



AMERICAN
COUNCIL ON
GERMANY



ZEIT-Stiftung
Ebelin und Gerd
Bucerius

Making German- American Relations More Inclusive



Dear Members and Friends of the American Council on Germany,

Transatlantic relations today – and in the future – will not be like they were in the past. For one thing, technology has brought us closer together. Although the pandemic may have prevented gathering in person, it did not stop people from convening virtually. And, perhaps even more important: The optics are different. We have more diverse communities – and they are getting involved in and should be reflected in transatlantic affairs. Among the many initiatives launched by the American Council on Germany (ACG) during the pandemic, one that we are particularly proud of is the **German-American Working Group on Diversity, Equity, Inclusion, and Accessibility**.

With support from the ZEIT-Stiftung Ebelin und Gerd Bucerius, in the fall of 2021 the ACG began convening 24 young professionals virtually for bi-weekly meetings to discuss critical challenges in the field of diversity, equity, inclusion, and accessibility (DEIA) - and how they relate to transatlantic affairs. The group covered a range of complex issues from systemic racism to gender inequity to anti-Semitism and xenophobia, among other topics. At times the discussions were uncomfortable, but it is through difficult conversations that one can often make progress and create lasting change.

Collectively, the Working Group members wrote this paper with recommendations for tackling discrimination in the public and private sectors, civil society, and non-profit organizations. These recommendations can help reshape how transatlantic relations are conducted today and in the future.

This initiative builds on work by the ACG concerning [social cohesion](#) and the fabric of society in communities in Germany and the United States. While there might have been a disruption in the communication between Berlin and Washington, there were also opportunities to strengthen the alliance on the [subnational level](#). Working with [local government officials](#) and [community organizations](#), the ACG has a history of bridging the divide and forging new ways for dialogue across the Atlantic.

The recommendations of the German-American Working Group on DEIA are a start. The work to overcome prejudice may never be done, but it is time to recognize that DEIA issues can no longer be ignored in international affairs.

Best regards,



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Many thanks to the members of the working group for their time, energy, and enthusiasm, to the Zeit-Stiftung for supporting this project, and the many guest speakers who help guide the group's deliberations. This project and the paper are works in progress. Learning and discussing DEIA will never truly end. The American Council on Germany remains committed to making transatlantic relations more inclusive.

The statements, views, and recommendations included throughout this paper reflect the views only of the individual authors and do not necessarily reflect the policies or positions of their institutions or ACG.

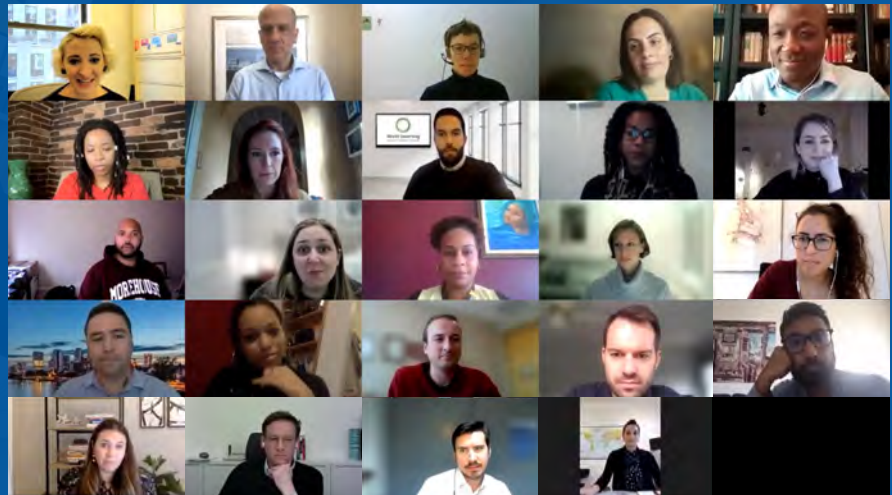


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Diversity, Equity, Inclusion, and Accessibility in German-American Relations

The transatlantic relationship was built on the idea of shared values: ensuring the safety and security of all people, personal freedoms, and advancing the cause of freedom and democracy.

The partnership between the United States and Europe has seen more than 70 years of peace and prosperity – and the ties between Germany and the United States have served as a cornerstone for the transatlantic relationship. However, in recent decades the strength of this relationship has been called into question as the two countries have appeared to drift apart.

Decisions made at the national level have lasting impacts on people at all levels of society, and foreign policy and the global economy is not shaped in a bubble. In our increasingly interconnected world, it becomes even more critical for the diversity of our communities to be reflected in our institutions where domestic and foreign policy priorities and economic decisions are made.

The political landscape which created the transatlantic alliance has dramatically changed. The countries on both sides of the Atlantic have become increasingly multicultural, multiethnic, and multilingual. The transatlantic community must reflect these changes across the public and private sectors because it is a matter of justice, relevance, and the fundamental value of human dignity.

The transatlantic alliance is not just relevant for historical or because of our sentimental reasons or shared values and ideals. It is relevant because the only way we can address the common global challenges of the 21st century is to work together. And the only way to ensure our institutions, societies, and governments change and grow to address those challenges effectively is to reflect all of society by being more genuinely inclusive.

It was in that spirit that in the fall of 2021, the [American Council on Germany](#) and the [ZEIT-Stiftung Ebelin and Gerd Bucerius](#) launched a German-American working group to discuss diversity, equity, inclusion, and accessibility (DEIA) in a transatlantic context. The working group explored the underrepresentation of minorities and marginalized communities in shaping foreign policy and sought to develop recommendations for promoting diversity and inclusion in transatlantic affairs. The group was made up of individuals in the public and private sector, the media, and academia living in the United States and Europe and included Persons of Color, LGBTQI+, Christian, Jewish, Muslim, immigrants, neurodivergent, and others. The group primarily included younger Americans and Germans – who were born around or after the fall of the Berlin Wall – and who may have a different understanding of German-American relations from their parents and grandparents.

Although the two countries have vastly different histories, their challenges today are similar – climate change, public health, political polarization, and growing socio-economic division. These challenges all have a real human impact.

Russia's invasion of Ukraine has thrown these issues into stark relief Europe. State authorities and the media exhibited bias in their respective coverage of the war and treatment of refugees trying to cross Ukraine's western border. The comparisons – whether around the West's media coverage or willingness to provide refuge on humanitarian grounds – between this current conflict [in "civilized" Europe](#) and prior/ongoing conflicts in the Global South have revealed bias and euro-centrism. In addition, People of Color - Ukrainian citizens, residents, international students, visitors, and those who were already refugees themselves - were subjected to additional trauma beyond the horror of war.

This crisis dramatically raises the stakes and the importance of integrating questions of diversity, equity, and inclusion in international affairs.

DEIA is also about looking at the bigger picture and understanding context and how events globally are intertwined. The crises of today have global and lasting implications. How countries interact with each other today will determine the future of society.

A decade from now, will Americans continue to view Germany and the rest of Europe as partners? In the future, will Germans and Europeans see the United States as a reliable ally or an increasingly volatile and polarized relationship to be contained or managed?

To continue to build understanding and strengthen the transatlantic partnership for the next 70 years, the discussions and debates must include new voices and genuinely reflect the politics, demographics, and cultures of Germany, the wider Europe, and the United States today.

Below are a few key overall statements of principle or recommendations that cut across the entire topic of DEIA and transatlantic affairs:

- Full representation of the full diversity of our societies is an imperative within and throughout all levels of our institutions, from foreign ministries to the largest companies and civil society organizations. More must be done to achieve this goal.
- As they are shared challenges for Germany, Europe, and the United States alike, the transatlantic partners should integrate social inclusion and racial justice questions into their political dialogues, whether between government officials or parliamentarians. The regular inclusion of these topics in engagements between the U.S. Congress and the European Parliament is commendable – but more can be done.
- Greater diplomatic outreach to and engagement with historically marginalized communities through dedicated public and cultural diplomacy programs is necessary. These programs could connect and support representatives from such communities on both sides of the Atlantic.

- More young Americans and Germans from all backgrounds should be offered the chance to experience life and develop relationships with their peers on the other side of the Atlantic. Tourism, cultural exchange, and study abroad programs are effective and practical tools while ensuring they are available regardless of one's background or socio-economic status. The private sector in the United States and Germany should further support efforts that seek to protect the rights of minorities, reduce socio-economic inequality, and foster diversity and understanding.
- Educational curricula in Germany, the United States, and Europe should include the accurate and honest presentation of our shared transatlantic history. That 'honesty' should stretch from the horrors of the transatlantic slave trade, colonialism, the Holocaust, and two World Wars through to the mutual inspiration that a truly diverse set of authors, artists, thinkers, and leaders have taken from either side of the Atlantic over the centuries until today. New narratives should be constructed that include the stories of those Americans, Germans, and Europeans who previously have been otherwise marginalized, persecuted, or oppressed in the history of our relationship.



INTERSECTIONALITY

In the late 1980s, Kimberlé Crenshaw introduced the [theory of intersectionality](#). This is the acknowledgment that we must consider that all parts of one's identity – i.e., race, gender, sexual identity, social background, etc. – play a factor in creating that individual and their experiences. A Woman of Color is both a woman and a Person of Color, meaning she cannot separate her race from her gender because together, both make up her identity and life experiences.

Although this paper addresses key issues within diversity, equity, inclusion, and accessibility, it is vital to remember the many factors that play a role in everyone's identity. The recommendations in this paper have been divided into themes, however, intersectionality remains critical when discussing DEIA.

WHY LANGUAGE MATTERS

Language and terminology are incredibly important to a common understanding of concepts and to building inclusion and belonging within our diverse societies comprised of individuals and groups of differing backgrounds and identities. In the United States, debates about terminology and inclusive language across the DEIA landscape have been quite high profile, and often a source of contention, especially in recent years. There is evidence that some of this terminology (e.g., “woke”) is crossing the [Atlantic to Europe](#), occasionally in helpful or productive ways, but often in an effort to belittle and stoke political division.

Germany – and Europe more broadly – must organically develop their own terminology, phrases, and concepts in their respective languages to describe, identify, and discuss many of the issues raised in this policy brief. The importation of American English words, concepts, and such will not effectively contribute to the national or local discourse, nor will they help address the fundamental issues identified. What works in one language may not work in another. In addition, we must acknowledge that many European languages are based on a masculine/feminine gender binary and seek to understand how that dynamic may impact those living outside that binary.

Recognizing that language is fluid and changes is an important part of DEIA. [Terms once deemed “acceptable”](#) may be hurtful and hateful today. It is critical to use proper terms when describing a person or group of people. This includes using person-first language, for example, Person of Color or Person with a Disability. This puts the value of that person before the adjective to describe them.

HISTORIES UNITE AND DIVIDE US

Both the United States and Germany have complicated histories surrounding race, gender, sexuality, disabilities, and religion. While comparisons have been drawn between the two countries, the lingering effects of those histories can still be seen today.

The United States’ history of discrimination is widely known. The country became economically successful through slavery. Although the practice of slavery has not existed for nearly 160 years, the systematic disenfranchisement of People of Color continues

today. While the [Civil Rights Act of 1964](#) brought an end to many discriminatory practices, such as ending segregation and helping grant voting rights, other forms of discrimination have become less noticeable, like increased [targeting of communities of color](#) by police and [discriminatory hiring practices](#).

During the Third Reich, Germany used the United States as an example for creating [its system of discrimination](#). More than 12 million people were murdered by the Nazis during the Holocaust based solely on the religion they practiced, the color of their skin, and their sexual orientations, among other identities. After the war, these racist and exclusionary constructs continued through overt and subtle forms of discrimination, such as [homosexuality being illegal until 1994](#) and limiting [German-born people of Turkish descent](#) from becoming citizens until 2000.

