

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Germany

Contractor's name: Deutsches Institut für Menschenrechte e.V.

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.

As of 30 June 2020, no state of emergency has been declared for Germany. However, the Bundestag declared an 'epidemic situation of national relevance' in March, which granted more powers to the Ministry of Health. The liberal opposition party FDP demanded in a motion of 16 June 2020 for this situation to be lifted by the Bundestag, as the incidence of infection had decreased.¹ According to media reports, however, this is currently not likely to be implemented.²

As there is no state of emergency, court decisions only refer to individual measures under the Infection Protection Law (*Infektionsschutzgesetz, IfSG*), including, for example, measures relating to assemblies. With regard to assemblies, most *Länder* have lifted general limitations on the number of participants, however, hygiene concepts are required and distancing rules have to be complied with and numbers may be limited if this is not possible.³ Court decisions on assemblies and limitations on assemblies had been made in the months before: For example, urgent motions against the limitation of the number of participants in an assembly up to 5,000 people or against the rules on distancing were rejected by the courts.⁴

In Germany, too, there were protests concerning the death of George Floyd in about 20 cities in June. For instance, 14,000 people protested in Hamburg, 15,000 people in Berlin and 25,000 people in Munich.⁵ Politicians supported the message of the protests, but some of them, including the Federal Minister of Health, the Berlin Senator of Health and members of the Bundestag, criticised, that in the

¹ Germany, German Parliament (Bundestag), 'Antrag: Epidemische Lage von nationaler Tragweite beenden – Bevölkerung schützen, Parlamentsrechte wahren', 16 June 2020, available at <https://dip21.bundestag.de/dip21/btd/19/200/1920046.pdf>

² Der Spiegel, 'FDP fordert Ende des Pandemie-Notfalls', 12 Juni 2020, available at https://www.spiegel.de/politik/deutschland/corona-fdp-fordert-ende-des-pandemie-notfalls-a-cfa08e47-3509-4592-b084-8f35591a82f1?sara_ecid=soci_upd_KsBF0AFjflf0DZCxpPYDCQgO1dEMph

³ Tagesschau, 'Lockerung der Corona-Regeln: Thüringen geht am weitesten', 13 June 2020 available at <https://www.tagesschau.de/inland/coronakrise-lockerungen-laender-103.html>

⁴ Germany, Federal Constitutional Court (Bundesverfassungsgericht), decision of 31 May 2020, case no. 1 BvQ 63/20, available at https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/05/qk20200531_1bvq0063_20.html; Higher Administrative Court Baden-Württemberg (Verwaltungsgerichtshof Baden-Württemberg), decision of 30 May 2020, case no. 1 S 1651/20, available at http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=31401

⁵ Die Zeit, 'Zehntausende Menschen protestieren deutschlandweit gegen Rassismus', 6 June 2020, available at <https://www.zeit.de/gesellschaft/zeitgeschehen/2020-06/demonstration-anti-rassismus-polizeigewalt-deutschland-protest-black-lives-matter>

large groups of people, distancing rules were not respected and protesters did not wear masks.⁶ As far as can be seen, no court decisions were made in connection with the Black Lives Matter protests.

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*
- *Enforcement and penalties.*

The Federal Government and the governments of the *Länder* adopted new (not legally binding) guidelines to deal with the corona pandemic on 17 June, to ensure uniform regulations in all *Länder*. It is up to the *Länder* to issue concrete regulations, which are implemented by the local administrative authorities. This enables them to respond to regional differences and epidemiological situations. Despite the steadily decreasing number of infections, the Federal Government and the *Länder* agreed in June that certain 'basic measures' for infection protection will continue to apply. These include a minimum distance of 1.5 metres, the wearing of mouth and nose protection in certain public areas, increased hygiene measures and contact restrictions.⁷ The concrete implementation through the regulations of the *Länder* differs considerably.⁸ For instance, regarding contact restrictions, there are regulations on the allowed gathering of people according to the number of households (usually two), or according to the number of persons in general, varying between 5 and 20 persons in the individual *Länder*.⁹ Thuringia was the first state to order on 13 June that contact restrictions no longer applied, which was partly criticised by other *Länder*.¹⁰ In Brandenburg, contact restrictions also ceased to apply on 15 June and in Berlin on 27 June. The other *Länder* continued to maintain the restrictions for the time being. Compulsory masks and distance regulations still apply everywhere.¹¹ In Berlin, the regulation passed on 23 June stipulated even that a violation of the obligation to wear masks would be fined with 50 - 500 euros.¹²

⁶ Radio Berlin Brandenburg 24, 'Kritik an mangelhaftem Infektionsschutz bei Demos in Berlin', 7 June 2020, available at <https://www.rbb24.de/politik/beitrag/2020/06/reaktionen-silent-protest-infektionsschutz-masken-kalayci-spahn.html> ; Tagesschau, 'Spahn sieht Menschenmengen bei Demos mit Sorge', 6 June 2020, available at <http://www.tagesschau.de/newsticker/liveblog-georgefloyd-101.html#Spahn-in-Sorge-wegen-dichten-Gedraenges-bei-Demonstrationen>

⁷ Links to the regulations of the individual *Länder* can be found here: <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-bundeslaender-1745198>

⁸ Tagesschau, 'Lockerungen der Corona-Regeln: Thüringen geht am weitesten', 13 June 2020, available at <https://www.tagesschau.de/inland/coronakrise-lockerungen-laender-103.html>

⁹ Tagesschau, 'Lockerungen der Corona-Regeln: Thüringen geht am weitesten', 13 June 2020, available at <https://www.tagesschau.de/inland/coronakrise-lockerungen-laender-103.html>

¹⁰ Tagesschau, 'Lockerungen der Corona-Regeln: Thüringen geht am weitesten', 13 June 2020, available at <https://www.tagesschau.de/inland/coronakrise-lockerungen-laender-103.html>

¹¹ Zweites Deutsches Fernsehen, 'Corona-Regeln: Wo die Bundesländer lockern – und verschärfen', 30 June 2020, available at <https://www.zdf.de/nachrichten/politik/coronavirus-bundeslaender-lockerungen-100.html>

¹² Berlin, 'Bußgeldkatalog zur Ahndung von Verstößen gegen die SARS-CoV-2-Infektionsschutzverordnung in Berlin', 27 June 2020, available at https://www.berlin.de/corona/massnahmen/verordnung/bussgeldkatalog/#headline_1_7

