



FUNDAMENTAL RIGHTS  
AND THE RULE OF LAW

# **Report on the visit to Germany Authorities' observations on the report**

28-29 August 2025



European Economic  
and Social Committee

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# Fundamental Rights and the Rule of Law

## Report on the visit to Germany 28-29 August 2025

*As part of the EESC's efforts to promote fundamental rights and the rule of law, a delegation from the EESC's Fundamental Rights and Rule of Law Group visited Germany on 28 and 29 August 2025. The delegation met with several representatives of civil society, more specifically civil society organisations (CSOs), the social partners, the media and the legal professions. A separate meeting was held with the German authorities, during which they had the opportunity to react to some of the points presented to them. The aim of this report is to faithfully reflect the views of civil society. The last visit of the EESC's Fundamental Rights and Rule of Law Group to Germany had been on 21-22 April 2021.*

### 1. Fundamental rights of social partners

Participants observed that the right to form associations was laid down in Article 9 of the Basic Law (the German Constitution). According to participants, the decline in **collective bargaining coverage** was driven by agreements that had become increasingly costly, complex and inflexible, combined with rising energy prices and regulatory pressures that had prompted companies to shift activities outside Germany. They noted that social partners diverged on how to modernise collective agreements, with employers pressing for simplification and flexibility, and unions emphasising stronger protections. They pointed out that efforts to establish uniform standards in collective agreements across states (Länder) with differing financial capacities faced significant challenges.

**Participation and consultation rights for social partners** in law-making processes were presented as well established at both federal and state levels. Participants explained that Ministries routinely submitted draft laws on social policy to social partners, who were invited to take formal positions, and the federal Parliament organised regular hearings where they could contribute to legislative debates, citing as an example the recent dialogue on working hours established in the Coalition Agreement. In their view, this system ensured a structured exchange between government and social partners.

Participants perceived **a change in the relations between the State and social partners**. They explained that during the Covid-19 period, the State had expanded its role, as the government had showed a tendency to intervene in areas traditionally reserved for social partners. Participants emphasised that collective bargaining should remain within the remit of employers' and workers'

organisations. They cited a recent draft law on public procurement as an example: some participants argued that requiring companies to adhere to collective agreements in order to participate in public procurement processes would not make these contracts more attractive, but could instead discourage participation, especially among small and medium enterprises (SMEs). The German authorities responded that they supported the social partners' autonomy. They added that the draft public procurement law aimed to ensure that collective agreements applied in public contracts to prevent a “race to the bottom”, and that companies would be required to apply the collective agreements already in place for the relevant sectors.

**Labour shortages** were described by participants as a major challenge, driven by demographic decline and an aging population, with immigration only partially mitigating this trend. Participants characterised the German labour market as paradoxical, noting that overall employment levels were rising while gaps in skilled labour persisted. They pointed to a mismatch between the qualifications of jobseekers and the demands of the labour market, which had left some unemployed individuals struggling to access employment. Participants reaffirmed the importance of skilled migrant workers for Germany's economic future, noting that companies were increasingly relying on EU labour markets. Participants recalled that recent reforms had been adopted to facilitate immigration and residence for skilled foreign professionals, but identifying pre-qualified workers willing to learn German and settle on a long-term basis remained difficult. They added that even public services were experiencing difficulties in attracting new recruits, despite offering competitive social security packages, pointing to an enduring structural challenge in workforce development. The German authorities stated that previous governments had introduced legislation to address labour market mismatches, and that it remained an area of policy focus.

**The right to strike** was only partially defined, with no explicit reference in German law. Participants explained that legality of strike actions depended on labour courts assessing their proportionality on a case-by-case basis. They noted that practices of gradual escalation had often prevented workplace conflicts from reaching industrial action. They observed that political strikes were not permitted and regretted that civil servants did not enjoy the right to strike, setting them apart from other categories of workers. In this regard, they mentioned a 2023 ruling by the European Court of Human Rights that confirmed the validity of Germany's strike ban for teachers. According to participants, recent short-notice strikes in transport and other services had strained public opinion and weakened the legitimacy of strikes as a conflict-resolution tool.

