



ECF Rule of Law contribution 2025

Germany

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Key civic space trends

- CSOs continue to encounter legal uncertainty over the congruence between non-profit status and political engagement
- Members of the far-right AfD party intimidate civil society by systematically reporting organisations to tax authorities for alleged political activity
- Concerning restrictions on the right to peaceful assembly for climate and Palestine solidarity movement

Summary

Civic space in Germany is rated as “narrowed” by the CIVICUS Monitor. The European Commission’s 2024 Rule of Law report recommended that the German government “take forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice...”. The German government has made no progress in implementing this recommendation. The Tax Update Act, which was passed by the Federal Cabinet in July 2024, contains only a very vague reformulation. As a result, there is still no clear legal provision on the purposes recognised as charitable, nor are there clear rules on their uniform interpretation by the tax authorities.

In 2024, civic freedoms in Germany have further deteriorated. Civil society has expressed concerns over restrictions on the right to association, peaceful assembly, and expression. Police brutality against climate groups and the Palestine solidarity movement is a concern. Members of the far-right Alternative for Germany (AfD) party continued their intimidation tactics against CSOs by systematically reporting non-profit organisations to tax authorities for alleged political activity. The overall framework conditions for the financial viability and sustainability of CSOs remained unimproved in 2024, with a considerable number of CSOs experiencing systemic precariousness. On a positive note, the Bundestag passed a new self-determination law that enables transgender and non-binary individuals to change their legal documents to align with their gender.

Institutional, political, and socio-economic landscape

The state of democracy in Germany appears to be in a good to very good condition. It performs highly across all categories of the Global State of Democracy (GSoD) Index, with the exception of those pertaining to freedom of religion and freedom of association and peaceful assembly, where it achieved a mid-range ranking.¹ Germany ranks within the top 15 in all indices of the V-Dem Institute at the University of Gothenburg, and has demonstrated an improvement in its ranking compared to the previous year.² While civil society organisations (CSOs) find the framework

¹ <https://www.idea.int/democracytracker/country/germany>

² https://www.v-dem.net/documents/43/v-dem_dr2024_lowres.pdf
[V-dem democracyreport2023_lowres.pdf](#)

conditions for their activities to be very good, there are clear indications of deteriorations of civic space.

Firstly, an alternative perspective on Germany's democracy is presented by the assessments of other institutions. The CIVICUS Monitor, a global index monitoring the state of civic space, downgraded Germany's civic space rating in 2023 to "narrowed". For 2024, Germany is still in this category.³ The European Commission's 2024 Rule of Law report also corroborates this deterioration, citing restrictions on the right to protest and other civic freedoms.⁴

Secondly, the federal government has failed to enact legislation that would improve conditions for CSOs. This was a promise made by the coalition in 2021.⁵ The prevailing conditions for CSOs have deteriorated further due to multiple crises that have led to social insecurities and placed democratic co-existence and its fundamental values under pressure.⁶ Populism, anti-migrant sentiment and racism have surged, including a sharp rise in Islamophobic and antisemitic crimes in 2024.⁷ Instead of taking decisive action to counter the rise of the far-right Alternative for Germany (AfD) party, some mainstream political parties have indulged far-right, racist, anti-migrant narratives⁸ and have begun to question human rights, guaranteed by the Basic Law in Germany.⁹ For example, the conservative party CDU demanded in its 2024 policy programme that people seeking protection in Europe should no longer receive protection under the Geneva Refugee Convention and European law.¹⁰

It is evident that these developments will continue to have a significant impact on CSOs and civic space in general. The Edelman Trust Index reveals a slight one-point drop in overall trust, from 46 in 2023 to 45 in 2024. This score is categorised as 'distrust'. The trust placed in NGOs is even lower,

³ <https://monitor.civicus.org/presscentre/germany/>; <https://monitor.civicus.org/country/germany/>

⁴ https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900_en?filename=16_1_58059_coun_chap_germany_en.pdf

⁵ Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 34-38.