In North Rhine-Westphalia, there were regional outbreaks of COVID-19, which led to a locally limited intensification of the measures: After more than 1,500 COVID-19- infections in a slaughterhouse¹³, measures similarly strict to those in March were imposed again for a week in the two affected districts (*Landkreise*) of Gütersloh and Warendorf, i.e. gatherings only allowed with people of one's own household or in groups of two, closure of facilities, schools and daycare centres (see also 1.2.2 Education and 1.2.3 Work).¹⁴

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

The Federal Government and the *Länder* stated in June that – if the infection rate remained low – the *Länder* would aim to return to regular classroom schooling on the basis of protection and hygiene concepts after the summer holidays at the latest. Furthermore, it was agreed that a return from emergency care to regular childcare services should be achieved as soon as possible.¹⁵

Before this background, the distance regulations were a much-discussed point. The union of education and science (*Gewerkschaft Erziehung und Wissenschaft, GEW*), for example, demanded for the minimum distance of 1.5 metres to be maintained at schools.¹⁶ However, in several *Länder*, courts decided that the health protection of teachers could be guaranteed without distance regulations, provided that primary school pupils have a permanent teacher and are separated from the other groups.¹⁷ On 18 June, the Conference of Education Ministers laid down conditions for the return to

¹³ Die Zeit, 'Zahl infizierter Tönnies-Werksmitarbeiter steigt auf über 1.500', 22 June 2020, available at <https://www.zeit.de/wirtschaft/unternehmen/2020-06/toennies-corona-ausbruch-guetersloh-lockdown-armin-laschet>

¹⁴ North-Rhine Westphalia, Ministry of Labour, Health and Social Affairs (Ministerium für Arbeit, Gesundheit und Soziales), 'Verordnung zum Schutz vor Neuinfizierungen mit dem Coronavirus SARS-CoV-2 in Regionen mit besonderem Infektionsgeschehen', 23 June 2020, available at https://www.land.nrw/sites/default/files/asset/document/mags_23.06.2020_coronaregionalverordnung.pdf

¹⁵ Germany, Federal Government (Bundesregierung), 'Besprechung der Bundeskanzlerin mit den Regierungschefs der Länder', 17 June 2020, available at <https://www.bundesregierung.de/resource/blob/973812/1761548/94bdb647e1b03200d8430ee22e504ea9/2020-06-17-infektionen-data.pdf?download=1>

¹⁶ Der Spiegel, 'Diese Punkte müssen vor der Schulöffnung geklärt werden', 18 June 2020, available at https://www.spiegel.de/panorama/bildung/schule-diese-punkte-muessen-vor-der-schuloeffnung-von-den-kultusministern-geklaert-werden-a-87e4f8a9-4fce-4eb9-9c14-24553a8128cd?sara_ecid=soci_upd_KsBF0AFjflf0DZCxpPYDCQgO1dEMph

¹⁷ Higher Administrative Court Saxony-Anhalt (Oberverwaltungsgericht Sachsen-Anhalt), decision of 15 June 2020, case no. 3 R 111/20, available at <https://www.landesrecht.sachsen-anhalt.de/bsst/document/JURE200008708>; Higher Administrative Court Saxony (Oberverwaltungsgericht Sachsen), decision of 10 June 2020, case no. 3 B 194/20, available at <https://www.justiz.sachsen.de/ovgentschweb/documents/20B194.B01.pdf>

regular schooling after the summer holidays, including the continued application of protective and hygienic measures, but without the minimum distance of 1.5 metres.¹⁸

Generally speaking, opening of schools and day-care centres was still very limited in June and children were only able to attend school for a limited period of time, in a mix of distance and attendance teaching. Furthermore, regional outbreaks of COVID-19 with high levels of new infections led to temporary school closures in the city of Göttingen¹⁹, the district of Gütersloh²⁰ and the district of Warendorf.²¹

The regulations of the individual *Länder* on schools differed. While Bavaria, for example, still had distance rules, classes were divided and groups were taught in weekly rotation²², a larger group of *Länder*, including for instance North Rhine-Westphalia, Saxony and Saxony-Anhalt, allowed primary school pupils to attend school daily again from 15 June onwards, and in Thuringia all pupils could again take part in adapted face-to-face teaching.²³ After the emergency care in the day care centres had been opened step by step since 11 May²⁴, the day care centres returned to regular operation for all children in June for the most part, but with conditions and restrictions²⁵.

Another point of discussion is the provision of COVID-19 tests at schools. So far, there are no uniform regulations for periodic tests for teachers. Brandenburg, for example, announced that teachers could get tested voluntarily every two weeks for an initial period of three months, while other *Länder* are planning random tests. The prime ministers and the Chancellor agreed that the tests would be paid for by health insurances.²⁶

As far as universities are concerned, it is still the case that the *Länder* decide on their own responsibility on the gradual opening of lectures. Against this background, lectures continued to be predominantly digital. In individual cases, lectures were held under special hygiene conditions for which the university

¹⁸ Conference of Education Ministers (Kultusministerkonferenz), 'Regulärer Schulbetrieb spätestens nach den Sommerferien', 18 June 2020, available at <https://www.kmk.org/aktuelles/artikelansicht/kmk-regulaerer-schulbetrieb-spaetestens-nach-den-sommerferien.html>

¹⁹ Stadt Göttingen, 'Allgemeinverfügung Schulschließungen II', 7 June 2020, available at https://www.goettingen.de/pics/download/1_1591203640/AB_27_aus_2020.pdf

²⁰ Kreis Gütersloh, 'Allgemeinverfügung des Kreises Gütersloh', 18 June 2020, available at <https://www.kreis-guetersloh.de/aktuelles/amtsblaetter/aktuelle-amtsblaetter/amtsblatt-nr-662-vom-18-06-2020.pdf?cid=sg0>

²¹ Kreis Warendorf, 'Allgemeinverfügung des Kreises Warendorf zum Schutz vor Neuinfizierungen mit dem Coronavirus SARS-CoV-2', 24 June 2020, available at <https://www.kreis-warendorf.de/fileadmin/amtsblatt-ocr/2020/Amtsblatt-30-2020.pdf>

²² Süddeutsche Zeitung, 'Abstandsregelungen sollen im neuen Schuljahr entfallen', 18 June 2020, available at <https://www.sueddeutsche.de/bildung/schuloeffnung-sommerferien-kmk-1.4940618>

²³ Tagesschau, 'Lockerung der Corona-Regeln: Thüringen geht am weitesten', 13 June 2020, available at <https://www.tagesschau.de/inland/coronakrise-lockerungen-laender-103.html>; Zweites Deutsches Fernsehen, 'Corona-Regeln: Wo die Bundesländer lockern – und verschärfen', 30 June 2020, available at <https://www.zdf.de/nachrichten/politik/coronavirus-bundeslaender-lockerungen-100.html>

²⁴ Germany, Federal Government (Bundesregierung), 'Sich und andere schützen', 17 June 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

²⁵ Zweites Deutsches Fernsehen, 'Corona-Regeln: Wo die Bundesländer lockern – und verschärfen', 30 June 2020, available at <https://www.zdf.de/nachrichten/politik/coronavirus-bundeslaender-lockerungen-100.html>

²⁶ Der Spiegel, 'Diese Punkte müssen vor der Schulöffnung geklärt werden', 18 June 2020, available at https://www.spiegel.de/panorama/bildung/schule-diese-punkte-muessen-vor-der-schuloeffnung-von-den-kultusministern-geklaert-werden-a-87e4f8a9-4fce-4eb9-9c14-24553a8128cd?sara_ecid=soci_upd_KsBF0AFjlf0DZCxpPYDCQgO1dEMph

rooms were absolutely necessary (e.g. laboratories).²⁷ In addition, classroom tests were only allowed to be carried out under certain infection protection measures.

