

### Civil Society in Germany: Data, Facts, Developments

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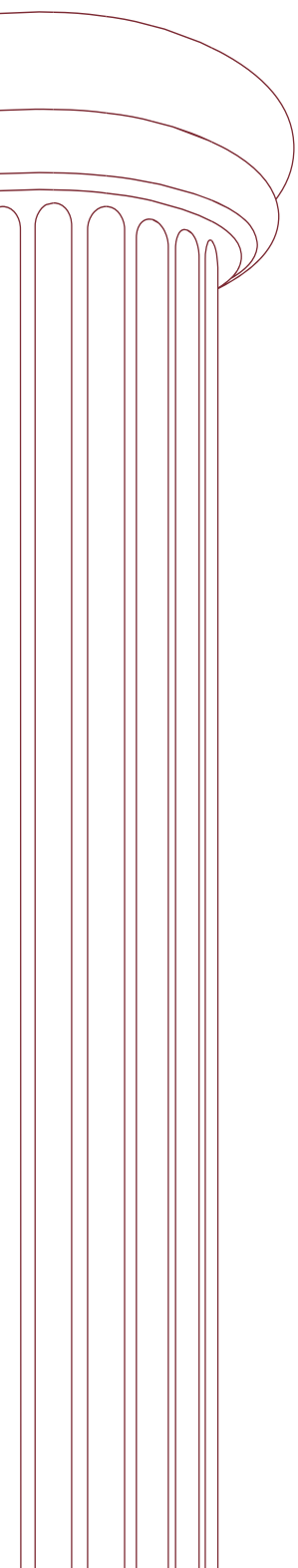
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MAECENATA



Hagen Troschke

**Civil Society in Germany**  
Data, Facts, Developments

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Opusculum No. 192

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<b>The Maecenata Institute</b>	<p>The Maecenata Foundation is a think tank that focusses on the civic space, civil society, civic engagement, and philanthropy in a European and international context. The four permanent programmes of the foundation are the Maecenata Institute for Philanthropy and Civil Society, an independent research center founded in 1997, the Tocqueville Forum, a policy and support unit founded in 2014, the Transnational Giving Program, an assistance program to donors founded in 2001, and the MENA Study Centre, a specific study program für the Middle East founded in 2019.</p>
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## Summary

Germany has a strong, differentiated civil society that provides a stable foundation and a supportive infrastructure for civic action. The number of civil society organisations (CSOs) has continued to grow in recent years and civil society is in a position to cover a broad spectrum of tasks and needs in society and to develop and represent societal positions. Not only as a labour market, CSOs also represent an economic factor. CSOs and civil society as a whole are also currently facing challenges. There is a trend towards less time being invested in volunteering and towards more informal volunteering. The basis for funding is declining because economic developments are causing donations and state funding to shrink. CSOs or individuals are also coming under pressure from state and non-state actors for their work and may, as a consequence, even withdraw from their commitment.

The self-image of CSOs as initiators of social change and actors in political decision-making has increased noticeably. As a result, the role of civil society in relation to the state and in shaping policies has also become more contested. While political parties often perceive the involvement of civil society actors in the public sphere as unwelcome competition and the state administration is developing an ever-increasing need to control civil society, the business community is suspicious of civil society as an antipode in the formulation of social priorities.

This report provides quick access to the latest developments and findings on the most important aspects of German civil society. Starting with a description of the organisational landscape, it presents the activities of CSOs, their role in the labour market, developments in volunteering and funding, bureaucratic obligations, issues of political participation and observations regarding a shrinking civic space.

When compiling the data for this report, a number of desiderata became apparent: the data on civil society is incomplete in many aspects, not up to date or only comparable to a limited extent due to differing research methods. Closing these gaps requires collective efforts on the part of CSOs, state institutions and the research community.

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## Foreword

Since 1989, one of Maecenata's aims has been to record and present the development of civil society in Germany in all its breadth and depth and to make the results available to academics, political decision-makers, multipliers and the public on an ongoing basis. A first report on foundations was published by Maecenata in 1994, and the first short reports on civil society as a whole in 2004/2005. The fact that this has repeatedly led to the task of reporting on civil society in Germany in a European and international context or contributing the German part to international reports was a welcome consequence and an essential aspect of the fulfilment of the foundation's purpose.

In 2022, the Maecenata Institute published a report in German and English on the situation and framework conditions of civil society in Germany.<sup>1</sup> It was embedded in a major research project on the shrinking civic space in Europe. Accordingly, particular attention was paid to possible approaches and attempts to restrict or limit freedom of action in the civic space. Much has changed since then, be it through developments such as overcoming the Covid-19 pandemic or Russia's war against Ukraine, or through new research findings and insights into civil society in Germany. In recent years, Maecenata has also increasingly submitted reports on Germany's civil society according to various criteria at the request of numerous international organisations and in 2023 decided to further expand the collection of information on data, facts and developments by creating its own European Desk at the Maecenata Foundation's Tocqueville Forum.

To this end, it seemed sensible as a first step to compile a new report that reflects the state of affairs and knowledge and to publish this as a collection of materials on data, facts and developments. This report is presented here. A German version is also available.<sup>2</sup> A large number of sources were consulted in preparing for this report; we would like to take this opportunity to thank the many colleagues whose work we were able to draw on and who were willing to provide information and explanations.

With the help of this report and the material behind it, we want to improve the level of information about civil society in Germany and at the same time encourage these gaps in knowledge to be closed.

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<sup>1</sup> Siri Hummel, Laura Pfirter, Rupert Graf Strachwitz: Civil Society in Germany. A Report on the General Conditions and Legal Framework. Berlin: Maecenata (Opusculum no. 169) 2022. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-80687-7>; Siri Hummel, Laura Pfirter, Rupert Graf Strachwitz: Zur Lage und den Rahmenbedingungen der Zivilgesellschaft in Deutschland. Ein Bericht. Berlin: Maecenata (Opusculum No. 159) 2022. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-76997-7>

<sup>2</sup> Hagen Troschke: Zivilgesellschaft in Deutschland. Daten, Fakten, Entwicklungen. Berlin: Maecenata (Opusculum no. 188) 2024. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-93241-7>

This publication is therefore by no means the end of our work; on the contrary, it is intended to be continuously supplemented and updated and to provide a well-founded, realistic and up-to-date picture of civil society in Germany. We are well aware of a number of knowledge deficiencies, and others will become apparent again and again, particularly through comparison with other countries. We therefore kindly ask to draw our attention to gaps, errors, diverging assessments, and additional information.

To summarise, it must be said that despite decades of intense efforts, the level of knowledge about this important arena in the public sphere is still inadequate. This is due to the fragmentation of sources, the often inadequate willingness of civil society organisations and public institutions involved to provide information, and not infrequently also to a lack of interest on the part of a public that prefers to cling to its preconceived notions rather than engage in a data- and fact-based increase in knowledge. This is all the more regrettable as there can be no doubt that an independent, strong civil society is the basic prerequisite for a social order based on the principles of human and civil rights, the rule of law, democracy and, last but not least, our cultural traditions. In this respect, this work also wishes to make a contribution to the further development and resilience of democracy.

I would like to thank my colleague Hagen Troschke for preparing this report. I would also like to thank the Foundation's academic coordinator, Dr Eckhard Priller, and the Director of the Maecenata Institute for Philanthropy and Civil Society, Dr Siri Hummel, for their valuable input.

Berlin, April 2024

Dr Rupert Graf Strachwitz  
Executive Director, Maecenata Foundation

## 1. Introduction

In Germany, there is a strong, well-organised (and also a non-organised), diverse civil society that provides a stable foundation and a supportive infrastructure for civic action. Civil society is understood as an arena of collective action that subjectively serves the common good, is not primarily profit-driven, is based on voluntary affiliation, does not exercise any state functions and whose possible financial surpluses are not distributed to members or owners; moreover, normative assessments of individual actors or forms of action do not affect defining them as a part of civil society (Strachwitz et al. 2020: 4). The number of civil society organisations (CSOs) has continued to grow in recent years and civil society is able to cover a wide range of tasks and needs in society (welfare, sport, culture, education, environment, strengthening democracy, but also community building and self-fulfilment). Not only as a labour market, CSOs also represent an economic factor.

CSOs and civil society as a whole are currently facing challenges. There is a trend towards less time being invested in volunteering and towards more informal involvement. The financial basis is declining because economic developments are causing donations and state funding to shrink. In the care sector in particular, the lack of available labour means that services can only be maintained under difficult conditions or, in some cases, not at all. CSOs or individuals are coming under pressure from state and non-state actors for their work. In some regions, the pressure from right-wing extremists is so severe that civil society activists are withdrawing, and democracy is suffering considerable damage. The role of civil society in relation to the state or in shaping politics is being debated and contested more intensely.

The self-image of CSOs as initiators of social change and players in the formation of political objectives has increased noticeably (Schubert et al. 2023a: 14). The will to shape social and political change has increased, and this is also clearly expressed in the debates of recent years on the role of civil society in the overall societal structure. The discourse has come to a head with the question of what form or extent of political activity is ultimately compatible with the status of tax-exempt organisations. The state welcomes the service, self-help and intermediary functions of civil society. It relies heavily on civil society to implement its socio-political measures, particularly in welfare, which has historically had strong links to state structures, and other services. The advocacy and watchdog functions, on the other hand, are viewed more sceptically; the functions of political deliberation and community building (to maintain the much-invoked social cohesion) are often not perceived or even viewed with suspicion (Strachwitz 2023a: 25). Accordingly, civil society is generally



not accepted by the state as a partner in the deliberation process, although this varies depending on the organisation, field of activity and the respective authority. Today, there is little or no mention of the measures for civil society as envisaged in the 2021 coalition agreement for the new federal government, let alone of the implementation of these measures "with civil society." In this situation, civil society must continue to look for ways in which it can make its voice heard beyond the existing formats.

Despite its accomplishments, efforts and successes, civil society receives only limited recognition in its perception by the general public. In an atmosphere of generally lower trust in established institutions, trust in "NGOs" is 42% according to one survey – this is just as low as trust in the government and lower than trust in business and the media (Edelman Trust Institute 2024: 40–43). This perception is likely to make it difficult for some CSOs to gain acceptance or support for their work beyond their peers, at least for the time being. It can be assumed that survey participants did not have civil society as a whole in mind when answering this question, but that the perception of individual CSOs or those from one field (and in general, especially CSOs acting as advocates or in a watchdog function), with whose activities they were either not satisfied or agreed, came to the fore. This would be supported by the fact that certain topics and fields of activity are highly contested in society and are assessed very differently depending on positions held. Moreover, organisations referred to as NGOs are not representative of all CSOs, as the term is only applied to a small proportion of all organisations. When it comes to the ability of organised civil society to shape a positive future, young adults in Germany are somewhat less confident than in other European countries; however, they see more potential in grassroots actors in this respect (Allianz Foundation 2023: 52). Some selected large CSOs and associations have received a positive assessment in terms of their contribution to the common good (Meynhardt et al. 2020). Despite limited approval ratings, the importance of civil society for the promotion and preservation of democracy appears to be widely recognised: a majority of citizens are in favour of long-term financial support for civil society for this task (Kleist et al. 2023: 5).

This report provides an overview of the current development of selected aspects of German civil society. In this respect, it builds on the report 'Civil Society in Germany. A Report on the General Conditions and Legal Framework' presented in August 2022 by Siri Hummel, Laura Pfrirter and Rupert Graf Strachwitz (Hummel et al. 2022). The fundamentals set out in the text regarding the nature of German civil society, the formative framework of the German political system, fundamental rights, freedom of information and transparency, socio-economic conditions and legal forms of civil society

organisations should be taken into account in this context. This report provides quick access to the latest developments and findings on the most important aspects related to German civil society. Starting with a description of the organisational landscape, it presents the activities of CSOs, their role in the labour market, developments in volunteering and funding, bureaucratic obligations, issues of political participation and observations regarding a shrinking civic space.

## 2. Types of organisations and developments

Civil society comprises organisations, initiatives and movements. In Germany, the organisations can take any legal form provided for in the German Civil Code; there is no separate legal form for social enterprises or CSOs (Zimmer, Priller 2022a: 9). On the other hand, civil society actors are not obliged to legally organise themselves. In 2022, according to the ZiviZ survey, which collects data on civil society every five years, there existed 656,888 registered CSOs, of which 615,759 were registered associations (94%), 24,650 were foundations under civil law, 14,540 were non-profit corporations (12,611 gGmbH (private limited company), 1,878 gUG (entrepreneurial company with limited liability) and 51 gAG (joint-stock company)) and 1,939 were cooperatives for the common good (Schubert et al. 2023b: 9). In recent years, there has been growth recorded in all types of organisations. However, these figures do not cover the entire scope of organised civil society. For example, they probably do not include at least 150,000 unregistered associations<sup>3</sup> and 30,000 trusts. It also does not include informal civil society, some of which must be assumed to have the legal form of a civil law partnership (GbR). This means that the empirical measuring of civil society is incomplete on the one hand, and has limits on the other.

The number of newly founded associations has been falling steadily since 2005 and is approaching the number of deleted associations; in 2021, with 9,975 associations, only 1,959 more were founded than deleted (ibid.: 10). There are no precise figures for the non-profit status of associations; estimates assume around 600,000 non-profit associations.<sup>4</sup> Tax concessions are subject to the *Abgabenordnung* (German Fiscal Code) and are granted by the local tax offices (see chapter 6.4.). The trends of membership in associations vary greatly depending on the field of activity. The largest German association, the Allgemeiner Deutscher Automobil-Club (ADAC, a comprehensive service provider for motorised road users), has 21.5 million members (ADAC 2023). Organisations in the fields of civil protection and disaster control, environmental protection and nature conservation as well as public utilities recorded the largest increases in membership, while membership in the fields of culture and social services declined the most (Schubert et al. 2023b: 32). The proportion of members in sports clubs has remained stable at one third of the population since 2007. After a slight decline during the Covid-19 pandemic, a return to the 2020 figure can be observed for 2023: 28 million

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<sup>3</sup> Registration in the register of associations is a voluntary act that is associated with certain advantages and rights, but also obligations.

