



German Institute  
for Human Rights

Executive Summary

# Developments of the Human Rights Situation in Germany July 2023 – June 2024

Report to the German Federal Parliament in accordance  
with section 2 (5) of the Act on the Legal Status and  
Mandate of the German Institute for Human Rights

## About the report

Each year, the German Institute for Human Rights submits a report on the developments in the human rights situation in Germany to the German Bundestag, in accordance with section 2 (5) of the Act on the Legal Status and Mandate of the German Institute for Human Rights (DIMRG: Gesetz über die Rechtsstellung und Aufgaben des Deutschen Instituts für Menschenrechte, of 16 July 2015). The report is presented on the occasion of International Human Rights Day on 10 December. The Act on the Legal Status and Mandate of the German Institute for Human Rights provides that the German Bundestag should respond to the report. The 2023/2024 report, the ninth such report to be issued, covers the period from 1 July 2023 to 30 June 2024.

By requesting an annual report on developments in the human rights situation in Germany, the Federal Parliament and the Federal Council have emphasised that respecting and realising the human rights of all persons in Germany is an ongoing responsibility for all public authorities, as new challenges continually arise. This is why the Basic Law (Grundgesetz), Germany's constitution, demands that the impacts of legislation on human rights be reviewed regularly and that adjustments be made when needed, through legislation or by changing administrative practices. Moreover, political and societal changes, international or domestic developments, and scientific and technological progress can give rise to new challenges to human rights. Recognising such challenges and developing human rights-based solutions to them is crucial. This report is intended to contribute to both: the assessment of the human rights impact of laws and the identification of new human rights challenges, and the identification of areas where new human rights risks demand a political response.

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## The Institute

The German Institute for Human Rights is the independent National Human Rights Institution of Germany (§ 1 GIHR law). It is accredited according to the Paris Principles of the United Nations (A-status). The Institute's activities include the provision of advice on policy issues, human rights education, information and documentation, applied research on human rights issues and cooperation with international organizations. It is supported by the German Bundestag. The Institute is mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and established Monitoring Bodies for these purposes. It is also mandated as National Rapporteur Mechanism under the Council of Europe Conventions on Violence against Women and Domestic Violence (Istanbul Convention) and on Trafficking in Human Beings.

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## Introduction

The German Institute for Human Rights submits its ninth annual report on developments in the human rights situation in Germany to the German Bundestag. This year's report addresses five topics of great relevance for human rights in the period under report (01 July 2023 – 30 June 2024): the protection of refugees, homelessness, labour market exclusion of persons with disabilities, exploitative working conditions for migrant workers and the corporate responsibility to respect human rights. We describe key developments in these six areas, evaluate significant political and legislative measures through the lens of human rights, and formulate recommendations.

To inform this report, we assessed publicly available statistics and documents, including material published by the German Bundestag and by the parliaments of the German federal states (the Länder), as well as studies and media reports. We also held background discussions with experts. We wish to thank all of those who provided us with information during our research for this human rights report.

The 75th anniversary of the Basic Law of the Federal Republic of Germany, was celebrated during the period under report. Numerous politicians and representatives of civil society extolled the importance of the Basic Law, Germany's constitution, and rightly so, drawing particular attention to its enshrinement of fundamental rights and the role of the Federal Constitutional Court. We welcome the fact that the Bundestag and Bundesrat have put forward proposals aimed at protecting the Federal Constitutional Court from interference by authoritarian forces. Of particular importance is a constitutional safeguard in the form of an alternative election mechanism to be used in the event of a blockage of the election of justices. The inaugural sitting of the Thuringia State Parliament made it all too apparent that the enemies of democracy under the rule of law are willing to use any available means to prevent it from functioning and discredit it.

