

**Question for written answer E-002626/2024  
to the Commission**  
Rule 144  
**Tomasz Froelich (ESN)**

**Subject:** UN CERD's overly broad concept of racial discrimination curtailing freedom of expression in Germany

In 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) published a report on the implementation of and compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Germany, in which CERD alleges the existence of structural racism in Germany. CERD takes the view that Germany's colonial past fuels racial discrimination and racial inequality. It recommends that Germany should combat structural racial discrimination and acknowledge that colonialism and slavery are its root causes.

CERD further states that Germany is failing to combat structural discrimination against Muslims. It recommends that Germany should consider appointing a federal commissioner for combating racism against Muslims<sup>1</sup>.

With its broad definition of 'racial discrimination', CERD is placing ever-greater restrictions on freedom of expression. For example, CERD qualified statements by Thilo Sarrazin, author and former SPD politician, as 'racist ideas', while the German public prosecutor and the then federal government described them as 'free expression'<sup>2</sup>.

1. What view does the Commission take of CERD's allegations and recommendations in the light of its rule of law reports on Germany?
2. Does the Commission believe that CERD's overly broad concept of racial discrimination and its recommendations give rise to restrictions on freedom of expression?

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<sup>1</sup> CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany, paragraphs 19, 20, 29, 30 and 35

<sup>2</sup> CERD Communication No 48/2010, on statements by Thilo Sarrazin, adopted at the meeting of 11 February to 8 March 2013