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**Discrimination, Radical Right, and  
Islamism in the Federal Republic of  
Germany 2018-2020**

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**Note**

This report considers the three-year time period 2018-2020. This is due to both the inertial trends in German society, the somewhat lengthy reaction of society and representatives of the legislative and executive branches to certain events, and the considerable time required for cases in German courts, bills in national and regional parliaments, and the development of individual bylaws to implement the decisions made.

## **I. Changes in the law and in the actions of the executive branch during the period under review**

- **Preventing Discrimination and Protecting the Rights of Minorities**

**The General Equality Act (Allgemeines Gleichbehandlungsgesetz, AGG)<sup>1</sup>** is the central law of the Federal Republic of Germany that protects the rights of minorities and prohibits discriminatory practices. It was passed in 2006 and replaced the Employee Protection Act (Beschäftigungsschutzgesetz, BeschSchG), which had been in force since 1994. While the previous law interpreted the concept of discrimination very narrowly and reduced it exclusively to verbal or physical sexual violence in the workplace, the current legal act explains much more broadly what discrimination is and prohibits it: "Any disadvantage based on race, ethnicity, sex, religion, worldview, disability, age, or sexual identity is not permitted and must be suppressed" (§1). The law in many of its tenets is the national implementation of the four main European Parliament regulations (2000/43/EG, 2002/73/EG, 2004/113/EG and 2007/78/EG) regulating the fight against racism, equality in the workplace and at home, and gender equality. The main lobbyists for the law have been and continue to be the political parties SPD, the Greens and the Left, the women's associations of the Federal Republic of Germany, the German Lesbian and Gay Association (LSVD), trade unions and organizations defending the rights of people with disabilities. In this way, the law is supported by representatives of the interests of discriminated groups. **Migrant organizations in Germany also generally expressed their support for the AGG, although they did not participate as actively in the socio-political debate.** This is due to the fact that such organizations are structurally very different. While some of them, particularly in the state of Berlin, have existed for a long time, have sufficient resources for expertise, and have

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<sup>1</sup> <https://www.gesetze-im-internet.de/agg/>

established contacts with politicians and the media, some others were still politically weak, small in number, and focused their work on the preservation of national culture and practical assistance to migrants at the time the law was discussed.

**At the same time, there are many voices in society calling for changes and additions to the AGG.** The Federal Republic of Germany is a federation with very broad powers of the Länder. Therefore, the center for the development of changes and additions to the AGG has traditionally been the regional organizations for combating discriminatory manifestations. In 2018, The Anti-Discrimination Network Hesse published specific proposals to expand the list of discriminatory practices. In particular, the following types of discrimination not mentioned in the law were named here:

1. Social origin and social status, including difficulties in confirming education obtained abroad, preferences for holders of a higher educational level without good reason dictated by the situation in the company, illiteracy, dialect.
2. Health status: chronic illnesses that do not result in disability, intellectual ability.
3. Discrimination due to refugee status, foreign citizenship, negative prospects for extension of residence permit in the Federal Republic of Germany.
4. Receipt of social benefits in the past.
5. Intra-German regional origin, e.g. from East Germany.
6. Family status, including the need to care for children and/or sick relatives, raising children without a partner/spouse.
7. Appearance: weight, height, tattoos, scars.
8. Place of residence within the boundaries of the locality: so-called "disadvantaged neighborhoods," docking with public transportation, social structure, noise pollution, such as those living near the airport. A number of suggestions were also made to replace or clarify concepts used in the text of the law, such as "native language" or "sexual violence. In addition, the need for greater involvement in the work of the Councils for Foreigners and the Integration Councils was noted. Finally, human rights activists pointed to a number of bureaucratic barriers to the effective implementation of the AGG.<sup>2</sup> In another large German federal state, North Rhine-Westphalia, the anti-discrimination organization ARIC-NRW e. V. held two information events in 2019 involving residents with a migration background. During the discussions, it was found that migrants are

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<sup>2</sup> [https://www.netzwerk-gegen-diskriminierung-hessen.de/fileadmin/Dokumente/Ja\\_zur\\_Vielfalt\\_2018/Forderungen\\_des\\_Netzwerks\\_gegen\\_Diskriminierung\\_Hessen\\_14.06.2018.pdf](https://www.netzwerk-gegen-diskriminierung-hessen.de/fileadmin/Dokumente/Ja_zur_Vielfalt_2018/Forderungen_des_Netzwerks_gegen_Diskriminierung_Hessen_14.06.2018.pdf)

mostly unaware of this law. Those who are informed about the AGG were skeptical about its application in practice, believing that discrimination in Germany is a "fact" and that it is difficult or even pointless to fight against it. A number of event guests gave examples of situations at school, kindergarten, at the Aliens' Registration Office and in the workplace, and were not able to determine for themselves whether there was an element of discrimination in the actions of those responsible.<sup>3</sup>

**Despite the criticisms voiced, the AGG has remained without meaningful changes since 2013** (Only minor editorial changes were made to §8 in 2013 regarding discrimination in the frame of the employment process in the form of unequal requirements for employees.)

Germany's federal structure allows state lawmakers to pass meaningful laws without federal approval. In **June 2020**, the local governing coalition of the SPD, the Greens, and the Left Party **in Berlin passed the "Berliner Landesantidiskriminierungsgesetz" (Berliner Landesantidiskriminierungsgesetz)** with the votes of the local governing coalition of the SPD, the Greens, and the Left Party. **(Berliner Landesantidiskriminierungsgesetz, LAFG) was passed.**<sup>4</sup> Even at the stage of its consideration in parliament, the bill provoked fierce public debate. The polarity of opinion persists to this day. The main lobbyist for the law, Justice Senator Dirk Behrend (Greens), regards the law as a major achievement and recognizes that even today there are people who are subject to domestic discrimination and need to be protected. Burkard Dregger, chairman of the CDU faction in the local parliament, considers the law pointless and takes a different view: "If someone feels discriminated against, they can go to court. The FDP faction continues to consider legal action to veto the application of the law. Criticism was also voiced at the highest level, by Horst Seehofer, head of the German Interior Ministry.<sup>5</sup> The main stumbling block in the law were two provisions: the delegation of authority to file a lawsuit to a public organization and the need for police officers to prove the absence of discrimination in their actions in the case of complaints. Opponents of the law (CDU/CSU and FDP deputies and ministers at various levels and police trade unions) believe that this rule violates the presumption of innocence of a policeman, forcing him to look for excuses for his actions within the limits of the law as well. Some state interior ministers and local police chiefs have emotionally stated that they refuse to

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<sup>3</sup> <http://www.nrwgegendiskriminierung.de/de/servicestellen-fuerantidiskriminierungsarbeit/archiv/news/news-lesen/infoveranstaltung-zur-ad-beratung-und-zum-agg.html>

<sup>4</sup> <https://www.berlin.de/sen/lads/recht/ladg/materialien/>

<sup>5</sup> <https://www.rbb24.de/politik/beitrag/2020/06/berlin-agh-abgeordnetenhaus-antidiskriminierung-gesetz-ladg.html>

send police units to the capital of Germany to help the Berlin law-enforcement authorities, because they do not want to create complicated legal situations for their subordinates. Supporters of the law (representatives of the ruling Berlin coalition, specialized expert commissions and migrant organizations) reject the criticism and see no reason for concern. Police operations are filmed on camera. The video serves as proof of the lawful or unlawful actions of a law enforcement officer. Most police officers work within the law, including in stressful situations.

**References to the prohibition of discriminatory practices can be found in the constitutions of all the federal states.** The principle of equality according to various criteria is most clearly laid down in the Basic Law of Berlin, Brandenburg, Bremen, Thuringia, Saarland, and Hesse. The above was adopted earlier than in the period under consideration.

Discussions about the need for legislative change in the field of protection against discrimination and related attempts at legislative change were not limited to "profile" laws. **In September 2019, the FDP, Green, and Left factions in the Bundestag introduced a bill to amend Article 3, Part 3 of the Basic Law of the Federal Republic of Germany to include the concept of "sexual identity."**<sup>6</sup> This article lists the grounds on which a person cannot be discriminated against, such as gender, origin, race, language, place of birth, religious or political outlook.<sup>7</sup> The bill was supported by civic organizations such as the German Lesbian and Gay Association (LSVD).<sup>8</sup> In the text of the bill, the deputies referred to the experience of several Federal Länder, whose constitutions already include sexual identity as a criterion for equality. The law was passed to the Legal Committee in its first reading. In February 2020 hearings were held, at which invited experts expressed their views on the initiative. The majority of academics and public figures who expressed their opinions approved of the planned change: "Discrimination remains a sad reality" (Prof. Ulrike Lemke, Humboldt University Berlin), "The addition to the prohibited practices of discrimination is welcome" (Dr. Petra Vollmar-Otto, German Institute for Human Rights), "Clarity and protection of people living in same-sex unions is necessary" (Prof. Anna Katharina Mangold, European University of Flensburg).<sup>9</sup> The law has not yet been passed.

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<sup>6</sup> <https://dip21.bundestag.de/dip21/btd/19/131/1913123.pdf>

<sup>7</sup> <https://www.bundestag.de/gg>

<sup>8</sup> <https://www.lsvd.de/de/ct/1835-quot-Die-Einfuegung-des-Merkmals-sexuelle-Identitaet-wuerde-einen-Anfangsfehler-unseres-Grundgesetzes-korrigieren-quot>

<sup>9</sup> <https://www.bundestag.de/dokumente/textarchiv/2019/kw45-de-sexuelle-identitaet-664910>

Also under consideration is the possibility of removing the concept of "race" from Article 3 of the Basic Law of the Federal Republic of Germany (listing the criteria according to which no discrimination can be tolerated). The argument of the proponents of change: the definition of "race" is outdated in itself and even racist. Modern science denies the existence of "races" as understood in the 18th and 20th centuries. In June 2020, the government expressed its agreement in principle (a statement by Minister of Justice Christine Lambrecht), the Green Party expressed its support.<sup>10</sup> Given the favorable position of the Left, the combined votes of the four factions in the Bundestag (the coalition, the Greens, and the Left) should be enough for such a change. At the same time, the process of changing the Basic Law of the country is traditionally very long. At this stage (November 2020), the Ministry of Justice and the Ministry of the Interior are preparing their concrete proposals. At the same time, the issue is already being considered in the upper house of the German parliament, the Bundesrat, where representatives of the Länder sit.<sup>11</sup>

**A number of recent legislative initiatives are not directly related to anti-discrimination practices, but are closely linked to them.** For example, in October 2020, the CDU/CSU factions submitted a draft law to parliament on a tougher and more consistent fight against sexual violence against minors. The law also includes measures to protect persons who have been sexually abused as minors and to stop discrimination against the victims in society.<sup>12</sup> Given that both factions represent parties in the governing coalition and have the necessary majority in the Bundestag, the law will be passed.

- **Migration Law**

For the most detailed overview of federal legislative developments in this area for 2018-2019, see the Berlin Refugee Council website. Here you will also find the 2020 bills passed and pending, including new visa regulations in connection with the COVID-19 pandemic, as well as critical comments and additions by lawyers, experts, trade union representatives, and NGO activists.<sup>13</sup> Also on the website you can follow the fate of individual, non-accepted bills, the conclusions of the specialized committees of the Bundestag, changes and additions made at the state level. **The main changes concerned improving the situation of refugees and asylum seekers seeking**

<sup>10</sup> <https://www.tagesschau.de/inland/gruene-grundgesetz-rasse-streichen-103.html>

<sup>11</sup> <https://www.tagesschau.de/inland/bundesrat-rasse-101.html>

<sup>12</sup> <https://dip21.bundestag.de/dip21/btd/19/237/1923707.pdf>

<sup>13</sup> [https://fluechtlingsrat-berlin.de/recht\\_und\\_rat/asylg-2018/#gesetzgebung-asyl-aufenthalts-und-sozialrecht-fuer-migrantinnen-und-fluechtlinge-20182019](https://fluechtlingsrat-berlin.de/recht_und_rat/asylg-2018/#gesetzgebung-asyl-aufenthalts-und-sozialrecht-fuer-migrantinnen-und-fluechtlinge-20182019)

**training or retraining, relaxing employment law, recalculating wage payments when calculating social benefits, simplifying the admission of highly qualified specialists to the German labor market, and implementing certain new EU regulations at the national level.**

Major migrant and human rights associations, as well as the most influential German public organization Pro Asyl, have traditionally criticized practically every legislative initiative in the Bundestag, considering it either insufficient or formal, or only worsening the rights of asylum seekers and migrants. In this time period, too, there was criticism, but it was generally of a local nature and did not refer to legislative changes as a whole, but to individual provisions.

Due to the difficulty in the international movement of citizens as a result of pandemic restrictions, **the communication of unmarried couples and the entry of migrants who have already received a permit into the territory of the Federal Republic of Germany have been obstructed.** This affects ethnic German immigrants and, to a greater extent, Jewish immigrants from the former Soviet Union. The problems have been overcome by a special decision of the Ministry of Internal Affairs of Germany.<sup>14</sup> There was also a change in the rules of the Ministry of Interior concerning the legal status of bi-national couples who had not married and wished to visit their partner. The innovation allows for proof of acquaintance prior to the pandemic, for example through proof of meetings (travel documents or a border crossing stamp), not only in Germany, but also in other countries of the world, which greatly simplifies the situation for this category.<sup>15</sup> This decision was preceded by a public social media campaign "love is not tourism."