<sup>4</sup> As soon as the charity register (see chapter 7) is fully established, the number of non-profit organisations will probably also be available there.

members. However, the number of sports clubs has declined slightly since 2014 and stands at 86,378 (DOSB 2023: 16). A survey conducted by ALLBUS in 2018 examined how memberships in the population were distributed across the various fields of activity of the associations and what percentage of members were active/involved in voluntary work (table 1).<sup>5</sup>

Organisation	Member only	Volunteering member	Total members
Sports clubs	9	25	34
Cultural and music associations	5	10	15
Charitable associations	6	6	12
Associations for further hobbies	2	7	9
Nature conservation organisations	6	3	9
Self-help, health	3	3	6
Parent associations	1	3	4
Human rights organisations	2	1	3
Citizens' initiatives	1	1	2
Pensioners' and senior citizens' associations	1	1	2

*Table 1. Membership by field of activity, aged 18 and over (proportions in per cent, multiple answers possible). Source: Weißels 2021: 384.*

However, there have also been changes in other membership organisations. Membership of churches fell continuously between 2000 and 2022 – by a total of 25% (Forschungsgruppe Weltanschauungen in Deutschland 2023). Membership in trade unions experienced a similar trend, falling by 27% over the same period (DGB 2023). (On the question of whether religious communities and trade unions belong to civil society, see Strachwitz 2019, Strachwitz et al. 2020: 289–292.) However, these are special cases that do not reflect general trends in membership development. The decline in church membership could be due to the ongoing secularisation of society, declining (institutional) religious commitment and the large number of cases of abuse uncovered in churches in recent years, while in the case of trade unions this may be related to changes in the labour market.

Foundations under civil law enjoy stable popularity as a type of organisation in Germany. Over the last two decades, there has been a continuous increase in the number of foundations (between 450 and 1,000 net annually) (Bundesverband Deutscher Stiftungen 2023f). The number of new

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<sup>5</sup> However, the figures in Table 1 do not give a complete picture. The exclusion of under-18s means that a significant proportion of memberships and associated commitment is not recorded, particularly in the field of sport. Furthermore, the above-mentioned ADAC would have its own section here – together with other service providers.

foundations established each year, however, fell by 20% from 2021 to 2022 following growth in previous years (Bundesverband Deutscher Stiftungen 2023g). For the state of Hesse, the number of new foundations with legal capacity even fell by 51% in 2023 (Frankfurter Rundschau 2024). However, this decline is partly due to a new provision on minimum capitalisation for foundations newly established in Hesse. Therefore, no nationwide trend can yet be derived from this. The foundation capital known from half of all these foundations organised in the Bundesverband totalled €110 billion in 2022 (Bundesverband Deutscher Stiftungen 2023b). In 2021, 29% of the foundations had assets of between one and ten million euro, while 8% had assets of over ten million euro (Bundesverband Deutscher Stiftungen 2021: 17). Of the foundations, 90% were tax-privileged (Bundesverband Deutscher Stiftungen 2023a). The distribution of foundations in the country is very uneven. In the eastern German federal states, it is only around half to a quarter of that in the western German federal states in relation to the population (Bundesverband Deutscher Stiftungen 2023d). This is partly due to the fact that foundation activity was brought to a standstill in East Germany from 1949, and that the idea and infrastructure of foundations had to be virtually relaunched after 1990, and partly because it was not possible to build up the necessary assets in East Germany. Even today, there are still fewer financial resources available across the board in the region that could be channelled into foundation assets.

The interconnectedness of civil society cooperation can be seen, for example, in the partnerships entered into by foundations. In 2019, 37% of foundations with less than one million euro in capital and 50% of foundations with more than one million euro in capital worked together with other organisations and institutions: with associations and umbrella organisations (69%), other foundations (61%), local authorities and educational institutions (41% each), churches and church organisations (35%), companies (28%) and others (Fig. 1; Bundesverband Deutscher Stiftungen 2021: 46f.).

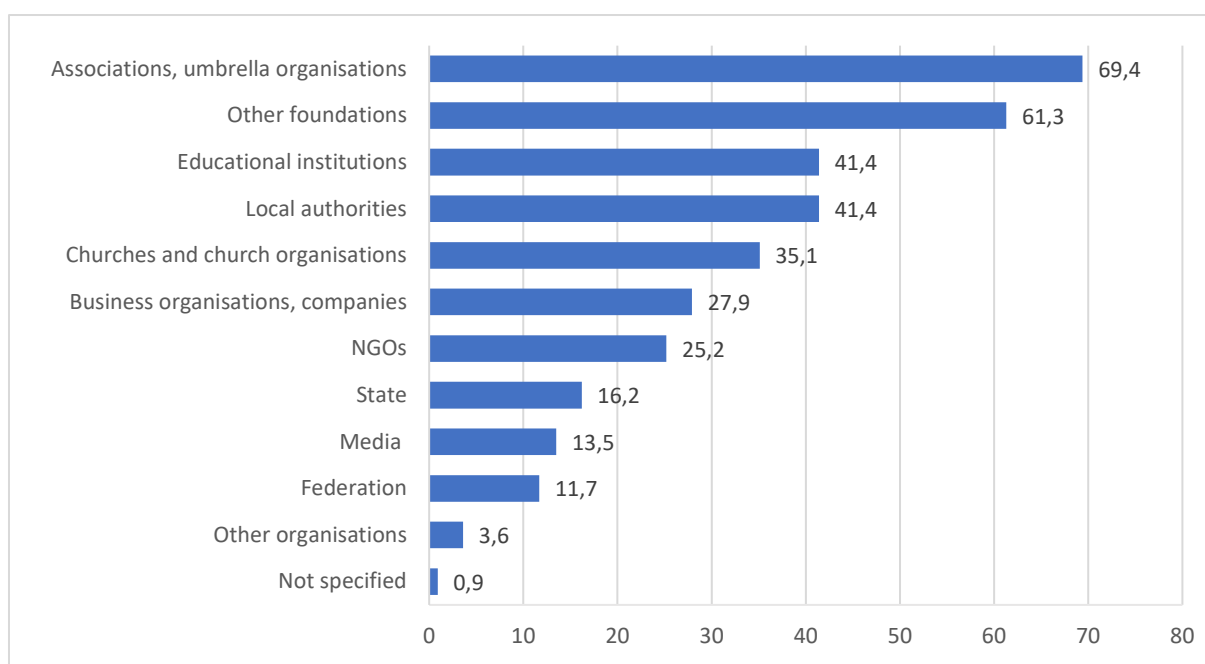


Fig. 1. Cooperation partners of the foundations in 2019 (in per cent, multiple answers possible). Source: Bundesverband Deutscher Stiftungen 2021: 74.

The 426 charitable community foundations that currently exist across Germany are a special model: they emphasise autonomy, broad-based decision-making and transparent action, are accessible to all citizens and align their activities with the needs they bring to the table. They are dedicated to shaping the community at a local and regional level across a wide range of topics (Stiftung Aktive Bürgerschaft 2023). They are usually supported by cooperative banks; however, they generally receive their capital from a large number of founders and donors.

The growth in organisations was strongest among cooperatives at 46% and corporations at 27% compared to 2016 (Schubert et al. 2023b: 9). Of the cooperatives, 15% were tax-privileged. In addition to their established fields of activity, social enterprises in the form of non-profit cooperatives have recently also turned to innovative fields of work that combine economy and community, such as energy cooperatives, village shops or organic farming (Zimmer, Priller 2022a: 25). However, the recent low number of new cooperatives with this focus in the register of cooperatives shows that this development needs more support from legislators and umbrella organisations of cooperatives – particularly due to the higher costs and risks compared to founding an association.

### 3. Fields of activity and services of civil society organisations

Different fields of activity receive significantly different attention by civil society organisations (see Fig. 2). Sport, culture, and education are at the top of the list. It is striking that the number of active organisations in each field of activity is greater than the number that focus on this field. This means that many organisations work on several topics in combination, creating a variety of synergy effects.

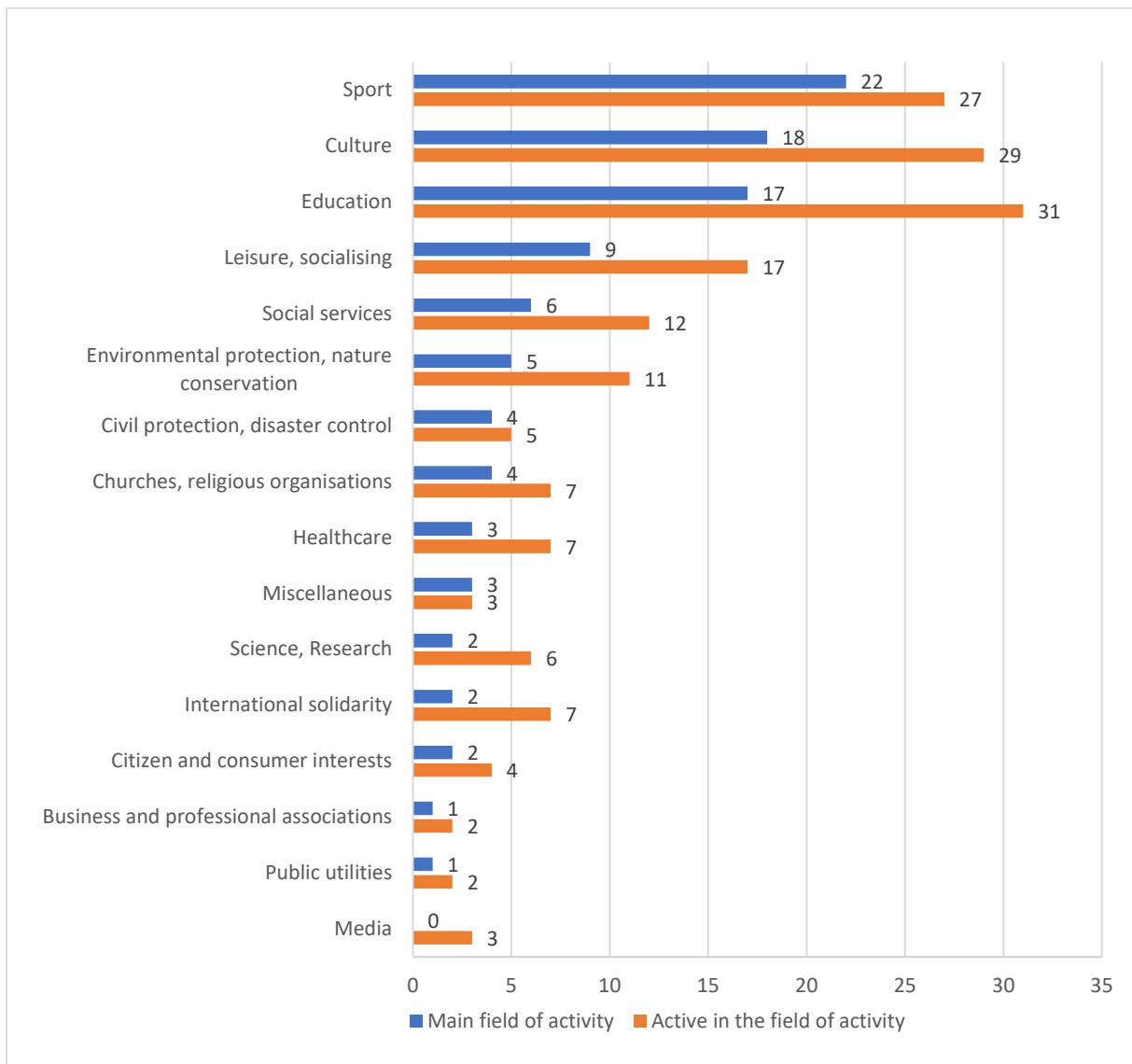


Fig. 2. Fields of activity of civil society organisations (proportions in per cent). Source: Schubert et al. 2023b: 17.

In the last decade, an increase in new foundations was observed in all fields (with the exception of a decline in foundations for churches and religious associations) – with peaks in international solidarity and environmental and nature conservation (36% each) and public utilities (43%) (Schubert et al. 2023c: 20f.). Across all fields of activity, 25% (or approx. 150,000) of the associations

are support associations that are not operationally active themselves, but exist to raise money for a specific purpose or to enable the activities of others (Schubert et al. 2023a: 13).

In 2023, the most important fields of purposes pursued by foundations with legal capacity under civil law included social welfare (46%), education (33%), art and culture (29%) and science and research (22%) (Bundesverband Deutscher Stiftungen 2023c). These purposes are realised locally by 43%, regionally by 32%, nationally by 17% and nationally and internationally by 8% of foundations (Bundesverband Deutscher Stiftungen 2021: 39). The activities of 60% of foundations are purely grant making, while 22% are both grant making and operating and 18% are purely operating (ibid.: 40).

The non-material, material and economic services provided by civil society cannot be precisely shown due to a lack of up-to-date and comprehensive data. In addition, this gap also results from the lack of accepted indicators and models for impact research, i.e. the difficulty of measuring or aggregating and comparing certain impacts at all. Two figures can at least provide an indication of the economic performance: The extrapolated total expenditure of the non-profit sector in 2016 was €104 billion and therefore 3.2% of gross national income – however, this means that the sector's share of both gross domestic product and gross national income is declining (Zimmer, Priller 2022a: 12).

There is a very good overview of the welfare sector, as it is largely organised according to business management criteria, contains business structures and there is an exchange with the social security institutions due to the fees received for its services. In 2020, the six umbrella organisations of the welfare sector operated a total of 125,000 facilities with 4.4 million places and beds; a continuous increase in the number of beds and places can be observed (BAGFW 2023: 9; see Table 2). Temporary support services, counselling centres and self-help groups are not included in this figure. In 2022, the share of non-profit hospital infrastructure (which comprises more service providers than the above-mentioned umbrella organisations) was one third of all existing hospitals and beds – although capacities in this sector have been declining for years (Statistisches Bundesamt 2023; see Table 2). In 2021, 53% of care services were provided by non-profit organisations (Gesundheitsberichterstattung des Bundes 2023). Non-profit service providers are also affected by a significant increase in the number of bankruptcies in the care sector. The reasons for this development include "the slow pace of negotiations with the social security institutions, the multi-crisis and the resulting rising costs" (Schröder 2023; author's transl). As a result, non-profit



organisations are no longer able to meet their care requirements and the gap between demand and supply is widening noticeably.