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

Employers are still obliged to develop and implement a hygiene concept based on the current risk assessment and to continue to allow home office, if possible.²⁸ As in the previous month, there were again outbreaks of corona in June in companies with precarious working conditions, this month in particular in a slaughterhouse in Rheda-Wiedenbrück with over 1,500 infections, which led to a regional lockdown (see 1.2.1). This case further intensified an already existing debate on the problematic working conditions in this area.²⁹

The short-time work compensation benefit (*Kurzarbeitergeld*) which had been increased last in May, has not yet been terminated and is still running. The statutory period for which short-time work compensation is paid is generally 12 months. Due to the corona pandemic, the period of entitlement to short-time working compensation for employees whose entitlement to short-time working compensation was established until 31 December 2019, has been extended to up to 21 months, at the latest until 31 December 2020.³⁰

1.2.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*

²⁷ See for instance University of Osnabrück, 'Corona-Virus: Aktuelle Maßnahmen', 29 June 2020, available at <https://www.uni-osnabrueck.de/informationen-zum-corona-virus/>

²⁸ Germany, Federal Government (Bundesregierung), 'Sich und andere schützen', 17 June 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

²⁹ See for instance Redaktionsnetzwerk Deutschland, 'Das Elend der Tönnies-Arbeiter: Krank zur Arbeit und 200 Stunden für knapp 1200 Euro Netto-Lohn', 23 June 2020, available at <https://www.rnd.de/wirtschaft/tonnies-arbeitsbedingungen-von-werkvertragsarbeitern-200-stunden-fur-1200-euro-NEQENI2JN7YQGPYVAX243ETUSI.html> ; Tagesschau, 'Debatte über Fleischbetriebe: Wie funktionieren Werkverträge?', 28 June 2020, available at <https://www.tagesschau.de/inland/werkvertraege-hintergrund-101.html>

³⁰ Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), 'Fragen und Antworten zu Kurzarbeit und Qualifizierung, June 2020, available at https://www.bmas.de/SharedDocs/Downloads/DE/kug-faq-kurzarbeit-und-qualifizierung.pdf?__blob=publicationFile

- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

As judges can decide within the framework of their judicial independence, which hearings take place and which do not, no centralised information on this matter is available. It can be said, however, that compared to the previous months, an increased number of hearings was conducted again: In Baden-Wuerttemberg, for example, the court spokespersons stated that the courts had largely resumed their regular work³¹, while in Lower Saxony, the Ministry of Justice pointed out that delays might continue to occur³². The federal director of the German Association of Judges (*Deutscher Richterbund, DRB*) commented in an interview that it would take until the end of the year to work through the backlog of proceedings.³³ Video-hearings will continue to be used to some extent, primarily in civil proceedings. As reported last month, however, many courts still lack equipment for this purpose.³⁴

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; ‘essential workers’). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

The border controls with Austria, Switzerland, France, Italy and Denmark, which were temporarily reintroduced due to the pandemic, have been lifted since 15 June 2020. Border controls on air traffic to Spain ended on 21 June 2020 in both directions. With the lifting of border controls, entry restrictions and pandemic tracing and control measures also ended.³⁵ The Federal Government and the *Länder* agreed that a 14-day quarantine obligation should only apply to persons entering Germany from a risk area (*Risikogebiet*), i.e. an area where there is an increased risk of infection with SARS-CoV-2.³⁶ A

³¹ Heidenheimer Zeitung, ‘Corona Justiz Baden-Württemberg: Zurück in die Normalität’, 3 June 2020, available at <https://www.hz.de/suedwest/corona-justiz-baden-wuerttemberg-zurueck-in-der-normalitaet-46731008.html>

³² Ministry of Justice Lower Saxony (Justizministerium Niedersachsen), ‘Informationen zum Umgang mit dem Corona-Virus in der Justiz’, available at https://www.mj.niedersachsen.de/startseite/aktuelles/corona_virus/fragen_und_antworten/informationen-zum-umgang-mit-dem-corona-virus-in-der-justiz-186310.html

³³ German Association of Judges (Deutscher Richterbund), ‘Termin-Stau in vielen Gerichten’, 8 June 2020, available at <https://www.drb.de/newsroom/presse-mediencenter/nachrichten-auf-einen-blick/nachricht/news/termin-stau-in-vielen-gerichten>

³⁴ See for instance Beck-aktuell, ‘Wegen Corona: Gerichte setzen auf Video-Verhandlungen’, 7 May 2020, available at <https://rsw.beck.de/aktuell/daily/meldung/detail/wegen-corona-gerichte-setzen-auf-video-verhandlungen>

³⁵ Germany, Federal Government (Bundesregierung), ‘Regeln, Einschränkungen, Lockerungen: Sich und andere schützen’, 17 June 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

³⁶ Germany, Federal Ministry of Health (Bundesgesundheitsministerium), ‘Regelungen für nach Deutschland Einreisende im Zusammenhang mit dem neuartigen Coronavirus SARS-CoV-2, June 2020, available at

continuously updated list of risk areas is published by the Robert Koch Institute;³⁷ in June, Sweden was also on the list. In addition, persons entering from a risk area were obliged to inform the health authority (*Gesundheitsamt*) of their entry.³⁸ Further details, such as exceptions to this rule for people who tested negative or people who were in transit, can be found in the regulations of the *Länder*.³⁹

Passengers and ship passengers were obliged to disclose their identity, itinerary and contact details, which are then passed on to the authorities for contact tracing purposes.⁴⁰

The regulations for cross-border commuters as well as health and care workers from other EU countries remained the same, hence their movement was guaranteed.

