Memorandum

COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Memorandum following the Commissioner's visit to Germany from 13 to 17 October 2025

Introduction

1. The Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) carried out a visit to Germany from 13 to 17 October 2025. The visit focused on issues related to migration and asylum, freedom of expression and peaceful assembly in the context of protests relating to the war in Gaza, and issues of racism and discrimination, in particular antisemitism and anti-Muslim hatred.

2. The Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (the Convention); identifies possible shortcomings in law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.[1]

3. This memorandum presents the Commissioner's findings and recommendations from the visit drawing on his engagement with the authorities, the national human rights structures, civil society, and other actors.

4. These observations and recommendations are not exhaustive and should be considered in conjunction with recommendations by Council of Europe and other international human rights bodies,[2] as well as relevant guidance provided by national human rights structures.[3]

5. During his visit, the Commissioner met with the Federal Minister of the Interior, Alexander Dobrindt; the Federal Minister of Justice and Consumer Protection, Dr Stefanie Hubig; several members of the German delegation to the Parliamentary Assembly of the Council of Europe; the Federal Government Commissioner for Human Rights Policy and Humanitarian Aid, Prof. Dr. Lars Castellucci; the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, Dr Felix Klein; the Vice-President of the Federal Agency for Migration and Refugees, Katrin Hirseland; the Independent Federal Anti-Discrimination Commissioner, Ferda Ataman; the Vice President of the Berlin Police, Marco Langner; and the Head of the Berlin State Police Directorate, Roman Seifert. The Commissioner also met with the German Institute of Human Rights, UNHCR Germany, and the Secretary General of the International Holocaust Remembrance Alliance (IHRA), and held discussions with civil society on the issues of focus during the visit.

6. The Commissioner thanks the German authorities in Strasbourg and in Germany for their assistance in organising this visit. He is also grateful to all organisations and individuals for their insights.

7. Section I of this memorandum addresses certain general developments in Germany, Section II focuses on freedom of peaceful assembly, Section III addresses freedom of expression and Section IV racism and discrimination. Other thematic matters, including issues raised during the visit in respect of asylum and migration, will be followed up separately.

I. General situation

[1] Res(99)50 - on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers, 7 May 1999.
[2] For example, European Commission against Racism and Intolerance (ECRI), Country monitoring report Germany 2019
[3] German Institute for Human Rights, Entwicklung der Menschenrechtssituation in Deutschland Juli 2024 – Juni 2025 and Federal Anti-discrimination Agency, Fifth report to the Bundestag

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8. The visit took place just a few months after the new government coalition took up its duties in May 2025. The coalition agreement includes important commitments to human rights as a foundation of the rule-based international order and to counter restrictions to the work of human rights defenders and civil society. Equally, the Commissioner appreciates the recognition in the agreement of the importance of national and international institutions and jurisdictions for protecting and defending human rights and democracy, naming the German Institute for Human Rights as one such institution, and emphasising the government's support for the Council of Europe and its Parliamentary Assembly as protectors of democracy, rule of law, and human rights.

9. Nevertheless, the Commissioner has received reports of human rights under pressure, shrinking civil society space, and some politicians portraying rights as a nuisance limiting state action, and advocating for the withdrawal of state funding from NGOs.[4] In January 2025, a minor interpellation[5] with 551 questions questioned the political influence, non-profit status, and eligibility for state funding of various civil society organisations.[6] Many observers saw this as an attempt to intimidate and delegitimise NGOs.[7] The Commissioner notes that the then federal government defended the NGOs against allegations contained in the interpellation.[8] He recalls that the role of civil society organisations as public watchdogs has been recognised by the European Court of Human Rights (the Court),[9] and that member states should strengthen the protection and promotion of civil society space in line with the Committee of Ministers Recommendation CM/Rec(2018)11.[10]

Recommendations:

The Commissioner recommends that the German authorities:

- Strengthen the protection and promotion of civil society in line with the Court's case law and Committee of Ministers Recommendation CM/Rec(2018)11, including by stepping up efforts to prevent violations of the rights of human rights defenders such as smear campaigns, threats and attacks against them, and other attempts to hinder their work.
- Ensure access to adequate resources to support the stable funding of human rights defenders, including National Human Rights Institutions and civil society organisations, in line with recommendations of the German Institute for Human Rights[11] and increase efforts to promote their activities.

