

# Briefing Document: An Analysis of Racism, Discrimination, and State Violence in Germany

## Executive Summary

This document synthesizes findings from multiple sources to provide a comprehensive analysis of discrimination, racism, and state violence in Germany. The evidence indicates that these are pervasive and growing issues, manifesting across society, within the workplace, and through state institutions. A continuous rise in reported cases of racial discrimination, coupled with a significant "dark figure" of unreported incidents, highlights the scale of the challenge. Structural and institutional racism are particularly evident in law enforcement and the justice system. Legal frameworks, notably the Federal Police Act (BPolG), grant police wide discretion for suspicionless identity checks, facilitating the systemic practice of racial profiling. High-profile cases of police violence, such as the deaths of Oury Jalloh and Mouhamed Dramé, alongside failures to adequately investigate right-wing extremist networks like the National Socialist Underground (NSU), expose deep-seated deficiencies in accountability and a justice system that often fails victims. Germany's colonial past—particularly the genocide of the Ovaherero and Nama in Namibia—and its economic history tied to the Holocaust and Nazi forced labor provide a critical historical context. These legacies inform the analytical framework of "racial capitalism," which posits a continuous logic of economic accumulation through racialized dispossession and exploitation, from colonial extraction to modern guest worker schemes and global supply chains. While legal instruments like the General Equal Treatment Act (AGG) exist to combat discrimination, significant gaps in protection remain, particularly concerning the actions of state bodies. The lived experiences of those affected by racism and discrimination are marked by significant psychological distress and a profound erosion of trust in state institutions, underscoring the societal-level impact of these issues.

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## I. The Landscape of Discrimination in Germany

### **A. Statistical Overview and Key Trends Data from Germany's Federal Anti-Discrimination Agency and other monitoring bodies reveal a consistent and alarming increase in experiences of discrimination.**

\* **Rising Caseloads:** The Federal Anti-Discrimination Agency received 8,827 requests for advice in 2022, a 14% increase from 2021 and a 50% increase from 2019. Between 2021 and 2023, approximately 20,600 people contacted the agency for support.

\* **Prevalence of Racial Discrimination:** In 2022 and 2024, racial discrimination was the most common reason for seeking advice, accounting for 43% of all complaints to the agency. The number of inquiries related to racial discrimination has risen continuously over the past four years, with over 3,800 people reporting such experiences in 2024 alone. This included a 34% year-on-year increase in cases of antisemitic discrimination.

\* **The "Dark Figure" of Unreported Cases:** Official statistics significantly underrepresent the scale of the problem. \* Surveys show that most people handle discrimination on their own, with representative studies indicating that 16% to 30% of the German population report

experiences of discrimination. \* A study on police violence found that in 86% of cases reviewed, no criminal proceedings took place, indicating a substantial number of incidents go unrecorded by authorities.

B. Manifestations of Discrimination Discrimination is reported across numerous grounds and areas of life, from the labor market to public spaces. | Type of Discrimination | Key Findings and Data | | ----- | ----- | |

**Racial & Ethnic** | A 2022 study by the National Discrimination and Racism Monitor (NaDiRa) confirmed that racism is common in Germany. Anti-Slavic racism is an emerging topic of discussion, with experts noting a need for an "eastward expansion" of the racism debate. | |

**Gender-Based | Pay Gap:** Women earn 16% less than men on average, partly due to higher rates of part-time work and employment in low-paid sectors. Between 2019 and 2024, 96% of all people reporting unequal pay were women.

**Part-Time Work:** A Federal Labour Court ruling found that "full-time quotas" for overtime pay discriminate against part-time employees, who are predominantly women.

**Sexual Harassment:** The AGG defines unwanted sexualized behavior as discrimination. Employers are legally obligated to ensure a harassment-free work environment. | |

**Disability** | In 2022, 27% of complaints to the Federal Anti-Discrimination Agency were related to disability. | |

**Religion & Ideology** | Cases include employers requiring religious neutrality, such as banning headscarves. While private employers can enforce such policies, they must apply them universally without exception. Neutrality laws in states like Berlin and Hesse continue to be a source of legal challenges. | |

**Gender Identity** | Robin Scheerbaum, a trans man, speaks openly on social media about experiencing significant trans hostility but emphasizes the importance of his presence for representation and education. | |

**Age** | Age-based discrimination accounted for 10% of complaints to the agency in 2022. |

C. The Psycho-Social Impact of Racism Experiences of discrimination have a tangible and lasting impact on the well-being and social integration of affected individuals. \*

**Mental Health:** The NaDiRa monitor found that people marked by racism consistently show a higher level of psychological stress than people not marked by racism. This finding remained stable across surveys conducted in 2022 and 2024.

