from this view of discrimination: Statements and actions are extremist/racist if their image of human and society includes racist elements based on an 'enemy image' and 'friend-enemy stereotypes'. This means that discrimination is propagated against certain groups of persons and people on the basis of their religion, skin colour, sexual orientation, ethnicity, regional or social origin, language, etc. and that the discriminated persons and groups of persons have no right to exist in their ideological orientation or in their actions and are threatened with or subjected to violence.
- Accordingly, the following interviews should also present such concepts of political education that create historical reference:
 - As shown by the empirical studies during the interviews, the historical reference exists in the NS racial ideology but also in the persecution of groups of people for ideological reasons, as it existed in Stalinism, for example, such that common totalitarian structural elements are identified. A view of discrimination and racism oriented in this sense also opens up a demarcation/overlap between populism, extremism/racism and terrorism that is necessary for scientific analysis and can differentiate and grasp social and political phenomena in their procedural and structural aspects. In turn, this differentiation is a prerequisite for the further investigation and weighting of the causes of racism and discrimination.
 - Such an approach in the sense of a real analysis can so far be seen in such interviews, which concentrated on concrete problems and cases and drew conclusions from them, being open to an actual differentiated

analysis. In this respect, they were instrumental for the further work of the Commission of Inquiry.

Annex

Expert statement on political education and schools - in the scope of the Commission of Inquiry

Prof. Dr. Best of KomRex stated that education is a dampening factor throughout in the so-called Thuringia Monitors. Education is a key factor with regard to status assignment. Higher educational status leads to a higher professional status. Whatever is represented as the effect of variable education in the models is in fact the consequence of cognitive aspects or the cognitive component of education. It is thus the availability of world knowledge which in turn has a dampening effect on ethnocentrism, neo-national socialism and then on the combination of both - right-wing extremism. (See Minutes of the 4. session, pp. 7-31)

Dr. Matthias Quent of the Institut für Demokratie und Zivilgesellschaft (Institute for Democracy and Civil Society) stated in his submission that ECRI had found a high level of discrimination against children with an immigrant background in education in Germany. Many children with an immigrant background are not admitted to pre-school institutions. They are discriminated against in recommendations to pursue (secondary) schools; fewer children with an immigrant background are recommended to pursue high schools. This decision largely depends on the level of income and education of parents (also for non-migrants). Students with an immigrant background also need more support in continuing their education. For him, promoting children with an immigrant background, for example, is also a very important measure and definitely an important instrument to counteract discrimination in the school sector. A study of discrimination in education in Thuringia from day-care through to university (e.g., based on income and education of parents, immigrant background) should be recommended in order to develop measures against such discrimination. (ZS 6/1274 and Minutes of the 4. session, pp. 97-116)

Prof. Dr. Mechtild Gomolla stated that racism and discrimination in schools should be essentially dealt with at two levels: Namely, as an object of learning and education for the students and also at the level of the school as a historically established social institution. She made it clear that racism and discrimination take place at many different levels: On a subjective level, in interaction and on the institutional and structural-social level.

The current state of research on the subject of (racist) discrimination in the school education system as well as the legal and political developments that are described suggest that the development of strategies against racism and social discrimination in schools should be linked consistently to overall school approaches towards action against individual, institutional and structural discrimination, as called for in numerous political documents at the international, European, as well as national level. The vision developed in political guidelines, such as available practical concepts, could become the starting point for appraisals in the Thuringian school system, with a view to further develop the existing precautions, structures and initiatives towards the protection of human rights and elimination of racism and discrimination.

(Minutes of the 5. session, pp. 54-77 and ZS 6/1420)

Dr. Cremer of the Deutsches Institut für Menschenrechte (German Institute for Human Rights) clearly stated that, in his opinion, the government must take comprehensive efforts to raise awareness and promote human rights education, for example in the school sector, in order to counter and overcome prejudices and racism. The task of the education policy is therefore to promote and ensure the comprehensive establishment of human rights education in the school system. According to the UN Declaration on Human Rights Education and Training, it should impart knowledge about human rights and protection against discrimination, as well as strengthen the ability of learners to demand and respect their own rights and the rights of other people. Furthermore, lessons should be designed with the rights of all in mind and should be as inclusive and participatory as possible, and sensitive to discrimination. (ZS 6/1352)

Mr Hannes Leiteritz, state student representative, stated that the way the topic 'Racist tendencies in schools' is addressed in schools depends on the importance attached to upbringing in the family home, the influence of the media and basically, school education. The student representatives would actually assign the most importance to the upbringing in the family home. The internet also influences

the youth in this regard. Media studies, in particular, have a lot of catching up to do. A recommendation has been expressed regarding the voluntary or mandatory implementation of project days on the subject of racism and discrimination.

(See Minutes of the 6. session, pp. 7-31)

Prof. Dr. Beelmann of KomRex clearly stated that experience of discrimination always also generates discrimination among groups that are discriminated against. If a lot of people suffer from discrimination, the attitude towards one's own group improves and that towards the foreign group worsens. It can be demonstrated that perceived ethnic discrimination actually leads to a connection with deviant groups, even if the discrimination cannot be adequately made up for and thus finally leads to increased rates of crime and imprisonment.

(See Minutes of the 6. session, pp. 139-152)

Mr. Martin Arnold of the Flüchtlingsrat Thüringen e.V. (Refugee council for Thuringia) stated that a group of refugees that is also clearly defined as a group in terms of education law, basically assumes that it is a group that cannot be integrated into the education system. This is followed by the actual exclusion from the regulatory system. In his opinion, many young migrants aged between 16 and 27 years are structurally excluded from admittance to general and professional schools.

(See Minutes of the 7. session, pp. 88-112)

Mr. Mohammed Jouni of the Flüchtlingsrat Thüringen (Refugee council for Thuringia) states that, following a survey conducted by the Refugee Council, it has been demonstrated that the fundamental rights of refugee children to education and personal development are severely curtailed. Youngsters and children with disabilities do not receive the necessary and appropriate special educational support. The reason is that the diagnostic procedures are in German and therefore largely cannot be applied at all for this group of people. In addition, attending school until reaching school-leaving level in mainstream schools is made impossible for 16-year-old refugees. In his opinion, it looks even worse for people who have reached the age of 16. For this group of people there are virtually no opportunities to access the German education system.

(See Minutes of the 8. session, pp. 85-96)

Ms Kathrin Vitzthum, Chairperson of the Gewerkschaft Erziehung und Wissenschaft (GEW) Thüringen (Education and Science Trade Union in Thuringia), stated that discrimination occurs in various forms and areas of life, for example, through the behaviour of classmates, fellow students and colleagues at work, through a secret curriculum in institutional education, through unfair admission restrictions to universities or access to social resources such as housing, work or education. Therefore the ability of pedagogical agents to critically question didactic methods, teaching and learning materials as well as offers in education is important, but this is not sufficiently addressed in teacher training. It is not only the tripartite school system of the educational system that restrains certain social mobility, but also the teaching and learning materials, non-existent possibilities for counselling and possibilities to lodge complaints, and the failure to address identity aspects in education and training, which lead to the marginalisation and tabooing of life plans and realities. Certain groups of people are ignored. They get the feeling that they don't belong here or that they are not treated equally. Institutional education must comply with anti-discrimination and equality principles at the national and international levels. Thuringia's educational landscape is falling behind in this regard. Children and adolescents are consciously or unconsciously excluded from educational opportunities due to gender or social origin. For example, the exclusion of people of non-German origin from well-established higher education institutions is underestimated or ignored, access to higher education (e.g., difficulties in the recognition of degrees) or fair conditions during their studies (no granting of longer periods for people whose mother tongue is not German) is made more difficult or even denied to people with various migration backgrounds.

Discriminatory attitudes and mindsets must be countered through institutional education, be it by creating opportunities for contact with discriminated groups of people in the sense of opening up schools that have been demanded for decades, or through the broader and interdisciplinary discussion of the effects of exclusion, as well as through raising awareness of diversity as a key qualification.

(ZS 6/1523)

Ms Ilona Helena Eisner, Chairperson of the Landesfrauenrat Thüringen e.V. (Thuringia State Women's Council), argues that the traditionally established structural division of vocational training systems into a dual and a full-time school branch has proved disadvantageous for women in education

and training. Full-time education with no nationwide standards continues to exist in personal services, which are referred to as typical women's occupations. The impact of the establishment of role models and the structural division of vocational training systems can also be seen in the behaviour of women and men with respect to career and study choices.
(ZS 6/1493)

Mr. Lammert of Mobit e.V. states that the majority of counselling questions relate to students who become visible due to statements in class, or through discriminatory behaviour towards other pupils, for instance. There are also isolated cases where parents feel they have been treated with racist disdain.
(See Minutes of the 4. session, pp. 134-152)

Mr. Rolf Busch, the State Chairman of the Thüringer Lehrerverband (Teachers Association, Thuringia), clearly stated that he was not aware of any cases of racism and discrimination perpetrated by teachers, which could also be caused by the fact that such incidents were not reported or that many colleagues do not report such incidents of violence at all. Closer cooperation is recommended between youth welfare offices, school psychologists as well as employees who come from prevention to police or the judiciary facilities. This also includes, for example, school health professionals who can carry out preventive work.
(See Minutes of the 6. session, pp. 32-55)

In this context, the **Landeselternvertretung Thüringen, the Joint Parents' Representative Body for all types of schools** (represented by Mr Rommeiß and Dr Martins-Cavaco), states that cases of intercultural racism (e.g., school meals), socio-economic discrimination (poor performance of pupils, poorer parents) and discrimination in the area of partial performance disorders or disabilities (e.g., inclusion) are reported to them. The introduction of a weekly class teacher lesson or other investment in resources for language competence was proposed in the area of parenting work. From their point of view, teachers must also be encouraged to take a critical look at themselves, recognise problems and seek assistance without having to expect supposed or actual disadvantages to their further professional development.
(See Minutes of the 6. session, pp. 55-79)

The President of the Amt für Verfassungsschutz (Office for the Protection of the Constitution), Mr Stephan J. Kramer, clearly stated that there is a need for more teachers, in his opinion. In addition, more funds should be invested in further education. In his perspective, this not only applies to the field of political education, where it concerns the topic of 'Combating Racism and Discrimination', but also to schooling, in the sense of conveying values and knowledge.
(See Minutes of the 4. session, pp. 66-96)

Prof. Dr. Reinhard Schramm, Chairman of the Jüdische Landesgemeinde Thüringen (State Jewish Community of Thuringia) draws attention to specific recommendations for action in his statement. Courses for further education for young Muslims or more investment in humanistic education in schools are proposed, for example.
(See Minutes of the 6. session, pp. 90-115)

In his statement, Dr. med. Marco Leitzke of the Initiative Schwarze Menschen in Deutschland e.V. (Black People in Germany Initiative) sees a reasonable approach in the combat with the spread of knowledge about the proven lack of any basis for racial theories in early childhood. Teachers from kindergartens through to universities need specific further training, in order to be able to achieve this competently. Such training courses must not be limited to commonplace issues, but must incorporate the incidents of racism experienced by the affected groups, including black people.
(See Minutes of the 7. session, pp. 32-55)

Mr Said Barkan of the Zentralrat der Muslime (Central Council for Muslims), emphasized the need for a broad development of democracy. In addition, political education against group-related misanthropy and racism is very important in order to educate people and raise their awareness. It is also important to strengthen those who fight against discrimination and racism. (See Minutes of the 8. session, pp. 24-47)

The statement by the **Roma Antidiscrimination Network in Göttingen** emphasises that structurally promoted work on anti-discrimination is essential to ensure support for those affected by racism and discrimination in the medium and long term. It is necessary to comprehensively integrate the awareness-raising measures in schools, training, authorities and politics to incorporate the recognition of the Roma as a minority in German society and so be able to comprehensively counteract or prevent discrimination and racism. This includes recognising the political, cultural, social and sporting achievements of the Roma.

(ZS 6/1532)

In its statement, the **Landeszentrale für Politische Bildung Thüringen** (State Agency for Civic Education, Thuringia) clearly explains that the communication of the basic values of democracy and human rights is the common goal of all LZT educational measures. Numerous event formats are also dedicated to this topic. The debate on group-based misanthropy (GMF) has been an integral part and focus of the work of the LZT for years, as documented in all the annual reports over the recent years. Experience gained in the Cultures Welcome project also demonstrates the widespread dissemination of discriminatory attitudes and their connection with mobbing. This is about low-threshold opportunities. These also offer the teaching faculty concrete recommendations for further handling of such attitude patterns, with xenophobia and homophobia playing a particular role here.

(VL 6/3821)

In its statement, the '**Thüringer Landesprogramm für Akzeptanz und Vielfalt**' (State Programme for Acceptance and Diversity, Thuringia) (State Chancellery) addresses the fact that schools are often also a place for bullying, discrimination and prejudice. Insulting terms such as 'gay', 'radical lesbo' or 'tranny' are still fairly common even in Thuringian schoolyards. Any differentiation, exclusion or limitation with the aim or effect of affecting the recognition, enjoyment or exercise of rights and freedoms is prohibited. Heterogeneity is normal in Thuringian schools, even if it is perceived very differently. The *Thüringer Lehr- und Lernmittelverordnung* (Thuringian Ordinance on Teaching and Learning Materials) lays down the principles for the approval and use of textbooks. For example, teaching and learning materials should take into account the objective of an equal and partnership-based lifestyle for men and women and contain up-to-date and adequate potential for identification. Teacher training is based on appreciative and accepting interaction within the teaching staff and appreciative language in consultations about other people, including students, as well as conscious conflict management. In addition to the curricula, the *Thüringer Bildungsplan bis 18 Jahre* (TBP-18) (Education Plan up to 18 Years), published in December 2015, is a key reference framework for teaching and training quality in all areas of education and schooling of children and adolescents and must be observed pursuant to Section 44 Para. 2 ThürSchulO (Thuringia School Regulations). The TBP-18 unites all educational establishments for children and young people throughout their school career, independent of institutions and is conceptually neutral.

(VL 6/3734)

Mr **Jochen Fasco of the Thüringer Landesmedienanstalt (State Media Authority)** clearly stated that the subject of 'media education' is a major concern of the Thüringer Landesmedienanstalt. The Thuringian media education centres in Erfurt and Gera, advanced training opportunities for teachers as well as the provision of own booklets, materials and events are listed.

Ms Gabi Ohler, the State Secretary of the Thüringer Ministerium für Bildung, Jugend und Sport (Thuringian Ministry for Education, Youth and Sport) clearly stated that her ministry has set up an AGG-based complaints centre and that there are also complaints centres in two school offices. In addition, there are further training programmes, such as the *DenkBunt* programme for teachers, plus academic offerings such as argumentation training against discriminatory statements or on the understanding of Islam, Muslim hostility and radicalisation. The issues of racism and discrimination play an important role in many individual and collective media projects.

(Minutes of the 9. session, EK 6/1 pp. 16-19 and pp. 26-40)

In her statement, Ms **Anja Zachow of the Thüringer Landesprogramm für Demokratie, Toleranz und Weltoffenheit (Thuringian State Programme for Democracy, Tolerance and Cosmopolitanism)** emphasises the variety of opportunities provided by the State Programme. In addition to the *Schule ohne Rassismus* (School without Racism) network, there is also the *Netzwerk für Demokratie und Courage* (Network for Democracy and Courage), which conducts around 250 project days at schools throughout Thuringia annually and also provides training opportunities for

young people, particularly those who are close to the target group in terms of age, in peer-to-peer projects to conduct these project days.