At the state level, regulations have been passed regarding the legal status of refugees. These types of rules do not require legislative changes and can be regulated within the competence of the executive branch. In December 2019, for example, **the Ministry of the Interior of Brandenburg extended special rules for the family reunification of Syrian nationals and also made it easier for persecuted members of the Christian minority living in Arab states to obtain asylum.**<sup>16</sup>

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<sup>14</sup> <https://www.schengenvisainfo.com/news/de/judische-zuwanderer-konnen-nun-trotz-covid-19-einreisebeschränkungen-wieder-nach-deutschland-einreisen/>

<sup>15</sup> [https://www.spdfraktion.de/presse/pressemitteilungen/bundesinnenministerium-lenkt-endlich-loveisnottourism?fbclid=IwAR0LTH\\_O8umNBs6EKj7\\_NmG2VUL0dnn-pfEDuQB4redhbdIUf1uZ\\_wZ9fDI](https://www.spdfraktion.de/presse/pressemitteilungen/bundesinnenministerium-lenkt-endlich-loveisnottourism?fbclid=IwAR0LTH_O8umNBs6EKj7_NmG2VUL0dnn-pfEDuQB4redhbdIUf1uZ_wZ9fDI)

<sup>16</sup> <https://www.maz-online.de/Brandenburg/Brandenburg-verlaengert-Aufnahmeprogramm-fuer-syrische-Fluechtlinge>



- **Combating Hate Crimes. A new structuring of the fight against Islamism.**

In assessing the legal framework for hate crimes, it is necessary to take into account the involvement of various areas of law. The German Criminal Code (Strafgesetzbuch, StGB)<sup>17</sup> regulates the degree of responsibility for the crime committed (murder, murder committed by prior conspiracy, attempted murder, terrorism, establishing a terrorist organization, financing terrorist activities, bodily injury of various severity, etc.). The judge considers the potential dangerousness of the defendant, including his ideological postulates that may lead to further crimes, when reviewing the case. The punishment for terrorism with any ideological motivation is recorded in Sections 129a, 129b, 89a, 89b, 89c and 91.

At the end of November 2020. **The federal government published a new plan to fight right-wing extremism and racism.** More than one billion euros will be allocated for the period 2021-2024 to combat these manifestations. A separate sum of 150 million euros will be added to the 2021 budget line. Four main directions of work have been found expedient: **1. Raising public awareness, strengthening of interaction between state structures and NGOs, 2. Preventive measures, 3. 4. recognition of successes of members of society with a migration background.**

<sup>18</sup> The Plan consists of 89 different measures, both aimed at combating specific phenomena such as antiziganism, racism, anti-Semitism, etc., and in the form of specific programs (educational, aimed at the integration and increased representation in public service of people with a migration background, youth, increasing media competence, etc.). The plan defines the ministries and agencies responsible for the implementation of individual measures.<sup>19</sup>

At the same time, there are legal prohibitions on the use of symbols and salutes denoting adherence to the ideology of the "Third Reich. These articles are also present in StGB: "Dissemination of propaganda materials and use of symbols or signs of anti-constitutional organizations" (Art. (Art. 86 and 86a) and "Incitement to ethnic hatred" (Art. 130). In addition, the executive branch is competent to issue a list of prohibited "anti-constitutional symbols," usually related to the period of National Socialism, but which also includes the symbols of contemporary far-right extremist

<sup>17</sup> <https://www.gesetze-im-internet.de/stgb/>

<sup>18</sup> <https://www.bundesregierung.de/breg-de/aktuelles/kabinett-rechtsextremismus-1819828>

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<https://www.bundesregierung.de/resource/blob/997532/1819984/4f1f9683cf3faddf90e27f09c692abed/20-11-25-massnahmen-rechtsextremi-data.pdf?download=1>

organizations. Lists exist at both the federal and state level and are constantly being added to. For example, the "Imperial Military Flag" (the flag of the armed forces of the German Empire until 1921) was not officially banned until recently. Extreme right-wingers use it at demonstrations as a symbol of commitment to their ideology, for fear of displaying Third Reich flags, swastikas or SS runes, which should be punished immediately. In the fall of 2020, the process of banning this symbol as well began, including as a reaction to its mass appearance in 2019-2020 and the symbolic "storming of the Reichstag" carried out in August 2020 on the steps of the Reichstag building by supporters of extreme right-wing movements in protest against the restrictions due to the COVID-19 epidemic. In Bremen, the "Imperial Flag" has already been declared unconstitutional, and Berlin is next in line.<sup>20</sup> Voices are being heard in favor of a federal-wide ban.<sup>21</sup> This demand is supported by a number of German historians.<sup>22</sup> The obstacle to the immediate banning of the flag is that it exists in various variations, with slight changes in the color scheme and the Iron Cross. All possible variations should be spelled out in law. At the same time, some members of state parliaments do not see the "Imperial Flag" as an obvious right-wing extremist symbol and believe that even "dubious expression" is part of democratic pluralism.<sup>23</sup>

In addition to right-wing radical symbols and organizations, Islamist associations and symbols are banned. The constitutional protection office (Bundesverfassungsschutz, BfV) informs about this on its website. The last ban was issued in March 2020 against Hizbollah.<sup>24</sup> The state agencies publish brochures explaining what Islamism is, its methods, the difference between the world religion of Islam and extremism and "political Islam."<sup>25</sup> Separate information is intended for Muslim youth in order to prevent them from being drawn into Islamist structures, such as Salafists, who often show themselves as a special Islamic youth subculture (North Rhine-Westphalia Interior Ministry website).<sup>26</sup>

<sup>20</sup> <https://www.rbb24.de/politik/beitrag/2020/10/berlin-brandenburg-reichsflagge-reichskriegsflagge-verbot.html>

<sup>21</sup> <https://www.sonntagsblatt.de/artikel/familie/kommt-ein-verbot-von-reichskriegsflaggen>

<sup>22</sup> <https://www.ndr.de/nachrichten/schleswig-holstein/Reichskriegsflagge-Historiker-nachdruecklich-fuer-ein-Verbot,reichskriegsflagge106.html>

<sup>23</sup> [https://www.ndr.de/fernsehen/sendungen/schleswig-holstein\\_magazin/Landtag-debattiert-ueber-das-Zeigen-von-Reichskriegsflaggen,shmag77420.html](https://www.ndr.de/fernsehen/sendungen/schleswig-holstein_magazin/Landtag-debattiert-ueber-das-Zeigen-von-Reichskriegsflaggen,shmag77420.html)

<sup>24</sup> <https://www.verfassungsschutz.de/de/arbeitsfelder/af-islamismus-und-islamistischer-terrorismus/verbotene-organisationen-islamismus>

<sup>25</sup> Example on the Mecklenburg-Vorpommern State Office website [https://www.verfassungsschutz-mv.de/static/VERF/Dateien/Broschueren/Broschre\\_Islamistische\\_Aktivitten\\_erkennen.pdf](https://www.verfassungsschutz-mv.de/static/VERF/Dateien/Broschueren/Broschre_Islamistische_Aktivitten_erkennen.pdf)

<sup>26</sup> [https://www.land.nrw/sites/default/files/asset/document/extremistischer\\_salafismus\\_als\\_jugendkultur\\_in\\_ternet.pdf](https://www.land.nrw/sites/default/files/asset/document/extremistischer_salafismus_als_jugendkultur_in_ternet.pdf)

In organizational terms, the Federal (Bundeskriminalamt, BKA) and Länder (Landeskriminalamt, LKA) Criminal Offices are in charge of combating hate crimes, along with the offices for the protection of the Constitution. Within them there is a direction "politically motivated crime."<sup>27</sup> This direction is divided into four departments: right-wing radicalism, left-wing radicalism, crimes based on foreign ideology, and crimes based on religious ideology. An important structural step was **the creation by BKA in November 2019 of a single Islamist terrorism unit**<sup>28</sup>, based on the existing two working groups. By the end of 2020, BKA personnel should receive an additional 1,000 positions, some of which are reserved for the unit. Since its creation, the unit has kept the public informed (to the extent possible) of its activities through press releases and media interviews.<sup>29</sup>

## II. Enforcement practice

Most experts (both in the media and professional periodicals, as well as in personal conversations with the author of the report) note **the difficulty of enforcing AGG in practice**. Victims rarely file a lawsuit, considering litigation "pointless" and requiring significant time and financial costs without significant chances of success and tangible results, such as the payment of compensation. During this period, the courts of the Federal Republic of Germany handled individual cases involving an assessment of what the plaintiff believed were discriminatory actions. (Experience in the Netherlands!!!) The Labour Court in Berlin handled a claim by an employee who felt discriminated against by two other superiors because of his "East German origins". The plaintiff insisted on a sum of money as compensation for moral damages. In August 2019, the court dismissed the complaint, citing the absence of this discriminatory criterion in the AGG and the fact that "East Germans" are not an ethnic group (AZ 44 Ca 8580/18).<sup>30</sup>

<sup>27</sup> [https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/pmk\\_node.html](https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/pmk_node.html)

<sup>28</sup> [https://www.bka.de/DE/DasBKA/OrganisationAufbau/Fachabteilungen/IslamistischmotivierterTerrorismusExtremismus/IslamistischmotivierterTerrorismusExtremismus\\_node.html?fbclid=IwAR36G5O5iqSXmKvkEmqjKimYNzXgkkyiSK3A7xWqOLH7w0hqh8Gho7NiBQ](https://www.bka.de/DE/DasBKA/OrganisationAufbau/Fachabteilungen/IslamistischmotivierterTerrorismusExtremismus/IslamistischmotivierterTerrorismusExtremismus_node.html?fbclid=IwAR36G5O5iqSXmKvkEmqjKimYNzXgkkyiSK3A7xWqOLH7w0hqh8Gho7NiBQ)

<sup>29</sup> <https://www.dw.com/de/bka-durchkreuzt-islamistische-anschlagspl%C3%A4ne/a-51773473>  
[https://www.bka.de/DE/Presse/Listenseite\\_Pressemitteilungen/2020/Presse2020/200703\\_pmJointActionDay.html](https://www.bka.de/DE/Presse/Listenseite_Pressemitteilungen/2020/Presse2020/200703_pmJointActionDay.html)

<sup>30</sup> <https://anwaltauskunft.de/magazin/beruf/angestellt/diskriminierung-was-ist-erlaubt-was-verbotten?full=1>

**German courts are more effective in the area of explicit discrimination, which is clearly covered by anti-discrimination legislation.** In November 2020, the verdict of the Constitutional Court of Germany received a great media resonance. An employee of a private company was fired for making a racist attack on a black colleague. The dismissed employee alternately lost his lawsuit in various courts in Cologne and in the High Labor Court. The Constitutional Court upheld the legality of the dismissal, stating that the reference to the constitutional right to freedom of opinion in this case was unfounded: the plaintiff had violated fundamental individual rights. (AZ 1 BvR 2727/19B).<sup>31</sup> A trial in the Augsburg Administrative Court concluded in December 2019. The landlord had indicated in a newspaper advertisement that he would provide the apartment "only to a German." The prospective tenant, a native of Burkina Faso, was explicitly rejected by telephone due to his foreign origin, and sued. The defendant tried to argue his reluctance to rent to people of foreign descent by personal experience. According to him, a drug dealer with Turkish roots had previously lived in the house, causing discomfort to other residents. The judge found the defendant's arguments illegitimate. He stressed that the propensity to commit crimes could in no way be related to ethnicity and, referring to the inadmissibility of discrimination on racial and ethnic grounds, awarded the defendant compensation of €1,000 (AZ 20 C 2566/19).<sup>32</sup>

The September 2018 decision of the European Court of Justice provides an indication of the complexity of AGG enforcement at the national level. A Catholic physician working at a Catholic clinic in Cologne divorced his wife, whose marriage had been performed in a church ceremony. He later remarried, registering the marriage in a state institution without going through the process of dissolving the previous marriage union in accordance with the canons of the Church. The episcopate, which owns the clinic, fired the plaintiff, citing employment regulations in Catholic institutions in 1993. The dismissed doctor failed to obtain a positive verdict in German courts. The European Court of Justice found religious discrimination in the clinic's actions (EuGH, 9/11/2018 - C-68/17).<sup>33</sup>

In this time period, the courts have dealt with the issues of countering organizations and groups that spread a misanthropic ideology and pose a danger to the democratic order of the Federal

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<sup>31</sup> <https://m.tagesspiegel.de/politik/menschenverachtende-diskriminierung-verfassungsgericht-bestaetigt-kuendigung-wegen-rassistischer-affenlaute/26653848.html>

<sup>32</sup> <https://www.sueddeutsche.de/bayern/augsburg-urteil-vermieter-diskriminierung-1.4717248>

<sup>33</sup> <https://www.rechtsindex.de/recht-urteile/6193-eugh-urteil-kuendigung-durch-kirche-wegen-erneuter-heirat-kann-diskriminierung-sein>

Republic of Germany. **In this area, it seems appropriate for the author to cite key court decisions that are of a precedent nature.**