II. Freedom of peaceful assembly

10. Freedom of peaceful assembly is protected under Article 8 of the German Basic Law,[12] and reinforced by Germany's international obligations, including the Convention. While not absolute, this right may be restricted only by law and in accordance with the principles of legality, necessity, proportionality, and non-discrimination. The Federal Constitutional Court

[4] See, for example, Lobbycontrol, Warum eine starke Zivilgesellschaft und ihre Organisationen so wichtig sind, 20 February 2025.
[5] A parliamentary oversight tool for MPs to submit written questions on a specific issue to the government, which must respond in writing, with no parliamentary debate.
[6] Deutscher Bundestag, Drucksache 20/15035
[7] See a compilation here: Allianz Rechtssicherheit für politische Willensbildung, Lesetipps zu 551 Fragen von CDU/CSU, 5 March 2025; see also Tagesschau, Wissenschaftler und Organisationen kritisieren Union, 4 March 2025; and Verfassungsblog, Offener Brief anlässlich der Kleinen Anfrage der CDU/CSU-Fraktion zur politischen Neutralität staatlich geförderter Organisationen, 4 March 2025.
[8] Süddeutsche Zeitung, 551 Fragen der Union zu NGOs, 12 March 2025.
[9] The Court, *Vides Aizsardzības Klubs v. Latvia* (Application no. 57829/00), judgment of 27 May 2004.
[10] Committee of Ministers Recommendation CM/Rec(2018)11
[11] German Institute for Human Rights, 10. Menschenrechtsbericht – Menschenrechte in Deutschland unter Druck, 8 December 2025.
[12] The Federal Assembly law sets out permissible restrictions, complemented by assembly laws at federal state level in some federal states. Human rights organisations have criticised these federal state laws' compliance with international human rights standards, however the specific laws applicable in different federal states will not be examined as part of this publication.

(*Bundesverfassungsgericht*) has consistently held that this freedom also extends to the communicative purpose of assembly, including demonstrations, marches, and spontaneous assemblies. International human rights standards regarding restrictions on assemblies held in public places require that any limitations are based on a legitimate ground, such as the protection of public safety or the rights of others. Case-law in Germany also indicates that authorities must facilitate assemblies wherever possible, including by providing adequate protection against counterdemonstrations or hostile actors. The jurisprudence reflects a presumption in favour of assembly rights as essential to an open, pluralistic society. The Commissioner welcomes the authorities' affirmation during discussions that they regard peaceful assembly as a cornerstone of democratic participation and a vital mechanism for collective expression.

11. However, the Commissioner is concerned that over the last few years there have been reports of undue restrictions to peaceful assemblies. Several human rights organisations refer to interference with this right in relation to climate activism and the Palestine solidarity movement, with reports of "repressive and disproportionate measures" against these groups.[13] The Commissioner refers to his letter from June 2025 to the Federal Minister of Interior in which he raised concerns about some of these restrictions. He further notes that in its 2025 annual report, Civicus Monitor, a global civil society alliance, downgraded Germany's civic space to "obstructed", largely due to restrictions on protests in solidarity with the Palestinian people and the crackdown on Palestine solidarity, including allegations of excessive use of force by the police, raids on civil society organisations, and funding cuts.[14]

2.1 Protest bans

12. While some other European countries have reportedly responded to the protests related to the war in Gaza since 7 October 2023 by imposing disproportionate restrictions on the right of peaceful assembly, the UN Special Rapporteur on Freedom of Expression noted that "[i]n Germany, the response was among the toughest".[15]

13. In October and November 2023, German authorities in different cities and federal states pre-emptively banned a number of gatherings in support of Palestinians citing concerns of public security, a need to prevent public manifestations of support of terrorism, and an increase in antisemitic attacks in the country.[16] In Berlin, the police banned numerous gatherings between 11 and 30 October 2023, referring to risks of "antisemitic speech, glorification of and incitement to violence, conveying a willingness to use violence, thus leading to intimidation, and acts of violence", based on "experience from previous years and the recent past, and further findings".[17] The Commissioner refers to the ODIHR and Venice Commission Guidelines on the right to peaceful assembly which state that the blanket application of legal restrictions should be regarded as a violation of the right to freedom of peaceful assembly, and that "mere suspicions, fears or presumptions are not sufficient to warrant the imposition of prior restrictions on assemblies".[18] The European Court of Human Rights has held that "[t]he mere probability of tension" and heated