https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

⁶ Strachwitz, R. G., & Hummel, S. (2024). Civil Society is Here to Stay! A Report on the Shrinking Civic Space Project (2019-2023). (Opuscula, 186). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 13.

https://www.ssoar.info/ssoar/bitstream/handle/document/92596/ssoar-2024-strachwitz_et_al-Civil_Society_is_Here_to.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz_et_al-Civil_Society_is_Here_to.pdf

⁷ https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2024/pmk2_023-factsheets.pdf?__blob=publicationFile&v=3

⁸ <https://www.hrw.org/world-report/2025/country-chapters/germany>

⁹ https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2024.pdf

¹⁰ <https://www.nds-fluerat.org/59284/aktuelles/die-cdu-und-das-asylrecht/>
<https://www.proasyl.de/news/warum-das-neue-cdu-grundsatzprogramm-so-gefaehrlich-ist/>

with a score of 40 for 2024.¹¹ Despite their efforts and achievements, CSOs are facing a decline in support from the general public and mainstream political parties.

The regulatory environment for civic freedoms

The deterioration of the framework conditions for civic freedoms in Germany has been further exacerbated in 2024. It can be attributed to various factors, including restrictions on individuals' freedom of expression, assembly and association, incidents of police brutality against climate and pro-Palestine protesters, and the repression of these protest movements by state authorities.¹²

Freedom of association

In 2024, there was an increase in the repression against climate and Palestine solidarity activists in Germany. For instance, members of the activist group Letzte Generation faced over 5,000 criminal proceedings and were sentenced to fines of over one €1 million.¹³ In May 2024, the Neuruppin public prosecutor's office of the state of Brandenburg indicted five members of the group, accusing them of forming a criminal organisation, after the group carried out an action at several refinery facilities.¹⁴ Transparency International and Green Legal Impact Germany have condemned this indictment and characterised it as a further escalation in the criminalisation of climate justice associations and activists.¹⁵ As a result of the indictment, the police were authorised to carry out raids, wiretap the group's press phone, and confiscate its donation accounts.¹⁶

In 2024, Palestine solidarity activists were also subjected to significant repression from German state authorities. For instance, in March 2024, the bank Berliner Sparkasse, which is partly state-owned, froze the accounts of Jewish Voice for a Just Peace in the Middle East, because the group had not handed over a list of all its members, including addresses, tax documentation, income statements and other internal documents as the bank had demanded. In September, North Rhine-Westphalia state authorities banned Palestine Solidarity Duisburg. In a similar development, Berlin

¹¹ This is a slight decrease in comparison to the score in 2023, which was at 41.

https://www.edelman.de/sites/g/files/aatuss401/files/2024-01/2024%20Edelman%20Trust%20Barometer_Germany%20Report_0.pdf

¹² <https://www.hrw.org/world-report/2025/country-chapters/germany>

¹³ <https://taz.de/Klimaschuetzerinnen-unter-Druck!/5988503/>

¹⁴ <https://staatsanwaltschaften.brandenburg.de/sta/de/presse/pressemitteilungen/~21-05-2024-pressemitteilung-zur-anklageerhebung>

<https://www.lto.de/recht/nachrichten/n/staatsanwaltschaft-neuruppin-letzte-generation-klimaschutz-bildung-einer-kriminelle-vereinigung>

<https://letztegeneration.org/blog/2024/05/angeklagt-bildung-einer-kriminellen-vereinigung/>

¹⁵ https://www.greenlegal.eu/wp/wp-content/uploads/2024/05/PE_Deutschland_Letzte-Generation_240522_fin.pdf

¹⁶ Troschke, H. (2024). *Zivilgesellschaft in Deutschland: Daten, Fakten, Entwicklungen*. (Opuscula, 188). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 46-48.

https://www.ssoar.info/ssoar/bitstream/handle/document/93241/ssoar-2024-Troschke-Zivilgesellschaft_in_Deutschland.pdf

police carried out coordinated raids in several districts against five activists suspected of committing "pro-Palestinian crimes".¹⁷ This is merely a small selection of examples.