A democracy under the rule of law must have institutions to safeguard it and people to fill it with life and

defend it. Important in this respect is engagement by a plurality of societal organisations: unions, sports associations, trade federations, community-based initiatives, and others. Of particular significance are civil society organisations that promote democracy and human rights, for instance, through democracy and human rights education work; by promoting the participation of all groups in political decision-making processes; through anti-discrimination work; or by assessing state actions against the yardstick of human rights and evaluating the political and legal enforcement of human rights. There is an urgent need for the clear recognition of this kind of human rights work as being of public benefit, including in tax law. Moreover, sustained state funding to support this work is needed. Given the existing threats to democracy and the rule of law, the adoption of democracy promotion legislation is a matter of urgency.

In diametric contradiction to the praise for the Basic Law, high-ranking politicians have called for the fundamental right to asylum to be eliminated and have proposed measures that would weaken the individual's right to protection or deny a subsistence minimum to asylum seekers that is in line with human dignity. That these matters are even up for debate is undermining the very foundation upon which the Basic Law stands: the consensus that human rights are binding standards for and limits on all state actions.

The ninth of October marked the 35th anniversary of the great Monday Demonstration in Leipzig, in which tens of thousands of East Germans marched in defence of their human rights, in defiance of the repressive state apparatus and its threat to use violently suppress public protest. We have their courage and the tenacity of the civil rights movement in the German Democratic Republic to thank for the fact that human rights apply throughout all of Germany. This lays an obligation on all of us to stand up for human rights and work together to shape our future.

It is our hope that the information and recommendations in this report will be taken up at the federal and federal state level and used to protect and

promote human rights, both domestically and in external policy.

## 1 More Restrictive Migration Policy: Protection of Refugees under Pressure

Millions of people around the world are forced to flee their homes. Many of them seek refuge in Germany. The Federal Office for Migration and Refugees has reported that the number of asylum applications it received rose by 51.1 percent in 2023 compared to the previous year. **Everyone seeking protection has a right to access to a fair and effective asylum procedure**, and no one can be deported to a country where they would be at risk of torture or of inhuman or degrading treatment. These principles are enshrined in the Basic Law, in the Geneva Refugee Convention, and in the European Convention on Human Rights.

The debates on migration policy in recent years, often conducted in a very polarizing manner, have severely weakened the protection of refugees. The period under report was characterised by a severe tightening of provisions under migration law and by a **policy of interception and deterrence**.

In April 2024, the Bundestag decided to introduce a **payment card for asylum seekers**. In the view of the Federal Government and federal state governments, this should result in a decreased incentive to seek protection in Germany. There is no scientific evidence for such a linkage. There are grounds to fear, though, that the payment cards will have a stigmatising effect and significantly restrict independent living.

In January 2024, the Bundestag adopted the “**Repatriation Improvement Act**” (Gesetz zur Verbesserung der Rückführung von Ausreisepflichtigen), which inter alia introduces extensive measures for use in determining identity. These are not restricted to use in conjunction with an imminent removal,

and they can affect persons who have not been ordered to leave the country. For instance, police are now authorised to enter collectively used spaces in refugee accommodation facilities. In a position statement on the legislation, the German Institute for Human Rights criticised it as being aimed at defining extensive legal grounds for authorities to take action, without ensuring that the interests the action will serve are always duly weighed against the fundamental rights of persons seeking protection.

In December 2023, the EU Commission, the European Parliament, and the Council of the EU arrived at an agreement on a reform of the **Common European Asylum System (CEAS)**, something Germany and other member states had been pressing for. At the heart of the reform are accelerated asylum procedures at the EU’s external borders. Entry to the EU will be denied to those applying for protection for the duration of these procedures. This “asylum screening” is expected to entail significant restrictions on freedom in locked reception centres – including for families with children and particularly vulnerable refugees. However, the CEAS reform does provide for an **independent mechanism to monitor** the fulfilment of requirements, such as respect for the right to access to the asylum procedure, the best interests of the child and compliance with the rules on detention. The EU regulation calls for national human rights institutions and national mechanisms for the prevention of torture to be tasked with this monitoring. In Germany, these are the German Institute for Human Rights and the National Agency for the Prevention of Torture.