<b>Year</b>	<b>Facilities (in the umbrella organisations of the BAGFW)</b>	<b>Beds, places (in the umbrella organisations of the BAGFW)</b>	<b>Non-profit hospitals (of all non-profit service providers)</b>	<b>Beds in non-profit hospitals (of all non-profit service providers)</b>
2012	105,295	3,702,245	719	171,276
2016	118,623	4,166,276	674	166,858
2020	125,37	4,359,874	620	158,536
2022	-	-	598	155,653

*Table 2. Development of services in the welfare sector. Sources: BAGFW 2023: 9, Federal Statistical Office 2023.*

Civil society also contributes considerably to culture and education. 2,900 museums (42% of all museums) are maintained by associations, cooperatives and foundations; they account for 32% of visits (Rahemipour, Grotz 2021: 64).<sup>6</sup> Although these are proportionately fewer visits than for museums maintained by others, because the large museums in particular are usually maintained by the state or under public law, the museums maintained by civil society contribute to a widespread and diverse range that also addresses local issues. 16% of the population aged 16 and over were active in amateur music; of these, 26% were members of a choir, 19% were active in church or a church choir, 15% attended music clubs and 8% were members of corresponding associations (Deutscher Musikrat 2021: 8, 18). In 2020, the instrumental and choral associations had 3.6 million members who made music in 34,000 orchestras and ensembles and 54,000 choirs (Deutsches Musikinformationszentrum 2021) and organised 300,000 concerts for an estimated 60 million listeners every year (Deutsche UNESCO-Kommission e.V. 2023: 34). These figures show the importance of collective, non-professional music-making. In Germany, 35% of the music schools are run by associations (Verband deutscher Musikschulen e.V. 2020: 11). A similar picture emerges for adult education centres (Volkshochschulen): in 2019, 32% were run by associations (Huntemann et al. 2021: 18). Of the amateur theatres, commonly associations – more rarely GbR – 2,450 member theatres are organised in associations (Bund Deutscher Amateurtheater 2023: 6). Although the number of performers active on these stages is not recorded, the results of their work are known: 6,000 productions annually, which are viewed by more than seven million spectators (Bund

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<sup>6</sup> The data from 2019 was selected because the latest available data is distorted by the Covid-19-related anomaly and only data for 2023 will be able to show a realistic picture again.

Deutscher Amateurtheater n.d.). An interface between culture, the preservation of tradition, the cultivation of regional languages, the communication of history, art and nature conservation can be found in the field of the preservation of local history and customs, which is anchored locally throughout the country and is carried out exclusively on a voluntary basis. Some of the associations active in this field are organised in regional associations, but there is a lack of systematically collected data. The range of fields of activity also indicates that there are overlaps between the organisations and their activities in other fields. The *Bundesverband Soziokultur* (Federal Association of Socioculture) represents 566 socio-cultural centres (mostly associations) that serve as meeting places which combine social life with the active shaping of culture and offer activities in all areas of culture. While the Bundesverband only represents a fraction of this field of activity, it reports that the centres recorded 12.5 million visits in 2018, of which 4.5 million were for participation in continuous offers (Bundesverband Soziokultur e.V. 2019: 5f.). In the sports sector, 86,400 clubs offered 28 million members opportunities for exercise, learning new physical skills, competitive sport and health promotion (DOSB 2023: 1, 16). Migrant organisations have two shared subject areas – strengthening the participation of the sections of the population for whom they are primarily committed and activism against racism; more than 750 associations have organised themselves in a federal association (Bundesverband Netzwerke von Migrant\*innenorganisationen e.V. n.d.).

CSOs that are committed to advocacy and watchdog functions are more difficult to record empirically, as the proportion of unorganised civil society is particularly high here and formal membership is subject to much greater fluctuation. Spontaneous civic activism plays a central role in these fields. We know particularly little about the organisations that are not affiliated to any association and are hardly visible to the outside world. However, it is undeniable that they represent a significant sub-sector, which mostly – but not exclusively – fulfils the functions of community building (also in the form of sociable associations) and personal fulfilment.

## **4. Significance of CSOs as a labour market**

A very high proportion of organised civil society is made up of organisations that operate largely or solely on the basis of voluntary work. Only 27% of the organisations surveyed have paid employees (Schubert et al. 2023b: 2). However, these CSOs had 3.7 million employees (full-time and part-time) in 2016 (Zimmer, Priller 2022a: 12). The employment figures illustrate the importance as a labour market and provide – as one of several aspects – information on the services and added value in civil society. In terms of employment, CSOs have two special features: at 50%, the part-time rate was significantly higher than that of the economy as a whole (31%) and the proportion of fixed-term contracts was twice as high in comparison at 15.5% (ibid.). The majority of employees work in welfare organisations: in 2020, this amounted to 2.1 million people (41% full-time and 59% part-time) – or 4.5% of the total workforce employed in the non-statutory welfare sector, including 551,000 in care for the elderly, 473,000 in youth welfare service, 437,000 in health care, 410,000 in integration assistance, 32,000 in education and training for social and care professions and 27,000 in family support; the number of employees in this field has risen steadily over the decades (BAGFW 2023:10–13). The welfare associations also offer a sheltered labour market: in 2014, 347,000 people with disabilities were employed in workshops (Hohendanner et al. 2019: 94). The biggest challenge for the welfare associations is employment: the shortage of skilled workers is also affecting them and there are not enough workers available to fulfil the growing tasks (particularly in the field of care for the elderly) – partly because the pay does not meet expectations.

The employment structure has developed differently in the various fields (see Fig. 3). Although the increase and decrease are not quantified, the results in Figure 3 suggest that overall employment has developed positively. While some fields have seen a significant increase in employment, the relatively smaller increases in the fields of culture and sport are likely to be due i.a. to the restrictions imposed during the Covid-19 pandemic and its after-effects.

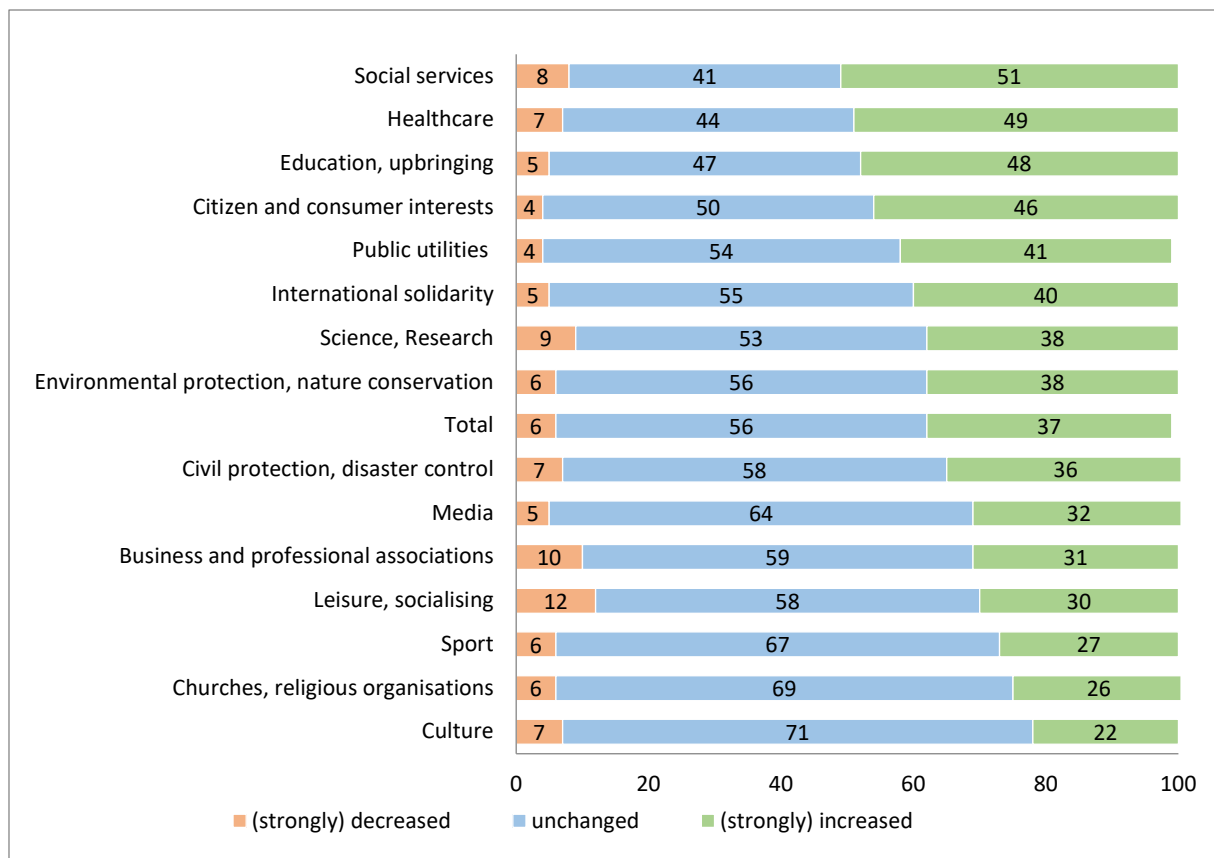


Fig. 3. Development of paid employees per field of activity (proportions in per cent, rounded). Source: Schubert et al. 2023b: 39.

With regard to the gender aspect, there is still a considerable need for action in order to achieve equality in employment. A survey of foundations with legal capacity under civil law showed that the proportion of women among full-time employees is 70% and 55% among voluntary employees – while they only make up a third of board members and managers (Bundesverband Deutscher Stiftungen 2023e: 7–10). A non-representative survey of civil society organisations, which also included associations, gGmbH, trade unions and charities, supports this finding: women made up 69% of employees, but only 39% of managers (Fair Share of Women Leaders 2023). Women thus do most of the work in the arena of civil society, but their involvement in decision-making is far below average. Both findings confirm the results of an older study, according to which 76% of women are employed in the non-profit sector, while they are significantly underrepresented in management bodies (Zimmer, Priller 2022b: 416, 420). However, this survey also showed that women in the non-profit sector were more satisfied with their work than women in the labour market as a whole – particularly due to the flexible working time arrangements (ibid.: 417f.).

People with a migration background hold 14% of leadership positions in civil society (Vogel, Zajak 2020: 13). Although this is above average compared to their representation at management levels in all fields of work (such as politics, media, administration, culture), it should still be seen as an expression of limited opportunities for participation given their 26% share of the population. The proportion of women with a migration background in management positions is 4%, which is higher than in any other field of work (Heger, Heft 2022: 21). However, this figure is an impressive example of intersectional discrimination: the respective discrimination resulting from the aspects of gender and migration background overlap and thus reduce the opportunities for participation and career prospects twofold.

## 5. Volunteering

### 5.1. Scope, fields of activity, challenges

The most comprehensive survey on volunteering in Germany is the *Freiwilligensurvey* (Survey on Volunteering, FWS), which has been conducted every five years since 1999 on behalf of the Federal Ministry of Family Affairs. The FWS surveys all forms of volunteering (organised and non-organised; within and outside of CSOs). According to the survey, in 2019, 40% of people aged 14 and over volunteered regularly, irregularly or even just once for the common good in the previous twelve months (meaning that volunteering remained stable compared to 2014) (Simonson et al. 2022a: 58).<sup>7</sup> The Socio-Economic Panel (SOEP), a repeat survey of private households that has been conducted annually since 1984, also collects data on volunteering. The SOEP asks about voluntary activities in CSOs and thus defines volunteering more narrowly than the FWS. Accordingly, it found a lower volunteering rate of 30% (Kleiner, Kühn 2023: 18). Of the 40% in the FWS, 51% were involved in multiple activities, i.e. they carried out two or more voluntary activities (one after the other or in parallel) (Kausmann, Hagen 2022: 102). The amount of time invested was up to two hours per week for 60% of those involved (although this also includes a far lower level of activity), three to five hours for 23% and six or more hours for 17% (Kelle et al. 2022: 174). However, a slight, continuous shift towards less time spent can be observed over 20 years. The amount of time spent differs, of course, depending on the field of activity. For example, those active in church work in a regional church showed a significantly higher level of involvement. There, over 20% spent 10 to 20 hours per month, around 35% spent 20 to 39 hours and over 25% spent more than 40 hours (Evangelical Church of Westphalia 2023: 31). Figure 4 shows the percentage of the population involved in the various fields of activity according to the FWS 2019.<sup>8</sup>

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<sup>7</sup> Due to the inclusion of very different levels of volunteering (including one-off involvement), the number of volunteers and their contribution can be overestimated.

<sup>8</sup> There are some similarities to the information on active – i.e. committed – membership (commitment linked to membership) according to ALLBUS 2018 in Table 1 insofar as the aggregation of the fields of activity is comparable. However, it is noticeable that the level of volunteering in sport is only half as high under the extended definition as under the narrower definition of ALLBUS 2018. It can be assumed that the questions in the surveys trigger different response behaviour here.

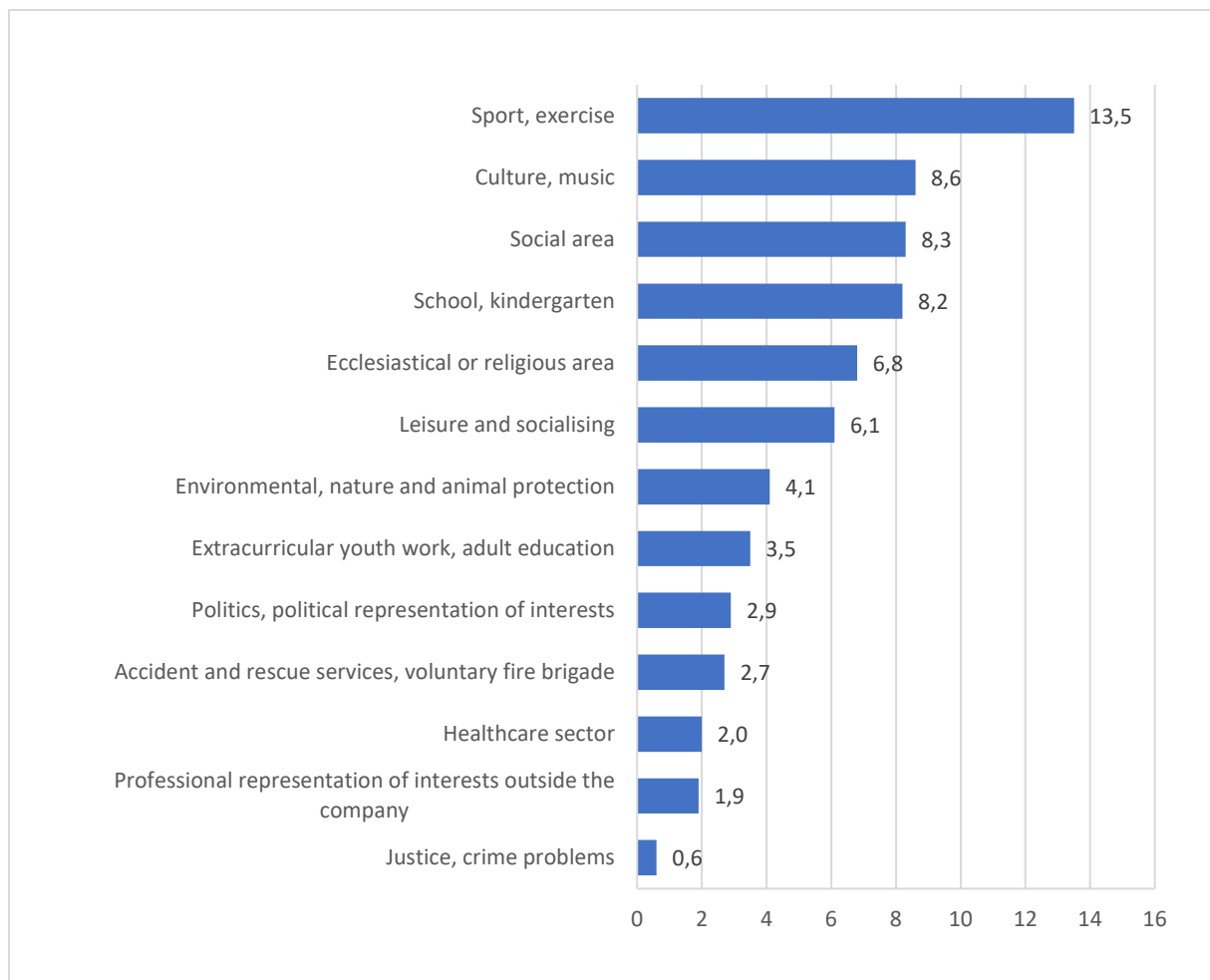


Fig. 4. Volunteering by field of activity, aged 14 and over (proportions in per cent, multiple answers possible). Source: Kausmann, Hagen 2022: 101.

