



Civic Space Report 2024

GERMANY

MAECENATA STIFTUNG



MAECENATA STIFTUNG



About the author

The Maecenata Foundation is an independent not for profit think tank, focussing on the civic space, civil society, civic engagement, and philanthropy. The foundation acts as an impartial watch dog and provides research designed to enhance an open society in Europe and beyond. It carries out its mission by means of four programmes: the Maecenata Institute, a research centre, the Tocqueville Forum, a dissemination and dialogue programme, the MENA Study Centre, and the Transnational Giving programme for cross-border donations.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

Read the full report at

civic-forum.eu/CivicSpace24

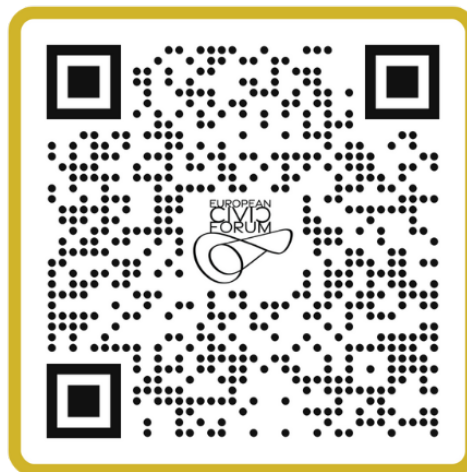


TABLE OF CONTENTS

KEY TRENDS	7
SUMMARY	7
INSTITUTIONAL, POLITICAL AND SOCIO-ECONOMIC LANDSCAPE	8
CIVIC FREEDOMS: REGULATORY ENVIRONMENT AND IMPLEMENTATION	9
FREEDOM OF ASSOCIATION	9
FREEDOM OF PEACEFUL ASSEMBLY	11
SAFE SPACE	12
FUNDING FOR CIVIL SOCIETY	14
CIVIL DIALOGUE AND THE RIGHT TO PARTICIPATION	15
CIVIL SOCIETY RESILIENCE	17
RECOMMENDATIONS	19
ABOUT THE AUTHOR	20

Key trends

- 🔍 **Freedom of peaceful assembly under pressure: through new laws, decisions by assembly authorities and police action.**
- 🔍 **Interference in journalists' work, far-right intimidation tactics, excessive surveillance, and threats targeting marginalised groups challenge the work of civil society.**
- 🔍 **Continued lack of specific forums for dialogue between the state and civil society at federal or state level.**

Summary

In the 2023 Rule of Law Report the European Commission recommended Germany to “Advance with the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents.” No progress has been made and challenges in this regard remain. The federal Freedom of Information Act of 2006, which is supposed to give citizens access to documents issued by federal authorities (and thereby guarantee transparency), contains too many exceptions (repeatedly used to reject inconvenient requests); the provision of information is sometimes refused or subject to a fee. Although the current federal government has promised to update the law and rectify its shortcomings, it has not yet begun to take action. Some federal states have their own laws of varying quality (others have none). There is a need to step up efforts.¹

The Commission also recommended Germany to reform the law on non-profit organisations in such a way that organisations have legal certainty as to which purposes are recognised as charitable and

¹ <https://transparenzranking.de/>

enable them to obtain tax-exempt status.² There has been no further progress to date, and it is unclear when the legislators will deal with it.

In some areas, the work of CSOs has become more difficult (particularly in sea rescue in the Mediterranean). Freedom of peaceful assembly has come under pressure in a number of ways: through new legislation, decisions by assembly authorities and police action. Other obstacles to civil society activities include interference in journalists' work, far-right intimidation tactics, excessive surveillance, and threats targeting marginalised groups. However, civil society is also (legally) defending itself against these constraints. The absence of clear legal guidelines on what qualifies as charitable continues to be a burden for CSOs – particularly in connection with political activity. On the one hand, they lack financial planning security; on the other, they may be forced to limit themselves in their political activities. Funding has also presented challenges in other aspects: due to cuts in state budgets and the decline in donations, civil society has to rely on less funding. Regarding civil society's political participation, the establishment of new formats for dialogue between civil society and the state, which would improve cooperation and the quality of decision-making, is still pending.