Freedom of peaceful assembly

In 2024, German authorities repeatedly cracked down on Palestine solidarity protests, using excessive force during peaceful demonstrations and resorting to severe violence against protesters, including minors. Amnesty Germany has condemned these actions by the authorities as very serious restrictions on freedom of peaceful assembly and expression.¹⁸

In February 2024, Michel Forst, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, voiced concerns regarding the escalating use of preventive detention of climate activists in Bavaria, a measure employed to deter them from participating in protests. Forst warned that "by categorising environmental activism as a potential terrorist threat, by limiting freedom of expression and by criminalising certain forms of protests and protesters, these legislative and policy changes contribute to the shrinking of the civic space and seriously threaten the vitality of democratic societies."¹⁹

Freedom of expression and the right to privacy

In November 2024, the Bundestag adopted a resolution on antisemitism.²⁰ This provoked concerns among CSOs that the resolution might lead to the further stigmatisation of Muslims and immigrant communities, as well as an infringement on freedom of speech and the right to protest while downplaying homegrown antisemitism.²¹

During the year, there were several instances of censoring the expression of Palestine solidarity activists. These included the cancellation of guest speakers at lectures and events, the cancellation of art exhibitions, and the censorship of Palestinian symbols such as the watermelon and the Palestinian flag.²²

Additionally, the controversy surrounding the former German education minister, Bettina Stark-Watzinger from the FDP party, further exemplifies the challenges faced by Palestine solidarity

¹⁷ <https://monitor.civicus.org/explore/repression-of-palestine-solidarity-continues-raids-detentions-and-police-brutality/>

¹⁸ <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>; <https://www.amnesty.de/aktuell/deutschland-einschraenkung-pro-palestinensischer-proteste>; <https://www.amnesty.de/aktuell/deutschland-proteste-palaestina-gaza-israel-einschraenkung-meinungsfreiheit-interview-rechtswissenschaftlerin-nahed-samour>

¹⁹ https://www.greenlegal.eu/wp/wp-content/uploads/2024/02/UNSR-EDs-Aarhus_Position-Paper_Repression-Env-Protest-Civ-Disob_Feb2024-3.pdf

²⁰ <https://www.bundestag.de/dokumente/textarchiv/2024/kw45-de-juedisches-leben-1027708>

²¹ <https://www.hrw.org/news/2024/11/11/germanys-muddle-antisemitism>; <https://www.hrw.org/world-report/2025/country-chapters/germany>

²² <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>

activists. According to reports, the minister had commissioned a legal review to investigate whether the ministry was able to cut grant funding for scientists who signed an open letter defending free speech and students' ability to protest freely after the police evicted an encampment by Palestine solidarity protesters at the Free University in Berlin.²³ The education minister refuted the allegations; however, the repercussions of this controversy led to the resignation of the state secretary from her ministry.²⁴

Safe space

In 2024, there was a notable escalation in attacks against marginalised groups, including LGBTQI+ individuals, as well as racist, right-wing, and antisemitic violence in Germany. The official statistics published in May demonstrated a record high in registered politically motivated crimes, including a substantial increase in attacks targeting housing for migrants and asylum seekers. Noteworthy is the marked increase in antisemitic crimes, which surged by 95%, and Islamophobic crimes, which increased by 140%, in comparison to the previous year.²⁵ Furthermore, there has been a notable increase in the targeting of LGBTQI+ people by far-right activists, as evidenced by the disruption and attack on pride celebrations and events across the country.²⁶ For example, the annual Christopher Street Day celebration in Bautzen, located in eastern Saxony, required a substantial police presence due to the potential for disruption by right-wing extremists. Additionally, the organisers were compelled to cancel the closing ceremony due to concerns regarding security.²⁷