## 2. Freedom of association and freedom of assembly

Participants observed a deterioration of **civic space** in Germany since the previous FRRL Group visit. They denounced increasing hostility from far-right actors, including attempts to question public funding programs for civil society such as “*Demokratie leben*”, and to label CSOs as part of the “woke movement”. Far-right groups had pressured policymakers to defund organisations working on LGBTIQ+ and migrant issues, while also harassing and threatening their staff. Participants highlighted ongoing legal ambiguity around how far state-funded CSOs could engage in political advocacy while remaining non-partisan, as required by law, and expressed concern over recent scrutiny of the political neutrality of these organisations. They mentioned a recent parliamentary inquiry led by conservative parties, that had asked over 500 questions to CSOs. This was viewed by participants as an intimidation tactic undermining the legitimacy of civil society and creating a chilling effect on advocacy. They warned that such growing stigmatisation could lead to cuts in public funding for CSOs, particularly if

the far right were to enter regional governments. Participants explained that uncertainty over funding could destabilise organisations, especially in rural areas, while smaller CSOs were more reluctant to voice criticism online for fear of repercussions. They also regretted that conservative party members had increasingly echoed far-right narratives, amplifying the pressure on civil society. In response, participants observed the emergence of new alliances among diverse organisations - including churches and trade unions - to strengthen resilience and solidarity. They recommended including a dedicated civic space chapter in the European Commission's Rule of Law report, to address these worrying developments. The German authorities explained that many CSOs relied heavily on State support and, while current funding remained stable, encouraged CSOs to work towards greater financial independence in the future.

Regarding **funding structure**, participants stressed that tax exemptions remained vital for all non-profit organisations, as it helped attract private donations regardless of public funding. According to them, more CSOs felt pressure from political actors related to their tax-exempt status, which could lead them to refrain from engaging in advocacy work. They suggested that reforming the non-profit law, notably by transferring the responsibility for recognising non-profit status from the government to local tax offices, could help depoliticise funding decisions and safeguard the independence of civil society. Despite long-standing promises, participants also noted that reform of the non-profit law was excluded from the latest Coalition Agreement, and political appetite to address this issue appeared to have declined.

Participants observed a growing scepticism toward CSOs and the public protests they organise, which affected the approach taken by law enforcement to demonstrations. They reported a deterioration of **freedom of assembly**, citing blanket bans on protests in support of Palestine and climate action, cases of excessive use of force by the police, racial profiling, and the use of legal tools such as section 129 of the Criminal Code - originally designed to prosecute organised crime - against climate activists. According to participants, the use of such powers, including house searches and surveillance, had had a significant chilling effect, prompting activists to change their methods of protest. Participants complained that the Berlin police's ban on the use of the Arabic language during pro-Palestinian demonstrations infringed on the freedom of expression of Arabic-speaking communities. The German authorities replied that some climate protesters were facing prosecution for specific criminal offences, and that such cases remained exceptional.

Participants explained that most **youth organisations** received public funding from the Ministry of Youth and state administrations, and generally avoided private donations to prevent any perception of bias. They reported that some far-right and conservative actors had sought to extend the principle of neutrality to youth organisations - although it did not legally apply to them - in order to question their legitimacy, giving rise to concerns about possible funding cuts. Regarding the government's recent proposal for voluntary military service for young people, participants voiced strong criticism, pointing to a disconnect between government expectations and youth perspectives. They stressed that young people had not been properly consulted during the drafting process and should retain the right to choose between military and civil voluntary service.