The Federal Ministry of the Interior and Community has been reviewing the possibility of **extraterritorial processing of asylum claims in third countries** since February 2024. There is reason to fear that Germany would be unable to ensure compliance with international and human rights standards and the requirements of EU law in connection with such processing. From the human rights perspective, it would involve an enormous risk to the safety of persons seeking protection. The German Institute for Human Rights therefore strongly opposes an externalisation of this task.

The German Institute for Human Rights recommends:

- the rejection by the Federal Government of the proposed external processing of asylum claims in third countries and the closing of the review to identify potential host countries.
- the establishment at the federal level of the legal and practical bases for an independent and effective monitoring mechanism at the EU's external borders.
- the commissioning at the federal and federal state level of research studies on the effect and impacts of the payment card.

The German Institute for Human Rights strongly advises against the blanket representation of asylum seekers and migrants as a threat, which serves to increase tensions and animosities and can even encourage acts of violence.

## 2 Ending Homelessness: Tasks for Federal, Federal State and Local Governments

A life in dignity is not possible without a home. The official estimate for the total number of homeless people living in Germany at the start of 2022 is 263,000. That includes people living on the streets as well as those temporarily staying with friends or in emergency shelters. **Homeless persons are entitled to have the State respect, protect and realise their human and fundamental rights.** So says the International Covenant on Economic, Social and Cultural Rights, for instance, an instrument that has the force of law in Germany. In German constitutional law, the right to housing is encompassed in the right to a subsistence minimum in line with human dignity. Legislation, such as the German Civil Code (protection against undue eviction), social legislation, and the Housing Benefits Act, further elaborates that right.

Preventing and ending homelessness is primarily the task of the municipalities. However, the framework within which municipalities address this task is largely established at the federal and federal state level. The bottom line for the period under report is quite grim: there is nowhere near enough affordable housing, next to no effective measures to address rising rents, and all too many people are still losing their homes – and are unable to find new ones.

In its coalition agreement, the Federal Government set itself the target of ending homelessness by 2030 – an aim virtually impossible to achieve through the measures adopted to date. In April 2024, the Federal Cabinet approved a **National Action Plan to tackle homelessness**. On the positive side: this is the first time a Federal Government has taken a step towards a comprehensive national strategy of this kind. However, many of the measures the plan contains are very vaguely defined; there is almost no funding, the roles of the Länder and local governments are unclear; and there are no or not enough measures addressing people in vulnerable situations, such as citizens of other EU countries or women who have experienced violence.

There are many ways in which the Länder could help their municipalities to prevent and end homelessness. Yet **the activities being undertaken by the Länder are far from sufficient**. What is needed is both the political will to pursue an overall strategy and a willingness to provide the necessary funds for municipalities. North Rhine-Westphalia has shown that it is possible: that federal state has had an action plan to combat homelessness for years, one that includes funding for relevant projects for municipalities.

Municipalities are legally required to provide **temporary emergency accommodation** to people who are homeless – on 31 January 2024, this applied to about 439,500 people, 128,705 of them children (understood as persons under the age of 18). Conditions in the shelters are often highly problematic from the perspective of fundamental and human rights: filthy sanitary facilities, rooms

with multiple beds that afford no privacy, an atmosphere fraught with fear and conflict. Moreover, people are not just there for a few days until another arrangement can be made: many remain there for months or years. In view of these problems, the establishment of minimum standards for shelters is urgently needed.

The German Institute for Human Rights recommends:

- the implementation by the Federal Government of the Institute’s recommendations relating to a national action plan oriented towards human rights and the provision of sufficient funding for this.
- the establishment by the Federal Government of a programme to fund bodies at the municipal level specialising in preventing people from becoming homeless.
- the implementation at the federal level of the actions to protect tenants that were agreed in the coalition agreement.
- the launch of federal state action programmes aimed at ending homelessness, including funding for programmes for the municipalities.
- that the Federal and federal state governments and associations of municipal governments work with civil society and homeless persons to develop a set of minimum standards for municipal emergency shelters in line with Germany’s fundamental and human rights obligations.