[13] Liberties, Rule of Law Report, Germany 2025; Amnesty International, Recht auf Protest für alle: Einschränkungen von Palästina-solidarischen Stimmen in Deutschland, 10 June 2024; GFF, Gegen Sprachverbote bei Demos: GFF verteidigt die Versammlungsfreiheit, 10 June 2025.
[14] Civicus Monitor, 2025 report: Germany downgraded in global ratings report on civic freedoms
[15] UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Global threats to freedom of expression arising from the conflict in Gaza (A/79/319), 23 August 2024, para 35.
[16] For example, Berlin (VG Berlin 11.10.2023, Az.: 1 L 428/23); Bremen (Versammlung, 5 V 2513/23, Beschluss vom 20.10.2023), Hamburg (Allgemeinverfügung 15.10.2023), and Munich (Landesanwaltschaft Bayern, 24.10.2023).
[17] See consecutive decisions by the Berlin Assembly Authority: 11 October 2023, 18 October 2023, 20 October 2023
[18] Venice Commission and OSCE/ODIHR, Guidelines on Freedom of Peaceful Assembly (3rd edition), 8 July 2019, paras 134, 145 and 151.

exchange between opposing groups during a demonstration is not enough to justify the prohibition of an assembly.[19]

14. Reliable national data on protest bans remain unavailable, but a recent study covering selected German states and cities, including Berlin indicated that while only 1% of all notified assemblies were banned, 41% of these concerned Palestine solidarity protests.[20] The Commissioner was informed by the Berlin police that between 7 October 2023 and October 2025, only 25 out of 1,200 pro-Palestinian demonstrations were banned in Berlin. Notably, some cities imposed advance blanket bans through general administrative orders, which may not be included in the statistical recording of individual events.[21] The Commissioner further notes that several bans were overturned by courts.[22]

2.2 Protest restrictions

15. The Commissioner was informed that protest bans have decreased since 2024, and have been replaced by other restrictions. He notes that, in principle, such restrictions can be lawful, as the right to peaceful assembly is not absolute. However, human rights organisations and legal experts argue that the number and type of restrictions imposed on Palestine solidarity protests have been disproportionate.[23] For example, restrictions included limiting the number of Palestinian flags due to risks of "emotionalisation"; marches were ordered to take place as stationary rallies; or routes were altered to prevent marches taking place in neighbourhoods where organisers hoped for solidarity.[24] In some cases, certain languages were banned, sound equipment was prohibited or restricted, and specific clothing and slogans were banned. Reportedly, any perceived breach of these restrictions led to forceful police intervention.[25] On occasion, restrictions which were challenged in courts were declared unlawful.[26]

16. The Commissioner recalls that restrictions on assemblies should not be based on the content of the messages to be communicated, as long as they stay within the limits set by Article 10(2) ECHR. He refers to the ODIHR and Venice Commission guidelines which state that "[r]estrictions must not be justified simply on the basis of the authorities' own disagreement with the merits of a particular protest – and so both criticism of government policies or ideas contesting the established order by non-violent means are deserving of protection".[27]