In December 2019, the German branch of the right-wing extremist group Combat 18, based in the United Kingdom, was banned. Lawyers for the group filed a lawsuit against the German Interior Ministry. In September 2020, the Supreme Administrative Court ruled that the ban was valid. Combat 18 expresses a commitment to National Socialism ideology and distributes hateful printed materials. The group is closely associated with neo-Nazi music groups. Its very name demonstrates its sympathy for Adolf Hitler (AZ 6 VR 1.20).<sup>34</sup>

Equally important is **the Berlin court decision allowing the Office for the Protection of the Constitution to label the "Identity Movement" as a right-wing extremist movement.** It is an international right-wing radical network originally originating in Great Britain. The particular danger of the "Identitarianists" lies in their "pseudo-intellectual" image. "The movement positions itself as a supposedly legitimate defender of the ethnic majority in European states on the basis of the theory of "identitarianism," against the "threat" posed by Islam. In June 2020, despite ostensibly peaceful forms of protest, a court found the movement to be right-wing extremist. The main reasoning: not only is the ideology of the "identitarians" racist, but their calls for "racial purity" and recognition of members of certain ethnic groups as "second-class people" may well encourage the movement's supporters to engage in violence. (AZ 1 L 188/20).<sup>35</sup>

The following decision in the area of labor law is also of great significance. A civil servant of the Bundeswehr (working profession) was a member of a right-wing extremist group. He regularly expressed his commitment to an ultra-right-wing worldview and posted relevant messages on social media. In December 2018, the German Ministry of Defense terminated the contract of its employee on this basis. In July 2019, the Berlin labor court ruled that the termination was lawful. In the specific case, due to the fact that the employee had worked in the position for more than 30 years and belonged to an older age group, the court found it necessary to apply the transitional period rule before the termination decision became legally enforceable. As a practical matter, this allowed the former employee to receive higher payments over a longer period of time than in the

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<sup>34</sup> [https://www.kostenlose-urteile.de/BVerwG\\_6-VR-120\\_BVerwG-Verbot-der-Vereinigung-Combat-18-Deutschland-bleibt-vollziehbar.news29240.htm](https://www.kostenlose-urteile.de/BVerwG_6-VR-120_BVerwG-Verbot-der-Vereinigung-Combat-18-Deutschland-bleibt-vollziehbar.news29240.htm)

<sup>35</sup> [https://www.kostenlose-urteile.de/VG-Berlin\\_1-L-18820\\_Verfassungsschutz-darf-Identitaere-Bewegung-als-gesichert-rechtsextremistisch-bezeichnen.news28905.htm](https://www.kostenlose-urteile.de/VG-Berlin_1-L-18820_Verfassungsschutz-darf-Identitaere-Bewegung-als-gesichert-rechtsextremistisch-bezeichnen.news28905.htm)

case of immediate dismissal, but the very **fact that the court agreed to dismiss the employee from the government agency because of his right-wing beliefs is significant.** (AZ 60 Ca 455/19).<sup>36</sup> A similar verdict was handed down in October 2018 by the Administrative Court of Hesse against a probationary police officer (AZ I B 1594/18)<sup>37</sup>, but the decision regarding a civil servant in a public entity with a significant public function (the army of a democratic state) has more practical significance.

German Foreign Minister Horst Seehofer suggested **that the ban on deportations to Syria should not be extended beyond December 31, 2020.** The ban was introduced in 2012 and has been regularly extended since then. The reason is the unfavorable situation in Syria and the threat to the health and lives of opponents of the Bashar al-Assad regime and/or opponents of Islamism, depending on the region of the country. The German Foreign Ministry said in a report in May 2020 that the danger persists even in regions where there are no hostilities. However, Seehofer believes that the practice of a total ban on deportation hinders the expulsion of potentially dangerous Islamists and those who have committed criminal offenses from the FRG.<sup>38</sup>

### III. Preventive measures and state support for migrants

Some of the **measures** have already been listed above: **1. Bans on radical organizations of various ideological orientation** (right-wing radicalism, left-wing radicalism, Islamism). **3. Coordination of efforts to combat hate crimes**, in particular the creation in 2019 of a new Islamist terrorism unit within the BKA Crime Unit. **4. Precedent court decisions.**

The following are examples of other measures: a.) court decisions that allow law enforcement agencies to more effectively combat these manifestations, and b.) long-term preventive measures.

Another court decision must be cited, although it falls outside the time period in question. In May 2017, a Berlin state court ruled **that the closing of a bank account and the cancellation of a credit card that regularly received donations from right-wing extremist activists** was in accordance with the law. The spouse of the account holder was a former lawyer, a neo-Nazi activist

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<sup>36</sup>[http://www.berlin.de/gerichte/arbeitsgericht/presse/pressemitteilungen/2019/pressemitteilung.829850.ph](http://www.berlin.de/gerichte/arbeitsgericht/presse/pressemitteilungen/2019/pressemitteilung.829850.php)

<sup>37</sup>[https://www.kostenlose-urteile.de/Hessischer-VGH\\_1-B-159418\\_Entlassung-von-Beamten-auf-Probe-mit-rechter-Gesinnung-zulaessig.news26617.htm](https://www.kostenlose-urteile.de/Hessischer-VGH_1-B-159418_Entlassung-von-Beamten-auf-Probe-mit-rechter-Gesinnung-zulaessig.news26617.htm)

<sup>38</sup><https://www.welt.de/politik/deutschland/article221179416/Abschiebestopp-fuer-Syrien-Seehofer-gegen-generelle-Verlaengerung.html>

who had been prosecuted for inciting ethnic hatred. The funds in the account were used to organize an escape from prison (AZ 37 S 103/17).<sup>39</sup>

One of the preventive measures against Islamist terrorism used in Germany is the **forced deportation of persons deemed potentially dangerous for** whom there is strong evidence of ties to terrorist organizations. In order to simplify the control of deportees in Germany, they are placed in solitary confinement in a regular prison. A Tunisian national was under the surveillance of the German intelligence services, which found that he was recruiting people for Islamist organizations, including the Islamic State, for the Islamist war in Syria, and was involved in the illegal transfer of potentially dangerous persons to German territory. A decision was made to deport him, which was carried out in 2018. He was ordered by a court in Frankfurt am Main to be placed in a regular prison facility before being flown out of the country. He filed a complaint against this action in various German courts. The Supreme Court of the Federal Republic of Germany asked the European Court of Justice to clarify the legal situation. In its verdict, announced in July 2020, the Court ruled that such persons could not be held in custody. The Court found that **such individuals can be imprisoned because they pose a tangible threat to national security**. With connections to like-minded people, experience and skills, they can escape from an inadequately adapted temporary detention facility. It has been found necessary to place such persons in isolation from other prisoners, but not necessarily in the standard detention center for deportees, which holds foreign nationals who, for example, have violated the conditions of stay in Germany and refused to leave it voluntarily (illegal entry, expired visa, illegal employment, etc.). The measure of danger in this case is disproportionate. This decision was welcomed by German experts. Daniel Thum, Professor of Refugee and Migration Law in Konstanz, noted that the court could have handed down a different verdict, which would have severely limited the practice of guaranteed deportation of dangerous Islamists: "The European Court has shown its willingness to give EU countries some room. The wording of the instructions on deportation from the EU could have prompted a different decision. However, we observe the tendency of the European Court of Justice to impose sentences compatible with the security and law and order interests of states."<sup>40</sup>

Until 2020, 400 million euros are budgeted for preventive measures against extremism through educational tools, i.e., outside the scope of special services. Since 2016. **The German Federal**

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<sup>39</sup> [https://www.kostenlose-urteile.de/LG-Berlin\\_37-S-10317\\_Bank-darf-Kontoverbindung-bei-Nutzung-des-Kontos-fuer-Spendeneingang-rechtsextremistischer-Unterstuetzer-kuendigen.news24365.htm](https://www.kostenlose-urteile.de/LG-Berlin_37-S-10317_Bank-darf-Kontoverbindung-bei-Nutzung-des-Kontos-fuer-Spendeneingang-rechtsextremistischer-Unterstuetzer-kuendigen.news24365.htm)

<sup>40</sup> <https://www.welt.de/politik/deutschland/article210877511/EuGH-Urteil-Deutschland-darf-Islamisten-vor-Abschiebung-im-Gefaengnis-festhalten.html>

**Ministry of the Interior has been implementing the National Preventive Program against Islamist extremism.** In March 2017, in response to the terrorist attack at the Berlin Christmas fair, the program was expanded and supplemented. The main points of the program are: 1. Work at the municipal level, ending with small localities, 2. Work with families and the social environment, including NGOs and migrant associations, 3. Work in mosques, houses of worship and religious communities, 4. Working in the educational sphere, including schools. 5. Work on the Internet, including social networks. 5. Risk assessment. 6. Cooperation inside and outside the EU. Separately, 100 million euros were allocated for this program in 2018. It has been extended.<sup>41</sup> In the response of the Federal Government to the request of the AfG faction in the Bundestag, the measures as of the beginning of 2018 were listed in detail.<sup>42</sup> Individual NPOs at the regional level are involved in the program, they publish reports on their activities and make suggestions for improvement on an ongoing basis.<sup>43</sup> Other programs, such as "Participate in Democracy," are not "classic" anti-Islamic programs, but rather focus on supporting migrants in general, but they touch on this issue as well. Within the framework of Participate in Democracy there are 14 centers, some of which deal with the problem of Islamism. At the same time, it is difficult to assess the effectiveness of the programs in a pragmatic and practical way.

**No fundamentally new programs of state support for migrants have emerged in this time period** that would fundamentally reconsider the work of the previous ones. This is primarily due to the fact that the Federal Republic of Germany (West Germany before 1990 and the united German state) has considerable experience in integrating and adapting residents of a country with a migration background. **Standardized programs have been in operation for a long time at the federal, state and municipal (municipality) level. Their operation and funding are extended and/or authorized government agencies offer slightly modified initiatives, adapted to current challenges and filled with new content.** NGOs can participate in them and, after submitting an application, receive funds to implement their own project. The main grant providers are the Federal Foreign Office, the Federal Ministry of the Interior, other federal and state ministries, the Federal Commissioner for Migration, Refugees and Integration, the state-run "Federal Agency for Political

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<sup>41</sup>[https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/sicherheit/praeventionsprogramm-islamismus.pdf?\\_\\_blob=publicationFile&v=2](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/sicherheit/praeventionsprogramm-islamismus.pdf?__blob=publicationFile&v=2)

<https://www.bpb.de/politik/extremismus/radikalisierungspraevention/271943/nationales-praeventionsprogramm-gegen-islamistischen-extremismus-npp>

<sup>42</sup> <https://dipbt.bundestag.de/dip21/btd/19/008/1900806.pdf>

<sup>43</sup> An example of how the program works in a county in northern Hesse [http://www.demokratie-leben-wmk.de/aktuelles/detail/news/nationales-praeventionsprogramm-gegen-islamistischen-extremismus/?tx\\_news\\_pi1%5Bcontroller%5D=News&tx\\_news\\_pi1%5Baction%5D=detail&cHash=d7032d0d10c57ba23bb4e248f0af2e29](http://www.demokratie-leben-wmk.de/aktuelles/detail/news/nationales-praeventionsprogramm-gegen-islamistischen-extremismus/?tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=d7032d0d10c57ba23bb4e248f0af2e29)



Education", the Federal Office for Migration and Refugees, political foundations funded from the state budget, as well as smaller state and municipal structures. We can distinguish the following main directions:

Education. Schools, preschools, and other educational institutions in which a significant percentage of students have a migrant background and/or offer instruction in minority languages receive funding. In Germany virtually all schools and kindergartens of this type have permanent state funding.

2. Strengthening of migrant NGOs of various orientation: culture, preservation of language and traditions, integration, support of certain groups of migrants in need of additional attention (women, in particular those from the Muslim world, the unemployed, the disabled, representatives of sexual minorities, single mothers, and others).

3. Political education, explanation of the principles of democracy, the electoral system, opportunities for residents, including those without German citizenship, chances to participate in the socio-political life of Germany.

Examples of such new projects include the programs "Living Together in a Multicultural Society. Participate in Democracy!" (Ministry of Family, Senior Citizens, Women, and Youth, from 2020), "Migrant Organizations as Carriers of Intercultural Political Education" (Federal Commissioner for Migration, Refugees, and Integration, from 2019), and others. Two separate state programs, "Developing a sense of political citizenship in Russian-speaking migrant organizations" and "Learning to participate: Promoting social and political activity among Russian-speaking people in Germany" (both operating since 2019), have a direct focus on Russian-speaking people in the country. The main operator of these two projects is the Association of Russian-speaking Parents in Germany, a large umbrella organization based in Cologne.<sup>44</sup>

#### **IV. Activities of radical groups and the reaction of politicians**

- **Islamism**

**Main groups with a brief description (all the groups listed appear in the reports of the Office for the Protection of the Constitution and, therefore, are monitored as potentially dangerous):**

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<sup>44</sup> <https://www.bvre.de/index.php>

**"The Muslim Brotherhood.** It is the oldest Sunni Islamist network in Germany since 1994. In 2018, it was renamed **the Muslim Community of Germany.** The network is largely legalized through registered NGOs. The group's goal is the widespread application of Sharia law as the only acceptable system of ethical, moral, legal and religious norms. The group's members are particularly tough on those violations of their value system that are not "criminal" in terms of German law: alcohol consumption, adultery and renunciation of Islam. A number of mosques and Islamic centers in Germany, such as those in Aachen and Munich, are either closely linked to or controlled by the Brotherhood. "The Brothers also influence the Central Council of Muslims of Germany, the largest representation of Muslim interests in contacts with government agencies, and are part of the network's international structures.<sup>45</sup> As part of the network there is an officially registered NGO "German Muslim Youth". Back in 2009, the intelligence services noted in a report that mentors from this NGO at meetings "impede integration and confront Western society on an emotional level."<sup>46</sup> In June 2020, a journalistic investigation revealed the group's growing influence. The Community itself denies any connection to Islamists and tries to resist being mentioned in the annual report of the Office for the Protection of the Constitution through lawsuits.<sup>47</sup> The Community is joined by the radical **Islamic Center of Hamburg** with a similar ideological platform, but it is largely independent.

