

Green Legal Spaces

Study 2025

English Executive Summary

Development of political participation rights
of the climate movement in Germany

Green Legal Impact Germany e.V.

Green Legal Impact Germany (GLI) uses the law and the rule of law as a lever for environmental protection and human rights. The non-profit organization helps to enforce compliance with planetary boundaries and human rights. GLI strengthens civil society actors in Germany and worldwide to understand, apply and improve the law in this sense, and convinces politicians and the public.

For the fundamental rights of the environmental movement, the aim of the association is to ensure that the importance of climate activism for the common good and democratic participation is recognized and accepted by all social actors. GLI strengthens activists by expanding skills and networks and critically observes the social restrictions of the climate protests.

Participating organizations

Green Legal Impact Germany e.V.
Amnesty International Deutschland e.V.
Institut für Humangeographie, Goethe-Universität Frankfurt am Main
Unabhängiges Institut für Umweltfragen e.V.
Maecenata Institut für Philanthropie und Zivilgesellschaft
Institut für Protest und Bewegungsforschung

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Contents

This study presents the developments in the climate movement's scope for action from various perspectives since 2019.

The analyses show developments in the respective areas from certain perspectives without claiming to be exhaustive.

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The Green Legal Spaces study highlights how the scope for civil society action in Germany has changed since 2019 with regard to the climate movement. In a functioning democracy, it is crucial to protect freedom of assembly, freedom of expression and freedom of association. These fundamental rights are essential to protect the opinions and concerns of different sections of society and to give them space. Their use makes it possible to identify and tackle social problems at an early stage. However, the scope for action that is essential for a vibrant democracy is being increasingly restricted all over the world, including in Germany. The UN Special Rapporteur on Environmental Defenders described these developments as a "[major threat to democracy in Europe](#)". Continuously, the climate catastrophe is insufficiently addressed and those who draw attention to the impending damage are increasingly restricted in their participation.

BACKGROUND

While the world is increasingly feeling the visible effects of climate change through wildfires, floods, droughts and ongoing ecological crises, we are seeing how the voices most vocal in calling for urgent action are often marginalized or even silenced. This can also be felt in the current election campaign, in which the climate catastrophe plays only a minor role.

Aims of the study:

The Green Legal Spaces Study 2025 is not only intended to contribute to education and objectify the discussion on how to deal with activism, but also to challenge the parties to position themselves on democratic participation and how to deal with the climate crisis. Because civil society engagement is essential for overcoming global challenges, the importance of fundamental democratic rights and participation in the formation of political opinion must be emphasized. As the Federal Constitutional Court emphasized in the Brokdorf decision, the right of assembly is constitutive for a functioning democracy.¹

Background and challenges of the study

With the Green Legal Spaces Study 2025, we are working with scientists from various disciplines to build on the [Green Legal Spaces Report 2023](#), which for the first time highlighted legal restrictions and current developments in Germany.

In this study, we shed light on selected aspects of how the climate movement has been dealt with in Germany since 2019, based on qualitative and quantitative data analyses. However, due to the complexity and topicality of the issue, much of the data is inaccessible or difficult to collect, meaning that not all relevant areas could be covered in a representative manner. For example, due to a lack of data, a comprehensive quantitative evaluation of judgments or assembly decisions is not possible. We have opted for the most relevant and accessible information without compromising the scientific claim. By systematically analyzing and presenting facts, we help to put the discussion on a solid, evidence-based footing.

The study can also serve as a reference point for future research to track changes over time.

Conclusion

The overall view of the various sections of the study reveals a worrying trend: the increasing pressure on climate activists and the restriction of their scope for action is manifold. Political, legal and social conditions are intertwined and hinder the participation and effectiveness of the climate movement. It is particularly alarming to note that these tendencies do not occur in isolation, but are systematic. This could

¹ BVerfG, decision of May 14, 1985, *Brokdorf*, BVerfGE 69, 315 (343).

have a profound impact on democracy and society's ability to respond adequately to the climate crisis. These developments must therefore not only be recognized, but also publicly discussed and addressed in political decision-making processes.

The four sub-studies

The development of change since 2019 was analyzed from various perspectives. The starting point is **an examination of the climate movement**, which is central to understanding spaces for civil society participation. **Police action** against climate activists has changed the most in recent years, which is why it was analyzed individually. At the same time, **authorities, public prosecutors and courts** provide overarching framework conditions for civil society's scope for action and were evaluated with the help of qualitative interviews. Finally, the **discursive changes** were traced using media, social media and parliamentary documents. The study concludes with recommendations for policy-makers to counteract the worrying developments.