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[19] See Court, *Alekseyev v. Russia* (Application Nos 4916/07, 25924/08 and 14599/09), judgment of 21 October 2010, para. 77; *Brokdorf* decision of Federal Constitutional Court of Germany, BVerfGE 69, 315 (353, 354).
[20] Tagesschau, Weniger als ein Prozent angemeldeter Demonstrationen verboten, 22 November 2024; and Perspektive, Versammlungsfreiheit bei Palästina-Demos: Daten zeichnen unzureichendes Bild, 24 November 2024.
[21] Die Zeit, Kritik an pauschalen Verboten pro-palästinensischer Demos, 23 October 2023.
[22] See, for example, Süddeutsche Zeitung, München: Verwaltungsgerichtshof kassiert Verbot von Pro-Palästina-Demos ein, 19 October 2023; VG Kassel, Kundgebung „Stoppt den Genozid in Gaza! Schluss mit der Besatzung Palästinas!" darf stattfinden, 22.12.2023; OVG Münster kippt Teilverbot bei Palästina Demo, 24 November 2025; OVG Hamburg, Eilantrag gegen die Allgemeinverfügung zum Verbot aller sog. pro-palästinensischen unangemeldeten Versammlungen erfolgreich, 8 December 2023.
[23] Grundrechtereport 2025, Zur Lage der Bürger- und Menschenrechte in Deutschland, 21 May 2025.
[24] Amnesty International, Einschränkungen Palästina-solidarischer Proteste - Interview Nahed Samour, 13 November 2024.
[25] Civicus Monitor, Germany 2025 report.
[26] See, for example VGH München, decision of 26 June 2024 (10 CS 24.1062); OVG Nordrhein-Westfalen, decision of 21 November 2025 (15 B 1300/25), Hessischer Verwaltungsgerichtshof, decision of 22 March 2024 (8 B 560/24); Verwaltungsgericht Bremen, decision of 24 October 2025 (5 V 3679/25); VG Berlin, decision of 26 November 2025 (VG 1 K 187.24). Note, however, that the Berlin Administrative Court upheld the dispersal of a protest due to Arabic songs as lawful, see here.
[27] ODIHR/Venice Commission guidelines, para. 30.

2.3 Policing of protest

17. The Commissioner is concerned about reports of disproportionate use of force by police at certain demonstrations, notably in Berlin, sometimes without the application of de-escalation measures.[28] He recalls that law enforcement should presume an assembly to be peaceful, and that any police response should be guided by the exercise of restraint and the aim of achieving the de-escalation of any tensions with a view to avoiding or minimising the need to resort to the use of force.[29]

18. The Commissioner is concerned that some police officers have been injured in the context of protests[30] and he recalls the importance in any society of protest remaining peaceful.

19. Other reports point to restrictions on the work of journalists,[31] excessive use of force against parliamentary observers[32] and obstruction of medical staff. [33] The Commissioner recalls that journalists, human rights monitors and medical personnel are entitled to be present at assemblies to observe, report, and provide assistance. The authorities should facilitate their work as part of their duty to protect peaceful assemblies.[34]

20. The Commissioner also notes the extensive use of criminal law responses in relation to Palestine solidarity protests and the statement by several UN Special Rapporteurs who "urge[d] Germany to stop criminalising, punishing, and suppressing legitimate Palestinian solidarity activism".[35] At the beginning of 2025, Berlin police stated that there had been nearly 9,000 criminal charges linked to pro-Palestinian protests in the city since 7 October 2023, often including allegations such as resisting arrest or chanting criminalised slogans.[36] Human rights organisations indicate that policing measures have at times failed to distinguish adequately between peaceful demonstrators and isolated instances of unlawful conduct.[37] The Commissioner notes that where some protestors engage in violence, police should respond with targeted, proportionate measures, such as arresting or removing specific individuals engaging in violent conduct, while allowing peaceful participants to continue, prioritising non-intervention where appropriate and using post-event sanctions only when necessary and proportionate.[38]

Recommendations

The Commissioner recommends that the German authorities:

- Always base restrictions on an individualised assessment of the assembly, rather than blanket assumptions or a generalised fear of tensions, and ensure that specific assemblies are banned only as a measure of last resort.
- Ensure that any restrictions to the content and messages of an assembly are based on a thorough assessment of whether these amount to advocacy of hatred constituting incitement to discrimination, hostility and violence.

[28] Civicus Monitor, Repression of Palestine solidarity continues: raids, detentions and police brutality, 31 October 2024.
[29] ODIHR/Venice Commission Guidelines, paras. 86, 88.
[30] Berliner Morgenpost, 80 Festnahmen bei Gaza-Protesten am Alex – Polizisten verletzt, 3 October 2025; Berliner Zeitung, Pro-Palästina-Demo in Berlin-Kreuzberg: Ausschreitungen, Vorwürfe von Polizeigewalt, 18 August 2024.
[31] European Centre for Press & Media Freedom, ECPMF and MFRR condemn police interference with journalistic work in Germany, 26 September 2025.
[32] TAZ, Parlamentarische Demo-Beobachtung: Polizisten schlagen Linken-Politiker*innen, 13 October 2025.
[33] Forensic Architecture, ELSC, Index of Repression; Civicus Monitor, Germany 2025 report.
[34] ODIHR/Venice Commission guidelines, para. 34.
[35] OHCHR, UN experts urge Germany to halt criminalisation and police violence against Palestinian solidarity activism, 16 October 2025.
[36] Civicus Monitor, Germany 2025 Report.
[37] Amnesty International, Zu aktuellen Einschränkungen von Palästina-solidarischen Protesten in Deutschland, 10 June 2024; Forensic Architecture/ELSC, Index of Repression.
[38] ODIHR/Venice Commission guidelines, paras 49 - 51.