**Salafists** are also among the Islamist groups with growing membership and influence. The main centers for the spread of Salafism in Germany are North Rhine-Westphalia, Berlin and the Rhine-Main region. Salafism developed in particular during the 2000s. Its proponents deny German and, in general, Western law, arguing that the only book on the basis of which the legitimacy of human actions can be assessed is the Koran.<sup>48</sup> They rely on direct contact with those being recruited. This takes place in mosques, cultural centers, schools, among relatives and even in prisons.<sup>49</sup> The Salafists are virtually the only Islamist network in Germany that organizes street events to attract new members: handing out copies of the Koran, pamphlets, and talking to passersby for free. Experts note that Salafists professionally work with young people. Several techniques are used: the propensity of young people to protest subculture, dissatisfaction with their social and material

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<sup>45</sup> <https://www.bpb.de/politik/extremismus/islamismus/290422/die-muslimbruderschaft-in-deutschland>

<sup>46</sup> <https://web.archive.org/web/20100704214902/http://www.verfassungsschutz.de/download/SHOW/vsbericht2009.pdf>

<sup>47</sup> <https://www.swr.de/report/swr-recherche-unit/22-konspirative-zellen-der-muslimbruderschaft-in-deutschland/-/id=24766532/did=25301906/nid=24766532/ronf6n/index.html>

<sup>48</sup> <https://www.verfassungsschutz.de/de/arbeitsfelder/af-islamismus-und-islamistischer-terrorismus/was-ist-islamismus/salafismus-in-deutschland>

<sup>49</sup> <https://www.bpb.de/politik/extremismus/islamismus/268726/orte-der-islamistischen-radikalisierung>

situation, political aspects (allegedly a priori racist attitude towards Muslims in the West, which "cannot be changed"), the role of Israel, wars "incited" by the West in the Middle East.<sup>50</sup>

**"The Islamic Community of Milli-Gerus** tries to work in a legal public space. The organization has a website in German in which Milli-Gerus tries to present itself as a champion of traditional peaceful Islam and disassociates itself from radicals.<sup>51</sup> The organization has been in existence since 1995 and has 120,000 members (2020). It has working associations of women and young women, which emphasizes the tolerance of Islam. Specialists believe that the organization is not radical in general, but that it includes groups that are prone to Islamism and extremism. "Milli-Gerus is supported by the Turkish government and has extensive connections within the Turkish political and religious elite. Its new leadership declares a reformist course.<sup>52</sup> Some of the state constitutional protection agencies have stopped including Milli-Gerus in their annual reports, which means they have formally stopped monitoring it. (Admittedly, surveillance continues covertly.) But the federal Office still lists "Community" in its documents, referring to the presence of radical elements with influence on certain mosques, and separating them from the total membership of the organization and its affiliated groups. It is the number of potential radicals that is specified in the statistics (see below).

**"Hizbollah** was banned in Germany in March 2020, following a series of searches in the apartments and offices of activists in various German cities. "Hizbollah does not recognize Israel's right to exist as a state and sees the only solution to the Middle East conflict as an armed struggle. European states, unlike the United States, Canada and Australia, where the ban has long been in place, were unwilling to take such measures in order not to miss the opportunity for a peaceful settlement in Lebanon. There was also a distinction between the more radical international network and the less radical branch in Germany, which often distanced itself from the position of Lebanese Hezbollah. However, Hizbollah's systematic participation in the anti-Semitic Al-Quds Day in Berlin, at which there were open calls for violence against Jews (particularly acute in 2019), forced Germany to make this decision.<sup>53</sup>

**Supporters of the Islamic State (IS) are** the most difficult Islamists to control. Unlike other organizations, they do not even have formal official offices in Germany, working in the legal public sphere. IS cells are completely underground. Their networks, interconnections and

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<sup>50</sup> <https://www.bpb.de/politik/extremismus/islamismus/138468/die-salafiyya-eine-kritische-betrachtung>

<sup>51</sup> <https://www.igmg.org/>

<sup>52</sup> <https://taz.de/ehitlik-Moschee-Neuer-Vorstand/!5380449/>

<sup>53</sup> <https://www.youtube.com/watch?v=Ij0yr-cI-AM>

structures are extremely confusing. While Islamists, such as the Muslim Brotherhood and Salafists, are integrated into organizations, their individual representatives at various stages can be more or less radical and violent, IS supporters are loners or individuals who are members of small cells. State agencies apply particularly harsh measures against IS activists: a ban on leaving the country, confiscation of foreign passports (for German citizens), restrictions on the validity of internal passports only in the territory of Germany (to prevent travel within the EU and to a number of other countries that can be visited without a foreign passport) and other sanctions. The IS has been banned in Germany since the group's founding. Its symbols, calls for participation, monetary or ideological support, participation in demonstrations or messages on social media in solidarity with the IS are also banned.<sup>54</sup>

**"The Furkan Community** was founded in Germany in 1994. The most active branches are in Dortmund, Berlin, Munich and Hamburg. It has its own print edition, online TV channel and websites. Furkan's ideology is similar to that of other Islamist groups, but it is more specific than "only" adherence to the Quran and Shariah, and targets Muslims living in Western states. It focuses on the personality of the radical preacher Alparslan Kuytul. Main theses: Western civilization is inherently hostile to Muslim civilization. The only way is a Muslim revival. A Muslim cannot follow Western laws, for this will inevitably lead to a violation of the canons of Islam. There can be no compromise. It is therefore necessary to be in opposition to the Western system of values and social practices, for example, not to take part in elections and to deny democracy as such. When it comes to the possibility of violence, Kuytul is starting from a certain point: violence can be rejected now, but the preacher does not rule out the "necessity" of using it in the future if, in his view, the foundations of Islam are threatened.<sup>55</sup>

**Tablighi Jamaat** is the largest Islamic network in the world (80 million people), founded in India and spreading in Asia, the Middle East and partly in Europe, mainly in Britain. The community has been deemed extremist and banned in several countries, such as Russia. "The Tablighi have had their individual representatives in West Germany since the 1960s, but the structures as such emerged in the 2000s. Activists had cells in Berlin, Hannover, Hamburg, Cologne, Munich and Bochum. Experts noted that even today the group's networks in Germany are quite unstable and cannot be called a unified body. "Tablighi is an extremely conservative form of Islam, according to which the only righteous way of life for a Muslim is to observe the precepts of the Koran as

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<sup>54</sup> <https://www.bpb.de/shop/buecher/schriftenreihe/314069/der-islamische-staat-geschlagen-nicht-besiegt>

<sup>55</sup> <https://www.im.nrw/furkan-gemeinschaft>

closely as possible, which includes dress, food, behavior, rejection of democracy and everything "Western", minimal contact with non-Muslims and other rules. The goal is the "return of true Islam," the Ummah. Formally, the Tablighi claim to be apolitical<sup>56</sup> and are not noted in terrorist activities, but they continue to appear in intelligence reports, both because of their radical outlook and because of their active recruitment of supporters, mostly young German Muslim residents from disadvantaged families and poor social strata of society. Specialists draw parallels with the Furkan. Both groups in the FRG do not rely on terror. However, their activists are sufficiently radical, deny a system of values that does not conform to their ideas, and are strongly influenced by preachers who may change their strategy over time. This is recognized as dangerous.

In the statistics of radicals of any direction, the German special services separately count the carriers of ideology as such and potentially dangerous individuals prone to terrorist activity or other violent acts. This also applies to Islamists. As of **July 2020, there were 610 dangerous Islamists on the territory of the Federal Republic of Germany**, 510 of them according to the classification of the BKA as "high risk. This is 10% less than in 2019. (702). Of the 610, 110 are in German prisons, 50 in foreign prisons.<sup>57</sup> Interestingly, a survey by SWR TV among representatives of special services specializing in combating Islamist radicalism showed that **law enforcement officials consider "legal Islamists," i.e. members of officially registered organizations, more dangerous than supporters of the "Islamic State" in the long run.** The reason is the attempts to penetrate into various strata of society and even into politics in order to take root in them and gradually expand their influence.<sup>58</sup> An analysis of the situation at various levels of government shows the legitimacy of the fears of the staff of the Office for the Protection of the Constitution.

**Most experts note that it is impossible to single out any part of the Muslim diaspora in Germany that is the most "susceptible" to Islamism.** New activists of Islamist movements are recruited among natives of various states, parishioners of various mosques, representatives of different streams of Islam. Nor can it be argued that "adherence" to radicalism depends on how long one has been in Germany. The three interlocutors (an imam of a large progressive mosque in Berlin, the chairman of a Muslim cultural center in a Berlin neighborhood with a large percentage of the population committed to this religion, and an expert on radical manifestations in Islam)

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<sup>56</sup> <https://www.hamburg.de/innenbehoerde/islamismus/511912/tabligh-i-jama-at/>

<sup>57</sup> <https://www.welt.de/politik/deutschland/article211015095/Bundeskriminalamt-Zahl-islamistischer-Gefahrder-in-Deutschland-sinkt.html>

<sup>58</sup> <https://www.tagesschau.de/investigativ/swr/politischer-islam-101.html>

described a contradictory situation. On the one hand, the arrival of new migrants and refugees after 2015, especially from Syria with its highly secular traditions, has led to a softening of radicalism within communities, while many second- and third-generation migrants already born in Germany are prone to express such views. On the other hand, there are also the opposite examples: new members of "established" communities, far from radical positions, have joined and tried to change the climate within the community toward confrontation with the outside world. (QUESTION: what contributes to radicalization of Muslims in the context of liberal legislation concerning culture and education?)

**The Office for the Protection of the Constitution released data on the total number of people involved in Islamist circles in 2019. 28,020** (2018: 26,560, +5.5%). The table shows the estimated number of members of Islamist organizations under surveillance in Germany as of December 31, 2019. compared to the previous two years. The data show an increase in the number of radical activists:<sup>59</sup>

Organization	2017	2018	2019
Salafists	10.800	11.300	12.150
Islamic State, al-Qaida of the Islamic Maghreb, al-Qaida in the Arabian Peninsula, al-Shabab, Hayat Tahrir al-Sham	No exact data	No exact data	No exact data
Hezbollah	950	1.050	1.050
Muslim Brotherhood, German Muslim Community	1.040	1.040	1.350
Tablighi Jamaat	650	650	650
Islamic Center of Hamburg	No exact data	No exact data	No exact data
Milli-Gerus and Related Organizations	10.000	10.000	10.000
Furkan Community	-	290	350

<sup>59</sup> <https://www.verfassungsschutz.de/de/arbeitsfelder/af-islamismus-und-islamistischer-terrorismus/zahlen-und-fakten-islamismus/islamistisches-personenpotenzial-2019#tableComment4>

Hezb-e-Islami <sup>60</sup>	No exact data	No exact data	100
Other	1.300	1.160	1.160

In 2018-2019, a number of crimes were committed in Germany, such as attacks on citizens and damage to movable and immovable property, which are attributed to Islamist manifestations. For example, in July 2018, an offender placed a wire on the tracks of a speeding train. The detainee turned out to be a member of a jihadist group.<sup>61</sup> There were no human casualties during this time period. On October 4, 2020 Islamist of Syrian origin attacked passers-by in Dresden. One person was killed and another was seriously injured. The attacker was known to intelligence agencies and had previously been deemed "dangerous." He became sympathetic to the Islamic State in 2017, was arrested, sentenced to imprisonment for illegal activities, served his sentence, and was released in late September 2020.<sup>62</sup>

After the terrorist attacks in France and Austria in the fall of 2020, **German political parties proposed new concepts for combating Islamism and showed increased attention to the problem, showing in many ways a rethinking of it.** In particular, the Greens, not previously noted for their special interest in this topic, presented a new plan in November 2020. It calls for constant surveillance of potentially dangerous Islamists, increasing the number of intelligence personnel, banning Salafist associations, swift and rigorous enforcement of decisions to arrest suspects and stopping financial flows to finance terrorism.<sup>63</sup> The proposals have been criticized by conservative circles, who argue that the Greens have ignored the threat of Islamism for too long, have shown no interest in measures to suppress Islamist propaganda, or even blocked some initiatives, considering them "excessive."<sup>64</sup> At the same time, the process of rethinking goes early in the Green Party. One intraparty group issued a resolution in 2020 calling for a critical view of

<sup>60</sup> The representation of the Islamist Party of Afghanistan among Afghans living in Germany. In Afghanistan itself, the party has been marginalized since the death in 2006 of its founder and leader Younis Khales.