Concerning **participation in decision-making**, participants noted that while CSOs formally retained the right to be consulted in legislative processes, consultation periods had become too short to allow for meaningful input. They recalled that some political actors had even proposed further reducing public scrutiny, framing consultation as an obstacle to efficient governance. Participants stated that a recent

lobbying register had enhanced accountability, but had also added administrative burdens, as CSOs had to register repeatedly for each meeting. Participants called for greater streamlining and interoperability among existing authorities' databases. They also pointed to the lack of transparency in the foundation sector - dominated by private family funds - and highlighted the challenges of designing equitable transparency regulations for such a diverse non-profit landscape. The German authorities believed that consultation practices with CSOs had improved, particularly in relation to minorities and human rights, following a period of learning.

### 3. Freedom of expression and media freedom

Participants reported that Reporters Without Borders had documented around ninety **attacks on journalists and media organisations** in 2024, many involving physical assaults or equipment damage during demonstrations in Berlin. According to them, far-right movements had intensified hostility toward journalists, portraying them as “part of the system”, and dismissing their work as “part of a woke conspiracy”, to erode public trust. Even organisations operating between civil society and the media, including research organisations, had been increasingly discredited and accused of political bias despite their neutrality. Participants regretted the absence of a uniform, binding system to protect journalists as well as the lack of legal consequences for attacks against them. They called for stronger legal mechanisms, including specialised public prosecutors dedicated to pursuing cases of violence, harassment and intimidation against journalists. They explained that strategic lawsuits against public participation (SLAPPs), though relatively rare, had a chilling effect by exerting severe financial and psychological pressure, leading some journalists to abandon their profession.

Participants reported that **public service media** were under pressure, due to state-level decisions affecting the household levy, their main source of funding. They explained that the independent "Commission for the Review and Determination of the Financial Requirements of Broadcasting Institutions" (KEF) had recommended a modest increase of 0.58 euros in the monthly broadcasting fee, but state governments had voted against the recommendation and frozen the amount. As a result, the public service broadcasters ARD and ZDF had filed a lawsuit with the Federal Constitutional Court, to safeguard the independence of funding from political influence. According to participants, far-right politicians had spread the narrative that public broadcasters were too costly, leading other parties and authorities to resist the increase. They expressed concern about this situation, stressing that the established procedure for determining public service media funding was a constitutional requirement.

Participants questioned whether **sustainable journalism** could survive in the future, noting that the shift to online platforms and the dominance of big tech companies had weakened traditional models. They described a growing “platformisation of journalism” trend, with journalists increasingly dependent on social platforms and driven to produce more sensational content to attract views. In their view, private media, traditionally funded through subscriptions and advertising, had been severely affected by the shift of online advertising revenues to big tech companies. As a result, many media outlets were left with fewer resources and shrinking editorial teams. Participants noted ongoing debates on potential remedies, such as reducing VAT on print products or introducing a digital fee for big tech to support journalism. They also raised concerns about the use of journalistic content to train generative AI under copyright exceptions, warning that global tech companies could increasingly control what information people see, posing risks to democracy and media pluralism. The German authorities stated that funding private media was not currently being considered to avoid creating dependency, while discussions on a digital fee for big tech companies had only recently begun.

Participants considered that the overall **situation of media freedom** in Germany was deteriorating. They highlighted that citizens seemed to increasingly consume news passively without caring about sources, due diligence or fact-checking, which would lead to the central role of journalists as providers of verified information and pillars of democracy being neglected. Participants reported that journalists covering the ongoing situation in Gaza were frequently attacked, and those with migration backgrounds were sometimes suspected of bias, creating tension within editorial offices. They expressed concern that these pressures threatened media diversity, as affected journalists felt increasingly vulnerable, underrepresented and unwelcome. They noted the risks linked to foreign takeovers of German media companies, citing the acquisition of ProSiebenSat.1 by the Italian group MediaForEurope as a case where international investors might prioritise political or financial agendas over journalistic quality. In their view, the European Media Freedom Act (EMFA) offered some reassurance, as it obliged Member States to verify company structures and ensure media diversity. The German authorities commented that their approach focused on advancing EU-level initiatives, such as the European Democracy Shield, to fight disinformation and safeguard media freedom across the EU.