The threat posed by right-wing extremists and the far-right AfD party increased in 2024. Members of the AfD party continued their intimidation tactics against CSOs by systematically reporting non-profit organisations to tax authorities for alleged political activity. These organisations, which were engaged in the fight against right-wing extremism, were targeted in a frequently successful attempt by the party to revoke their status.²⁸ The withdrawal of non-profit status is likely to result in financial hardship for these organisations, as they are likely to receive fewer donations and no longer be eligible for public or philanthropic funding.²⁹

²³ <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>

²⁴ <https://sciencebusiness.net/news/universities/german-science-official-steps-down-row-about-pro-palestine-protest>

²⁵ https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2024/pmk-2023-factsheets.pdf?__blob=publicationFile&v=3

²⁶ <https://www.tagesschau.de/investigativ/report-mainz/rechtsextremisten-gewaltbereit-queer-szene-csd-100.html>

²⁷ <https://www.tagesschau.de/inland/gesellschaft/csd-anfeindungen-100.html>

²⁸ <https://www.deutschlandfunk.de/gemeinnuetzige-vereine-politisch-afd-anzeige-100.html>
<https://www.tagesschau.de/faktenfinder/kontext/gemeinnuetzigkeit-afd-100.html>

²⁹ Troschke, H. (2024). Civil Society in Germany: Data, Facts, Developments. (Opuscula, 192). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 34-38.

[https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil Society in Germany Data.pdf?sequence=6&isAllowed=y&lnkname=ssoar-2024-troschke-Civil Society in Germany Data.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil%20Society%20in%20Germany%20Data.pdf?sequence=6&isAllowed=y&lnkname=ssoar-2024-troschke-Civil%20Society%20in%20Germany%20Data.pdf)

In the inaugural session of the Thuringia State Parliament, the AfD revealed its aim to subvert the functioning of the democratic system and to discredit democracy itself.³⁰ In January 2024, investigative journalist group Correctiv exposed that members of the AfD had engaged in clandestine meetings with far-right extremists to discuss plans that would lead to the deportation of immigrants and “non-assimilated citizens.” Following this, mass protests erupted across Germany against these plans and the AfD.³¹ However, these protests had no lasting effect. Conversely, the AfD experienced a surge in its electoral performance in three state elections in eastern Germany and achieved approval ratings in excess of 18% by the end of 2024.³²

Concurrently, politicians representing certain mainstream political parties, notably the conservative CSU,³³ are actively undermining public trust in CSOs and NGOs by defaming them as “green projects” or as an “outrage industry,”³⁴ and by advocating for the withdrawal of tax funds for these entities.³⁵ There appears to be no discernible distinction between their positions and those of the far-right AfD on this particular issue.³⁶ As the January 2025 joint vote by the CDU, FDP and AfD parties in the Bundestag on migration measures shows, the shift to the right is a very topical issue that will have further consequences for CSOs in Germany, which cannot yet be estimated.

In April 2024, the Bundestag passed a new self-determination law. This law enables transgender and non-binary individuals to adjust their legal documents to align with their gender through an administrative process grounded in self-determination. The previous requirement for “expert reports” has been eliminated. The law took effect in August.³⁷

Financial viability and sustainability of civil society

The federal budget plan from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth allocated approximately €348.1 million in 2024, the majority of which was allocated to voluntary services (approx. €329.9 million). A comparatively modest financial allocation of

³⁰ German Institute for Human Rights (2024). Developments of the Human Rights Situation in Germany. July 2023 – June 2024. Executive Summary, pp. 4. https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2024.pdf

³¹ <https://www.hrw.org/world-report/2025/country-chapters/germany>

³² <https://www.br.de/nachrichten/deutschland-welt/ein-jahr-nach-grossdemos-gegen-rechts-was-haben-sie-bewirkt.UYB3jlq>

³³ In its election manifesto for the upcoming federal election in 2025, the CSU defames NGOs in general as “leftist” or “left-wing organisations” and demands the withdrawal of tax funds for them.

