

## Germany 2025

### Information from: German Institute for Human Rights

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

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The German Institute for Human Rights was [reaccredited](#) with A-status in October 2023.

The SCA acknowledged the extensive work carried out by the GIHR to strengthen its human rights protection mandate, including through increased funding for monitoring, including the establishment of national rapporteur mechanisms on the Council of Europe Conventions on Violence against Women and Domestic Violence and on Trafficking in Human Beings, the development of an advocacy strategy for amending the GIHR law, and making permanent the National CRC Monitoring Mechanism. It encouraged the GIHR to continue to advocate for appropriate amendments to its enabling law to strengthen its protection mandate, for making permanent the two rapporteur mechanisms, and to strengthen and seek formalization of its engagement with the Federal Parliament including participation in Parliamentary hearings.

Further, with regards to the institution's selection and appointment process, acknowledging the continued engagement of the GIHR with the Parliament, the SCA encouraged the GIHR to continue to advocate for the formalization and application of a consistent and uniform process that includes requirements to publicize vacancies broadly, including in the context of the Federal Parliament's ongoing process of revising its rules of procedures.

Finally, the SCA encouraged the GIHR to continue its advocacy for the necessary changes in its governance structure with regards to political representatives on the Board of Trustees, as well as in relation to the term of office of the Board of Directors and accordingly amend the law.

### Follow-up to international and European actors' recommendations on NHRIs and relevant developments

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### **Broadening the human rights mandate**

The German Institute for Human Rights ("GIHR") continued to advocate for an amendment to its enabling law that would formalise its powers to access information and data specifically under its National Rapporteur Mechanism mandates on trafficking in human beings (EU Directive on preventing and combating trafficking in human beings and protecting its victims, Directive (EU) 2024/1712 and CoE Convention on Action against Trafficking in Human Beings) and on gender-based violence (CoE Convention on preventing and combating violence against women and domestic violence). Together with the permanent establishment of both mandates (currently, they are project-based), the GIHR's protection mandate would be significantly strengthened.

The GIHR also, together with the German NPM, developed and submitted to the Federal Ministry of the Interior and Community a concept for the establishment of a joint (GIHR – NPM) monitoring mechanism under the EU Pact on Migration and Asylum. The GIHR had approached the NPM and the ministry to advocate for an EU regulation compliant mechanism. Currently, the GIHR and NPM are negotiating the details of the mechanism's mandate and funding. If successful, the new mechanism would significantly strengthen the GIHR's protection mandate (investigative function, powers to access information and data, complaints handling function). According to the CEAS-time frame, the monitoring mechanisms has to be established and working by June 2026.

### **Formalization of engagement with the Federal Parliament**

The GIHR plans to take up this point in its advocacy efforts with the new parliament. The formalization of the engagement would require a change of the rules of procedure, something that might be more easily achieved at the beginning of the new term.

### **Selection and appointment of the members of the Board of Trustees**

The new four-year-term of the Board of Trustees started on 1 June 2024. As for previous appointments, the Board of Directors sent letters and held meetings with all appointing bodies. The Board of Directors reiterated the need for every appointing body to follow Paris Principles compliant procedures and ensure that Board of Trustees has a pluralistic membership. It remains that with different appointing bodies a consistent and uniform appointing process is neither possible nor desirable. However, the GIHR takes the view that each appointing process itself fulfils the Paris Principles requirements, albeit differing in the details.

### **Recommendations concerning the National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings**

The SCA recommended to make permanent the two National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings. Moreover, the CEDAW Committee in its [Concluding Observations](#) from 2023, encouraged Germany “to strengthen the mandate of the German Institute for Human Rights, granting it the authority to support and monitor the transparent, coherent and consistent implementation of the Convention throughout its territory.” While the GIHR continues to advocate for full implementation of the recommendations concerning the two National Rapporteur Mechanisms, until now, no further progress has been made by the state authorities.

## **Regulatory framework**

### Regulatory framework

The national regulatory framework applicable to the GIHR has not changed since January 2024.

## **NHRI enabling and safe space**

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As regards the awareness of the NHRI’s mandate, the GIHR notes that relevant state authorities have good awareness of the NHRI’s mandate, independence and role.

### **Access to information and policy makers**

Overall, access to information and policy makers is good. As recommended by the SCA, the engagement with the Federal Parliament should be formalized so that, e.g. any statement or recommendation submitted by the GIHR during the legislative process receives an item number and thus becomes part of the official documentation of a legislative process. Another possibility would be that the parliament extends a standing invitation to the GIHR.

The GIHR also advocated for a legal amendment that would strengthen the mandates of the two National Rapporteur Mechanisms, including guaranteeing access to data and information. Unfortunately, the government coalition ended before a legislative process regarding an amendment could start.