<sup>61</sup> <https://www.start.umd.edu/gtd/search/IncidentSummary.aspx?gtdid=201810070039>

<sup>62</sup> <https://www.spiegel.de/panorama/justiz/dresden-messerangriff-auf-zwei-maenner-verdaechtiger-ist-islamistischer-gefaehrder-a-45742cc0-53dd-4061-ab8f-037d937150cb>

<sup>63</sup> <https://bnn.de/nachrichten/deutschland-und-welt/gruene-legen-plan-gegen-islamistische-gefaehrder-vor>

<sup>64</sup> <https://www.faz.net/aktuell/politik/inland/linke-und-der-islamismus-die-worte-und-taten-der-gruenen-17042528.html>

"reactionary political Islam."<sup>65</sup> Part of these developments is also related to current domestic politics. The Greens have long been working on a project to move out of an exclusively "leftist" electoral niche, presenting themselves as a modern middle-class party, replacing the weakened FDP. According to polls, they are the second most liked party in Germany, just behind the CDU/CSU. German political circles are discussing the format of the "black-green" coalition that may be created following the parliamentary elections of 2021. The middle class of Germany perceives the growth of Islamism with anxiety, therefore the Greens are obliged to voice this topic. Similar processes, although with less intensity, are taking place in the Left Party.<sup>66</sup> Its electorate, which previously paid much more attention to right-wing radicalism, is also seriously concerned about the current trends. Such debates are also marked in the ranks of the Social Democrats. In October 2020, Kevin Kühnert, deputy chairman of the SPD, until recently leader of the party's youth organization and one of the most important speakers of the left in German politics in general, acknowledged in his article that the "left-liberal" current has certain "difficulties" in developing a constant attitude toward Islamism. The politician noted that the right often criticizes the left for "dividing" the victims of terrorist attacks into "right" and "wrong. He called the rebuke "polemical" and "generalized," but conceded that there may be "some truth in it." "Those who are against terror and the ideologies that incite it must be prepared to fight consistently and purposefully against the representatives and supporters of such ideologies," Kühnert stressed.<sup>67</sup> In a major interview in November, Franziska Giffay, the minister of youth and family affairs, a potential candidate for mayor of Berlin in 2021 and a leading politician of the SPD, called for a harsher and more consistent fight against Islamism. The minister said that on the issue of Holocaust denial "there can be no compromise" with those expressing such views.<sup>68</sup> German Interior Minister Horst Seehofer expressed doubts about the sufficiency of these measures and said that the Interior Ministry was considering **the possibility of preventing the arrest of particularly dangerous Islamists**. According to the minister, the practice of deportation is not a comprehensive response to the challenges of radicals: **more than half of dangerous Islamists have German citizenship**.

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<sup>65</sup> <https://saekulare-gruene.de/beschluss-zum-kritischen-umgang-mit-reaktionaeren-politischen-islam-verbaenden/>

<sup>66</sup> <https://www.spiegel.de/politik/deutschland/islamismus-linke-streiten-ueber-antimuslimischen-rassismus-a-d0784978-80a6-4992-972e-7c205cfd95e7>

<sup>67</sup> <https://www.spiegel.de/politik/deutschland/kevin-kuehnert-ueber-islamismus-die-politische-linke-sollte-ihr-schweigen-beenden-a-5133948b-bac7-490a-a56a-a42d87a62532>

<sup>68</sup> <https://www.welt.de/politik/deutschland/article219534858/Franziska-Giffey-SPD-Wenn-im-Lehrplan-das-Thema-Holocaust-vorgesehen-ist-dann-darf-es-keine-Kompromisse-geben.html>

<sup>69</sup> <http://www.eu-info.de/dpa-europaticker/307598.html>



**Austria's political elites reacted harshly to the terrorist attack in Vienna in** early November 2020. (four dead and more than 20 wounded). Austrian Chancellor Sebastian Kurz proposed a separate article on "political Islam" in the state penal code. The governing coalition of the conservative People's Party and the Greens introduced a voluminous package of new counterterrorism measures, including expanding the catalog of penalties for previously convicted terrorists who have not renounced their radical ideology.<sup>70</sup> This discussion did not go unnoticed in neighboring Germany, the country closest to Austria, especially since the connections of the "November" terrorists in Vienna, according to investigators, lead to Switzerland and Germany.<sup>71</sup> There are also certain parallels in the biographies of the terrorists. The criminal who murdered the Dresden passerby had just been released from prison on the expiration of his sentence. The perpetrator of the attack in Vienna also managed to receive a sentence for belonging to dangerous Islamists and attempting to leave the country in order to fight for the Islamic State and was also released. Germany's Christian Democrats and the AfD supported Kurz's initiative. Manfred Weber, chairman of the European People's Party faction in the European Parliament and deputy chairman of the CSU in Bavaria, proposed creating a pan-European data bank of potentially dangerous Islamists and strengthening control of the EU's external borders. AfD went even further and declared the need for life imprisonment for terrorists.<sup>72</sup>

- **Left-wing radicalism**

**Left-wing radicalism is not the subject of this report.** However, this phenomenon needs to be briefly mentioned, since it appears in any statistics on "politically motivated crime" in the Federal Republic of Germany. In the German media space and in conservative circles, **Antifa** is often referred to as a kind of main worldwide network of left-wing extremists active in Germany as well. In practice, **Antifa as a single structure has long since ceased to exist.** There are a number of informal and semi-formal groups of varying degrees of radicalism that affiliate themselves with Antifa and/or speak on its behalf.<sup>73</sup> **Germany's left-wing radicals have different political positions and never present a "united front. Radical anti-fascism can be considered a certain common foundation.** Otherwise, the theoretical postulates (from Marxism, historical materialism and Trotskyism to anarchism and contemporary left-radical ideas about a new world order), the

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<sup>70</sup> <https://www.n-tv.de/ticker/Seehofer-prueft-Ausweitung-von-Gewahrsam-fuer-gefaehrliche-Islamisten-article22166933.html>

<sup>71</sup> <https://www.tagesschau.de/ausland/wien-anschlag-103.html>

<sup>72</sup> <https://www.rnd.de/politik/nach-kurz-vorstoss-auch-in-deutschland-sympathie-fur-verbot-des-politischen-islam-VFTFJDEMDZBZ7BG6PX5KDX424M.html>

<sup>73</sup> Read more about this in an article by the author of the report <https://www.initiative-quorum.org/ru/details/antifa-ne-suschestvuet.html>

program of action, the attitude to the state and the authorities are extremely different. Left-radical groups include: 1. Those who are not inclined to violence. A.) **Smaller political parties** (the German Communist Party, the German Marxist-Leninist Party, and the Socialist Party of Equality). They are marginal and due to their dogmatism and unrealizable demands do not enjoy the support of the forces of the "legal" left political spectrum. B.) **Individual small left-wing extremist groups** (the Marxist Group, the Trotskyist Left Krenk and Marx 21 and others), focused on theoretical discussions about reorganizing the world and not conducting public actions. B.) **The larger Interventionist Left platform with** 33 cells with 1,000 members. 2. Showing a penchant for violence. A.). **"Autonomists."** This is the largest umbrella organization of the radical left (7,400 members in 2019). "Autonomists" consider it legitimate to use violence against neo-Nazis, when resisting police actions, in the process of "winning autonomous spaces" in the streets for a "free society," which manifests as riots and damage to property. B.) **"Anti-imperialists,"** such as the groups Perspective Communism and Youth Resistance. 3. **Anarchists**, e.g. the "Free Workers' Union" (about 800 activists). In Germany, the "anarcho-syndicalists" are mostly prevalent, who focus on non-violence and working with trade unions as workers' representatives. Still, experts note that a certain percentage of German anarchists may be prone to violence. All of these structures are under the supervision of the security services.<sup>74</sup>

- **Radicalism supported from abroad**

This name refers to **the activities of radical groups that cannot be classified as right-wing, left-wing or Islamist extremism.** The most numerous and well-organized structure of this type is the **Grey Wolves.** These are separate but closely linked groups of Turkish ultranationalists, aligned with the Turkish Nationalist Movement Party and considered to be its fighting cells. The party is in coalition with the ruling movement of Recep Erdogan. According to various estimates, there are as many as 20,000 active Wolves supporters in Germany. The group is already banned in France. In Austria, the organization's salute ("wolf sign"), recognized as extremist, has been banned. A number of politicians and public figures in Germany (from representatives of the Kurdish community to the Greens) **demanded that the "Wolves" be banned.**<sup>75</sup> Experts on nationalist movements in Turkey say that the attitude of German residents with Turkish roots toward the "Grey Wolves" is very complicated. While some in the Turkish community oppose the group and deny their ultra-nationalism, others find the group's fears unnecessary and perceive the Wolves as

<sup>74</sup><https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/verfassungsschutzberichte/vsbericht-2019>

<sup>75</sup> <https://www.fr.de/politik/verbot-gefordert-aus-fuer-graue-woelfe-auch-in-deutschland-90093098.html>

a legitimate segment of the Turkish political spectrum. For example, in 2011. "The Essen Turks' Alliance, a member of the city's Integration Council, refused to condemn the activities of the Grey Wolves."<sup>76</sup> One CDU politician of Turkish origin, a member of Hamm's Integration Council, turned out to be a Wolf activist and was expelled from the German party for this reason in 2015.<sup>77</sup>

- **Right-wing radicalism**

**Main groupings (abbreviated overview):**

On the extreme right flank of the political spectrum in Germany, there are still some:

**The traditional far-right parties** that existed in the FRG before reunification, which are close to neo-Nazism or share much of the Nazi worldview (the National Democratic Party of Germany, the NPDG, and the "Republicans"). The NPDG continued to lose even what little influence it had during this period and became a completely marginal party. The number of members in 2019 was estimated at 3,600 (2018: 4,000). "Republicans have had serious financial difficulties since the mid-2010s. They could not even participate in local elections. Many functionaries urged them to vote for AfD. The party was dissolved in 2018-2019. Two relatively influential right-wing parties of the recent past, the "Civic Movement for Germany" and the "German People's Union", ceased to exist before the period in question (2017 and 2012, respectively).<sup>78</sup>

**New far-right parties.** They are the "Third Way" party, which resembles the "Third Reich" in its name and symbolism, and the "Rightists." The "Third Way" was created in 2013 by former functionaries of the NPDG, who considered the course of their party too "conciliatory." This party had 580 members in 2019.<sup>79</sup> Third Way activists take part in demonstrations against migration and refugee reception. In 2020, they are visible at rallies against quarantine restrictions caused by the pandemic. The party tried to hold its own socially significant actions, for example, it applied in 2018 and 2019 to hold a sports tournament in Erfurt called "Jugend im Sturm" (German: Jugend im Sturm, association with the word "Volkssturm" of the Nazi period). The applications were rejected by the city administration.<sup>80</sup> "The Right was founded in 2012. The full name of the party is "The Right - for popular referendums, sovereignty, and defense of the homeland." It was founded

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<sup>76</sup> <https://www.derwesten.de/staedte/essen/integrationsrat-ist-ein-hort-der-grauen-woelfe-id6084510.html>

<sup>77</sup> <https://www.wa.de/hamm/verfahren-gegen-zafer-topak-hamm-schliesst-grauen-wolf-partei-7296248.html>

<sup>78</sup> <https://de.statista.com/statistik/daten/studie/4760/umfrage/entwicklung-der-mitgliederzahlen-von-rechtsradikalen-parteien/>

<sup>79</sup> [https://www.im.nrw/system/files/media/document/file/Vs\\_Bericht\\_NRW\\_2019.pdf](https://www.im.nrw/system/files/media/document/file/Vs_Bericht_NRW_2019.pdf)

<sup>80</sup> <https://www.morgenpost.de/politik/article227183009/Die-gefaehrliche-Parallelwelt-der-rechten-Kampfsportler.html>

by several well-known West German neo-Nazi loners, as well as former members of the National Resistance Dortmund, which was banned in 2012. While in 2014-2016 the party managed to hold some actions, a year later it already had to struggle for survival, due to conflicts in the leadership and insufficient financial means. Since 2019, "The Right" has become more active. In the 2019 European Parliament elections, they supported Ursula Haverbeck, a well-known neo-Nazi activist who had served a prison sentence for repeated Holocaust denial. On April 20, 2019, Hitler's birthday, the party held a neo-Nazi rally with like-minded people from France, the Czech Republic, Poland, and other countries.<sup>81</sup> In 2020, "The Right" organized a "national solidarity action" in Dortmund against measures to contain the spread of the coronavirus. A number of planned marches were banned as neo-Nazi.<sup>82</sup> The party had an estimated 600 members in 2018. Almost all of them live in the Ruhr region. Party cells in the rest of Germany either exist only on paper or have already been officially liquidated.

