

New laws legalize police state operations in Germany—Part 2

The new Federal Police Act and other authoritarian laws

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Germany's grand coalition government has used the last parliamentary sessions of the legislative period to massively expand the powers of the police and secret services. Largely unnoticed by the public, the Bundestag has passed a total of nine laws and amendments. The first part of this article examined the new laws pertaining to the country's domestic and foreign intelligence services. The second part deals with the remaining seven laws and law amendments. The final part provides a political assessment.

The new Federal Police Act

Just as Germany's foreign intelligence service, the BND, is being upgraded into an all-powerful super-intelligence-service, the Federal Police (Bundespolizei) is being transformed into a super police. The corresponding law was passed by the Bundestag on June 10, 2021.

Originally founded after WWII as a strictly border police force, the Federal Police was given "special policing duties" in the interior of the country in the 1990s, especially with regard to rail, shipping and air traffic. Today, with 51,000 employees, it is the largest police authority in Germany. It includes the anti-terrorist special unit GSG-9 and the country's riot police, which is deployed against demonstrations and other protest actions. It reports directly to the German Interior Ministry.

The new law greatly expands the powers of the Federal Police with a smooth transition to empowering intelligence activities. Like the secret services, the Federal Police may now also deploy state trojans—government made spyware—on social media and telecommunications services. What is striking is that the police can do so although the persons affected may have committed no crime, i.e., the police can decide to launch a cyber-attack without a judicial order within the framework of a preliminary investigation being required. In the same way, they can also identify and locate mobile phone SIM cards and communication sources.

The Federal Police is now armed with far-reaching powers of seizure and prosecution to use against foreigners. They are allowed to arrest them inside the country, e. g. on trains or at railway stations, and immediately transfer them to custody pending deportation without a court order. Regarding the population in Germany as a whole, the Federal Police is empowered to ban individual citizens from staying in certain areas and even entire localities, again without any judicial authorisation. From there, it is only a small step to the reintroduction of "protective custody" (Schutzhaft), the arbitrary incarceration without judicial order and control as it was used under the Nazis en masse by the SA, SS and Gestapo against opponents of the regime.

Finally, the law also empowers the Federal Police to transfer data of citizens under surveillance, which it has received via its own cyberattacks or from other intelligence services and state authorities, to the police and intelligence services of other EU states.

In order to close all loopholes in the surveillance and police control of the population, the Bundestag has passed six other laws in addition to the laws dealt with in Part 1 and the above Federal Police Law. All these laws drastically restrict democratic rights.

Law on the Further Development of the Code of Criminal Procedure

According to this law, passed on June 10, 2021, the police and secret services are allowed to conduct searches of apartments at night—a measure previously not permitted. This makes it possible for the police or secret services to surprise people when they are working at night on an open computer that is not protected by a password.

In addition, the scanning of car licence plates in public traffic and their subsequent storage for tracing purposes is now permitted. This opens the path to other uses of this data and its dissemination to other state agencies or right-wing extremist circles within and outside the police authorities.

Copyright Service Providers Act

This law was passed on May 20, 2021. It implements the EU Copyright Directive and obliges all major internet platforms such as YouTube, Facebook, etc., to automatically check all content uploaded with upload filters from August this year. The companies are then obliged to block such content if it violates copyright laws.

Up until now, internet platforms had to check and, when necessary, delete possible illegal content only after receiving concrete evidence of violations. Now platforms must monitor all uploads with suitable filters and automatically delete content presumed to be illegal, without any detailed investigation and/or consultation with the user.

The grand coalition has thus capitulated to pressure from major music labels and corporations which seek to maximise their profits in this manner. At the same time, the new law creates new technical preconditions for authoritarian surveillance measures and censorship of the internet.

Inventory Data Disclosure Act

According to this law of March 26, 2021, telecommunications services and telemedia providers such as WhatsApp, eBay, Facebook, Google or YouTube are obliged to hand over a user's personal data to the police and secret services. This includes not only passwords, PINs and PUKs, IP addresses, but also data on websites visited, the frequency of such visits, etc.

The Federal Constitutional Court had declared the previous version of this law to be unconstitutional in May 2020, but hardly anything has changed in the new law. Police and intelligence services now only have to give a "grounded" reason for their request, which can include such catch-all categories as "endangering the constitutional democracy" or "aspirations hostile to the constitution."

Act to Strengthen Security in the Passport, Identity Card and

Aliens Document System and eID Act

On November 5, 2020, the obligation to store fingerprints in all identity cards was introduced. The measure was presented as an addition to the biometric data of an ID card holder, which would only be recorded in a decentralised manner. However, six months later, on May 21, 2021, the Electronic Identity Proof (eID) Act followed, legalising the central storage of all biometric data and personal details.

This law initially allows all biometric data and a person's signature to be transferred to a mobile device such as a smartphone. This was also presented as a “boon for the user” and facilitate the digitalisation of state administration. However, data protection experts emphasise that this data would thus be accessible to the secret services and police authorities via the insertion of spyware.

At the last minute before the law was passed, the grand coalition went even further: an amendment allows Germany's individual states to collect all this eID data in central state databases—a prerequisite for eventually transferring it to a national database and an EU data centre.

Law on the Further Development of the Central Register of Foreigners

Data centralisation and surveillance take on a particularly perfidious character with this law, which was passed in its third reading on June 9 and still has to pass Germany's second house, the Bundesrat.

Since 2016, all personal data, such as name, date of birth, date of entry, vaccination status, and biometric data such as photos and fingerprints of 11.4 million people have been stored in the Central Register of Foreigners (AZR). Of this total, 1.8 million are persons seeking protection in Germany from persecution and war. The data storage, including fingerprints, also applies to children from the age of six.