In all areas analyzed, there was a change in the way climate activists were treated in 2021 and 2022. The study cannot fully identify the causes of this. On the one hand, new groups such as the Last Generation emerged during this time, while at the same time many events and developments (coronavirus, Ukraine, inflation, economic crisis, etc.) that contributed to social division and polarization also occurred during the period under investigation. The climate movement is also experiencing their effects - overall and often undifferentiated.

Internationally observed - and imitated

Numerous international civil society organizations and UN special rapporteurs have also expressed increasing concern about Germany's actions against the climate movement. This development threatens constitutionally protected rights such as freedom of assembly, freedom of expression and freedom of association. Various states justify similar measures against peaceful protests with the example of Germany, as the UN Special Rapporteur on Freedom of Assembly and Organization, Gina Romero, points out. Michel Forst, UN Special Rapporteur under the Aarhus Convention, criticizes in particular the political discourse that delegitimizes the climate movements, as well as the use of assembly bans, detentions, pain grips and the criminal prosecution of peaceful protests as the establishment of a criminal organization under Section 129 of the German Criminal Code (StGB) in Germany.

Organizations such as Amnesty International² and the German Institute for Human Rights³ warn of the increasing repression against climate activists in Germany, especially during civil disobedience actions, which should be seen as a legitimate part of the democratic process. Measures such as preventive detention and defamatory political statements are often used to intimidate climate activists. The Civicus Monitoring report has downgraded Germany in terms of freedom of expression, assembly and association.⁴ Climate Rights International emphasizes that climate protests are also increasingly criminalized in Western democracies such as Germany, which underlines the need to monitor and publicly discuss these worrying developments.⁵

² Amnesty International, Under Protected and Over Restricted 2024, available at: <https://www.amnesty.org/en/documents/eur01/8199/2024/en/>.

³ German Institute for Human Rights, Annual Report on the State of Human Rights in Germany 2023, available at: <https://www.institut-fuer-menschenrechte.de/menschenrechtsschutz/berichterstattung/menschenrechtsbericht>.

⁴ Civicus Monitor Tracking Civic Space, available at: <https://monitor.civicus.org/presscentre/germany/>.

⁵ Climate Rights International, CRI Climate Protesters Report 2024, available at: <https://cri.org/western-democracies-stop-crack-downs-climate-protesters/>.

SUMMARY OF THE STUDY RESULTS

Each section was compiled independently by scientists using different methodological approaches. The study concludes with concrete recommendations for policy-makers, which are essential for safeguarding democratic participation and protecting climate activists.

Climate activists' perspective

The section on activist perspectives shows that a significant proportion of climate activists, mainly from Fridays for Future and Last Generation, experience tangible restrictions on their democratic rights. The (non-representative) survey found that more than 83% of respondents have experienced various types of repression, including police action, assembly dispersals and bans. 68% of respondents were critical of police presence and measures. This section already shows the broad impact of the crackdown on climate activists. The survey also shows that activists' engagement is influenced by perceived restrictions. Almost a third of respondents are seriously concerned about the impact of their activism on other areas of their lives, such as their career choices or personal lives, leading some to reduce their involvement. The increasing police restrictions, especially on civil disobedience actions, require activists to constantly adapt and prepare in order to be able to react to the changing political and legal framework conditions. This is also reflected in the different perceptions of police measures, which vary depending on the federal state and police approach.

Increasing police activity in climate activism

The section on the development of police action shows, based on a media analysis of three daily newspapers, that police action against climate activists increased in 2022 and 2023. Reports of police interventions at climate protests have doubled, with over 20 percent of articles relating to climate activism now discussing such measures. This increase is not limited to confrontational forms of protest; rather, all forms of climate protests - direct actions such as blockades, but also traditional demonstrations - are affected by an increased police presence and a variety of deployment methods.

At the same time, the analysis shows a shift in public discourse: while before 2022, the focus was on the substantive motives and demands of the climate movement, since then security issues have dominated reporting. Due to the growing number of quotes from police spokespeople and the emphasis on security, the climate protests are increasingly being portrayed as a security risk. This discursive shift is accompanied by a decline in the visibility of climate activists in the public debate, whose share of voice in the media examined is decreasing.

Climate movement, state and law

In this section on the actions of the administration, several interviews were conducted as a pilot study with representatives of the authorities, the public prosecutor's office, judges and lawyers. It shows a tendency towards routinization and standardization in dealing with climate protests, which can potentially lead to increased criminalization of climate activists.

The study shows that administrative practice is characterized by a deeply rooted pragmatism that aims to process climate protests efficiently. As a result, new forms of protest such as street blockades are quickly incorporated into existing legal and administrative routines and punished with standardized penalties that can then go beyond the proportionality of the individual case. It is not a matter of course that these actions are condemned under criminal law. Local legal cultures significantly influence these practices and lead to inconsistent prosecution, which varies from city to city.