(Minutes of the 9. session, EK 6/1 pp. 44-69)

The **Bayerische Informationsstelle gegen Extremismus (BIGE) (Bavarian Information Centre against Extremism)** states that the key educational goals are stipulated in the Bavarian Constitution (BV). It should enable people, as citizens, to act responsibly, reflectively and competently in politics, business and culture, as well as in personal interaction. If education succeeds in fostering the established democratic culture, it will effectively counter and prevent the right-wing extremism. Schools help young people acquire appropriate knowledge and democratic attitudes as part of the value and civic education: Knowledge, acceptance and internalisation of the values that are the cornerstone of the constitution, familiarity with the structures of state and public life as well as reflecting on and analysing of history, especially contemporary one. BIGE, as the point of contact for schools, offers schools information about the recruitment strategies of the right-wing extremists, their characteristics and symbols, as well as the current right-wing extremist manifestations, for the early recognition of the right-wing extremist tendencies. Advanced training for teachers is usually conducted at the school counselling centres in conjunction with the regional authorities for democracy and tolerance. These recommendations for action developed jointly offer teachers assistance in dealing with advertising campaigns by right-wing extremists in the school environment and with right-wing extremist behaviour patterns of students in class. The online portal *mebis - Landesmedienzentrum Bayern* (State Resource Centre), provides teachers and parents information, tips, teaching suggestions and digital media for dealing with right-wing extremism on the Internet, National Socialism, glorification of violence and media manipulation strategies. Studies on the use and impact of media as well as information on legal aspects and counselling institutions with their contact persons in the event of misuse of media offerings add to the offerings related to media education. Moreover, a network of *Medienpädagogisch-informationstechnische Beratung (MIB)* (Media Education IT Counselling) (MIB) exists for schools in Bavaria since 2002. Around 80 information technology consultants for media education from all types of schools support the school community in media education through teacher trainings and informative evenings at school for parents and school projects.

(ZS 6/1789)

In its opinion the **Center for Intersectional Justice** stresses that early childhood education is an important area for the prevention of racism. The aim must be to counter racist separation and the underlying hierarchies and establish a new normative order in which people are no longer classified along these lines. Recognising differences is seen as a prerequisite for effectively combating racism. Hierarchy, on the other hand, should be deconstructed. Teachers in kindergarten and school play an extremely important role in promoting positive role models for children. They should reflect social diversity and allow positive identification for all children.

(ZS 6/1841)

In its statement, the **Abteilung Verfassungsschutz im Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen (Department for the Protection of the Constitution in the Ministry of Interior Affairs and Local Government of North Rhine-Westphalia)** states that it supplements primary prevention with three "Andi" comics developed by the Verfassungsschutz NRW (Office for the Protection of the Constitution of North Rhine-Westphalia) that inform young people about right-wing extremism, Islamism and left-wing extremism. The first two booklets were expanded with handouts for teachers with methodical impulses and worksheets. Some centres for practical teacher training in North Rhine-Westphalia (for example in Dortmund and Hamm) have been cooperation partners in joint training events for trainee teachers for about ten years. More recently, several training conferences have been held, particularly for teachers, in cooperation with the *North Rhine-Westphalian Landesverband der Deutschen Vereinigung für Politische Bildung (DVPB)* (regional association of the German Political Education Association). Since 2014, the AK Ruhr and the Kath. Landesarbeitsgemeinschaft Kinder- und Jugendschutz NRW (Cath. Regional Commission for the protection of children and youth NRW) have been important cooperation partners in the VIR project.

(ZS 6/1779)

In its statement, **Bundesministerium für Familie, Senioren, Frauen und Jugend (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)** addresses the fact that non-formal educational opportunities for young people make a considerable contribution to improving the general conditions in which children, adolescents and young adults grow up. Promoting respect and

acceptance in favour of a culture of equality, preventing extremism, willingness to assume responsibility, social commitment, non-violent conflict resolution and learning negotiation processes in the entire spectrum of non-formal education for young people are the objectives building on these goals.

(ZS 6/1780)

In its statement, the **Behörde für Schule und Berufsbildung Hamburg (Hamburg Authority for Schools and Vocational Education)** says that the implementation of a range of tasks in the area of 'Intercultural Education' at schools in Hamburg is one of the main strategies for preventing racism and reducing discrimination. The *Beratungsstelle Interkulturelle Erziehung (BIE)* (Intercultural Education Counselling Centre) exists at the *Landesinstitut für Lehrerbildung und Schulentwicklung (LI)* (State Institute for Teacher Education and School Development) since 2006 and promotes intercultural competences in teaching and everyday school life and supports teachers in intercultural conflicts. The offered advice and training and further education as well as compact qualification offered by the BIE ensure prevention of racism and discrimination and provide intervention in individual cases. In addition to 'Intercultural Education', 'Intercultural Education in Schools' is also implemented in the fields of Global Learning and Social and Legal Education as well as in the subjects *Politik/Gesellschaft/Wirtschaft (PGW)* (Politics/Society/Business) and Religion in accordance with the KMK resolution. Many schools in Hamburg work together with extracurricular partners, foundations, cultural and educational institutions and migrant organisations to break down educational barriers, prejudices and discrimination. Some schools participate in nation-wide projects such as Schools without Racism - Schools with Courage, etc.

(ZS 6/1788)

The **Bundeszentrale für politische Bildung (Federal Agency for Civic Education)** makes it clear in its statement, that its focus is on promoting awareness of democracy and political participation. The critical debate on racism and discrimination is a permanent, central interdisciplinary topic in the work of the *Bundeszentrale für politische Bildung* (Federal Agency for Civic Education), which is handled with various target group-specific formats and offers. For 2018, for example, it was agreed with the recognised bodies responsible for political education that the focus would be on "Conflicts in Open Society", which, among other things, is intended to promote measures in political education in the areas of "racism" and "discrimination".

(Minutes of 11. session, EK 6/1 pp. 49-75)

The **Neue Deutsche Organisationen (NDO) (New German Organisations)** points out in its statement that it advocates the establishment of independent complaints centres to protect against discrimination in schools. Existing counselling centres and clubs have limited legal leeway. These are often the first points of contact for those affected. Unfortunately, the inadequate complaint structures of the state against discrimination in schools provide hardly any help.

(ZS 6/1787)

Part B. II 2. Police and Internal Affairs

Introduction

“The Federal Republic of Germany is building on a pluralistic society in which diverse ideas and preferences of individual and community living exist and are legitimate. German society is characterised by migration, about a fourth of the population has a so-called ‘immigrant background’.”⁸⁴⁵ “The Police in Germany are bound by the constitution and have the task of establishing the rule of law. They must thus uphold the fundamental rights of every *individual*, which are inalienable according to the Constitution. Everyone is equal before the law and is entitled to equal protection by the law without discrimination.”⁸⁴⁶

“Police/Officers are bound by legal norms and represent the state's monopoly on the use of force. In our pluralistic society and in the sense of the Constitution of the Federal Republic of Germany, ‘internal security’ can only mean that it is made available to all members of society at the same time and to the same extent.”⁸⁴⁷ “This includes recognising discrimination, including racist violence, and being able to deal with it based on the problem.”⁸⁴⁸

“Policy and police leadership derive their motto for action from a value-oriented police culture that is committed to fundamental democratic rights. In reality, this police culture is partially supplemented and partially disrupted by a police culture and the patterns of police action based on it.”⁸⁴⁹ Especially as policemen and policewomen have many futile experiences that are frustrating.

Based on the assumption that racism is an interplay of complex elements that can occur simultaneously or independently: individual, communicative, imaginative (feelings/fears), structural or even institutional, the police officers can be affected as individuals and also as a structure and institution. However, it is necessary to note here that the data available is meagre and hardly any empirical studies exist - this applies both to the Federal Republic of Germany as a whole and to the Federal State of Thuringia. “Data on the situation and how racism and discrimination are dealt with is largely lacking, for example information about the attitudes of police officers and

⁸⁴⁵ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 85, adopted by the majority of votes.

⁸⁴⁶ Ibid., p. 86.

⁸⁴⁷ Ibid., p. 88.

⁸⁴⁸ Ibid., p. 89.

⁸⁴⁹ Ibid., p. 91.

experiences of discrimination and victimisation by the police (both among “clients” and among their own employees).”⁸⁵⁰ For this reason, the interim report in the area of internal affairs/police offers an incomplete inventory of the current situation in Thuringia, as described in the hearings of selected experts in the context of the Commission of Inquiry.

Intercultural opening of police and the Office for the Protection of the Constitution

“Many NGOs, civil society organizations, scientific institutions and also the experts of the Commission of Inquiry advocate strengthening the efforts to employ personnel with foreign family biographies.”⁸⁵¹ “State Secretary Götze emphasises that the search for staff is based on ‘technical criteria’ and that selection is ‘non-discriminatory’. There is only ‘a very limited possibility’ to include certain points in an advertisement. It is not possible to include ‘immigrant background as selection criteria’ due to ‘legal boundaries’. He also emphasises that the applicant situation in Thuringia cannot be compared to that in Hessen or Schleswig-Holstein, for example, where ‘the most varied people sit before me’. Instead, the applicants in Thuringia are members of a ‘very homogeneous local population’.”⁸⁵²

The President of the *Verfassungsschutz* (Office for the Protection of the Constitution), Mr. Kramer states: Especially in case of the topics ‘combating Islamism and foreign extremism’, the Office for the Protection of the Constitution attaches great importance to reaching ‘persons with an immigrant background and cultural background’ from the field that we are concerned with in the broadest sense. However, the “willingness to strike out in a new direction” is “still somewhat restrained” in Thuringia.⁸⁵³

a) Problem description

Record, Punishment, Prevention

The IDZ emphasises: The ECRI complains that in Germany “there is no reliable statistical method for recording hate crimes and hate speech. There can be no effective monitoring and therefore no evaluation of the extent of racism or homophobia and transphobia with the statistics available currently. The ECRI

⁸⁵⁰ Ibid., p. 84.

⁸⁵¹ See ibid. p. 105.

⁸⁵² Ibid., p. 105.

⁸⁵³ See minutes of the 4. session, p. 81f.

welcomes the fact that police statistics now include a sub-category for 'hate crimes' under the category 'politically motivated crime' (in German: PMK), which distinguishes between different grounds of discrimination. However, the classification under PMK means that officials do not classify many crimes as hate crimes because no political motive can be identified.

Considering the catalogue of hate crime under the definition system of PMK, it is particularly unclear how the terms 'racism' and 'xenophobia' are to be distinguished from each other."⁸⁵⁴ "The National Action Plan against Racism encourages continuous evaluation and further development. Mr Menzel of TMIK commented that the definition system had been agreed nationwide and it was not possible to deviate from it in Thuringia, even if it was technically justifiable".⁸⁵⁵ For the practical implementation of recording criminal offences in the PMK, Thuringia has a 'joint instruction' of the LPD and the LKA, according to which the officials are obliged to check for possible political motivation for committing an offence in all cases of violent crime. For quality assurance while processing the PMK, all criminal police departments have set up their own police stations (K4) and a separate department for crimes against the state (Dept.2) in the LKA.⁸⁵⁶ "Thus, it is possible to assure the quality at the receiving police station by influencing it in the framework of the functional supervision. In its statement, the GdP referred to the staff unit 'Prevention of Police Extremism', which has been part of the LPD since 2012 and which offers prevention services."⁸⁵⁷

Dr. Dieckmann (IDZ) noted that officials and victims of hate crimes, such as racist or homophobic incidents, often fail to identify a political motive. Since no record is planned beyond the PMK categorisation, the record and also tracking of this crime is therefore difficult.

Also, the necessary sensitisation is still missing for the (new) registration of Islamophobic criminal offences, because of which objective data can be expected only in the foreseeable future after its introduction, stated Mr. Barkan of the *Zentralrat der Muslime* (Central Council of Muslims).⁸⁵⁸

⁸⁵⁴ See *ibid.*, p. 93.

⁸⁵⁵ *Ibid.*, p. 108.

⁸⁵⁶ See *ibid.* p. 108.

⁸⁵⁷ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 108, adopted by the majority of votes.

⁸⁵⁸ See *ibid.* p. 95.

“Mr. Christ of the GdP commented: ‘On the classification: I must say this is in fact a question of instructing, educating and further training our colleagues [...]. I believe that the issue that is to be classified as a racist attack, [...] has not yet been implemented far enough in the Thuringian police, has not yet advanced far enough to make a distinction there. I think if I were to ask ten colleagues out there today, they would tell me they don't yet know exactly - of course they already know what the difference is, but they probably wouldn't define it precariously and importantly and essentially decisively. That, I believe, is the dilemma regarding this matter’.”⁸⁵⁹

Dealing with victims of racist and other inhuman violence, secondary victimisation

Both UA 5/1 of the Thuringian State Parliament and the Parliamentary Investigation Commission PUA require victims of crimes motivated by racism to be protected, to be supported in exercising their rights, informed proactively about consulting structures and existing rights and information material be made available to them, civil servants (training of specialist personnel) be specifically trained, and that they be informed about compensation claims - and all this with the explicit request to document these efforts. Another relevant phenomenon is secondary victimisation (re-victimisation after the actual act).⁸⁶⁰ The victim counselling service ezra - Counselling for victims of right-wing, racist and anti-Semitic violence in Thuringia, for example, showed on the basis of a qualitative study that 47 per cent of those affected by hate crime did not feel that the local police took them seriously.⁸⁶¹ “56 percent did not get the impression that the explanation of the political background of the crime was important to the police. About a fifth reported accusations by the officials of being complicit. The focus of the survey ‘They didn't take us seriously’ was ‘the experience and perception and opinion of those affected. The basis and starting point for this is the concept of victimisation. Secondary victimisation plays a role here in particular’.”⁸⁶²

Results of a pilot study on "Refugees" at the University of Jena: A study of Syrian refugees included, among other things, the question of experiences of discrimination in Thuringia. “With respect to our findings we can perhaps say that relatively high

⁸⁵⁹ Ibid., p. 95.

⁸⁶⁰ See interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 95f, adopted by the majority of votes.

⁸⁶¹ See *ibid.*, p. 96.

⁸⁶² *Ibid.*, p. 96.

rates of affirmation are seen on the basis of, let us say, relatively harmless forms of discrimination, such as being treated rudely at the supermarket. About 50 per cent report that this has already happened recently. On the other hand, when it comes to serious forms of discrimination/disadvantage, we also have relatively low affirmation rates from state authorities, including the police.”⁸⁶³

On the other hand, Mr Menzel of TMIK mentions a ministerial decree during the hearing, to encourage victim witnesses within the investigation process. They have thus fulfilled a mandate from the investigation committees. When registering complaints, the authorities are obliged to document the subjective view of the victim in a form. In addition, victims would be offered assistance and support by the services receiving complaints. When recording the complaint, the officials have been instructed to inform the victims of the assistance offered by various associations and counselling centres.⁸⁶⁴ “The Thuringian police have a victim protection guideline, which is practised in cooperation with victim protection associations.”⁸⁶⁵

A master service agreement was concluded with the staff councils for the employees of TMIK, subordinate authorities and the Thuringian police for the internal handling of discrimination. Accordingly, social points of contacts would be available everywhere for the protection of staff. In addition, TMIK has a complaints centre in accordance with § 13 Para 1 AGG. State Secretary Götze explained that TMIK had consciously decided not to set up the new Police Complaints Centre as an internal complaints centre, but as a complaints centre only for citizens.⁸⁶⁶ This provides the police important structures and regulations to counter the challenge. A serious assessment of these instruments requires evaluation.

Racist and discriminatory behaviour of or by the police

The fact of police failure is not disputed much on a case-by-case basis. Whether this is due to systematic misconduct is not known. There are no robust studies to analyse the extent of such cases. According to ECRI and Human Rights Watch, minority groups feel that they cannot rely on the police. However, this accusation could not be substantiated with concrete accusations against the Thuringian police in the course of the hearing. As various sources report such abuses, the Commission should

⁸⁶³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 96f, adopted by the majority of votes.

⁸⁶⁴ See *ibid.* p. 109.

⁸⁶⁵ *Ibid.*, p. 109.

⁸⁶⁶ See *ibid.*, p. 109.

acquire further expertise in this respect. It should be ascertained whether groups or individuals are discriminated against on the basis of ethnic, religious or other characteristics and whether the causes are analysed within the police. Furthermore, it is necessary to explore the extent to which possibilities for discrimination are embedded in normal organisational structures and rules.

Experts should also be consulted during the hearing to develop strategies to counter the lack of sensitivity which is perceived as discriminatory by the victims and which can be traced back structurally to the implicit experience and practical knowledge of the involved officers.

State Secretary Götze reported that a police complaints centre had been established in Thuringia. The office reports directly to the State Secretary. The Commission should listen to the experiences of comparable bodies in other federal states.