Seasonal workers from EU member states and the associated Schengen states have been able to enter Germany without the previous restrictions since 16 June, both by land and by air. This was decided by the Government on 10 June.⁴¹ Seasonal workers from third countries could enter Germany within the framework of the current entry regulations. The requirements for health, work and infection protection were adjusted. In April and May, 40,000 seasonal workers were allowed to enter under strict conditions. At the end of May, the regulation was extended until 15 June.⁴²

The Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge, BAMF*) has not provided any updates on the asylum procedure on its website⁴³, so that it can still be assumed like in the previous report that hearings in the asylum procedure took place again, and that only written applications were accepted as a rule. The BAMF publishes monthly asylum statistics, most recently on 16 June 2020 with figures for the period from 1 May to 31 May 2020, showing that 4,329 asylum

https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3_Downloads/C/Coronavirus/2020_06_12_Regelungen_fuer_Einreisende_neu.pdf

³⁷ Robert Koch Institute, 'Informationen zur Ausweisung internationaler Risikogebiete, available at https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikogebiete_neu.html

³⁸ Germany, Federal Ministry of Health (Bundesgesundheitsministerium), 'Regelungen für nach Deutschland Einreisende im Zusammenhang mit dem neuartigen Coronavirus SARS-CoV-2, June 2020, available at https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3_Downloads/C/Coronavirus/2020_06_12_Regelungen_fuer_Einreisende_neu.pdf

³⁹ See for instance North-Rhine Westphalia, section 2 'Coronaeinreiseverordnung', 21 June 2020, available at https://www.land.nrw/sites/default/files/asset/document/2020-06-21_fassung_coronaeinrvo_ab_22.06.2020.pdf

⁴⁰ Germany, Federal Government (Bundesregierung), 'Regeln, Einschränkungen, Lockerungen: Sich und andere schützen', 17 June 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁴¹ Germany, Federal Ministry for Food and Agriculture (Bundesministerium für Ernährung und Landwirtschaft), 'Konzeptpapier: Saisonarbeiter in der Landwirtschaft im Hinblick auf den Arbeits- und Gesundheitsschutz', 10 June 2020, available at https://www.bmel.de/SharedDocs/Downloads/DE/Landwirtschaft/konzept-saisonarbeitskraefte-corona-200610.pdf?__blob=publicationFile&v=4

⁴² Germany, Federal Government (Bundesregierung), 'Regeln, Einschränkungen, Lockerungen: Sich und andere schützen', 17 June 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁴³ Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Asylverfahren', 13 May 2020, available at <https://www.bamf.de/DE/Startseite/documents/corona-asyl-und-fluechtlingsschutz.html?nn=282656>

applications were submitted.⁴⁴ In the same period in 2019, 12,891 applications were submitted⁴⁵, i.e. almost three times as many.

1.3 Impact of measures on particular groups

Select the *three* most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people,*
- *women,*
- *Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).*
- *Detainees (including measures on early release or alternatives to detention)*
- *or another group not listed that have emerged in your country as facing particular challenges - before selection, this should be discussed with FRA.*

People with disabilities

The restrictions have been partially lifted for people with disabilities. Many sheltered workshops were reopened, albeit with hygiene restrictions, such as distance regulations, or stay-at-home-orders for risk groups.⁴⁶ There was some criticism that the regulations were too sweeping, not taking into account the individual circumstances, for example with regard to general obligations to wear masks.⁴⁷ The Federal Government decided in June to make a one-off sum of 70 million Euros available to the integration offices to support the people in sheltered workshops, whose income depended on the

⁴⁴ Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Asylgeschäftsstatistik (05/2020)', 16 June 2020, available at https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/Asylgeschaeftsstatistik/hkl-antrags-entscheidungsbestandsstatistik-mai-2020.pdf?__blob=publicationFile&v=3

⁴⁵ Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Asylgeschäftsstatistik (05/2020)', 21 June 2019, available at https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/Asylgeschaeftsstatistik/hkl-antrags-entscheidungsbestandsstatistik-mai-2019.pdf?__blob=publicationFile&v=5

⁴⁶ Süddeutsche Zeitung, 'Sehnsucht nach Normalität', 17 June 2020, available at <https://www.sueddeutsche.de/muenchen/starnberg/landkreis-starnberg-menschen-mit-behinderung-coronakrise-1.4938088>; Mitteldeutscher Rundfunk, 'Wie die Lebenshilfe Gera gegen die Corona-Krise kämpft', 28 June 2020, available at <https://www.mdr.de/selbstbestimmt/lebenshilfe-gera-werkstatt-aga-corona-krise100.html>

⁴⁷ Buten un Binnen, 'Warum Corona die Inklusion in Bremen ausbremst', 21 June 2020, available at <https://www.butenunbinnen.de/nachrichten/gesellschaft/rechte-behinderter-menschen-unter-corona-100.html>; Norddeutscher Rundfunk, 'Kritik an Maskenpflicht in Behindertenwerkstätten', 10 June 2020, available at <https://www.ndr.de/nachrichten/niedersachsen/Kritik-an-Maskenpflicht-in-Behindertenwerkstaetten,corona3406.html>

revenue of the workshops. As the workshops were or are still closed for the most part, they suffered a substantial drop in revenues.⁴⁸

The *Länder* have relaxed the restrictions for institutions for disabled people somewhat, so that residents could receive visits again more easily.⁴⁹ To support the implementation of these relaxations and to combine infection protection and social contacts, the health ministers of all 16 *Länder* called on the institutions' operators and their associations to make full use of the scope now available for more visits in a resolution of 18 June.⁵⁰

Finally, people with disabilities reported incidents of discrimination. These were often related to the obligation to wear masks. For instance, people with disabilities who were not required to wear a mask for medical reasons, reported being denied access to supermarkets or public transport, although *Länder* regulations would allow exceptions for them. In addition, deaf people encountered issues with lip-reading due to the masks.⁵¹

Women

During the corona crisis, there was a frequent discussion about a 're-traditionalisation' of gender roles in families.⁵² In this context, chancellor Merkel declared that she would do everything in her power to ensure that the path of equal opportunities for men and women would continue and that there would be no 're-traditionalisation'.⁵³ It was reported that, in view of the fact that schools and day-care centres were closed for a long time, women took over the care of children in many households, regardless of whether and how much they worked.⁵⁴ Several studies show that women often had to bear a greater burden in times of the crisis: One study, for example, found that in half of all cases, women took over child care alone.⁵⁵ Furthermore, 27 percent of the women had reduced their working hours, while this was the case for only 16 percent of the men.⁵⁶ One possible explanation for