Influence of political pressure and media coverage on administrative and judicial practice, with the courts still having a corrective function. For example, fundamental rights considerations flow into the processes and correct maladministration. Acquittals based on the inclusion of freedom of assembly and freedom of expression are legally justifiable. Nevertheless, the analysis shows the influences to which the judges are subject. For example, the assessments of higher instances, pragmatism and career considerations work against the possibility of including the political and fundamental rights dimension to a greater extent.

Discourse as the starting point for developments

The analysis of the political and media discourse (parliamentary debates, three daily newspapers and X accounts of MPs) on climate activists and protests reveals a significant increase in negative portrayals and frames. The activities are particularly frequently portrayed as threats to public safety and order and, in 2022 and 2023, as a threat to social cohesion and economic stability,

Furthermore, political debates, often led by parties such as the AfD and the CDU/CSU, suggest a radicalization of the entire climate protection sector, which mixes up and complicates a differentiated view of the various protest actors. The study highlights the critical role of the media, which adopts and reinforces this political framing, hindering a multi-layered and fair portrayal of the climate movement. The analysis suggests that independent and critical media coverage is essential to adequately represent the climate movement and ensure a balanced public perception.

The discourse also illustrates how linguistic framing in the political and media debate influences social perception and political reactions to climate activists. The constant use of negative framing casts the actions and concerns of the climate movement in a bad light, weakening public support for the movement and encouraging political action against it.

Recommendations

1. **Protection of the fundamental rights to freedom of assembly, expression and association:** It must be ensured that fundamental rights, in particular freedom of assembly and expression, are respected and promoted in their entirety. The Federal Constitutional Court considers these fundamental rights to be of constitutive importance for democracy. Restrictions on these rights should only be made after a strict proportionality evaluation and considering the importance of these rights for a living democracy.
2. **Review and reform laws and practices:** Laws and practices that could be used to monitor and punish climate activists should be reviewed and reformed. This includes the need to ensure that counter-terrorism and organized crime tools are not misused against peaceful activists as long as they are clearly acting to participate in the formation of opinion. This applies in particular to prosecution for the formation of a criminal organization under Section 129 of the German Criminal Code and the classification of Ende Gelände as a left-wing extremist organization in the constitutional protection report. Legislative proposals such as the tightening of the Aviation Security Act and the restriction of lay defense are not to be implemented.
3. **Recognition of civil disobedience as an act of democratic participation:** The federal government should recognize civil disobedience as a legitimate expression of democratic participation when this takes the form of non-violent protest. It must be ensured that the exercise of fundamental rights is appropriately taken into account when sentencing. This recognition should be expressed in public statements, political

decisions and by refraining from criminalizing such actions. Society must address the question of the extent to which civil disobedience is legitimate in the fight against climate change.

4. **No public defamation of climate activists:** The state and decision-makers should refrain from portraying peaceful climate activists as a threat to security and order, foreign-controlled actors or a danger to citizens. On the contrary, climate activists must be perceived and treated as part of the democratic decision-making process.
5. **Restoring public trust in the assembly authorities and the police:** State institutions, especially assembly authorities and the police, should restore public trust through comprehensive reform. In particular, the practice of using pain grips on peaceful activists must be resolutely opposed. This should be achieved through the development of transparent and de-escalating deployment guidelines as well as effective and independent complaints mechanisms. Furthermore, clarity about the legality and neutrality of public statements by police authorities must be guaranteed.
6. **Implement international recommendations:** The German government should actively implement the recommendations of international bodies and commissioners such as the [UN Special Rapporteur under the Aarhus-Convention](#). This includes ensuring that repression against climate activists is counteracted and that the scope of action for civil society actors is defended and expanded.
7. **Promote positive dialog:** The German government should promote a constructive and open dialog between state authorities, civil society and climate activists. The aim should be to find joint solutions to environmental and social challenges and to strengthen political participation. This must result in a policy in line with international obligations.
8. **Strategic lawsuit against public participation (SLAPP):** Civil proceedings must not be used by private actors to restrict the exercise of fundamental freedoms. This requires the consistent implementation of the SLAPP Directive in Germany, not only for cross-border matters. Effective measures should also be taken to reduce the risks for activists.
9. **Data security and data deletion:** It must be ensured that collected data is deleted after the purpose of use has ended. Individual deletion requests are not sufficient to ensure consistent protection of privacy.
10. **Sensitizing authorities and courts to the importance of climate protests:** Even if uncomfortable climate activist actions cause great social debate and resentment, especially negative framing of the actions, they must be kept out of the courtroom as far as possible. Legal experts must reflect on their own preconceptions within institutionalized roles.

IMPRESSUM

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