Institutional, political and socio-economic landscape

According to the GSoD Index, democracy in Germany is generally in a good to very good and solid condition when it comes to the parameters of representation, fundamental rights, the rule of law and participation.³ 656,888 registered civil society organisations existed in 2022, 94 per cent of which were registered associations; the number of organisations rose across all types of organisations.⁴ (In

² https://commission.europa.eu/system/files/2023-07/16_1_52572_coun_chap_germany_en.pdf

³ <https://www.idea.int/gsod/2023/>

⁴ https://www.ziviz.de/sites/ziv/files/ziviz-survey_2023_hauptbericht.pdf

addition, there is also an unknown number of unregistered associations and foundations.) 73 per cent of the organisations work only with volunteers and have no paid employees.⁵ In principle, civil society finds very good framework conditions for its activities, but some limitations exist, as described below.

Due to the general overload of the courts, there are sometimes long delays in processing online offences. The sluggish legal processing and the resulting perceived lack of punishment and consequences encourage the spread of hate speech and other attacks online, which have a negative impact on the mental health, productivity and safety of those involved.

A register of donation recipients, opened by the tax authorities on 1 January 2024, is expected to enable the automatic transfer of donation information to the tax authorities and make written receipts superfluous in the future. This will simplify the work processes of non-profit organisations.

Civic freedoms: regulatory environment and implementation

Freedom of association

Freedom of association is well established, although conflicts regarding the compatibility of non-profit status and political activity remain. There are still no clear legal provisions on the purposes recognised as charitable – nor are there clear rules on their uniform interpretation by the tax authorities. (Over 80 different purposes are listed in the Federal Tax Code.) The revocation of the non-profit status – and in particular the (long) waiting times for a decision from the tax authorities – limit CSOs' ability to plan or may even put them in a financially threatening situation (due to falling donation revenues, subsequent tax payments and the exclusion from state funding). Many associations and foundations do not have the means to get involved in lawsuits over their charitable

⁵ https://stifterverband.shinyapps.io/ZiviZ_Survey/

status. In 2023, five per cent of organisations stated they were reluctant to voice political views due to concerns about their non-profit status.⁶ However, these figures do not mean that 95 per cent of organisations are politically active, regardless of any negative consequences for their non-profit status. Rather, it can be assumed that the proportion of those who seek to engage in political activities is much lower – and therefore the proportion of those who limit themselves in doing so is proportionally much higher than five per cent. Legislators continue to fail to provide a legally secure revision of the law on non-profit organisations.

Some entities were banned for violating the law on associations: *Hamas* and *Samidoun* in connection to Hamas' attacks on Israel from 7 October (i.e. for activities against the idea of international understanding).⁷ The far-right associations *Die Artgemeinschaft* and *Hammerskins Deutschland* were banned on the same grounds and for activities against the constitutional order.⁸

Activists of the climate protection movement Last Generation were raided on suspicion of forming a criminal organisation, the press telephone was tapped (which affected the communication with journalists), and donation accounts were confiscated. The web site was also confiscated, and a warning notice was briefly posted on it by authorities stating that Last Generation was a criminal organisation and that donations to the group would be considered support for a criminal organisation – the latter is equivalent to a prior conviction.⁹ These measures have a deterrent effect in terms of commitment to Last Generation, but also to climate protection itself.¹⁰

The so-called "Repatriation Improvement Act," which will come into force in 2024 and is primarily intended to facilitate the deportation of refugees, contains serious infringements of refugees' fundamental rights as well as the provision that humanitarian aid for refugees (such as sea rescue) will be treated the same as the criminal offence of smuggling and is thus criminalised. The threat of serious criminal prosecution is likely to restrict the work of humanitarian organisations.¹¹

⁶ https://www.ziviz.de/sites/ziv/files/ziviz-survey_2023_trendbericht.pdf

⁷

https://www.bundesanzeiger.de/pub/publication/M0JVrk5Qop55DhqscjE/content/M0JVrk5Qop55DhqscjE/BAanz_per_cent20AT_per_cent2002.11.2023_per_cent20B10.pdf,

<https://www.bundesanzeiger.de/pub/de/amtlicher-teil?0&edition=BAanz+AT+02.11.2023>

⁸

<https://www.bmi.bund.de/DE/themen/sicherheit/extremismus/vereinsverbote/vereinsverbote-artikel.html>