Although Germany has a culture of remembrance regarding the Holocaust, it has only begun to recognize its colonial past in recent years. Germany colonized dozens of countries in Africa between 1880 and the end of World War I. During that time, Germany used forced labor and [committed mass genocide](#) in countries like German South West Africa, now modern-day Namibia. Other European countries have their own insidious stories of colonialism whose legacies persist today.

These dark histories paved the way for the modern United States and Germany. We have much more to do to add nuance to these histories and their teaching in our respective societies. We have a responsibility to elevate the voices and narratives of those who have been excluded throughout our history. In doing so, we can bend the learning curve towards creating more just and inclusive societies. These conversations and recommendations for change are long overdue.

Creating Racial Equity in Diplomacy – Representation Matters

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The latest [U.S. census](#) showed that nearly 40 percent of the population in the United States identifies as Persons of Color or multiracial, yet American diplomacy struggles with diversity.

“For many reasons, by the time you reach the highest levels of the [State] Department, the diversity and gender gap becomes a chasm. Whites make up around 87 percent of the most senior ranks of the foreign service. Almost 68 percent of the senior foreign service and nearly 60 percent of the executive leadership is male. The most recent U.S. census data online puts the non-Hispanic White population at 60 percent and says women represent [50.8 percent](#) of the total population.” [\(CNN\)](#)

Foreign adversaries have exploited the U.S. domestic record on race and racism for decades. During the Cold War, the [Soviets highlighted Jim Crow laws](#), lynching, and segregation as a way to delegitimize U.S. policy promoting democracy and human rights abroad. More recently, at the UN General Assembly in 2020, [Iranian President Rouhani](#) brought up the case of

George Floyd to discredit the U.S. human rights agenda and foreign policy more broadly.

Compared to the United States, Germany does not track race or ethnicity but citizenship and residency. Therefore, it is hard to estimate how many Persons of Color live in Germany. However, according to the [Federal Bureau of Statistics](#), roughly 27 percent of the population have a “Migrationshintergrund,” or migration background. These individuals either migrated to Germany themselves or one of their parents did. [“Migrationshintergrund” is a broad term](#) and does not truly explain the racial and ethnic makeup of Germany.

Although the German population is quite diverse, this fact is not sufficiently mirrored in the federal government. Recent studies show a [significant representation gap](#) as only 12 percent of the employees in the federal administration have a migration background. However, thanks to its local employees worldwide, the German foreign service is a comparably diverse organization. Nonetheless, German career diplomats are less diverse, especially in higher-ranking positions.

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WHY THIS NEEDS TO BE FIXED

The lack of racial diversity, particularly as career diplomats advance, presents a national security challenge when credibly countering efforts to delegitimize U.S. and German foreign policy. American and German diplomats of color often face unique forms of harassment, either within the institution or overseas while representing their countries abroad, and lack safe spaces to process, discuss, and develop policy recommendations to counter racial discrimination.

In the U.S. context, there is a perception that when you recruit for more diversity, that there is a trade-off and this will dilute merit. There is a need to counter this narrative by promoting a culture where DEIA is valued as a pathway to make foreign policy more effective by bringing more diverse skill sets and talent to the table. The idea that “DEIA is for everyone” needs to be better mainstreamed into the culture of the State Department. In other words, when processes are more equitable, transparent, and accessible for underrepresented groups, all employees will inherently benefit, resulting in a more inclusive meritocracy for all. A culture needs to be created so that employees at all levels feel invested in advancing DEIA because it’s both the right and the smart thing to do.

In addition to reframing DEIA as a pathway to creating a more equitable meritocracy, there also needs to be a greater focus on strengthening accountability mechanisms. If someone speaks up on harassment, for example, there is a perception that this could threaten prospects for career advancement. For this reason, it’s essential for leaders and mid-level managers to be vigilant and take action, and in the moment, when harassment, bullying, or any form of discrimination takes place.

In Germany, the criteria to access and hold public office are defined by law (i.e., [Basic Law](#), [Federal Civil Service Act](#), [German Federal Gender Equality Act](#)). On this basis, federal ministries, including the German Foreign Office, pursue a declared policy of non-discrimination and the political goal to promote diversity in the public sector and bridge the representation gap.

In contrast to the discussions in the U.S. State Department and due to the different courses of history in the U.S. and in Germany, the debate about representation in the federal administration and the German foreign service has just recently started. U.S. [Ambassador Terence A. Todman](#), the first African-American to reach the rank of career ambassador, is an example that has no German equivalent yet.

What needs to be broadly achieved in the first place is to understand the potential of a more diverse workforce for the German foreign service. In today’s multi-polar and interconnected world, diplomacy cannot pursue zero-sum games. Instead, successful diplomacy is rooted in an awareness of diversity and considers diverse perspectives, especially those that might easily be overlooked but are highly relevant to the national interest. A diverse approach to foreign policy shows in many different ways — in broadening one’s foreign policy analysis, negotiation strategies, public communication, and most importantly, in a diverse diplomatic corps.

Another aspect that should not be neglected is credibility. A visibly diverse workforce, especially among German career diplomats, could set a striking example for a modern and inclusive German society. Possibly benefiting from different inter-cultural and language skills might help broaden networks. However, the challenge is to effectively attract and use the potential of a diverse workforce while acknowledging individuality at the same time. With this in mind, minor adjustments could dramatically change the culture and the image of the diplomatic workforce in the U.S. and Germany.

- Communicate support for DEIA and ensure that the key leaders in the organizations are elevating the message that “DEIA is relevant for everyone.” Signal at the highest level that a more diverse and inclusive workforce is a precondition to a more effective foreign policy.
- Create empowerment spaces focused on advancing DEIA in concrete ways on various topics that promote diversity, equity, and inclusion, especially concerning race and ethnicity. This can help cultivate a “culture of courage” where people speak up and are in the moment.
- Encourage senior leadership to analyze DEIA strategies and to use participatory methods, such as holding closed-door sessions with employees across job categories and ranks to openly discuss the institution’s challenges.
- Conduct continuous surveys, barrier analyses, and interviews, particularly exit interviews, with questions that include a DEIA lens to better understand cultural dynamics within the institution. This information can be used to explain how to struggle both to recruit and retain Persons of Color into the foreign service.
- Consider DEIA indicators when hiring and during promotions processes.
- Make DEIA training, including bystander intervention training and certification, more widely available to employees regardless of job category.

- Include a module on inclusive diplomatic history in introductory training and Ambassadorial seminars so that the U.S. and German diplomats have a more nuanced understanding of history. This means highlighting the accomplishments of under-recognized diplomats of color, whether in the German, American, or other foreign services. It also means bringing to light the adversities that diplomats of color have faced in the past.
 - » For example, Ambassador Terence A. Todman, the first African-American career ambassador, being forbidden to eat with his colleagues in Virginia due to segregation. Ambassador Todman’s courage in speaking out against segregation eventually led to integration, but only after a sustained effort. To this day, diplomats of color, both in the German and the U.S. foreign service, face risks of discrimination in their work.
- Create sensitivity among all diplomats for those particular risks only some of the diplomatic corps face constitutes essential capacity building for an inclusive foreign ministry practice.
- Leverage Employee Affinity Groups in foreign affairs agencies to best articulate contemporary issues and provide them a platform to advance solutions without unfairly making these organizations do the unfair and nearly impossible work of advancing institution-level changes.
- Foster more modernized workplaces within the public sector to match offerings in the private sector including family leave, balanced workloads, and allow hybrid work environments when possible.



Gender Equity and a Feminist Foreign Policy

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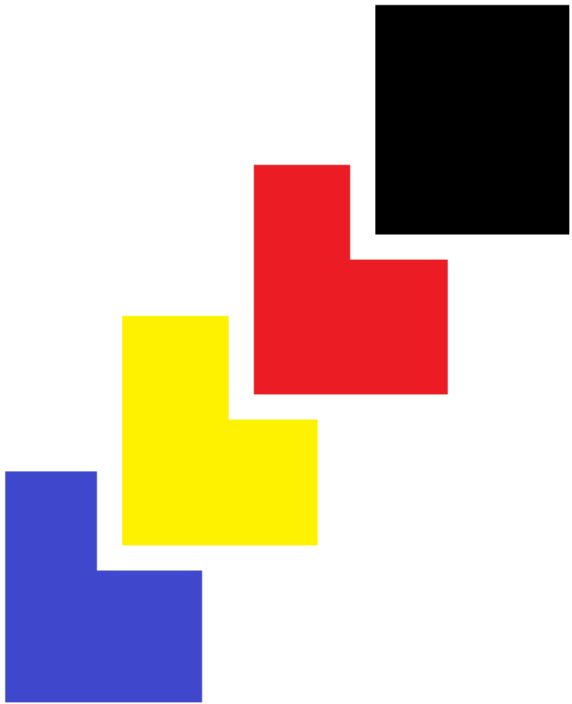
For 16 years, Angela Merkel served as the first female Chancellor of Germany. Even in this role, Merkel was resistant to calling herself a feminist until [her final months as Chancellor](#).

The words “feminism” and “feminist” carry a negative connotation even when the leader of a nation is female. “Jokes about feminism and stereotypes about feminists persist, and many of these are also homophobic and assume that being lesbian is something ‘bad.’ In fact, being a feminist is not something particular to any sex or gender: there are women and men who consider themselves feminists, some are gay or lesbian, some heterosexual, bisexual or transgender – and some may identify differently.” ([Council of Europe](#))

When Annalena Baerbock took office as Germany’s first female Foreign Minister in December 2021, she [promised a policy shift](#) when she proudly proclaimed that her “government is the first German government to pursue a feminist foreign policy.” In her response to the war in Ukraine, Minister Baerbock has pursued

pragmatic and strategic objectives along with her vision of an inclusive feminist foreign policy that fails to include the security of all people, particularly marginalized communities. This highlights the need for an intersectional and holistic approach that a) recognizes Germany’s colonial past, which continues to inform white privilege and white-supremacist ideas within mainstream feminist movements, and b) debunks persisting notions of feminist foreign policy as “centering white women’s nationalistic and security interests and thus somehow promoting feminism in the whole world.” ([The Baffler](#)) Inclusive feminist foreign policy centers on the interests and security of the most vulnerable individuals, understands gender equality beyond the binary system, recognizes the interplay of multiple forms of oppression, and aims to end all forms of inequality beyond its national borders.

In the last decade, the U.S. has seen both advancement and a decrease in gender equity. Women’s rights under the Trump Presidency were dismantled with the harsh rollback of women’s health and reproductive rights, which had a ripple effect globally, affecting both women’s rights and human rights.



For instance, the 2018 enforcement of the [Mexico City Policy](#) limits organizations across the globe from receiving funding from the United States if the organizations provide abortions or even information about abortions. And, most recently the Supreme Court overturning *Roe v. Wade* declaring that the constitutional right to abortion, [upheld for nearly a half century](#), no longer exists. The US is an outlier among high-income countries when it comes to gender equality. America has the highest maternal mortality rate among more developed countries and this ruling will undoubtedly impact the lives of millions and have global implications.

On March 8, 2021, [The Gender Policy Council](#) (GPC) was established by President Biden to advance gender equity and equality in both domestic and foreign policy development and implementation. The GPC covers a range of issues—including economic security, health, gender-based violence, and education—focusing on gender equity and equality and particular attention to the barriers faced by women and girls. It also plays an essential role in the President’s efforts to advance equity in government policy for those who face discrimination and bias based on multiple factors—including members of the Black, Latina, Native American, Asian American Pacific Islanders (AAPI), and LGBTQI+ communities, as well as Persons with Disabilities.

The first-ever National Gender Strategy, released on October 22, 2021, advances the empowerment of women, girls, and LGBTQI+ persons, in all their diversity, in the United States and globally. In April 2022, the State Department launched an [Equity Action Plan](#) to integrate equity into foreign policy, and guide the implementation of the strategy and apply an intersectional approach that addresses the discrimination, systemic barriers, and human rights abuses and violations that impede equity.