- Pay particular attention to ensuring that restrictions are not based on discriminatory assumptions or negative stereotypes of any individual or groups on the grounds of race, religion, political beliefs or other grounds under Article 14 ECHR.
- Apply a human rights based approach to the policing of assemblies, aimed at de-escalation. The use of force should be avoided wherever possible and only used as a measure of last resort, where it is strictly necessary to pursue a legitimate law-enforcement aim, and should be proportionate to that aim.
- Take effective measures to prevent excessive use of force, ill-treatment and abuse of authority by law enforcement, including during assemblies. This should include further human rights training for law enforcement and prompt, thorough, independent and effective investigation of all use-of-force incidents. Pay particular attention to the risks faced by women, children, and persons belonging to ethnic or religious minorities or having a migration background to ensure protection without discrimination.

III. Freedom of expression

21. Freedom of expression, protected by Article 5 of the German Basic Law and Article 10 ECHR, is fundamental to democracy and underpins other rights such as peaceful assembly. It safeguards not only agreeable views, but also those that may shock or offend, enabling pluralism and open debate. States must avoid undue interference and foster an environment where diverse voices, including journalists, human rights defenders, and minorities, can be heard. Any restriction on freedom of expression must be prescribed by law, pursue a legitimate aim and be strictly necessary and proportionate in a democratic society.

22. Combatting antisemitism is an obligation deriving from international law. State actions on the issue must draw a distinction between antisemitic conduct and lawful expression, including legitimate criticism of a state.

23. The Commissioner has noted concerns that freedom of expression has been restricted disproportionately, regarding debates on Palestinian rights or legitimate criticism of the Israeli government.[39] He observes that a Bundestag research analysis indicated that the non-legal concept of *Staatsräson*[40] had influenced the enforcement of measures to counter hate speech,[41] creating a climate in which criticism of Israel may jeopardise residency or naturalisation prospects or lead to criminal liability through an expansive interpretation of what constitutes antisemitism. [42]

24. The Commissioner notes that since 2017, the German authorities have endorsed and disseminated the IHRA working definition of Antisemitism (IHRA working definition)[43] with an addition specifying that "[f]urthermore, the State of Israel, which is understood as a Jewish collective in this context, can also be targeted by such attacks". While the working definition is not legally binding, it has been communicated to all federal departments and, in practice, is treated as an authoritative interpretative framework applied across public institutions, including civic education bodies, memorial sites, publicly funded programmes, and training and work of the federal law enforcement and security authorities.[44]

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[39] Deutsche Welle, When Germany targets Jewish artists as antisemitic, 9 December 2024.
[40] The concept was introduced when then-Chancellor Angela Merkel declared during a speech in the Israeli Knesset in 2008 that Israel's security was part of the *Staatsräson* of her country. The coalition agreement states: "The right of Israel to exist is German *Staatsräson*".
[41] Deutscher Bundestag, Wissenschaftliche Dienste Zum Begriff der Staatsräson im deutschen Recht, 16 November 2023.
[42] For example, see VG Regensburg, Urteil v. 07.10.2024 – RO 9 K 24.782; Süddeutsche Zeitung, Antizionismus verhindert die Einbürgerung, 19 December 2024; Verfassungsblog, Das Spannungsverhältnis zwischen Staatsräson und Grundrechten, 8 December 2023.
[43] The international IHRA working definition states "Antisemitism is a particular perception of Jews that can be expressed as hatred towards Jews. Antisemitism is directed in word or deed against Jewish or non-Jewish individuals and/or their property, as well as against Jewish communal institutions or religious organisations".
[44] See Bundesregierung, Nationale Strategie gegen Antisemitismus, 30 November 2022; and Deutscher Bundestag, Drucksache 20/9149 (neu), 7 November 2023.