⁹ <https://www.ito.de/recht/hintergruende/h/letzte-generation-webseite-beschlagnahmt-gekapert-warnung-polizei-staatsanwaltschaft-muenchen-razzia/>

¹⁰ <https://verfassungsblog.de/wie-man-eine-kriminelle-vereinigung-macht/>,

https://verfassungsblog.de/manovrieren-an-den-grenzen-des-per_centc2_per_centa7-129-stgb/

¹¹ <https://www.proasyl.de/pressemitteilung/zivilgesellschaftliches-buendnis-warnt-vor-kriminalisierung-von-seenotretterinnen/>,

<https://www.ito.de/recht/hintergruende/h/entwurf-aufenthalts-gesetz-seenotrettung-straftbarkeit-rechtsgutachten/>

Freedom of peaceful assembly

Some police laws and assembly laws have been amended and restrict fundamental rights. Planned updates to the Federal Police Law provide for the introduction of written reporting requirements to the police, but criteria remain vague and lack proportionality.¹² The new Passport Law maintains a provision regarding the freedom to leave the country that is not defined sufficiently and therefore susceptible to interpretation and introduces criteria that violate fundamental rights (like the aim to prevent participation in extremist events).¹³ Both laws interfere with freedom of action and allow the right to freedom of assembly to be violated. The assembly law in North Rhine-Westphalia, for example, determines a number of restrictions on the freedom of peaceful assembly (including a ban on counter-demonstrations, a ban on joint preparations for demonstrations, a ban on demonstrations on motorways and the authorisation of general – including secret – video surveillance of assemblies and unlimited storage of this data), which contradict the Constitution.¹⁴

Increasingly, preventive detention has been imposed on climate activists to prevent them from protesting (up to 30 days in Bavaria).¹⁵ These measures are disproportionate, and misuse a legal provision intended to prevent serious crime such as terrorist attacks.¹⁶ After 7 October (the Hamas attack on Israel and the subsequent war between Hamas and Israel), 10 per cent of protests in solidarity with the Palestinian people and against Israel had been banned by 13 November¹⁷ on the assumption that legal rules would not be complied with (such as refraining from incitement). Several of the bans were not upheld in court; sometimes banned demonstrations took place independently of court decisions. Several cities have issued a general ban specifically for unannounced street blockades in relation to climate protests, but the lawfulness of these bans is in question.¹⁸

¹² <https://freiheitsrechte.org/uploads/publications/Demokratie/2023-07-03-Stellungnahme-zum-Pass-Ausweis-und-Dokumentenwesen.pdf>,
<https://freiheitsrechte.org/themen/demokratie/ausreiseverbot>

¹³ <https://freiheitsrechte.org/uploads/publications/Demokratie/2023-07-03-Stellungnahme-zum-Pass-Ausweis-und-Dokumentenwesen.pdf>,
<https://freiheitsrechte.org/themen/demokratie/ausreiseverbot>

¹⁴ <https://freiheitsrechte.org/themen/demokratie/vb-versammlungsrecht-nrw>

¹⁵ <https://www.spiegel.de/politik/muenchen-vor-der-iaa-immer-mehr-klimaaktivisten-in-bayerischer-praeventivhaft-a-88743eda-2066-4df4-b949-bae7ebdb5e11>

¹⁶ <https://www.morgenpost.de/politik/article239382747/bayern-muenchen-letzte-generation-polizei-iaa.html>

¹⁷ <https://www.tagesspiegel.de/berlin/innensenatorin-spranger-gibt-zahlen-bekannt-berlin-ist-die-hauptstadt-der-palastina-demos-10770844.html>

¹⁸ https://www.greenlegal.eu/wp/wp-content/uploads/2023/12/GLI_Green_Legal_Spaces_Report_2023_20231201.pdf

During the eviction of the village of Lützerath (for lignite mining) which was occupied by climate activists, the police used excessive force.¹⁹ In the course of police use of force in general, there has been an (uncontrolled) increase in the use of pain grips (e.g. against demonstrators during sit-in blockades), even when milder means are available.²⁰ Investigations into police misconduct are inadequate and the rate of indictments is far below the average for preliminary proceedings.²¹

Safe space

Civil society activities are hampered above all by interference with the work of journalists, intimidation attempts by the far-right, disproportionate surveillance measures and threats against marginalised groups.