### **State authorities’ follow-up to the NHRI recommendations**

No measures or legislation have been put in place since 2022 to ensure timely and reasoned responses to NHRI recommendations. The addressees of the NHRI’s recommendations are not legally obliged to provide a timely and reasoned reply.

### **Resources to carry out the mandate of the NHRI**

After receiving a substantial increase of funding, the GIHR considers its resources currently to be adequate. However, the next government should quickly proceed to make the two National Rapporteur Mechanisms permanent (with the 2025 budget), in order to enable the GIHR to continue working on these issues (trafficking in human beings and gender-based violence). This is particularly necessary as the two bodies systematically collect data in order to monitor developments over time and evaluate the effects of laws and policies. In addition, project-based funding has the inherent weakness that the GIHR can only provide temporary contracts. This forces the GIHR to let go of the staff after six to eight years. This structurally weakens the work and permanently puts pressure on its staff. Project-based funding is also earmarked and often limited to a one to three years period. Ear-marked funding and short funding periods limit the GIHR's ability to react flexibly on emerging or pressing issues.

### **Functional immunity of the leadership and staff of the NHRI**

The GIHR itself does not enjoy immunity. No employee of a German public body enjoys immunity, not even the Federal President or the Federal Chancellor. This is in line with German constitutional law, particularly human rights law, according to which the state is liable for violations of the rights of natural or legal persons.

With respect to personal liability for actions taken in their official capacity, the GIHR Statute provides that the Board of Directors is liable towards the association only for intent or gross negligence (sec. 31.5 GIHR Statutes). Pursuant to general labour law in Germany, staff members of GIHR are not liable for actions taken in their official capacity, unless they act grossly negligent or with intent. The limited liability of the Board of Directors is equivalent to the liability of public office holders, including that of the Chancellor or Federal President. This is equivalent to the liability of all civil servants.

So far there has not been any instance in which German law and jurisprudence did not provide sufficient measures to protect and support the NHRI, including its staff. However, with the global rise of right-wing and reactionary forces, threats, harassment, and other forms of intimidation will rise.

### **Threats faced by the NHRI**

In 2023, the far-right AfD party introduced a [bill in the Bundestag](#) 'for the repeal of the law on the legal status and tasks of the German Institute for Human Rights,' which also aimed to withdraw its funding. In its reasoning, the bill claims that the DIMR has abandoned political neutrality and discredits voters, sympathisers, members and elected representatives of the AfD. The bill was referred to the competent committees by the Bundestag plenary. In January 2025, the AfD requested that the Committee on Human Rights and Humanitarian Aid reported on the status of the debate on the motion and

asked for a report. [The report](#) showed that the committee cancelled the motion several times. With the collapse of the government and the new elections, the bill fell into abeyance.

## NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The GIHR recommends that:

1. The federal parliament should make permanent the two National Rapporteur Mechanisms on trafficking in human beings and gender-based violence. It should also provide a legal basis for both mechanisms (see SCA recommendation).
2. The monitoring mechanism under the EU Pact on Migration and Asylum as proposed by the GIHR and the NPM should be established as soon as possible and sufficiently funded to make it fully functional by June 2026.
3. The federal parliament should change its rules of procedure to extend a standing invitation to the GIHR for parliamentary hearings and accept any written submission of the GIHR on draft laws as well as circulate them as official parliamentary documents (see SCA recommendation on formalisation of engagement).

## Germany 2025

### Information from: German Institute for Human Rights

## Human rights defenders and civil society space

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### Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The GIHR's human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, negatively impact on freedom of assembly, negatively impact on freedom of expression, criminalise human rights defenders' work as well as limit access to funding.

#### Excessive use of police force

GIHR identified a number of state measures that contradict or endanger liberty

rights. Of particular concern is the **excessive use of police force**, negatively impacting freedom of assembly. This applies in particular to actions against pro-Palestinian demonstrators, with the police being unable to strike a balance between appropriate measures against anti-Semitic extremism and the freedom to demonstrate. The GIHR has published a [report](#) on the consequences of October 7, 2023 in Germany, highlighting that antisemitic incidents in the form of discrimination as well as physical violence have increased significantly in Germany since October 7, 2023. Anti-Semitic slogans were also used at demonstrations resulting in police measures. GIHR criticised in its report that protest gatherings were often sweepingly described as ‘pro-Palestinian’, resulting in peaceful protesters against the Gaza war being equated with supporters of Hamas.

Media reports on protests in the context of the war reflect the polarised views of society: The German public-service television network [ARD](#) reported on the increased police measures against the background of the offences committed during the demonstration. The article quoted voices from the government of the federal state Berlin justifying these measures. On the contrary, the newspaper Taz focuses on the excessive use of police force against the peaceful exercise of freedom of assembly.