The [2021 Generation Equality Forum](#) was a central global inflection point for gender equality. This landmark effort brought together governments, corporations, civil society, youth, and change-makers from around the world to define and announce ambitious investments and policies. It was convened by UN Women and co-hosted by the governments of Mexico and France.

The forum generated USD 40 billion in financial commitments and several policies and program commitments. The ambitious action agenda was driven by multi-stakeholder action coalitions, which developed a Global Acceleration 5-Year Plan to advance gender equality and accelerate equality, leadership, and opportunity for women and girls globally.

In both the [U.S.](#) and [Germany](#), roughly 51 percent of their populations identify as female. Yet both countries struggle to have gender parity in leadership positions. Gender biases exist in all industries, often preventing career advancement. The COVID-19 pandemic only exacerbated the gender gap. In 2019, the World Economic Forum estimated the gender gap would take approximately 100 years to close. In the post-pandemic world, the estimate [increased to 135 years](#).

Feminism is not simply focusing on women's rights, but rather on the fundamental [human right of equity](#). Women are no less human than their male counterparts yet often face sexism in their professional and private lives. Using a human rights lens can reshape how feminism is perceived and addressed, especially in foreign policy: Crimes against women in conflict are often overlooked or ignored. Foreign aid usually fails to consider the needs of women and girls, and seldom are women allowed to participate in peace negotiations. It is usually an all-male composition when delegations are assigned to solve conflicts, i.e., in Syria or the Afghan Peace Talks in Doha. 97 percent of military peacekeepers are still men, and fewer than one in ten participants in [peace negotiations](#) are women.

A [feminist foreign policy](#) aims for a transformative and rights-based approach across all aspects of a nation's foreign policy. It is the policy of a state that defines its interactions with other states, as well as movements and other non-state actors, in a manner that prioritizes peace, gender equality, and environmental integrity; glorifies, promotes, and protects the human rights of all; seeks to disrupt colonial, racist, patriarchal and male-dominated power structures, and allocates significant resources, including research, to achieve that vision. A feminist foreign policy is a pragmatic solution. This includes looking at foreign policy tools, such as economic sanctions through a feminist lens: For Alena Douhan, the UN Special Rapporteur, the impact of sanctions is especially severe for vulnerable groups. Sanctions often include fuel embargoes and prevent targeted countries from maintaining essential life-supporting infrastructures, such as food, [water](#), sanitation, health, and electricity supply systems. Douhan states "when countries can't obtain fuel, medicines and medical equipment can't be delivered and people can't reach hospitals for medical care." ([United Nations](#)) This includes tests and control during pregnancies, delivering babies, vaccination of children, and getting medical aid. When sanctions cause economic activity to decline, women are typically the first to lose their jobs and be targeted by traffickers for sexual exploitation.

POLICY RECOMMENDATIONS FOR GOVERNMENT:

It is the policy of a state that defines its interactions with other states, as well as movements and other non-state actors, in a manner that prioritizes peace, gender equality, and environmental integrity; glorifies, promotes, and protects the human rights of all; seeks to disrupt colonial, racist, patriarchal and male-dominated power structures, and allocates significant resources, including research, to achieve that vision. We must look through the feminist lens when using foreign policy tools.

However, even with all these feminist foreign policy measures and goodwill in place, there can be a certain disconnect when practiced in the Global South, Afghanistan is a prime example. Beginning with Sweden in 2014, Germany, France, and Canada claim to practice a feminist foreign policy - though whether or not these countries practice such a foreign policy is a different matter.

Each of these countries has been deeply involved in Afghanistan, where the Taliban's rollback of women's rights poses a unique challenge. Heather Barr wrote the following for HRW: "When the Taliban [gained control of Afghanistan](#) on August 15, 2021, the consequences for women and girls were brutal and immediate. The Taliban [appointed](#) an all-male cabinet. They [abolished](#) the Ministry of Women's Affairs and gave its building to the reinstated Ministry of Vice and Virtue. They [banned](#) women from most jobs, except in the education and health sectors — teaching girls and providing healthcare to women. They [banned](#) girls from secondary education. They blocked women from leaving the country alone and systematically [destroyed](#) the system of shelters that existed in provincial capitals across much of the country. They [issued new rules](#) for how women and girls must dress and behave and brutally enforced these rules throughout the country." ([Human Rights Watch](#))

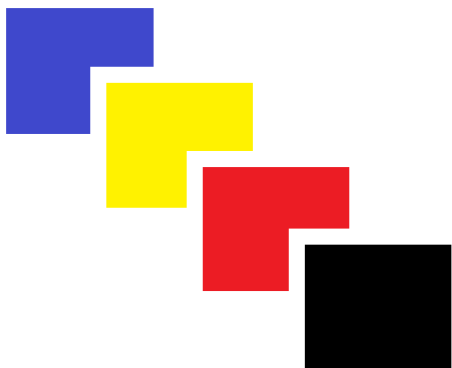
This begs the question, why are these feminist foreign policy countries failing Afghan women when they need them the most?

Most importantly, a feminist foreign policy should work to overcome inequalities and offer adequate responses to end oppression for all marginalized individuals regardless of where they live in the world. With this in mind, it is critical that gender equity is addressed across all sectors.

- **Look at foreign policy tools through a holistic lens: see the big picture and take preemptive measures to counter the oppression of marginalized groups, as reflected in the tenets of a feminist foreign policy.**
- **Take an overt and coherent position against injustices, oppression, and exclusion of diaspora and minorities, which upholds dominant and oppressive power structures.**
- **Acknowledge patriarchal influence, racist stereotypes, colonial legacy, and work to overcome these influences. This can be done through teaching truthful and honest history.**
- **Integrate gender equity into operational planning and budgeting, guidance, and political analysis. Every department and mission abroad must explain how a feminist foreign policy can be applied in practice.**
- **Advise through gender focal points, e-training, dedicated initiatives containing best practice examples and feminist intersectional storytelling, social media campaigns.**
- **Promote and advance women, peace, and security through women's full participation in peace efforts, including peacebuilding, negotiations, i.e., delegations, and conflict prevention.**
- **Promote gender focus in trade agreements and allow for women to be involved in trade negotiations.**
- **Increase the number of women from grassroots activist movements in international mediation and peace processes.**
- **Work on "Gender Toolbox" containing methods for assessing the effects of FFP policy initiatives.**

POLICY RECOMMENDATIONS FOR THE PRIVATE SECTOR:

- An intersectional approach is necessary to establish gender equality, especially at the decision-making level.
- Prioritize gender equity through frequent, consistent, and clear messaging and tangible actions.
- The focus of activities and expectations vis-a-vis staff should promote gender equity.
- Ownership: consultations with staff and other stakeholders inform ways to implement the policy and provide effective incentives.
- Advice through gender focal points, regular training for team leads, employer branding initiatives containing best practice examples and feminist storytelling, social media campaigns.
- Special mentoring programs for young women, particularly Women of Color, to help advance their career paths.
- Lead institutional mind and culture shift in a holistic way. Gender equity must be addressed by everyone, not simply by those who identify as female.



HOW CAN THE NGO/NON-PROFIT COMMUNITY HELP FACILITATE THE ADOPTION OF THESE RECOMMENDATIONS BY GOVERNMENT AND THE PRIVATE SECTOR?

NGOs have traditionally been at the forefront of gender equity movements, working with activists and other stakeholders on consensus building and leveraging feminist advocacy into action.

Additionally, NGOs may provide necessary insights and statistics to persuade top leadership in donor countries and the private sector to empower women.

Due to their altruistic character, NGOs can enter into confidential dialogue with citizens, and also mobilize, train, and provide resources to support the transition to a feminist mindset.

However, NGOs should take a more grassroots, micro, and intersectional approach while working on the ground. It is not just about the amount of aid money being pledged but about how to make intelligent decisions on where the aid money is going and how it is being distributed on the ground. For example, buying aid supply directly from local shopkeepers, from the local economy, and therefore empowering citizens and, in particular, female entrepreneurs directly.

LGBTQI+ Rights on Both Sides of the Atlantic

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Across and within both the United States and the European Union, the state of play for LGBTQI+ rights remains mixed.

While many European countries have historically been at the vanguard of providing substantial legal rights and recognition to the LGBTQI+ community, the broad acceptance of LGBTQI+ individuals in society [remains uneven at best](#), and significant challenges remain.

LGBTQI+ people still experience widespread discrimination in both structural and individual ways. They are often denied the legal rights, workplace protections, and personal freedoms that would enable them to achieve their full potential.

These challenges – both legal and cultural – intensify in other parts of Europe, marked by virulently anti-LGBTQI+ governments in Poland and Hungary in particular. Several municipalities in [Poland only rolled back](#) their “LGBT-free zone” self-designation when faced with the threat of losing EU regional funding. In 2021, Victor Orban’s Fidesz party in Hungary passed so-called “[anti-LGBTQ propaganda](#)” legislation prohibiting that content about LGBTQI+ individuals

or issues from being shown to minors, in educational settings, or otherwise. These particular developments have contributed to wider rifts around democracy and the rule of law within the EU.

As a result, while the EU and member countries like Germany have increasingly found themselves at the forefront of promoting LGBTQI+ rights worldwide, they have often been slow to adopt the reforms demanded by their own activists. For the first time, however, the European Commission has a Commissioner for Equality, Helena Dalli, who has championed LGBTQI+ rights as part of her role, including the development of an [LGBTIQ Equality Strategy for 2020-2025](#).

In the United States, LGBTQI+ rights have seen substantial improvement over the last 15 years. Past fights over same-sex marriage and rights to employment have largely faded from the culture war narratives thanks in part to court decisions and social and corporate advocacy. (It should be noted that some LGBTQI+ activists [are worried](#) that the current conservative super-majority on the Supreme Court could lead to the overturning of the landmark *Obergefell v. Hodges* same-sex marriage case.)

Take, for example, the economic and reputational harm that befell North Carolina in 2016 after the [NBA withdrew its All-Star Game](#) after the state passed “HB2,” a law that discriminated against transgender individuals. In the state of Georgia, pressure from movie studios and other large companies influenced the [governor to veto](#) a so-called “religious liberty” bill that would have negatively impacted the LGBTQI+ community.

However, there are still several laws and pieces of legislation currently under debate across numerous states that explicitly condone and even encourage active discrimination and in the case of Texas, investigation against LGBTQI+ individuals and their families.

In the U.S. alone, more than 100 pieces of legislation were introduced in 2021 that targeted transgender youth for discrimination in medical care, sports, education, and other aspects of life. Substantial barriers to equality remain, and many policymakers and corporate leaders remain hesitant, reluctant, or unwilling to speak out vocally on behalf of the LGBTQI+ community.

While both the German political system and the broader acceptance of fundamental LGBTQI+ rights among most German political parties help ensure that the promotion of LGBTQI+ rights remains at least an element of German governance and German foreign policy, the U.S. system contains no such assurance. As a result, LGBTQI+ individuals in the U.S. have frequently found themselves fearful of every election that comes around, worried that they must continuously struggle to defend themselves against discriminatory policies under Republican administrations.



WHY THIS NEEDS TO BE FIXED

Democracy and human rights – the constant striving and battling to protect and elevate the dignity of every human being – are massive sources of American and European soft power. The founding documents of the United States speak aspirationally of building a more perfect union of inalienable rights and equality under law. The European legal and moral commitment to human rights emerged from the ashes and destruction – of human life, physical structures, and intangible culture - of two world wars within the span of four decades.

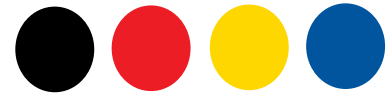
Championing human rights and supporting free human endeavors at home and abroad make the United States and Europe more secure. The opposite also holds true. When the U.S. or Europe stifles or violates the human rights of their own citizens or citizens of other nations, whether in the name of cultural purity or security, they lose influence and credibility, particularly among those abroad who expect the U.S. and Europe to hew more closely to their founding ideals.