25. The Commissioner is concerned that the IHRA working definition has been misapplied in certain situations.[45] Reports show various incidents of disproportionate measures on the basis of an overly broad interpretation of the IHRA working definition, including against Jewish groups, which has restricted legitimate criticism of Israeli state policies and political expression.[46] The Commissioner refers to his letter to the German Federal Minister of Interior,[47] stating that authorities need to remain vigilant that the working definition is not distorted, instrumentalised or misapplied to stifle freedom of expression and legitimate criticism, including of the policies of the state of Israel.

26. Restrictions on expression have been particularly evident at universities, with several institutions curtailing Palestine-related academic activities, including preventing in-person events and deploying heavy police presence, citing security and polarisation concerns.[48] More broadly, event cancellations, venue withdrawals, and disciplinary actions against students and staff are reported to have narrowed academic debate and led to self-censorship within universities.[49] A Bundestag resolution adopted in January 2025, entitled "To resolutely counter antisemitism and hostility toward Israel at schools and universities, and to safeguard the free space for discourse", called for closer cooperation between universities and security authorities and linked public funding to compliance with standards of academic excellence. Thereby, it framed "Israel-related antisemitism" and activities it characterises as boycotts incompatible with these standards.[50] The Commissioner is further concerned about allegations of the use of immigration and residency laws as a means for policing expression, including entry bans[51] and deportation orders related to Palestine solidarity activities, some of which were later halted[52] or ruled unlawful.[53] Additionally, the Commissioner has noted reports that point to a challenging environment for journalists reporting on Israel, Palestine, or Jewish life.[54]

Recommendations

The Commissioner recommends that the German authorities:

- Refrain from blanket prohibitions of slogans, symbols or other forms expression in support of the Palestinian people, clearly distinguishing between legitimate expression and antisemitism, in line with international human rights law. Any decision to prohibit acts or expression on the grounds of incitement to violence or hatred must be made on a case-by-case basis, taking into account relevant human rights standards as well as specific contextual and other factors, as articulated particularly in CM Recommendation CM/REC(2022)16, ECRI General Policy

[45] UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/77/512) Combating glorification of Nazism, neo - Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 7 October 2022; The Guardian, Kenneth Stern: I drafted the definition of antisemitism. Rightwing Jews are weaponizing it, 13 December 2019.
[46] ELSC, Suppressing Palestinian Rights Advocacy through the IHRA Working Definition of Antisemitism, June 2023; PAllies, Palestine Reveals, Palestine Speaks, ADU, Repression of Palestine Solidarity in Germany, July 2025.
[47] Commissioner for Human Rights, The Commissioner asks the German authorities to uphold freedom of expression and peaceful assembly in the context of the conflict in Gaza, June 2025; see also, ECRI, ECRI's opinion on the Working Definition of Antisemitism, 2 December 2020.
[48] Süddeutsche Zeitung, Münchner Uni verhindert Vortrag von UN-Sonderberichterstatterin, 5 February 2025; DW, Germany: Second talk by top UN official canceled, 19 February 2025; see also, Forschung und Lehre, München: LMU sagt Seminar mit Palästina-Thematik ab, 18 November 2025.
[49] See, for example, PAllies, Palestine Reveals, Palestine Speaks, ADU, Repression of Palestine Solidarity in Germany.
[50] Deutscher Bundestag, Drucksache 20/14703, 29 January 2025.
[51] AP News, Prominent surgeon says he was denied entry to Germany for a pro-Palestinian conference, 12 April 2024; Süddeutsche Zeitung, Behörden verhängen Einreiseverbot gegen Varoufakis, 15 April 2024.
[52] rbb24,Pro-palästinensische Aktivisten können nach FU-Protesten vorerst bleiben, 12 May 2025.
[53] Süddeutsche Zeitung, Palästina-Kongress: Einreiseverbot war rechtswidrig, 15 May 2024.
[54] Reporters without Borders, Attacks on Journalists Double, Middle East Reporting Polarizes & Media Policy Initiatives Stalled, 9 April 2025; see also Tagesspiegel, ARD-Israel-Korrespondentin Sophie von der Tann weist Kritik an ihrer Arbeit als Diffamierung zurück, 4 December 2025.