### **Adoption of new assembly law in Saxony threatens to stifle freedom of assembly**

Regarding a [new assembly law](#) passed by the German state of Saxony (Sächsisches Versammlungsgesetz vom 22. Juli 2024 (SächsGVBl. S. 724), [experts](#) find that some of the new provisions significantly curb or even threaten to stifle freedom of assembly ([Statement by Prof. Dr Clemens Arzt](#), pp. 24/25). The excessively broad police powers over third parties are criticised, with some provisions designed to legalise the intimidation of assembly personnel (“Ordner”) (ibid., pp. 18-20).

### **Criminal prosecutions against climate activist groups**

The criminal prosecutions against the climate activist group Last Generation raise strong concerns regarding the right of association and the criminalisation of the work of human rights defenders. As part of an investigation, the initial suspicion that the Last Generation was a criminal organisation was confirmed by Regional Court (Landgericht) Munich ([LG München, Beschl. v. 29.07.2024, Az. 2 Qs 33/23](#)). Civil society organisations such as the [Gesellschaft für Freiheitsrechte](#) and [Human Rights Watch](#) are concerned that a final ruling with this outcome would pave the way for the criminal prosecution of anyone participating in or supporting the Last Generation, including administratively or financially. In March 2025, the Munich Public Prosecutor General's Office [brought further charges](#) against five climate activists. Here, too, the accusation is that the Last Generation formed a criminal organisation.



## Countering hate speech, disinformation and extremism by the courts

German courts faced the challenge of countering hate speech, disinformation, extremism, including anti-Semitism, without unduly restricting the right to freedom of expression. The conviction of activist Ava Moayeri in August 2024 (Amtsgericht Tiergarten Berlin, judgment of 06.08.2024, Az. 261b Cs 1037/24) for chanting "From the river to the sea, Palestine will be free" during a Berlin rally reflects the restrictive approach to political slogans, which courts interpret as support for extremist organisations. In addition, [Human Rights Watch](#) expressed concern that a [German parliament resolution on combating anti-Semitism](#) may constrain civil society engagement and freedom of expression.

A delicate balance between the protection of democracy and freedom of expression and the press was brought to court in 2024 after the German Ministry of the Interior and Community de facto [banned](#) the far-right magazine Compact by prohibiting the company that publishes the magazine. Companies can also be banned by the Ministry of Interior under certain conditions, if they are f. ex. directed against the constitutional order within the meaning of Article 9 of the Basic Law and Section 3 of the Associations Act. The ban prohibited any continuation of previous activities. Although the magazine is suspected of holding anti-constitutional views, Germany's highest court has [suspended the ministry's decision in a procedure on interim measures of legal protection](#) pending a decision on the merits.

## Launch of an online platform to remove illegal content, hate speech and disinformation from online platforms

The German Federal Network Agency (Bundesnetzagentur) has launched the online platform '[Trusted Flagger](#)' under the Digital Services Act, aiming to remove illegal content, hate speech and disinformation from online platforms. However, the platform's conformity with constitutional rights is not uncontroversial. For example, it is [argued](#) that it creates a structural risk to freedom of expression: The Trusted Flagger often lacks the legal expertise and time to accurately assess the legality of online speech, potentially leading to unlawful content removal and a precarious lack of transparency.

## Adoption of the Draft of Tax Reform Act

In July 2024, the Federal Cabinet adopted the Draft of a [Tax Reform Act](#). It provided for non-profit organisations to be allowed to occasionally express [their views on day-to-day politics beyond their statutory purposes](#). In addition, the obligation to utilise funds in a timely manner was to be abolished. However, after the federal government's break-up in December 2024, only a shortened version of the law was passed in Bundestag and Bundesrat - [the clarifications regarding the permitted activities of non-profit organisations had been removed](#). The EU Commission had recommended reforming the **tax exemption for non-profit organisations** in order to overcome practical

challenges.

## **NHRI's support to women human rights defenders and LGBTQ+ human rights defenders**

In 2024, GIHR continued to support the Afghan Human Rights Defenders Scholarship of the Elisabeth-Selbert-Initiative initiated and funded by the Ministry of Foreign Affairs. The Institute also supported members of the former National Human Rights Institution of Afghanistan (Afghan Independent Human Rights Commission) and other human rights defenders, among them women human rights defenders. Three years after the take-over of the Taliban many human rights defenders in Afghanistan are still under a continuous threat to be exposed and persecuted by the Taliban regime. In 2022, the German government launched a Federal Admission Programme in order to facilitate the admission of Afghans at risk. Since the beginning of the programme, the Institute participated in the programme as a so-called 'reporting body' with the mandate to suggest and submit human rights defenders at risk to the programme to be admitted to Germany. Having been suggested for the programme, some human rights defenders and other particularly vulnerable persons, including LGTBIQ, fled to Pakistan hoping to be accepted to Germany. Due to budget negotiations and the early elections in Germany, the Federal Admission Programme for Afghanistan was suspended in 2024, leaving many protection seekers in Afghanistan and neighbouring countries in a dire situation. The GIHR [campaigned](#) for the continued funding and continuation of the programme.