Europe and the United States have historically looked to each other for inspiration around the protection of LGBTQI+ people. Europeans were inspired by the Stonewall riot in New York City in 1969 just as Americans were inspired by Europe's advancement of same-sex marriage in the early 2000s. They share a mutual admiration of LGBTQI+ individuals' contributions to popular culture, from Eurovision winner Conchita Wurst to legendary drag queen RuPaul. Europeans and Americans also share challenges from those who would claim that rights for LGBTQI+ individuals would infringe upon others' religious liberties.

A common commitment to upholding the protection of rights for LGBTQI+ citizens can further solidify transatlantic bonds, provide mutual inspiration, and also build up the U.S. and European influence and soft power abroad. The U.S. and Europe must demonstrate the capacity of their democracies to deliver safety, security, and prosperity for all citizens, no matter who they are, who or how they love, or how they present themselves.

It is therefore critical that multilateral organizations, civil society, academia, political organizations, industry and business associations, and private-sector corporations continue to push for governmental action and fill any voids that may result from a lack of focus on LGBTQI+ rights at a governmental level. Indeed, it can be tempting to view the progress that LGBTQI+ activists have made in the U.S., Germany, and Europe more widely in recent years and assume that the fight for equality is over and that it has been won.

In the points below, we seek to highlight and elevate the positions and recommendations of LGBTQI+ groups themselves who know best what they need from the public, private, and civil society sectors.



Recommendations for Government:

- ILGA-Europe is an umbrella organization representing approximately 600 organizations across 54 countries in Europe and Central Asia. They put forward their own [recommendations for the EU's LGBTIQ strategy](#), some of which are quite general in recognition of the wide range of legal, regulatory, and social contexts among the EU's 27 Member States. However, their recommendations are also quite wide-ranging, touching on issues such as:
 - » Ensuring gender identity and gender expression are included as protected aspects of identity in anti-discrimination legislation.
 - » Addressing hate speech (online and offline) targeting LGBTQI+ individuals.
 - » Ensuring basic rights and increasing protections for trans and intersex individuals.
 - » Ensuring adequate protections and service provision for LGBTQI+ refugees and asylum seekers
 - » Protecting LGBTQI+ individuals' right to healthcare free from discrimination.
- In the United States, several organizations advocate for policy changes in support of LGBTQI+ rights, from the [Human Rights Campaign](#) (HRC) to the American Civil Liberties Union (ACLU). The ACLU is actively working to advance the [rights of LGBTQI+ individuals](#) around a number of issues similar to those of ILGA-Europe, including:
 - » Ending discrimination and unequal treatment of LGBTQI+ parents in foster care and adoptions
 - » Ensuring that LGBTQI+ parents do not face legal or administrative barriers to establishing parent-child relationships in the eyes of the state.
 - » Supporting LGBTQI+ youth in educational environments, working to combat harassment and bullying, and ensuring the protection of trans and gender non-conforming children.
 - » Fighting to ban conversion therapy where still legal. ([Germany has already banned the practice](#), but it is still legal and [practiced in much of the United States](#))
 - » Supporting the rights of trans people in healthcare, the military, dealing with changes to their names/IDs.
- Both Europe and the United States are also active in promoting and protecting the rights of LGBTQI+ individuals abroad, in keeping with their broad commitment to human rights. However, those efforts will never reach their full potential so long as LGBTQI+ Americans and Europeans do not share the same rights as their cisgender and heterosexual fellow citizens.

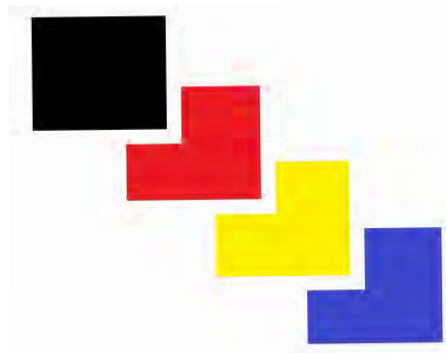
Recommendations for the Private Sector:

- Consumers are increasingly using their values and belief systems to direct their purchasing power, as evidenced by data from the [2022 Edelman Trust Barometer](#). Therefore, companies should be transparent about where their money is invested and how it impacts LGBTQI+ citizens.
- In the U.S., [companies are under increased pressure](#) to ensure that benefits are explicitly designed with the needs of LGBTQI+ individuals and families in mind. This includes, but is not limited to, health insurance that explicitly covers gender-affirming care; domestic partner benefits that are made available without regard to marital status or gender; and family leave policies that are the same regardless of the parent's gender and regardless of biological or adoptive status. These are among the policies advocated by the Human Rights Campaign's [Corporate Equality Index](#).
- For medium and large businesses, [affinity groups](#) should be created to provide LGBTQI+ employees with a formal, safe, and supported space in which to discuss and share resources. Company leaders should be held accountable for being responsive to the needs expressed in these groups and for ensuring that the voices of LGBTQI+ employees are heard at the highest echelons of management. Leaders should investigate how their organization's culture reproduces systems of oppression. [Studies show](#) that when individual leaders make a priority of examining their own biases and stereotypes, these actions can change their behavior, and significant cultural shifts in leadership can change the culture across a system.
- Small businesses can also take [concrete steps](#) to create a more inclusive culture for LGBTQI+ employees, clients, and customers, such as normalizing the sharing of pronouns in written and oral communications, partnering with LGBTQI+ community organizations, learning from other local businesses, and seeking out a diverse talent pool when making hiring decisions. Many of these steps have been shown to have a positive impact on a business's bottom line.
- Regardless of size, company resources should be expressly dedicated to the communication of support for the LGBTQI+ community and to recruitment from the LGBTQI+ community. This may take the form of monetary donations to organizations that directly serve the community, mentoring or paid internship programs, or [opportunities](#) for regular employee learning programs that feature trained LGBTQI+ facilitators.
- In the United States, company-affiliated Political Action Committees (PACs) are being subject to [increased scrutiny](#) from both internal and external stakeholders over donations that are seen to advance or obstruct the cause of LGBTQI+ rights. PAC spending records are seen as an important measure of a company's stated values. There is a particular stigma associated with disparities between corporate statements like rainbow flags and slogans and donations to candidates for political office who oppose LGBTQI+ rights.



Recommendations for Civil Society:

- To the extent feasible and relevant, civil society organizations on both sides of the Atlantic providing support for LGBTQI+ individuals, advancing their cause, and protecting their rights should form partnerships to share information, resources, and strategies. There is a plethora of foundations, think tanks, higher education institutions, and private and public sector organizations that could play a role in supporting such engagement, including financially.
- If helpful for their respective causes, American civil society organizations should call out violations of LGBTQI+ rights in Europe and vice versa.
- As community-based and community-serving organizations, LGBTQI+ civil society groups in the U.S. and Europe are best placed to connect with religious organizations, institutions, and communities to support LGBTQI+ citizens.
- As a demonstration of transatlantic solidarity and partnership but avoiding any approach that could be construed as neo-colonial, American and European civil society organizations should work jointly to support and protect LGBTQI+ communities under threat worldwide.



Protection for Religious Minorities and Combatting Xenophobia – New Policy Advice for Old Problems

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Racism and xenophobia in Europe and the United States cause harm to society in multiple ways: Most directly, it means that a large number of people face discrimination, affecting their human dignity, their opportunities in life, their prosperity and their well-being, and all too often their personal safety.

Everyone should be able to enjoy their basic rights and freedoms, and equal participation in society, irrespective of their identity. The global Black Lives Matter movement has led to a reckoning on both sides of the Atlantic as [large demonstrations not only expressed solidarity](#) with affected communities but also demanded swift and decisive policy changes.

While visible public debate on racial discrimination has been striking in the United States for longer – particularly with regard to police violence, the Black Lives Matter movement catapulted the debate on a pan-European level with

European Commission President Ursula von der Leyen [famously declaring](#) in front of the European Parliament “Let us look around here in this very hemicycle. The diversity of our society is not represented,... And this is why I say we need to talk about racism, and we need to act.” The EU appointed its first ever [European Union Anti-Racism Coordinator](#) and adopted an EU Anti-Racism Action plan recognizing the current discriminatory practices and structural racism as well as its root causes. It obliges for the first time all EU Member States, including Germany, to develop national anti-racism action plans.

This policy change comes on the heels of year-long campaigns of anti-racist organizations to acknowledge structural and historical racism on a European and not only national level ([ENAR](#), [ERGO](#)). This new impulse is flanked by several community-specific action plans to take into account their specificities such as the [EU Roma strategic framework on equality, inclusion and participation](#) and the [EU Strategy on combating antisemitism and fostering Jewish life](#).

Firm legislation is the basis for effectively tackling racism and discrimination and protecting the rights of individuals. In the EU, the [Racial Equality Directive](#) has shaped the legal protection for marginalized communities. It prohibits direct and indirect discrimination in the areas of employment, education, social protection including healthcare, social advantage, and access to and supply of goods and services available to the public, including housing. [Mandated equality bodies](#) in all EU Member States are tasked with assisting victims of discrimination, promote equality, conduct independent surveys, and issue recommendations.

Although both the United States and Germany are secular countries, religion and religious life play a dominant role in politics. Christian values help shape the political landscape in both countries, leaving those who do not identify as Christian sometimes feeling like outsiders.

As more migration occurs due to conflicts, climate change, and socio-economic circumstances, the religious demographics have dramatically changed in both countries. [Nearly 30 percent of Americans](#) do not identify as Christian but rather as a religious minority, i.e., Jewish, Muslim, Hindu, etc., or no religion at all. In Germany, the religious majority is Christian, but most people [do not feel connected to any religion](#). Muslims are the largest religious minority in Germany, making up nearly 6 percent of the population.

Marginalized communities in both countries are again threatened by antisemitism, racism, xenophobia, and hatred while functioning as scapegoats for real or imagined problems and what goes wrong in society. Although religious freedom remains a fundamental value of democracy, religious freedom seems only accepting if you are a member of the religious majority. Extremists of all kinds, from both the left and right, are spreading irrational conspiracy myths and theories which have incited hatred and violence against these religious minorities.

In 2015, Germany accepted more than 1,000,000 refugees from predominantly Muslim countries. The sudden increase in the migrant and Muslim populations gave rise to far-right movements in Germany and Europe. While not every far-right party is inherently anti-Muslim, others embraced the image. "In the September 2017 elections, the Alternative for Germany (AfD) entered the national parliament, obtaining 12.6 percent of the vote and 92 seats in the Bundestag. To detractors, [Frauke] Petry stoked xenophobia and anti-Muslim sentiment. To supporters, Petry was a champion of rule of law, not afraid to speak out about issues of social cohesion and identity." ([Brookings](#)) Likewise, this growing anti-Muslim sentiment can be seen in the United States through rhetoric and policies like the 2017 "Muslim Ban" in the United States.

Antisemitism is on the rise in both countries. [One in four Jewish Americans](#) has been a victim of antisemitism. The pandemic has led the way to new forms of antisemitism in which the Star of David has been used to show that a person has [not been vaccinated](#). Although Germany promotes their "[culture of remembrance](#)," hatred of the other still lingers. Most recently, the art exhibit [Documenta 15 in Kassel](#) removed antisemitic artwork only after controversy.

New legislation ensures that serious manifestations of racism and xenophobia are punishable by effective, proportionate, and dissuasive criminal penalties. The [EU Framework Decision on combating racism and xenophobia](#) requires EU Member States to criminalize the public incitement to violence or hatred and hate speech, on grounds of race, color, religion, descent or national or ethnic origin, including online, and requires courts to treat racist motivation as an aggravating circumstance when determining the penalties for hate crimes through penalty enhancement.