Now all of this information is being “developed further” by storing in complete length all of an asylum seeker's documents—his or her application, transcripts of interrogations, court decisions. These documents include very private and often intimate information, e.g. on sexual orientation, political views, state of health, etc. The data from the AZR is then available at the push of a button to hundreds of authorities, first and foremost the secret services and the federal police, but also employment agencies, social and youth welfare offices and registration authorities. Until now, the passing on of such information was “only” possible upon request.

According to the government, the aim of the law is to massively speed up the identification and deportation of “undesired” foreigners and refugees by coordinating the activities of all state authorities.

Many human rights organisations, including Pro Asyl and Médecins Sans Frontières, have protested against this inhumane practice, which is reminiscent of the registration and biometric measurement of Jews, Sinti and Roma, disabled people and other minorities persecuted by the Nazis. They have urgently warned that such confidential data thus becomes virtually public and can be used to expose refugees to the propaganda and persecution of far-right networks in Germany or, in the case of deportation, the authorities of their home country.

A conspiracy of all parties represented in the Bundestag

Thirty years after the reunification of Germany and the reintroduction of capitalism in East Germany were celebrated as triumphs for “freedom” and “democracy,” these new laws have created the formal legal basis for a surveillance and police state that makes the activities of the GDR's Stasi and judiciary look amateur in comparison.

The government led by Angela Merkel was able to rely not only on the support of the coalition parties—the CDU, CSU and SPD, but on an alliance of all parties represented in the Bundestag, from the far right Alternative for Germany to the Greens and the Left Party.

Notwithstanding occasional “critical” comments, the Greens and the Left Party also support the strengthening of the armed state apparatus. This explains why the drafting and passing of the laws have taken place

without a murmur. There were no appearances on TV talk shows to oppose the laws and no protest demonstrations, as had taken place a few years ago against the new tougher state police laws or the revamped BND law. Instead, there was only deafening silence.

This is not because of any decline of public opposition. On the contrary. Yet in the past the Greens and the Left Party had partly supported protests against repressive laws in order to keep opposition under control and steer it into the dead end of appeals directed to the Federal Constitutional Court. Today these same parties are fully integrated into government policy and the state apparatus.

The Greens are involved in 11 and the Left Party in three of Germany's separate 16 state governments. In Baden-Württemberg and Thuringia, these parties fill the post of state premier. They could have easily defeated the laws by vetoing them in Germany's second chamber, the Bundesrat. Nothing of the sort happened. In the event of becoming part of the next federal government following this year's federal election, the Greens and the Left Party will do nothing to abolish these laws or disband the secret services. The Greens go so far as to explicitly advocate the use of state trojans in their election manifesto.

In Germany's leading media outlets there have been hardly any reports or critical comments about the dismantling of basic democratic rights associated with the new laws. The journalist Heribert Prantl, who used to make a name for himself by commenting on such developments, now proposes the complete abolition of the post war separation of police and secret services. In his regular column in the *Süddeutsche Zeitung*, Prantl writes: “I advocate integrating the Verfassungsschutz into the police. The police have state security departments; that's where the Verfassungsschutz belongs.” If that would be implemented, then it remains only to “integrate” the names as well into Geheime Staatspolizei (Gestapo).

The working class is facing a veritable conspiracy of all the parties represented in the Bundestag, the media and the state apparatus, working towards the establishment of a dictatorial regime. What is driving them to do this?

As is the case across the globe, the profound class division between the richest families and the working population has penetrated the consciousness of broad strata of the population in Germany. The 90,000 deaths in Germany caused by the official COVID-19 pandemic policy of “profits before life,” the catastrophic social consequences of the pandemic for broad, mainly already poor strata of the population, the announcement of hundreds of thousands of layoffs and plant closures in many industries are rapidly fermenting opposition and anger directed against the all-party coalition government and the capitalist profit system.

According to a February poll by the Civey polling institute, only 31 percent of respondents were satisfied with political developments in Germany, while 53 percent were somewhat or very dissatisfied. A month earlier, 38 percent had given a positive verdict and 45 percent a negative one.

The results are also revealing when respondents were asked what were the most important social and political problems. Just 11 percent replied that immigration was the most important problem, while 9 percent declared it was domestic security. On the other hand, 33 percent regarded the threat to life and health and the danger of poverty, above all of poverty in old-age, to be the most pressing problems, while 23 percent responded with unemployment or the danger of losing one's job.

Such results stand in sharp contrast to the AfD-type xenophobic propaganda employed by the German government to justify its police and secret service laws. The poll figures indicate that profound social upheavals are on the agenda.

For 75 years, the German bourgeoisie was able to suppress the class struggle with the help of the social democratic trade unions, the SPD, the East German Stalinist bureaucracy and the Left Party. This period is now

over. In the face of the ruthless imposition of the profit interests of a tiny minority of billionaires and millionaires against the vital interests of millions, strikes, mass protests and revolutionary struggles by the working class are breaking out all over the world.

In Germany, as in all other countries in Europe and around the world, the ruling class is determined to defend its profit system and immense wealth with the use of force, intensified exploitation, war and dictatorship. But it confronts opposition from a population in which the memory of two world wars commenced by the German bourgeoisie and the barbaric Nazi dictatorship is deeply rooted.

In order to fight successfully against the growing danger of a new war and a new dictatorship, the working class needs a world party with a socialist programme to abolish capitalism. A party that fights for the international unification of all workers, based on the lessons of the October Revolution of 1917 and the struggle of Leon Trotsky and the Fourth International against social democracy and Stalinism.

The building of this party is at the centre of the campaign of the Socialist Equality Party (SEP), the German section of the Fourth International, for the federal elections end of September this year.



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