

North Rhine-Westphalian state government plans to clamp down on the right to protest

Andreas Kunstmann, Dietmar Gaisenkersting
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The North Rhine-Westphalian (NRW) state government plans to place significant new restrictions on the right to freedom of assembly. As early as June 30, the state legislature is expected to pass a new assembly law that will make it easier for the police and authorities to ban demonstrations and protests and criminalize participants.

NRW has been governed by a coalition of Christian Democrats (CDU) and Free Democrats (FDP) for four years. The state premier is CDU leader Armin Laschet, who is also the Christian Democratic candidate for chancellor in the September 26 federal election. In the 2017 coalition agreement, the CDU and FDP had agreed to revise the right of assembly. Until now, the federal law has applied. Since 2006, however, the states have had the option of enacting their own assembly laws.

In January, the NRW state executive submitted a draft bill to the state assembly, which has since been discussed in the committees. Now the executive is urging haste in enacting the legislation. It wants to use pandemic-related restrictions on freedom of demonstration to weaken the considerable opposition to the law.

In 2018, the state executive expanded surveillance of individuals, criminalized protests and gave the police sweeping powers with a new police law. The current draft extends this policy.

Public and nonpublic meetings, demonstrations and protest events are to be made considerably more difficult to organize in advance. Assemblies must be registered at least 48 hours in advance, and the police must also be informed of the number of stewards. If the police decide that public safety is at risk, the stewards must be named, along with their addresses.

Carrying out video surveillance will be simplified.

Drones will be allowed for use by the police to film gatherings. The police will have the power to set up “checkpoints” to take personal details. Demonstration participants may also be intimidated with targeted bans on participation and “verbal warnings.” Threats of punishment and fines are being drastically increased, in some cases up to two years in prison.

Under the term “militancy ban,” the previous “uniforms ban” is being tightened. Wearing “uniform-like clothing” at gatherings is prohibited. Soccer fans in team jerseys, the so-called “Black Block” of Antifa (who wear all black clothing) or supporters of “Ende Gelände” protesting against lignite mining in white painters’ overalls fear being criminalized in this way. Work clothes or high-visibility vests, such as those worn by the “yellow vests” in France, can also be subsumed under uniform-like clothing.

Anything that is “aggressive” and “provocative [or] conveys a willingness to use violence and thereby has an intimidating effect” can be cited against an assembly. This could be chants or demonstrators linking arms. Even slogans such as “Down with capitalism!” “Expropriate the banks and corporations!” or, as at the Berlin tenants demonstrations, “Expropriate the landlord Deutsche Wohnen” can violate the elastic legal paragraphs of the “ban on militancy.” Violations can be punished with up to two years in prison.

The Laschet state government is making little effort to disguise its real motives. In light of the coronavirus policies of those in power, which have led to millions of deaths worldwide, mass layoffs and the extreme redistribution of income and wealth to those at the top, it is preparing for fierce social conflict. The herd immunity policy, the billions handed over to the corporations and superrich, mass job cuts, wage

reductions and growing social inequality are incompatible with democracy.

The bill's preamble refers to the historical experiences of the Weimar Republic (1918-33), declaring, "The Weimar Republic also perished from its lack of inner fortitude, lack of will and/or the (in)ability to protect democracy and the republic in Germany against the extremists on the left and right fringes of the political spectrum who were ready to use violence, who agitated and demonstrated permanently in halls and on the streets."

In fact, the Weimar authorities covered up for and supported paramilitary associations and fascist Sturmabteilungen (SA), while brutally persecuting workers and leftists and even throwing pacifists like Carl von Ossietzky into prison.

The NRW state government always counters criticism of its draft law with the argument that the restriction of democratic rights is directed primarily against neo-Nazis and right-wing extremists. However, in seeking to justify the legislation in interviews, such as those given by state Interior Minister Herbert Reul (CDU), reference is always made to the danger of "right-wing and left-wing extremist endeavors" in equal measure. This argument is as old as it is false.

The dismantling of democratic rights is aimed at the working class and youth and never the right wingers, who are supported by the state and its apparatus. This was exemplified by the invitation of several "experts" to address a parliamentary hearing on the bill at the beginning of May. Among others, the state government invited Professor Norbert Ullrich from the North Rhine-Westphalia University of Police and Public Administration, Thomas Dammers, a retired police officer who led several operations against the "Ende Gelände" protests, and Michael Elicker.

Elicker, a lawyer and professor at Saarland University, also works for three east German state associations of the far-right Alternative for Germany (AfD). At the hearing, he spoke vehemently in favour of the "disruption ban" in the law, among other things. As an example, he chose the loud disruption of a demonstration by the far-right Pegida in Dresden by counterdemonstrators.

Paragraph 7 of the new law, "Störungsverbot" ("disruption ban"), prohibits disrupting a gathering with the aim of hindering or impeding it. This includes

even calling for the prevention or blocking of a gathering, such as Nazi marches. Even the "preparation or practice of acts of disruption" is to be prohibited.



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