Racial profiling

“The colour of a person's skin and facial features, alleged ethnic or cultural characteristics and sexual orientation must not be used as a basis for decisions on police measures such as checks on persons, investigations and surveillance. Professional police work suspects people not because of skin colour or their faith, but because of their objective actions. The *Deutsche Institut für Menschenrechte* (German Institute for Human Rights) calls for a critical examination of the phenomenon of racial profiling and points out that it is not only the checking practice that is problematic, but also the legal orders and powers of intervention of the police that precede it. At this point, the police as an institution, on the one hand, and the legislature, on the other, must examine the extent to which established procedures and existing regulations encourage fundamental and human rights discrimination. The investigation of the NSU murders shows that racism can cloud the success of the search.

The practice of racial profiling has been criticised in numerous articles and branded as a human rights problem that violates the protection against discrimination.”⁸⁶⁷

Cremer/DIMR emphasise: Violating the prohibition of discrimination under Article 3 para 3 sentence 1 of the Constitution already exists if an inadmissible differentiation characteristic has been a supporting criterion among several in the case of a bundle

⁸⁶⁷ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 98f, adopted by the majority of votes.

of motifs and not only if the discriminatory treatment is exclusively or decisively linked to one of the characteristics mentioned there. The Higher Administrative Court of Rhineland-Palatinate has clarified this with reference to the jurisdiction of the Federal Constitutional Court in a decision of April 2016. In the decision, the court declared the checking of a black German family in a regional train by the federal police, without suspicion, to be inadmissible because the check had been linked to the skin colour of the persons concerned.⁸⁶⁸

Particularly, the representatives of the Central Council of Muslims and the Roma Antidiscrimination Network reported in detail about the negative experiences the practice creates for members of certain communities or persons to whom certain affiliations are ascribed. Barkan reports that young men and males in general “who are marked as muslims are particularly affected.

Mr Christ, the Regional Chairman of the *Gewerkschaft der Polizei* (GdP) (police union) Thuringia, described the difficulties in dealing with racial profiling from the point of view of the police and explained that there are currently no solutions for how to avoid such checks.⁸⁶⁹ Mr. Ley, Head of the Thuringian Police Training Centre, reported that the police management is well aware of the problem and referred to a current training course on how to deal with racial profiling.”⁸⁷⁰

Education and training

“Racism is an ideological ‘discourse of difference’ that legitimises practices of exclusion. Police officers defend themselves against the accusation of deliberate discrimination as a violation of universal human rights. Their main argument for many actions perceived by those affected as discriminatory is ‘gut feeling’ or ‘knowledge gained from experience’”.⁸⁷¹ The latter, again, is very often based on a logic inherent in the system, which seems to be legitimate considering partial successes, but which is fed by simple categorisations, stigmas and prejudices, which are deeply discrediting. These stigmas provide the individual actor with a means of orientation within their social environment and provide the opportunity to draw conclusions about the person based on just a few characteristics. Stigmas thus structure the situation,

⁸⁶⁸ See *ibid.*, p. 99.

⁸⁶⁹ See *ibid.*, p. 100.

⁸⁷⁰ Cf. minutes of the 9. session, p. 107.

⁸⁷¹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 101, adopted by the majority of votes.

reduce its complexity and enable quick decisions. They also serve to channel aggression in a specific direction. This makes these unprofessional mechanisms very 'useful' for everyday police work.⁸⁷²

The challenge for the future of police work in a pluralistic society will be to enable police officers to develop strategies to carry out their sovereign tasks without discriminatory profiling. In addition to imparting a 'plural' competence, a contribution towards this is focusing the content of education and training. Police officers must be able to move emotionally and intellectually in their respective environment. The instrument of inner guidance, communication of values and strengthening of resilience are building blocks of a strategy that police work urgently requires to adapt in an age of a plural and diverse, perhaps a 'colourful' world.⁸⁷³

"Innovative and action-oriented measures must also be taken to raise awareness of national laws and international agreements on racism, protection against discrimination, the prosecution of hate crimes and the protection and treatment of victims of racism and hate crime, and to ensure their acceptance and implementation in everyday professional life."⁸⁷⁴

The following shortcomings turned out to be widespread: "There are no special training materials for the police on racism, discrimination and hate crimes, or they were not mentioned by the interviewed institutions (nationwide survey on police training and further education)."⁸⁷⁵

Cooperation with NGOs / Civil Society Organisations

"From the security policy point of view, it requires effort to engage with cooperation partners outside the security apparatus. Other state actors, particularly parliaments and parliamentarians, are important cooperation partners for professional work in the field of 'internal security'. Furthermore, exchange with civil society organisations, including migrant self-organisations, is essential. The capacity for dialogue and cooperation is a means of achieving the far-reaching goal of social security. In a dialogue, all people must be made to understand the advantages of the free democratic basic order, which includes recognising the dignity of the individual,

⁸⁷² See *ibid.*, p. 101.

⁸⁷³ *Ibid.* p. 101f.

⁸⁷⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 102, adopted by the majority of votes.

⁸⁷⁵ *Ibid.*

equality before the law and freedom, including freedom of religion, among other things. They must be able to recognise that democracy offers options for development and also demands respect for others, and that these claims work through the constitutionally guaranteed fundamental rights. A modern security policy is discursive-cooperative, in this sense.

It has been found that cooperation with NGOs / civil society organisations and especially with victim counselling is not working well enough yet.

Cooperation or exchanges between police training institutions and civil society organisations and especially victim protection organisations of hate crimes are rare.

The NSU investigation Commissions in Thuringia and the federal government came to the same conclusion as well: The new, necessary measures should be developed “in cooperation with People of Color and actors of civil society”. The PUA in the German Bundestag recommends “ensuring the participation of civil society initiatives”, especially with regard to the development of promotional concepts, in order to make use of their “experience and expertise” in “shaping the organisation and content”.⁸⁷⁶

Mr. Ley, Head of the Thuringian Police Training Centre said: “Civil society actors are [...] involved in the field of education. The Landesprogramm für Demokratie, Toleranz, Weltoffenheit” (State Programme for Democracy, Tolerance and Openness to the World) is also helpful in this respect.” Among other things, it is managed “in cooperation with the State Police Headquarters” in such a way that “offers actually reach the police officers”. This is done by “different agencies”, among others by: Violence Prevention Network and MOBIT.”⁸⁷⁷ Mr Kramer, Head of the *Thüringer Verfassungsschutz* (Thuringian Office for the Protection of the Constitution), also emphasised that the necessary handling of institutional racism in the authorities requires exchange with civil society actors, for example.⁸⁷⁸

b) Outlook and further topics

The hearings to date and the subsequent, albeit unfinished discussions in the Commission have emphatically led to the following topics from which clear points of

⁸⁷⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 103f, adopted by the majority of votes.

⁸⁷⁷ Ibid., p. 113.

⁸⁷⁸ See *ibid.* p. 113.

observation can be derived for the further work and interviews of the Commission of Inquiry:

- Topic of intercultural opening of police and the Office for the Protection of the Constitution

Collect experiences of other federal states

- Obtain scientific expertise
- Ask for assessments from policy-makers and concerned authorities
- Record, Punishment, Prevention
 - Experiences of other federal states
 - Firm establishment of the measures in Thuringia by those responsible
 - Education/ Training of the police force
 - Political lectures
 - Police leadership
- Dealing with victims of racist and other inhuman violence, secondary victimisation
 - Experiences of other federal states
 - Legal Structure/ Specifications
 - Possibilities for civil society control
 - Racist and discriminatory behaviour of or by the police
 - Experiences of other federal states
 - Scientific expertise
 - Reports from complaints centres
 - Racial profiling
 - Experiences of other federal states
 - Legal frameworks in Thuringia
 - Planned strategies in Thuringia
 - Functioning strategies of other federal states/ Federal Government/ EU
 - Education and Training
 - What contents are taught with what objective?
 - How is the success of learning measured?
 - What are the experiences of other federal states?
 - Cooperation with NGOs/ Civil Society Organisations
 - Which partners do the police have in Thuringia/ how is the exchange organised?
 - What are the experiences of other federal states?

On Part B. II 3. Justice

Introduction

“The judiciary is fundamentally bound by the constitutional prohibition of discrimination under Article 3.3 of the Constitution and the general principle of equality under Article 3.1 of the Constitution. According to a study by the Federal Anti-Discrimination Agency, 5% of discrimination consultations in the justice system took place - mainly on racist grounds (15%), due to a disability (15%) and due to gender (11%). The AGG does not provide for any legal claims for disadvantaged persons in cases of discrimination by government action.”⁸⁷⁹

Finally, the directive 2012/29/EU on minimum standards for rights, support and protection of victims of crimes of 25.10.2012 (ABl. EU Nr. L 315 p. 57) seeks a general improvement in victim protection in case of crimes, at a European level . Article 22 provides for individual assessment of victims to identify need for special protection in criminal proceedings. Victims of hate crimes and offences committed with discriminatory intent receive special attention in an individual assessment. The directive was to be implemented by the Member States by 16.11.2015. The Thuringian constitution includes a ban on discrimination at the state level.

It is important to think about improved criminal law instruments to protect against discrimination. However, one must also understand the following: The majority of discrimination experiences are below a relevance threshold of criminal law. Effective protection against discrimination therefore requires additional instruments and, above all, actors who tackle discrimination in a comprehensive and networked manner, for example by supporting those affected and, especially by positively anchoring the value of diversity in society. Many of the affected people are often unaware of their right to protection against discrimination, let alone where they can find help. For this reason, it is essential that these people receive legal support and advice that is tailored to their needs. The level of awareness of protection against discrimination must be increased. This is the crux for the effectiveness of an individual enforcement model.

a. Problem description

Protection against discrimination - Barriers to accessing justice

⁸⁷⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 133, adopted by the majority of votes.

The barriers to accessing justice already exist when the law does not specifically address the specific circumstances of a criminal offence. Access to justice for victims of racism and hate crime is made more difficult anyway if racism and hate crime are not handled with special consideration in criminal law. Crimes where the victims are selected by the perpetrator precisely because they belong to a social group rejected by the perpetrator are regarded as hate crimes. Hate crimes are defined as such acts of violence in particular that take place without a personal relationship to the victim and are directed against the perceived 'stranger'. Thus, hate crime is replaced by prejudice crime in criminology. There are still considerable empirical deficits of knowledge in this field overall in Germany, which give rise to criminalistic, criminal-political and criminal-law concerns about the classification method and the justiciable prosecution of hate crimes.

Nevertheless, racist and other forms of hate crime are regularly seen as aggravating circumstances. For example, there is an incomplete list of 23 judgements drawn up by the Federal Ministry of Justice in which racist, xenophobic, anti-Semitic and right-wing extremist motives were taken into account as aggravating circumstances pursuant to § 46 StGB. Nevertheless, the intention to promote an open, democratic climate through criminal law may also create dysfunctional reflexes. US scientists, for example, have stated that Hate-Crime legislation can drive an even deeper wedge between social groups.⁸⁸⁰ If hatred is used as a motive for the crime, the (criminal) law takes a grasp on the perpetrator's inner attitudes. In any event, feelings tend to become punishable - to the extent that they turn into external actions.

Sometimes, victims hesitate to report 'hate crime' to the police because of previous negative experiences with the judiciary in Germany, for example. There are definitely corresponding cases in which the victim of a hate crime and especially migrants, asylum seekers and refugees, hesitate to report to the police or file a criminal complaint. A lack of trust in the police and judiciary is the reason. Organisations specialised in assisting victims therefore consider it necessary to strengthen cooperation with the police and the judiciary and to ensure that these organisations are systematically informed by the judiciary in cases of "hate crime" so that they can offer assistance to victims. Victim counselling organisations are appropriate bodies to

⁸⁸⁰ The previous considerations and reports: Deutscher Bundestag Wissenschaftliche Dienste Aktueller Begriff Nr. 05/12 (28. März 2012) Hasskriminalität; Verfasser:RR Dr. Roman Trips-Hebert
 (German Bundestag Scientific Services Current
 Term No 05/12 (28 March 2012) Hate crime; author:
 RR Dr. Roman Trips-Hebert) .

establish contact between victims and the police and to ensure an effective response to hate crimes. They can alert the judicial institutions to abuse structures, draw the attention of the police to criminal offences and assist victims when cases are dealt with by the criminal justice system.

Victims of hate crimes, victim support organisations and lawyers point out that it is often left to the victim's lawyers to insist that this factor of hate motivation be included if there are signs during the trial that hate may be a motive.

Brandenburg has incorporated an anti-racism clause in the state constitution, so that the stance against racism has been declared a state goal.⁸⁸¹ The Thuringian State Chancellery (in German: TSK) stated that there were deficits in implementing the AGG, but the state legislature has the option to make regulations for a state anti-discrimination law, in the framework of the concurrent legislation.⁸⁸²

Statistics on the course of justice and legal impact assessment

“Appropriate data must be collected to enable reporting on the numbers and progression of crimes motivated by racism. If the collected data is to be meaningful, the racist motives must be recorded. This starts with the racist motives being recorded when the police create the file. This will allow the role and significance of these circumstances to be traced throughout the entire procedure up to the completion by the judiciary.”⁸⁸³

“According to ezra, the mobile victim counselling service, the following is important for people who have been victims of a racist crime: The motivation for the crime must be clearly stated in the judicial process and in the judgement. Mr. Lauinger, Minister of Justice, confirmed the contribution that judicial statistics can make in elucidating experiences of discrimination. He referred to the survey of 'right-wing extremist' and 'xenophobic' crimes according to uniform federal criteria since 1992. Statistics on hate crime have been maintained since 2018. Criminal proceedings for racism against police officers would also be recorded in these statistics. Statistics on the course of justice going beyond these are not available in Thuringia. None are planned currently.”⁸⁸⁴

⁸⁸¹ Cf. minutes of the 11. session, p. 32; minutes of the 11. session, p. 40.

⁸⁸² Cf. minutes of the 9. session, p. 24f.

⁸⁸³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 134, adopted by majority.

⁸⁸⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 134, adopted by majority.

“So the following can be established: There is a lack of differentiated statistics on the course of justice. This makes it difficult to monitor racist discrimination, especially the discrimination embedded institutionally and structurally. Possible development trends of racism are difficult to identify. In the long run, the lack of differentiated anti-discrimination and equality data hampers a human rights-compliant assessment of legal consequences. Before laws are passed, it would be necessary to examine the extent to which a law could produce intended or unintended racist effects. Professed neutral regulations and laws can also have an unintended racist effect. Racist structures are continued in this way. An expressly anti-racist check of the legal consequences could counteract this. However, this is omitted. At the same time, though, the prohibition of discriminatory laws and the obligation to prevent discriminatory actions by authorities and officials are part of the prohibition of discrimination under constitutional and human rights law. With the signing of the Anti-Racism Convention, the Federal Republic of Germany committed itself to this”⁸⁸⁵ “Minister Lauinger referred to the features still missing in the survey form of the uniform federal regulations which could not be unilaterally changed by Thuringia, but promised to commit to further improvements.”⁸⁸⁶

Personnel / Education and Training

Protection against discrimination is an area in which the judiciary is particularly challenged. It has a special responsibility to prevent discrimination. Judicial training is therefore a key to curbing discrimination, because the prerequisite for non-discriminatory action in the field of justice is that staff should have sufficient knowledge. The representative of the Protestant Church made this clear using the example of a criminal case in which the lack of knowledge among judges and prosecutors led to the inability to recognise an anti-Semitic background of crime, which was then not included in the sentence.⁸⁸⁷ “The National Action Plan against Racism refers to the existing training modules for judges and prosecutors in the field of racism.”⁸⁸⁸ “In addition, he provided information on seminars on intercultural and interreligious training as well as on mobbing and homophobia for legal enforcement staff at the legal enforcement facility training centre. According to Lauinger, legal

⁸⁸⁵ Ibid. p. 134f.

⁸⁸⁶ Ibid., p. 138.

⁸⁸⁷ See *ibid.*, p. 136.