## **Practices negatively impacting civil society and human rights defenders**

Practices negatively impacting civil society and human rights defenders  
The GIHR notes several concerning developments that seriously impact civic space. The GIHR's human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, such as verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment, intimidation, harassment or violence before, during or after protests, surveillance by state actors as well as strategic lawsuits against public participation – SLAPPs.

### **Attacks on civil society and human rights defenders**

Human rights organisation such as [HRW](#) and [amnesty international](#) as well as [media](#) reported on widespread violent attacks on civil society and human rights



defenders, committed both by the police at climate and pro-Palestine demonstrations as well as by individuals. Striking cases include attacks on journalists, such as an attack by three unknown persons on a [video journalist in Leipzig](#) who was covering a pro-Palestine demonstration, and a [journalist](#) who was assaulted by security officers after interviewing a Syrian musician.

Also “Bürgerbewegung Pax Europe” faced a [violent attack](#), a deadly knife attack during a protest in Mannheim. While the targeted group is known for its [anti-Islam activism](#) and is thus itself suspected of endangering civic space, the violent attacks may nevertheless illustrate a climate of fear for freedom of assembly.

### **Cutbacks in government funded programmes on promotion of democracy**

Civic space is under pressure due to cutbacks in government funded programmes on the promotion of democracy. With regard to the 2025 budget, the government discussed major cutbacks for [civil society projects in children's and youth work, political education and voluntary services across Germany](#). The government collapsed before the budget was finalised; it is still open which projects and which budget line will be cut in the future.

### **Rise in right-wing extremism and the polarisation of society putting pressure on CSOs**

[The umbrella organisation of mobile counselling teams against right-wing extremism](#) warns that the rise in right-wing extremism and the polarisation of society is putting further pressure on civil society organisations. [The right-wing extremist party AfD](#) has improved its electoral success in state and federal elections. The party has established itself as the parliamentary arm of a large network that wants to overthrow democracy in Germany, with [young people](#), in particular, becoming increasingly receptive to far-right ideas. [Against this backdrop, many activists feel abandoned by politicians in their efforts for democracy](#). Especially in regions where decision-makers play down right-wing extremism, the number of activists is decreasing.

In January 2024, [investigative research](#) uncovered plans by high-ranking AfD politicians, neo-Nazis and financially strong entrepreneurs who had concrete plans to expel millions of people from Germany (called “remigration” by AfD). This was followed by many large demonstrations against right-wing extremism throughout Germany. However, civil society involvement [was declining during 2024](#) amid the growing threat of right-wing extremism, requiring stronger safeguards.

### **Critical voices in the press towards civil society engagement**

Another factor that may have affected civil society engagement was [highly](#)

[critical voices in press](#) that criticised civil society engagement in the context of the debate on the Democracy Promotion Act. The funding program by the government for civil society engagement was [portrayed](#) by them as a purchase of loyalty by the state, non-governmental organisations were [depicted](#) as instruments of power for left-wing party politics - financed with taxpayers' money.

### **Strategic lawsuits against public participation (SLAPPs)**

Strategic lawsuits against public participation (SLAPPs) were a cause for concern during the reporting period. The civil society organisation [Ende Gelände](#) criticised the lignite company Lausitz Energie AG (LEAG) for seeking a wide-ranging court injunction against two environmental activists, including a potential fine of €250,000 per violation, as an attempt to silence dissent. [The court](#) ruled in favour of the activists, holding that the 'humane earth climate' is in principle a legal good that can give rise to a legal emergency (nothilfefähiges Rechtsgut) (Landgericht Cottbus, 26.09.2024 - 1 O 286/19).

In April 2024, a ["No SLAPP" initiative](#) was launched to provide legal assistance to those affected. The No SLAPP Alliance consists of several civil society organisations. It is a member of the Coalition Against SLAPPs in Europe (CASE), which is committed to the fight against SLAPP complaints at European level. The No SLAPP Contact Point project is funded by the Federal Government Commissioner for Culture and Media.

### **Federal Police Act under discussion**

A restructuring of the Federal Police Act has been [under discussion in the Bundestag](#) since March 2024. While the revision is to be welcomed in principle, there are plans to extend the possibilities for monitoring telecommunications and traffic data, as well as the localisation of mobile phone cards and terminals and the use of drones. A reinforcement of the powers of the federal police - which still provides for the possibility of racial profiling - is likely to have a deterrent effect on civil society actors.

### **Threats or attacks specifically against human rights defenders**

According to a representative [survey](#) conducted by Amnesty International in September 2024, 2,500 people have had the following experiences in the last 12 months in the context of their civil or social engagement: one in ten respondents said they had experienced threats of violence, and just under three percent said they had experienced physical attacks. More than a quarter of those affected have experienced insults. Around 10 percent report inadequate protection by the authorities, with the percentage in eastern Germany being significantly higher than in western Germany. Moreover, [people who have experienced discrimination are more severely affected in all categories](#).