<https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-csu/>

³⁴ Strachwitz, R. G. (2025). Was erwartet die Zivilgesellschaft nach der Bundestagswahl? Ein 12 Punkte Programm. In: Maecenata Observatorium. Analysen, Positionen und Diskurse zu Zivilgesellschaft, Engagement und Philanthropie. Nr. 78, pp. 2. <https://www.maecenata.eu/wp-content/uploads/2025/01/OBS-78-RS-final-Was-erwartet-die-Zivilgesellschaft-nach-der-Bundestagswahl.pdf>

³⁵ <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-csu/>

³⁶ <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-afd/>

³⁷ <https://www.hrw.org/world-report/2025/country-chapters/germany>
<https://perma.cc/55NJ-4QGG>

approximately €18.2 million was utilised for the creation and development of favourable framework conditions for civic engagement.³⁸ This represents a decrease of €800,000 compared to the previous fiscal year.³⁹ However, in a final effort prior to the upcoming election, the ministry has extended its democracy promotion programme *Demokratie leben!* and initiated a third funding period in January 2025, with a budget of €182 million.⁴⁰ This funding period will run until 2032, ensuring that funded projects have some financial security.

The Democracy Promotion Act, a legislative proposal designed to provide financial support to CSOs engaged in the promotion of democracy, human rights, and the rule of law, was not passed by the governing coalition prior to its dissolution.⁴¹ The question of whether a new governing coalition will support this legislative initiative remains unresolved.

There was a modest increase of private donations in 2024. The *Deutscher Spendenmonitor* reported that private donations totalled €6 billion in 2024, a small increase from €5.8 billion in 2023.⁴² This positive shift is beneficial for CSOs.

Nevertheless, CSOs continue to encounter legal ambiguities concerning the congruence between non-profit status and political engagement. This is due to the fact that the Tax Update Act, which was passed by the Federal Cabinet in July 2024, contains only a very vague reformulation.⁴³ There is still no clear legal provision on the purposes recognised as charitable — nor are there clear rules on their uniform interpretation by the tax authorities. This persists as a significant threat to CSOs, leaving them vulnerable to losing their non-profit status due to aforementioned strategy by AfD party members.⁴⁴ Furthermore, civil society stakeholders have called for the outdated funding criteria to be revised and adapted to reflect contemporary social changes and evolving forms of engagement.⁴⁵

The overall framework conditions for the financial viability and sustainability of CSOs have remained unimproved in 2024. A considerable number of CSOs are experiencing systemic precariousness with regard to their financial viability and sustainability.⁴⁶

³⁸ <https://www.bundeshaushalt.de/static/daten/2024/soll/epl17.pdf>

³⁹ <https://www.bundeshaushalt.de/static/daten/2023/soll/epl17.pdf>

⁴⁰ <https://www.tagesschau.de/inland/innenpolitik/demokratiefoerderung-bund-ngo-100.html>

The ministry has published a list of all funded projects, which shows that not only CSOs, but also many municipalities have received funding. <https://www.demokratie-leben.de/resource/blob/256166/8bf39dbcb7a34146f1c9045fb284301d/250217-uebersicht-bewilligte-projekte-fp3-data.pdf>

⁴¹ <https://www.swr.de/swrkultur/leben-und-gesellschaft/das-ende-des-demokratiefoerdergesetzes-auswirkungen-auf-die-demokratiearbeit-in-baden-wuerttemberg-100.html>

⁴² <https://www.dfrv.de/blog/2024/12/03/pressemitteilung-deutscher-spendenmonitor-2024/>

⁴³ Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 21-22.

https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

⁴⁴ <https://freiheitsrechte.org/en/themen/demokratie/gemeinnuetzigkeit>

⁴⁵ https://www.ziviz.de/sites/ziv/files/engagement_im_wandel.pdf

⁴⁶ Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 32.

