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## AI – Amnesty International (Author)

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Inadequate investigations into allegations of racial profiling violated the right to non-discrimination. Justice, truth and reparation for discriminatory abuses by police continued to be hampered by the lack of an independent complaints mechanism. A court ruling held that permanent protest camps were protected by the right to freedom of assembly. Some protests were disproportionately restricted. The government launched a humanitarian admission programme for vulnerable Afghans and their families. A court ruling found the German Telecommunications Act incompatible with the right to privacy. Section 219a of the Criminal Code on “advertising abortion” was repealed. Germany supported the establishment of an international financial facility for climate-related loss and damage.

#### Discrimination

In May, the Federal Ministry of the Interior reported significant increases in hate crimes related to antisemitism (28.8%), sexual orientation (50.5%), gender (66.7%) and disability (81.5%) compared with the previous year, although xenophobic hate crimes remained the most common in absolute terms.

An action plan against right-wing extremism presented by the minister of the interior in March did not recognize or address institutional and systemic racism. In May, the National Discrimination and Racism Monitor found that racism was part of everyday life in Germany.

In August, a 16-year-old Senegalese refugee was killed by several shots from a machine gun in a disproportionate police operation. Criminal

investigations against five police officers were ongoing at the end of the year.

In October, the European Court of Human Rights ruled that Germany's inadequate investigations into allegations of racial profiling had violated the right to non-discrimination (*Basu v. Germany*). The lack of an independent complaints mechanism at federal and state levels continued to hamper investigations into allegations of ill-treatment by police. Police at federal level as well as in six federal states were still not required to wear identification badges, despite a coalition agreement to introduce this for federal police.

## LGBTI people

In June, the Ministries of Family Affairs and Justice presented plans for a Self-Determination Act, which would enable transgender, non-binary and intersex people to obtain legal recognition of their gender and change their name by making a simple declaration at a registry office. The new law would replace the 1980 Transsexuals Act, which obliged transgender people to undergo discriminatory psychological assessments and a court procedure to obtain legal gender recognition.

## Freedom of assembly

A new law in the federal state of North Rhine-Westphalia, in force since January, disproportionately restricted the right to freedom of peaceful assembly by extending state control and intervention powers. Changes made to the law following strong criticism were insufficient to address critical provisions, including criminal penalties for protest organizers who failed to submit prior notification.

In May, the Federal Administrative Court confirmed in a landmark ruling that protest camps, including necessary infrastructure, were comprehensively protected under Article 8 of the Constitution on the right to freedom of assembly.

Often denounced as a "danger to public security" by the authorities, some protests were disproportionately restricted. In June, only 50 protesters were allowed on the site of the G7 summit hosted by Germany.

## Right to truth, justice and reparation

In January, under the principle of universal jurisdiction, the Koblenz Higher Regional Court convicted the main defendant in the first criminal trial to address crimes under international law by officials of the Syrian General Intelligence Directorate. The former intelligence officer was sentenced to life imprisonment for crimes against humanity. A second

trial for crimes against humanity and torture against a Syrian doctor at the Frankfurt Higher Regional Court was pending at the end of the year.

## Refugees' and migrants' rights

More than 27,000 of 40,000 people deemed at particular risk due to their employment or other factors following the 2021 Taliban seizure of power in Afghanistan had arrived in Germany by the end of the year. In October, the government launched a humanitarian admission programme aiming to approve admission for 1,000 such at-risk people and their family members per month. People at risk who had already left Afghanistan for neighbouring countries were excluded from the programme. The government outsourced to NGOs the time-consuming task of proposing and registering individual cases and commissioned an automated algorithm system to score and select people for admission, prompting concerns over fairness and transparency.

Some 1,021,700 Ukrainian refugees received temporary protection in Germany under the provisions of the EU Temporary Protection Directive.

In December, the ministers of the interior of the federal states agreed to temporarily halt deportations to Iran, except for individuals convicted of crimes or considered so-called "potential attackers".

## Right to privacy

In April, the Federal Constitutional Court found multiple provisions of the Bavarian Constitution Protection Act to be unconstitutional. The court held that government surveillance powers, such as the screening of devices and blanket data retention, were neither sufficiently specific nor proportionate and violated German constitutional rights to information, self-determination, the privacy of telecommunications and the inviolability of the home.

In September, the European Court of Justice ruled that the German Telecommunications Act, which required general and indiscriminate retention of customers' traffic and location data by internet service providers, was incompatible with EU law, including the right to privacy. The German Ministry of Justice announced that it would reform the law.

## Corporate accountability

In May, the Federal Ministry for Economic Affairs and Climate Action denied investment guarantees for Volkswagen's business in China due to human rights concerns.

## Irresponsible arms transfers

In October, the Federal Ministry for Economic Affairs and Climate Action announced key elements of a future arms export control law. The proposal envisaged binding criteria for the approval of arms exports, including a human rights assessment with a focus on women, girls and marginalized groups in the recipient state.

## Sexual and reproductive rights

In July, Section 219a of the Criminal Code, which had resulted in doctors being criminalized for “advertising abortion”, was repealed, allowing doctors to provide detailed information on options for terminating a pregnancy without fear of criminal prosecution. Judgments issued under the Section 219a provision were to be repealed.

However, Section 218 – regulating abortion within the criminal law – remained in place and no commission began work to fully decriminalize abortion, contrary to such plans set out in the coalition agreement.

## Failure to tackle climate crisis

The German Environment Agency predicted that Germany would fail to meet its self-imposed targets to reduce emissions from their 1990 levels by at least 65% by 2030 and 88% by 2040. The government accelerated domestic climate action, in particular the expansion of renewable energy, but approved investments in liquid natural gas import infrastructure as well as a temporary tax reduction on petrol and diesel.

Germany maintained its contribution to climate finance but failed to deliver on its pledge to increase funding to EUR 6 billion. Germany supported the establishment of an international financial fund to support countries incurring climate-related loss and damage at COP27. Germany also launched the Global Shield against Climate Risks and committed additional funding in this area.

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