## Transnational repression of human rights defenders

The GIHR is in regular contact with the CSO coalition on transnational repression, founded in August 2024. They report i.a. that a small number of Tajik opposition activists were surveilled, presumably by security officials working for the Tajikistan embassy, while protesting in Berlin in September 2023 on the occasion of the visit of President Rahmon. Within hours approximately 50 of their relatives and contacts in Tajikistan were [questioned and harassed](#) by security forces there.

In 2023 and 2024 three Tajik activists - [Abdullohi Shamsiddin](#), Bilal [Qurbanaliev](#) and [Dilmurod Ergashev](#) - were deported from Germany to Tajikistan and in each case immediately jailed on arrival. In two cases - Shamsiddin and Qurbanaliev - they were given prison terms of seven years or more, with no credible evidence presented to justify the prison terms. Ergashev remains in pre-trial detention.

In at least one case, of Shamsiddin, relatives [report](#) that he has been mistreated in jail. The German Foreign Office [is also fully aware](#) of the [severity](#) of the human rights situation in Tajikistan.

These Tajik citizens should not have been deported by German authorities due to the high risk of torture in Tajikistan. There is evidence that German and Tajik authorities work closely together to identify and process the Tajik citizens in Germany who are a priority for deportation, as indicated in a recent response to a set of [parliamentary questions](#) (also reported [here](#)).

## Initiatives, frameworks or policies for the protection of human rights defenders at national level

Germany has no comprehensive laws to protect the rights of human rights defenders. Although the [Federal Council](#) (Bundesrat) has initiated a legislative draft to introduce the new criminal offence of 'political stalking', the scope of application only includes public officials and elected representatives. These individuals are thus specifically protected, including when they protect human rights, while private individuals or those acting in a civil society capacity are not. Germany has a whistleblower protection law protecting people who report legal violations in companies, authorities or other organisations. The law is intended to prevent retaliatory measures such as dismissals, warnings or harassment against whistleblowers and was [extended in 2024](#) to cover organisations with at least 50 employees. ([Gesetz für einen besseren Schutz hinweisgebender Personen \(Hinweisgeberschutzgesetz – HinSchG\)](#)).

## Programs and initiatives for the protection and support of human rights defenders from abroad

The German government funds various programmes and initiatives for the

protection and support of human rights defenders. However, these are programmes that support activists from abroad, not those operating within Germany. For example, the [Elisabeth Selbert Initiative](#) offers human rights defenders at risk a safe place that they can use for personal recovery, coping with trauma and for professional development and networking. [The Martin Roth Initiative](#) aims to protect artists and cultural workers whose work is restricted by state or non-state actors through temporary protection stays in Germany or third countries and to ensure their continued work. [The Defending Voices Programme](#) for the Safety of Journalists helps to create safe working environments in Syria, Mexico and Brazil and to combat impunity for crimes against media professionals and is funded by the Federal Ministry for Economic Cooperation and Development.

### **Lack of adequate research on protection of woman human rights defenders**

The GIHR has not identified any gender-specific aspects in existing protection legislation. However, it notes that gender-based violence and oppression is a major concern as right-wing extremism and other anti-feminist movements spread nationally and internationally. There is thus a gender dimension to the general lack of adequate research on and protection of human rights defenders.

## **Activities of NHRI to support civil society space and Human Rights Defenders**

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The GIHR has taken several initiatives in 2024 to promote civil society space and human rights defenders.

The GIHR participated in roundtables. In June 2024, the GIHR organised an expert discussion with the CSO coalition on transnational repression. Moreover, the GIHR protects civil society space and human rights defenders (HRDs) also through capacity-building. For instance, in 2024, the GIHR continued to support the Afghan Human Rights Defenders Scholarship Program of the Elisabeth-Selbert-Initiative initiated through the Ministry of Foreign Affairs. The GIHR offered a fellow a two-month internship to gain insight into the work of the institute. The GIHR also organised a workshop for current fellows of the scholarship programme on the work of the Institute and on the European human rights system.

In the next legislative period, the GIHR will continue to communicate the importance of human rights defenders for democracy to the government and secure their funding.

## NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The GIHR recommends to national authorities to:

1. strengthen civil society organisations structurally: by modernising the law on non-profit organisations and adopting the Democracy Promotion Act (a draft has been submitted to the Bundestag, but since a new legislative period started, it fell into abeyance),
2. introduce complaints offices to provide preventive and retroactive protection mechanisms for attacks on human rights defenders, conduct research on better protection and causes for violence, provide legal assistance to victims, offer psychological support and ensure better visibility for the work and repression of human rights defenders,
3. counter threats against civil society groups and human rights defenders: Addressing the causes of the rise of the new right-wing extremism, as well as the question of the unconstitutionality of far-right groups and the consequences of prohibition.