**"Comradeships" (Kameradschaften), "loose comradeships" and neo-Nazi loners.** Most of the "comradeships" (associated with the word "camerade," an informal soldier's term in the Wehrmacht) were dismantled by the police in the mid-2010s. Although experts estimate that these structures are no longer sufficiently combat-ready to carry out terrorist attacks, it cannot be claimed that the right-wing extremist underground in Germany has been completely defeated. Three examples. In 2019-2020, there were a number of scandals in the Bundeswehr regarding soldiers' and officers' affiliation with right-wing radical circles.<sup>83</sup> In November 2020, the prosecutor's office brought charges against 12 members of the so-called "Group S" arrested in February of this year. The structure was organized along the lines of the Finnish far-right "Self-Defense," which was close to the principle of "comradeship." Right-wing radicals planned to attack politicians, anti-fascist activists and mosques in order to destabilize the situation in the country and to raise funds to purchase weapons.<sup>84</sup> In early December 2020, it became known that the neo-Nazi group Sturmbrigade 44 had been banned. It consisted of 11 people, two of whom were already serving sentences for other crimes. The group used a wide range of Nazi symbols. The two "fours" in the name correspond to the fourth letters of the alphabet and the first letters of the Dirlwanger Division, the revered right-wing extremist commander of the SS unit Oskar Dirlwanger. Edged

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<sup>81</sup> [https://www.im.nrw/system/files/media/document/file/VS\\_Bericht\\_NRW\\_2019.pdf](https://www.im.nrw/system/files/media/document/file/VS_Bericht_NRW_2019.pdf)

<sup>82</sup> <https://www.hagalil.com/2020/03/rechte-reaktionen-auf-corona/>

<sup>83</sup> <https://daserste.ndr.de/panorama/archiv/2020/Bundeswehr-Rechtsextreme-bleiben-Informant-muss-gehen,mad102.html>

<sup>84</sup> <https://www.tagesschau.de/investigativ/ndr-wdr/gruppe-s-111.html>

weapons were found in the apartments of the group members.<sup>85</sup> Groups whose members profess right-wing radical ideology also continue to operate on the Internet. In the social network Facebook such groups are temporarily closed after complaints from users, but they often reappear under a slightly modified name. Virtual communities on other platforms are even more difficult to identify. The aforementioned "S-group" also originally emerged in the form of a Whatsapp group.<sup>86</sup> A face-to-face meeting took place much later. Nevertheless, the main danger is posed by radical loners. Both of the major right-wing terrorist attacks with fatalities that took place in the period under review were carried out by lone extremists. Also in 2020, two other neo-Nazi groups were banned that were organized according to a slightly different principle than the "comradeships" but espoused the same ideology: the aforementioned Combat 18 and the Northern Eagle.

**"Citizens of the Reich."** Representatives of the network of these organizations, often unconnected (the Free State of Bavaria, the Himgau Community, the Free German Republic, and others) believe that the "Third Reich" did not cease to exist when Germany surrendered in 1945. They do not recognize the FRG as a legitimate state. Some groups print their own "passports" and "banknotes" and hold "elections" for "deputies" of the self-proclaimed "Reichstag". Manifestations, rallies and other actions are also organized. A certain percentage of "Reich citizens" live in communes and, wishing to reduce contact with the state to a minimum, engage in agriculture and their own cottage industry. For a long time the "Reichsbürgers" were not considered dangerous and violent. Rather, they were perceived as members of a strange subculture. The situation changed after the murder of a police officer by a member of the group in 2016. The killer was sentenced to life in prison.<sup>87</sup> Firearms were found in the group's possession. The Reich Citizens are now under surveillance by German intelligence agencies. In 2019-2020, the apartments of members of the group were regularly searched. Particularly dangerous are considered activists of the NGO "United German Nations and Tribes" (search of 21 apartments in March 2020 by 400 police officers).<sup>88</sup> The NPO was declared extremist and banned. Sectarianism, denial not only of Germany as a state but of democracy in general, anti-Semitism, and Holocaust denial also grew in the ranks of this

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<sup>85</sup> <https://www.tagesschau.de/inland/sturmbrigade-44-aufloesung-103.html>

<sup>86</sup> <https://www.rnd.de/politik/terrorzelle-gruppe-s-das-ratsel-um-den-dreizehnten-mann-VS7RGAUNGBCWFW4PSNUSVMSF4.html>

<sup>87</sup> <https://www.zeit.de/gesellschaft/zeitgeschehen/2017-10/reichsbuergerbewegung-urteil-mord-polizisten-wolfgang-p>

<sup>88</sup> <https://www.faz.net/aktuell/politik/inland/verbotene-reichsbuerger-gruppe-rechtsextrem-und-hochgefaehrlich-16686793.html>

movement. Of an estimated 19,000 "Reichsbürgers," 950 are recognized as right-wing extremists.<sup>89</sup>

**"Identity Movement"** - see above. In 2019, the movement was recognized as a right-wing extremist movement and is under surveillance. The movement has about 600 members in Germany.<sup>90</sup>

**The number of dangerous right-wing radicals prone to violence increased in 2020 compared to 2019: more than 100 versus 65.** The total number of German residents "involved in the right-wing extremist spectrum" in June 2020 was 32,000 (2019: 24,000). Between June 2019 and June 2020, 13 people were victims of right-wing extremists.<sup>91</sup> The largest terrorist attacks during this period occurred in October 2019 in Halle/Zaal (attack on a synagogue and a Turkish café, two dead and three wounded)<sup>92</sup> and in February 2020 in Hanau (attack on two hookah houses, 11 dead and five wounded).<sup>93</sup> The most high-profile crime by right-wing radicals was the murder of Walter Lübke (CDU), head of the county government of Kassel. He was killed by a shot to the head on the terrace of his own house on June 1, 2019. The murderer and his assistant were found and detained. Both are activists of right-wing extremist movements.<sup>94</sup> The motive for the crime was Lübke's political stance: he was purposefully in favor of accepting refugees from crisis regions of the world and insisted on providing humanitarian aid to those in need.

## V. AfG and the New Right

**"The Alternative for Germany (AfG) is currently** represented in the Bundestag, all 16 Landtags and the vast majority of communal (municipal) representations. This party dominates the right wing of legal politics in Germany. Many ultra-right-wing activists from previously established parties on this spectrum, which have been liquidated or are in fact no longer functioning, have joined the Alternative. Some experts still do not classify AfG as a right-wing extremist party, since there are movements of varying degrees of radicalism within this political force. At the moment **the most radical fraction of the party, "Wing" as well as individual party members, including**

<sup>89</sup> [https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/vsb-2019-kurzfassung.pdf?\\_\\_blob=publicationFile&v=3](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/vsb-2019-kurzfassung.pdf?__blob=publicationFile&v=3)

<sup>90</sup> <https://www.dw.com/de/wie-gef%C3%A4hrlich-ist-die-identit%C3%A4re-bewegung/a-49570755>

<sup>91</sup> <https://www.welt.de/politik/deutschland/article209931591/IMK-in-Erfurt-Zahl-der-rechtsextremen-Gefahrder-steigt.html>

<sup>92</sup> <https://www.mdr.de/sachsen-anhalt/landespolitik/u-ausschuss-zum-anschlag-auf-synagoge-in-halle-102.html>

<sup>93</sup> <https://www.zeit.de/thema/hanau>

<sup>94</sup> <https://www.zeit.de/thema/walter-luebcke>

**members of the Bundestag, are under surveillance by the security services.** "The Wing was liquidated by a decision of the AfG Board in March 2020.<sup>95</sup> However, human rights activists note that members of the group continue to hold responsible positions in the party, have not resigned their mandates as deputies at various levels, and still play a significant role in shaping the climate within the AfG.

The leading figures of the nationalist current of the AfG, Björn Hecke and Andreas Kalbitz, have a serious influence on internal party decisions. For this reason, in the final report of the Office for the Protection of the Constitution 2019, **the question was raised for the first time about the advisability of surveillance of the party as a whole.**<sup>96</sup> In the summer of 2020, there was even more discussion about surveillance of the AfG, which would effectively label it a right-wing extremist and make its political activities much more difficult.<sup>97</sup> There are various arguments for and against surveillance of the party. **Arguments for.** AfG has become increasingly radicalized. Hopes of AfG becoming a (relatively) respectable right-wing party have not been fulfilled. Not only have the ultra-right not lost their position within the party, but they have also managed to politically defeat the moderate Eurosceptic currents, becoming the main driving force in a number of state party organizations. Björn Hecke, whom many observers call a "classical" right-wing extremist, was reelected chairman of the party's faction in the Landtag of Thuringia, has again run for the post of AfG leader in this state and has the maximum support of his fellow party members. Many politicians of the AfG, who try to create an image of "patriots resisting globalism in the name of German interests" far from the ultra-right rhetoric, in practice maintain contacts with relevant organizations and networks, hire people with neo-Nazi past, speak at extreme right events, cooperate with pan-European structures of the extreme right. - (Consider the principle of inclusion on radical lists). The state and society must provide a legal response. Also in recent times, within the AfG there have been increased tendencies to revise attitudes to the period of National Socialism. In the process of criticizing the restrictive measures of the FRG government in connection with the pandemic, whole cells of the party allow themselves to draw parallels with the Holocaust, publish Stars of David, the symbols of concentration camps, and directly compare certain laws passed by the Bundestag with the laws of the "Third Reich". The Salzgitter branch of

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<sup>95</sup> <https://www.faz.net/aktuell/politik/inland/afd-gegen-afd-der-fluegel-kaempft-ums-ueberleben-16687932.html>

<sup>96</sup> <https://www.spiegel.de/politik/deutschland/verfassungsschutz-wird-die-afd-bald-von-weiteren-laendern-beobachtet-a-01bd34de-fa92-48b9-bd80-912d34567a5f>

<sup>97</sup> [https://www.t-online.de/nachrichten/deutschland/id\\_88202646/afd-und-verfassungsschutz-die-einschlaege-kommen-naeher.html](https://www.t-online.de/nachrichten/deutschland/id_88202646/afd-und-verfassungsschutz-die-einschlaege-kommen-naeher.html)

the party published a photomontage of the famous picture of the Dachau concentration camp gates on its official website, posting the slogan "Vaccination makes free" instead of the inscription "Labor makes free".<sup>98</sup> Such actions are unacceptable in Germany. **Arguments "against"**. Deputies and functionaries at various levels are in plain view and can be subjected to control without the party being listed in the register of right-wing extremists. AfG must be fought politically, not through the pressure of the state apparatus (albeit legitimately and with good intentions), not to give the party an excuse to use the "role of the victim". This could have the undesirable effect of increasing AfG's popularity.

The demonstration of the opponents of the new EP Act in November 2020 gave new impetus to the debate about the perception of the AfG. Members of the party used their power to let radical demonstrators into the Bundestag building, who tried to block other parliamentarians and ministers in their offices, insulted them and threatened them with violence, and prevented them from voting. The AfG leadership apologized and at the same time tried to portray the event as "insignificant."<sup>99</sup> The German political class reacted strongly to the incident. Deputies began to talk about the AfG as a "new NDPG."<sup>100</sup> Georg Meier, head of the Conference of Heads of the Interior Ministry (the coordinating body), called AfG "a parliamentary representation of right-wing extremists" and **did not rule out a ban on the party**.

Mayer acknowledged that such a move could be "only the very last resort" and any hypothetical application to the Constitutional Court would have to be accompanied by hard evidence.<sup>101</sup>

**At the moment AfG is on the decline.** The party's rating has fallen to 8-11%<sup>102</sup> and will remain so throughout 2020. This is significantly lower than in the 2018-2019 polls. In the previous two years, the party had consistently received more than 12% in the polls. In some short periods its rating exceeded 15%.<sup>103</sup> In one poll in September 2018, with a short-term rating of 18%, it became the second most popular party in the Federal Republic of Germany after the CDU.<sup>104</sup> AfG's current rating is also below the result of the 2017 parliamentary elections. (12,6%). The

<sup>98</sup> <https://www.sueddeutsche.de/muenchen/dachau/dachau-afd-kz-tor-fotomontage-1.5115933>

<sup>99</sup> <https://www.spiegel.de/politik/deutschland/afd-und-rechte-stoerer-im-bundestag-entschuldigen-und-relativieren-a-f04ff2cc-cdf6-4683-b533-acd23c3fb0d9>

<sup>100</sup> <https://www.tagesschau.de/inland/afd-diskussion-101.html>

<sup>101</sup> <https://www.zeit.de/politik/deutschland/2020-11/uebergriffe-im-bundestag-chef-innenministerkonferenz-afd-verbot>

<sup>102</sup> <https://www.wahlrecht.de/umfragen/>

<sup>103</sup> <https://interaktiv.waz.de/afd-umfragen-osten-westen-chronik/>

<sup>104</sup> <https://www.zeit.de/politik/deutschland/2018-09/deutschlandtrend-wahl-afd-spd-union-grosse-koalition-umfrage-horst-seehofer>



stagnation and decline in popularity are related, according to the report's author, to three factors:

1. **The AfG has no new proposals for the electorate.** In the circles of German political observers it is called the "one topic party". Migration issues are not a hot topic at the moment. 2. **Members of the AfG** at various levels have been in parliament for a long time and have **shown unsatisfactory results.** "The Alternative" is unable to offer its own concepts in key areas of domestic policy: the labor market, pensions, health care, youth and family policy, infrastructure development, the digital society, etc. Even Euroscepticism, the basis on which the party was founded, has become a secondary theme for the current AfG leadership. This also applies to the field of security. Since 2013, Islamist terrorist activity in Germany and elsewhere in Europe has led to a short- to medium-term rise in the AfG's rating throughout the party's existence. The situation changed in the second half of 2020. Polls from mid- to late November this year show no increase in the AfG's popularity after the terrorist attacks. "The Alternative has not made any clear proposals for combating Islamism or preventing terrorist attacks. The voters of the spectrum to the right of the conservatives, as well as other electoral groups, have certain expectations and disappointments. 3. After the first epidemiological restrictions in March 2020, **AfG leaders either tacitly supported government action or even demanded tougher measures,** such as an immediate ban on mass events or a lockdown modeled on Spain, Italy and the Czech Republic. (Such actions were taken a little later).