In 2019, two million people were active in honorary positions in sports clubs and 6.7 million members (or 24%) were temporarily active on an ad hoc basis (Breuer, Feiler 2021: 28f.). Welfare organisations identify around three million volunteers in their ranks (BAGFW 2023: 6). The education sector can rely on 14 to 18 million volunteers, without whom the majority of its programmes would not be possible (Priemer, Mohr 2018: 49). In the case of civil society cultural organisations, 77% are run solely by volunteers (BKJ 2019: 33).

Around 80% of all civic activism is carried out in CSOs (Priller, Strachwitz 2023: 3).<sup>9</sup> They therefore continue to be enormously important as anchor points and structuring units for community-orientated action. In turn, volunteering is indispensable for CSOs, as 73% of organisations rely

<sup>9</sup> Volunteering also occurs in state organisations and institutions. Prominent examples are the voluntary fire brigades as municipal organisations. Of the one million firefighters working there, only very few are employed full-time (Deutscher Feuerwehrverband n.d.).

exclusively on volunteers and have no paid employees (ZiviZ-Survey 2023). According to the FWS, in 2019, 80% of volunteers were members of the organisation in which they volunteered; over a period of 15 years, this corresponds to a decrease of 12% and shows that volunteering no longer goes hand in hand with membership, but is increasingly being carried out unaffiliated – even if it takes place within organisations (Karnick et al. 2022: 193). The shift towards a more non-binding commitment is also accompanied by a decline in affiliation with organisations (in terms of membership). One consequence of this for the funding of associations is a decline in membership fees. However, even membership is no guarantee for active commitment. A 2018 survey shows the ratio of volunteering members to members with a merely basic participation at that time (see Table 1). However, with regard to the development of volunteering, it must also be emphasised that although the volunteering rate has increased over the last 20 years (despite a recent tendency to stagnate), the number of organisations has increased significantly more over the same period. As a result, relatively speaking, more organisations are competing for volunteers (Schubert 2023: 5).

In addition to the volunteering that goes hand in hand with a formal commitment to organisations, there is a large field of informal volunteering. Informal volunteering can be temporary, project-related, selective, but also longer-term within and outside organisations. It is increasingly favoured over volunteering based on a formal commitment. Table 3 provides an overview of the proportion of informal volunteering in the various fields. It shows that these differ significantly depending on the field – and therefore the opportunity structures.

<b>Fields of activity</b>	<b>Informal volunteering</b>
Social sector	30
Culture and music	25
School, kindergarten	23
Sport, exercise	21
Leisure, socialising	20
Environment, nature conservation, animal welfare	15
Church, religious organisations	9
Extracurricular youth work, educational work for adults	8
Health sector	7
Politics and political advocacy	6
Professional representation of interests outside the company	4
Accident or rescue services, voluntary fire brigades	2
Justice and crime problems	1

*Table 3. Informal volunteering by field of activity (proportions in per cent). Source: Schubert 2023: 12.*



On average across Germany, 17% of voluntary activities (with a slight upward trend over the years) are organised individually outside the CSOs – e.g. in self-organised groups (8%), in initiatives or project work (3%), in neighbourhood support groups (3%) or self-help groups (1%); in Brandenburg (25%), Hamburg and Berlin (24% each), the figures are significantly higher (Holtmann et al. 2023: 33–35, Schubert 2023: 4). In CSOs, informal volunteering can cover a wide range of tasks. However, compared to permanent involvement in an organisational structure, it has the disadvantage that it cannot be used to fill honorary and management positions. In the event of a longer-term development in this direction, the structures of CSOs could be damaged due to a lack of sufficient staffing. On the one hand, these findings suggest that more temporary, low-threshold volunteering opportunities need to be created in order to meet these preferences and (continue to) mobilise and integrate the associated potential for volunteering. On the other hand, expertise and experience are essential for many activities and management functions and administrative tasks must be fulfilled with a longer time horizon (Strachwitz 2023a: 25). Solutions based on temporary offers are hardly feasible here (unless, for example, positions are shared in an alternating mode) and ways will have to be found to retain volunteers in the longer term.

It is often assumed that informal volunteering capacities are less predictable and that, due to the lack of formal ties, volunteers act more sporadically, with less inclination to commit and invest less time in the long term. However, informal volunteers are among those who spend the most time (254 working hours per year; in comparison, volunteers spend 193 hours in associations, 184 hours in church organisations and 259 hours in state institutions) (Schubert 2023: 14). This suggests that their commitment could be much more constant than assumed and that this requires further investigation.

A look at the world of sport illustrates the consequences of volunteering that increasingly avoids binding commitments. The high figures listed above initially give the impression of stable volunteering, but at the same time the clubs realise that this volunteering is not a sure-fire success: the biggest problem is identified as the retention or recruitment of volunteer functionaries (Breuer, Feiler 2021: 60). This is consistent with the findings of the FWS: the willingness to take on a management or board function in any field is continuously declining from 37% in 1999 to 26% in 2019 (Karnick et al. 2022: 194). According to the organisational survey of the ZiviZ survey, the challenge of finding volunteers for leadership positions is also greatest in the field of sport, while the fields of science and research, public utilities and civil protection and disaster control, for example, have fewer concerns about staffing (Schubert et al. 2023b: 36). This hits sport particularly hard, as

there are relatively few full-time employees in the clubs in this field. This situation poses a sensitive challenge not only for sport, but in general: in the absence of management, a club must cease its activities – even if there is demand for its services. In 2021, 15% of sports clubs perceived an existential threat for this reason (Breuer, Feiler 2021: 64).

The decline in more binding obligations is also related to the fact that the bureaucratic burden is particularly high in management positions. As regulation becomes more complex, administrative tasks, reporting obligations and liability risks increase even further, making it increasingly unattractive to take up or continue to hold such positions (Bündnis für Gemeinnützigkeit 2023a: 1). Three quarters of organisations deemed the administrative burden particularly time-consuming in 2022 (Schubert et al. 2023b: 35). An sample calculation for a non-profit sports club with 500 members assumes that it has to spend 42 working days a year on data protection issues, one event, the annual financial statements and notifications to the register of associations (Normenkontrollrat Baden-Württemberg 2019: 27). Sports clubs consider the extent of regulations they have to comply with to be a substantial problem (Breuer, Feiler 2021: 60). The invested resources are lacking in the realisation of the purpose of the club. The reluctance to volunteer in such positions stems not only from this effort and its complexity, but also from the fact that the individual experiences a mismatch between the purpose of the organisation (which they seek and want to bring to life) and the bureaucracy.

## **5.2. Socio-structural factors and motives**

The factors that influence the general willingness or ability to volunteer are diverse. In some cases, there will be correlations between them, which must be taken into account when considering why a factor exhibits a specific magnitude. For example, income, migration background and religious affiliation correlate. Other factors that come into play are, for example, the existence of a local infrastructure for volunteering, sufficient existential security (which allows such activity beyond the private sphere in the first place), social integration, knowledge of (suitable) participation opportunities or the self-perception as a person who plays a formative role.

A look at the motives is provided before the socio-structural details are presented (see also Table 4). At 94%, the most frequently cited motive for volunteering was to have fun; this was closely followed by altruistic motives and, at 80%, the desire to help shape society (Arriagada, Karnick 2022: 133). Among the reasons for ending volunteering, job-related reasons (women 40%, men 47%) and too

much time commitment (40%) were at the top of the list. Long commutes to work (commuter mobility) or the need to use a second home for the duration of the weekly working days (Rüger et al. 2022) can already have an effect here. Family reasons (including care work, for example) should also be emphasised, which were a decisive factor for 34% of women, but only for 19% of men (Arriagada, Karnick 2022: 137f.). The importance of this aspect is shown by the 2022 *Zeitverwendungserhebung* (time use survey): according to the survey, women spent 25 hours a week on care work, men only 16.5 hours (Statistisches Bundesamt 2024). It is also worth taking a look at the reasons why those who have never volunteered do so. 71% cited time-related reasons as the most important factor (Arriagada, Karnick 2022: 140). In addition, job and family reasons were also mentioned, as well as a preference for not wanting to enter a binding commitment.

As expected, the volunteering rates by age were different in the FWS and SOEP 2019 (see Table 4), as the two differ in the definitions of volunteering (see above) and samples (age 14 and older or 17 and older): 14- to 19-year-olds (FWS, 49%), 17- to 19-year-olds (SOEP, 34%), 20- to 39-year-olds (39%; 31%), 40- to 65-year-olds (44%; 31%), 66- to 75-year-olds (38%; 31%) and over 75-year-olds (23%; 24%); according to the FWS, teenagers stood out in particular with 48% and those in their early 40s with 52% (Simonson et al. 2022b: 79f., Kleiner, Kühn 2023: 31–33). According to the FWS, the commitment of both genders was on a par in 2019: that of women had increased slightly compared to 2014, while that of men had decreased slightly (Simonson et al. 2022b: 78). The SOEP data, however, show differences for men (32%) and women (28%) (Kleiner, Kühn 2023: 43). The SOEP's narrower definition excludes forms of volunteering that the FWS takes into account and which women may be more likely to take up, for example for family reasons. Broken down by school qualifications, the following picture emerges: half of school students are involved, 26% of people with a low level of education, 37% with a medium level of education and 51% with a high level of education (Simonson et al. 2022b: 81).

<b>Socio-structural factors of volunteering</b>	<b>FWS</b>	<b>SOEP</b>
Age		
14–19 years	49	-
17–19 years	-	34
20–39 years	39	31
40–65 years	44	31
66–75 years	38	31
> 75 years	23	24
Gender		
Women	39	28
Men	40	32
Net household income, equivalised (needs-weighted)		
< 1,000 euro	24	19
1,000–1,400 euro	-	24
1,000–2,000 euro	41	-
1,400–2,000 euro	-	30
> 2,000 euro	-	36
2,000–3,000 euro	51	-
3,000–4,000 euro	52	-
> 4,000 euro	50	-
Region		
Cities	39	26
Rural areas	42	33
Eastern Germany	37	26
Western Germany	40	31

*Table 4. Socio-structural factors of volunteering and proportion of volunteers according to FWS and SOEP (proportions in per cent). Sources: Simonson et al. 2022b: 78–83, 88, 90; Kleiner, Kühn 2023: 18, 24, 31–33, 43, 64f., 73.*

The needs-weighted net household income influences volunteering according to the FWS in that this is 24% for incomes under €1,000 per month, 41% for incomes up to €2,000 and around 50% for all income levels above €2,000 (Simonson et al. 2022b: 74f., 83). The SOEP shows a comparable correlation between income level and volunteering: 19% of respondents with an income of less than €1,000, 24% up to €1,400, 30% up to €2,000 and 36% above €2,000 were engaged in volunteering (Kleiner, Kühn 2023: 64f.). These proportions have diverged significantly since 2001. This demonstrates increasing economic inequality in volunteering. If volunteering is differentiated according to employment status, the FWS shows that 44% of those in full-time employment, 51% of

those working part-time, 46% of those in training, 19% of the unemployed and 32% of those who have already completed their working life are engaged in volunteering (Simonson et al. 2022b: 82). However, it is possible that employment status is essentially a dependent variable and that the differences in the proportions can be explained by third variables (Kleiner, Kühn 2023: 73). At this point, it should be noted with regard to the factors of age, gender and income that people over 50, women and people with very low incomes are slightly more likely to be informally engaged (Schubert 2023: 9).

According to the FWS, the proportion of committed people in rural areas is stable at 42%, slightly higher than in cities at 39% (Simonson et al. 2022b: 90). The SOEP found a slightly greater difference: 33% versus 26% (Kleiner, Kühn 2023: 18). Furthermore, civil society in urban and rural areas has to deal with different challenges: there is a lack of spaces in the city and a lack of mobility in the countryside. The increase in volunteering in eastern Germany (to 37%) has brought it closer to the figures in western Germany (40%) in recent years according to the FWS (Simonson et al. 2022b: 88). However, the SOEP data is also somewhat different here. Apart from increases and decreases in the volunteering rate, it was 26% in eastern Germany and 31% in western Germany (Kleiner, Kühn 2023: 24).

The criterion of a migration background has a significant influence on volunteering: 44% of people without a migration background and 27% with a migration background volunteered in 2019; however, the lack of personal immigration experience and holding German citizenship made a clear difference regarding the effect of this factor – both increased the values and in combination led to a volunteer rate of 39% (Simonson et al. 2022b: 84). Furthermore, factors such as participation opportunities – including in particular the openness of organisations to involve migrants – and knowledge of German could have an effect on volunteering. It needs to be considered that different perceptions of the concept of volunteering could also influence the responses.