⁴⁸ Germany, Federal Government (Bundesregierung), 'Verdienstauffälle durch Corona-Pandemie: Werkstattbeschäftigte mit Behinderungen erhalten Unterstützung', 17 June 2020, available at <https://www.bundesregierung.de/breg-de/suche/hilfen-fuer-werkstaetten-1761372>

⁴⁹ An overview of the individual regulations in the *Länder* can be found here:

<https://www.biva.de/besuchseinschraenkungen-in-alten-und-pflegeheimen-wegen-corona/>

⁵⁰ Conference of Health Ministers (Gesundheitsministerkonferenz), 'Sonderkonferenz am 18.06.2020 – Resolution', available at https://www.gmkonline.de/documents/top-32--resolution_pflegebeduerftige-zwischen-schutz-und-selbstwirksamkeit_1592483755.pdf

⁵¹ Tagesschau, 'Corona-bedingte Diskriminierung nimmt zu', 21 May 2020, available at <https://www.tagesschau.de/investigativ/wdr/diskriminierung-corona-101.html>

⁵² See for instance Tagesschau, 'Frauen in der Corona-Krise: Viel „home“ und wenig „office“', 4 June 2020, available at <https://www.tagesschau.de/inland/corona-frauen-101.html>

⁵³ Germany, Federal Government (Bundesregierung), 'Regierungsbefragung im Deutschen Bundestag mit Bundeskanzlerin Merkel', 13 May 2020, available at <https://www.bundesregierung.de/breg-de/aktuelles/regierungsbefragung-kanzlerin-1752666>

⁵⁴ Tagesschau, 'Frauen in der Corona-Krise: Viel „home“ und wenig „office“', 4 June 2020, available at <https://www.tagesschau.de/inland/corona-frauen-101.html>

⁵⁵ University of Mannheim, 'Mannheimer Corona-Studie: Schwerpunktbericht zu Erwerbstätigkeit und Kinderbetreuung', 9 April 2020, available at https://www.uni-mannheim.de/media/Einrichtungen/gip/Corona_Studie/2020-04-05_Schwerpunktbericht_Erwerbstaetigkeit_und_Kinderbetreuung.pdf

⁵⁶ Hans Böckler Foundation, 'Die Corona-Krise trifft Frauen Doppelt', May 2020, available at https://www.boeckler.de/pdf/p_wsi_pb_40_2020.pdf; see also WZB Berlin Social Science Centre, 'Erwerbsarbeit in Zeiten von Corona', 2020, available at <https://www.econstor.eu/bitstream/10419/216101/1/Full-text-report-Buenning-et-al-Erwerbsarbeit-in-Zeiten-von-Corona-v1-20200415.pdf>

this may be that men often have a higher income (which is also often linked to the fact that women take care of the children).⁵⁷ In addition, only 60 percent of the parents who had previously shared the upbringing of children fairly stated that they did so during the crisis.⁵⁸ Newspapers also reported that the crisis hit single mothers who were unable to go to work while the daycare centres were closed particularly hard.⁵⁹

In order to counteract these structural disadvantages, the Women's Council (*Frauenrat*) demanded, amongst others, that all financial expenditures resulting from the pandemic should be evaluated in terms of their impact on men and women, and that more women should be in the important decision-making bodies.⁶⁰

Another problem associated with corona is a possible increase in domestic violence. At the beginning of April, for example, the Federal Minister for Family Affairs, Senior Citizens, Women and Youth stated that she had received feedback from Berlin that the number of reports of domestic violence had increased by ten percent.⁶¹ In order to support persons affected by domestic violence, the ministry launched a campaign at the end of April in which posters were put up in 26,000 supermarkets informing about support offers for victims of domestic violence.⁶² A list of support offers can also be found on the website of the Federal Government.⁶³

A first study on domestic violence during the corona crisis has now been published. 3,800 women between the ages of 18 and 65 were asked online about their experiences between 22 April and 8 May. The study showed, among other things, that about three percent of the women in Germany became victims of physical violence at home during the period of strict contact restrictions. Another 3.6 percent were raped by their partner. However, the authors of the study pointed out that a comparison of these figures with data from the time before the pandemic would not be meaningful, as previous studies had asked about experiences of violence over longer periods of time, but not after a period of a few weeks.⁶⁴

⁵⁷ Norddeutscher Rundfunk, 'Landesfrauenrat: Frauen sind Corona-Verliererinnen', 12 June 2020, available at <https://www.ndr.de/nachrichten/niedersachsen/Landesfrauenrat-Frauen-sind-Corona-Verliererinnen,landesfrauenrat106.html>

⁵⁸ Hans Böckler Foundation, 'Die Corona-Krise trifft Frauen Doppelt', May 2020, available at https://www.boeckler.de/pdf/p_wsi_pb_40_2020.pdf

⁵⁹ Frankfurter Allgemeine Zeitung, 'Krisenzeit ist Frauenzeit', 20 May 2020, available at <https://www.faz.net/aktuell/rhein-main/frankfurt/stellt-die-corona-krise-unser-frauenbild-infrage-16779216.html>

⁶⁰ German Women's Council (Deutscher Frauenrat), 'Aus Corona lernen: Ungerechtigkeit zwischen den Geschlechtern abbauen', available at <https://www.frauenrat.de/wp-content/uploads/2020/05/200514-Kickoff-Geschlechtergerecht-aus-der-Krise-final.pdf>

⁶¹ Germany, Federal Government (Bundesregierung), 'Bundesfamilienministerin zu Konflikten während Corona: Hilfetelefon ist stark nachgefragt', 6 April 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/giffey-zu-haueslicher-gewalt-1739470>

⁶² Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend), 'Corona-Pandemie: Supermarkt-Aktion gegen häusliche Gewalt gestartet', 29 April 2020, available at <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/supermarkt-aktion-gegen-hauesliche-gewalt-gestartet/155054>

⁶³ Germany, Federal Government (Bundesregierung), 'Hilfe bei häuslicher Gewalt: Ausnahmesituation für Familien', 24 March 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/ausnahmesituation-fuer-familien-1734472>

⁶⁴ Technical University Munich, 'Häusliche Gewalt während der Corona-Pandemie', 2 June 2020, available at <https://www.tum.de/nc/die-tum/aktuelles/pressemitteilungen/details/36053/>

Detainees

As detention centres are a matter of the *Länder*, there is no uniform information on the situation of detainees available. Furthermore, the number of prisoners infected with COVID-19 cannot be determined exactly.⁶⁵ Various measures have been taken to prevent infection, such as the establishment of quarantine rooms or the reduction of the number of prisoners, for example by temporarily suspending shorter prison sentences.⁶⁶ Gradually, however, the *Länder* were beginning to resume the enforcement of previously suspended prison sentences, for example from 22 June in Lower Saxony.⁶⁷ After it was initially planned in Berlin to enforce suspended sentences again from 15 July⁶⁸, the Senator of Justice announced on 30 June, that people who had to serve a prison sentence because they were unable to pay a fine (*Ersatzfreiheitsstrafe*) would receive a remission of sentence. According to the Senator of Justice, about 1,000 convicts could benefit from this regulation.⁶⁹