Journalists are increasingly confronted with attacks (in the context of conspiracy theories, antisemitism and the far right, particularly at demonstrations), insults and threats in the course of their work. They do not receive adequate protection from the police and judiciary; in some cases, they have even been attacked by the police, criminalised (in one case by a raid) or prevented from reporting.²² Several of these restrictions occurred during the eviction of Lützerath (see above).²³ In one case, a customs officer forwarded the blocked address of a journalist researching right-wing extremism to a right-wing extremist; this had only minor consequences for the officer.²⁴ In Thuringia, the police investigated a photographer who has been documenting the activities of the far right for many years for making use of the symbols of unconstitutional organisations, as these can be seen in some of his photos due to the chosen subject area.²⁵ The police had previously expressed their displeasure towards the photographer because his photos were used on an internet platform that

¹⁹

https://www.grundrechtekomitee.de/fileadmin/user_upload/Entscheidung_fuer_Gewalt._Bericht_Demobeobachtung_Luetzerath_2023.pdf

²⁰ <https://verfassungsblog.de/schmerzgriffe-als-technik-in-der-polizeilichen-praxis/>

²¹ https://content-select.com/de/portal/media/download_oa/9783593454382/?client_id=407

²² <https://www.reporter-ohne-grenzen.de/nahaufnahme/2023>

²³ <https://dju.verdi.de/presse/pressemitteilungen/++co++ddf0cf54-94e3-11ed-bb07-001a4a160116>

²⁴ <https://www.zeit.de/gesellschaft/zeitgeschehen/2023-09/verstoss-gegen-datenschutz-timo-buechner-journalismus-neonazi-rechtsextremismus>

²⁵ <https://www.spiegel.de/panorama/justiz/eisenach-wie-die-polizei-einen-fotografen-bedraengt-der-bilder-von-neonazis-machte-a-0ab91a4b-f124-4eb1-bf47-1482dd90610c>

Civic Space Report 2024

also criticised the police's negligent handling of the militant right. Against this backdrop, the fabricated accusations must be seen as an obstruction of journalistic work and therefore an attack on the freedom of the press.

From the ranks of the far-right AfD party, attempts are being made to prevent civil society engagement against right-wing extremism through intimidation or appeals for the withdrawal of funding.²⁶ The cultural sector is also the target of such attacks from the far-right, as it is identified as an opponent in the endeavour to achieve far-right hegemony.²⁷ Legal attempts to intimidate civil society actors mainly originate with right-wing extremist circles, which seek to undermine commitment to democracy and fundamental rights i.a. by demanding injunctions and warning costs.²⁸ Intimidation is also attempted especially from the far-right spectrum through doxing²⁹, widely used online insults and (death) threats³⁰ or physical violence³¹ against civic actors. Climate activists were often attacked by motorists and passers-by during road blockades.³²

Police surveillance restricted fundamental rights in individual cases and in some places systematically. After a far-right politician reported a journalist for defamation, the police collected the journalist's data and stored it in a nationwide database of politically motivated offences.³³ The journalist was thus criminalised beyond the original accusation. A court ruled that this data storage was illegal. The Last Generation movement in particular was the target of police surveillance measures.

²⁶ Hummel, S. (2023). Civil Society in Germany: Contested spaces in times of rapid change. In S. Hummel & R. G. Strachwitz (Eds.), *Contested Civic Spaces: A European Perspective*. Maecenata Schriften: Vol. 22. (pp. 115–132). De Gruyter Oldenbourg, pp. 120-126, <https://www.tagesspiegel.de/politik/eine-starke-zivilgesellschaft-fehlt-hier-das-ehepaar-eckstein-und-der-rechte-hass-im-erzgebirge-9541751.html>, <https://www.nrwz.de/rottweil/die-afd-will-unserer-demokratie-an-den-kragen/418006>, <https://www.pad-berlin.de/aktuelles/1147-2023-11-08-erklaerung-berliner-sozialer-organisationen.html>

²⁷ <https://www.demokratie-leben-aachen.de/de/aktuelles/detail/volkstheater>

²⁸ https://www.idz-jena.de/fileadmin/user_upload/Publikationen/Dunkelfeldstudie_GegenRechtsSchutz..pdf, <https://fragdenstaat.de/blog/2023/06/20/im-ersten-moment-war-ich-einfach-nur-uberfordert/>