In the U.S., [The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009](#) expanded the 1968 first federal hate crimes statute and made it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of the victim's actual or perceived race, color, religion, or national origin. However, [the U.S. Supreme Court](#) has repeatedly ruled that most of what would qualify as hate speech in other western countries, especially in European legislation, is legally protected free speech under the First Amendment. This extensive view on protection of speech is also a substantial sticking point in dealing with [hate speech online](#) on platforms headquartered in the U.S. but providing their services in Europe. Due to the fundamental impact of hate crime and speech, the European Commission has proposed to treat both as "[EU Crimes](#)" meaning they are particularly serious crimes because of their harmful impacts on fundamental rights, on the individuals and on society at large, undermining the foundations of the EU with a cross-border dimension.

Despite significantly different historical developments, Germany, Europe, and the United States look back at a long history of racism, xenophobia, antisemitism, and islamophobia.

As a result, institutions on both sides of the Atlantic as well as the perspectives and programs they develop, need to reckon with the legacies of colonialism, enslavement, forced religious and cultural conversion as well as the legacy of the Holocaust, which fundamentally affects the perspective on religious and ethnic minorities in both countries.

Today, minorities are again threatened by antisemitism, racism, xenophobia, and hatred while functioning as scapegoats for real or imagined problems regarding what goes wrong in society. Extremists of all kinds are spreading conspiracy myths to incite hatred and violence against these minorities, [most visible during the COVID-19 pandemic](#), which exacerbated existing inequality, discrimination and expressions of hatred.

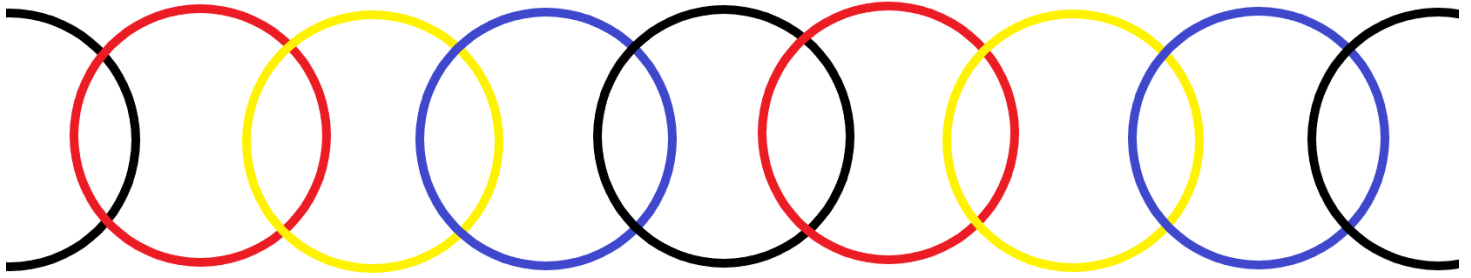
Both the U.S. and Europe are bound together by the shared values of a society built on diversity and on fostering a society of pluralism and tolerance. Upholding these values demands also critical reflections on our transatlantic history, present and future.

Acts of domestic terrorism against religious minorities have been the most severe expressions of hatred, hitting especially religious communities with increasing frequency. The shooting at the [Tree of Life Synagogue](#) in Pittsburgh, where 11 Jewish people were murdered, and the [Halle Synagogue](#), in which two Jewish people were murdered during Yon Kippur services, are recent examples. While they remain rare, the impact on religious and ethnic communities globally is devastating. Therefore, preventive security measures and transatlantic collaboration in countering terrorism are necessary. Examples include:

- [Police protection and state support](#) wherever necessary and requested by religious and ethnic communities including funds for security measures so that impacted communities are not further burdened by financial expenditures. Equality also means being able to practice one's religion without fearing for one's life.
- Transatlantic law enforcement hub on terrorism – a stronger collaboration between German, European, and American law enforcement agencies and the judiciary and to learn from each other how to secure religious premises from the threat of terrorism and violent extremism such as that posed by white nationalists, Islamists, and neo-Nazis.

Lethal terrorist attacks are only the tip of the iceberg and hate crimes and discriminatory incidents are common. However, data collection is patchy and under-reporting persists. For example, the Fundamental Rights Agency survey data on people of African descent shows, that [nearly two thirds](#) (64 percent) of victims of racist violence did not report the most recent incident they experienced to the police or any other organization.

Similarly, [79 percent of Jewish people](#) who experienced antisemitic harassment in the last five years did not report the most serious incident to the police or to any other organization mainly because they believed nothing would have changed had they done so. Therefore, even existing hate crime statistics needs to be assessed critically.



In 2020, the FBI reported [8,263 hate crime](#) incidents however experts stress that data-collection is [heavily flawed](#). In a recently [released report](#) by the Anti-Defamation League, found that antisemitic attacks have reached an all-time high in the United States. In the EU, there is no uniform way to collect hate crimes making national statistics incomparable. An approximation for [antisemitic hate crimes](#) showed for 2020 alone 3,588 antisemitic incidents.

Data is the most basic requirement in order to formulate counter-measures. A victim-centered approach is crucial. Vulnerable communities should be firmly integrated into any process aimed at developing measures for them including on what constitutes hatred or discrimination against them. The measures must include a collection of data, training for law enforcement and judiciary to recognize and respond to hate crimes and sufficient support for victims including psychological support.

Common definitions and hate indicators: Lacking data conceals the real extent of discrimination and hatred. It is crucial to harmonize the understanding of different forms of hatred and lay down clear indicators for measuring it. One best practice is the broad employment of the International Holocaust Remembrance Alliance definition of [antisemitism \(IHRA\)](#) to better categorize antisemitic incidents and hate crimes. [Similar definitions](#) have been developed for anti-Gypsyism/anti-Roma discrimination.

- Obligation to report: make it compulsory for national and regional law enforcement to identify and collect evidence on the racist or antisemitic background of incidents to allow comparability within and between countries.
- Victim support: make national funds available for impacted communities to support victims of hate crime through dedicated bodies including those providing psychological support.

Conspiracies and hate speech online create more and more transnational communities of hate that target minorities. Well-documented racist, antisemitic, Islamophobic, and misogynistic groups in Europe and the U.S. mutually influence each other. For example, neo-Nazi groups such as [Atomwaffen Division](#) and [Feuerkriegs Division](#) operate internationally. Conspiracies such as the [Great Replacement Theory](#) have been [used to justify terrorist attacks such as in Halle and Christchurch in New Zealand](#), and most recently in the attack in May 2022 at a supermarket in Buffalo, New York. Online communities of hate share a racist worldview with hatred toward migrants, Muslims, Jews, Roma, and other minorities. The online environment is the public marketplace where extremists of all shades connect and share. It is a catalyst for hatred and social media companies as well as the governments have a responsibility, legally and morally, to counter these trends. Actions that can be taken include:

- Governments should put a stronger legal obligation on social media companies in order to force them to take active measures in flagging and taking down incitement to hatred or violence on their platforms while safeguarding freedom of expression. There should also be a legal obligation to share information about extremist groups with law enforcement to be able to prosecute these cases across borders.
- Financial penalties should be placed on companies based on certain percentage of their global turnover if they don't adhere to legislation.
- There should be an increase to state investment in law enforcement entrusted with prosecuting extremism and hate speech online as, despite any measures by corporation, the state has the ultimate responsibility to prosecute and try extremism and terrorism.

- Support should be given to civil society organizations and religious minorities to protect themselves against online harassment and threats.

State institutions and private organizations alike need to critically assess and reflect on their historical roles in the creation or sustaining systems of oppression, institutionalized racism, antisemitism, and other forms of hatred. Today it is more important than ever to deal with this history so that both the U.S. and Europe acknowledge their roles as post-colonial powers. Historical commissions can support restorative and historical justice be it through suggestions of reparations, compensation for victims, or restitution.

- Encourage government institutions and private companies to actively research their historical role and responsibilities. The results of these “historical commissions” should be made public and actively promoted by the institutions in collaboration with outside experts.
 - » Based on the work of historical commissions, different forms of amends to victims should be considered, such as compensation, reparation funds, and restitution.
 - » Offer training to staff and employees on the institutions/companies’ history and involvement in historical injustice to make history relevant for the present and future.
 - » Set up platforms to exchange best practices in providing historical justice and further both countries’ position as leading by example on historical responsibility.
 - » Create platforms or other formats that inquire into the respective memory/ museum landscapes of both countries and develop suggestions on how to make these more inclusive, diverse, and just. Similar formats could be developed for other contexts of historical learning.

Our institutions, organizations, and companies are becoming more and more diverse just as our societies are, including on religious affiliation. Religious freedom, as guaranteed by Germany and the United States, is a major foundation for our societies which includes freedom, in public or in private, to manifest one’s own religion or belief, in worship, teaching, practice, and observance. Making this diversity visible in majority Christian countries like the U.S. and Germany should be a major aim. promote and celebrate the religious diversity among staff and employees and reach out specifically to under-represented groups for recruitment.

- Acknowledge diversity in companies for example allowing employees to take leave during their respective holidays.
- Allow expressions of one’s religion also at work without fearing repercussions and while safeguarding worker rights. This includes allowing employees to wear head scarves and yarmulkes.
- Recognize that individual's religious identity may be different from one's own but is no less important or beautiful.



Why Access Matters - Disabilities Does Not Mean Inabilities

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In 2006, the United Nations drafted the [Convention on the Rights of Persons with Disabilities](#) (CRPD), paving the way for disability rights to be universally accepted by all member nations. The Convention entered into force in 2008, since that time, 184 countries have adopted the CRPD as a basis for human rights and freedoms.

[Persons with disabilities](#) are defined as “those who have long-term physical, mental, intellectual, and/or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” Persons with disabilities represent both those with visible and non-visible impairments. The World Health Organization classifies people with disabilities as the world’s largest minority group, with roughly [15 percent of the world’s population](#) lives with some sort of disability.

While both the United States and Europe have adopted the CRPD and have instituted their own regulations, both countries still struggle to fully address the needs of People with Disabilities. It is not uncommon to see public transportation that is not accessible, documents not available in braille, and websites that are not readily accessible for those with impairments that follow international standards such as the [Web Content Accessibility Guidelines](#) (WCAG), among other concerns. The United States adopted the [American Disabilities](#)

[Act](#) (ADA) in 1990, creating a standard to which the country should treat people with dignity in the same manner, whether they have a disability or not, while making adjustments to both built and yet to be built environments. The [ADA builds upon the 1964 Civil Rights Act](#) ending discrimination based on one’s identity and. However, the ADA goes further to also require reasonable accommodations to be made to assist individuals with disabilities. Although this now seems commonplace, before the passing of the ADA, [there was pushback](#) in both the public and private sectors on this topic. Organizations, including private schools and large corporations, did not want to have to retrofit their structures to make accommodations for persons with disabilities.

Likewise, Germany’s adoption of the 2006 [Allgemeines Gleichbehandlungsgesetz](#) (AGG), or the General Equal Treatment Act, prevents discrimination against persons with disabilities. In addition, the AGG requires employers to make reasonable accommodations and offer additional personal days for persons with disabilities. Unlike the United States, the AGG also requires that any organization with more than 20 employees must employ at least 5 percent of persons with disabilities.

Societal views of politicians with disabilities have dramatically changed in the last century. President [Franklin Delano Roosevelt](#), who suffered from polio as a child, hid his disabilities, even resorting to drastic measures to ensure the American public did not know

he was in a wheelchair. The change in mindset can be seen in the election of individuals like Senator Tammy Duckworth and former Bundestag President Wolfgang Schäuble. More recently, President Joe Biden has been open and honest about [his stutter](#).

Likewise, society has become more accepting of disabilities in mainstream media. In March of 2022, the movie *Coda*, which shows the struggle of growing up in a deaf household, won [Best Picture at the Academy Awards](#).