⁸⁸⁸ *Ibid.*

enforcement and judicial staff also take part in further training programmes of the DenkBunt state programme. Agitations aimed at weakening the free democratic basic order would be consistently suppressed in the legal enforcement itself. This is supported by the deradicalisation programmes as part of re-socialisation measures as well as by other educational measures aimed at strengthening democratic values and convictions...⁸⁸⁹

Criminal prosecution / procedural law

"The investigation errors in the NSU complex highlighted the shortcomings of effective prosecution for crimes motivated by racism. As a consequence, in 2015 the legislature amended the *Strafgesetzbuch* (Criminal Code) and the *Richtlinien für das Strafverfahren und das Bußgeldverfahren* (Guidelines for Criminal Proceedings and the Fines Proceedings) (RiStBV) with regard to racist motives.⁸⁹⁰ In the sentencing regulation § 46 Para. 2 Sentence 2 1. Var. StGB in particular, racist, xenophobic or other inhuman motives are now also included and must be taken into account for sentencing purposes. A corresponding change was also made in the RiStBV (Federal Instructions on Criminal Procedure and Administrative Fines Procedure). The Free State of Thuringia supported both changes in the *Bundesrat* (Federal Council). In addition to the legally assigned task of prosecuting criminal offences, the law enforcement authorities also have a preventive effect.⁸⁹¹ The Amadeu Antonio Foundation also drew attention to the problem of the lack of prosecution of racist and discriminatory stories on the Internet and joined the demands of international organisations to step up its fight against hate speech.⁸⁹²

b. Outlook for the further course of sessions

The hearings held so far and the discussions that followed, although not concluded, led to a need for further consultation:

- Exchange of experience with other federal states
- Questioning of judges

Evaluation of training catalogues of different federal states

⁸⁸⁹ Ibid., p. 140.

⁸⁹⁰ Cf. minutes of the 5. session, p. 80f; Communication 6/1352, p. 8.

⁸⁹¹ Cf. minutes of the 9. session, p. 153.

⁸⁹² See interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 137, adopted by majority.

On Part B. II 4. Public Administration

Introduction

"The following description focuses on those areas of public administration that are not covered more precisely by the others (such as Police and Internal Affairs, Justice, Education, etc.). It summarises the studies and experience reports on racism and discrimination mentioned by those invited in the individual sub-areas, as well as the proposed measures. The interim report attempts to identify possible gaps and presents recommendations for action which motivated the invited experts towards the field of public administration."⁸⁹³

a) Problem description

"According to the Federal Anti-Discrimination Agency, Government agencies and Authorities are the third most frequently mentioned areas where people face discrimination. The Thuringian Commissioner for Integration, Migration and Refugees stated: About half of the immigrant population in Germany reports experiences of discrimination, mainly on racist grounds, about a quarter of them encountered discrimination over the past 24 months. Many of them encountered discrimination in government agencies and on the job market. These are two areas that play a vital role in the social participation of those affected. A KomRex research into the experience of discrimination of Syrian refugees in Thuringia revealed the following: Few forms of state discrimination and disadvantage are known within this group. The state appears as an actor in people's everyday lives in the form of government agencies and authorities or public administration. It is the task of the administration to enforce the rule of law. The administration itself is also subject to this rule of law. In principle, authorities acting as sovereign are bound by the constitutional prohibition of discrimination and the general principle of equality in the Constitution. However, there is a loophole in the protection for those affected, who are disadvantaged due to governance. If experiences of racism and discrimination occur in this area, those affected have no legal recourse under § 2 AGG. This considerably impairs the persons concerned from actually recognising and perceiving the rule of law as lawful.

⁸⁹³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 145, adopted by majority.

After all, the area of 'public administration' is itself the bearer of a social strategy for social responsibility.”⁸⁹⁴

“Society is becoming more diverse, there is a cultural opening. The expert Dr. Abou-Taam stated: Authorities and government agencies therefore face additional challenges. “From the perspective of state theory, the state must make public goods available to all members of a society simultaneously and in full. In order to achieve this, the government must always adapt its institutions to the transformation of society in terms of content, bearing in mind that the citizens of a pluralistic system do not always have the same preconditions and needs.” Three forms of discrimination can be identified in the area of 'public administration' based on a study by the Federal Anti-Discrimination Agency: Discrimination through legal regulations, by lack of accessibility and through the actors. These areas are listed below in the statements and reports of experts”. ”⁸⁹⁵

“On the legal regulations: Primarily, people without paid employment perceive the regulations in SGB II as discriminatory. This leads to enormous pressure to perform, coupled with fears of failure, lack of security in the event of sanctions, violations of privacy and data protection through the obligation to submit masked bank statements, among other things.

The Landesfrauenrat (State Women's Council) described tax splitting for married couples and the amendment of tax law as discriminatory regulations: As a rule, wives earn less, are worse off and the needs of single mothers are not covered at present. The Thüringer Beauftragte für Frau und Mann (Thuringian Commissioner for Equality between Women and Men) described the structural disadvantage arising particularly from institutional regulations and structures. The Thüringer Beauftragte für Menschen mit Behinderung (Thuringian Commissioner for People with Disabilities) reported on the lack of social benefits and the fact that they were calculated on a small scale or implemented insensitively. The rigid obligations and sanctions imposed created additional hurdles - for example in participation in language and orientation courses. For example, the conditions for participation in language courses and classes of the

⁸⁹⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 146f, adopted by the majority of votes.

⁸⁹⁵ Ibid. p. 147.

BVJ would be classified as too high; this reduces the opportunities for the affected to participate in such courses and classes."⁸⁹⁶

"In addition, the following was found after the hearings: Legal regulations do not treat people of non-German nationality as equals of people of German nationality. This is a problem mainly because there is a one-sided relationship of dependence between the public administration and those affected. This is related to specific regulations - e.g. a regulation for foreign students according to which they can only work for a certain number of days, in contrast to other students."⁸⁹⁷

In addition to regulations that have a directly discriminatory effect on those affected, there are also apparently neutral regulations that are discriminatory for certain groups in their consequences. Women with head scarves are particularly affected in this case. In addition, the absence of certain regulations can have a discriminatory effect, such as the lack of recognition of professional qualifications acquired abroad.⁸⁹⁸

"This is particularly evident in the context of refugee accommodation, initial reception facilities and the missing and applicable provisions therein. Serious deficiencies were mentioned with respect to collective accommodation, also due to inadequate standards of accommodation, lack of possibilities for complaints, non-transparent regulations, deportations in the middle of the night, including house searches and family separations. Fundamental rights, which should apply to all humans in the Federal Republic of Germany, would not be valid in these accommodations, for instance the right to inviolability of the home (art. 13 GG). Because protection concepts are lacking for certain groups within collective accommodation, such as LSBTTIQ* persons or people of Christian faith, this would lead to experiences of discrimination and violence.

Refugio Thüringen e.V. has found: The structural discrimination for refugees has decreased, e.g. through the withdrawal of the residence obligation. At the same time, however, the de facto division of refugees into groups has increased - sorted according to the prospects of permanent residence. This discriminates against those with supposedly bad prospects of remaining. Jugendliche ohne Grenzen (Youth without borders) and the Roma Antidiscrimination Network reported that authorities

⁸⁹⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 147f, adopted by majority.

⁸⁹⁷ Ibid. p. 148.

⁸⁹⁸ See *ibid.*, p.148f.

treat people with an uncertain residence status badly. They are denied access and would suffer from permanent insecurity and fear of state arbitrariness.”⁸⁹⁹

“The structural causes of discrimination against persons with a higher need for counselling also include requirements of the authorities, such as the tight timeframe for counselling interviews, changing legal bases for further training opportunities, a lack of supervision or the attitudes of the authorities. The risk of discrimination is already inherent in the system here, as several government agencies operate on different legal bases with different financing and reimbursement options of the state.”⁹⁰⁰

“Another form of discrimination relates to the lack of accessibility in government offices and authorities. This refers to lack of or inadequate access for people with disabilities and/or specific needs. These accesses can be of a spatial nature or relate to the information, forms and communication options provided. This makes accessibility more difficult and restricts opportunities for contact. The Thüringer Beauftragte für Menschen mit Behinderung (Thuringian Commissioner for People with Disabilities) criticised the lack of accessibility to public buildings and public services in the digital media. There is also no accessibility on the Internet - not even in the state parliament administration, with the documents often being marked as non-accessible. While the language barrier mainly affects people of non-German origin, others are also affected. Most documents and forms are available only in German. The organisation “Menschen ohne bezahlte Beschäftigung” (People without paid employment) noted: They are written in a form that is difficult to understand even for people who have German as their mother tongue, or it is not barrier-free. Furthermore, it was stated: Authorities would demand signatures on documents with contents that were not comprehensible for the persons concerned because of the language.”⁹⁰¹ “One more problem is that: the persons concerned would not learn anything about their rights and duties, among other things, due to the lack of accessibility coming from not knowing the language. They could not take advantage of the opportunities to combat discrimination because they do not know the relevant

⁸⁹⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 149, adopted by majority.

⁹⁰⁰ Ibid.

⁹⁰¹ Ibid. p. 150.

administrative rules and thus cannot contact the government agencies and authorities.”⁹⁰²

“The affected people living in more rural regions of Thuringia face a particular challenge. Information, counselling, support and assistance services are only available in isolated cases at the local level, if at all, and are not available for all affected groups.”⁹⁰³

“In addition, there is discrimination by the acting parties. Structural barriers become visible in the employee structure. National minorities, people with migrant histories or women are represented weakly, especially at the management levels of the administrative and state authorities. This also applies to employees in general. The Thüringer Beauftragte für Menschen mit Behinderungen (Thuringian Commissioner for People with Disabilities) spoke of barriers in the minds of employees. Owing to a lack of sensitivity, they would not respond to specific situations and needs of people or their actions would deliberately be discriminatory. This is how those acting in the ministries and authorities would discriminate. A lack of sensitivity towards the needs of people with disabilities is a general problem in the administration. The Thüringer Flüchtlingsrat (Thuringian Refugee Council), Open Doors and the Roma Antidiscrimination Network reported on the situation of asylum seekers in collective accommodation. The situation there is a particularly serious example of the power gap between staff and residents. However, complaints and reports of discriminatory actions in the administrative context are only possible with the perpetrators themselves. This is a major problem considering the described background. Many of those affected would shy away from naming racism and discrimination, especially because of the power gap and the unequal distribution and access to information.”⁹⁰⁴

“Experiences of discrimination in dealing with employees of government offices and authorities are commonplace. The Roma Antidiscrimination Network, Sprintpool, *Jugendliche ohne Grenzen* (Youth without borders), Refugio Thüringen e.V., the *Zentralrat der Muslime* (Central Council of Muslims) and ezra reported about being handled disrespectfully, being treated poorly in general, by employees and the prejudices and stereotypes. Sprintpool described open dislike from employees of government authorities, rude behaviour, degradation of people and their skills,

⁹⁰² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 150, adopted by majority.

⁹⁰³ Ibid. p. 150f.

⁹⁰⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 151, adopted by majority.

unsatisfactory explanation and counselling particularly at the Aliens authorities, youth welfare offices and social benefits authorities. In addition, those affected said that authorities would accuse people of non-German origin of abusing asylum or pretending to be homosexual, etc.”⁹⁰⁵

“*Menschen ohne bezahlte Beschäftigung* (Humans without paid employment), the *Thüringer Beauftragte für Menschen mit Behinderung* (Thuringian commissioner for humans with disabilities), Open Doors and the Roma Antidiscrimination network report of official arbitrariness, e.g. retrenchment of benefits without providing reasons. Lack of knowledge of legal regulations as well as an insufficient qualification on the part of the employees are the reasons for such behaviour. Refugio Thuringia e.V. described cases of abuse of power by the staff of government authorities in Thuringia. In one case, the issue of a work permit for a refugee was linked to her previous signature for voluntary departure. According to Mobit, actors in civil society are also increasingly confronted with rejection and arbitrariness on the part of the authorities, for example when registering demonstrations.”⁹⁰⁶

“The consequences of discrimination arising from dependence are devastating for those affected. The *Thüringer Beauftragte für Integration, Migration und Flüchtlinge* (Thuringian Commissioner for Integration, Migration and Refugees) mentioned that there were consequences that affected the chances of social participation, as well as physical fitness and mental well-being. The consequences included relatively lower life satisfaction, frustration, isolation, aggression, poorer health and increasing identification with the region of origin. At the same time, many who experience discrimination do not even seek support. The possible reasons cited for this included: Fear of further victimisation, lack of reliable evidence, ignorance of options, reduced trust in state authorities. The people affected would not only feel a deep mistrust of state institutions, they even expected to become victims of racial discrimination again when visiting the authorities. Many asylum seekers did not dare to lodge a complaint for fear of a deterioration in their chances of staying. For certain groups, such as the Sint*ezza and Rom*nja, this translates into a double burden in view of the transgenerational traumatising, that is, the transmission of a trauma to subsequent

⁹⁰⁵ Ibid., p. 151f.

⁹⁰⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 152, adopted by majority.

generations through the genocide at the time of National Socialism, which was implemented by authorities.”⁹⁰⁷

b) Current State of Affairs

“The area of 'public administration' comprises a large number of possible actors, overall. In this text, the focus is on Thuringian ministries and their subordinate authorities, that provided information to the Commission of Inquiry as part of the hearing procedure A4. The aim here is to explain how the authorities deal with racism and discrimination within their own departments and how they deal with third parties. In general, the principles of the prohibition of arbitrariness and discrimination as well as the AGG apply to administrative actions in the Federal Republic of Germany. A variety of measures are already in place, especially in the area of gender equality. Equality between men and women is an objective anchored in the *Thüringer Gleichstellungsgesetz* (Thuringian Equality Act). Accordingly, departments in the administration with at least 50 employees are obliged to appoint equal opportunities officers. This is also implemented in the Thuringian ministries and subordinate authorities. Like local equal opportunities officers, they have specific tasks and rights. They support the management in implementing the law. In addition, the law provides for establishing plans for the advancement of women to encourage the opportunities for women in the public sector and to develop a role model for the private sector. The *Thüringer Ministerium für Arbeit, Soziales, Gesundheit, Frauen und Familie* (TMASGFF) (Thuringian Ministry of Labour, Social Affairs, Health, Women and Family) ensures that these are also implemented by local authorities by agreeing on objectives. Other authorities, such as the *Bundesagentur für Arbeit* (BA) (Federal Employment Agency) Regional Directorate Saxony-Anhalt Thuringia, reported on plans for equal opportunity at work during the hearing. Furthermore, the BA sees itself specifically as an employer oriented towards equal opportunity. Both, the employment policy guidelines of the EU and the National Action Plan of the Federal Republic of Germany, would be followed. Gender equality, the balance between work and family life as well as private life, promotion of severely disabled people, cultural diversity and sexual identity thus play a major role. The Thuringian Commissioner for

⁹⁰⁷ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 152f, adopted by the majority of votes.