\* **Trust in Institutions:** Exclusion is structurally anchored and shapes trust in society. The

NaDiRa study reveals that racially marked groups have lower levels of generalized trust. Black and Muslim people show the lowest levels, with a maximum of 26% expressing high trust, compared to over 40% for people not racially marked. As stated by philosopher and author Prof. Dr Michel Friedman, "There's more discrimination in our country than ever before. It's not only common among extremists, but has also infected the heart of society."

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## I. Institutional Racism: Law Enforcement and the Justice System

Structural deficits within German police forces and the judiciary perpetuate racial bias and create significant barriers to accountability.

A. Police Violence and Lack of Accountability Excessive police force is a recurring issue, with systemic obstacles preventing effective investigation and redress.

\* **Frequency and Underreporting:** In 2021, public prosecutors handled 2,790 investigations into police officers for illegal use of force. However, academic research indicates this is only the tip of the iceberg, with an estimated 86% of incidents going unreported to authorities. \*

**High-Profile Cases and Judicial Failures:** \* **Oury Jalloh (2005):** An asylum seeker who burned to death while chained in a police cell in Dessau. The official narrative of self-immolation was challenged for years by activists, exposing major deficiencies in the investigation. \*

**Mouhamed Dramé (2022):** The trial over the fatal police shooting of this refugee ended with the acquittal of five officers. The defense strategy involved blaming the victim and delegitimizing witnesses, while the media was noted to have supported the officers' self-victimization narrative. Critics called the verdict "a signal to the police: you can carry on as before."

\* **Weak Oversight:** The German landscape of police oversight is fragmented. Eight of the sixteen federal states have an independent police complaint body (IPCB), but most are "ombudsman type" institutions with limited powers focused on mediation rather than discipline or prosecution. ##### B. The Legal Architecture of Racial Profiling The practice of racial profiling is not merely the result of individual officer bias but is enabled by a legal framework that institutionalizes suspicion.

\* **Enabling Legislation:** The Federal Police Act (BPolG) authorizes proactive, suspicionless checks in specific geographic zones.

\* **Section 23 BPolG:** Allows stops of any person within 30 km of the border.

\* **Section 22(1a) BPolG:** Allows checks on trains and at railway stations to prevent illegal migration.

\* **Discretion and "Experience-Based Knowledge":** These laws grant police a wide margin of discretion, which officers often fill using widespread racist stereotypes and "experience-

based knowledge." This includes classifying people based on appearance and using racist categories such as "Arabs," "Muslims," or the construct of "clan crimes" ( *Clankriminalität* ) to guide police action.

\* **Unconstitutionality:** The practice violates Article 3 of the German Basic Law, which prohibits discrimination based on race. The Superior Administrative Court of Rhineland-Palatinate ruled in 2012 that skin color alone is never sufficient grounds for a police check. Furthermore, the UN Human Rights Committee has ruled that racial profiling violates international covenants ratified by Germany.

C. Failures in Investigating Right-Wing Extremism The state's response to far-right terrorism has been marked by investigative failures rooted in institutional and structural racism.

\* **The NSU Complex:** Authorities failed for years to identify the racial motivation behind the murders committed by the National Socialist Underground (NSU) between 2000 and 2007. An official investigation into how institutional racism within authorities prevented a proper investigation has not been launched.

\* **"NSU 2.0" Threats:** A series of threats signed "NSU 2.0" were sent to public figures, and investigations revealed that personal information had been accessed from police and military databases, raising concerns about extremist networks within security forces.

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### III. The Framework of Racial Capitalism: Historical Legacies

Contemporary racial dynamics in Germany are deeply intertwined with the nation's colonial history and its economic model, which has historically relied on racialized expropriation and labor exploitation.

A. Colonial History and Its Repercussions Germany's colonial projects in Africa were foundational to the development of racial ideologies and systems of economic extraction that have lasting effects.

\* **German South West Africa (Namibia):** \* **Genocide:** German colonization (1884–1915) was marked by the genocidal atrocities against the Ovaherero and Nama peoples from 1904–1908. Under General Lothar von Trotha's extermination orders, more than 80% of the Ovaherero and 50% of the Nama populations were wiped out.

\* **Legacy and Reparations:** The genocide led to the transgenerational exclusion and dispossession of these communities through the confiscation of land and cattle. In 2023, UN special rapporteurs expressed grave concern over Germany's failure to ensure a rights-respecting reparations process with meaningful participation from affected communities.

\* **German East Africa (Ostafrika):**

\* **Spatial and Racial Ordering:** German colonists, through entities like the German East

Africa Company (DOAG), imposed a "colonial border imaginary" by mapping and renaming spaces to make them legible for European exploitation.

\* **Economic Exploitation:** The colonial project was driven by a desire for resource extraction, racial supremacy, and the establishment of a "gatekeeper state" to control trade. The Bushiri War was framed as a fight against the Arab slave trade to justify German military intervention.

B. The Economics of Racial Expropriation in the Nazi Era The Nazi regime industrialized racial expropriation, integrating it into the core of the German economy.