However, disabilities are not always visible, audible, or as obvious as one might think. Disabilities include individuals on the autism spectrum, with attention deficit hyperactivity disorder (ADHD), bipolar, and dyslexia, among others. Persons with mental disabilities may not always be willing to share this information with their employers out of fear of repercussions. Even more troublesome, persons with mental disabilities are afraid to speak out because of the [negative stigmas](#) associated with mental health. “...Disorders are somehow a weakness or even your fault, that having one makes you different or not as capable at your job, and that you should be able to get better without treatment.” ([TIME](#))

The COVID-19 pandemic is attributed to increased levels of anxiety and depression worldwide. The World Health Organization estimates that anxiety and depression [rose by 25 percent](#) in 2020 and 2021. With this dramatic increase, it proves the importance of society providing better access to mental healthcare services and reducing the negative stigma about seeking mental healthcare. Although mental health has become increasingly important for employers and their employees, more needs to be done to provide access to treatment and support to overcome today’s stigma associated with reaching out for help.

Unfortunately, ableism is rampant in society. Disabilities, both physical and mental, are often seen as inabilities. Similar to racism, ableism classifies persons with disabilities as being “less than”. Similar to racism, persons with disabilities face micro-aggressions such as inappropriate questions, offensive language, and denial of services. Unlike other forms of discrimination, ableism can take on a variety of forms because disabilities can manifest in so many different ways regardless of the fact that disabilities are present in all demographic groups.

This is why it is critically important to address the discrimination that people with disabilities face. The lives of people with disabilities are no less valuable than those without.

The struggle to overcome ableism is not limited to any one organization/institution or individual. With this in mind, recommendations for change can and should be implemented across civil society, government, and organizations. They include the following:

- **Recognize talent:** Individuals with disabilities have the same talent and skill sets as those without. Disability does not mean inability.
- **Make adjustments to built environments:** It is necessary to provide ramps, wheelchair-accessible restrooms, quiet spaces, etc. to older structures that may not have been designed with this in mind. While these changes may seem expensive, without the changes, talent may be lost to another organization.
- **Create readable websites and content:** Quite often, websites are not readable by applications used to assist those with visibility issues. Following WCAG standards is a great way to start implementing these changes. Enable transcripts during webinars and virtual meetings and provide transcripts after events where permissible following appropriate data privacy laws.
- **Provide training to staff to destigmatize disabilities and create an open environment where people are comfortable to excel in their roles as the best versions of their true selves.**
- **Create communication channels so that persons with disabilities have the access required to address their needs or concerns.**
- **Understand the value of neurodiversity:** Neurodivergent, i.e., those with mental disabilities, can provide different perspectives and insights into situations. They have the ability to view a challenge from different angles.

- Use person-first language and recognize inappropriate language: It is important to use “person with disabilities” vs. “disabled person.” This puts the person and their value ahead of their disability. Likewise, it is important to acknowledge there are many words that are highly offensive and should not be used. Hold open discussions with those impacted on what is appropriate internally, this can be done on a per organization basis.
- Ensure event spaces are accessible: Choosing an event space that is not accessible, immediately eliminates persons with disabilities from participating.
- Provide and promote access to mental health: This includes offering health insurance that covers the cost of therapy.
- Integrate disability history into education: Giving a truly accurate account of history is critical, this includes teaching the difficulty of passing the American Disabilities Act and the victims of the Holocaust who had disabilities.
- Create a plan to hire, support, and retain employees to include persons with disabilities. This may mean conducting untraditional interview processes.

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Corporate Responsibility and Governance – Why Corporations Should Lead Change

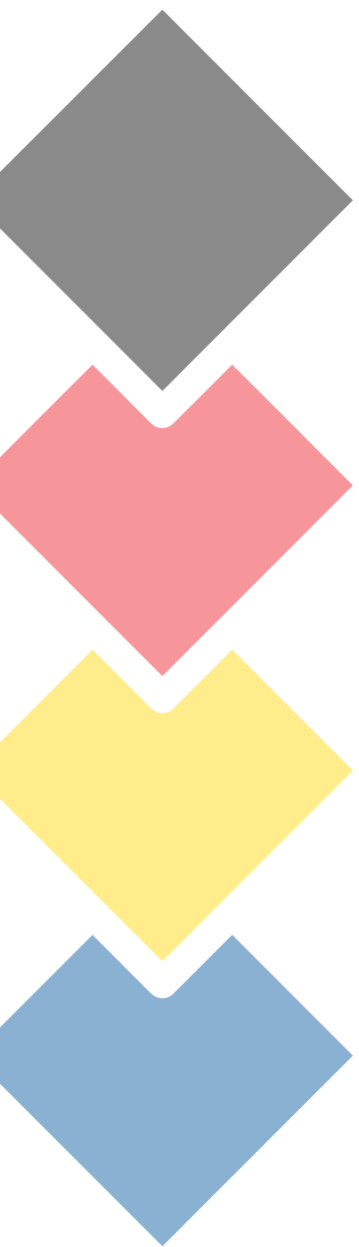
Corporate Responsibility and Governance are important for promoting, amplifying, and sustaining DEIA initiatives for millions of people across the transatlantic spheres.

The [2020 McKinsey report on diversity and inclusion](#) concludes that the most diverse companies are now more likely than ever to outperform non-diverse companies on profitability. The data shows that both gender and ethnic background diversity affirm this statement.

The sheer number of people impacted by DEIA corporate policies should not be underestimated, as the investment in DEIA from companies continues to grow. For example, in the United States according to a [March 2022 article](#) published by the Society for Human Resource Management (SHRM), and citing a recent study by the American Productivity & Quality Center, 36 percent

increased staff dedicated to DEIA; 32 percent increased their DEIA budgets; 31 percent “established new avenues for reporting DEIA complaints;” and 30 percent each had disclosed DEIA metrics publicly and invested more in employee resource and affinity groups.

In Germany, however, from large multinational corporations to *Mittlestand* (small to medium sized companies), DEIA efforts remain in their infancy. Results in the 2020 and 2021 German Diversity Monitor conducted by the [BeyondGender Agenda](#) continue to find that diversity in German companies is more lip service than reality: [only 26 percent of companies](#) make diversity an executive decision; 70 percent of companies do not provide a diversity budget, and over 50 percent of the companies have no systematic data management and hence zero transparency.



WHY GOVERNANCE NEEDS TO BE ADDRESSED

Unlike large sections of the public sphere where legislation and debate can take years to address critical issues in a meaningful way, the private sector has a rare opportunity to work on cultural diversity in a more impactful manner. As microcosms of society, German and American companies can respond quickly by actively enlightening, educating, and training their leaders and employees. By making DEIA policies, programs, and practices the norm in the private sector, it would be possible for government agencies to learn from these experiences.

DIVERSIFICATION AND TRANSPARENCY OF DEIA GOALS

- *Expand DEIA goals (inclusivity):* Currently, publicly available DEIA goals have one common denominator among German companies: there is a primary focus on gender. Being inclusive also means diversifying the company's goals to include all aspects of DEIA. Organizations can identify and actively pursue an expanded and integrated DEIA approach that encompasses gender, ethnicity, religious denominations, LGBTQI+, and accessibility.
- *Public reporting:* To prompt behavioral change, transparency, and insight into the status and overall goals are critical. Well-defined and measurable goals are particularly important in DEIA because without goals, unconscious human tendencies that give preference to some individuals, over others, would easily override conscious intentions to be fair. Therefore, we have to think about barriers that can be addressed in the short-term (i.e., balanced hiring panels and objective interviewing to minimize affinity bias) and those that will take longer to dismantle (i.e., increasing senior management pipeline for ethnically diverse leaders). Goals should be ambitious enough to encourage effort and commitment but realistic enough so as not to trigger negativity and resistance, while promoting organizational accountability.

We strongly recommend that first publicly traded companies in the U.S. and Germany, and then Mittelstand companies, produce a publicly available DEIA report, similar to a sustainability report, that clearly states their DEIA goals, details the processes put in place to meet these goals; and provides insights into the efforts being taken internally and externally.

Companies have both the ability and responsibility to ensure that suppliers and business partners meet certain DEIA conditions and thresholds to continue a working relationship. To further ensure compliance and accountability, a “checks and balances” system must be implemented to improve these numbers year over year. This methodology considers communities being affected by business actions and broader economic issues.

- *Gather, collect, and measure data responsibly.* Data policies must be assessed, and a baseline measure established to know the starting point; otherwise, it will be impossible to track progress. These measures can then be benchmarked alongside other corporate actors.

Self-identification is a strong option for German companies to consider. There is a growing appetite for this level of data-driven transparency in Germany as it relates to understanding its underrepresented populations. The findings of [Germany’s first Afro-Census](#) (conducted in 2020) -- the largest survey ever conducted among Black, African and Afro-diasporic people in Germany may be a step in the right direction and can offer guidance (and insight) for German companies. It will be a benchmark. If the findings are applied purposefully, this may improve the experiences of this population in Germany – and can serve as an example of the power of people’s data to fuel better outcomes.

Germany’s history with data collection, in addition to the rise in the improper use of personal data without consent has sparked a reluctance to capture personal information. It has prompted strong data policy measures such as the introduction of the [General Data Protection Regulation](#) (GDPR) in 2018. However, offering a “Self-ID” option, as the Afro-Census did, is worth exploring given it is strictly voluntary in nature, and companies are able to share how the data will be used to inform, guide, and monitor the progress of its diversity efforts/goals.

It is important to know the composition of an organization in terms of ethnicity, race, nationality, gender, age/generation, and geography, among other demographic fields. This can be difficult to do on a global scale, given the variance of privacy laws and practices. However, to get a clear overview prior to establishing DEIA goals, it is important to ask questions like: “What is the underrepresented or marginalized minority representation in every team setup?” “How many women are there in leadership roles?” Having credible data on the make-up of an organization helps to identify the areas that require focus and establish the basis of a workforce diversity plan. The data may reveal interesting insights, such as a company finding out that their Talent Acquisition team finds it hard to find “diverse” candidates for certain roles or maybe that some managers have a record of showing gender bias when making hiring decisions.

‘Hiring Data Insights’ can be gathered through quarterly employee satisfaction surveys; monthly one-on-ones with hiring managers, and mid-year meetings with all stakeholders. These qualitative touch-points allow organizations to track metrics such as: increased representation at different levels of the organization; improved retention; decreased pay disparities across ethnicities and genders; reduced discrimination complaints; and improved employee engagement and productivity.





FORMALIZING ACCOUNTABILITY THROUGH LEADERSHIP SUPPORT AND TRAINING

- *Increase Senior Management involvement.* When DEIA is understood, promoted, and encouraged at the highest levels within an organization, it sends a clear message that the culture of the organization does not tolerate inequality or inequity. Leaders should start discussions on DEIA, the importance of representation, and make decisions that support the organization's goals to diversify and become more inclusive. Historically, we have observed that DEIA often fails in the EU because of a lack of senior management support. Additionally, one-third of businesses acknowledge that racism affects them, but less than one-third identify it as a problem they need to address. ([Pasha, 2021](#))

With the active engagement of leadership, a sense of allyship can be created to encourage people in positions of power in the organization and/or with the privilege to take action. They play a key role in helping organizations overcome discrimination. The concept of "allyship" is critical to the development of psychological safety for employees and demonstrates how active awareness and engagement perpetuates a culture of zero tolerance for racism or discrimination. Leaders can be trained on facilitating and encouraging courageous conversations on topics such as race and culture, as this provides a common understanding and language allowing all employees to dialogue and make mistakes.

- *Establish a "safe space".* Direct and anonymous reporting encourages management to actively investigate and address issues that may perpetuate a workplace environment that is exclusive and discriminatory. These procedures also ensure there are established mechanisms to increasingly make employees feel safe while also implementing consequences and accountability for those individuals who are misaligned with the sustained culture of inclusion.
- *Require inclusion and harassment training.* This step would mitigate risk when it comes to discrimination, inequality, and inequity while at work. This reinforces the company's position, strengthens its corporate culture, and provides transparency regarding DEIA goals.