²⁹ https://www.idz-jena.de/fileadmin/user_upload/Publikationen/Dunkelfeldstudie_GegenRechtsSchutz..pdf

³⁰ <https://hateaid.org/rechtsextremismus-und-klima/>, <https://www.tagesschau.de/inland/regional/berlin/rbb-umwelthilfe-wehrt-sich-mit-musterklage-gegen-hass-auf-facebook-100.html>

³¹ <https://www.ndr.de/nachrichten/mecklenburg-vorpommern/Protest-gegen-Fluechtlingsunterkunft-in-Greifswald-eskaliert,greifswald462.html>, <https://www.faz.net/aktuell/gesellschaft/kriminalitaet/halle-angriff-auf-mehrere-csd-teilnehmer-19164656.html>

³² <https://www.stern.de/panorama/verbrechen/letzte-generation--zahlen-zur-gewaltbereitschaft-gegenueber-klimaaktivisten-33806952.html>

³³ <https://www.reporter-ohne-grenzen.de/nahaufnahme/2023>

The commitment to women's rights was met with rejection also on a meta-level: a reporting centre for antifeminism is widely opposed (with false claims) by the conservative to right-wing spectrum.³⁴ With reference to the recent events in the Middle East, Jewish organisations are being threatened, so that sports clubs, for example, are considering suspending their activities.³⁵ In general, activists for women's, LGBTQI+, or minority rights are repeatedly targeted by hate speech, discrimination, threats and attacks, and in some regions face particularly strong hostility. This sometimes leads to activists retreating or even changing location.³⁶ Mostly, such harassment is not reported, especially if occurred online, as reporting means a large expenditure of organisational or emotional resources for those affected. A planned law on the prosecution of "digital violence" is intended to make it easier or possible in the first place for those affected to defend themselves – however, the draft still shows various gaps as well as shortcomings with regard to the protection of fundamental rights.³⁷

Funding for civil society

The substantial savings targets for the 2024 federal budget led to cuts in funding, a reduction or cancellation of programmes and the departure of experienced staff. This is particularly relevant as state funding is by far the largest source of civil society funding in Germany.

The prevailing inflation and recession also contributed to a decline in donations. Unfortunately, no authoritative data exists. The *Deutscher Spendenrat* found that €5 billion had been donated in 2023³⁸, approx. 700 million less than in 2022. The *Deutscher Spendenmonitor* calculated a decline in total donations from €6.3 billion to €5.8 billion for the twelve months from December 2022 to November

³⁴ <https://www.cducsu.de/presse/pressemitteilungen/denunzieren-und-diffamieren-auf-staatskosten>,

https://www.achgut.com/artikel/meldestelle_antifeminismus_toxische_weiblichkeit

³⁵ <https://www.deutschlandfunk.de/krieg-naher-osten-juedische-sportvereine-umgang-bedrohung-100.html>

³⁶ <https://www.tagesspiegel.de/berlin/63-jahriger-gesteht-anschlagsserie-berlins-burgermeister-evers-fordert-solidaritat-gegen-angriffe-auf-queere-einrichtungen-10316245.html>, <https://www.belltower.news/csd-zwickau-sichtbar-queer-prekaer-in-sachsen-152711/>

³⁷ <https://www.bho-legal.com/gesetz-gegen-digitale-gewalt-bundesjustizministerium-veroeffentlicht-eckpunktepapier/>, <https://netzpolitik.org/2023/digitale-gewalt-bundesregierung-im-blindflug/>

³⁸ <https://www.spendenrat.de/wp-content/uploads/Downloads/Bilanz-des-Helfens/bilanz-des-helfens-2023-deutscher-spendenrat.pdf>

Civic Space Report 2024

2023 (a drop of 8 per cent compared to the previous survey period).³⁹ DZI and DIW calculated a donation volume for 2022 that is around twice as high using a more comprehensive survey design⁴⁰ and expect a comparable figure for 2023.

The aforementioned withdrawal of the non-profit status can cause financial difficulties for organisations, as they receive fewer donations and can no longer receive public or philanthropic funding.

