



**Law and democracy support foundation e. V.**

Registration: VR 39926 B

C/o Gamal Hassan

Siegfried str. 186. 10365 Berlin

Tel: +49 176 67514809.

Email: [karim@ldsrf.info](mailto:karim@ldsrf.info)

Website : <https://www.ldsrf.info>

Berlin-based NGO committed to defending democracy, the rule of law, combating transnational repression, and promoting freedoms in the MENA region and Europe.

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## **Bridging the Gap: Freedom of Opinion and Expression under Transnational Repression in Germany**

**Submitted by: Law and Democracy Support Foundation (LDSF), Berlin**

### **1) Introduction – About LDSF**

<sup>1</sup>**Law and Democracy Support Foundation e.V.**, is a Berlin-based civil and human rights organization established in exile by Egyptian human rights advocates. The foundation works to uphold the rule of law, advance democratic principles, and defend fundamental freedoms in Egypt, the Middle East, and among diaspora communities in Europe.

LDSF's core mandate includes defending freedom of opinion and expression; supporting journalists and human rights defenders (HRDs) in exile; combating transnational repression (TNR); empowering victims of human rights violations; and promoting civic and democratic participation—particularly among marginalized groups.

LDSF is registered in Germany and is **a co-founding member of the Coalition Against Transnational Repression in Germany**<sup>2</sup>. At the international level, the foundation engages with UN human rights mechanisms and EU institutions, participates in the Tackling TNR Europe Civil Society Working Group, and liaises with German policymakers to strengthen state responses to TNR. Through this multi-level engagement, LDSF helps translate international human rights norms into practical protection for exiled defenders and diaspora communities affected by transnational repression.

### **2) The Coalition's Role and Policy Momentum**

**The Coalition Against Transnational Repression in Germany** brings together national and diaspora-led organizations to document TNR patterns, support affected communities, and advocate for systemic reforms. In April 2025, the Coalition issued a **policy paper**<sup>3</sup>

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<sup>1</sup> <https://ldsrf.info/>

<sup>2</sup> <https://stop-transnational-repression.de/>

<sup>3</sup> <https://stop-transnational-repression.de/2025/04/14/policy-paper-tackling-transnational-repression-in-germany/>

outlining the German context, common TNR tactics, and a four-pillar response: monitor, respond, support, and prevent, including the establishment of a National Coordination Office on TNR and trauma-informed reporting pathways.

This sustained advocacy contributed to a significant policy shift. In May 2025, the new federal government explicitly recognized transnational repression in its **coalition agreement**<sup>4</sup>, committing to “effectively” address TNR—marking the first political acknowledgment of TNR as a structural threat to freedom of expression in Germany.

However, recognition has not yet translated into meaningful protection. Persistent gaps—such as the absence of a trusted reporting mechanism, limited trauma-informed support, lack of systematic training, and weak federal coordination—continue to expose exiled journalists and HRDs to intimidation, surveillance, gendered online abuse, and coercion by proxy, with a clear chilling effect on public participation.

### 3) Key Concerns Regarding Freedom of Opinion and Expression in Germany

Germany maintains robust constitutional protections (Basic Law) and strong jurisprudence for freedom of expression. However, new forms of cross-border authoritarian influence—particularly transnational repression—present distinct challenges for exiled communities and diaspora groups in Germany:

- TNR as a systematic threat: HRDs, journalists, and dissidents in Germany report intimidation, surveillance, targeted digital attacks, account takedowns, spyware risks, and pressure on family members abroad, resulting in self-censorship and reduced participation in public life.
- Gendered repression: Women HRDs and journalists face intensified harassment and sexualized smear campaigns online and offline, with clear chilling effects on expression and safety.
- Under-recognized “sub-criminal” harms: Many attacks are calibrated below the criminal threshold, making them hard to prosecute and easy to dismiss by frontline authorities unfamiliar with TNR dynamics.

These trends constrain the ability of exiled communities to exercise expression, assemble peacefully, and participate in public life, despite formal legal guarantees.