#### 4. The right to non-discrimination

Regarding the **legal framework**, participants deemed that Germany's General Act on Equal Treatment contained significant protection gaps, as it did not apply to public authorities, thereby limiting the accountability of State institutions, and offered short timeframes for complaints, which made it difficult for victims to take legal action. They considered Berlin's State-level Anti-Discrimination Act a more progressive model, as it placed the burden of proof on institutions and made them accountable, and regretted the absence of political will to replicate this framework at the national level. According to them, both the Federal Anti-Discrimination Commissioner and United Nations (UN) bodies had identified shortcomings in the German anti-discrimination legislation. Participants called for a reform of the Equal Treatment Act that would enable collective actions and easier procedures to prove discrimination, strengthening the right to redress. The German authorities commented that national action plans against discrimination existed at both State and Federal levels, and that perceptions of equal treatment as economically burdensome had slowed legislative changes.

Concerning the **shrinking civic space**, participants reported that organisations working on migration, feminist causes and Palestine were facing growing concerns of losing charitable status and public funding. They viewed incidents such as the closure of a migrant queer youth centre following social media posts in solidarity with Palestine as part of a broader trend of "criminalisation of solidarity". Participants observed that protest restrictions, excessive use of force by the police and bans on demonstrations particularly had targeted racialised activists. They recognised a rise in antisemitism, racism (including anti-Muslim and anti-Arab hatred) and antigypsism, warning that governmental responses often deepened polarisation rather than addressing root causes.

On the situation of **migrants (including refugees and asylum seekers)**, participants reported a deterioration in protection and living conditions. They deplored the fact that asylum rejections had multiplied, benefits had been reduced and accommodation standards had worsened. Participants described how the government's focus on control over inclusion had created a climate of mistrust. They expressed alarm over recent migration policy measures, including the rejection of asylum seekers at internal EU borders, the suspension of family reunification for those under subsidiary protection. Participants criticised the government's suspension of resettlement and humanitarian admission

programmes, noting that many Afghans, whose asylum applications had been approved, remained stranded in Pakistan. Despite several court rulings in favour of these refugees obliging the authorities to issue them visas, they noted that the government had not altered its policy course and highlighted that engagement on this issue had varied across Ministries. They denounced the media's role in spreading suspicion and hostility towards migrants, as well as the stigmatisation of precarious EU workers, especially from Eastern Europe.

Participants raised concerns about the lack of protection for **victims of trafficking in human beings**. They explained that since 2024, victims had no longer received temporary residence permits allowing access to services, but were instead given border-crossing certificates with a set date to leave the country. They believed practice was in violation of the EU Directive 2011/36 on trafficking, as it left victims unprotected and vulnerable to deportation. In their view, law enforcement had often failed to recognise victims' rights and continued to prosecute them for offences committed as a result of trafficking. Participants highlighted the concerning situation of domestic workers employed in diplomatic households, who were unable to change job or seek legal redress because of their employers' diplomatic immunity, and risked losing their residence permits if they left their position.

According to participants, discrimination persisted against **Roma people**, and they pointed to persistent barriers to access to housing, education, employment and healthcare. They regretted that Roma children were often excluded from mainstream schooling and placed in segregated "welcome classes", while families faced discrimination from landlords and neighbours. Participants described how Roma workers were frequently exploited in low-wage sectors, and sometimes recruited through deceptive online job offers. They acknowledged that some progress had been made, with the creation of a Federal Government Commissioner Against Antigypsyism and for Sinti and Roma Life in Germany, but they were concerned that such progress was at risk under the current government. They felt that anti-Roma sentiment continued to be downplayed in the public debate and misrepresented in the media. The German authorities mentioned the appointment of the Commissioner and inclusion of representatives from the Roma communities as key achievements.