### 3 Ending Exclusion: From the Sheltered Workshop to the Open Labour Market

Persons with disabilities, like all persons, have the right to freely choose their work and thus to be able to earn an adequate living on a basis of individual autonomy. Yet many of them are employed in sheltered workshops, where they do not receive the minimum wage but only an average monthly remuneration of 220 euros. Moreover, the sheltered workshops are part of a system of separate structures in the sphere of German vocational education and training.

There is a severe shortage of inclusive workplaces in the open labour market, with the result that people with disabilities de facto cannot exercise free choice with respect to employment in a sheltered workshop vs. in the open labour market. In this respect, Germany **violates the right to work under the UN Convention on the Rights of Persons with Disabilities** (UN CRPD). This is all the more problematic from a human rights perspective because the right to work is crucial for the realisation of other rights under the UN CRPD, such as the right to education and lifelong learning (Article 24) and the right to live independently (Article 19).

The UN Committee for the Rights of Persons with Disabilities reviewed the implementation of the UN CRPD in Germany in August 2023. The Committee praised individual legislative measures taken to improve implementation such as the Federal Participation Act (BTHG). The UN experts criticised the separate structures in the areas of education and employment, however, as they had in 2015. The Committee strongly urged that swift action be taken to transform the existing system of separate structures, which gives rise to exclusion, into one made up of inclusive structures for participation in working life.

During the period under report, the Federal Ministry of Labour and Social Affairs (BMAS) launched a process to reform the sheltered workshops system.

As initially planned, the reform was to encompass changes in relation to access to the sheltered workshops, the transition from the workshop to the open labour market, and the remuneration paid to sheltered workshop workers. To support the reform process, the German Institute for Human Rights published a paper outlining the changes it deems most necessary from a human rights perspective. In March 2024, the BMAS put forth a **draft** for a **national action plan for improving transitions to an inclusive labour market**, hence a document addressing only one of the three elements of the reform as originally planned. The draft plan does not contain a concrete timeline.

The coalition agreement announced the intent to reform of system for workshop remuneration. Results of a study on this issue commissioned by the BMAS, published in September 2023, identified specific options. At present, there are three components of the remuneration paid to people who work in sheltered workshops: a base amount, a step-up amount, and an employment promotion allowance (Arbeitsförderungsgeld). Civil society, researchers and policymakers are currently discussing alternative approaches to remuneration: 1) an increase of the tax-financed employment promotion allowance, 2) a “base allowance” of about 1,500 euros per month – which corresponds to 70 percent of the average German net wage – and 3) the **introduction of the minimum wage** to the sheltered workshops. The German Institute for Human Rights favours the third approach, as it would eliminate the remuneration’s “pocket money” character. Workshop workers would obtain both recognition for their work and financial autonomy.

The German Institute for Human Rights recommends:

- the introduction by the Federal Government and the Bundestag of **remuneration for persons who work in sheltered workshops in line with the Minimum Wage Act**.
- action by legislatures of the federal government and the Länder to ensure the equal rights of persons with disabilities in education and working life, with a view to a longer-term dismantling of

the system of segregation and exclusion, which is contrary to the UN CRPD. This will require **inclusive vocational training options, support benefits on the open labour market**, and a reform of the Workplace Ordinance and of the building codes of the Länder to ensure the accessibility of workplaces and training facilities.

## 4 Exploitative Working Conditions for Migrant Workers

Workers from other countries contribute significantly to the maintenance of Germany’s economic and social infrastructure. Whether in the care system, the transport sector or agriculture, low-wage segments are particularly dependent on workers who come to Germany for a limited period. All of the fundamental rights enshrined in the Basic Law, Germany’s constitution, extend to migrant workers, and the General Act on Equal Treatment and the Minimum Wage Act apply to them as well. There are also relevant rights in the International Covenant on Economic, Social and Cultural Rights, the Revised European Social Charter, and the International Convention the Protection of the Rights of All Migrant Workers and Members of Their Families (UN Migrant Workers Convention). Regrettably, Germany has not yet ratified the latter.

Many migrant workers in the low-wage sector are subjected to **poor working conditions and rights abuses**. A number of changes in **European and German law** made during the period under report will directly or indirectly benefit migrant workers though.

