

European Commission
against Racism and Intolerance



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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF GERMANY
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 8 April 2022, the date on which the response of the authorities of Germany to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Germany (sixth monitoring cycle) published on 17 March 2020, ECRI recommended that the German authorities establish a coherent system of organisations that provide victims of discrimination with effective support including legal assistance throughout the whole country. To this end, the German Länder should engage in setting up independent equality bodies in line with ECRI's General Policy Recommendation No. 2.*

ECRI is pleased to note that the political parties in the German Federal Government in their Government coalition agreement for 2021-2025³ pledge to support, including financially, the expansion of the network of civil society anti-discrimination agencies, together with the *Länder*.

The Federal Anti-Discrimination Agency has expanded its services by offering, as of September 2021, a national telephone hotline. Apart from receiving any immediate advice, callers may be referred to appropriate anti-discrimination agencies in the geographical areas in which they live. They may also profit from the improved search functions of the Agency's internet site. Furthermore, the Agency has commissioned two studies in view of improving the quality of its existing services.

As regards recent developments concerning equality bodies on the *Länder* level, present in about half of the States at the time when ECRI's sixth report on Germany was published, Bremen announced in 2020 that it would establish an anti-discrimination agency. In Mecklenburg-Western Pomerania actual preparations for the establishment of such an agency already started in 2021. Progress is also being made or has been achieved as regards legislation. In 2020, a new State anti-discrimination act entered into force in Berlin, featuring an ombudsperson whose tasks include the provision of support to victims of discrimination and the facilitation of friendly settlements. In 2021, the governing parliamentary groups in Rhineland-Palatinate and Baden-Württemberg, in their respective coalition agreements, announced that they would start preparing their own anti-discrimination acts.

There is also progress underway on a municipal level. Prior to 2019, there were 15 municipal anti-discrimination agencies. Since then at least three more have been established, namely in Augsburg, Jena and Marburg. Further, Braunschweig and Wuppertal have started the process of creating such agencies.

Despite the above positive developments, concrete progress in terms of new, already operational, anti-discrimination agencies at *Länder* and municipal levels remains modest and the availability of support services in the anti-discrimination field remains uneven in Germany.

As a consequence, ECRI concludes that its recommendation has been partially implemented and recognises the significant efforts made and the positive steps taken.

2) *In its report on Germany (sixth monitoring cycle), ECRI recommended that the police authorities of the Federation and the Länder commission and participate in a study on racial profiling with the aim of developing and implementing measures that eliminate existing and prevent future racial profiling.*

In relation to this recommendation, the German authorities have informed ECRI of two ongoing studies. The first one, conducted by the German Police College, concerns motivation, attitudes (including political) and violence in the everyday work of German police officers. The second study will examine racism as a risk to societal cohesion in the context of selected institutional areas of society.⁴ It is conducted by an inter-disciplinary association consisting of 11 university and research institutions. Within the overall study, one among a number of components will, by way of example, examine practices in the conduct of police checks in Frankfurt and Berlin. The overall study is expected to be concluded in 2024 but is presently only at the stage of methodological preparation.

ECRI welcomes the conduct of the two studies, and in particular the element concerning police checks foreseen in the second one. Nonetheless ECRI has to note that there are no explicit references to racial profiling in either study and that the most relevant component of the second one only concerns two cities, rather than the federal or *Länder* level.

As a consequence, ECRI concludes that, in the present state of affairs, its recommendation has not yet been implemented.

³ Available at [Koalitionsvertrag 2021 \(bundesregierung.de\)](https://www.bundesregierung.de) (in German language)

⁴ More information is available at [FGZ-Studie | Institutionen & Rassismus \(fgz-risc.de\)](https://www.fgz-risc.de) (in German language)