The GIHR also recommends to European actors to:

1. adopt an EU directive to ensure better national protection of human rights defenders and create new narratives that valorise the work of civil society and the protection of people in vulnerable situations, especially in the area of migration and asylum,
2. strengthening EU programmes for political and human rights education, promoting democracy, strengthening civil society in order to counter right-wing extremist ideologies,
3. support awareness of transnational repression of HRDs / diaspora communities in member states.

## Germany 2025

**Information from: German Institute for Human Rights**

### Functioning of justice systems

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Based on the human rights monitoring and reporting, the GIHR identified significant challenges affecting access to justice and/or effective judicial protection in the areas of independence and impartiality of judiciary, delays in court proceedings, access to legal aid, professionalism, as well as specialisation

and training of judges.

### **Safeguarding the independence of the judiciary**

The GIHR has not identified any current cases in which the independence of the courts has been compromised. However, given the right-wing extremist tendencies in society as reflected in election results, the executive, the legislature and the judiciary face the challenge of **preventively safeguarding the independence of the courts**. Against this backdrop, several initiatives have been launched to strengthen the resilience of the German judiciary. In December 2024, the [Bundestag](#) voted in favour of enshrining key structural features of the Federal Constitutional Court in the [Basic Law](#) (constitution).

### **Reforming the criteria for the right to issue instructions to the Public Prosecutor's Office**

The Federal Ministry of Justice has presented a reform draft for the ministerial [right to issue instructions to the public prosecutor's office in individual cases](#). This is not intended to abolish the right to issue instructions but instead aims to standardise the existing criteria according to which ministers may issue instructions. The draft also provides for an obligation to document instructions in writing. [The German Federal Bar](#) welcomes the specific draft law almost in its entirety, while the right-wing extremist AfD parliamentary group introduces its own [bill](#) to end the right to issue external instructions to public prosecutors in the Bundestag. Due to the end of the government, the abovementioned law was not passed by the cabinet and therefore not introduced into parliament.

### **Preventing the collapse of the civil justice system**

A draft proposal by the CDU/CSU parliamentary group entitled '[Preventing the collapse of the civil justice system](#)' - creating effective regulations to deal with mass proceedings' was under discussion in the Bundestag. The draft refers to mass proceedings in civil law, which have been increasing for years and jeopardise the functioning of the judiciary. The discussion is in line with the criticism of citizens who, in [surveys](#), express basic trust in the judiciary but strongly criticise the fact that many proceedings take too long and the courts make inconsistent decisions. A [digitalisation reform of the justice system](#) in 2024 attempts to address these shortcomings.

### **Suspension of arms deliveries**

Access to justice was criticised in connection with the suspension of arms deliveries to Israel before administrative courts. After courts had refused to rule on the export licences because the deliveries had already been carried out, an action for an injunction regarding future arms deliveries was rejected by [Administrative Court of Berlin](#) because the Federal Government had stated that no further deliveries were planned (Administrative Court of Berlin, 4 L



148/24 (2024) (no 136), para 8). Due to the lack of an transparency regarding the authorisation of arms exports in advance, this creates a situation [in which legal recourse to the courts is de facto rendered impossible](#).

### **Challenges in access to justice disproportionately impacting women and marginalised gender groups**

Victim protection in the context of legal proceedings is deficient. In July 2024, the CDU/CSU parliamentary group introduced a [draft bill](#) to amend the Criminal Code and other laws to improve victim protection, particularly for women and vulnerable people such as people with disabilities and senior persons. The bill aims at strengthening the protection of vulnerable persons by introducing ‘taking advantage of physical superiority’ as a qualifying feature in some offences such as aggravated robbery and grievous bodily harm. The characteristic should also be taken into account as a criterion to qualify a homicide as murder. This means that acts of violence, especially against children, women, the elderly and people with disabilities, will be punished accordingly.

The bill was met with widespread criticism. Although experts shared the basic concerns of the bill, associations such as the [German Women Lawyers' Association](#) (djb) considered the proposals to be “largely ineffective, constitutionally questionable in parts and therefore symbolic.”

Moreover, also published in July 2024 was a [draft bill](#) by the Federal Ministry of Justice aimed at improving the protection of persons affected by violence in family court proceedings, strengthening legal aid and to amend other procedural regulations. The draft bill is intended to guarantee better protection for people affected by violence in family law court proceedings. [The National Reporting Mechanisms on gender-based violence of the GIHR, civil society organisations and associations criticise](#) that the protection provided by the current law falls short and that the draft bill does not fully implement the Istanbul Convention. (f.ex p. 17, p. 23, p. 24, p. 31). The risk of re-traumatisation when seeking court proceedings in connection with family court proceedings therefore remains a hurdle that disproportionately affects women and marginalised gender groups. The [National Reporting Mechanisms on gender-based violence of the GIHR](#) also criticises aspects of the regulation of an elective jurisdiction in the draft law.