Since 2022, the Federal Government compiled a federal engagement strategy, in which civil society was involved to a minimal extent in the drafting process. The aim of this comprehensive strategy is to organise and coordinate political measures in such a way as to strengthen voluntary engagement and thus civil society's capacities to act.

The planned Democracy Promotion Act – primarily a large funding programme for CSOs working to promote democracy, human rights and the rule of law – has been on hold for several months due to disagreements within the governing coalition over details.

Civil dialogue and the right to participation

As reported in our previous submission, there are still no explicit fora for dialogue between the state and civil society at federal or state level in Germany, while they do occasionally exist at local level. Dialogue with governments is traditionally maintained by umbrella organisations, which represent different areas of civil society, e.g. for sport or humanitarian organisations. CSOs not aligned with such umbrella organisations usually have very limited access to decision-makers. While some overarching structures like the *Bundesnetzwerk Bürgerschaftliches Engagement (BBE)*, the federal civic engagement network exist, there is no network or organisational frame that encompasses all areas of civil society activity. A network of umbrella organisations, *Bündnis für Gemeinnützigkeit*, exists, but is weak, having no financial resources and requiring unanimous decisions for any move put forward.

³⁹ <https://www.dfrv.de/blog/2023/11/29/pressemitteilung-deutscher-spendenmonitor-2023-6-weniger-spendeneinnahmen-in-deutschland/>

⁴⁰ <https://www.dzi.de/wp-content/uploads/2023/12/DZI-Spenden-Almanach-2023.pdf>

A governmental body, *Deutsche Stiftung für Engagement und Ehrenamt (DSEE)*, established by an act of the federal parliament in 2020, strives to be an interface between CSOs and local, state, and federal governments and has established some forms of dialogue, but remains heavily government controlled.

An institutionalised and comprehensive strategy for the integration of the civic space into the public sphere beyond the very traditional mechanisms of hearings is lacking. Dialogue between government and civil society, as announced in the 2021 coalition agreement, has not yet materialised. This is underpinned by the fact that the political parties and the traditional media for that matter – have to date failed to adopt a modern state-of-the-art concept of civil society and the civic space. E.g., while politicians on official visits abroad now regularly hold meetings with “civil society,” they neither disclose whom they are actually meeting nor involve German CSOs or civic space experts in these talks. With few exceptions, they show little interest in such meetings at home.

On the other hand, there is an increasing interest from politicians in organising citizens’ councils, town hall meetings, and assemblies as meaningful extensions of representative democracy. However, little attention is paid to choosing the right format. Habitually, they include a randomly composed group of citizens who discuss major political issues and propose (non-binding) policy recommendations. No effort is made to integrate such one-off projects into a comprehensive strategy of rendering democracy more resilient. Also, a tendency to crowd out organised civil society by such activities may be observed.

The participation of civil society in the run-up to legislative procedures or other decisions is often weakened or made virtually impossible by the fact that the deadlines for consultation are set too short (one to two weeks or just 24 hours) to submit relevant statements.⁴¹ Smaller CSOs in particular find it difficult to organise participation.

As described above, freedom of information laws provide different conditions for access to information and sometimes withhold access to information that should be available. In addition, such access can be made more difficult if exemptions are wrongly used by authorities as a pretext to not provide information.

⁴¹ <https://www.proasyl.de/pressemitteilung/immer-brutalere-abschiebungen-pro-asyl-lehnt-das-sogenannte-rueckfuehrungsverbesserungsgesetz-ab/>, <https://netzpolitik.org/2023/bnd-gesetz-bundeskanzleramt-simuliert-verbaendebeteiligung-mit-24-stunden-frist/>

Civil society resilience

In several instances civil society has turned to the legal system for recourse when fundamental rights are being violated. The *Gesellschaft für Freiheitsrechte* (GFF) sued the Federal Office for Migration and Refugees (BAMF) over its practice of retrieving of asylum seekers' mobile phone data to establish their identity and nationality, and this practice has been declared unlawful.⁴² The GFF was also successful with a constitutional complaint against changes to police law in Mecklenburg-Vorpommern: the new surveillance powers were declared unconstitutional.⁴³ Reporters Without Borders and the GFF have filed a second constitutional complaint against the revised Federal Intelligence Service Act which enables the service to obtain metadata on journalists' confidential communication and fully monitor non-EU citizen journalists abroad – which exposes their sources and potentially affects their work.⁴⁴ The GFF also filed a lawsuit against the unlawful use of pain grips against peaceful protesters, as this violates fundamental rights⁴⁵ – and another lawsuit against Meta for automatically scanning messenger chats which violates privacy.⁴⁶