Gender Equality criticised the following: There are no uniform obligations and/or sanctions despite the good regulations on equality.”⁹⁰⁸

“The invited Thuringian ministries and authorities have provided extensive information on the handling of racism and discrimination within the departments. The AGG provides the framework for the debate. It is the implementation and arrangement that are the greatest challenge for the actors. All persons providing information in the Thuringian ministries reported that there are complaint centres according to the AGG or conflict commissioners, equal opportunities commissioners or representatives for severely disabled persons within the organisation. It was reported: There are representatives and complaint centres in the municipalities, jurisdictions, public prosecutor's offices, at two school offices and throughout Thuringia's universities. Within the Thuringian ministries, the low number of cases reported was conspicuous considering the experiences of discrimination. The TSK conducted a survey among employees and counted nine cases of discrimination within the TSK. The *Thüringer Beauftragte für Gleichstellung von Frau und Mann* (Thuringian Commissioner for Gender Equality) informed the commission that she counsels within the authorities and their subordinate areas - although discrimination within authorities in the sense of the AGG is not within her area of responsibility. No cases of discrimination were directed to the internal complaints centres within the TMWWDG and TMASGFF. The TSK explained the small number of cases by stating that the workforces in the Thuringian state administration were homogeneous. Thus, there is an extremely small proportion of employees with migrant background in the public administration. In the TSK, none of the employees stated that they had an immigrant background. However, the state government's personnel development concept provides a uniform departmental framework for personnel management. Diversity management and further training on diversity for employees are planned in the day-to-day work of the authorities. This is to be implemented both within the TSK and in the TMASGFF in the future. The TMMJV said: It applied so-called disadvantage compensation measures during the training of judicial staff in order to ensure real equality, in particular for people with disabilities. The *Thüringer Amt für Verfassungsschutz* (Thuringian Office for the Protection of the Constitution) stated that it was making greater efforts than in the past to recruit people with an immigrant

⁹⁰⁸ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 153f, adopted by the majority of votes.

background. According to its own statements, the BA *Sachsen-Anhalt-Thüringen* (Saxony-Anhalt-Thuringia Federal Employment Agency) also advertises specifically for people with an immigrant background. In order to promote intercultural openness, a diversity and gender check has been introduced for personnel managers and executives.”⁹⁰⁹

In public service, equality is regulated for people with disabilities as well as women and men. There are no further quotas for filling posts. The TMBJS stated: Persons with a “background of discrimination and experience of racism” would not be specifically considered in personnel planning. The TMMJV referred to strict selection criteria in the civil services career. In particular, relevant preliminary checks are to be carried out on state employees.”⁹¹⁰

“In addition, the respondents also mentioned further preventive measures in their field of activity. The Thuringian ministries and their subordinate authorities reported that employees would participate in further training courses of the state programme “DenkBunt”. The *Landesprogramm für Toleranz und Vielfalt* (State Programme for Tolerance and Diversity) includes further measures and training in relation to gender and sexual diversity. The Refugee Council and Prof. Dr. Nachtigall assessed the situation as follows: Municipal offices and authorities would currently tend to block sensitisation measures or see no need for action. The participation of employees is not mandatory, but according to TMIK it is key to the regular assessment of civil servants. The TSK referred to its annual management retreats, which also deal with preventive measures and are recorded in management policies.”⁹¹¹

“TMIK has a master service agreement between the ministry, the main staff council within the ministry and the Thuringian police. The agreement aims at protecting workers from mobbing, sexual harassment and discrimination. A social contact person has been appointed for employees for this purpose. In the TMMJV, racism and discrimination are prevented in the establishment and in the subordinate authorities through appropriate practices in personnel management, the internal service and the organisational unit. In addition, there are complaints centres. A critical (self-) contemplation of administrative practice should be strengthened:

⁹⁰⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 154f, adopted by the majority of votes.

⁹¹⁰ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 155, adopted by the majority of votes.

⁹¹¹ Ibid. p. 155f.

through the principle of dual control, the fundamental option of challenging administrative actions, and the guarantee of legal protection. The aim is to counteract discrimination.”⁹¹²

The TMWWDG stated that it applies the legal requirements of the AGG. There are no measures or programmes in place beyond that to combat discrimination and racism within the Ministry. Questions on how to deal with discrimination and racism do not play a role within the *Thüringer Landesmedienanstalt* (TLM).

The Commission of Inquiry deals with racism and discrimination within the public administration. The options for institutions to take action against discrimination and racism committed against third parties are also interesting. Additional measures are particularly important with regard to the gap in protection in the public sector. The following list includes information provided to the Commission. It is not complete. Any outstanding issues will have to be resolved later by the Commission.”⁹¹³

“The TSK has a coordination unit for anti-discrimination issues (LADS). It has been open to the concerns of third parties since 2014. The TSK has the following core objectives: to improve the quality of communication and cooperation between citizens, parliament and administration; to actively manage complaints and conflicts between citizens and the state; to actively engage in anti-discrimination work in the field of LSBTTIQ* and AGG at the suggestion of citizens seeking advice and assistance. This results in the following objectives for the anti-discrimination centre: Initiating, accompanying and promoting the planning, steering and monitoring of projects or individual processes in the state sector and at the interface with the non-governmental sector; establishing and maintaining cooperation in the field of federal-state relations; LSBTTIQ* work in Thuringia through implementation of the state programme for acceptance and diversity; accompanying individual LSBTTIQ* cases; network centre for representatives of the state government in the multidimensional field of action concerning discrimination and racism. The centre thus looks at discrimination based on origin, descent, ethnicity, social position, language, political,

⁹¹² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 156, adopted by the majority of votes.

⁹¹³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 156f, adopted by the majority of votes.

philosophical and religious conviction, gender and sexual orientation. It also focuses on racism that does not lead directly to the preference or disadvantage of people (discrimination), but is equally problematic for an open, democratic society. Mainly project-related work arises from the objectives for the anti-discrimination centre. It is aimed at sensitising society, preventive work, counselling within and outside the authorities, networking and public relations work. In terms of content, it is subsidiary to the thematic areas of discrimination, which are covered by other representatives of the state government. The Anti-Discrimination Agency does all this by advising the state government on fundamental and legislative procedures, maintaining cooperation with the federal government and other states in the anti-discrimination field, coordinating the work of the representatives of the other ministries, maintaining contacts with non-governmental associations, accompanying and promoting civic LSBTTIQ* work, initiating a network-oriented and needs-based advisory structure, advising authorities and public institutions on the implementation of the AGG, raising public awareness on work and offers related to anti-discrimination, and identifying various forms of discrimination. Work in the field of racism and discrimination currently concentrates on developing a language that is both understandable and legally secure, e.g. in case of answers and information from the administration. In addition, the focus is on the “Mehrkindkarte” (Multi-Child Card) project of the National Association to support families with many children, designing the best possible internet presence, improving the public relations work of the Anti-Discrimination Agency, implementing the National Programme for Acceptance and Diversity, implementing anonymised application procedures in public administration and the private sector, continuing and deepening the work of the Working Group on Tolerance and Diversity and initiating and supporting projects in the field of antiziganism (Anti-Gypsism).⁹¹⁴

“In addition to the anti-discrimination centre, there is a police trust centre for third-party complaints against the police since 2017. This is affiliated to TMIK. The complaints centre is expressly not active internally, i.e. within the police apparatus. The purpose of the body is to develop and promote a culture of leadership and error management within the police force. In order to achieve this, the centre cooperates with citizens and institutions outside the police...”⁹¹⁵

⁹¹⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 157f, adopted by the majority of votes.

⁹¹⁵ Ibid., p. 158.

“The representatives of the State of Thuringia are also responsible as positions for counselling, information and complaints. The *Thüringer Beauftragte für Integration, Migration und Flüchtlinge* (Thuringian Commissioner for Integration, Migration and Refugees) reported: Persons affected by discrimination have the option of contacting her or the anti-discrimination centre located in the TSK. They can also contact the Thuringian Ombudsman in the event of discrimination by the public administration. In addition, three volunteer coordinators work in the office of the Ombudsman. They support migrant self-organisations, advise on setting up associations and organise events on the subject. There are no funds expressly intended to promote these self-organisations and associations.

The *Thüringer Beauftragte für die Gleichstellung von Frau und Mann* (Thuringian Commissioner for Gender Equality) drew attention to the reports on equality: These reports reveal structural disadvantages which are also caused by institutionalised regulations. The Conference of Gender Equality and Women's Ministers, Senators of the States (GFMK) is working on measures to create administrative structures and set up entrepreneurial incentives. These are intended to enable women to develop a stable employment biography and to make decisions that safeguard them in their old age. The reports also referred to the planned implementation of the UNICEF minimum standards for the protection of refugee women in refugee shelters from violence. There were reports on the planned implementation of a barrier-free women's shelter as well.

The *Thüringer Beauftragte für Menschen mit Behinderung* (Thuringian Commissioner for People with Disabilities) is the contact person and public interest representative. To this end, he/she publishes information material, in plain language, and examines the accessibility in Thuringia in public life as well as on the job market. The new Equal Opportunities Act for People with Disabilities is currently being coordinated interdepartmentally. The Commissioner should be given a better position, more rights and opportunities for intervention to be able to act as early as possible in official decision-making processes and thus better support people with disabilities.”⁹¹⁶

“As an additional measure in the field of anti-discrimination, the TMASGFF referred to a funding practice of the Ministry: Support from the European Social Fund is linked to the 'fight against racism and discrimination'. The Ministry applies these guidelines

⁹¹⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 158f, adopted by the majority of votes.

when awarding grants. In addition, the Fair Mobility project has been implemented since December 2017. It is intended to protect foreign female employees from exploitation. In the area of combating age discrimination, the Ministry referred to the programme *Solidarisches Zusammenleben der Generationen* (Coexistence of generations in solidarity) and local alliances as well as the *Seniorenmitwirkungsgesetz* (Senior Citizens' Participation Act). The screening of the standards of laws and draft laws was presented in relation to the protection of the disabled. The aim is to check whether a text complies with the UN Convention on the Rights of Persons with Disabilities. The German Institute for Human Rights also conducts reviews in this area. The Ministry presented the 'SprInt' project in the area of 'People with an immigrant background' - it promotes the use of professional language and integration mediators; the 'IPSO' promotes psychosocial specialists with an intercultural background...⁹¹⁷

"The measures of the state programmes can be regarded as measures vis-à-vis third parties. The State Programme for Democracy, Tolerance and Openness to the World is part of the TMBJS. One of its central objectives is to combat discrimination and racism; the most important strategy is civil society action and government action. Local measures against racism and discrimination are also supported. In addition, the further education offered by the state programme is aimed at employees in public service and administration. This education is intended to raise awareness of dealing with third parties without discrimination. The state programme 'Acceptance and Diversity' deals specifically with LSBTTIQ* topics. It also provides measures to sensitise employees in public administration. The state programme describes the review of anonymous application procedures in public administration. LSBTTIQ* refugees are also considered separately. Special regulations are to be included for them in the *Thüringer Gemeinschaftsunterkunfts- und Sozialbetreuungsverordnung* (Thuringian Regulation on Communal Housing and Social Support). Information material will be developed to help create institution-specific concepts for protection against violence. In addition, caregivers in the facilities and employees in the administration will be sensitised. In addition to the existing anti-discrimination centre of the Free State of Thuringia, there will be a civil society-based coordination centre for LSBTTIQ* work, which will also act as a counselling centre...⁹¹⁸

⁹¹⁷ Ibid., p. 159f.

⁹¹⁸ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 160f, adopted by the majority of votes.

“The TMMJV has admitted: Standards for the accommodation of refugees in collective accommodation were not met in 2015 due to capacity reasons. The TMMJV pointed out that in some cases it was unable to intervene in the event of complaints. Although the ministry is responsible for the technical supervision, the administrative supervision lies with the administrative districts and independent cities. Work is currently underway to meet or raise standards, for example through higher social care lump-sum payments. The TMMJV also reported on the implementation of anti-violence concepts in accommodation and on the establishment of independent and low-threshold complaints centres. In November 2017, TMMJV and the *Thüringer Beauftragte für Integration, Migration und Flüchtlinge* (Thuringian Commissioner for Integration, Migration and Refugees) presented an integration concept. The link between integration measures and the prevention of discrimination is a basic assumption of the concept.”⁹¹⁹

Summary:

“After the oral hearings and the evaluation of the submissions, it is possible to establish that: The field of public administration has areas that show exemplary developments as well as those that are “not keeping pace” in the area of racism and discrimination. In the area of highest state authorities, work is concentrated in the anti-discrimination centre, with the Commissioner for Integration and the Commissioner for Equality. All authorities have complaint centres according to § 13 AGG.

Information gaps currently exist with regard to the implementation of many measures - such as the Anti-Discrimination Centre: Which measures have been implemented? In which of the defined working areas (e.g. racial discrimination, discrimination on the basis of sexual identity, age, etc.) are there no current (or planned) measures? What effect do the measures have? The budget for measures in 2016 was 20,000 Euros. Only 12,219 Euros were spent. It is not clear how many cases the agency accompanied or advised. Generally it seems to be a case of patchwork: Occasionally, measures were described during the hearing process promoting and strengthening disadvantaged groups. In some Thuringian ministries and subordinate

⁹¹⁹ Ibid., p. 161.

authorities (e.g. *Verfassungsschutz* or Office for the Protection of the Constitution) no strengthening measures were mentioned, while no sensitising measures were mentioned in others (e.g. TMMJV). This does not necessarily mean that no corresponding efforts are being made in this area. However, the fact that it is not mentioned, proves the lack of importance ascribed to the issue. All in all, it seems, there are more or less pronounced complaint structures for various forms of discrimination in all Thuringian ministries as well as in the subordinate authorities. Awareness-raising measures are handled in different ways - sometimes as a mandatory part of training, sometimes voluntarily in further training, and sometimes as part of the experienced organisational culture. The design of sensitising measures (mostly "projects") indicates a temporary character.

The key prerequisites for a successful fight against racism and discrimination with respect to public authorities are: the approach towards racism, the leading role of local government in setting framework conditions and sustainable and networked integration work of the local government, an administrative structure that adapts to social changes as well as its orientation towards dialogue. The biggest obstacle is the lack of monitoring across all ministries and administrative levels. For example, the situation of those affected by racism and discrimination in the context of the authorities cannot be described and recorded in detail. It is therefore also not possible to make a professional assessment of measures still to be taken. This applies to racism and discrimination within the authorities and to the way the authorities deal with society. The fleeting and therefore selective internal views of the authorities and the case numbers of the victim counsellors and self-organisations cannot replace a complete record of incidents. It is unclear to what extent the cases of racism and discrimination reported to the Commission of Inquiry occur...⁹²⁰

c) Measures from the course of sessions

"In the course of the consultation, there were a large number of reform proposals in the public administration sector:

- a) The hearing process has revealed the following: The anti-discrimination centre in the TSK is not sufficiently known. Intensified, target group-specific public work would be necessary here. Moreover, those affected often do not find any target-

⁹²⁰ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 161f, adopted by the majority of votes.

group-specific services provided by the local government in rural regions. It is therefore important to broaden the range of offered services. Above all, contact points are needed to report cases of discrimination..

- b)** In general, a comprehensive organisational development of the public administration is encouraged. This includes communicating models that are based on the principles of anti-discrimination and anti-racism. Protection against discrimination can therefore be implemented if there is knowledge of the legal options. To this end, the administration should also be confronted with demands from civil society - similar to those already implemented in the State Action Plan against Racism in Berlin.
- c)** Women and people with an immigrant background should be specifically recruited for public administration. This can achieve a cultural opening of the administration. The representativeness of women and people with an immigrant background can also be improved in this way. By introducing anonymous application procedures, it can also be ensured that competencies are in the foreground when recruiting personnel and that exclusion for racist reasons is ruled out.
- d)** Public administration documents, forms and information material must be provided in plain language. Translations into other languages are also necessary.
- e)** In order to support affected groups, there needs to be a permanent and structural empowerment with regard to one's own rights. Support services and contact points as well as an improved communication culture by the public administration are also important.
- f)** The Thuringian ministries reported on education, training and further education programmes, including anti-discrimination and cultural sensitisation. These should be reinforced and made mandatory for employees in public administration. The trainings offered and contents on human rights obligations, protection against discrimination, diversity and anti-racism trainings, intercultural competences, empathy, tolerance, detachment from role and tolerance of ambiguity as well as special training measures for people who frequently deal with refugees are important.
- g)** Official practices in Thuringia need to be analysed to avoid structural discrimination. These must be adapted to the CERD and ECRI recommendations where necessary. Thuringian laws and regulations for public institutions are

already subject to a standard screening under the UN Convention on the Rights of Persons with Disabilities. The UN Convention against Racism also requires such a screening. It is also important to abolish discriminatory regulations and amendments or to adapt regulations that have a discriminatory effect on certain groups.

- h)** It is advisable to link public procurement with the acceptance of German anti-discrimination policy to combat discrimination and racism outside public administration. This can be achieved, e.g., through a commitment to inclusion and integration or by signing the 'Charter of Diversity' or applying anonymised application procedures.
- i)** Awareness must be raised about the Charter of Diversity and its underlying values. To this end, authorities and companies should be encouraged to sign and implement the ideas contained in the charter.
- j)** A state participation report should answer which barriers exist in the public administration, how these can be removed and which measures can be taken, subdivided into different groups.
- k)** Improved mandatory standards are required for the accommodation of refugees at initial reception facilities, collective accommodation and accommodation in municipalities. It is necessary to revise the ThürGUSVO, in particular with regard to the introduction of anti-violence concepts and transparent quality standards. A regular review is vital. In addition, persons of trust must be made available in the accommodations for asylum seekers and victims of violence.”⁹²¹

d) Outlook for the further course of sessions

“- How can the reality of discrimination within the Thuringian administration be recorded successfully with differentiation? What forms of address are planned to better inform administrative employees about their rights and the options for lodging complaints?