In addition, in November 2024, the Federal Cabinet adopted the draft ‘[Act for a reliable support system for gender-specific and domestic violence](#)’ Violence Assistance Act (Gewalthilfegesetz). This was approved by the [Bundestag](#) and the [Bundesrat](#) in early 2025. It improves the provision of protection, counselling and support services for women affected by violence and their children. Through this structural improvement the law helps to reduce the barriers to access to justice for women. However, some regulations, especially

those requiring extensive structural adjustments, such as the expansion of specialised advice centres and the establishment of new shelters, are subject to a long transitional period and will not become legally binding until 2032. The GIHR welcomes the law as a milestone for the protection and support of those affected, as it guarantees uniform quality standards for women's shelters nationwide, their funding and a legal right to protection and counselling. The figures from the '[Monitor Violence against Women](#)', published by the National Rapporteur Mechanism on gender-based violence of the GIHR in December 2024, show how urgently this legal regulation was needed: The [figures reveal](#) how a dramatic gap in the provision of protection centres. Although the Violence Assistance Act is meant to counteract this fatal shortcoming, the GIHR's [National Rapporteur Mechanism on gender-based violence](#) criticizes the fact that the legal rights do not apply to all victims of gender-based violence. Trans men as well as intersex and non-binary persons are not covered, which contradicts the understanding of the Istanbul Convention, according to which 'gender' is not to be understood exclusively in the biological sense.

### **Activities of the GIHR to support implementation of the European Courts' judgment**

The GIHR has also taken several initiatives to support implementation of the European Courts' judgments, such as Rule 9 submissions to the Council of Europe's Committee of Ministers, referring to the judgments of European Courts in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, engagement with courts, as well as awareness raising of the general public.

In particular, on the occasion of the review of the case [Basu v. Germany](#) (Application no. 215/19), judgment by the Committee of Ministers of the Council of Europe in December 2024, the GIHR commented on the implementation of the decision in accordance with [Rule 9.2 of the Rules of the Committee of Ministers](#).

### **Measures to follow-up on recommendations issued by European actors**

The EU Commission recommends that Germany aligns the remuneration of judges and public prosecutors in accordance with European standards. In July 2024, the [Commission](#) stated that although some progress had been made, remuneration was still considered inadequate. The [German Association of Judges](#) also shares this criticism.

## **NHRI's recommendations to national and regional**

## authorities

NHRI's recommendations to national and regional authorities

The GIHR recommends to national and regional authorities to:

1. increase efforts to safeguard the independence of the Federal Constitutional Court,
2. introduce further structural reforms, focussing on constitutional courts on the federal level, but also court organisation and court personnel. These measures should aim at preventing power-accumulation and undermining of the constitutional justice system in the event of anti-democratic forces in government,
3. on the EU-level to strengthen initiatives that more closely link EU sanction mechanisms to rule of law requirements.

## Germany 2025

### Information from: German Institute for Human Rights

## Media freedom, pluralism and safety of journalists

Based on the human rights monitoring and reporting, the GIHR identified significant challenges affecting media freedom, such as decline in media independence, harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs), misinformation and/ or disinformation as well as access to public interest information/documents.

### Challenges to media freedom

In particular, the GIHR notes some concerning activities by both state and non-state actors seriously affecting the media freedom. Violent attacks on journalist have been reported during and in the aftermath of demonstrations. As mentioned in the section on “Negative practices against civil society and human rights defenders,” a [video journalist in Leipzig](#) who was covering a pro-Palestine demonstration was attacked by three unknown persons, and another [journalist](#) was assaulted by security officers after interviewing a Syrian musician.

Moreover, in the proceedings of the climate activist group ‘Letzte Generation’, which defended itself against interceptions of its press telephone by the police, the [Munich Regional Court](#) ruled against the activists (LG München, Beschl. v. 29.07.2024, Az. 2 Qs 33/23). According to the court, the police were allowed to

take wiretapping measures because there was an initial suspicion that the 'Last Generation' had committed the offence of forming a criminal organisation. Civil society organisations such as the [Gesellschaft für Freiheitsrechte \(GFF\)](#) have classified the measure as a threat to freedom of media.

The freedom of media was also put to the test by a court judgment against the editor-in-chief of the information and research platform FragDenStaat ("AskTheState"), Arne Semsrott. He was convicted under criminal law for publishing court documents (in connection with the Letzte Generation and Radio Dreyeckland cases mentioned here - see above and below) in accordance with Section 353d of the German Criminal Code (Berlin Regional Court, judgement of 18 October 2024 - 536 Kls 1/24). The [Gesellschaft für Freiheitsrechte](#) considers the provision in Section 353d of the German Criminal Code to be unconstitutional because it prohibits the publication of documents from ongoing criminal proceedings without exception and therefore disproportionately hinders free reporting and access to public interest information.