Participants considered **racial profiling** as a structural issue, reporting that racialised people, including migrants and individuals in vulnerable situations, were disproportionately affected. They felt that cases of excessive use of force by the police had also increased, and yet prosecutions remained rare, with only a small fraction leading to court trials. They highlighted that police body cameras were frequently deactivated, and that investigations were handled internally, creating conflicts of interest. Participants recommended an independent oversight mechanism to address these abuses and complained about the lack of reliable data, which contributed to the invisibility of racial profiling in official statistics.

Concerning **LGBTIQ+ people**, participants acknowledged positive steps such as marriage equality for same-sex couples and the adoption of the Gender Self-Determination Act, which had simplified legal gender recognition. However, they expressed concern about political backlash, as right-wing actors were questioning this law's legitimacy. According to participants, the implementation of action plans at state level remained incomplete. They reported that trans and non-binary people faced severe discrimination, especially in the labour market and the healthcare system. They also noted an escalation in hate crimes and hate speech towards LGBTIQ+ people, especially around Pride events, and warned that far-right groups had been using anti-LGBTIQ+ rhetoric to divide society.

On the rights of **persons with disabilities**, participants referred to the new Accessibility Improvement Act, transposing the 2019 Directive on accessibility requirements for products and services, as a positive development. However, as the law had only been adopted in mid-2025, it was too early to assess its practical effectiveness. Participants called for stronger training for judges and other judicial personnel on the application of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). They observed that its implementation varied across municipalities and that physical and digital accessibility for persons with disabilities was not consistently ensured. They also highlighted the intersectional vulnerabilities of elderly and low-income individuals, who were particularly affected by digital exclusion and discrimination in housing and employment.

Participants noted that **women** continued to face persistent pay and pension gaps. They attributed these disparities to structural underfunding of social sectors, the unequal distribution of care responsibilities, and discriminatory practices in collective agreements penalising parental leave. Gender-based violence emerged as a major concern, as the number of femicides had been on the rise. While participants welcomed the new Violence Assistance Act, they regretted that full access to protection and counselling services would not be effective before 2032. They highlighted that migrant women were disproportionately affected by discrimination, experiencing more delays in obtaining work permits and in having their qualifications recognised. The German authorities recalled significant progress in establishing reliable support systems and uniform standards through the Violence Assistance Act, noting continued public funding for shelters, and highlighted efforts to mainstream equality strategies across ministries.

## 5. The rule of law

Participants reported that the **justice system** generally functioned effectively but continued to face significant resource-related challenges. They noted that the "Pact for the Rule of Law" (*Pakt für den Rechtsstaat*) had provided substantial financial support, yet courts still suffered from disparities among Länder, which were primarily responsible for allocating resources. In the participants' view, the federal government should assume a stronger coordinating role to ensure sufficient financial means reach the courts throughout the country. Participants observed that proceedings in certain jurisdictions remained long. They expressed concern that the impending generational turnover among judges, prosecutors and lawyers could further aggravate delays if recruitment and succession planning were not addressed at national level. Participants also noted that corruption and money laundering cases could take years to resolve due to delays in cross-border cooperation with partner countries, and court decisions were rarely published, as only the highest courts were required to do so. In relation to digitalisation, they emphasised support for video hearings and secure communication tools but regretted fragmented progress caused by political decisions, limited resources and the federal structure, which complicated the creation of uniform standards. According to participants, the European Commission's Rule of Law Report had a significant impact on government action in relation to justice. The German authorities responded that the new Pact for the Rule of Law would consist of three pillars: improved digitalisation, streamlining and accelerating procedures with modern procedural rules and increased staffing. To further strengthen public trust in the rule of law, there would be continued efforts to improve access to justice for citizens and professionals alike.