- What role does the location of the complaint facility play? Is it perhaps perceived as not independent enough to allow complaints without fear of consequences? Should an independent complaints centre be set up via a possible LADG?

⁹²¹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, pp. 163-166, adopted by the majority of votes.

- How can a specific increase be achieved in the proportion of people in public administration with an immigrant background and people with experience of racism? (see e.g. Berlin police with respect to immigrant background, other good practice examples are still to be identified)
- What verifiable measures can be taken to increase the anti-racist skills of the administration? How exactly can training courses be evaluated, for example?
- How can it be ensured that intercultural and anti-racist competence or anti-discrimination competence is taken into account in the Thuringian administration when deciding on promotions?
- How exactly are anti-discrimination measures assessed and evaluated? How can this evaluation be consolidated within the framework of a comprehensive impact orientation?”⁹²²

Questions to TSK/ Anti-discrimination Coordination Unit

- “- Considering the context of its coordination work, is the TSK able to ensure coherent internal and external anti-discrimination and anti-racism work of the Thuringian ministries and administration?
- How does the Coordination Unit assess and evaluate the impact of its work with regard to the handling of different discrimination dynamics?- The work of the Commission of Inquiry shows: Racist discrimination in Thuringia must be recorded and dealt with comprehensively and in a differentiated manner. How can it be ensured that the anti-discrimination agency will make full use of the resources allocated to it in future?
- What concrete measures has the anti-discrimination agency been able to take to reduce racist discrimination in Thuringia?
- What does the anti-discrimination agency need to continue its work sustainably?
- How can the anti-discrimination agency's coordination work on anti-discrimination within and between Thuringian ministries be improved?”⁹²³

⁹²² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 166, adopted by the majority of votes.

⁹²³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 167, adopted by majority.

On Part B. II 5. Further areas for action

Introduction

“This part of the interim report deals with further areas of action that have not been discussed, or have discussed only partially in the Commission of Inquiry. Therefore, the issues described here will not be dealt with in detail. Instead, they should be the subject of in-depth discussion as further points in the remaining time.

There are also areas that cannot be allocated to points B.II1) – 4). However, these were significant during the hearings and should not be neglected. Furthermore, higher-level measures and those spanning several issues should now be specified.”⁹²⁴

⁹²⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 168, adopted by the majority of votes.

5.1. Media and the public sphere

a) Problem description

“Racist attitudes and psychological and physical violence both shape the public arena in different ways. Demeaning racist representations can be found at demonstrations, in publications, on billboards, on the Internet, in spaces such as public transport or in the social environment (neighbourhood, when purchasing goods and services, gyms, discos, etc.). Racist attitudes are here promoted and racist attacks and abuses occur. Several of the persons to be heard reported that: Discriminating, racist depictions are increasing in the media; there is more experience of everyday racism; the number of openly hostile acts in public is increasing. This included taunting in trams or on the street, because people were speaking in a language other than German. This included open physical violence and attacks against homes, religious centres, etc.”⁹²⁵

Media discourse plays a central role in disseminating biased attitudes towards particular groups. A study by FSU Jena concluded: Certain hostile attitudes and their dissemination can be attributed to the way in which the contents of national political and media discourse are perceived and evaluated. According to the study, media discourse is shaped by negative depictions. This has been established just as much by scientists as by those affected.⁹²⁶

“Negative depictions carried by the media and negative lines of argumentation in society are establishing themselves in the mainstream of society. In this context, parties to be heard pointed to the spread of racist and discriminatory attitudes, which can also be traced back to media discourse and the depiction of minorities and lead to a socially accepted form of everyday racism. This corresponds to feelings of loss of security and loss of trust in society for those affected.”⁹²⁷

b) Current state of affairs/practical examples

“The Secretariat of the European Commission Against Racism and Intolerance of the European Council (ECRI) have taken up the possibilities for action that Thuringia possesses for countering hate rhetoric. The authorised expert, Dr Schellenberg,

⁹²⁵ Ibid., p. 170f.

⁹²⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 171f, adopted by the majority of votes.

⁹²⁷ Ibid. p. 172.

emphasised the responsibility of the media for racist discourse, and that it is necessary to review journalistic working methods.

The TLM (Thuringia State Media Institution) described its possible courses of action. According to the TLM, dealing with racism and discrimination does not play a 'decisive role' within the TLM – unlike the handling of such content in electronic media. In 2017, there was a focused analysis of current incidents of 'Internet content hostile to refugees and immigrants', in cooperation with other state media institutions. In Thuringia, more than 100 regional or local websites "with potential right-wing extremist content" have been identified. In some cases of suspicion, content was documented that was inadmissible, harmful to minors or detrimental to their development. Prosecutable contents were passed on to the state prosecutors and a KJM (Commission for Youth Media Protection) review process was opened. The analysis of networked pages proved to be a fruitful approach. At the same time, experience has shown that the legally constituted freedom of expression permits many opinions. In addition, many legal violations were not clearly attributable to one person."⁹²⁸

"The TLM sees it as one of its central tasks to sensitise and to inform both media providers and the public. It urges for topics such as ethnicity, migration and social minorities to be represented more strongly in news reporting. There should be more frequent and more positive (instead of frequently negative) reporting on people with immigrant backgrounds. People with immigrant backgrounds and ethnic minorities should not be represented symbolically. This will happen only if individual programmes are examined. Structural deficits in the service itself and "summary effects in the overall supply" can hardly be penalised. The TLM identified – particularly in the relevant laws – ways to combat racist and discriminatory media content – but only in radio and television media. There are practical difficulties with the Internet in particular (provability, accountability). Indeed, the TLM has been working together with other state media for years – in the areas of information, prevention and education. Another central task is 'classical supervision', the regular training of media creators and active involvement in media education for all generations in the area of racism and discrimination. To do this, the TLM depends on securing their financial basis. The TLM takes action against discriminatory media

⁹²⁸ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 173f, adopted by the majority of votes.

content on the basis of sexual orientation, social background, ethnicity and physical characteristics. However, this works only with regard to individual programmes. The broadcaster as a whole would never be the subject of proceedings. For this reason, the TLM has campaigned for informative, sensitising and discourse-oriented measures. The goal must be to create insight. This includes a wide range of information materials for teachers, parents and young people. So far, this has been directed more at right-wing extremism and less at racism.”⁹²⁹

The following section deals with measures identified so far by experts (experts and stakeholder groups) in the course of meetings and worthy of further discussion by the Commission.

c) Measures from the course of sessions

1. Observing the duty of intervention: Racist statements in the political arena and in public life must be continuously and decisively opposed and sanctioned.
2. The sensitisation of journalists* in education and further training in dealing with those affected by racism and discrimination should be improved. The code of conduct against hate rhetoric should be further developed and adopted by professional groups and media organisations.
3. Strengthening the skills of students, young people and educators in dealing with racism and discrimination in the digital sphere is encouraged.
4. Public education and strategies for dealing with racism on the Internet should be developed and updated regularly.
5. Introducing more intensive media education is encouraged. A good example of this is the National Centre for Political Education NRW. This is where the State Coordination Centre against Right-Wing Extremism is docked. It has developed an 'Integrated Concept of Action against Right-Wing Extremism'.⁹³⁰ The Bavarian Information Centre against Extremism (BIGE) can also be cited here as a good example. Together with the Bavarian State Agency for Political Education, BIGE launched the Internet portal *www.bayern-gegen-rechtsextremismus.bayern.de* in September 2009. This portal offers detailed specialist knowledge on the subject of

⁹²⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 174f, adopted by the majority of votes.

⁹³⁰ See interim report of the Commission of Inquiry 6/1, p. 176, adopted by the majority of votes.

right-wing extremism. The core area of the portal has current pictures of the regional situation for all government districts in Bavaria with comprehensive information on right-wing extremist structures, their potential numbers, activities and criminal offences. Since August 2011, BIGE, again together with the Bavarian State Agency for Education, has been operating the internet portal *www.bayern-gegenlinksextremismus.bayern.de*.⁹³¹

6. "Information on the legal situation and offers of help for those affected by hate speech must be made easily accessible. This also applies to information and training activities related to the culture of digital democratic debate, source querying and information practices.."⁹³²

d) Outlook for the further course of sessions

1. In the field of Media, the Commission of Inquiry should listen to those affected by racism and discrimination to understand how they experience media discourses in conventional reporting and in the social media. This includes media-watch groups, scientists and cultural workers who are affected by racism.

2. Journalists and professional associations should be questioned as to how training and professional development can be improved in the context of racism and discrimination.

3. Professional journalist associations should be consulted to gain an overview of which complaint systems exist and to contribute ideas on how these can be improved. This includes the question of which consequences are (can be) systematically drawn from complaints.⁹³³

5.2. Civil society

a) Problem description

⁹³¹ Cf. Communication 6/1789, p. 3.

⁹³² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 177, adopted by the majority of votes.

⁹³³ See interim report of the Commission of Inquiry 6/1, p. 178, adopted by the majority of votes.

"KomRex underlined in its communication: Democratic civil society is challenged by discriminatory exclusion and devaluation mechanisms..."⁹³⁴ The continuing spread of prejudices and negative attitudes towards ethnic and cultural minorities among the Thuringian population represents a particular challenge for political culture and democratic civil society in the Free State of Thuringia. These attitudes, which exist in the 'centre' of society, shape a climate hostile to migration and integration - especially in local contexts. Prevention and intervention measures to promote democratic culture, civil society and to combat xenophobia, racism and extremism should therefore address their causes as broadly as possible. Particular attention should be paid here to socio-psychological and cultural factors, e.g. by enabling positive intercultural and inter-religious contacts and a higher appreciation of ethnic diversity.⁹³⁵

b) Current state of affairs/practical examples

"The mayor of Suhl reported on preventive measures. At a local level, a network of initiatives has been established, e.g., 'Promoting Tolerance – Strengthening Competence', 'Diversity does good. Youth for Diversity, Tolerance and Democracy', 'Competent for Democracy – Advisory Networks Against Right-Wing Extremism'. The project 'Live Democracy. Active Against Right-wing Extremism, Violence and Misanthropy' is currently being established and locally networked. Supported by funds from the local action plan 'Suhl Acknowledges Colour', among others.

The *Thüringer Landeszentrale für politische Bildung* (Thuringian Centre for Political Education) claimed: Numerous event formats are concerned with the issues of racism, discrimination and enmity towards particular groups. These have generally been very well attended. Participants reported, in the context of the event, several occasions of experiences of discrimination and trivialisation. This is remarkable, because the expression of discrimination experiences in public requires particular courage. The actual number of incidences of discrimination among the participants was probably much higher. The Thuringian Centre complained that a strong civil society organisation for migrants is lacking.

An important contextual proviso is: The number of self-organisations of people

⁹³⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 178, adopted by the majority of votes.

⁹³⁵ Cf. Communication 6/1267, p. 6.

affected by racism is relatively small in Thuringia. In 2016, 2017 and 2018, there were exchange and networking events. This was implemented by the volunteer coordination at the Commission for Migration, Integration and Refugees. The exchange and networking events partly served to strengthen and support civil society structures.”⁹³⁶

The following section lists the actions identified by experts (experts and stakeholder groups) in the course of the meetings so far and which we consider worthy of further discussion by the Commission.

c) Measures from the course of sessions

1. The democratic civil society and the debate culture should be strengthened as a whole, in particular with respect to the principle of equality, through support programmes that focus explicitly on the fight against racism and extremism (right-wing and left-wing extremism as well as Islamism), for example.
2. A qualification programme to combat misanthropy through further education in racism, sexism, extremism and other forms of group-based misanthropy can be conducted.
3. There is a need to establish an independent, low-threshold, target-group-specific anti-discrimination agency closely oriented to affected groups and serving as a verifying authority and complaints centre that advises those affected by racism and discrimination, and provides information through educational offerings and campaigns against discrimination. An independent, low-threshold and professional advisory body is also important in rural regions. The development of support services should be encouraged and outreach counselling provided. It is necessary to take into account the comprehensive recommendations for a model in Thuringia proposed by the anti-discrimination association to implement qualified anti-discrimination counselling. This also corresponds to the recommendations of the ECRI for Thuringia.⁹³⁷

⁹³⁶ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 179f, adopted by the majority of votes.

⁹³⁷ See interim report of the Commission of Inquiry 6/1, p. 181f, adopted by the majority of votes.

5.3. Work and living

a) Problem description

"Authorised expert, Mr Aikins, pointed out that: People affected by racism are often systematically excluded from essential parts of society – and this despite the state's obligation to respect social human rights, to protect them from attacks by third parties, and to work towards the fulfilment of their potential."⁹³⁸

"The situation in the training and job markets can be described in similar terms, despite the skills shortage and demographic changes. However, there are significant differences between individual groups: In application processes, Asian people and people from other European countries have similar opportunities to white Germans. Black and Muslim people, on the other hand, have to write significantly more applications in order to be invited to an interview. Authorised expert, Mrs Güleç, describes the training and job markets: Young people with 'immigrant-sounding' names have fewer chances of being invited to interviews at all."⁹³⁹

"The Studierendenwerk recommended that attention be paid to the situation of students from countries outside of the European Economic Area. Due to their legal situation, they are worse off than other students: Approval from the Employment Agency and Immigration Office is required for them to be allowed to work more than 120 full or 240 half days. This results in the situation that international students as a rule have a harder time, or are completely denied the possibility of, financing their studies through their own gainful employment, as students without these limitations are more attractive to employers."⁹⁴⁰

b) Current state of affairs/practical examples

"The right to work forms part of bindingly regulated social human rights, enshrined in the International Convent on Economic, Social and Cultural Rights (ICESCR) and in international law. This includes the right to appropriate living standards (food, clothing, housing) and the right to a high standard of physical and mental health.

⁹³⁸ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 182, adopted by the majority of votes.

⁹³⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 183, adopted by the majority of votes.

⁹⁴⁰ Ibid. p. 184.

Aspiration and reality diverge even more widely than in the case of individual human rights. Their violation can be contested legally.”⁹⁴¹

"The state programme 'Publicly Promoted Employment' aims to counteract the exclusion of the long-term unemployed. The fight against racism and discrimination is a horizontal objective of the European Social Fund (ESF). The funding guidelines require that "any form of discrimination based on gender, racial or ethnic background, religion or world view, disability, age or sexual orientation are to be countered." The TMASGFF (Thuringian Ministry of Labour, Social Affairs, Health, Women and Family) sets these targets for potentially disadvantaged groups (long-term unemployed, single parents, people with immigrant backgrounds) through the GFAW (Society for Employment and Economic Development of the Free State of Thuringia).”⁹⁴²

"The TMASGFF supports the project 'Faire Mobilität' (Fair Mobility). The project is aimed particularly at workers from other EU countries. The goal is to prevent exploitation through gainful employment.

In the target agreements of Job Centres with the TMASGFF and the authorised municipal sponsors, special attention is paid to promoting disadvantaged target groups. Incidents of racism and discrimination are unknown to the Ministry.”⁹⁴³

The following section lists the actions identified by experts (experts and stakeholder groups) in the course of the meetings so far and which we consider worthy of further discussion by the Commission.

c) Measures from the course of sessions

1. Social housing should be further promoted beyond existing funding resources.
2. Refugees should be distributed according to regional resources such as work, perspectives and housing rather than according to rigid quotas.
3. Protection from violence must be improved for women in communal accommodation.

⁹⁴¹ Ibid. p. 185.

⁹⁴² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 185, adopted by the majority of votes.

⁹⁴³ Ibid. p. 186.

4. The conditions in communal accommodation must generally be improved. Compliance with minimum standards must be ensured.
5. Sufficient housing must be created for international students.⁹⁴⁴

d) Outlook for the further course of sessions

In this area, it would be a good idea to listen to other experts, affected persons, associations and institutions (e.g. the *Studentenwerk Thüringen*) and to develop measures that work towards a non-isolating, self-determined and socially participatory lifestyle for all.