This did not please the party's electorate, which is largely susceptible to conspiracy theories, denying the existence of the virus or visibly downplaying its danger. In its eyes, AfG became "systemic," joined the "establishment" supposedly using the situation to "control the population," stopped caring about the "little man" suffering from the limitations of public life. By the time AfG began to criticize the government's actions against the pandemic for their "excessiveness," this niche was already occupied by other, nonpartisan forces. But **the AfG's core electorate remains loyal to this party.** It has no other representation of interests in big politics.

**"The New Right.** This umbrella term refers to extremely heterogeneous groups, associations, NGOs, publishers, media, online and offline discussion platforms that attempt to position themselves between conservatives and the far right. Some examples: the House of Conservatism. "Institute for Public Policy," "German Academy," "German-European Scientific Society," publishers Grabert and Berg, and others. In this milieu, the tendencies of "folk nationalism" (raising German national consciousness without parallels with Nazism, denial of anti-Semitism and racial theories, at least verbal, but with a share of historical revisionism) are strong. Calls for a "Conservative Revolution," i.e. an intellectual revision of the role of conservatives in society

toward more right-wing positions, are popular, winning the sympathy of German residents without the use of violence, through cultural influence. **"The New Right does not have a common political platform.** In the circles of right-wing researchers in Germany there is a dispute as to whether the movement belongs to a new, "intellectual" format of right-wing extremism for the present era or is a separate phenomenon. Some structures of the "New Right," such as the Werner Schimanneck Publishing Agency, have shifted over time to a racist stance close to neo-Nazism. They are monitored by the security services or banned.

## VI. Hate Crime

An important observation must be made in this area. Due to Germany's historical past, right-wing radical and neo-Nazi manifestations are traditionally more keenly perceived in society than other hate crimes. With regard to crimes committed by Islamists, an active public reaction usually occurs after a terrorist attack with human casualties. **Crimes committed by right-wing radicals are also in the public and media spotlight when there are no victims or injuries.** Example. In November 2019, victims of 72 manifestations of right-wing extremism (arson, threats, hate graffiti) living in Berlin's Neukeln district (every third resident of the district has migrant roots) petitioned the Berlin Senate to demand a special district commission to investigate these types of crimes. More than 25,000 people have signed the petition.<sup>105</sup> Prominent politicians and public figures spoke out in support of the petition.

Some hate crimes were covered in the previous section.

Federal statistical office provides **information on "politically motivated crimes and acts of right-wing extremist violence" for the period: 2018 r. : total number of crimes 19,409, including 1,088 acts of violence, 2019. : 21.290 - 925.**<sup>106</sup> In 2019, there were 6,449 left-wing extremist crimes. The same office offers a **comparison of right-wing and left-wing extremist crimes for 2019.**<sup>107</sup>

<sup>105</sup> <https://www.sueddeutsche.de/politik/berlin-petition-gegen-anschlaege-1.4667648>

<sup>106</sup> <https://de.statista.com/statistik/daten/studie/4032/umfrage/rechtsextremismus-und-fremdenfeindlichkeit-in-deutschland/>

<sup>107</sup> <https://de.statista.com/statistik/daten/studie/4721/umfrage/vergleich-der-anzahl-von-rechten-und-linken-gewalttaten/>

Crime	Right-wing extremists	Left-wing extremists
Murder	2	0
Attempted murder	5	2
Bodily injuries	781	355
Arson	6	164
Use of an explosive substance	2	8
Involvement in violent riots	8	72
Dangerous interference with transportation	5	45
Kidnapping	1	2
Robbery	13	16
Blackmail	36	3
Resistance to law enforcement officers	66	254
Property damage	923	3.520
Threats, exerting pressure	376	116
Other types of crimes	19.066	1.892
<b>Total</b>	<b>21.290</b>	<b>6.449</b>

Statistics show that the number of crimes with right-wing extremist overtones is noticeably higher than the number of crimes based on a left-wing extremist worldview. Crimes committed by far-right extremists are more dangerous and cause direct harm to the individual (murders, attempted murders, bodily injuries, threats). Left-wing extremists are more prone to arson, property damage, and resistance to police.

The German Interior Ministry, which records crimes according to a slightly different, broader principle, provided the following information on "**politically motivated crimes**" for 2019: **right-wing 22,342 (+9.4% compared to 2018), left-wing 9,849 (+23.7%), foreign ideology-based 1,897 (-23.7%),<sup>108</sup> religiously motivated 425 (-27.5%)<sup>109</sup>** . In the area of direct manifestation

<sup>108</sup> The report goes on to state that this section mainly includes hate crimes as a result of conflicts within the FRG with Turkish roots, as well as between residents with Turkish and Kurdish roots.

<sup>109</sup> All of these crimes were committed by Islamists, as confirmed by the link of information on the police website containing the same data <https://www.polizei-beratung.de/themen-und-tipps/extremismus/islamismus-salafismus/fakten/>

**of violence there was a drop in reported cases in all four categories.**<sup>110</sup> Also in its report, the Interior Ministry separately indicated the following statistics for 2019: propaganda and property damage against refugee hostels 126 (-27.2%), attacks on refugee hostels 14 (equal number compared to 2018).

**The detection rates for "politically motivated crime" were as follows:** 41.2% overall (2018: 45.3%), 59.7% (59.9%) specifically for violence against the individual.<sup>111</sup>

**In 2018, there were 48 attacks on mosques,** if only physical damage to property or violent acts are counted. Under a broader interpretation of "attack" (see below), the number of such manifestations reached **184.**<sup>112</sup> **The total number of attacks** on mosques, houses of worship and cultural centers of Muslims, as well as on members of the Muslim population of the country with anti-Islamic motives: **813.**<sup>113</sup> According to the leadership of the Central Council of Muslims of Germany, not all cases of victims have filed a report to the police, respectively, the actual number of such crimes must be higher.<sup>114</sup> **In 2019, there were 110 attacks on mosques alone**<sup>115</sup> and 871 hate crimes against Muslims.<sup>116</sup> The brandeilig.org initiative keeps its own statistics on attacks on mosques, according to which **in 2020 (as of the end of November)** there have already been **about 100** such crimes. By "attack" the group's activists, like most human rights activists, mean a wide range of illegal actions, including right-wing extremist graffiti, protests in front of mosques with right-wing slogans, damage to doors, windows, or walls, arson, and actions intentionally insulting the dignity of believers. Examples from 2020: attempts to prevent prayers at a mosque in Magdeburg (May), damage to property at a mosque in Nordenham (August), swastikas on the wall of a mosque in Berlin (October), and other manifestations.<sup>117</sup>

<sup>110</sup>[https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019.pdf;jsessionid=B600530ABFD066DA33BB4334F4F1CF1209.1\\_cid364?\\_\\_blob=publicationFile&v=11](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019.pdf;jsessionid=B600530ABFD066DA33BB4334F4F1CF1209.1_cid364?__blob=publicationFile&v=11)

<sup>111</sup> See above.

<sup>112</sup> <https://www.heise.de/tp/features/Islamfeindlichkeit-Mehr-Angriffe-kaum-Konsequenzen-4669057.html>

<sup>113</sup> <http://dip21.bundestag.de/dip21/btd/19/170/1917069.pdf>

<sup>114</sup> <https://www.noz.de/deutschland-welt/politik/artikel/1608908/mehr-als-570-angriffe-auf-muslime-und-moscheen-seit-jahresbeginn>

<sup>115</sup> <https://www.neues-deutschland.de/artikel/1131093.muslime-mehr-angriffe-auf-moscheen.html>

<sup>116</sup> <https://de.qantara.de/content/2019-gab-es-in-deutschland-fast-900-angriffe-auf-muslime>

<sup>117</sup> <https://brandeilig.org/category/brandeilig/year/2020/>

Public organizations in Germany, which independently keep **statistics on manifestations of hatred and discrimination against** minorities, traditionally provide different, higher figures. Xenophobic leaflets, stickers, graffiti and stickers, verbal abuse on public transport and in the street, discrimination in state institutions, etc. are all recorded. For example, the Berlin registry for the documentation of right-wing extremism and discrimination cited **3,277 cases** of racism, anti-Semitism, anti-Gypsyism, far-right manifestations, hatred of Muslims, hatred of the LGBTI community, discrimination against the disabled, social chauvinism and the glorification of Nazism in its final report for **2019** in the capital alone.<sup>118</sup> In **2018, 3,405 cases** were recorded.<sup>119</sup> NGOs are in a better position to record such manifestations, as victims show more trust in non-governmental organizations than in official law enforcement agencies. In addition, certain forms of discrimination, threats, disparaging attitudes and other facts of violation of citizens' rights are difficult to prove legally.

## VII. Sociology and Public Attitudes

Every two years the Friedrich Ebert Foundation publishes the results of a large-scale study of **the attitudes of the majority population in Germany toward members of minorities and the level of intolerance in society** (right-wing radicalism, various forms of chauvinism, discrimination, denial of democracy). The main trends identified in the 2018-2019 study are. : **The majority of Germans have a positive attitude toward democracy**, the strengthening of European unity, and a positive perception of the ethnic diversity of the country's population. At the same time, **a third of those surveyed expresses some degree of doubt about the need for equal rights for all people**. Chauvinistic sentiments have remained unchanged for the last five years. The greatest number of their adherents is in the ranks of AfD supporters. **Negative attitudes toward Muslims, Jews, and migrants have been consistently high since 2014**. Anti-Semitism extrapolated from Israeli politics is 5-8 times greater than "classical" anti-Semitism. **Denial of asylum seekers intensified compared to 2016** (every second participant answered positively to at least one question related to negative attitudes toward this group), even though the number of asylum seekers was decreasing during this period. At the same time, **the level of sexism and negativity toward homosexuals and homeless people decreased**. **A clear right-wing extremist view was expressed by 2-3% of those surveyed**. At the same time, 8% agreed with the statement "Germans

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<sup>118</sup> <https://berliner-register.de/content/jahresbericht-2019-der-berliner-register-erschienen>

<sup>119</sup> <https://berliner-register.de/content/jahresbericht-2018-der-berliner-register-erschienen>

are inherently superior to some other peoples. **Support for conspiracy theories remains at a very high level.** Almost half of all respondents agreed with the statement "secret organizations influence political decisions. Every second person prefers to trust his/her own feelings rather than to trust the sources of information. About a quarter of respondents believe that politics and the media act together."<sup>120</sup>

**There is a lively debate about racism in German society. Most Germans see a connection between racism and a threat to democracy.** In a survey in the fall of 2019, they recognized racism and chauvinism as dangerous to the country's democratic development and to peace in society.<sup>121</sup> **However, the fight against racism has certain limits in Germans' perceptions and focuses rather on denying it at present.** In the 2020 survey, for example, 72 percent of respondents spoke out against renaming businesses named after people who have been tainted by racist remarks or expressions.<sup>122</sup> Many residents were also skeptical about renaming streets named after figures from the colonial past.<sup>123</sup> Such initiatives by district or city authorities or NGOs are often torpedoed by conservative factions in local parliaments, usually citing the timeliness, high cost of the measure and lack of adequate funding. In Bavaria in July 2020, there was a discussion about the possible removal or relocation of the Columbus monument, which is surrounded by statues that are questionable from this point of view. Only a third of the region's residents supported the demolition of monuments related to colonialism, almost 53 percent were unequivocally against it.<sup>124</sup> This is due to the peculiarities of the historical and political perception of this era in today's society. The German Empire owned a small number of colonies, and only for a short time. There was no mass use of slave labor. Colonialism has become a significant topic of political discussion only in recent years, and remains incomparably less painful than the Nazi period. Also Germans, given the mental trauma of World War II, need some images of major figures of the past with whom they can associate their own history. Bismarck, Wagner, and all the German emperors up to the fall of the monarchy were no strangers to racism. A secondary role is played by the fear of disruption of the usual way of life caused, for example, by the renaming of a street.