As a result of the infection prevention measures, the prisoners' fundamental rights have been interfered with considerably. Thus, in early June, the judicial authorities of almost all *Länder* responded to an editorial office's inquiry that they had suspended visits, prison leave, as well as therapies, sports programmes, language courses, vocational training or work measures.⁷⁰ In particular, since the prisoners could hardly be outside their cell under these conditions, a law professor stated that these were 'inhumane conditions' under which the goal of resocialisation would not be achievable.⁷¹

However, in several *Länder*, these rules have been gradually relaxed by the Ministries of Justice, for example by requiring prisons to allow visits again under strict conditions, such as, among others, limitations of visits to one person or the obligation to wear masks and to keep a distance of 1.5 metres.⁷² The specific visiting hours and modalities are determined by the respective detention centres.

⁶⁵ Tagesschau, 'Corona im Gefängnis: „Das ist reine Verwahrung von Menschen“', 4 June 2020, available at <https://www.tagesschau.de/investigativ/wdr/corona-gefaengnis-101.html>

⁶⁶ Zweites Deutsches Fernsehen, 'Wie Corona das Leben im Gefängnis verändert', 19 April 2020, available at <https://www.zdf.de/nachrichten/panorama/coronavirus-gefaengnis-kontakt-einschraenkung-100.html>

⁶⁷ Lower Saxony, Ministry of Justice (Justizministerium), 'Informationen zum Umgang mit dem Corona-Virus in der Justiz', 18 June 2020, available at https://www.mj.niedersachsen.de/startseite/aktuelles/corona_virus/fragen_und_antworten/informationen-zum-umgang-mit-dem-corona-virus-in-der-justiz-186310.html

⁶⁸ Berliner Zeitung, 'Corona im Knast: Die Pandemie sorgt auch in den Gefängnissen für Probleme', 22 June 2020, available at <https://www.berliner-zeitung.de/mensch-metropole/die-pandemie-sorgt-auch-in-den-gefaengnissen-fuer-probleme-li.87913>

⁶⁹ Berlin, 'Corona-Gnadenerlass: Berlin erlässt einen Teil von Strafen', 30 June 2020, available at <https://www.berlin.de/aktuelles/berlin/6219628-958092-coronagnadenerlass-berlin-erlaesst-einen.html>

⁷⁰ Tagesschau, 'Corona im Gefängnis: „Das ist reine Verwahrung von Menschen“', 4 June 2020, available at <https://www.tagesschau.de/investigativ/wdr/corona-gefaengnis-101.html>

⁷¹ Tagesschau, 'Corona im Gefängnis: „Das ist reine Verwahrung von Menschen“', 4 June 2020, available at <https://www.tagesschau.de/investigativ/wdr/corona-gefaengnis-101.html>

⁷² Bavarian Ministry of Justice (Bayerisches Staatsministerium der Justiz), 'Aktuelle Informationen des Bayerischen Staatsministeriums der Justiz für Angehörige und sonstige Besucher von Gefangenen: Besuche können wieder stattfinden', June 2020, available at <https://www.justiz.bayern.de/justizvollzug/corona/>; Ministry of Justice North-Rhine Westphalia (Justizministerium Nordrhein-Westfalen), 'Justizvollzug: Mit Fragen wie zum Beispiel: Wann gibt es Lockerungen der Corona-Maßnahmen im Justizvollzug?', June 2020, available at <https://www.justiz.nrw.de/JM/ministerium/corona/justizvollzug/index.php>

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

Numerous cases ranging from racist behaviour to physical assaults in everyday life were reported. The Federal Anti-Discrimination Office stated that it had received 100 requests for counselling on discrimination in connection with corona by 20 April.⁷³ The available data shows that in 58 of these cases, there was discrimination because of ethnic origin, with the majority of these cases being reported by people with Asian origin.⁷⁴ By 16 June, the number had raised to 300 requests.⁷⁵ The Federal Anti-Discrimination Office stated that people with assumed Asian Origin were particularly affected by discrimination in relation to the corona crisis, but did not (yet) provide information on their share on the total 300 cases.⁷⁶ Those affected reported insults, being threatened or spat at or being blamed for the corona outbreak.⁷⁷ It was also reported that people on public transport did not want to sit next to people of Asian origin, that they were denied access to supermarkets, or that when they applied for a flat, they received a refusal on the grounds that no Chinese people were accepted in the house.⁷⁸ In Leipzig, an Asian restaurant was smeared with a swastika, in Hamburg the memorial plaque of a Chinese victim of the Nazis.⁷⁹ In Munich, a woman was sprayed with disinfectant⁸⁰, in Berlin a couple was insulted and beaten⁸¹. Here, the couple reported the case, but the Association of Counselling Centres for Victims of Right-wing, Racist and Anti-Semitic Violence (*Verband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt, VBRG*) fears a high

⁷³ Germany, Federal Anti-Discrimination Office (Antidiskriminierungsstelle des Bundes), 'Diskriminierungserfahrungen im Zusammenhang mit der Corona-Krise', 6 May 2020, available at https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/Dokumente_ohne_anzeige_in_Publicationen/20200504_Infopapier_zu_Coronakrise.pdf?__blob=publicationFile&v=2

⁷⁴ Germany, Federal Anti-Discrimination Office (Antidiskriminierungsstelle des Bundes), 'Diskriminierungserfahrungen im Zusammenhang mit der Corona-Krise', 6 May 2020, available at https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/Dokumente_ohne_anzeige_in_Publicationen/20200504_Infopapier_zu_Coronakrise.pdf?__blob=publicationFile&v=2

⁷⁵ Germany, Federal Anti-Discrimination Office (Antidiskriminierungsstelle des Bundes), 'Fragen und Antworten zu Diskriminierung in Zeiten von Corona', 19 June 2020, available at https://www.antidiskriminierungsstelle.de/SharedDocs/Aktuelles/DE/2020/20200619_Corona_FAQs.html

⁷⁶ Germany, Federal Anti-Discrimination Office (Antidiskriminierungsstelle des Bundes), 'Diskriminierungserfahrungen in Zeiten von Corona', June 2020, available at https://www.antidiskriminierungsstelle.de/DE/ThemenUndForschung/Corona/FAQ/FAQ_node.html