5.4. Health

a) Problem description

"A large amount of the empirical research on the relationship between discrimination and physical health comes from the USA. The majority of studies relate to the ethnic discrimination against the African American population. Epidemiological studies on health largely confirm a significantly worse level of health compared to white reference groups. The effects of ethnic discrimination can cause various illnesses. In some cases, the physical reactions are discernible only after a longer period. In other cases, the physical reactions require a certain amount of time to develop a disease profile (e.g., heart disease, obesity, diabetes). In others, the reactions are immediately measurable (e.g., high blood pressure). In the majority of surveys, the connection between self-reported ethnic discrimination and health problems is multifaceted, e.g., because there are non-linear influences or because only certain subgroups are affected. Finally, the majority of findings indicate: The experience of discrimination is accompanied by long-term increased health risks, e.g., in diseases of the heart and blood vessels. They can therefore lead to an increased risk of mortality."⁹⁴⁵

"Likewise, serious physical complaints and illnesses have been variously confirmed to be the result of discrimination. Research has focused in particular on clinic

⁹⁴⁴ See interim report of the Commission of Inquiry 6/1, p. 186f, adopted by the majority of votes.

⁹⁴⁵ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 188, adopted by the majority of votes.

diagnoses such as depression, anxiety disorders, obsessions, psychosis and other psychological disorders. Other studies considered subjective evaluations of one's own psychological health, e.g., personal well-being and happiness, as well as life satisfaction, feelings of self-worth or feelings of irritation and anger. Overall, the research shows a link between higher evaluations of self-reported discrimination and evaluations of poorer mental health. Epidemiological studies consistently discovered a connection, e.g., between ethnically motivated discrimination and proven psychological conditions, mental health complaints and complaints of symptoms of anxiety, depression and hostility. Clear data supports the assumed relationship between perceived discrimination and negative effects, including feelings of anger and sadness.”⁹⁴⁶

“In the relationship between perceived discrimination and health symptoms, mental health measurements are often considered as mediating mechanisms for a bodily disease process. The stress research provides evidence in this regard: Stress factors can influence a physical disease via negative emotional conditions, e.g., anxiety or depression. These can then have a direct effect on biological processes or behavioural patterns that in turn have an effect on the risk of physical diseases. In addition, perceived discrimination can exacerbate the negative effects of other stressors. Reported ethnic discrimination and concern and anger over interethnic interactions are predictive of various negative mental health indicators, for example, in African American adolescents. These include increased depressive symptoms, low self-esteem, stress, anxiety, feelings of hopelessness, and lower life satisfaction. Adolescent risk behaviour, crime and less positive academic performance correspond to perceived discrimination.”⁹⁴⁷

“The experience of prejudices and perceived discrimination can indirectly cause mental stress. Experiences of social inequality are encouraged by an ethnic minority status. Experiences like these play a large role in the risk of psychological diseases. The connections cannot be attributed exclusively to the experiences of discrimination. But they indicate the indirect effects of ethnicity and social disadvantage. A further phenomenon is termed internalised discrimination in stigmatised ethnic minorities. After that, long-term devaluation and discrimination by others can lead to the acceptance of negative messages about one's own abilities and worth. This is then

⁹⁴⁶ Ibid., p. 188f.

⁹⁴⁷ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 189, adopted by the majority of votes.

expressed in self-deprecation, self-denigration and the rejection of one's own culture. Internalised discrimination is accompanied by resignation, feelings of helplessness and hopelessness and risky behaviour in relation to health. The level of psychological function is reduced overall. Over the long term, this is reflected as lower self-esteem, inferior relationships with other individuals in one's own group, higher levels of depression, aggression, alcohol consumption and criminal behaviour.”⁹⁴⁸

“Migration can be understood in the context of stress theory as a critical life event. It can overload acquired adaptive, coping and problem-solving strategies. Impairments to mental and physical health are therefore also the subject of migration research. Many migrants experience direct and indirect discrimination. It has direct and indirect effects on psychological health. The psychological diseases that often appear in connection with migration include depression, post-traumatic stress disorder and psychosomatic complaints. However, migration is a profound process and even more complex in connection with discrimination. It is subject to many influential factors and can be experienced differently by different individuals. The group of immigrants is a very heterogeneous group. They differ significantly in their immigration motives, resources and expectations, among other things. This makes generalisations about the health consequences of migration difficult. Therefore, it is necessary to research different immigrant groups independently and to regard discrimination experiences in a differentiated way. Moreover, migration experiences should not be generalised and equated with psychological complaints.”⁹⁴⁹

“The indirect consequences of discrimination must also be considered. One example is provided by the often difficult working conditions of immigrants. These are often physically demanding and less qualified. This can promote accidents, injuries and poverty. The same goes for discrimination with regard to access to the labour market and qualified positions. There is a link between low work status, work stresses, underemployment and unemployment and physical health and well-being. Attractive work, on the other hand, is linked to activity and purchasing power, structures time, creates important social contacts and helps immigrants to develop a corresponding sense of self-worth and a positive identity. The disadvantages of immigrants are often linked to social and financial status. This is accompanied by a low level of academic education. Health risks are increased in living situations that are economically

⁹⁴⁸ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 189f, adopted by the majority of votes.

⁹⁴⁹ Ibid., p. 190.

difficult. Access to medical care is more difficult, e.g., doctors deliberately omit medical information or services.”⁹⁵⁰

“It is largely agreed that: Experiences of discrimination can impair people's health in different ways. The influences seem to have a greater effect on mental health than on physical health. This may be due to the fact that discrimination can have a delayed effect on physical health, which is mediated through the experience of stress and negative psychological reactions.”⁹⁵¹ In any case, it is assumed that: The relationship between discrimination and health is influenced by numerous additional factors. The extent of the direct effects depends, on the one hand, on the frequency, duration and type of complaint (for example, acute vs. chronic), and, on the other hand, on numerous other individual and social factors, such as individual coping strategies and resources. Certain factors reduce the negative effects of self-reported discrimination on depressive symptoms, psychological stress, and subjective health status. These include a strong ethnic identity, participation in traditional activities, spirituality, religious support, social support and certain personality traits, e.g., resilience. Stressful events and substance abuse are factors that have negative effects on psychological health, life satisfaction and anxiety and depression. Socio-demographic factors – for example, gender, age, background, place of residence and living situation – are also considered additional influential factors. Family and demographic data is important in investigating discriminatory phenomena in adolescents. This allows for a more differentiated picture of potentially threatened groups of people. This could be of benefit to future research into mental and physical impairments in this area, as well as providing guidance for prevention and intervention.”⁹⁵²

“Coping and dealing with the experience also has an impact on mental and physical health. It begins with the way in which events are evaluated and how one's own coping resources are estimated. The coping attempts of those affected can be completely different. Some people actively seek out social support. Some of these even seek out confrontational encounters with the discrimination offenders to improve

⁹⁵⁰ Ibid., p. 190f.

⁹⁵¹ Paradies, Y. (2006). Ethnicity and health. A systematic review of empirical research on self-reported racism and health. *International Journal of Epidemiology*, 35, 888-90.

⁹⁵² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 191, adopted by the majority of votes.

their situation. Other affected persons attempt to cope with the experience internally and in terms of emotions.

Which coping reactions or strategies are most successful for the different forms of discrimination depends on many factors. The concrete characteristics of the situation and the cultural context are decisive. It is assumed, for example: In individualistic cultures (American, European) active coping strategies are more successful. In collectivist cultures (e.g., Japan) passive coping strategies are more promising. Overall, coping reactions are considered to be decisively significant in the relationship between discrimination and health. Active reactions to discrimination can reduce the effects of self-reported discrimination on depressive symptoms, such as seeking out social support. Good social support and a feeling of control over the situation can strengthen the coping capacity of individuals.”⁹⁵³

“The effects of discrimination experiences on physical and psychological health therefore need to be considered in the light of various situational factors. Furthermore, when citing results, research methods must always be taken into account (measurement of discrimination, self-reporting, longitudinal analyses, predominantly African American study groups, etc.). Even when it is difficult to generalise the results, it can be established that: Social discrimination can result in significant individual illnesses and health impairments in those people and groups affected. Likewise, social discrimination indicates serious societal implications. The physical and psychological health problems reported here belong primarily to the area of chronic diseases and complaints. Their treatment is often protracted and cost-intensive. Less discrimination in society could have noticeable effects on health costs, and therefore can also be in the interest of the non-discriminated majority (beyond legal and ethical considerations).”⁹⁵⁴

b) Current state of affairs/practical examples

“Overall, the findings on the health impairments of discriminated groups of people in Thuringia are very meagre. However, it can be assumed: International findings on the link between experienced discrimination and health complaints are comparable. Health implications for people affected by discrimination can be assumed as there are clear indications of discrimination phenomena in Thuringia.

⁹⁵³ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 192, adopted by the majority of votes.

⁹⁵⁴ Ibid., p. 192f.

"The issue of health was merely touched on as part of the advice and hearings within the Commission of Inquiry. A statement by Refugio Thüringen e.V. drew attention to the health implications of everyday discrimination for immigrants."⁹⁵⁵

"From a psychological point of view, this [discriminatory] behaviour on the part of institutions and/or associated persons is fatal: because everyday racism, cumulatively, as people of colour, for example, are actually exposed to, acting like a series of micro-traumas, has an immense effect on the health and behaviour of those affected. Some react with depressive, anxious withdrawal, others react increasingly aggressively."⁹⁵⁶

"Presently, a large refugee survey by FSU Jena is underway at the Centre for Right-wing Extremist Research, Democracy Education and Social Integration (KomRex) in Thuringia (Thuringian Monitor Integration). In the survey, discrimination experiences and health-related parameters, among other things, are being recorded. The results are expected to be available at the end of the year. They could then provide detailed information for these groups of people in the context of discrimination and health..⁹⁵⁷

c) Measures from the course of sessions

"Only a few aspects of the issue of health were reported on in the Commission of Inquiry, such as in the statement from the Thuringian Ministry of Labour, Social Affairs, Health, Women and Family on the training and professional development of physicians with regard to interculturality, diversity and anti-racism."⁹⁵⁸

d) Outlook for the further course of sessions

"Numerous conclusions can be drawn from international research for measures against discrimination, and therefore for reducing health risks. First of all, stakeholders should be made aware of opportunities for action and legal claims of discrimination (for example, in the context of anti-discrimination bodies). In addition, there are various opportunities to cope with the consequences of discrimination experiences (counselling and therapeutic measures). These can contribute to

⁹⁵⁵ Ibid. 193.

⁹⁵⁶ Ibid.

⁹⁵⁷ Ibid.

⁹⁵⁸ Ibid. p. 194.

increased self-esteem and confidence in discriminated people, among other things. For the further work of the Commission, it is necessary to ask: a) to what extent do structural disadvantages or personal discrimination exist in the healthcare sector and, b) what are the healthcare needs of certain groups (such as asylum seekers) in Thuringia. Further, c) clarification would be required as to which structural measures are needed in the healthcare system (e.g., training of health and nursing staff, creation of ombudsmen and patient advocates for health insurance and other institutions) in order to prevent disadvantage/barriers to access and to counteract discrimination..”⁹⁵⁹

⁹⁵⁹ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 194, adopted by the majority of votes.

5.5. Age

a) Problem description

“The newer fields of discrimination research include the area of age discrimination. It likely has to do with (at least in Germany) the age demographics of the population. Nevertheless, numerous empirical findings are available. Discrimination experiences of older people were demonstrated therein. They are found in working life (preferential treatment of younger people in recruitment), in health (limited services for older people), in care (non-compliance with standards of care) and in other areas of public life (law, housing, technology, new media). The consequences for older people are numerous. They range from self-esteem problems to withdrawal from communal activities and social participation. The situation with in-patient and out-patient care is described as a particular problem..”⁹⁶⁰

b) Current state of affairs/practical examples

“At this point, there is no systematic empirical data on age discrimination in Thuringia. In the framework of the Commission of Inquiry, the state senior citizen council has indicated the special situation for older people. The statements principally addressed the issue of patient safety and particularly in-patient care safety, but also the threat of increasing poverty in old age.”⁹⁶¹

c) Measures from the course of sessions

“In its statement, the state senior citizen council said: The training and professional development of nursing staff is necessary with regard to violence phenomena and structural changes (e.g., pressure to economise in nursing, establishing of state patient representatives). In this regard, comprehensive clarification of age discrimination and possible countermeasures are recommended for further proceedings.”⁹⁶²

d) Outlook for the further course of sessions

“Education and providing knowledge about rights and advisory options are of particular significance in the area of age discrimination. In the context of advisory

⁹⁶⁰ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 195, adopted by the majority of votes.

⁹⁶¹ Ibid.

⁹⁶² Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 195f, adopted by the majority of votes.

services, there is also work to be done regarding age stereotypes and preconceptions about age. At a societal level, it is important to create environments and legal regulations to counter age discrimination. So far, information has not been systematically gathered regarding: To what extent could these measures be implemented in Thuringia? And: What are the problems of age discrimination beyond care? A systematic collection of data would be useful.”⁹⁶³

5.6. Disability

a) Problem description

“There are numerous international studies available on the discrimination against disabled people. This is one of the most well-researched and classic fields in discrimination research. Meanwhile, relatively comprehensive legal anti-discrimination guidelines exist internationally. There are various initiatives and legal regulations. Particularly worthy of mention is the UN Convention on the Rights of Persons with Disabilities, which was adopted in 2006 and entered into force in 2008. This replaced the existing Human Rights Convention in this area, and made it more concrete. These kinds of convention could be models for other discriminated groups of people (e.g., in the area of sexual orientation). In Germany, there are also numerous laws and guidelines (e.g., building regulations concerning barrier-free access). However, despite this comparatively favourable starting position, the situation for disabled people is not free from discrimination. There are considerable differences with regard to different disability groups. Research continues to reveal considerable aversions, particularly to people with severe disabilities, people with especially visible disabilities, and people with serious mental disabilities (schizophrenia, autism). It indicates everyday experiences of social exclusion and discrimination. There are also new disability groups in the area of chronic diseases, such as AIDS patients.”⁹⁶⁴

b) Current state of affairs/practical examples

“So far, the question of discrimination against disabled people has been neglected in the context of the Commission of Inquiry. The findings mentioned suggest that the

⁹⁶³ Ibid., p. 196.

⁹⁶⁴ Taken directly from the interim report of the Commission of Inquiry 6/1, VL/4831-NF, p. 197, adopted by the majority of votes.

situation is not satisfactory. It should be assessed whether further efforts are necessary to ensure unrestricted access to public buildings. Additionally, organisations of the disabled should be consulted on the situation regarding counselling and assistance services.”⁹⁶⁵

c) Measures from the course of sessions

None (but see remarks about Health).

d) Outlook for the further course of sessions

“Clarification is necessary on whether targeted information needs to be gathered on the disadvantage/discrimination experienced by people with disabilities/chronic illnesses.”⁹⁶⁶

⁹⁶⁵ Ibid. p. 197.

⁹⁶⁶ Ibid., p. 198.

II. Dissenting vote of the AfD fraction

Vote of dissent of the AfD fraction in the Thuringia State Parliament on the interim report of the Commission of Inquiry “Causes and Forms of Racism and Discrimination in Thuringia and their Effects on Social Coexistence and Free Democracy”

1. Discrimination by “those fighting discrimination”

The AfD was the only faction of the Thuringian state parliament to vote against the establishment of this Commission of Inquiry and tabled an alternative proposal⁹⁶⁷. Nevertheless, it is exercising its parliamentary right to send a Member of Parliament and an expert to the Commission as Members who are, of course, willing to cooperate constructively. That gives us all the more reason to deplore the negative and sometimes hostile sentiment that is being expressed against these Members in the Commission.

Questions were overheard, motions outvoted, statements ignored. For example, when it came to finding a common definition of racism and discrimination, where there were disagreements among the other members of the commission as well, the commission members of the AfD drew up a consensus paper based on the opinions of the experts, that is, one that did not reflect the position of the AfD⁹⁶⁸. Nevertheless, this proposal was rejected without discussion.