Religion also has an impact on civic activism. The FWS 2019 survey found that 45% of Catholics, 46% of Protestants, 22% of Muslims, 23% of Christian Orthodox and 34% of non-denominationals were involved in voluntary work (Sinnemann 2022: 28). The Protestant Church confirmed this finding in 2023 with similar figures: 49% of Catholics, 46% of Protestants and 32% of non-denominationals (EKD 2023: 91). The study also provides an interpretation for the higher volunteering rates among the members of the two main Churches. It is not the religious motives that are the most important, but rather the diverse opportunity structures provided by the Churches (spaces, funding, knowledge, networks), which offer links for volunteering and support its development (ibid.: 91f.). From an

organisational perspective, a comparable survey is not possible in Muslim welfare work, there being no adequate umbrella organisation structure in place that could collect this data (Hummel et al. 2020: 18f.). In Christian religious communities, the religious motivation for commitment is less and less found in commitment within the Church, but increasingly outside of it (Zoch 2023). In addition to the motives mentioned above, a survey conducted by a Protestant regional Church among its members' volunteers revealed a desire to contribute their own skills and organise their free time in a meaningful way (Evangelische Kirche von Westfalen 2023: 31).

### **5.3. Factors for promoting volunteering**

Despite a generally stable level of civic activism, challenges remain that make access more difficult (for certain groups). In addition, these voluntary contributions must be safeguarded for the future as one of the essential pillars of civic activism. This task requires the involvement of CSOs, legislators and decision-makers at various levels. Organisations such as the *Bundesnetzwerk Bürgerschaftliches Engagement* (National Network for Civil Society, BBE), in which civil society, public authorities and companies are represented, or state networks for civic activism create an overarching infrastructure for exchange and cooperation.

The following supportive measures were identified (some of which continue existing efforts):

- "stable cooperation between civil society and municipalities" and the expansion of cross-sectoral organisations that promote volunteering (Ebert, Vogt 2023: 5),
- intensification of cooperation within civil society and targeted cooperation with schools (e.g. through internships),
- "to familiarise the next generation with civic activism" (Zimmer, Priller 2022a: 25; author's transl),
- "training and consulting services [...] to better cope with the increasingly complex tasks and demands in volunteering" (Schubert et al. 2023b: 63),
- staff development and promotion of young talent, a timeframe for voluntary management functions in particular that prevents overload (Zimmer, Priller 2022a: 25),
- expand offers for temporary or informal volunteering, take into account and address emotional motivations for volunteering (fun, self-efficacy, recognition, etc.),
- appropriately recognise volunteering outside of award ceremonies in ongoing work.

The Federal Government has been working on compiling a volunteering strategy since 2022. The aim of this comprehensive strategy is to organise and coordinate political measures in such a way that volunteering and thus civil society are strengthened (BMFSFJ 2023a). The federal states also have their own volunteering strategies. These efforts show that there is a strong awareness of the importance of the benefits and effects of volunteering. Accordingly, the volunteering strategies can be seen as a service for society. However, scepticism seems appropriate in advance with regard to the expected suitability of the federal government's volunteering strategy for concrete and extremely diverse civil society activism. The definition and procedure for measures to support volunteering are largely determined by the state and could possibly be guided by the intention of creating criteria for future funding policy (Priller, Strachwitz 2023: 2). However, the actual needs of civil society could be overlooked to a certain extent. In particular, a mix of measures in the volunteering strategy is called for to include simplifying bureaucratic requirements and processes in order to give volunteers more space for their actual activities and to free organisations from time and cost burdens. It is also proposed to limit liability risks, simplify non-profit law and standardise the law on donations (Bündnis für Gemeinnützigkeit 2023b).

With the *Deutsche Stiftung für Engagement und Ehrenamt* (German Foundation for Volunteering, DSEE), which exists since 2020, the state aims to support and strengthen civic activism by providing information (see chapter 9.4.). A focus is on structurally weak regions where the conditions for volunteering are more difficult.

## 6. Funding

Civil society is exposed to increased economic pressure and the funding of its services is no longer secured in many places. In each specific case, this depends on the income and expenditure structure. The challenges for its finances stem, among other things, from budget cuts on several levels of administration, a decline in donations and contributions, increased inflation, increased staff costs and increased interest rates on loans. The combination of these developments of reduced income and increased expenditure places a heavy burden on CSOs and reduces their capacity to offer their services in line with demand. Accordingly, 25% of organisations describe their financial resources as only sufficient or inadequate (Schubert et al. 2023a: 23).

### 6.1. Revenue structure

In principle, the income of CSOs is made up of membership fees (in associations), self-generated funds (service fees, contracts with public authorities and the social security system, entrance fees, income from sponsorship, catering offers, lottery income), donations from private individuals and companies, public funding (institutional and project-related grants from public bodies), grants from other organisations (funding from foundations, associations, Churches) and asset income (interest, dividends, renting, leasing) (Schubert et al. 2023b: 43).

Funding structures differ widely. In general, it may be said that there are strict limits to generating an income except in fields where special-purpose organisations are maintained (e.g. hospitals). While many associations rely exclusively on membership fees and donations, these often only account for a minor share of the income of large CSOs. Profitable assets are primarily, but not exclusively, found in foundations.

The income sources for civil society activities can at least be quantified in terms of their share of the total income of an *average* organisation in a sector (see Figure 5). The percentages represent the combined mean values of all organisations, without taking their absolute income into account. If the amount of these were taken into account when determining the average values, the proportions would shift significantly. Overall, there would, for example, be a significantly higher share of public funds, or of self-generated funds in the healthcare sector, as large organisations receive such funds more often. It can be seen that the income structure varies greatly depending on the field of activity. Both the type of services offered by an organisation and its (human) resources determine its ability



to tap into certain sources of funding. It has been shown, for example, that small organisations with an annual income of up to €10,000 are 57% financed by membership fees and only 6% by public funding, while organisations with an annual income of over €1 million rely on membership fees by only 8% and receive 32% public funding (ibid.: 42).

If the sources of funding are broken down by type of organisation, the following picture emerges for the respective *average* organisation: associations rely heavily on membership fees, which account for 46% of funding, while donations contribute 19%, self-generated funds 17% and public funds 11% (ibid.: 41). By contrast, half of the foundations' income in 2021 came from asset management, one third from public grants and 13% from donations – while income from operations was low at 5% (Bundesverband Deutscher Stiftungen 2021: 22). In marked contrast to this, the ZiviZ survey shows a 28% share of donations for foundations (Schubert et al. 2023b: 42).<sup>10</sup> Self-generated funds were the most important source of funding for corporations (46%) and cooperatives (62%). Older figures – or with a different data basis – state that this proportion is even higher for cooperatives at 77%, while public grants or subsidies of all forms only accounted for 4% of their income (Priller et al. 2012: 41). The proportions of income from foundations, corporations and cooperatives differ considerably from the distributions shown in Figure 5, as these types of organisations only make up a very small proportion of all organisations represented there.

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<sup>10</sup> The difference is probably due to a different weighting of income by the Bundesverband Deutscher Stiftungen (Association of German Foundations) and possibly due to different samples of foundations.

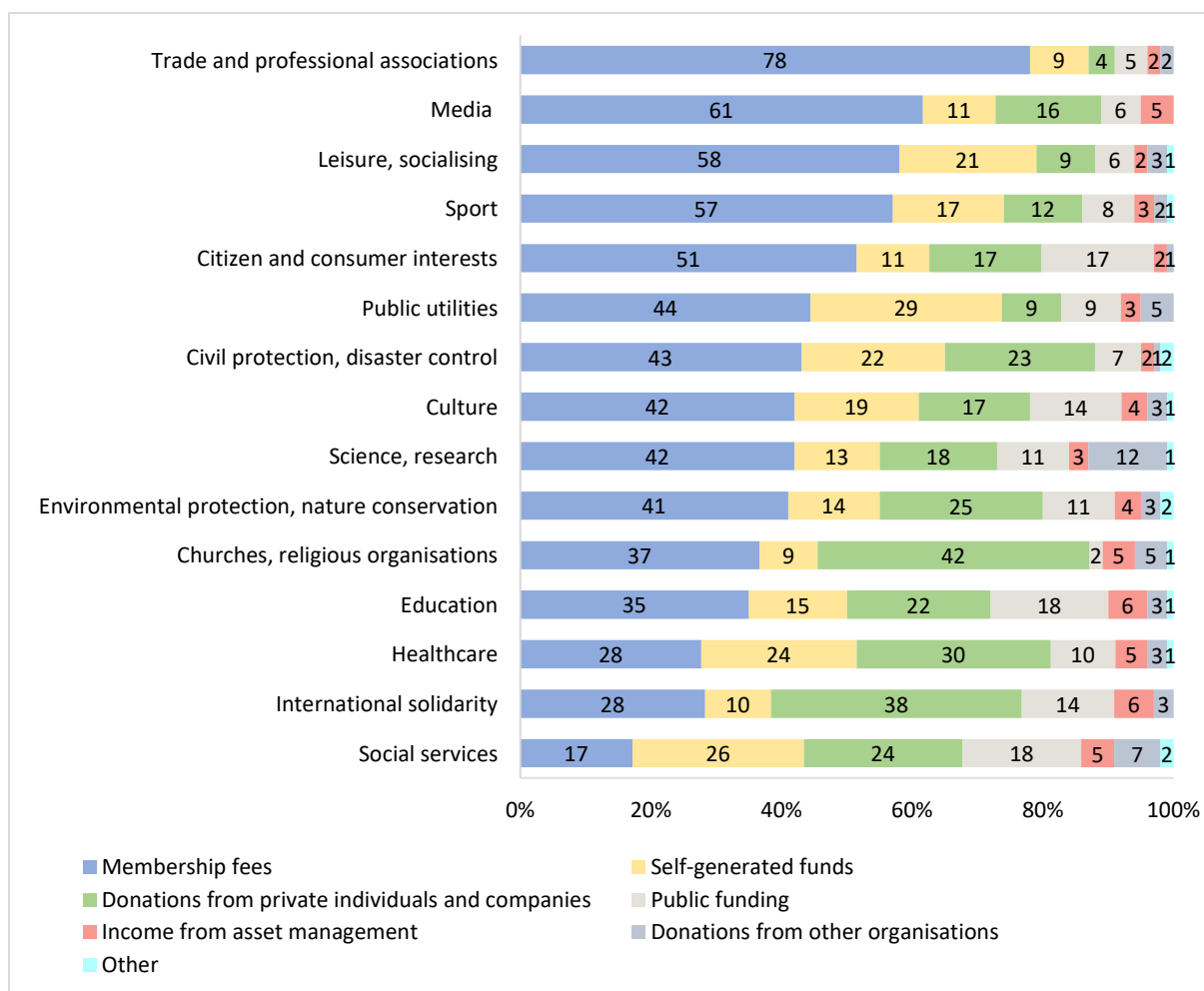


Fig. 5. Proportions of funding sources by field of activity. Source: Schubert et al. 2023b: 44.

A few selected examples can give an impression of funding models in the respective field of activity. In 2018, the income of the 566 sociocultural centres in the *Bundesverband Soziokultur* consisted of 47% self-generated income, 27% funding from local authorities, 18% from the federal states, 5% from the federal government, 2% from foundations and 0.5% from the EU; institutional funding, which is crucial for the existence of the centres themselves, accounts for 34% of income and project funding for 18% (Bundesverband Soziokultur e.V. 2019: 31f.). This means that the centres had to and were able to generate a large part of their budget themselves, although they are not only dependent on considerable funding to maintain their services, but usually also for their very existence. The low proportion of funding from the EU is conspicuous. It can be assumed that the application process is a hurdle here.

In 2019, the income of adult education centres (which will not differ significantly in terms of structure between those run by associations and those run by municipalities) comprised 32 % participation

fees, 35% institutional funding from municipalities, districts and federal states and 28% public funds raised from the federal government, federal states, municipalities and the EU (6% from commissioned and project funds from municipalities and federal states, 16% federal funds, 3% funds for measures under the German Social Code and 2% EU funds) (Huntemann et al. 2020: 18). In the case of music schools, the proportion of public funding in terms of income is 52% and that of tuition fees 43% (Verband deutscher Musikschulen e.V. 2020: 37). For both educational institutions, it is clear that although generated funds make up an important proportion of income, demand could not be met without considerable funding.

## 6.2. Donations

Donations are an important source of funding for civil society. The share of donations in the CSO's total income is shown in Figure 5, broken down by field of activity. Three sources are presented here to illustrate the donation behaviour.<sup>11</sup> These differ in the survey periods, the operationalisation of their object of investigation, the selection of the sample (including age) and the methodology. Due to these differences, they are only described and not contrasted. The survey conducted by the *Deutscher Spendenrat* (German Donations Council) and GfK GmbH only takes into account donations from private individuals with German citizenship and no inheritances, corporate donations or donations over €2,500 and only donations to "charitable aid organisations;" the SOEP data, on which the DZI relies, includes donations from people living in Germany without German citizenship and annual donations per person up to €30,000 and asks about donations for "social, church, cultural, non-profit and charitable" purposes instead of solely for aid organisations (Wilke 2023: 7; author's transl). This means that the SOEP data covers a broader range of donations. Accordingly, the DZI estimates a donation total of €12.8 billion for 2023 (DZI 2024; €12.9 billion for 2022, Wilke 2023: 7). The DZI used the SOEP data from 2019 and extrapolated it for 2022 using the *DZI Spenden-Index* (donation index), i.e. combined survey data from donors with the development of income from selected CSOs.

According to the GfK GmbH study, the volume of donations to non-profit and charitable organisations amounted to five billion euro in 2023 (GfK Consumer Panel 2024). This is around €700 million (or 12%) less than in the same period in 2022 (GfK Consumer Panel 2023: 6). The amount of donations is therefore less than half of the DZI's calculations. Donations for emergency and disaster

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<sup>11</sup> See Schulz-Sandhof 2017 for an overview of the parameters and results of donation surveys.

relief fell sharply, especially after the strong growth in the previous two years. The year following the start of the war in Ukraine shows a significant drop in donations from €1,400 to €930 million. This phenomenon often occurs after so-called "disaster years." In contrast, the field of development aid, education and other aid received €700 million, the same amount as in the previous year. Of the funds,

- 75% went to humanitarian aid,
- 9% to animal welfare projects,
- 3% to environmental, nature and climate protection initiatives,
- 2% to cultural and heritage conservation,
- 2% to sport and
- 8% to other charitable causes.