\* **The Holocaust:** \* **Ideology:** The expropriation of Jewish property was primarily driven by the National Socialist ideology that national wealth belonged to the "German Volk" and that Jews were a threat to the nation's economic health.

\* **Systematic Plunder:** The process evolved from boycotts and the "aryanisation" of businesses to systematic dispossession, forced labor, and the seizure of all assets, including gold from murdered victims. Estimates of the aggregate value of stolen Jewish property range from \$9 billion to \$14 billion.

\* **Corporate Complicity:** Specific German companies were integral to the infrastructure of genocide:

\* **Degussa:** Manufactured Zyklon B and melted down gold seized from victims.

\* **Topf & Söhne:** Built crematorium ovens.

\* **Hugo Scheider:** Used 25,000 Jewish forced laborers, four-fifths of whom died.

\* **Banking Sector:** Facilitated "Aryanization" and transferred stolen funds.

\* **Nazi Forced Labor:** Between 1939 and 1945, forced labor was an integral part of the NS system. Over 13 million people were forced laborers in the German Reich, with another 13 million in occupied territories, constituting 25% of all workers in the German economy. In 2000, the "Remembrance, Responsibility and Future" Foundation was established to provide compensation, ultimately paying €4.4 billion to 1.66 million survivors.

C. Contemporary Manifestations The logic of racial capitalism persists in modern economic structures, particularly concerning migration and labor.

\* **Gastarbeiter and Labor Segmentation:** Post-war guest worker programs in West Germany created a surplus population of migrant workers that could be flexibly employed or disposed of, suppressing labor costs and weakening organized labor.

\* **Racialized Border Regimes:** Contemporary European migration policies are analyzed as a continuation of this logic. The EU's externalization of border control, such as its cooperation with Tunisia, is described as part of a project of "racialized bordering" that serves to limit, control, and exploit migrant mobility to create a precarious and exploitable labor force for capitalist accumulation.

\* **The German Supply Chain Act ( *Lieferkettengesetz* ):** Enacted in 2023, this law is criticized for performing a "strategic disconnection" by outlawing only the most extreme forms of labor exploitation while validating the "normal" functioning of capitalist accumulation, thus failing to address the structural violence of the market. The German government announced plans to reduce the number of companies subject to the act in 2025.

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## V. Legal and Political Responses to Discrimination

A. The General Equal Treatment Act (AGG) and Its Limitations The AGG is Germany's primary anti-discrimination law but has significant structural weaknesses.

\* **Scope of Protection:** In 2024, an estimated 55% of those seeking advice from the Federal Anti-Discrimination Agency were able to invoke the AGG's protection.

\* **Protection Gaps:** A substantial 45% of cases fell outside the AGG's purview because the discrimination occurred in an area of life not covered by the legislation. This often includes interactions with state bodies. Both the agency and Human Rights Watch have called for reforms to widen the law's scope to apply to public institutions, including the police and judiciary. The coalition government promised such reforms in 2021 but had not taken action as of late 2023.

B. European Legal Context and Influence EU law provides both a framework and a point of critique for Germany's anti-discrimination efforts.

\* **EU Directives:** The EU has issued directives to establish common standards for national "equality bodies" (like Germany's Anti-Discrimination Agency), aiming to enforce protection more effectively. The new directives offer Germany a chance to improve its laws, particularly by expanding the investigative powers of its equality body, a power it currently lacks but which exists in most other EU states.

\* **Judicial Reluctance:** The European Court of Justice (ECJ) has been criticized for its reluctance to confront racial discrimination head-on. Despite the EU's Race Equality Directive being a cornerstone of its anti-discrimination law, only three judgments addressing racial discrimination have reached the ECJ. Cases involving religious symbols, like the *Achbita* headscarf case, could have been interpreted as race discrimination but were not.

## C. Civic Space, Activism, and Public Debate

\* **Positive Developments:** In a significant advancement for human rights, the German

government passed the Self-Determination Law in 2024, allowing transgender, intersex, and non-binary people to change their legal name and gender marker through a simple administrative procedure.

\* **Restrictions on Activism:** Human Rights Watch reported in 2024 that German authorities were stifling civic space by restricting freedom of expression and assembly. Police frequently resorted to violence at climate and pro-Palestine protests, and climate activists from the group Last Generation were indicted on charges typically reserved for serious organized crime.

\* **The Debate on "Rasse":** There is a significant public and legal debate over whether to remove the term "Rasse" (race) from Article 3 of the German Basic Law.

\* **Arguments for Removal:** The German Institute for Human Rights argues that its inclusion forces victims of racism to classify themselves using racist terminology, as the concept has no biological basis.

\* **Arguments for Retention:** Other legal scholars and activists, drawing on Critical Race Theory, argue that the term is a "necessary instrument" to legally name and address racism and that erasing it risks trivializing historical and contemporary inequalities.