Recommendation No.15 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

- Ensure that any invocation of the IHRA working definition of antisemitism does not result in its distortion or misapplication to stifle freedom of expression and legitimate criticism, including of the state of Israel.
- Promote an environment conducive to diverse views, open debate and discussion, using inclusive consultative processes to promote equality, intercultural dialogue, understanding and tolerance among and within affected communities, and take measures to combat negative stereotypes of Jews, Muslims, Palestinians and Arabs, particularly in academia, schools, and the media.

IV. Combating racism and discrimination

27. The discussions on the above topics also touched upon issues of racism and discrimination. The Commissioner was informed about the general increase in racist, anti-migrant, and far-right narratives that have entered mainstream discourse, contributing to a marked increase in racist attitudes and attacks.[55] Members of religious and ethnic minorities, including those with a migrant background, are increasingly worried about the rise of the far right and its impact on their lives in Germany.[56] Two particular aspects of racism and discrimination which were raised with the Commissioner are the marked rises in antisemitism and anti-Muslim hatred.

28. The Commissioner expresses concern over the rise in antisemitism in Germany, manifesting as violence, threats, intimidation, and attacks against property and institutions,[57] and the resulting climate of fear and anxiety within Jewish communities. The Commissioner welcomes the government's commitment to protect Jewish life, preserve and strengthen remembrance of the Holocaust and combat antisemitism, including through advancing antisemitism research. He acknowledges Germany's historic responsibility and special role in the fight against antisemitism, requiring vigilance and leadership in safeguarding remembrance, confronting hatred, and fostering a society grounded in dignity and respect for all. The Commissioner notes steps taken by the authorities following the report of the Independent Expert Committee on Antisemitism, such as the National Strategy against antisemitism and for Jewish life and the appointment of a Federal Commissioner for the protection of Jewish life and the Fight against Antisemitism. He considers it imperative that the authorities, through comprehensive education, legislative safeguards, and targeted policies, continue to affirm with clarity and determination that every Jewish person has the right to live free from intimidation, discrimination and violence.

29. The Commissioner was informed that the notion of "imported antisemitism" has emerged in Germany as a prominent political and media discourse framing antisemitic attitudes and incidents as primarily brought into the country by migrants, particularly Muslims and people of Arab background. The Commissioner notes claims that the concept has been employed to shift attention away from long-standing concerns about antisemitism from the far-right, despite empirical evidence showing that the majority of antisemitic crimes in Germany continue to be attributed to right-wing extremism.[58] The Commissioner considers that this tendency reinforces anti-Muslim and anti-migrant narratives and obscures the ways in which antisemitism manifests in society.[59] He also recalls findings by the EU Fundamental Rights Agency surveys on Jewish people's experiences and perceptions of antisemitism which suggest that antisemitic harassment is perpetrated by

[55] Nationaler Diskriminierungs- und Rassismusmonitor, Rassismus und Diskriminierung in Deutschland, 20 March 2025.
[56] DeZIM, Ablehnung, Angst und Abwanderungspläne: Die gesellschaftlichen Folgen des Aufstiegs der AfD, September 2024.
[57] Bundeskriminalamt, Bundesweite Fallzahlen für 2024
[58] Bundeskriminalamt, Fallzahlen 2024, pp.11 – 13.
[59] Deutsches Zentrum für Integrations- und Migrationsforschung (DeZIM), Working Paper: Importierter Antisemitismus?, 25 November 2025; NDR, Rassistische Chatgruppe? Drei Polizisten sind weiterhin im Dienst, 8 September 2025; LTO, Rechtsextreme Polizeichats nur private "Belustigung", 15 July 2024.

individuals from diverse backgrounds, reflecting its prevalence across all sectors of society.[60] The Commissioner further notes concerns that have been raised about the broad classification and statistical recording as antisemitic of events, such as Palestine solidarity demonstrations and cultural activities.[61]

30. The Commissioner is concerned about the rise in anti-Muslim hatred, noting reports of an increase in incidents and gaps in victim support and official responses.[62] Interlocutors indicated that anti-Muslim hatred remains inadequately defined, inconsistently recorded, and insufficiently addressed by state authorities, with existing hate-crime statistics failing to capture its full scope or its racialised character. The Commissioner draws attention to the 2023 report Anti-Muslim Racism: A Stocktaking (*Muslimfeindlichkeit – eine Bilanz*) by the Independent Expert Council on Anti-Muslim Racism (*Unabhängiger Expertenkreis Muslimfeindlichkeit*), appointed by the Federal Ministry of the Interior in 2020.[63] Some of the Commissioner's interlocutors have expressed concern that the limited implementation or institutionalisation of these findings may indicate hesitation to recognise anti-Muslim hatred as a distinct, systemic issue.