The proportion of donors in the population fell by 2% to 26%. People over 70 years of age generate the highest proportion of total donations, at a steady 42%. The 30 to 39 age group recorded an increase in its share from 6% to 10%. The average donation in this age group also increased from €240 to €290.

In the survey of the *Deutscher Spendenmonitor* (German Donation Monitor), some information on the operationalisation of donations (with the exception of the stipulation that only donations of up to €1,500 are taken into account) and donors as well as the representativeness of the sample were not published. Despite this, it is used to provide an additional impression. According to the study, 49% of German citizens aged between 16 and 70 donated in the twelve months from December 2022 to November 2023 (Deutscher Fundraising Verband 2023). The donation rate therefore fell by 5%. The total amount of donations fell from €6.3 to €5.8 billion (or by 8%). Trends comparable to the GfK study may be recognised. It can be assumed that the decline recorded in both surveys is due to a drop in donations following individual major events, in connection with which a particularly large number of donations are made on a one-off basis, as well as in the context of the prevailing inflation and recession, to which (potential) donors are reacting by reducing their spending. However, there is a lack of reliable data on this.

Donations from abroad can also be a welcome source of support for German CSOs. One obstacle to the deductibility of donations is the recognition of the organisation's non-profit status under foreign law, which can deter potential donors. The introduction of the legal form of a European Cross-Border Association (ECBA), which could also involve the mutual recognition of different national rules on charitable status, could make cross-border donations at least within the European Union easier

(European Parliament 2023). Since 1999, the Transnational Giving Europe network has provided a practical remedy. It offers a structured way for German CSOs accredited in the network to receive donations from abroad, for which the foreign donors receive a donation receipt (the network also transmits donations from German donors abroad) (Strachwitz, Schwager-Duhse 2023).

### **6.3. Public subsidies**

Government funding (from the federal government, state governments and local authorities) accounts for a considerable proportion of civil society funding in Germany. In this respect, the savings targets for the 2024 federal budget have a significant impact, as they lead to cuts in funding. The pending confirmation of the federal budget by the Bundestag at the beginning of 2024 also led to a lack of planning security for the organisations receiving funding. Such a situation leads to the cancellation of programmes and the migration of experienced employees (Bundesnetzwerk Bürgerschaftliches Engagement 2023). The cuts themselves already put the recipient organisations under pressure – especially in view of the increased personnel and material costs – and can lead to a reduction in services and the insolvency of organisations (Arbeiterwohlfahrt NRW 2023). In this situation, the welfare organisations and comparable providers, for example, must also meet growing demand. The number of care places for people with disabilities or mental illnesses has risen – as has the need for childcare and help for the elderly, which will increase significantly as a result of demographic change (Deutschlandfunk 2023). However, the service fees for this growth must first be approved in the tight budgets of the several levels of administrative divisions.

With the budget item "Strengthening civil society," the federal government supports civic activism – in particular volunteer services at recognised organisations. In 2022, it spent €114 million on youth volunteer services, €177 million on the Federal Volunteer Service, €6 million on promoting volunteering and €50 million on the German Foundation for Volunteering (Bundesrechnungshof 2023: 17; see Table 5). Expenditure of €96, €154, €8, and €30 million is planned for 2024 (in the same order) (Entwurf zum Bundeshaushaltsplan: 37–40). The figures for what is planned for 2024 show considerable cuts, which will have a particular impact on the number of staff in CSOs. Although the federal states also provide funding for voluntary services, they will not be able to make up for the shortfall. In 2022, 46,830 volunteers completed a Voluntary Social Year (BMFSFJ 2023b), 3,244 a Voluntary Ecological Year (BMFSFJ 2023c) and 36,255 the Federal Volunteer Service (BMFSFJ 2023d). Taking into account the varying numbers of participants over the course of the year, around 86,000

volunteers were involved in these programmes (excluding the international voluntary services, for which no data was available for 2022).

<b>Purpose</b>	<b>Amount of expenditure in 2022 (in millions of euro)</b>	<b>Planned expenditure 2024 (in millions of euro)</b>
Youth volunteer services	114	96
Federal Volunteer Service	177	154
Promotion of volunteer work	6	8
German Foundation for Volunteering (DSEE)	50	30

Table 5. Federal expenditure under the budget item "Strengthening civil society." Sources: Bundesrechnungshof 2023: 17, Entwurf zum Bundeshaushaltsplan: 37–40.

The planned Democracy Promotion Act – primarily a programme to consolidate funding for civil society organisations that promote democracy, diversity, the prevention of discrimination and extremism as well as political education – has been on hold for several months due to differences of opinion within the governing coalition over its design (with a debate over the implementation of an extremism clause, focus on funding vs. additional measures to foster the stability of democracy as a whole). If passed, the Democracy Promotion Act could also form an important part of a supportive framework for civil society. Meanwhile, the *Demokratie leben!* programme is being continued with a federal grant of €182 million, which supports CSOs that implement measures for precisely these purposes (Entwurf zum Bundeshaushaltsplan: 20). However, the high dependence on public funding in this field of activity also harbours an immense risk. The grants are not only determined by the budget situation, but also by what the services in this field of activity are worth to the political decision-makers at a given time. If funding were to be discontinued, this field would collapse to a large extent. The state supports the advocacy of democracy as long as it itself is interested in doing so. At the very moment that democratic values come under pressure from the state, civil society, which is committed to them, would also be permanently weakened.

The problem of grants from public funds is generally exacerbated by the fact that they are associated with increasing requirements, conditions and bureaucratic hurdles, while the CSOs accept an extremely high degree of dependency in order to maintain their operations and fulfil their contractual obligations.

#### 6.4. Tax exemption

Tax exemption<sup>12</sup> plays a decisive role in the promotion and support of activities that serve the common good.<sup>13</sup> Charitable organisations are those that selflessly carry out activities that are recognised as charitable in the *Abgabenordnung* (German Fiscal Code, AO).<sup>14</sup> These activities must be aimed at promoting the general public in material, spiritual or moral terms (Strachwitz 2023b). According to the recognition requirements in Sections 51–68 of the Fiscal Code, an organisation must pursue charitable, benevolent or ecclesiastical purposes exclusively and directly (*Abgabenordnung*). These must be set out in the statutes and the actual management of the organisation must comply with this requirement. The organisation may only use the funds for the statutory purposes and, to a limited extent, for necessary administrative costs. The definition of charitable activities has historically changed with the political climate. In 1989, for example, the Association Promotion Act introduced a number of leisure activities as charitable activities, including allotment gardening and carnivals. Today, the Fiscal Code recognises 83 different purposes as charitable (AO, § 52 para. 2). Following the withdrawal of the charitable status from organisations that are also politically active in order to achieve their aims, the debate about the relationship between charitable status and political activity gained momentum. This resulted in changes to the Fiscal Code, but also continued uncertainty as to how the two can be reconciled without disadvantages (see below for more details).

Tax-exempted charities are supervised by their local tax office, which checks whether the activities of an organisation can be recognised as non-profit on the basis of tax law (AO, §§ 51 ff.; Income Tax Act and Corporate Income Tax Act). It reviews this decision on the basis of the statutes. Every three years thereafter, it also retrospectively reviews whether the actual management of the organisation complies with the legal rules and the statutes. As there is still a lack of legally unambiguous provisions on the purposes recognised as charitable and clear rules on their uniform interpretation by the tax authorities, not only the CSOs but also the tax authorities are unsure how to apply the regulations. Even updates to the Fiscal Code have not brought any fundamental improvement to this situation, but only an extension of an inconsistent list of purposes. Overall, the regulations affecting non-profit status also lack consistency and precision, while on the other hand, tax exemption is a

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<sup>12</sup> Regarding the non-profit sector, tax concessions in the form of exemption from income and property taxes apply to the three case groups of non-profit, charitable and ecclesiastical organisations. The term is an unattractive relic of the authoritarian state (Strachwitz 2020: 2). The term non-profit is often used as a synonym for such tax concessions.

<sup>13</sup> For further details see Hummel et al. 2022.

<sup>14</sup> For a comprehensive description of the legal requirements and advantages of the non-profit status, see Cremers 2022.

pre-condition to obtaining approx. 50 other potential legal advantages (Cremers 2022: 530–533, *passim*).

Recognition – or withdrawal – of non-profit status has multiple effects on an organisation’s access to resources or exclusion from them<sup>15</sup>:

- 1) This status allows an organisation to receive funding from public bodies.
- 2) Donations to non-profit organisations are tax-deductible, making them more attractive to donors.
- 3) An organisation can benefit from the transfer of funds by other non-profit organisations.
- 4) Non-profit organisations also enjoy certain advantages in terms of taxes and duties. These include exemptions from corporate income tax and trade tax and reduced VAT rates.

The status is also associated with a higher reputation for an organisation. Because of several of the advantages mentioned, non-profit status is often sought by organisations that do not generate surpluses that could be taxed and that do not themselves solicit donations.

However, non-profit status is more than just a tax privilege with which the state indirectly promotes civil activism: non-profit law is fundamental to civil activism (to a greater extent than association law or funding guidelines). Even non-charitable civil society organisations often incorporate aspects of non-profit law into their statutes and initiatives without their own legal form use them as a guide. Non-profit law largely defines the field of activity of civil society involvement under the aspects of selflessness (no distribution of profits, demarcation from the market) and promotion of the general public (Allianz Rechtssicherheit für politische Willensbildung 2023a).

The relationship between the non-profit status of an organisation and its political activity or expression of opinion remains a challenge. The political activity of CSOs (addressing their concerns and participating in political decision-making) has been a much-discussed topic in recent years with regard to the non-profit status. Unclear provisions in non-profit law and their interpretation by the courts have led to uncertainty among CSOs that pursue political objectives or sometimes pursue their objectives politically as to the extent to which they can still pursue their statutory objectives in accordance with their non-profit status. For CSOs that do not pursue political objectives, the question arises as to the extent to which they may express themselves politically in individual cases

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<sup>15</sup> See Cremers 2022 for more details.



without being ascribed a political purpose and running the risk of having their non-profit status revoked.

One example of the negative effects of unclear provisions in non-profit law on the work of an organisation (in terms of financial and time resources) is the experience of the petition and campaign platform innn.it e.V. The Berlin tax office refused to recognise the non-profit status of the actual management of the association in 2019 because it considered parts of the association's activities to not be covered by the statutory purpose of "promoting democratic government." It took four years for the association to regain legal certainty for its non-profit activities – but only provisionally, as the tax office subsequently announced that it would appeal (Allianz Rechtssicherheit für politische Willensbildung 2023b).

The tax authorities have considerable leeway in confirming or withdrawing non-profit status due to the continued lack of clarity in the Fiscal Code. In addition, the withdrawal of non-profit status was also instigated by actors (political parties) who see certain CSOs as political opponents and want to use non-profit law as a tool to weaken them (Hummel 2023: 120–122). The withdrawal of non-profit status – and in particular the uncertainty surrounding the (long) waiting times for a decision from the tax authorities – limits the CSO's ability to plan or may even put them in a financially existentially threatening situation (due to falling donation income, the need to pay tax arrears and the exclusion from state funding).

Faced with a (possible) revocation of their non-profit status, CSOs must have the necessary resources and the will to seek legal recourse regarding their non-profit status. This incurs considerable costs and ties up human resources. There is a risk that the efforts will have been in vain. Not all CSOs have the means to take this route. They have no choice but to adapt their activities to the requirements of the tax office if necessary or continue their activities unchanged but accept the consequences for their finances and possibly their reputation.

This prospect – and the observation that the withdrawal of non-profit status can, under certain circumstances, be downright instigated by interested parties – has a deterrent effect: CSOs restrict themselves in their activity. In 2023, 5% of organisations stated that they would like to become more politically involved but are holding back on political activity out of concern for their non-profit status – especially in the fields of environmental protection/nature conservation (11%) and international solidarity (10%), but also 4% of sports clubs (Schubert et al. 2023a: 25). However, these figures do not mean that 95% of organisations are politically active regardless of any negative consequences

for their non-profit status. Rather, it may be assumed that the proportion of those who strive for political activities is much lower – and thus the proportion of those who limit themselves in doing so is proportionally much higher than 5%. As a result, over 30,000 organisations refrain from making political statements that might have been important for the overall participation of civil society in political processes or specifically for their work. Many associations and foundations do not have the means to enter into a legal dispute about their non-profit status. A large proportion of civil society organisations are committed to promoting democracy – even if it is not the central purpose of their existence. Political interventions are an important component for this – but also for the advancement of their respective main purposes – through which attention is created and practical experience can be incorporated into relevant political decision-making. The fear of losing their non-profit status therefore means that important political support for certain issues cannot be mobilised and important voices do not participate in the political discourse on societal development.

This extremely worrying finding – which ultimately entails a shrinking civic space – together with the general lack of clarity in the Fiscal Code, indicates how urgently a fundamental and forward-looking reform of non-profit law is needed in order to enable CSOs to act with full legal certainty. With the Annual Tax Act 2020, the legal catalogue of charitable purposes was expanded to include, among others, the promotion of climate protection and support for people discriminated against on the basis of their gender identity or gender orientation. However, as the additions were clearly not sufficient, the application decree for the Fiscal Code 2022 was updated to specify the permitted political activities. Accordingly, it is not charitable to "influence political decision-making and public opinion in favour of one's own views" (BMF 2022: 4f.; author's transl). An exception to this is made: such influence is possible "if this serves the pursuit of its tax-privileged purposes and remains neutral in terms of party politics." This specifically includes "occasional statements on day-to-day political issues within the framework of the tax-privileged statutory purposes" – if these "take a back seat to the direct promotion of the tax-privileged purpose." In addition, the innovation was introduced that a CSO can "occasionally comment on day-to-day political issues outside of its statutory purposes." These conditions are linked to the scope of the respective activity. The vague provisions introduce new uncertainty. In addition, some stakeholders advocate that political decision-making (with its own agenda) should be recognised as a charitable purpose, as failure to have a political say would have a negative effect on the decision-making process in society as a whole and the promotion of democratic government (Allianz Rechtssicherheit für politische Willensbildung et al. 2023).