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<sup>120</sup> <https://www.fes.de/forum-berlin/gegen-rechtsextremismus/mitte-studie>

<sup>121</sup> <https://de.statista.com/statistik/daten/studie/1098835/umfrage/umfrage-in-west-und-ostdeutschland-zur-bedrohung-der-demokratie-durch-rassismus/>

<sup>122</sup> <https://www.migazin.de/2020/08/12/rassismus-umfrage-mehrheit-deutschen-umbenennung-betrieben/>

<sup>123</sup> <https://www.rnd.de/panorama/rassismusdebatte-strassenumbenennungen-in-sachsen-selten-URPBIGQ3ALPNINWPQMUIJ7LJY.html>

<sup>124</sup> <https://www.augsburger-allgemeine.de/politik/Kolonialzeit-Erinnerungen-Bayern-wollen-Statuen-nicht-stuerzen-id57754441.html>

**During this period, German society has become more focused on the threats associated with the radical interpretation of Islam.** This leads to a partial extrapolation to all carriers of religion, although public attitudes toward Muslims are highly ambivalent. A July 2019 Bertelsmann Foundation study shows that 50% of West Germans surveyed and 57% in East Germany see Islam as a "threat." Correspondingly, 16% and 30% would not want to live next door to Muslims. Islam was the only religion that did not lead to "cultural enrichment" in the eyes of those surveyed. Only 30% of Germans perceive the Muslim religion as such, while Christianity, Judaism, Hinduism and Buddhism have a positive balance of sympathies. The Foundation experts find the reasons for this phenomenon in the fact that many Germans see Islam not as a religion, but as a political ideology. Some "consolation" comes from answers to another research question. Religious people are more committed to democracy than non-religious people. Of those respondents who indicated no religious preference or who wrote "atheist," 93 percent of Christians and 91 percent of Muslims in Germany favor a democratic form of government. On average 89% of respondents considered democracy a good system of relations in society.<sup>125</sup> At the same time, a survey a year earlier showed that approximately half of the public accepted Islam as part of German culture, while the other half refused to do so. The results of this survey suggest three conflicting lines. First, "east-west": there are significantly more opponents of Islam in the east of the country. Second, age: Germans over 60 fear the Muslim religion the most. Third, the dependence on party preferences: supporters of AfG and the FDP (the latter somewhat unexpectedly for liberals) do not want to recognize Islam as part of Germany, while voters of the SDHP and the Greens are the most friendly to it.<sup>126</sup>

In the wake of the debate about racism in the police, there **has been a growing public demand for an independent body to which to complain about law enforcement misconduct.** This was demanded by 65 percent of those surveyed in October 2020.<sup>127</sup> At present only three federal states have such a structure: Baden-Württemberg, Rhineland-Palatinate and Schleswig-Holstein. For information: In Germany the majority of police forces (275,000 employees) are under state control. There are 51,000 police officers under federal command.

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<sup>125</sup> <https://www.tagesschau.de/inland/islam-studie-bertelsmann-stiftung-101.html>

<sup>126</sup> <https://www.faz.net/aktuell/politik/inland/umfrage-mehrheit-der-deutschen-keine-angst-vor-islam-15507518.html>

<sup>127</sup> <https://www.tagesschau.de/investigativ/wdr/polizei-rassismus-umfrage-101.html>

## VIII. Conclusions

**In this period, the trends of previous years were preserved, but new phenomena were also observed:**

1. On the extreme right flank, **AfG retains its leadership, although this party has lost some of its popularity.** AfG has increased the degree of radicalism. Its representatives openly violate taboos and informal social agreements of the FRG, such as the unacceptability of revanchism and relativism. The "traditional" ultra-right parties have finally become marginal. New right-wing extremist parties have failed to expand their influence in society and are unable to compete with AfG, which allows the party to retain its core electorate. Radical loners, who **pose the greatest threat to the health and lives of citizens,** remain a notable threat.
2. There is an **increase in the number of Islamists.** Their structures continue to be operational. Soloists and small cells affiliated with the Islamic State have been found to be the most prone to terrorist activity.
3. In Germany, **there are a large number of programs** at the national, state and municipal levels **aimed at strengthening tolerance,** mutual understanding between different groups of the population and their involvement in democratic processes. The programs also aim to combat radical manifestations and form "niches" in society in which extremist cells can potentially form. **The programs show some results, but there is no mechanism that can unambiguously assess the effectiveness of each program individually and all projects in general,** in relation to specific social groups.
4. **A new government plan through 2024** provides for further measures and projects to combat right-wing extremism and racism. This is an indicator of the significance of the problem for the country's leadership.
5. **Radicalism in both right-wing extremist and Islamist circles is on the rise.** Right-wing radicals committed more crimes against the individual than the carriers of other ideologies during the period under review.
6. **The threat of Islamism is becoming a more significant topic in German society. All German parliamentary parties are calling for stricter measures to combat Islamism, both at the level of perception of the significance of the problem and in the form of concrete actions.** The special services are creating new units to combat these manifestations. Politicians, including representatives of parties that previously paid less attention to the problem, are "competing" with each other, putting forward new concepts.



7. **There is a strong majority in German society that denies racism.** However, certain specific measures, such as the renaming of streets and businesses, are often viewed with skepticism.
8. **The percentage of the population sharing a certain degree of intolerance towards minorities is relatively stable. The most negative attitude is shown towards asylum seekers.**

## IX. Recommendations

### Countering Discrimination, Empowering Minorities

1. Listen to the recommendations of experts in the field of anti-discrimination law and **adopt amendments to the General Equality Act (Allgemeines Gleichbehandlungsgesetz, AGG)** during the current period (before the new Bundestag elections in September 2021), **extending and clarifying the catalog of discriminatory actions and the criteria for their definition.** Changes to this law can be made by a simple parliamentary majority, which the ruling coalition has. Judicial decisions not in favor of plaintiffs or the need to appeal to the European Court show that insufficiently clear and detailed criteria in a number of cases lead to a lack of legal responsibility for discriminatory actions.
2. **The "Berliner Landesantidiskriminierungsgesetz" (Berliner Landesantidiskriminierungsgesetz) (Berliner Landesantidiskriminierungsgesetz, LAFG) should be taken as a basis for similar legislation in other federal states.** Criticism by opponents of the law cannot be considered valid. It is people with a migration background, due to insufficient knowledge of the German language, limited financial opportunities, negative experiences in the country of origin, where there is no real possibility to complain about the actions of an official, as well as insufficient knowledge of German law and the rules of interaction in society, become victims of police abuse, full or partial non-observance of their rights. One of such forms of rights violation is discrimination. The negative attitude toward the system of lawsuits through organization by the opponents of LAGD does not correspond to the already existing legal practice of the Federal Republic of Germany. This type of action has long been used in various areas of German law in which the plaintiff cannot file a complaint on his or her own. These

include environmental protection, animal protection (seven federal states have even approved a list of NGOs that can file such a complaint), protection of the rights of the disabled, and in some cases also consumer protection. It would also make sense to give these powers to reputable human rights organizations in the field of anti-discrimination. This would increase the number of lawsuits and increase the chances of success in the courts. We also cannot agree with the criticism of strengthening control over the actions of the police and other civil servants.

3. **It is extremely important to achieve synchronization of legislation, compliance of legal acts in terms of combating discrimination and protection of minority rights**, while being aware of the historical significance of federalism for Germany. In Germany, amendments to laws are being passed at the federal and especially at the Länder level to improve the existing situation, but not as separate projects. **The First Thuringian Catering Law Amendment Act** of 2017 (Erstes Gesetz zur Änderung des Thüringer Gaststättengesetzes), the title of which does not refer directly to anti-discrimination measures, increases the administrative penalty (fine) for discrimination based on ethnicity or religion when preventing a guest from entering a discotheque during a face control or when visiting a catering establishment.
4. In order to form a positive public opinion, the executive branch **needs to be more active in informing the population about the details of draft laws against discrimination and aimed at suppressing hate crimes**. A positive example is the aforementioned materials posted on Berlin's city website. This helps the population get truthful information firsthand, contributes to the transparency of the authorities, and excludes negative conclusions based on unverified information obtained, for example, through "alternative" media in social networks.
5. Since not everyone in Germany is able to understand complex legal language that is full of special terms, **it is recommended that the aforementioned information also be posted in simple and accessible language**. Such an approach has already been used to publish "light" versions of political party programs, government decrees, instructions, etc. (leichte Sprache) and can be extended.<sup>128</sup>
6. The experience of state expert and migrant organizations shows that people with a migration background who are discriminated against are often unaware of their rights, in

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<sup>128</sup> <https://www.berlin.de/ba-steglitz-zehlendorf/de-plain/> Example of a Berlin city hall website, where a special section explains in "plain language" and large print what the individual departments do, how to contact them, etc. This practice can be applied to the above information.

particular the possibility of filing an administrative or judicial complaint, contacting the local anti-discrimination commissioner and/or the integration commissioner. In order to change this situation, **it is necessary to inform the population as widely as possible about the possibilities offered by the current legislation. Internet sites, newsletters, notices and brochures in town halls can be used for this purpose. In addition to German, it is recommended to use minority languages** (mother tongues and/or languages they understand): Turkish, Arabic, Russian, English, French, Spanish, Polish, Greek, Serbian and Croatian, possibly other languages in areas with a high diaspora population. Such ongoing information campaigns should be conducted at all levels, ending with the communal (municipal) one.

7. Expert circles in a number of states, such as Hesse, consider it necessary **to involve the Councils for Foreigners and Integration Councils** (Ausländerbeirat, Integrationsbeirat) **more actively in discussions of relevant draft laws.** These structures, consisting of activists with a migration background, usually without German citizenship or with two citizenships, are advisory bodies in their own right. At the same time, they advise the executive branch with little participation in the public debate on the laws that are passed. In view of the fact that bills that are introduced are published in advance on the websites of the Bundestag and the Landtags, the councils could make important amendments and propose them to the deputies. Also, involving the councils in this process would help to increase their popularity. In a number of German regions, these bodies are formed on the basis of competitive elections, with election campaigns running concurrently with legislative elections. While a significant number of foreigners show interest in the council in the larger West German federal states, there is markedly less interest in the smaller states as well as in the east of the country. Turnout is uniformly low throughout Germany. Participation in the lawmaking process, albeit not directly, would increase the desire of proactive residents with a migrant background to serve on councils.
8. **More effort** must be made **to educate the German population.** The surveys mentioned in the report show that **a large part of German society is hostile to Islam,** perceiving it not as a religion but as a political ideology. This means that a certain part of the national programs aimed at strengthening tolerance is not working effectively enough.
9. Despite the counter-arguments of some of the experts above, the author of the report believes that it is necessary **to start a procedure of surveillance by the special services not only of individual functionaries and inner-party currents of AfG, but of the party**

**as a whole.** Based on the results of the observation, a decision on further actions can be made.

10. It would be advisable to expand the practice of the three federal states and **create independent bodies in each federal state to which complaints about police misconduct can be lodged across** the entire spectrum: discrimination, racism, excessive violence, refusal to record certain circumstances of wrongdoing, etc. It is the wide range of tasks that would help such a structure avoid "accusations" from part of society of addressing "only one" problem and "ignoring" others.
11. Taking into account the technical and structural difficulties, the author of the report still considers it appropriate **to develop a new mechanism for evaluating the effectiveness of national programs to** strengthen tolerance and introduce preventive measures against hate ideologies. The government's approval of a new plan, which will involve revising or reformatting some programs and starting others, is a good moment to develop such a mechanism.
12. The author of the report has no recommendations regarding Germany's accession to these or other international conventions, as **Germany actively participates in such agreements and implements EU decisions at the level of national law in a timely manner.**

### **Combating Hate Crimes**

The development of specific proposals to strengthen the effectiveness of preventive measures to combat these manifestations is difficult for the author of the report. **Such measures, starting with tracing the chains of those potentially involved in terrorist activities, are carried out by special services in a closed regime.** There is a demand in German society for a more active fight against Islamism. According to open sources, **during the period under review, a wide range of different steps have been taken,** from preventive work (e.g. a national program and individual programs of various levels) to forceful actions (arrests and prosecution of extremists and terrorists, banning relevant organizations and their symbols). Proposals from political parties, NGOs and individual experts in the field of counteracting specific manifestations of extremism, such as banning certain groups, require thorough and multifaceted study and cannot be unequivocally evaluated by the author of the report. The author of the report limits himself to two recommendations:

1. **The area of combating right-wing radicalism.** The relevant structures **need to take into account the noticeable changes in the right-wing radical environment:** the ongoing

radicalization of the AfG, including the fact that the Wing faction continues to operate while it is formally dissolved, the penetration of the right-wing worldview into the security structures of the FRG, such as the Bundeswehr, and other trends described in the report. It should also be noted that the **active participation of the extreme right in demonstrations** against the restrictions of public life caused by the epidemic brings some of them into the "open space. This **allows for more effective observation of individuals and cells**, tracing interconnections between radicalized elements, and, in turn, their contacts with legal politics.

2. **Area of Counter-Islamism.** The authorities need to take into account the findings of experts in the field of combating Islamism outlined in this report. **While in the short term, i.e. in the sense of direct prevention of the terrorist threat, individual radical loners, such as supporters of IS, pose the greatest danger, in the long term, in the sense of threats to society, "legal Islamists" are more dangerous.** It is considered advisable **to continue to intensify the open discussion of various measures aimed at combating Islamism** (changes in laws, instructions, deportation practices, withdrawal of passports from German citizenship holders, the possibility of preventive arrests, etc.). **It is desirable to enable various social and political groups, including German Muslim representations, to participate more actively in the discussions.** These representations have the strongest interest in the prevention of radical tendencies in communities. **Religious communities that oppose radicals should be supported.**