31. During discussions, interlocutors informed the Commissioner about gaps in Germany's anti-discrimination framework, notably the continued lack of disaggregated equality data which hampers targeted policy-making and impact assessments.[64] The Commissioner refers to the EU Commission guidelines[65] on how to record such data in conformity with human rights standards, which may serve to address concerns about the unlawfulness of recording ethnic data under the German Constitution and data protection law. The Commissioner was further informed that the General Equal Treatment Law (*Allgemeines Gleichbehandlungsgesetz*, AGG) does not cover discrimination by public authorities and does not apply to all areas of life. The Commissioner acknowledges the government's commitments in the coalition agreement to reform the AGG to improve protection from discrimination, and encourages the authorities to take into account recommendations by the Federal Anti-Discrimination Agency and other national and international human rights actors.[66] Concerns were further raised that national legislation does not adequately prevent and protect people from racial profiling. The Commissioner notes that there have been reports of racial profiling, including in respect of protests (see above under II. Freedom of peaceful assembly).

Recommendations

The Commissioner recommends that the German authorities:

- Build on existing measures to protect Jewish communities and combat antisemitism, including through initiatives developed in close consultation with the communities, and through increasing awareness across society, including Holocaust remembrance efforts.
- Recognise anti-Muslim hatred as a societal problem and enhance efforts to address it, including by measures to raise awareness, across state institutions, of relevant forms of discrimination and their intersections.
- Tackle discrimination and hatred against all affected minorities in German society, including Jews, Muslims, Palestinians, Arabs, and people with a migrant background, grounding policy

[60] EU Fundamental Rights Agency, Jewish People's Experiences and Perceptions of Antisemitism, 11 July 2024.
[61] Notably by RIAS, the Federal Association of Research and Information Centres on Antisemitism, see Diaspora Alliance, An Incident of Bias: Antisemitism-Monitoring in Germany under Scrutiny, January 2024.
[62] Bundeskriminalamt, Fallzahlen 2024, p.13; Claim Allianz, Zivilgesellschaftliches Lagebild antimuslimischer Rassismus, 2025.
[63] The report was commissioned in response to sustained pressure from civil society and rising anti-Muslim attacks. Drawing on interdisciplinary research and extensive consultations, the report documented the scale and structural nature of anti-Muslim racism across public discourse, state institutions, media, and everyday life, including discrimination in education, policing, employment, and housing.
[64] See ECRI report Germany 2019; ICERD, Concluding observations, Germany (CERD/C/DEU/CO/23-26), 21 December 2023, paras 5,6,16.
[65] European Commission, Guidance note on the collection and use of equality data based on racial or ethnic origin
[66] See, for example, ICERD, Concluding Observations on Germany, 21 December 2023, paras 13-14; German Institute for Human Rights, Das Antidiskriminierungsrecht in der Kritik internationaler Menschenrechtsgremien, July 2024; Council of Europe Commissioner for Human Rights, Germany: Follow through with human rights commitments and improve access to social rights, 19 March 2024, paras 34-38, 40-43, and 46, 60, 61.

and measures in a comprehensive strategy that respects the right to be free from discrimination, freedom of expression, peaceful assembly. This framework should go beyond reactive criminal justice measures, promoting inclusion, societal cooperation, and meaningful dialogue by supporting civil society initiatives such as peer education and community-based programs, which empower victims to report incidents and tackle prejudice.

- Strengthen the national anti-discrimination framework by reforming the AGG, and by adopting legislation to eliminate and prevent racial profiling, in close consultation with communities, civil society and the Federal Anti-Discrimination Agency. Intensify efforts to collect disaggregated equality data, in close cooperation with affected communities and based on the principles of self-identification and anonymity.