Irrespective of an assessment of the above provisions, these selective additions are not sufficient either. They neither solve fundamental application problems of the regulation nor do they enable the fields of activity that organisations may wish to pursue in the future (or currently: e.g. strengthening the rule of law, protection of human rights) to be easily compared with an existing comprehensive scheme that provides information from the outset as to whether these activities are considered charitable. In other words, by only selectively expanding the existing system, the Fiscal Code will continue to fall behind new societal developments and needs due to delays in future updates and make it more difficult for organisations to pursue purposes that are charitable in nature. In addition, there are other unsatisfactory provisions of the Fiscal Code – e.g. a) the requirement of directness, in the interpretation of which only operationally active organisations can be charitable, while support for their activities by third parties is not considered charitable, or b) the overstretching of the requirement of timely use of funds, in which tax offices sometimes also include income that is not subject to mandatory use (Bündnis für Gemeinnützigkeit 2023b; Kirchhain, Unger 2023).

## 7. Reporting obligations and transparency: the registers

Civil society in Germany has to deal with an increasing number of requirements to register. Among other things, the registers serve to obtain legal capacity, protect legal transactions and ensure transparency. Associations and cooperatives must be entered in the register of associations and the register of cooperatives. CSOs that operate a business must be entered in the commercial register. Since 2023, all CSOs without exception must be entered in the transparency register (Transparenzregister n.d.). A foundation register will be added from 2026. Since 2022, CSOs with corresponding lobbying activities must register in the lobby register of the Bundestag (Lobbyregister n.d.) or, if available, in the lobby registers of the federal states (abgeordnetenwatch.de 2023). A charity register has been available for non-profit organisations since 2024 (BZSt 2023), to which the tax offices responsible for them transmit their data. In addition to the initial entries in each register, there is also an obligation to update the entries in the event of changes. In view of the effort involved in maintaining several register profiles – and the risk of errors or omissions and the resulting penalties – the proposal has often been made to link these registers in a standardised register concept in such a way that the entries in one register are automatically transferred to the profiles in other registers. This would also reduce the administrative burden on the authorities (Bündnis für Gemeinnützigkeit 2023b: 5).

Register	Procedure
Register of associations (Vereinsregister)	Registration of registered associations
Register of cooperatives (Genossenschaftsregister)	Registration of registered cooperatives
Commercial register (Handelsregister)	Mandatory registration for CSOs that operate a business
Transparency register (Transparenzregister; for the prevention of money laundering)	Mandatory registration for all CSOs with a legal form
Foundation register (Stiftungsregister)	Expected in 2026
Lobby register (Lobbyregister)	Mandatory registration for all CSOs with lobbying activities
Charity register (Zuwendungsempfängerregister)	The tax offices record all non-profit organisations in it

Table 6. Overview of the registers.

The transparency register was introduced in Germany in 2017 as part of an amendment to the Money Laundering Act to combat money laundering and terrorist financing. Its aim is to disclose who the

beneficial owners are in the structures of legal entities under private law and registered partnerships. This also applies to all CSOs. (It was surprising that a register containing such a wealth of sensitive information is kept by a private company).

Anyone who intends to influence the decision-making or decision-making processes must register in the lobby register for the representation of interests in the German Bundestag or vis-à-vis the Federal Government for the purpose of establishing contact (Bundestag 2021, BMJ 2024). The relevant group of persons contacted includes employees of members of parliament and heads of department in the ministries. Registration in the lobby register is mandatory on the basis of four conditions, which are categorised as lobbying and each of which requires registration:

- 1) regularity (this is given from the third contact if further contacts are expected in the near future);
- 2) the lobbying is planned for a longer period of time;
- 3) it is conducted on a business-like basis (meaning: repeated lobbying – not lobbying for profit) for third parties (including an umbrella organisation on behalf of its members);
- 4) it involved more than 30 contacts in the last 3 months (each individual email, phone call, etc. counts as one contact).

Representatives of religious communities, trade unions, foreign activists for human rights, democracy or the rule of law whose organisations are neither registered nor have an office in Germany (for their protection) and persons who present issues of an exclusively local nature do not have to register in the lobby register. Entries are expressly not required in the event of an invitation by members of parliament or members of the government to public events, the provision of information to members of parliament or committees of experts on request, citizens' enquiries or petitions from individuals. An entry includes information on the legal representatives of the organisation, the employees of the organisation who directly represent interests (excluding members of a registered association), the number of members in the organisation or membership in organisations, the fields of interest for lobbying activities, the activity regarding which legislative projects or decisions (including at EU level), the identity of the clients (except for an umbrella organisation on behalf of its members) – clients must also register themselves, the number of employees in interest representation in general (except for members of a registered association), the annual financial expenditure in the field of interest representation, the main sources of funding and membership fees, public funding from a particular authority in excess of €10,000 in the last financial year, on private donations (gifts) from individual donors of more than €10,000 (including their

names) – if these also account for more than 10% of the total donation amount in the year, the upload of statements with the basic positions of the representatives or clients, an annual financial statement or a statement of accounts.

The charity register, opened in 2024, contains the names, addresses and tax-privileged purposes of all organisations in Germany that are permitted to issue donation receipts for donations (non-profit corporations, legal entities under public law, political parties and voter associations). Organisations from other EU/EEA countries "that are not subject to limited corporate income tax liability in Germany due to a lack of domestic income, but would be tax-exempt in Germany in the event of notional limited tax liability due to their non-profit status" (Kirchhain 2023; author's transl) can be included in the charity register upon request. The charity register thus creates even more transparency for donors with regard to charitable status. Organisations only need to ensure that their data is correct with the relevant tax offices so that it is also shown accordingly in the register. In the future, it is planned that a digital donation deduction procedure will be possible on the basis of the register, in which the donation information will be automatically transmitted to the tax offices (and included in the tax returns) and donation receipts will become obsolete. This should significantly simplify the work processes of charitable organisations.

## 8. Direct political participation and consultation in legislative procedures

In terms of political participation opportunities, Germany ranks 15th out of all countries (V-DEM Institute 2024: 62). In addition to elections, participation includes influencing public discourse and taking part in political decision-making (e.g. through the involvement of civil society or by means of direct democracy). Despite this ranking, there is still plenty of scope for expanding the direct and organised participation of civil society in political decision-making. The participation of civil society is legitimised by the expertise it possesses and the representation of the interests (possibly of a large number) of those affected on the part of the CSOs or associations. The associations can contribute in particular, as they can rely on the representation of their members, the aggregation of their interests, the long-term continuity of their activity and, as umbrella organisations, also on the opportunity to participate in legislative projects provided for in the Joint Rules of Procedure of the federal ministries (Jun 2020: 187f.). A distinction must be made between 1) an initiative approach by civil society to political decision-makers (advocacy), which most closely corresponds to the format of a dialogue and has so far been the main space for encounters between the state and civil society, 2) the submission of statements in committee hearings, 3) commenting on proposed legislation (usually by associations or large CSOs) and 4) the contribution of civil society representatives to decision-making processes, in which they contribute their expertise through appointments to committees.

There are still no explicit forums for dialogue between the state and civil society at federal or state level in Germany, while they occasionally exist at local level. In the exchange between politics and civil society, the latter is traditionally represented by umbrella organisations that represent different fields of civil society, e.g. for sport or humanitarian organisations. CSOs that are not affiliated with such umbrella organisations usually have very limited access to decision-makers. Although there are some overarching structures such as the *Bundesnetzwerk Bürgerschaftliches Engagement* (National Network for Civil Society, BBE) or the *Bündnis für Gemeinnützigkeit* (Alliance for Charitable Causes), there is no network or organisational framework that covers all fields of civil society activities. However, this is to be expected given the diversity of civil society. The principles of activities and structures of civil society differ fundamentally from the state. While it may be convenient for the state to have to deal with the smallest possible number of contact persons, this approach fails to recognise that the diversity of civil society and its interests cannot be represented by just a few actors. There is a lack of an institutionalised and comprehensive strategy for integrating civil society into the political sphere that goes beyond the traditional mechanisms of consultation and participation in

committees. The dialogue between the government and civil society announced in the 2021 coalition agreement has not yet materialised. This is underpinned by the fact that the political parties (for the most part) and the traditional media have so far failed to adopt a modern, contemporary concept of civil society and civil society space. During official visits abroad, politicians regularly come into contact with "civil society," but they do not disclose who they are actually talking to, nor do they include German CSOs or civil society experts in these discussions or their planning.

The reason for this detachment could be that demands are made on the state and that these functions, which observe and control the actions of the state, put it under pressure and create social spaces, develop their own dynamics and positions towards the state. The political parties in particular see themselves as the bodies for political decision-making and fear (not only in view of the decline in party membership and political commitment within the framework of parties) competition from a heterogeneous field in interpreting and shaping societal developments. Instead, "the state at all levels confronts civil society actors predominantly as a legislator, regulator, controlling funding provider or contract partner, in short as a supervisor, but hardly as an open dialogue partner or even ally in the development of a modern democratic society" (Strachwitz 2023a: 25; author's transl).

On the other hand, there is growing interest among politicians in organising citizens' councils, citizens' assemblies and meetings as a useful extension of representative democracy. However, too little attention is still being paid to choosing the right format. Citizens' councils are usually a randomly assembled group of citizens who discuss important political issues and propose (non-binding) policy recommendations. No effort is made to integrate such isolated projects into a comprehensive strategy to make democracy more resilient. However, such activities can also promote the displacement of organised civil society from decision-making processes if decision-makers assume that they have already sufficiently enabled citizen participation with these formats (Hummel 2020).

For consultations on legislative procedures, which are mandatory, associations are traditionally the point of contact for politicians and authorities. The choice of associations to be invited in a specific case is at the discretion of the inviting institution. Consultations can also take the form of an invitation to submit statements. The participation of civil society in the run-up to legislative procedures or other decisions is often weakened or even rendered impossible by the fact that the deadlines for consultation are set too short (one to two weeks or even just 24 hours) to be able to submit relevant statements. In these cases, it is almost impossible for smaller organisations in



particular to participate. The legislative process for the so-called "Repatriation Improvement Act," which is primarily intended to facilitate the deportation of refugees, was accelerated and gave CSOs less than 48 hours to submit a statement, meaning that their expertise was not fully incorporated (PRO ASYL 2023a). The associations were only given 24 hours to comment on an amendment to the Federal Intelligence Service Act (Netzpolitik.org 2023). This practice simulates participation and makes it virtually impossible. It must be assumed that these short deadlines are not only due to inadequate organisation of the legislative process, but that they are deliberately kept short for sensitive and controversial legislative proposals in order to make it more difficult for experts from civil society to participate and to prevent critical voices and public debate from arising in the first place.

There are studies on the extent of the participation of civil society representatives as experts in committees at federal level. Committees of the Bundestag (German federal parliament) may invite external experts; in 2015, 18% of these were from civil society (cited in Hummel, Pfirter 2023: 24). A study for 2022 on the participation of experts in 223 advisory bodies and commissions of enquiry convened by federal ministries and the Federal Chancellery put the proportion of representatives from civil society at 14%, with the proportion varying considerably across departments (ministries) (ibid.: 27–30).

## **9. Shrinking civic space**

Shrinking civic space describes a development in the civic arena in which state actors, companies, certain civic actors or individuals (deliberately) worsen the framework conditions for civic action in such a way that the scope for this action is narrowed and the pursuit of certain purposes is compromised or becomes impossible. Such an approach can usually be observed in the context of political conflicts or other forms of conflict of interest. There are various ways in which civil society action can be restricted: through administrative regulations, making funding more difficult, restricting fundamental rights, criminalisation, intimidation or discrediting (Hummel 2023: 115).

According to the GSoD Index, democracy in Germany is generally in a good to very good and solid condition with regard to the parameters of representation, fundamental rights, the rule of law and participation (IDEA 2023). The Fragile States Index places Germany in the group of sustainably functioning states on the basis of cohesion, economic, political and social indicators (FFP 2023). According to the Corruption Perceptions Index, Germany ranks ninth in the world (Transparency International 2023). These parameters also affect the framework conditions of civil society. However, despite this positive overall assessment, there are reasons to criticise deviations from the rule of law. In the past year, restrictions on fundamental rights were identified both in legislation and in the practice of the executive. The work of civil society is also hindered (including by non-state actors), in particular by restrictions on the work of journalists, disproportionate surveillance measures, intimidation attempts by the far right and threats against discriminated groups. These obstacles are outlined in the following sub-chapters and illustrated with selected examples.

Another important aspect of shrinking space that has been the subject of intense debate in recent years is the non-profit status of CSOs. As already described in chapter 6.4., the recognition or withdrawal of non-profit status or the uncertainty surrounding this status or the struggle for it has an impact on the ability of organisations to act. Insufficient legal provisions, uncertain and inconsistent behaviour on the part of the tax offices and targeted attacks on the non-profit status of CSOs by political opponents are the causes of the restrictions that arise.

### **9.1. Restrictions on freedom of association and assembly**

Activists from the Last Generation climate protection movement were raided on suspicion of forming a criminal organisation (Section 129 of the German Criminal Code), their press telephone was tapped

(which affected communication with journalists and therefore freedom of the press) and donation accounts were confiscated. The website was also confiscated and a warning notice was briefly posted that the Last Generation was a criminal organisation and that donations to the group would be considered support for a criminal organisation – the latter is equivalent to a prejudgement (Sehl 2023). These measures have an unsettling and deterrent effect with regard to commitment to Last Generation, but also in part to climate protection itself (Kubiciel 2023, Wenglarczyk 2023).

Some police laws and assembly laws have been amended to curtail fundamental rights, restricting not only private individual action but also civil society activity. Planned updates to the Federal Police Act provide for the introduction of reporting requirements, although the criteria remain too vague and lack proportionality (Amnesty International 2023). The new Passport Act maintains a provision regarding the freedom to leave the country that is not defined sufficiently and therefore susceptible to interpretation and introduces criteria that violate fundamental rights (like the aim to prevent participation in extremist events) (Dittmann 2023, Werdermann 2023). Both laws interfere with freedom of action and allow the right to freedom of assembly to be violated. The assembly law in North Rhine-Westphalia, for example, stipulates a number of restrictions on freedom of assembly (including a ban on counter-demonstrations, on joint preparation for demonstrations, on wearing of uniform-like clothing (which could also include similar items of clothing such as those worn at some climate protests), on demonstrations on motorways and the authorisation of general – including secret – video surveillance of assemblies and the unlimited storage of this data), which contradict the Constitution (VersG NRW 2022, Selinger 2023). These newly created criminal offences have a deterrent effect on the willingness to exercise the right to participate in assemblies. There are also provisions in the new assembly law in Hesse that have a negative impact on the freedom of assembly – such as the expansion of video surveillance.