At the latest, the Commission has thus proved that it is a purely political event that decides according to party *raison d'être* and underlying ideology, not according to factual arguments. What should have been justified reasons for rejecting a consensus paper based on one's own opinions? The alleged “scientific character” therefore does not exist. It is a decorative façade for politically desired results, which avoids possible disturbing interference.

⁹⁶⁷ Request by the AfD fraction, Thuringian State Parliament, the 6th parliamentary term, document 6/3193 to document 6/3108.

⁹⁶⁸ Motion for the adoption of a resolution by the AfD, document 6/3378 to document 6/2860.

Thus, the expert opinions of the experts are presented in the section 'Social situation in Thuringia and the Federal Republic of Germany' ⁹⁶⁹ of the interim report - except for those of Dr. Marc Jongen. In a motion, the AfD requested that this expert opinion also be taken into account⁹⁷⁰. This motion was rejected by the other members of the Commission. It must be said - The Commission of Inquiry on 'Racism and Discrimination' itself has a problem with discrimination.

The passage that was obviously unacceptable for the interim report, would have said:

“9. In contrast to other experts of the Commission, Dr Marc Jongen stressed that, of course, Germans can also be victims of racism and discrimination. To ignore this possibility, or even to deny that Germans exist as a group at all, is, on the other hand, a vivid example of epistemic violence. Objective criteria for racism and discrimination against groups should be applied accordingly, as ideological arbitrariness must otherwise prevail.”⁹⁷¹

The following points of criticism are not new, and are by no means exhaustive. They have already been communicated orally or in writing to the other members of the commission. However, they have been ignored. This is all the more regrettable because they highlight not only serious weaknesses in the content but also in the methodology of the interim report, which make this Commission a costly nonsense. Apart from the entertainment value, there is no knowledge gained on the matter under discussion.

2. Bolshevik method of defining power

Logically, a scientific study should begin with a definition of the subject matter of the study. The majority of Commission members were not in a position to define such a subject. We do not find any substantive characterisation of what the Commission considers to be 'racism' or 'discrimination'. Instead, the majority of members of the commission refer to the absurd formula of 'racism without races'.

⁹⁶⁹ Interim report of the Commission of Inquiry 6/1, B.I.2)a).

⁹⁷⁰ Request for addition of the interim report of the AfD, document 6/4641 to document 6/4252 -NF-.

⁹⁷¹ Ibid.

Prof. Dr. Egon Flaig pointed out in his statements that this concept was developed by the French neo-communist Étienne Balibar. We find no definition in this concept either. Here, 'racism' is all that opposes this ideology. "Balibar has emptied the scientific term 'racism' and created a new concept of struggle. One can now use the word 'racism' as a slogan in political struggle - at will."⁹⁷²

In the words of the Commission: "Racism constructs races so that (ascribed) physical, cultural or religious aspects or characteristics (inclinations, character traits, talents) appear as genuine group characteristics that are of central importance to all group members and mark a fundamental difference to 'one's own group'."⁹⁷³ In other words, any definition of groups is already 'racism' per se.

This is a nonsensical definition, since every political concept inevitably defines groups, including Balibar's concept of 'racism without races'. According to the best Marxist tradition, this "progressive" ideology needs a "reactionary" antagonist. In this case, this is the "racist" who cannot gain anything from this ideology, and who holds the opinion that "'cultural mixtures', the elimination of 'cultural distances' correspond to the spiritual death of mankind"⁹⁷⁴. What is meant is the European who wants to preserve his cultural heritage:

"Racism can be spoken of primarily when the (structured) belonging to a group and thus the attributed characteristics are regarded as unchangeable" says the interim report. "These frequently passed down ascriptions that are deeply rooted for centuries serve to legitimise claims to power in society. They manifest themselves by hampering or denying access to social, political and cultural resources to the group that has been segregated as the 'other'." ⁹⁷⁵

This shows the aggressive potential of 'racism without races', which denounces and delegitimises everything amounting to the preservation of a cultural heritage or even a functioning welfare state as 'racist'. Thus it can be recognised easily as a neocommunist concept in which the adversary or the enemy whose criticism does not

⁹⁷² Communication 6/1524, p. 6.

⁹⁷³ Interim Report of the Commission of Inquiry 6/1, B.I.1).

⁹⁷⁴ Étienne Balibar (1990): Is there a 'neo-racism'? In: Étienne Balibar / Immanuel Wallerstein: Rasse, Klasse, Nation (Race, Class, Nation), Hamburg, p. 29.

⁹⁷⁵ Interim Report of the Commission of Inquiry 6/1, B.I.1).

need to be refuted argumentatively is also present. This is not even possible, but may be collectively branded and persecuted as 'hatred'.

Of course the concept of a 'racism without races' with this assertion of allegedly inferior groups to be fought corresponds to the own criterion of a 'racist ideology'. If nothing else, the left majority in the Commission was also unable to justify or even defend this neo-communist concept through argument because of this intellectual poverty. It enforced it by majority vote in the session of January 9, 2018 respectively.

This principle of defining 'scientific truths' through political power and thus making them the servants of political goals has a great model on the left, Bolshevism: "The strength and vitality of Marxism-Leninism lies in the fact that it is based on progressive theory, which correctly expresses the needs of the development of the material life of society, raises theory to the level it deserves and considers it its duty to fully exploit its mobilising, organising and transforming power."⁹⁷⁶

Only the representatives of the AfD in the commission rejected this attempt at totalitarian appropriation. The representatives of the CDU, on the other hand, abstained. This is probably connected with the fact that experts of the CDU can also derive positive benefits from this neo-communist concept of denigrating political opponents.

3. 'Ethnopluralism' - Stigmatisation without justification

The Commission explicitly includes a so-called 'ethnopluralism' in this ideological concept of 'racism', since it "constructs races in modern vocabulary and propagates racist separation"⁹⁷⁷. This assertion does not come from the ranks of the left, but from those of the CDU. One expert of the CDU, Junior-Prof. Dr. Tom Mannewitz, had claimed in his expert opinion that an 'ethnopluralism' was wanted and was developing.

It is true that this concept does not deal with open racism, but a well camouflaged one: "It [racism] is present in a more camouflaged form in the concept of

⁹⁷⁶ J.W. Stalin: Über dialektischen und historischen Materialismus (On Dialectical and Historical Materialism) (1938).

⁹⁷⁷ Interim Report of the Commission of Inquiry 6/1, B.I.1).

ethnopluralism, as advocated by Götz Kubitschek, the Identitarian Movement or the NPD. What is meant here is the idea that differences between cultural ethnic groups should be maintained and their mixing avoided - without this being accompanied by the idea of cultural superiority or inferiority.”⁹⁷⁸

The representatives of the AfD asked the Commission orally and in writing to justify this insinuation or at least to name a source for it⁹⁷⁹. So far, the Commission has not complied with this. This is all the more regrettable because the alleged chief ideologist of ethnopluralism, Kubitschek, neither knows about this concept nor where he is supposed to have formulated it. Since Mannewitz obviously knows Kubitschek better than Kubitschek knows himself, it would be very helpful if he could clarify the matter.

So the assertion remains without evidence of source and is nothing more than the denigration of a personal friend of the Thuringian AfD faction leader Björn Höcke, and therefore something which is normally called stigmatisation. The ranks of the CDU are also apparently confusing science with the task of political struggle. Another CDU expert, Dr Marwan Abou-Taam, considers that "outlawry" becomes "all the more dangerous, the more it clothes itself in 'pseudo-intellectually'" ⁹⁸⁰.

It should be noted that some representatives of the CDU together with the Left represent a neo-Marxist concept. Neither can justify this concept through argument, nor can they defend it against criticism, since it is an ideological vehicle for a mere emotion. This feeling can best be described as cultural hatred. In any case, we will not find a well-founded definition of racism here. Only representatives of the AfD have contributed such a definition.

4. Definition of discrimination and racism

The precondition for discrimination is an "ideology of inequality", says Jongen for the AfD in his statement: "An ideology can strive to impose its model of order with

⁹⁷⁸ Submission 6/2933 , p. 3.

⁹⁷⁹ Motion to amend the interim report of the AfD, in addition to document 6/4641 to document 6/4252 -NF-.

⁹⁸⁰ Submission 6/2934 , p. 5.

subliminal to open violence," he says.⁹⁸¹ A distinction must be made between this model of order of inequality and the appropriate differentiation of groups in which there is no "process of pejorative attribution supporting group dynamic".

But any definition of groups, which is legitimate, is suitable as a basis for an "ideology of inequality". It follows that forms of discrimination can be as numerous as definitions of groups of people. It is not the characteristic as such that causes discrimination, but the ideology of inequality. Thus, the group of 'unemployed' is initially unproblematic. It only becomes dangerous with ideological attributions such as "lazy" or "anti-social".

These incipient processes of discrimination become dangerous mainly when the constitutionally guaranteed equality before the law is questioned. If a group presumes that different rules apply to it than to other groups in principle, and it is prepared to assert this claim with social violence, then an ideology of inequality exists which is responsible for discrimination that includes active persecution and suppression of other groups.

"The ability to discriminate is an expression of social power," says Jongen. "This can generate feelings of superiority that tend to devalue the humanity of the discriminated group"⁹⁸². Even the right to determine oneself as a group, beyond a derogatory discrimination, can be denied to this group. This is particularly evident in racist ideologies, which represent a sub-form of discrimination on the basis of actual or alleged ethnic characteristics.

"The relationship between the concepts of racism and discrimination can be described as that of subset and larger set: Not all discrimination is motivated by racism, but racism will always lead to discriminatory attitudes and actions,"⁹⁸³ it says. This concept of racism is congruent with the traditional definition of racism as laid down in the 1963 United Nations Convention on the Elimination of All Forms of Racial Discrimination (ICERD):

"In this treatise, the expression 'racial discrimination' includes any distinction, exclusion, restriction or preference based on race, colour, descent, or national or

⁹⁸¹ Submission 6/2868 , p. 6.

⁹⁸² Submission 6/2868 , p. 4.

⁹⁸³ Ibid., p. 3.

ethnic origin which has the purpose or effect of nullifying or impairing the [...] exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life, on an equal footing."⁹⁸⁴

Obviously, according to this definition, Germans can also become victims of racism, namely whenever they are discriminated against as Germans and not as members of a party, a religion or an income class.⁹⁸⁵ However, only the representatives of the AfD have remembered this in the Commission. Cases proving this from their point of view were not taken up by the other members of the Commission or even checked for relevance. Instead, the representatives of the AfD were instructed that it was inadmissible from the outset to see Germans as victims. For example, when Dr. Erik Lehnert pointed out racism against Germans, Prof. Dr. Iman Attia said:

"First, actually only for the minutes, in order not to leave it unchallenged here: There is neither an anti-German racism, nor are there races."⁹⁸⁶ Another perception is "not based on findings or studies, but is a position widely held in right-wing circles". Hence, a position that - for whatever reason - has no justification. Attia calls for a "competence network or competence centre" to combat this misconception.

However, their representative Ozan Kesinkilic, defended the concept of 'racism without races' against criticism from the representatives of the AfD with the statement: "There is no 'Jewish race' [...] [...], but saying this does not make anti-Semitism disappear. That is to say, this is the basic idea that Balibar also tries to address with 'racism without races', that every racism is a 'racism without races', because there are no biological races at all."⁹⁸⁷ The "competence network" obviously still has a need for internal clarification.

The ideological concept of 'racism without races', as defined in the interim report, thus contradicts the definition by the United Nations. For it claims that the mere "construction of 'races'"⁹⁸⁸, that is, the statement that there are groups that can be determined on the basis of "skin colour, descent, national origin or folklore", is

⁹⁸⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

⁹⁸⁵ Cf, last: Marc Felix Serrao: "Kartoffeln", "Almans": Racism - no thanks! Unless it goes against Germans, in: www.nnz.ch of 19.7.2018.

⁹⁸⁶ Minutes of the Commission of Inquiry 6/1, 6. session, p. 52.

⁹⁸⁷ Minutes of the Commission of Inquiry 6/1, 6. session, p. 70.

⁹⁸⁸ Interim Report of the Commission of Inquiry 6/1, B.I.1).

already "racism". Consequently, the Commission would have to brand the United Nations Convention against Racism as "racist".

Only the definition of the AfD takes into account the possibility of appropriate differentiation. It is thus based on traditional, proven and effective descriptions of racism. 'Racism without races', on the other hand, has about as much in common with science as 'dialectical materialism'. Believers may find spiritual refreshment here, for others it is only another ideological monstrosity with its threatening potential becoming evident in the following interim report.

5. 'Racism without Races' as totalitarian ideology

It is true that the followers of 'racism without races' are incapable of forming a concept of racism, let alone of using it appropriately. But this does not prevent them from living out ideological fantasies. This becomes particularly clear in the section Education. First of all, let us recall the Beutelsbach Consensus, which was to serve as the basis for educational work in Germany. It is based on three principles, the 'prohibition of indoctrination', the 'controversial debate', and the 'orientation towards the student'.

The 'prohibition of indoctrination' forbids the teacher from imposing a desired opinion on a student by any means whatsoever. The student must have the opportunity to arrive at an opinion independently. "This is exactly where the boundary between political education and indoctrination lies. However, indoctrination, is incompatible with the role of the teacher in a democratic society,"⁹⁸⁹ it says. Of course, this also means that the student can come to a different conclusion.

This leads to the 'controversial debate'. The student must be informed comprehensively about different points of view in controversial questions. "What is controversial in science and politics must also appear controversial in the classroom."⁹⁹⁰ The teacher is even required to confront the student with views he would not have encountered on his own. The aim is to "orient towards the student"

⁹⁸⁹ <https://www.lpb-bw.de/beutelsbacher-konsens.html>.

⁹⁹⁰ Ibid.

and enable the student to independently develop his or her own point of view on certain social issues.

How does 'racism without races' relate to these fundamental principles? Since it is not able nor willing to define what racism is, it cannot define what is not racism. Thus, potentially every area threatens to become the battlefield for 'anti-racist' measures. The result is an ideology offensive. "The promotion of individual projects to deal with racism and discrimination is a start, but in the long term it is too short-sighted,"⁹⁹¹ the report criticises.

The interim report is outraged by the fact that neither "institutional forms of racism and discrimination are taken into account" nor "sustainable measures are put in place" that would "in the long term be able to push back racist discourses"⁹⁹². Allegedly, "pushing back racist discourses" naturally is related to the Beutelsbach consensus only to the extent that it corresponds quite precisely to its description of 'indoctrination'. What does this look like in the interim report?

On the 'acquisition of intercultural competences', for example: "The aim is to enable students in schools to deal with racism and discrimination consciously, to self-reflect and deal with their own images of others and to recognise how social conditions are responsible for the emergence of such images"⁹⁹³. From a friendly point of view, we could call this a holistic approach towards influencing students.

The less friendly aspect is that this is nothing but brainwashing in favour of a totalitarian ideology. An ideology that can, of course, start its washing program without an empirical basis. Because, in Thuringia, the interim report admits, "there is a lack of reliable data that records incidents of racism and discrimination"⁹⁹⁴. "Exact case numbers on racist discrimination in Thuringia are not known"⁹⁹⁵, and yet the convinced ideologues know very well:

"The school as an organisation must be developed further in a way that is critical of racism and discrimination." ⁹⁹⁶ The result is the conviction in a neo-communist

⁹⁹¹ Interim Report of the Commission of Inquiry 6/1, B.II.1)b).

⁹⁹² Ibid., B.II.1)b).

⁹⁹³ Ibid., B.II.1)b).

⁹⁹⁴ Ibid., B.II.1)c).

⁹⁹⁵ Ibid., B.II.1)c).

⁹⁹⁶ Ibid., B.II.1)d).

ideology with the goal Balibar describes as a world in which "local changes of entire population groups within the framework of a system of nation states will lead to a rethinking of the concept of 'border' and limit its application to the function of social prophylaxis"⁹⁹⁷.

Anyone who shivers in the face of this pseudo-humanitarian but actually inhuman dystopia is 'racist' and thus a legitimate target for attack in the sense of this interim report. A community that gives such ideologists power over the shaping of coexistence, over the education of their children, by inertia, out of ignorance, will cease to defend the dignity of human individuality.

⁹⁹⁷ Balibar (1990), p. 36.