⁷⁷ Tagesspiegel, 'Bundesregierung ignoriert Corona-Rassismus', 4 May 2020, available at <https://www.tagesspiegel.de/politik/attacken-gegen-asiaten-bundesregierung-ignoriert-corona-rassismus/25798536.html>

⁷⁸ Tagesschau, 'Corona-bedingte Diskriminierung nimmt zu', 21 May 2020, available at <https://www.tagesschau.de/investigativ/wdr/diskriminierung-corona-101.html>

⁷⁹ Tagesschau, 'Corona-bedingte Diskriminierung nimmt zu', 21 May 2020, available at <https://www.tagesschau.de/investigativ/wdr/diskriminierung-corona-101.html>

⁸⁰ Tagesspiegel, 'Bundesregierung ignoriert Corona-Rassismus', 4 May 2020, available at <https://www.tagesspiegel.de/politik/attacken-gegen-asiaten-bundesregierung-ignoriert-corona-rassismus/25798536.html>

⁸¹ Berlin, 'Gefährliche Körperverletzung und Beleidigung aufgrund rassistischer Motivation', 27 April 2020, available at <https://www.berlin.de/polizei/polizeimeldungen/pressemitteilung.926132.php>

number of unreported cases.⁸² The Amadeo Antonio Foundation, for example, documents incidents that have become known in social networks and the media on an online platform.⁸³ Other campaigns also draw attention to the issue of racist attacks⁸⁴ or collect discriminatory reports in the media⁸⁵. Other dangers pointed out by the VBRG were the spread of right-wing conspiracy theories, anti-Semitism and racism in connection with protests against the restrictions of civil liberties by the corona measures.⁸⁶

The Integration Commissioner of the Federal Government condemned racist and anti-Semitic attacks in the corona crisis and called for politicians to take action.⁸⁷ A sub-committee of cabinet on combating right-wing extremism and racism led by Chancellor Merkel met for the first time in May. A first draft for a catalogue of measures is to be presented in October. It remains to be seen to what extent these issues will be addressed.⁸⁸

2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

The most important topic in the area of data protection was the new corona tracing app of the Federal Government, which has been available since mid-June. The app serves to trace contacts with infected persons to interrupt chains of infection. 13 million people have downloaded it thus far.⁸⁹ The app works via Bluetooth and data processing is decentralised.⁹⁰

One of the most important points of discussion is the question of whether an accompanying law to the app is needed. There is currently no such law, which is mainly justified by the fact that the use of the app is voluntary, hence that it does not involve any state interference.⁹¹ The proponents of such a

⁸² Tagesschau, 'Corona-bedingte Diskriminierung nimmt zu', 21 May 2020, available at <https://www.tagesschau.de/investigativ/wdr/diskriminierung-corona-101.html>

⁸³ See <https://www.belltower.news/dokumentation-corona-rassismus-97895/>

⁸⁴ See <https://www.ichbinkeinvirus.org/>

⁸⁵ See <https://www.korientation.de/corona-rassismus-medien/>

⁸⁶ Association of Counselling Centres for Victims of Right-wing, Racist and Anti-Semitic Violence (VBRG), 'Keine Verharmlosung von Antisemitismus und Rassismus – sogenannte „Corona-Proteste“ schüren Hetze und sind Ausgangspunkte für rechte Gewalt', 17 June 2020, available at <https://www.verband-brg.de/corona-proteste-innenministerkonferenz-muss-betroffene-schuetzen/>

⁸⁷ Tagesschau, 'Rassismus in Corona-Zeiten: Integrationsbeauftragte beklagt Übergriffe', 23 May 2020, available at <https://www.tagesschau.de/inland/rassismus-uebergrieffe-deutschland-101.html>

⁸⁸ See also Tagesspiegel, 'Bundesregierung ignoriert Corona-Rassismus', 4 May 2020, available at <https://www.tagesspiegel.de/politik/attacken-gegen-asiaten-bundesregierung-ignoriert-corona-rassismus/25798536.html>

⁸⁹ Tagesschau, 'Corona-Warn-App: Was bei einem positiven Test passiert', 26 June 2020, available at <https://www.tagesschau.de/inland/corona-app-einsatz-101.html>

⁹⁰ Bayerischer Rundfunk 24, 'FAQ: Was Sie über die Corona-Warn-App wissen müssen', 25 June 2020, available at <https://www.br.de/nachrichten/netzwelt/corona-warn-app-kommt-dienstag-was-sie-wissen-muessen,S1gcwAT>

⁹¹ Frankfurter Allgemeine Zeitung, 'Datenschutz und Freiwilligkeit: Braucht es ein Begleitgesetz zur Corona-App?', 5 June 2020, available at <https://www.faz.net/aktuell/politik/inland/braucht-es-ein-begleitgesetz-zur-corona-app-16799044.html>

law argued that it was necessary to guarantee, amongst others, the voluntary nature and purpose limitation of the app by law. The leader of the Green parliamentary group argued that a law could restore trust already lost, increase the acceptance of the app in society and provide legal clarity.⁹² In a press release, the Federal Commissioner for Data Protection and Freedom of Information stated that from the perspective of data protection, he did not see a reason against installing the app.⁹³ Furthermore, the Conference of Federal and *Länder* Data Protection Commissioners also emphasised that the voluntary nature of its use should not be undermined by its improper use. Thus, access to official facilities, workplaces, shops, restaurants, etc. should not be made dependent on presentation of the app. This would not be compatible with the concept of voluntary use and would discriminate against those who do not use the app.⁹⁴

As far as data security is concerned, the TÜV, a technical testing organisation, criticised some weaknesses in the TAN system, which is supposed to prevent misuse with falsely reported infections, but gave the app a positive report on data security overall.⁹⁵

Another issue relevant to data protection law was that the corona regulations of the *Länder* stipulated that in order to trace chains of infection in several places such as restaurants or hotels or hairdressing salons, data of guests had to be collected.⁹⁶ In numerous *Länder*, the data protection commissioners received complaints that openly visible collection lists were used from which guests could read or even photograph information about other guests. However, according to the corona regulations of the *Länder*, the data must not be disclosed to unauthorised third parties.⁹⁷ For this reason, numerous data protection officers of the *Länder* pointed out that a single form should be used for each person.⁹⁸

⁹² Frankfurter Allgemeine Zeitung, 'Datenschutz und Freiwilligkeit: Braucht es ein Begleitgesetz zur Corona-App?', 5 June 2020, available at <https://www.faz.net/aktuell/politik/inland/braucht-es-ein-begleitgesetz-zur-corona-app-16799044.html>