The treatment of climate activists is presented as a concrete example of restrictions on freedom of assembly. Preventive detention has increasingly been imposed on Last Generation activists to prevent them from protesting (up to 30 days in Bavaria) (Spiegel 2023). These measures are disproportionate, misappropriate a legal provision intended to prevent serious criminal offences such as terrorist attacks and curtail freedom without the right to a fair trial (Luther 2023). Several cities have issued a general ban specifically for unannounced street blockades in relation to climate protests, although the permissibility of this is at least controversial (Pieper, Breyton 2023, Stuttgart 2023). New forms of protest are also to be curbed through extensions to the charging regulations: in North Rhine-Westphalia, it was determined that assembly participants who were forcibly removed

from the place of assembly must pay for the costs of the police deployment (Runderlass des Ministeriums des Innern NRW 2018, AVwGebO NRW 2023). Here, the state is attempting to achieve a punitive effect without court proceedings, which is intended to prevent certain forms of protest by having the object of its actions compensate it for its very own task.

However, the use of excessive force by the police also puts pressure on freedom of assembly – such as the eviction of the village of Lützerath (for lignite mining), which was occupied by climate activists (Grundrechte Komitee.de 2023). During a demonstration in Leipzig in June 2023, the police arbitrarily rounded up peaceful demonstrators and bystanders in a kettle alongside demonstrators suspected of civil disorder and extended the process of establishing the identities of the more than 1,000 people trapped for over eleven hours and overnight, while those trapped had to endure the cold in a confined space without adequate supplies or opportunities to rest (Tagesschau.de 2023, MDR 2023). The detainees included many minors and children. The arbitrary and therefore unlawful deprivation of liberty was accompanied by spontaneous outbreaks of violence by the police against the detainees.

In the course of police use of force, there has also generally been an (uncontrolled) increase in the use of pain grips (e.g. against demonstrators during sit-in blockades), even when milder means are available (Espín Grau, Singelstein 2023). Police misconduct, especially during demonstrations, is attempted to be covered up by accusing the injured parties of resisting law enforcement officers (Puschke 2012, WDR 2020, Melzer 2022, Abdul-Rahman et al. 2023). Investigations into police misconduct are inadequate and the prosecution rate of 2% is far below the general average for investigative proceedings, which is due to the following reasons, among others: a difficult evidence situation due to the non-identifiability of the suspects, possibly a bias due to a lack of distance in self-investigation by the police – even if this is carried out by other departments, a special power to define the events granted to the police, conflicts of loyalty of police witnesses and, in some cases, an uncritical closeness of the judiciary to the police (Abdul-Rahman et al. 2023).

## **9.2. Surveillance, executive and legal obstructions**

Police surveillance restricted fundamental rights in individual cases and in some places systematically. The Last Generation movement mentioned above was the target of police surveillance measures. After a far-right politician reported a journalist for defamation, the police collected the journalist's data and stored it in a nationwide database on politically motivated

offences (Reporters Without Borders 2023). The journalist was therefore criminalised beyond the original accusation. A court ruled that this data storage was illegal. In Thuringia, the police investigated a photographer who has been documenting the activities of the far right for many years for using the symbols of unconstitutional organisations, as these can be seen in some of his photographs due to the chosen subject (Müller, Winter 2024). The police had previously expressed their displeasure to the photographer because his photos were used on an internet portal that also criticised the police's negligent handling of the militant far right. Against this backdrop, the fabricated accusations must be seen as an obstruction of journalistic work and therefore an attack on the freedom of the press.

The revised Federal Intelligence Service Act of 2021 allows the collection of metadata of journalists' confidential communications and the complete surveillance of journalists from non-EU countries abroad – which jeopardises their sources and can compromise their work. Reporters Without Borders and *Gesellschaft für Freiheitsrechte* (GFF) have filed a second constitutional complaint against the law (Reporters Without Borders 2023). One field of CSO activity that is subject to particular difficulties – also in Germany – is support for and solidarity with migrants (della Porta, Steinhilper 2021). Although EU member states have had to ensure that relatives, lawyers and CSOs have access to refugee accommodation since 2013, this access to refugee centres is only possible to a limited extent in Germany (Brot für die Welt 2023). According to a ruling by the Bavarian Administrative Court in 2021, access would only be granted to persons and organisations who visit the facility at the invitation of the individual asylum seekers. The aim of this restrictive interpretation of access is to ensure that initiative offers of support cannot be made – with the result that refugees have to cope with their situation using only the information they are able to access themselves. This severely hinders the work of humanitarian organisations. The so-called "Repatriation Improvement Act" (see above), which will come into force in 2024, provides for serious encroachments on refugees' fundamental rights as well as making humanitarian aid for refugees (such as sea rescue) equivalent to the criminal offence of smuggling and thus criminalising it (PRO ASYL 2023b, Epik/Schatz 2023). The threat of significant criminal prosecution is likely to restrict the work of humanitarian organisations.

### 9.3. SLAPPs, threats, insults

In the course of the investigations against the Last Generation, the payment service provider Elinor Treuhand e.V., which provided group accounts for 1,400 user groups and had to cease its activities under pressure, also came under scrutiny (Green Legal Impact Germany e.V. 2023: 24). Its business premises were searched, and funds were confiscated (also illegally from other user groups) on the accusation of supporting a criminal organisation. A transfer from an Elinor group account to two companies working for Fridays for Future (FFF) and not for Last Generation also led to a search and the improper confiscation of 5,000 addresses of FFF supporters whose data is not relevant to the investigation (ibid.). The arbitrary expansion of the circle of suspects has an unsettling effect on activists in this field.

Civil society actors predominantly see themselves as part of a field orientated towards democracy, the rule of law and an open, socially just and non-discriminatory society. In political discourse, the term civil society is largely used to describe this liberal civil society and has a normative character in this usage. Accordingly, civil society is also perceived in this way by the political right – and this liberal civil society is sometimes rejected or attacked because of precisely these attributes and its goals, which the right-wing political spectrum does not share to varying degrees. In addition, there are accusations of wasting tax money, damaging the welfare state (including in connection with migration) or the economy (in connection with climate protection) and disturbing public order.<sup>16</sup>

From the ranks of the far-right AfD party, attempts are being made to prevent civil activism against right-wing extremism through intimidation or appeals for the withdrawal of funding (Geiler 2023, Erklärung Berliner sozialer Organisationen 2023, Hummel 2023: 122–126, NRWZ 2023). The cultural sector is also the target of such attacks from the far right, as it is identified as a field of action in the endeavour to achieve right-wing hegemony and, in its current state, as an opponent ("Demokratie leben!" Aachen 2023). Attempts to legally attack civil society actors also come mainly from right-wing extremist circles, which seek to undermine the commitment to democracy and fundamental rights with demands for injunctive relief and warning costs, among other things (Open Knowledge Foundation Deutschland e.V. 2023: 27). These so-called SLAPPs are lawsuits that are primarily brought to prevent civil society actors from pursuing their goals by intimidating them and tying up their resources. In recent years, SLAPPs have also been brought by companies as actions for

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<sup>16</sup> For the relationship between the political right and civil society, see Hummel 2022.

damages, but so far they have generally not been used much in Germany (Green Legal Impact Germany e.V. 2023: 26).

Intimidation is also attempted, especially from the far-right spectrum, through doxing (Open Knowledge Foundation Deutschland e.V. 2023: 19), widespread insults, (death) threats and physical violence against civil society actors (Hate Aid 2023, rbb24 2023). The general overload of the courts means that there are also sometimes long delays in processing online criminal offences. The sluggish legal process and the resulting perceived lack of punishment and consequences encourage the spread of hate speech and other attacks online, which have a negative impact on the mental health, performance and safety of those involved. A planned law on the prosecution of digital violence is intended to make it easier or even possible for those affected to defend themselves – however, the draft still shows various gaps (definition and inclusion of all forms of digital violence) and shortcomings with regard to the protection of fundamental rights (excessive intrusion into privacy through data queries) (Lachenmann 2023; Meineck, Pitz 2023).

Journalists are increasingly confronted with attacks (in conspiracy theory, antisemitic and extreme right-wing contexts and especially at demonstrations), insults and threats in the course of their work and do not receive the necessary protection from the police and judiciary; in some cases, they were even attacked by the police themselves, criminalised (in one case by a raid) or prevented from reporting (Reporters Without Borders 2023). Several of these restrictions came into play, for example, during the eviction of Lützerath (dju 2023). The police confiscated data storage media from a press photographer in Halle, although journalists' material may not be confiscated (Mapping Media Freedom 2023b), and a journalist in Berlin was threatened with charges and the confiscation of his smartphone after he filmed the police using violence (Mapping Media Freedom 2023a). In another case, a customs officer passed on the blocked address of a journalist researching right-wing extremism to a right-wing extremist; this had only minor consequences for the officer (Sundermann 2023).

Climate activists were very often subjected to attacks by motorists and passers-by during road blockades (Leitner 2023). These attempts to counter this form of action with vigilante justice deny them the right to freedom of assembly. This shows that some goals of civil society activity and forms of action are so controversial and emotionally charged that they lead to unpeaceful reactions.

#### **9.4. State influence on civil society**

This influence is already manifold due to legal requirements alone. However, the focus here is on how influence can take place at the specific points of contact between the state and civil society. The state provides support for civil society through various measures. In Germany in particular, the proportion of state funding compared to private funding for civil society activities is traditionally high. In this respect, state funding makes a large part of civil society activity possible in the first place. As a result, the state also has an influence on the activities of the recipient organisations (e.g. via budget decisions or funding guidelines) through its indispensable services. This can go so far that organisations have to weigh up whether they want to make any necessary adjustments to their activities to meet funding criteria in order to receive state funds, or whether they want to reject them in favour of their independence. However, in Germany, funding criteria are basically tied to legally compliant behaviour in addition to technical provisions and are therefore not particularly restrictive in terms of content or operations.

There are a number of organisations that were initiated by the state and in which it exercises co-determination (Hummel et al. 2022: 77f.). On the one hand, they can provide effective platforms for the implementation of government programmes or act as intermediaries and thus contribute to the achievement of societal goals. On the other hand, they run the risk of undermining the independence and authenticity of civil society by promoting state agendas and marginalising dissenting positions. In this context, the question repeatedly arises as to whether and where the state exerts too much influence on civil society. The assessment depends on the actions in individual cases – which can also change depending on the prevailing political motives.

The German Foundation for Volunteering (DSEE) is a prominent example of this. It was established by the state in order to bundle the work of the ministries, which have a connection to civil society, and to transfer it to a separate external institution. As a result, the foundation is not perceived as a state actor and has some room for manoeuvring that differs from that of a public authority. It is designed to improve communication between the state and civil society and offers many training courses and counselling services. Depending on the perspective and aspect, it is a contact for civil society to the state or an arm of the state into civil society. As a service organisation, DSEE is in a position to build up a comprehensive support infrastructure, but with its budget and its services (and their framing) it is also an actor with a relatively large influence on the civil society sphere. The impact it has on civil society depends on the political impetus from the board of trustees and the management – whether it provides neutral support where it recognises a need and makes the



impetus from civil society the basis for its activity or pursues its own agenda. In any case, the composition of the board of trustees is determined by and predominantly represents government agencies. The establishment of the DSEE as an exchange and support format is an offer with potential – as long as the state does not attempt to control civil society in the process.

The above alone does not indicate a shrinking space. Rather, it shows an influence of the state on civil society that must be continuously monitored for its motivations and effects.

## Selected data sources

Source	Topic	Link
Deutscher Freiwilligensurvey (FWS, German Survey on Volunteering)	five-yearly representative survey on volunteering in Germany	<a href="https://www.dza.de/en/research/fdz/german-survey-on-volunteering">https://www.dza.de/en/research/fdz/german-survey-on-volunteering</a>
Socio-Economic Panel (SOEP)	annual representative household survey that analyses social developments	<a href="https://www.diw.de/en/soep">https://www.diw.de/en/soep</a>
ZiviZ	collects a wide range of data on the topics of engagement and civil society	<a href="https://www.ziviz.de/english">https://www.ziviz.de/english</a>
Bundeszentralamt für Steuern (BZSt, Federal Central Tax Office), Zuwendungsempfängerregister (Charity register)	overview of all non-profit organisations	<a href="https://www.bzst.de/EN/Businesses/Non-Profit/Charity_Register/charity_register_node.html">https://www.bzst.de/EN/Businesses/Non-Profit/Charity_Register/charity_register_node.html</a>
Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege e. V. (BAGFW, Federal Association of Non-statutory Welfare)	association of the six non-statutory welfare umbrella organisations; publishes statistics on non-statutory welfare facilities and services	<a href="https://www.bagfw.de/englisch">https://www.bagfw.de/englisch</a>
Deutscher Olympischer Sportbund (DOSB, German Olympic Sports Confederation)	umbrella organisation of German sport; publishes the sport development report and a survey of memberships	<a href="https://www.dosb.de/ueber-uns/#akkordeon-12384">https://www.dosb.de/ueber-uns/#akkordeon-12384</a>
Bundesverband Deutscher Stiftungen (Association of German Foundations)	publishes figures and data on foundations	<a href="https://www.stiftungen.org/en/home.html">https://www.stiftungen.org/en/home.html</a>
GfK Consumer Panel/Deutscher Spendenrat e.V. (German Donations Council)	publish the annual study "Bilanz des Helfens" on donations from private individuals	<a href="https://www.spendenrat.de/reports/bilanz-des-helfens/">https://www.spendenrat.de/reports/bilanz-des-helfens/</a>
Deutsches Zentralinstitut für soziale Fragen (DZI, German Central Institute for Social Issues)	publishes annual donation statistics in the Donations Almanac (Spenden-Almanach)	<a href="https://www.dzi.de/spendenberatung/spendenauskunfte-und-information/spenden-almanach/">https://www.dzi.de/spendenberatung/spendenauskunfte-und-information/spenden-almanach/</a>
Statistisches Bundesamt (Federal Statistical Office, Destatis)	publishes, among other things, a data report ("Ein Sozialbericht für die Bundesrepublik Deutschland") and various statistical reports of relevance to civil society	<a href="https://www.destatis.de/EN/Home/node.html">https://www.destatis.de/EN/Home/node.html</a>
Bertelsmann Stiftung	started the exploration for a data portal for open data from civil society	<a href="https://www.bertelsmann-stiftung.de/de/publikationen/publikation/did/offene-daten-fuer-alle-die-rolle-der-zivilgesellschaft">https://www.bertelsmann-stiftung.de/de/publikationen/publikation/did/offene-daten-fuer-alle-die-rolle-der-zivilgesellschaft</a>

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