Migrant workers often put up with abusive and exploitative working conditions for fear that they might otherwise lose their residence permits. In May 2024, the EU’s **recast Single Permit Directive** entered into force. The directive provides for a uniform and simplified application procedure for a single permit to both work and reside in an EU country. The intent is to avoid a situation in which the loss of a job entails the loss of residence status



as well. Germany must transpose the directive into national law by 2026.

Subcontractor structures, such as those very widespread in the transport sector, facilitate the undercutting of labour law standards. The **Act on the Regulation of the Posting of Drivers** (Gesetz zur Regelung der Entsendung von Kraftfahrern) has been in force since June 2023. It contains, inter alia, provisions defining maximum working times, minimum rest periods, and minimum break times. It also requires that drivers posted to an EU member state be paid according to the local wage regulations. However, transit-only transport operations fall under an exemption clause. This is unfortunate as it reduces the level of protection and makes verifying compliance with the statute more difficult.

In 2023, the German agricultural sector employed 242,800 seasonal workers, most of them from Eastern Europe. Whether they are harvesting asparagus or strawberries, seasonal workers often work in harsh conditions associated with health risks. In June 2024, Germany ratified the **Safety and Health in Agriculture Convention (No. 184) of the International Labour Organization**. This convention addresses occupational health and safety as well as minimum requirements for accommodation facilities. From a human rights perspective, the convention has the potential to strengthen the rights of particularly vulnerable agricultural workers.

The German Institute for Human Rights recommends:

- the amendment by the Bundestag of the Act on the Improvement of Enforcement in Occupational Safety and Health to introduce an obligation to document subcontractor chains in the transport and building industries, and a review of the possibility of introducing such an obligation in other sectors as well.
- action at the federal and federal state level to ensure that **companies consistently comply with social standards in connection with public procurement**.

- the **systematic application of the non-punishment principle by law enforcement authorities** to enable victims of labour exploitation to cooperate with investigative authorities without having to fear that they themselves will be sanctioned (including through consequences arising from residence law).
- reconsideration by the Federal Government of a **ratification of the UN Migrant Workers Convention** (based on a systematic study of the problems of migrant workers).

## 5 Strengthening the Responsibility of Corporations in Europe

Corporations repeatedly abuse human rights and environmental rights in their global value chains. It is difficult for those affected of exploitation, land grabbing or water pollution to call the responsible companies to account for these harms or at least obtain remedy if they are companies from Germany. In the period under report, Germany and the EU **elaborated on the obligations of companies and strengthened the rights of victims, based on the UN Guiding Principles on Business and Human Rights**, through the enactment of a number of new statutes, directives, and regulations.

The German **Supply Chain Act** entered into force in January 2023. It lays an obligation on companies to respect human and environmental rights throughout their supply chains. Germany initially supported the preliminary draft of an extensive EU directive as well, but in a change of course in early 2024, the Federal Government called for renewed negotiations, during which certain aspects of the directive, including the scope of application, were significantly diluted. Germany abstained from the final vote.

The vote passed, and the **EU Corporate Sustainability Due Diligence Directive** (CSDDD) entered into force in July 2024. Germany has two years to transpose this directive into its national law by adapting the German Supply Chain Act. Under the CSDDD, companies must identify real or potential human rights abuses and environmental harms and take effective measures to address them. EU member states must ensure that companies are subject to civil liability. In connection with this liability, they must also introduce rules facilitating access to evidence, assistance in covering the cost of proceedings, and an extended statute of limitations. From the perspective of victims, these are clear improvements vis-à-vis the German Supply Chain Act, which has no provisions on liability.

In March 2024, the Council and Parliament of the EU agreed on the **Forced Labour Regulation**. In the case of this regulation, Germany also ended up abstaining despite having backed it for some time. The International Labour Organization estimates that almost 28 million people perform forced labour worldwide. The new EU regulation prohibits products made with forced labour from being placed or made available on the EU internal market. It enters into force in the autumn of 2027.