The importance of civil society for the promotion and preservation of democracy is widely recognised: a majority of citizens are in favour of long-term financial support for civil society for this task.⁴⁷ When it comes to the ability of organised civil society to create a positive future, young adults in Germany are slightly less confident than in other European countries; however, they see more potential in grassroots actors.⁴⁸ Civil society is not generally accepted as a partner by the state and the extent of cooperation varies depending on the organisation, field of action and the authority involved.

⁴² <https://freiheitsrechte.org/themen/freiheit-im-digitalen/refugee-daten>

⁴³ <https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-erfolg-sog-mv>

⁴⁴ <https://rsf.org/en/second-constitutional-complaint-against-germanys-federal-intelligence-service-act>

⁴⁵ <https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/gff-erhebt-klage-gegen-rechtswidrigen-einsatz-von-schmerzgriffen-bei-friedlichen-demonstrationen>

⁴⁶ https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm_chatkontrolle_facebook

⁴⁷ https://www.dezim-institut.de/fileadmin/user_upload/DeZIM/Grafiken/Publikationen/DeZIM-Briefing-Note-Demokratie-05-2023/Kleist-Weiberg-Sch per centC3 per centB6ll_Mehr-Demokratie-f per centC3 per centB6rdern_DeZIM-Briefing-Note.pdf

⁴⁸ <https://allianzfoundation.org/study/movers-of-tomorrow/>

CSOs join to form associations in order to represent their interests and maintain a more efficient exchange, but they also cooperate in networks that do not involve their core activities, e.g. to campaign for fundamental rights, the promotion of volunteering or legal provisions for better framework conditions for civil society.

The planned federal engagement strategy would enable the state to harmonise its measures in such a way that CSOs would receive more effective support. The Democracy Promotion Act, if passed, might also form an important part of an enabling framework for civil society. There are an immense number of government agencies that in some way liaise with civil society. However, relations are commonly restricted to regulation and grant procedures. Therefore, the establishment of the DSEE (see above) by the state as an exchange and support format is an offer with potential – as long as the state does not seek to control civil society in the process.

Recommendations

Targeted recommendation:

🔍 Fundamentally update the fiscal framework for non-profit organisations

- 🔍 Reform police laws and assembly laws at federal and state level in line with fundamental rights; ensure strict compliance - also in the case of demonstration bans.
- 🔍 Create independent complaint bodies that enable effective monitoring of police practice and exercise investigative powers.
- 🔍 Define the offence of resistance against law enforcement officers more precisely and provide a threshold of seriousness.
- 🔍 Provide a copy of any video recordings made by the police during demonstrations or arrests to an independent body immediately afterwards.
- 🔍 Prevent police officers who give evidence in court from inspecting the relevant file beforehand (so that their status as witnesses is not invalidated).
- 🔍 Create a suitable legal basis to prevent SLAPPs.
- 🔍 Improve and supplement the laws that apply to the deletion and prosecution of attacks and hate speech online, ensure their compliance with fundamental rights, implement existing laws more effectively and simplify procedures for those affected.
- 🔍 Co-create participatory platforms such as councils, town hall meetings and assemblies with CSOs, and establish these formats for the long term.
- 🔍 Update freedom of information regulation at federal and state levels.



About European Civic Forum

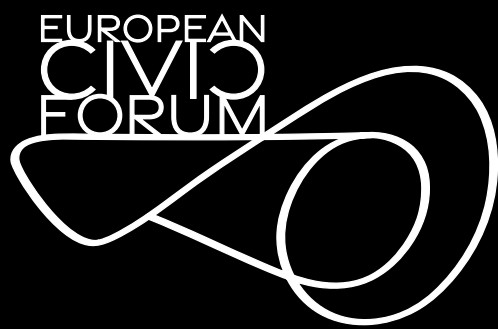
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



CIVIC-FORUM.EU



CIVICSPACEWATCH.EU



**Co-funded by
the European Union**