

# Germany: Saxony state government moves to further restrict democratic rights

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Last year, the Saxony state government—a coalition of the Christian Democrats (CDU), Social Democrats (SPD) and Greens—presented a draft amendment to the Saxony Assembly Act. Last month, it was debated in the state parliament’s interior affairs committee amid protests.

Following the Police Act 2019 being declared partially unconstitutional in January, the state government is making a renewed push to restrict basic democratic rights and establish an authoritarian police state.

The Saxony draft law is not an isolated phenomenon. The federal government had already massively expanded the police and surveillance state under Chancellor Angela Merkel. Since the beginning of the Gaza war, the federal and state governments have been continuing in Hitler’s fascistic traditions and suppressing anti-war protests and events. Jewish people are also being arrested in the process.

The draft extends the powers of the police to restrict and ban assemblies in numerous areas. It works with vague formulations whose interpretation opens the door to arbitrary state action. Above all, however, it twists democratic legal principles into their opposite: instead of offering protective rights against the state, the Saxony government wants to enact a protective right of the state against the population.

The “Committee for Basic Rights and Democracy” (KGD) accuses the draft law of a fundamental mismatch between fundamental rights and state power. Instead of being a “right of defence” against the state, it was “drafted from a police and therefore disruption-centred perspective” and restricted “the fundamental right of freedom of assembly in many ways and comprehensively.” The fact that citizens are the bearers of fundamental rights is not even recognised in words.

“In addition,” the association continues, “a covert compulsion to cooperate is introduced, which undermines the principle of freedom of assembly.”

According to the draft law, the police may demand the names and dates of birth of organisers in the event of a “threat to public safety” and store them for up to two years. This will provide a free list of important demonstration

participants, which they can use as an arrest sheet if repression is stepped up.

The KGD regards this not only as a massive restriction of the freedom of assembly, “but also as a profound encroachment on the informational self-determination of those affected.”

It is obvious that this is primarily directed against left-wing protests. Passing on personal data to the police and perhaps to other authorities will hardly deter organisers of right-wing extremist demonstrations. The Saxony state apparatus is riddled with right-wing extremist structures. The measure serves to intimidate and monitor left-wing or pro-Palestinian demonstrations.

The KGD also criticises the fact that the vague legal concept of “public order” is deliberately used to open the door to “arbitrary action by the state.”

Another point concerns the presence of police officers. Their previous, already inadequate duty to identify themselves to the assembly leader has been struck down without replacement. This means that there are no longer any limits to the massive deployment of undercover police officers or state agents provocateurs.

Further points are:

- The right of assembly does not apply to persons who have forfeited it “in accordance with Article 18 of the Constitution.” According to this article, “freedom of expression” is forfeited by anyone who “abuses it to fight against the free democratic basic order”—an ambiguous statute that can be used to suppress left-wing and socialist protests. The Office for the Protection of the Constitution (BfV), as Germany’s domestic secret service is called, justified its categorisation of the Sozialistische Gleichheitspartei (Socialist Equality Party) as “anti-constitutional” on the grounds that it “fights for a democratic, egalitarian, socialist society,” agitates “against alleged ‘imperialism’ and ‘militarism’” and thinks “in class categories.”

- A blanket “ban on uniforms and belligerence” that is based on a vaguely defined “impression of a willingness to

use violence” or an “intimidating effect.” This means that uniformly dressed demonstrations or protests by entire professional groups can be prohibited if they appear in professional clothing, for example.

- A compulsion to cooperate with the authorities that, according to the KGD, “turns constitutional case law on its head” and transforms the “official duty to cooperate” into “a set of rules to discipline organisers.” The authorities are given the opportunity to “exert massive pressure on the organisation of assemblies, such as the choice of time, place, design and content.”

- According to the KGD, this is a “completely absurd and constitutionally untenable” reinterpretation of the organisation of assemblies. If the assembly leader cannot be identified, the authorities would de facto take over their role by law.

- An extension of the so-called ban on disruption, which aims to ban counterdemonstrations. Instead of “preventing,” it is now sufficient to “significantly obstruct” an assembly. According to the explanatory memorandum to the law, this can already include an “acoustic” disruption. A loud protest against a rally by the far-right Alternative for Germany can thus be arbitrarily banned by the police.

Despite the clearly dictatorial thrust of the new assembly law, the Greens’ state domestic policy spokesperson, Valentin Lippmann, indulges in Orwellian Newspeak, talking about a “big step on the way to a modern and liberal assembly law” and a great “opportunity for more civic freedom.”

When it was sworn in at the end of 2019, the *World Socialist Web Site* described how the Greens were joining the Saxony coalition government’s right-wing agenda, one that was planning “a massive increase in powers of the state repressive apparatus.” This programme is now being put into practice.

Those in power are thus reacting to the growing opposition to social inequality and their pro-war policies—both in Ukraine against Russia and in the Middle East, where Israel is committing genocide against the Palestinians with the full support of the German government and fuelling the confrontation with Iran.

The Greens have transformed themselves from former pacifists into aggressive advocates of war and dictatorship. They are in favour of massive rearmament spending and arms deliveries to Ukraine and the far-right Netanyahu regime. They denounce opponents of the Gaza genocide as “antisemites” and put the AfD’s racist deportation policies into practice.

Hundreds of thousands have protested in a petition against the impending deportation of Pham Phi Son from Saxony. Pham came to Germany in 1987 from Vietnam as a contract

labourer in the former East Germany. He has now lived in Saxony for over 35 years and is to be deported along with his wife and child.

The new assembly law is due to come into force for the state elections on September 1, 2024. Obviously, the ruling class fears spontaneous mass protests in view of the AfD’s impending electoral success. There were already protests across Germany in 2020 when Thomas Kemmerich (Liberal Democrat, FDP) was elected as the short-term Minister President of Thuringia with the votes of the AfD. This year, millions took to the streets to demonstrate against the AfD and the shift to the right by all the establishment parties.

What applies to the SPD and the Greens also applies without restriction to the Left Party. With the establishment of Wagenknecht’s right-wing BSW, the section of the Left Party that openly advocates a stricter deportation policy has split off. However, this does not make the rest of the Left Party any less right-wing. This is particularly evident in Saxony.

One of the leading candidates for the Left Party in the upcoming European elections is Sören Pellmann from Leipzig, who described Wagenknecht as “indispensable” last year. Other well-known Left Party representatives in Saxony such as Juliane Nagel are aggressive supporters of the federal government’s war agenda in Ukraine and the Middle East.

We appeal to all serious workers and young people to take stock of the politics of the Saxony state executive. These parties are neither opponents of dictatorial and fascist tendencies nor a lesser evil compared to them. They pave the way for them, put their programme into practice and try to suppress any protest against it. Only an independent movement of the working class can stop fascism, war, and dictatorship.



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