Participants expressed serious concern about the safety of **lawyers and judges**, particularly those involved in politically sensitive migration cases, as far-right extremists had targeted legal professionals through threats and intimidation. They recommended that Germany sign and ratify the Council of

Europe Convention for the Protection of Lawyers, to reinforce safeguards for those exercising legal functions. Regarding the resilience of constitutional courts, participants welcomed recent constitutional amendments reinforcing the independence of the Federal Constitutional Court but warned that similar protections were still lacking for the constitutional courts of the Länder. They noted the growing influence of the far right in several states' parliaments, which had enabled it to block key appointments of judges and prosecutors, as seen in Thuringia. Participants were concerned that such dynamics could undermine judicial independence over time.

Concerning **migration and border controls**, participants criticised the absence of effective judicial remedies against the reintroduction of internal border checks, notably along the Austrian border. They recalled that such controls had been repeatedly prolonged for almost ten years, and that legal challenges took years to yield results. They noted that a recent court ruling on pushbacks of migrants at the Polish border had reaffirmed Germany's obligation to comply with European and international asylum law. However, they deplored the government's dismissive stance, which maintained that the judgments applied solely to the individual cases and declared that it would not modify its migration policy.

In relation to **transparency**, participants emphasised that lobbying transparency remained incomplete, since the lobbying footprint lacked binding legal status. Despite the introduction of a Lobbying Register in 2022, they reported that only a small fraction of laws contained relevant lobbying information. Participants called for reforms to protect CSOs from disproportionate disclosure obligations, to simplify the system of interactions with public officials, and to clarify the definition of interest groups. They expressed concern about the absence of ceilings on political donations, warning that wealthy individuals could exert unduly influence over political parties. They recommended introducing maximum donation limits and extending criminal liability to donors who intentionally circumvent the rules. They also supported the establishment of an independent anti-corruption body, separate from the Ministry of the Interior, to conduct investigations autonomously.

Regarding **access to information**, participants considered that the 2005 Freedom of Information Law remained weak. They expressed concern that the government's intention to amend the law could restrict rather than expand its scope, and advocated for stronger reforms to improve public access to information. They also highlighted shortcomings in asset disclosure rules for high-level officials and the need for greater transparency on beneficial ownership, to counter money laundering and corruption. In this regard, they called for free and open access to ownership data, including historical records, in machine-readable format, as well as safeguards to protect of the identity of information requesters. Participants welcomed Germany's first conviction in the "Azerbaijani Laundromat" case as a positive precedent against transnational corruption but noted that enforcement capacities remained limited, calling for additional resources for corruption prosecutions and the creation of a commission to investigate foreign interference through corruption.

They observed that overall **prison conditions** were acceptable, although concerns remained regarding short-term detentions and the disproportionate imprisonment of individuals unable to pay fines.

**Authorities' observations  
on the report on the visit to Germany,  
28-29 August 2025**

## Observations of the German Authorities on the draft Report of the European Economic and Social Committee's Fundamental Rights and Rule of Law Group on its Visit to Germany on 28–29 August 2025

The Government of Germany thanks the Fundamental Rights and Rule of Law Group for the constructive discussions during the visit on 28–29 August 2025 and wishes to offer additional comments to the report. The German Government reiterates that the rule of law and the fundamental rights as enshrined in the Charter are essential for a society to be free and democratic. Media and police law as well as the reception and accommodation of asylum seekers generally fall within the jurisdiction of the Länder (states). The Federal Government can only comment on matters falling within its direct responsibilities.

### Fundamental Rights of Social Partners

As for the labour shortages mentioned in the report, ambitious productivity and growth targets depend on labour availability and on how well labour market institutions perform. The demographic decline in the working-age population is a key reason for the currently low potential growth. To facilitate recruiting skilled workers, Germany has decided to establish a digital “Work-and-Stay Agency” that is to simplify, streamline, and comprehensively digitise key administrative processes to give qualified workers from third countries efficient and reliable access to the German labour market. Regarding the right to strike, public servants do not have the right to strike under German constitutional law, as they serve under conditions that fundamentally differ from those of contractual employees. Their rights and duties are determined by law and are especially well protected. Given their privileged position and the protections they enjoy, it is justified that civil servants do not have the right to strike. On 14 December 2023, the Grand Chamber of the European Court of Human Rights (*Humpert and others v. Germany*) held that the European Convention on Human Rights does not preclude a prohibition on strikes for German civil servants given their special legal status.

