

**Question for written answer E-002624/2024/rev.1
to the Commission**
Rule 144
Tomasz Froelich (ESN)

Subject: Threats to freedom of expression and party privilege in Germany due to views expressed by the UN CERD Committee

In 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) published a report on the implementation of and compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Germany. In it, the CERD expresses concern about the rise of far-right parties, among which it includes the AfD, whose programme is said to be based on a national-ethnic concept. It is alleged that the AfD also rejects the principle of equality. In addition, reference is made to the rise in racist violence.

The CERD encourages Germany to exclude political parties that promote racial hatred and discrimination from elections¹.

In Germany, it is the Federal Constitutional Court that has the competence to ban political parties. The prerequisite for such a ban is the will to abolish the free democratic basic order and an aggressive, militant attitude towards it. The dissemination of ideas considered anti-constitutional is not enough².

1. What is the Commission's assessment of this interference by a UN body with the constitutional order of Germany?
2. Does the Commission believe that the CERD recommendations could jeopardise the principle of freedom of expression and party privilege under Article 21 of the Basic Law?

Submitted: 21.11.2024

¹ Committee on the Elimination of Racial Discrimination, International Convention on the Elimination of All Forms of Racial Discrimination: 'Concluding observations on the combined twenty-third to twenty-sixth reports of Germany', 20 November to 8 December 2023, paragraph 15 and paragraph 16(g).

² Federal Constitutional Court, procedure for the banning of a political party