Civil dialogue and the right to participation

On 4 December 2024, the Federal Cabinet adopted the federal engagement strategy, as set out in the 2021 coalition agreement. CSOs were involved to a minimal extent in the strategy's drafting process. The stated objective of the strategy is to organise and coordinate political measures to strengthen voluntary engagement and thus CSOs' capacities to act.⁴⁷ However, the strategy has been the subject of considerable criticism. The *Bundesvereinigung Kulturelle Kinder- und Jugendbildung e. V.* expressed dissatisfaction with the strategy, claiming that it does not adequately address the specific support required by the volunteering sector, as suggested by CSOs.⁴⁸ Furthermore, the strategy is characterised by a lack of clarity and a failure to demonstrate the practical implementation of its proposals.⁴⁹ Additionally, it does not appear to implement an open, transparent, and inclusive structure for dialogue between the state and civil society at federal or state level. This makes it especially challenging for smaller organisations that are not organised in umbrella organisations to participate.

The pressing requirement for such a framework is evidenced by the limitation of so-called *Wahlprüfsteine*. Six political parties represented in the Bundestag have reached a consensus to permit a maximum of 35 organisations to submit questions concerning particular positions within their respective election programmes. No justification was provided for the selection of these organisations, nor for the criteria used to determine their eligibility. This approach has been widely criticised on the grounds that it is both arbitrary and anti-democratic.⁵⁰

The fundamental parameters concerning the right of participation and dialogue between the sector and the governing bodies have been delineated in our previous submission.⁵¹

[https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen fuer die Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen fuer die Zivilgesellschaft.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen-fuer-die-Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen-fuer-die-Zivilgesellschaft.pdf)

⁴⁷ <https://www.bmfsfj.de/resource/blob/251452/ac00fb8963654019ae158f9ae7d7efa6/engagementstrategie-des-bundes-data.pdf>

⁴⁸ <https://www.bkj.de/meldung/neue-engagementstrategie-des-bundes-vorgestellt/>

⁴⁹ Strachwitz, Rupert. Was erwartet die Zivilgesellschaft nach der Bundestagswahl? Ein 12 Punkte Programm. In: Maecenata Observatorium. Analysen, Positionen und Diskurse zu Zivilgesellschaft, Engagement und Philanthropie. Nr. 78. Januar 2025, pp. 1. <https://www.maecenata.eu/wp-content/uploads/2025/01/OBS-78-RS-final-Was-erwartet-die-Zivilgesellschaft-nach-der-Bundestagswahl.pdf>

⁵⁰ <https://netzpolitik.org/2025/wahlpruefsteine-parteien-definieren-wer-relevant-ist/>
<https://presseportal.peta.de/wahlpruefstein-antworten-nur-fuer-35-ausgewaehlte-organisationen-peta-kritisiert-sechs-bundestagsparteien-fuer-ausschluss-von-tierschutzorganisationen/>

⁵¹ https://www.eesc.europa.eu/sites/default/files/2024-05/civic-space-report-2024_ecf.pdf

Civil society resilience

Germany's robust and multifaceted civil society establishes a substantial foundation and a conducive infrastructure for civic engagement. Data indicates that approximately 28.8 million individuals are engaged in voluntary work, constituting 39.7% of the population aged 14 years and over.⁵² The number of CSOs has increased in recent years, and civil society is able to cover a broad spectrum of tasks and needs in society.⁵³

In 2024, civil society organisations (CSOs) continued to utilise the German legal system to pursue redress for violations of fundamental rights. For instance, in September 2024, Greenpeace and Germanwatch, along with over 10,000 co-plaintiffs, filed a constitutional complaint against the federal government and its climate policy, which the plaintiffs deemed to be inadequate.⁵⁴ In a similar vein, in July 2024, Deutsche Umwelthilfe (German Environmental Aid), together with several young people, filed a constitutional complaint against the German government's newly enacted climate protection law.⁵⁵ Gesellschaft für Freiheitsrechte has persisted in its litigation against restrictions on civic freedoms, with currently 35 ongoing cases in the field of democracy and fundamental rights alone.⁵⁶ This strategy appears to be yielding positive outcomes. Several judgments have already been handed down in favour of the plaintiffs.⁵⁷ In November 2024, the Federal Constitutional Court has ruled on the legal action brought by the Gesellschaft für Freiheitsrechte and Amnesty International concerning the unprovoked surveillance of communications between German citizens and individuals abroad. This action was initiated to combat cyber threats as outlined in the so-called Article 10 Act (G10). The court has determined that the powers of the Federal Intelligence Service associated with the act are unconstitutional.⁵⁸