⁹³ Germany, Federal Commissioner for Data Protection and Freedom of Information (Bundesbeauftragter für Datenschutz und Informationsfreiheit), 'Datenschutz bei Corona-Warn-App ausreichend', 16 June 2020, available at https://www.bfdi.bund.de/DE/Infothek/Pressemitteilungen/2020/12_Corona-Warn-App.html

⁹⁴ Data Protection Conference (Datenschutzkonferenz), 'Datenschutzfreundliches Grundkonzept der Corona-Warn-App –

Freiwilligkeit darf nicht durch zweckwidrige Nutzung untergraben werden!', available at https://www.datenschutzkonferenz-online.de/media/pm/20200616_pm_corona_warn_app.pdf

⁹⁵ Süddeutsche Zeitung, 'Corona-Warn-App startet am Dienstag', 14 June 2020, available at <https://www.sueddeutsche.de/digital/corona-app-start-dienstag-1.4935639>

⁹⁶ For restaurants in Bavaria see for instance section 13 (4) sentence 3 'Sechste Bayerische Infektionsschutzmaßnahmenverordnung' in conjunction with 'Corona-Pandemie: Hygienekonzept Gastronomie', available at <https://www.verkuendung-bayern.de/baymbi/2020-348/> ; <https://www.verkuendung-bayern.de/baymbi/2020-291/>

⁹⁷ See for instance section 4 (2) 'Landesverordnung zur Bekämpfung des Coronavirus SARS-CoV-2 Schleswig-Holstein', available at https://schleswig-holstein.de/DE/Schwerpunkte/Coronavirus/Erlasse/Landesverordnung_Corona.html#doc215c4238-f97d-40cc-8439-d4d4bc6c2ba7bodyText4

⁹⁸ See for Instance Norddeutscher Rundfunk, 'Corona und Datenschutz: Offene Gästelisten nicht erlaubt', 11 June 2020, available at <https://www.ndr.de/nachrichten/schleswig-holstein/Corona-und-Datenschutz-Offene-Gaestelisten-sind-unzulaessig,gastro146.html> ; Süddeutsche Zeitung, 'Datenschutzbeauftragte: Offene Gästelisten nicht erlaubt', 2 June 2020, available at <https://www.sueddeutsche.de/politik/datenschutz-datenschutzbeauftragte-offene-gaestelisten-nicht-erlaubt-dpa.urn-newsml-dpa-com-20090101-200602-99-277982>

2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

Disinformation about the coronavirus, particularly in social media, remained a major problem. For example, in a survey commissioned by the State Office for Media of North Rhine-Westphalia (*Landesanstalt für Medien NRW*), more than 80% of those surveyed said they believed they had already encountered disinformation about coronavirus on the Internet.⁹⁹

Several public and private organisations were active in checking and correcting false reports or in giving tips on how to detect false reports.¹⁰⁰ In addition, studies on the dissemination of misinformation were published, such as an evaluation of 1,800 indications from readers on possible disinformation about the corona virus¹⁰¹, or a fact-check analysis from France, Germany, Italy, Spain and Great Britain on the dissemination of disinformation¹⁰². In an interview, the head of a general research project on disinformation gave advice for people who were confronted with potential misinformation.¹⁰³

Similarly, the Federal Government was dealing with the topic: In a podcast of the Government, for example, the dangers and backgrounds of fake news were addressed and it was explained how it could be identified.¹⁰⁴ In addition, the Government created articles on myths and false reports in relation to the virus.¹⁰⁵ The Government's spokesman also addressed the topic and emphasised that the task of the Federal Government was to inform citizens and the media transparently and comprehensively about the challenges associated with the virus. Furthermore, he explained that the Government's

⁹⁹ State Office for Media of North-Rhine Westphalia (*Landesanstalt Medien NRW*), 'Über 80 Prozent der Internetnutzerinnen und -nutzer haben bereits Desinformationen zu Corona wahrgenommen', 7 May 2020, available at <https://www.medienanstalt-nrw.de/presse/pressemitteilungen/pressemitteilungen-2020/2020/mai/ueber-80-prozent-der-internetnutzerinnen-und-nutzer-haben-bereits-desinformation-zu-corona-wahrgenommen.html>

¹⁰⁰ See https://www.br.de/nachrichten/faktenfuchs-faktencheck_QzSlzI3 ; <https://correctiv.org/faktencheck/coronavirus/> ; <https://www.bpb.de/presse/307058/podcast-zu-corona-verschwörungstheorien>

¹⁰¹ Correctiv, 'Datenanalyse: Nutzer finden fragwürdige Corona-Informationen vor allem auf YouTube und verbreiten sie über Whatsapp', 12 May 2020, available at <https://correctiv.org/faktencheck/hintergrund/2020/06/18/corona-pcr-test-und-vortestwahrscheinlichkeit-so-kann-es-zu-falschen-ergebnissen-kommen>

¹⁰² Correctiv, 'Faktencheck-Analyse aus fünf europäischen Ländern zeigt, wie sich Desinformation zu Covid-19 verbreitet', 30 June 2020, available at <https://correctiv.org/faktencheck/hintergrund/2020/06/30/faktencheck-analyse-aus-fuenf-europaeischen-laendern-zeigt-wie-sich-desinformation-zu-covid-19-verbreitet> ; <https://covidinfodemicurope.com/>

¹⁰³ <https://www.bmbf.de/de/so-gehen-sie-richtig-mit-fake-news-zu-corona-um-11226.html> ; see also <https://www.spiegel.de/wissenschaft/mensch/corona-krise-und-klimawandel-fuenf-desinformations-tricks-die-jeder-kennen-sollte-a-6892ff9b-fb28-43ae-8438-55b49d607e57> ; https://www.rnz.de/nachrichten/buchen_artikel,-main-tauber-kreis-landratsamt-geht-gegen-corona-fake-news-und-verschwörungstheorien-vor- arid_519226.html

¹⁰⁴ Germany, Federal Government (Bundesregierung), 'Podcast Corona aktuell: Quellen müssen hinterfragt werden!', 21 April 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/podcast-corona-aktuell-5-1745210>

¹⁰⁵ Germany, Federal Government (Bundesregierung), 'Fake News in den sozialen Medien: Antworten auf häufige Zweifel und Mythen', 23 April 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/falschmeldungen-erkennen-1738120>

editorial staff was correcting misunderstandings, untrue allegations and deliberate disinformation through so-called 'community management' on social media channels.¹⁰⁶

¹⁰⁶ Germany, Federal Government, 'Gezielte Desinformation: Mehr Achtsamkeit ist gefragt – auch beim Umgang mit fragwürdigen „Informationen“', 13 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-pandemie-1744502>