### Freedom of Association and Assembly

Germany reiterates that freedom of expression, of assembly and of association are fundamental rights in Germany (as also enshrined in the Basic Law). These freedoms, however, are not unconditional, but are limited wherever they conflict with the rights of others. Under German law, assemblies may be prohibited in advance, dispersed or be subjected to restrictions only to avert threats to public security – in particular to prevent criminal acts. This also applies to content-related measures that limit freedom of expression and assembly such as the use of symbols of associations that have been banned by law in Germany, namely Hamas and Samidoun. These measures are also applied to prevent the use of slogans and chants that incite hate on religious or ethnic grounds, e.g., those calling for people to be killed, injured or taken hostage or endorse or glorify such acts of violence. Calls for the destruction of the State of Israel and its inhabitants may also be grounds for bans, as may slogans calling for the use of violence. Banning or dispersing an assembly is always a last resort. If simple restrictions are sufficient to counter the immediate threat, then such restrictions take precedence over imposing a ban.

The work of German authorities aims to strengthen Germany's pluralistic democracy, open society and resilience. Germany has set up programmes and taken action to preserve and increase trust in its democracy and its public institutions; to combat all forms of extremism, antisemitism and other forms of hostility towards democracy and humanity, including through prevention work; to step up civic

education offerings and promote political skills, offering everyone opportunities to participate in civic life; and to strengthen municipalities and their political ability to act.

### Freedom of Expression and Media Freedom

With regard to attacks on journalists, the German Government condemns all forms of intimidation directed against representatives of the free media. An important measure to protect freedom of expression and media freedom is the transposition of the Anti-SLAPP Directive.

The Commission has presented its proposals for a European Democracy Shield. Germany welcomes these proposals.

### The Right to Non-Discrimination

The role of the Federal Government Commissioner against Antigypsyism and for the Life of Sinti and Roma in Germany is to coordinate the federal policies and work against antigypsyism and to promote the inclusion of Sinti and Roma. The Commissioner serves as contact point for representatives of Sinti and Roma organisations in Germany. In 2021, the independent Antigypsyism Reporting and Information Center was established (“MIA”). MIA is a civil society monitoring agency that systematically records and evaluates instances of antigypsyism in Germany. The federal programme “Live democracy!” funds projects that counter antigypsyism and empower Sinti and Roma communities. In 2025, the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) in cooperation with the Central Council of German Sinti and Roma adopted recommendations on how schools should prevent and counter antigypsyism.

The Sex Self-Determination Act (SBGG) entered into force on 1 November 2024. It enables trans, intersex and non-binary persons to change their sex marker and given names by means of a simple declaration to the registry office. More than 22,000 people have already made use of the SBGG (as of August 2025). An evaluation of the Act is in preparation.

As for supporting lesbian, gay, bisexual, trans and intersex as well as queer (LGBTIQ+) people, the “Queer leben” (to live queerly) Action Plan was adopted in November 2022 as the first action plan at federal level. Its implementation is already well advanced, as shown by the report on the implementation status of the Action Plan. In December 2024, the Federal Ministry of the Interior and the Federal Criminal Police Office published a comprehensive situation report on security for LGBTIQ+ people as related to crime. At the request of the Standing Conference of the Interior Ministers and Senators of the Länder (IMK), the Federal Ministry of the Interior set up and has coordinated a working group on “Combating homophobic and transphobic violence”.

Concerning gender equality, it is a fact that in Germany women earn an average of 16 % less per hour than men. Even if the essential requirements determining pay, such as qualifications, tasks, profession or scope of employment, are the same, the adjusted gender pay gap is still 6 %. Achieving equal pay for equal work and work of equal value is an important goal of the Federal Government. Since the root causes of the gender pay gap are manifold, a multifaceted and holistic policy approach is needed to tackle the gender pay gap and its different underlying factors. Germany is working towards implementing the EU Pay Transparency Directive. Having raised children increases one’s pension.