Raw material extraction involves a particularly high risk of human and environmental rights abuses, especially for indigenous peoples. The EU adopted the **Critical Raw Materials Regulation** (CRMR) in December 2022. On the positive side, the CRMR addresses the need to reduce extraction of raw materials and sets targets for 2030 relating to the EU's domestic capacities for the supply and processing of 16 strategic raw materials: for each of them, the EU should have domestic capacities sufficient to derive ten percent of its own annual consumption needs through extraction and 15 percent through domestic recycling and to process 40 percent of its annual consumption needs. However, the simplified procedures for resource extraction projects are problematic because when using them, the competent authorities are to consider external certification as sufficient to ensure compliance with human rights and environmental standards.

The German Institute for Human Rights recommends:

- **swift action** by the Federal Government and the Bundestag **to implement the CSDDD** in German law in **active consultation with the relevant stakeholder** on the matter. The concerns of persons affected, particularly their right to remedy, should play a key role in this respect.
- transparent reporting to the public by the Federal Government about its decision-making on the **extraction of raw materials**, detailing the reasoning in relation to the competing interests of human and environmental rights vs. the secure and sustainable supply of raw materials.
- **active efforts** on the part of the Federal Government to ensure that the use of **simplified permission procedures and certifications** for resource extraction projects is limited to **exceptional cases only**.

## 6 Germany within the System of Human Rights Protection

German's Basic Law guarantees "inviolable and inalienable human rights as the basis of every community". Moreover, Germany is bound up in the European and the international system for the protection of human rights through its **membership in the Council of Europe and in the United Nations**, as well as through its **ratification of numerous international human rights instruments**. Among these are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities, and the UN Convention on the Rights of the Child, as well as the European Convention on Human Rights.

**Under the case law of the Federal Constitutional Court**, human rights guaranteed in international

treaty law must also be considered in proceedings before German courts.

International review procedures evaluate states' progress in implementing their obligations. The **recommendations issued to Germany in review procedures** relating to the topics addressed in this report are reproduced in the relevant section. Some of the human rights conventions provide for the possibility for victims of human rights violations to file a complaint with the body of experts that monitors the convention (individual complaint procedure).

The **European Court of Human Rights** (ECHR) watches over compliance with the European Convention on Human Rights and its additional protocols, taking up complaints from individuals or states. The ECHR released five judgements on complaints against Germany during the period under report, July 2023 through June 2024. The Court found a rights violation in three of these:

In *Wick v. Germany*, the ECHR found a violation of the right to a fair trial on the grounds that the applicant had no concrete and effective way to obtain a judicial decision.

In *Bild GmbH & Co. KG v. Germany*, the Court addressed freedom of expression and the question of the extent to which the media have an obligation to pixelate images of police officers in connection with reporting on police violence.

In *Sioud v. Germany*, the ECHR addressed the right to respect for private and family life in connection with a father's right to contact with his child.

Detailed information on all the human rights instruments and documents relating to the individual state-party reporting procedures and individual complaints are available on the website of the German Institute for Human Rights.

The UN Human Rights Council regularly assesses the human rights situation in each of the UN member states. Germany underwent its fourth evaluation during its Universal Periodic Review in November 2023. **Racism, gender equality, violence against women, and the situation of refugees and migrants** were the main focuses of the questions and recommendations addressed to Germany by other states. Other issues that came up frequently were Germany's non-ratification of the UN Migrant Worker Convention and the restrictions on pro-Palestinian demonstrations; the complaint that Germany was not doing enough to protect the civilian Palestinian population in the war in Gaza was also raised repeatedly.

Of a total of 364 recommendations made by UN member states, Germany accepted 284, thereby committing itself politically to implement them throughout German territory in the coming years. The Federal Government and the Bundestag now face the task of developing concrete measures and moving forward systematically with implementation. The German Institute for Human Rights recommends that policymakers prioritise **measures to prevent child poverty and combat racism and antisemitism**; presenting a **strategy for protecting women from violence**; and also action to **improve protections against homelessness, safeguard the fundamental rights of refugees and guarantee inclusive education**.

## Imprint

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