Training can help employees and colleagues become more aware of unconscious/implicit bias and other barriers to DEIA. Effective training creates teachable moments and allows people to understand how they can identify their current shortcomings to combat stereotypes and assumptions; thereby, creating and maintaining a respectful, inclusive workplace, where employees can flourish. Colleagues can learn by hearing the perspectives of others, researching, and reading multiple viewpoints, confronting personal biases and getting comfortable with being vulnerable to make mistakes. These skills require self-awareness, ongoing practice and should be role-modeled by senior leadership to demonstrate their importance. While there are mandatory trainings in topics such as security and compliance, unconscious bias and DEIA topics are often "voluntary," thereby limiting exposure only to those that actively seek them.



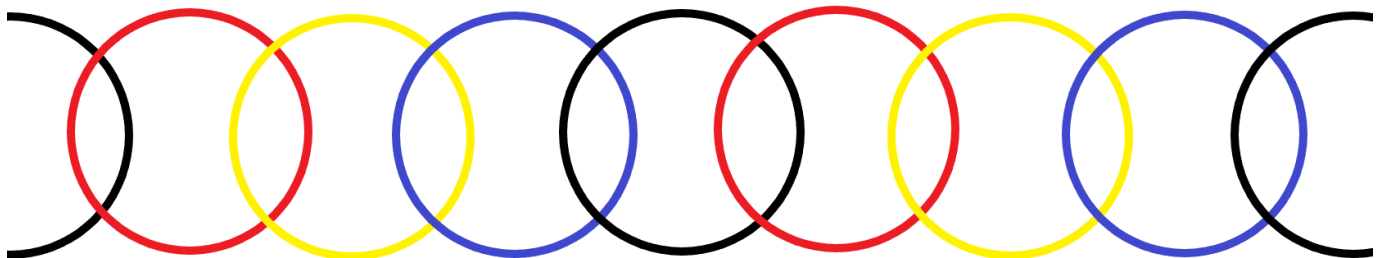
REMOVE BIAS AND ASSESS THE HIRING PROCESS

- *DEIA as a business imperative.* For company strategies and transformations, external consulting agencies, such as Boston Consulting Group (BCG) and McKinsey are often employed to lead these complex projects and processes. When approaching DEIA as a strategic business imperative that increases revenue and innovation, and not a “soft skill,” it should be treated as such. With this in mind, we can re-imagine the HR cycle from the hiring process to retention to engagement.
- *Eliminate and reduce bias.* In Germany, photos and personal information, such as marital status and age, are considered a standard part of a CV. We can remove these details and reduce bias from the start of the hiring process. Similar to other countries, studies have shown that candidates with the same exact qualifications are discriminated against based on the perceived origin of their name. Personal information can be misused so trust is key to not erode privacy. Anonymizing data that is not being used in a subversive way is a start. Rather than focusing on “company culture fit” and confirmation biases during the interview process, our recommendation would be to source candidates from a wider selection pool. This increases an organization’s competitive positioning in the employer marketplace, as the candidate diversity brings new ideas and different perspectives.
- *Establish diverse, equitable panels, and representative workers’ councils.* Having wider representation for the gatekeepers and leaders of organizations is important. With more diverse recruitment teams, the likelihood of having more diverse people being both promoted and hired into managerial and above roles increases, instead of introductory roles. Diverse employees will not succeed without support from the majority group in their country / business, despite their talent, so measures should be established so that they are not being set up to fail. Once employees are on board, they also need to have their concerns reflected in the people that represent their interests to the company. Therefore, there should be greater accountability on the workers’ councils, that also require a more diverse and global mindset. German companies should review their current worker’s councils to determine if these bodies truly represent the broader global community and are champions of DEIA initiatives themselves, or if they are propagating and reinforcing cultural norms and stereotypes which may be hurting marginalized groups of employees.
- *Incentivize and reward.* It’s also imperative to look at ways to properly incentivize behavior that drives inclusion. People respond to incentives and there usually are no benefits to drive an organization to be inclusive. If a person’s annual bonus or promotion is contingent upon their contribution to sales and profits, they will work hard to influence these areas to be personally favorable. Employees are encouraged and rewarded to increase sales; but are they incentivized to increase DEIA in their organization? There should be a shift to create requirements to appropriately reward those who meet organizational requirements to drive DEIA and meet the organization’s representation goals.

ALLOCATE RESOURCES FOR BUSINESS/EMPLOYEE RESOURCE GROUPS (B/ERG)

- *Provide a dedicated budget.* For DEIA matters, companies are often tapping into their own internal talent which often puts additional burdens or stress on their already marginalized colleagues. B/ERG members do the heavy lifting in a nonincentivized capacity; everything they do to drive DEIA at the organization is in addition to their regular “jobs.”

Our recommendation is that companies allocate part of their budget to provide these B/ERGs financial resources and dedicated time alongside their regular work, so that their grassroots efforts can continue to grow and thrive, while also being officially recognized by the company and boosting company culture. For those companies that are truly interested in supporting marginalized groups of employees or existing B/ERGs who may already be struggling to get buy-in, we would strongly recommend hiring an objective, third party agency that specializes in the DEIA field. This third-party perspective, specializing in the DEIA field can implement new policies without repercussions for the company’s own employees and reduce the pressure facing existing ERGs driving change. They would be able to assist in implementing new policies without any repercussions for the company’s own employees. Hiring external agencies, that are preferably owned by or employ people that have directly been impacted by these policies that need to be implemented, allows for an objective, third party perspective to set the policy without any implied repercussions for the company’s own employees.



The Intersection of Data and Diversity – Making Numbers Tangible

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Virtually any examination of data regarding DEIA-related efforts among institutions of consequence in Germany and the United States leaves much to be desired.

The Friedrich Ebert Stiftung – a foundation connected to but independent from Germany’s Social Democratic Party (SPD) – found in a 2019 [report](#) that migrant communities comprise 25 percent of the German population but occupy only 7 percent of jobs in German public administration. In the United States, People of Color constitute a commensurate share of the federal workforce, though not in senior positions. For example, members of the Senior Executive Service (SES), the exclusive group of civil servants serving directly below top presidential appointees, are [predominantly](#) white. Although People of Color account for 40 percent of the U.S. population, they comprise only 23 percent of the SES. Among the 29 Global Fortune 500 companies based in Germany, there are 179 people in management or on the board of directors. Only [two](#) of them are non-white. This lack of representation is not limited to government or to race, either.

According to a [2021 report](#) by the Allbright Foundation, an NGO focused on women’s representation in business, among 30 of the largest companies in the United States and Germany, women comprised 31 percent and 18 percent of the American and German firms’ board positions, respectively.

In an effort to identify, invest in, and monitor progress on DEIA-related initiatives at scale, well-intentioned organizations find promise in data. It has been acknowledged both in the United States and the European Union that data can be used to [“demonstrate inequality or discrimination”](#) and help promote policies that push for equality and non-discrimination. Therefore, organizations keen on improving their DEIA outcomes, “If only we had the data” is a common refrain used to justify personal data collection. However, data and the data collection process must be clearly thought through and managed as it can prove to be a difficult and complicated process.

From the collection of personal information to the storing of sensitive information to the use and interpretation of the data, DEIA data collection and use are not as trivial as they may seem on the surface.

Data and data collection processes must be carefully identified, analyzed, and synthesized, and privacy protections and concerns must be addressed at the start of any data collection process.

While this section does not attempt to answer all of the questions surrounding this topic, it does highlight major themes, shares case studies both from Germany and the U.S., provides a historical context and its potential misuse, and then offers some recommendations for policy and use of data for DEIA-related goals.

Both the United States and Germany have fraught histories with respect to the collection of individuals' – and especially – minorities' personal data. The Third Reich's ghettoization, deportation, and extermination of its victims was enabled by "[technological solutions](#) that enabled Hitler to accelerate and in many ways automate key aspects of his persecution of Jews, homosexuals, Jehovah's Witnesses, and others the Nazis considered enemies." The former East German Ministry for State Security ("Stasi") orchestrated a massive surveillance operation of its own citizenry, employing over 250,000 people with an additional 180,000 so-called "unofficial collaborators" to document details about subjects of interest, including those suspected to be political opponents. Records on over 5 million people were maintained, more than 30 percent of the then-country's population. Not long after the formation of the Stasi, J. Edgar Hoover, the first director of the FBI, deemed Martin Luther King Jr. a threat to national security and, despite the fact that MLK was an American citizen, his home and office were wiretapped. As one leading American legal scholar wrote, "[Across our history and to this day](#), people of color have been the disproportionate victims of unjust surveillance." A data-only approach to tackling DEIA challenges in the U.S.-German context must acknowledge these origins.

Given Germany's dark history and their misuse of personal data specifically, the German governments have been extremely reluctant to collect data. In May 2018, the DSGVO (General Data Protection Regulation), a European privacy regulation defining how businesses must treat their users' data came into effect. It is the toughest privacy and security law in the world. It even imposes commitments onto organizations outside of the EU, as long as they target or collect data related to people in the EU.

While GDPR is critical to understanding data collection limitations and potential challenges, groups such as the [Subgroup on Equality Data in the European Union](#) have demonstrated that EU countries, including Germany, have tools and ways to collect equality data in ways that do not infringe on GDPR regulations and provide avenues for deeper analysis and understanding of the situation.

In addition to government-sponsored ways of collecting DEIA-related information, civil society has led several initiatives in Germany. An organization called the [Charta der Vielfalt](#) (Diversity Charter), which was founded in 2006, aims to advance the recognition, appreciation, and inclusion of diversity in corporate culture in Germany. So far, the German Government and over 3,500 organizations have signed up.

PERSONAL DATA

While there is no question that data is an integral part of understanding the landscape and improving DEIA-related goals and progress, it brings with it a set of challenges and limitations. Data alone cannot be the solution to addressing DEIA goals and objectives. Solely relying on personal data as a means of overseeing DEIA-related progress is inadvisable for three reasons: its limitations in providing a complete and accurate picture of diversity, its risk of abuse, and its potential to be used as a bandage and cover for real systemic change in organizations.

For instance, a firm interested in improving its representation of LGBTQ+-identified staff members may seek data on the sexual orientation or gender identity of applicants (via self-reporting, partnerships with related groups, or other means), monitor how effectively staff are being retained, and even track promotion history and career trajectory relative to their colleagues. While this data is critical to understanding DEIA related goals and objectives, this collection of data can create a slippery slope and is prime for misuse if values and data collection processes and policies are not clear and guide the data collection, analysis, and use of data. Any effort to collect personal data on DEIA-related matters often provides an incomplete picture when it comes to diversity and as a result can quickly become invasive.

Organizations seeking to address DEIA in a holistic and comprehensive manner, often seek to combine data on individuals' gender identity, sexual orientation, disability status, race, socioeconomic background, immigration past, religious identity, etc. all which is specific, highly personal, and still incomplete, thus begetting the need for even more personal data. Collection of personal data can quickly become invasive, and it could also be easy to deanonymize should it ever be leaked, breached, or hacked. Thus, collecting such data can open the door to misuse. Rich, deeply personal data, which would be necessary to understand the complexity of identity and diversity, would be risky to hold centrally by an organization. To understand why, one need only ponder how information on team members' or recruits' ethnic backgrounds, or religious beliefs could be abused. Indeed, such a personal data-first approach to DEIA work can, in practice, easily exacerbate the problems DEIA programs aim to fix.

The notion that a lack of access to personal data precludes progress on DEIA goals is rather technosolutionist and overlooks the demands of realizing the long-lasting, systemic changes of DEIA initiatives. Secondly, data can oftentimes be manipulated and made to look like substantive changes and or reform is occurring. Many agencies can become prone to using data as a "bandage" rather than doing real substantive and meaningful DEIA work. So, while providing data and statistics to demonstrate progress in DEIA related goals is important, data alone will not address the real issue nor lead us to our goals.