It is worth mentioning that a number of initiatives have begun to deal with the rapprochement of different stakeholders on the Israeli-Palestinian conflict in Germany. One example is the "Time to

⁵² BMFSFJ (Ed.). Engagementsstrategie des Bundes. Berlin 2024, pp. 16.

<https://www.bmfsfj.de/resource/blob/251452/ac00fb8963654019ae158f9ae7d7efa6/engagementstrategie-des-bundes-data.pdf>

⁵³ Troschke, H. (2024). Civil Society in Germany: Data, Facts, Developments. (Opuscula, 192). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. III.

[https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil Society in Germany Data.pdf?sequence=6&isAllowed=y&Inkname=ssoar-2024-troschke-Civil Society in Germany Data.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil%20Society%20in%20Germany%20Data.pdf?sequence=6&isAllowed=y&Inkname=ssoar-2024-troschke-Civil%20Society%20in%20Germany%20Data.pdf)

⁵⁴ <https://www.greenpeace.de/klimaschutz/klimakrise/gemeinsam-fuer-mehr-klimaschutz-klagen>

⁵⁵ <https://www.tagesschau.de/inland/innenpolitik/klimaschutzgesetz-klage-100.html>

⁵⁶ <https://freiheitsrechte.org/en/themen/demokratie>

⁵⁷ <https://www.duh.de/informieren/klimaschutz/klimaklagen-gegen-die-bundesregierung/#:~:text=Am%2026.,von%202021%20und%20ist%20verfassungswidrig>
<https://www.amnesty.de/pressemitteilung-deutschland-bunderverfassungsgericht-einschraenkung-ueberwachung-bundesnachrichtendienst>
https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-bkag_bverfg_erfolg

<https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-erfolg-bverfg-weist-geheimdienst-erneut-in-schranken>

⁵⁸ <https://www.amnesty.de/pressemitteilung-deutschland-bunderverfassungsgericht-einschraenkung-ueberwachung-bundesnachrichtendienst>

Talk” project in Berlin.⁵⁹ It has begun organising a series of events on this issue in 2024, with the aim to provide a safe space for different stakeholders and mainstream society. This is an important first step towards the re-opening and re-engagement of dialogue on this issue. The project team aims to extend the series of events to several locations in Germany.

⁵⁹ https://www.instagram.com/zeit_zu_reden/

Recommendations

Targeted recommendation: The tax law that is *de facto* regulating most civil society organisations (CSOs) in Germany must be reformed by 2025 to allow and protect public participation and advocacy work of CSOs; the reform process should include a wide consultation with diverse civil society representatives.

- Immediately refrain from targeting climate and environmental rights activists and the Palestine solidarity movement; respect the right to freedom of peaceful assembly and expression as guaranteed by international human rights standards.
- Formally recognise the political mandate of civil society and its stakeholders within the paradigm of deliberative democracy.
- Confront the challenges pertaining to civic space and reduce unequal access opportunities and existing disadvantages in CSOs, as stated in the fourth engagement report.⁶⁰
- Urgently implement a substantial reduction in bureaucracy with immediate effect, including the elimination of superfluous registration and reporting requirements for civil society organisations (CSOs).
- Ensure continuous, inclusive, trusting, expertise-based structured dialogue is established between the state, business and civil society in the policymaking process.

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.

⁶⁰ BMFSFJ (Hg.). Vierter Engagementbericht. Zugangschancen zum freiwilligen Engagement.
<https://dserver.bundestag.de/btd/20/141/2014120.pdf>