Freedom of the press was confirmed in a trial in June 2024, when the [Karlsruhe Regional Court](#) acquitted an editor of the radio station of the accusation that he had violated the prohibition of supporting a banned association by linking to an archive of the banned platform "linksunten.indymedia". The court emphasised that the linking was part of journalistic work and thus covered by the freedom of the press (Judgement of the 5th Criminal Chamber of 6 June 2024, 'Radio Dreyeckland' (Ref. 5 Kls 540 Js 44796/22)).

### **Measures to follow-up on the recommendations issued by European actors**

Germany [has not taken measures](#) in response to the EU Commission's recommendation to introduce a statutory right of access to information for the press to federal authorities, but merely referred to the Freedom of Information Act, in place since 1999.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The GIHR recommends to national and regional authorities to:

1. strengthen society's media literacy through education programmes to build trust in independent media and counter the decline in media consumption and the spread of fake news, disinformation and hate speech,
2. create a legal basis for a right to information of the press,

3. increasing financial support for civil society organisations supporting the freedom of media.

## Germany 2025

### Information from: German Institute for Human Rights

## Other challenges to the rule of law and human rights

### Reforms to the legislation on the lobbying register

Following recommendations from the EU Commission regarding better transparency in the German legislative process by disclosing all contributions from interest representatives, Germany has taken steps, in particular by reforming the [legislation on the lobbying register](#) (Gesetz zur Änderung des Lobbyregistergesetzes vom 15. Januar 2024). Lobbyists must now disclose whether they have held a political office or a high-ranking administrative position within the past five years. Former government members and senior officials are subject to a mandatory cooling-off period before engaging in lobbying activities. Additionally, members of parliament and government officials must provide more detailed disclosures of secondary income and corporate holdings to mitigate conflicts of interest. However, there is still a [need for action](#) regarding both the transparency of the legislative process during the parliamentary phase and revolving door effects between politics and business (<https://www.dbb.de/artikel/deutschland-muss-nachsitzen.html>).

### Discrimination in employment, education and housing as persisting structural human rights issues

Despite existing legal regulations at constitutional and statutory level, discrimination in areas such as employment, education and housing remain a persistent problem. In her [country report](#) on Germany, issued in March 2024, by then Council of Europe's Commissioner for Human Rights, Dunja Mijatovic, "notes that the high levels of poverty and social exclusion in Germany are disproportionate to the wealth of the country as Europe's largest economy". She issued her concern regarding "the persistent narrative in political discourse and the media that poverty or homelessness are caused by the affected individuals themselves, due to their choice, indolence or negligence." According to the Commissioner, such a narrative "hinders progress in ensuring effective access to social rights." She further notes the growing levels of inequality in Germany which threatens social cohesion and leads to "serious

concern among her interlocutors regarding the rise of the far-right in the political sphere, which, as many fear, threatens democracy in Germany.”

In recent years, rising rents, food and energy prices have become a financial burden for a growing number of persons in Germany – an issue which was also prominently discussed by the Council of Europe Commissioner for Human Rights in the abovementioned report. She particularly addressed the lack of protection from poverty and the protection gaps regarding the right to adequate housing. Trade unions, environmental and social organisations have warned that the social situation might [exacerbate social injustice and jeopardise solidarity and trust in democracy](#). Against the backdrop of the budget negotiations for 2025, such organisations were appealing to the German government [in an open letter](#) not to allow necessary investments in climate protection, social security, the promotion of democracy or the renewal of public infrastructure to be played off against each other.

The dismantling of the welfare state with severe austerity measures having been adopted in the reporting period primarily affects those already living in or at-risk of poverty. It threatens the realisation of economic, social and cultural human rights and, eventually, solidarity and trust in democracy. Coupled with the growing polarisation of society, with the far right offering simplistic solutions, this creates an increasingly anti-democratic climate.

The fear-inducing narrative of an overburdened state, particularly with regard to asylum and migration, but also with regard to social spending such as the provision of the minimum subsistence level, repeatedly overlays the human rights discourse. The instrumentalisation of emergency scenarios and crisis rhetoric promote extremist and populist as well as discriminatory narratives, jeopardise social cohesion and eventually weaken the rule of law.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The GIHR recommends to national and regional authorities to:

1. foster civic space by appreciating and recognising the specific function and the contribution of civil society organisations to democracy and the capacity of states to resist extremism. In the German context that includes reforming the tax exemption for non-profit organisations and improve the possibilities for funding of civil society projects,
2. combat fear-induced narratives that fuel hatred and that pit social security and migration issues against each other, and invest in social infrastructure to create a climate in which people do not feel abandoned and thus rebuild trust in the rule of law,



3. take measures to ensure that the guarantees of the rule of law are firmly established, both through constitutional reforms that further protect the independence of the judiciary, the separation of powers and the freedom of the media, and at European level through sanctions mechanisms that are more closely linked to the implementation of the rule of law by states.