Preventing and combating discrimination and all forms of violence covered by the Istanbul Convention (IC) – including violence against women and domestic violence – has been a priority of the Federal Government. Key measures include adopting the first federal government strategy to prevent and combat violence against women and domestic violence based on the Istanbul Convention 2025–2030 in December 2024. The strategy contains over 120 measures to be adopted by different

ministries/commissioners and is to combat all forms of violence covered by the IC, including violence against women, domestic violence with a special focus on its gender-based component, female genital mutilation and forced marriage and addresses new forms such as digital violence/cyberviolence. It addresses the intersectional attributes of victims of violence. The Violence Support Services Act, which was in large parts passed in the beginning of 2025, will provide more access to protection and counselling and will improve the situation of women (and their children) affected by gender-based or domestic violence.

According to the coalition agreement from May 2025 for the current legislative period, the Federal Government has set itself the goal of developing a new National Action Plan against Racism (NAP-R) building on a science-based definition of racism, to combat racism in its various manifestations, and on the existing action plan of 2017.

Regarding the allegation stating that asylum rejections have multiplied, the German government points out that the number of rejections is just a neutral fact that does not give the full picture, and it underlines that the Federal Office for Migration and Refugees (BAMF) examines asylum applications carefully on a case-by-case basis. Asylum applicants have to present the reasons why they left their country of origin individually. The BAMF assesses both the applicants' statements and the situation in the respective country of origin. It also assesses the applicants' real risk of persecution upon returning to the country of origin. There are countries of origin with comparatively high recognition rates (e.g., Somalia, Eritrea, Afghanistan), and also countries of origin with lower rates such as safe countries of origin. Examining solely the number of rejections misrepresents the overall situation in Germany.

With regard to the rights of persons with disabilities, the German Government ratified the UNCRPD in 2009 and reaffirms the importance of the Convention for improving the quality of life and the fundamental rights of persons with disabilities. It provides useful guidance for implementing new disability programmes and legislation.

### The Rule of Law

Regarding the EESC's report on the judicial system, German authorities take a different view. Neither the current EU Justice Scoreboard nor the 2025 Rule-of-Law Report of the European Commission identify "significant" problems with resource allocation. The relevant data from the EU Justice Scoreboard show that total government spending on the judiciary in euros per inhabitant has risen significantly since 2012. Germany ranks second compared Member States. Germany ranked seventh in terms of total government spending on the judiciary as a percentage of GDP. The number of judges per 100,000 inhabitants has also risen slightly since 2012. Germany holds a middle-ranking here in EU-wide comparison. Germany nonetheless strives to improve further and thus takes recommendations to increase judicial resources and address the challenges related to recruitment seriously.

With regard to the safety of lawyers, Germany welcomes the Council of Europe Convention for the Protection of Lawyers and decided to accede to the Convention at its cabinet meeting on 19 November 2025. A strong and independent legal profession is crucial for defending the rule of law and ensuring citizens' access to justice.

As for law enforcement, effective legal protection under Article 19(4) of the Basic Law exists against measures taken by the federal police, in particular identity checks and rejections, within the framework of the temporarily reintroduced internal border controls. Affected persons can have courts review the legality of individual measures. The reference to a recent court ruling in the EESC's report likely concerns the decisions of the Berlin Administrative Court of June 2, 2025. In summary proceedings, the Berlin Administrative Court declared the specific rejection of three persons at the

German internal border with Poland to be unlawful. According to Germany's assessment, this is an individual case decision delivered in preliminary injunction proceedings. The German Ministry of the Interior maintains its legal opinion that the rejections of third-country nationals seeking asylum within the framework of the temporarily reintroduced internal border controls are in accordance with national and European law.



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