To illustrate some of the challenges with data in DEIA initiatives we have selected case studies one from Germany and the other from the U.S.:

Case Study: In Germany, for instance, companies of at least 20 employees are mandated to reserve at least 5 percent of their workforce for (psychologically or physically) disabled individuals or pay a fine for failing to do so. Employees are incentivized to disclose their disabilities through benefits like additional vacation days, and the government grants subsidies to employers satisfying the quota to assist their employees with disabilities. However, according to a 2017 report by the nonprofit think tank Coqual, "a cultural tendency toward keeping such information private," possibly as a result of historical harms, makes "meeting the government quota quite difficult."

As a result, the report states, "virtually all companies opt to pay a fine rather than meet the quota or encourage companies to disclose." 55 percent of German employees with disabilities reported experiencing insults, and one anonymous source stated that his disability is "perceived as a weakness and abnormality," though he wasn't aware of the resources available to him until he later informed his HR department ([GVSU](#)).

Case Study: Misuse of personal data extends beyond the risk of deanonymization. In January 2022, a team of journalists discovered that Crisis Text Line, a prominent hotline for people grappling with mental health crises (including imminent suicide), was sharing data from its bank of 219 million messages with a for-profit partner to improve customer service software. While the data-sharing agreement was terminated after it was made public, data collection – particularly of data that is sensitive in nature – demands that its controllers justify with whom it is being shared (if at all) and why ([Politico](#)).

These cases call into question the effectiveness of a data-first strategy to pursue DEIA goals. Despite the rewards of disclosing one's disability status data, many Germans are evidently reluctant to do so just as a sizable number of employees wanting to come out at work find doing so challenging in the U.S. It is possible that systems further rewarding employees' sharing their data may work but given employees' reluctance to do so under the existing incentive structure, other mechanisms may be more fitting and productive. Notably, collecting the personal data that some organizations may regard as essential for achieving DEIA targets appears far more complicated than simply asking for it in practice.

It would be foolish to suggest that any modern effort to promote DEIA efforts abandon data altogether. Data can be leveraged without requesting or jeopardizing the personal data of individuals whom DEIA measures seek to safeguard and support. Data centered on team-wide sentiment and processes, as with surveys, instead of on individual people or demographics, can help organizations still define quantitative goals, monitor progress against them, and keep themselves accountable. Here are the recommendations we suggest implementing to track DEIA-related efforts while respecting the personal data of its beneficiaries.

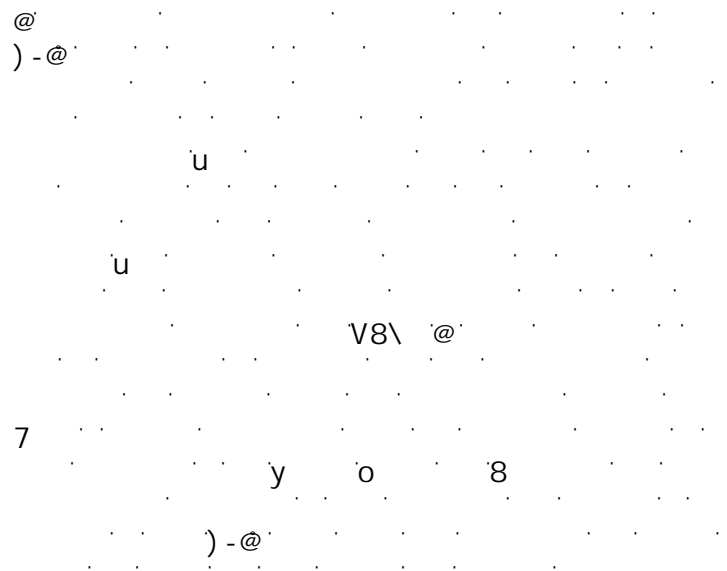
DATA MANAGEMENT & GOVERNANCE RECOMMENDATIONS

- Practice data minimization. For any data that is collected, store only what is essential.
- Where possible, use open-source software whose security and privacy risks can be audited.
- Data should be secured in a manner commensurate with the sensitivity of the data itself.
- Systems should be password protected using strong passwords
- For more resources, consult [Privacy International's](#) and [The Engine Room's](#) stances on data use, both of which are models of thoughtful data collection and use. Tactical Tech's [Security in a Box](#) is also a recommended resource on good security practices to evaluate and adopt.

SOCIAL IMPACT AND DEIA

Despite the history of data misuse, the integration of the aforementioned recommendations will challenge a

growing number of social impact driven organizations located in the United States and Germany. While these organizations are increasingly expected to rely on DEIA data to support their cases for revenue, they are often ill-equipped to securely collect, store and analyze these data due to financial constraints. To apply an intersectional lens, organizations located in communities of color and led by people of color receive fewer resources overall which prevents well-conceptualized plans for improving DEIA-related organizational goals from materializing. This means that communities already experiencing systemic marginalization have a harder time demonstrating the impact of their efforts, which limits their ability to make strong cases for future funds and the scale of their impact.



Case Study: Located in Pittsburgh, Pennsylvania, the mission of Program to Aid Citizen Enterprise (PACE) is to advance “a more equitable community by increasing the capacity of individuals, groups and organizations that challenge injustice”. In 2020, PACE conducted a nonprofit effectiveness study that examined organizations throughout Allegheny County. According to their findings, 66 percent of nonprofits in Allegheny County are in need of additional capacity building dollars - dollars that could be spent on the creation of DEIA data collection infrastructure and management. The study also found that nonprofits serving whiter communities received twice as many philanthropic grants than those serving communities of color (p 31).

Case Study: In the U.S., where data-sharing norms tend to be more offhand than in Germany, there are ample cases in which employees are similarly hesitant to share their personal data with employers. Despite 65 percent of companies evaluated by the LGBTQ advocacy group [Human Rights Campaigns' 2020 Corporate Equality Index](#) meeting every benchmark established, many employees do not feel comfortable coming out at work.

According to findings published by the Boston Consulting Group in 2020, 40 percent of LGBTQI+ identifying employees are in the closet at work, though 26 percent of that group wish they were out. Additionally, "75 percent have reported experiencing negative day-to-day workplace interactions related to their LGBTQ identity in the past year." The research also found that 36 percent of LGBTQI+ identifying employees had recently either lied or obscured some part of their identity ([BCG](#)).

DATA-DRIVEN DEIA INFRASTRUCTURE INVESTMENT RECOMMENDATIONS:

- Acknowledge historic and existing resource disparities that impact an organization's current ability to collect, analyze and utilize DEIA data.
- Determine the values that will guide data collection.
- Form cross sector partnerships between like-minded philanthropic, corporate, government and nonprofit organizations to supplement existing funding.
- Invest in the technological infrastructure for data collection and the staffing to support it.
- Commit to the provision of flexible, recurring revenue to maintain high quality data collection and analysis.
- Gather additional research and information regarding the prevalence of DEIA related positions in Germany and the U.S. to establish a baseline from which to improve.
- For more resources, consult this [Racial Equity and Philanthropy](#) study conducted by the Bridgespan Group for context on historic, intersectional funding disparities; the [Algorithmic Justice League](#) for definitions of equitable and accountable AI, which can be applied to values-aligned DEIA data collection; and the [PACE Nonprofit Effectiveness study](#) for capacity building related investment recommendations for philanthropic, government, and corporate funders.

Private Sector:

- Diversify the board, executive team, and leadership positions. These interventions can be pursued via personal relationships that don't require the "DEIA at scale" that generate interest in using personal data to solve problems. Diversity starts from the top, and organizations supporting DEIA efforts should practice what they preach by first diversifying from the top. Verbally affirming one's commitment to DEIA initiatives is second only to demonstrating that commitment firsthand.
- "Inclusion is the goal, diversity is the result. ([SHRM](#))"
- Create written guidelines for employees wanting to share feedback on these topics in a safe and supported manner ([Fastcompany](#)).
- Assign tracking attitudes and sentiments towards inclusion to management, not to HR, DEIA, or People Analytics ([HBR](#)).
- Report on inclusiveness regularly, so employees keep it top of mind and set goals publicly ([HBR](#)).

Government:

- Diversify executive team and leadership positions.
- Regular acknowledgment that the team must represent the population its serving.

Civil Society:

- Civil Society organizations in particular should set the standard by establishing and adhering to forward-thinking data use policies ([Our Data Ourselves](#)).
- How a given civil society organization promotes DEIA-related outcomes is specific to the mission and capabilities of the organization itself.
- In general, however, we recommend that CSOs recognize organizations performing well with respect to DEIA-related benchmarks and identify organizations failing to perform.
- Assessing organizations in a report card-like fashion can be effective as long as not all organizations are performing poorly. If some stand out, highlight the comparative advantages of DEIA-conscious organizations. Pair critiques of poorly performing DEIA organizations with constructive feedback and resources, perhaps offering to partner on a related initiative.



This project was generously funded by the Zeit-Stiftung Gerd und Ebelin Bucerius and builds on the 2019 series “Social Disruption: How to Confront the Fraying Social Fabric and Social Inequality in Germany and the U.S.?” The ACG collaborated with the ZEIT-Stiftung to facilitate an exchange through a series of events in five U.S. cities. The ACG hosted discussions on political polarization, fragmentation of society, and growing social inequity on both sides of the Atlantic.

The series continued in early 2020 with events focused on the digital divide and inequities in access to technology – and would have included additional events but the pandemic made it impossible to hold in-person gatherings.

From September 2021 until March 2022, the German-American Working Group on Diversity, Equity, Inclusion, and Accessibility convened regularly for discussions with outside speakers and advisors. Below is the schedule.

September 9, 2021 – Program Overview and Introductions

September 23, 2021 – Diplomacy and Inclusivity
Tiaji Sio, McCloy Fellow at the Harvard Kennedy School and founder of Diplomats of Color

October 21, 2021 – Systemic Racism in the United States and Germany
Chris Richardson, immigration lawyer and former U.S. Diplomat
Dr. Mischa Thompson, Director of Global Partnerships, Policy, and Innovation at the Commission on Security and Cooperation in Europe

November 4, 2021 – Gender Equity in Foreign Policy **Elmira Bayrasli**, Co-founder of Foreign Policy Interrupted and Director of Globalization and International Affairs Program, Bard College

November 11, 2021 – The Intersection of Diversity and Data
Varoon Bashyakarla, Data Scientist
Heather Dannyelle Thompson, Manager of Data and Research, enpact e.V.

November 18, 2021 – LGBTQI+ Rights on Both Sides of the Atlantic
Sarah Kohrt, LGBTI Platform Human Rights, Hirschfeld-Eddy-Stiftung

December 2, 2021 – Protections for Religious Minorities and Combating Xenophobia
Amy Berger, Assistant Regional Director, Dallas, American Jewish Committee

December 16, 2021 – Disabilities: Making German-American Relations Accessible to All
Helle Deertz, Advisor on Disability Education, Gesellschaft für Internationale Zusammenarbeit (GIZ)
Bernd Schramm, Head of Global Project "Inclusion of Persons with Disabilities", GIZ

January 13, 2022 – Regroup and Refocus: Inclusive Transatlantic Relations
Sascha Suhrke, Director/Head of Politics and Society, Zeit Stiftung

January 27, 2022 – Culture of Remembrance – Can the U.S. Learn from Germany?
Jacob Sebastian Eder, Professor of Modern and Contemporary History, Barenboim-Said Akademie

February 10, 2022 – Critical Race Theory in Education
Dr. Nicholas Boston, Associate Professor of Media Sociology, CUNY Lehman College

February 24, 2022 – War in Europe. Does DEIA Still Matter?

March 10, 2022 – Wrap-up Session. Where Do We Go from Here?