### 4) National Normative Framework – Laws, Policies, and Gaps

Germany’s Basic Law protects freedom of expression, and Germany is bound by international obligations under ICCPR. In recent years, German authorities and oversight bodies have started to acknowledge TNR, though still narrowly:

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<sup>4</sup> [https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav\\_2025.pdf](https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav_2025.pdf)

- Political recognition: In May 2025, the new federal coalition agreement explicitly committed to “effectively” combating TNR in Germany.
- Authorities’ references to TNR: Constitutional protection reporting and advisory notices (e.g., cyber-espionage warnings regarding specific foreign contexts) began mentioning phenomena associated with TNR, but often emphasize cases above criminal thresholds, leaving digital and coercive tactics under-recognized.
- Fragmented practice: Reporting pathways remain unclear; multilingual access is limited; and data collection is insufficient, resulting in under-documentation and weak situational awareness.

#### **Gaps:**

1. No dedicated, accessible, trauma-informed reporting and support mechanism for TNR-affected individuals.
2. Limited training for police, asylum, migration, and consular-adjacent services on TNR patterns (especially digital, gendered, and “sub-criminal” tactics).
3. No national coordination office with authority to align ministries (Interior, Foreign, Justice, Chancellery) and Länder on consistent protection measures.
4. Underuse of EU tools, including the EU Global Human Rights Sanctions Regime, against foreign perpetrators of TNR.
5. Digital security deficits in public support to journalists and HRDs (e.g., swift forensic assistance, rapid takedown countermeasures, and platform escalation channels).

### **5) Media Freedom and Safety of Journalists in Exile**

Journalists in Germany originating from authoritarian contexts report:

- Digital harassment and spyware risks: phishing, device compromise attempts, surveillance technologies, and coordinated flagging campaigns to block content and undermine funding.
- Intimidation at events and demonstrations: physical surveillance, photography and stalking, and post-event harassment.
- Proxy retaliation: threats or reprisals against relatives in countries of origin, used to deter reporting.

Women journalists face gendered campaigns, including sexualized threats and defamation, compounding the chilling effect. These patterns are consistent with trends recognized internationally (e.g., OHCHR’s briefings).

### **6) Internet Freedom, Digital Communications, and Gendered Online Abuse**

Digital tools are central to TNR. Exiled HRDs and journalists report:

- Spyware risks and targeted hacking;
- Account suspensions via coordinated reporting;
- Harassment by bot networks;

- Credential harvesting and phishing;
- Coercion by proxy, including doxxing or targeted intimidation tied to family members abroad.

Germany lacks a centralized digital help desk and rapid-response forensic support accessible to civil society, journalists, and HRDs. This deficit limits swift mitigation, evidence preservation, and the ability to engage platforms and law enforcement effectively.

## **7) Freedom of Expression of Affected Groups**

Groups most affected by TNR-related constraints include HRDs and journalists in exile; women HRDs; LGBTQ+ activists targeted by home-country authorities; academic researchers; diaspora political communities; and minority groups originating from states deploying TNR. Many reduce visibility—avoiding media appearances, demonstrations, and civic engagement—due to fear of retaliation and surveillance.

## **8) Egypt as a Model of Systemic Transnational Repression**

Drawing from LDSF's documentation<sup>5</sup> and international analyses, Egyptian authorities employ a consistent pattern of transnational repression affecting HRDs and journalists abroad

- Proxy intimidation and family reprisals<sup>6</sup>: detention/harassment of relatives to coerce silence.
- Weaponization of courts and terrorism listings<sup>7</sup>: in absentia sentence<sup>8</sup>s, politicized charges, and terrorism designations to chill expression and create deportation risks.
- Misuse of consular services<sup>9</sup>: denial of essential documentation (passport renewals etc.), creating precarity.
- Gendered defamation: smear campaigns and sexualized threats against women HRDs.
- Targeting independent exile media: surveillance, spyware<sup>10</sup>, content blocking<sup>11</sup>, and coordinated reporting.

<sup>5</sup> <https://ldsf.info/blog/2025/01/01/egypt-political-participation-exclusion-and-transborder-repression/>

<sup>6</sup> <https://ldsf.info/blog/2025/10/31/31-10-25-1/>

<sup>7</sup> <https://ldsf.info/blog/2025/10/27/27-10-25-1/>

<sup>8</sup> <https://ldsf.info/blog/2025/10/21/21-10-25-1/>

<sup>9</sup> <https://ldsf.info/blog/2025/01/01/egypt-political-participation-exclusion-and-transborder-repression/>

<sup>10</sup> <https://citizenlab.ca/2021/12/pegasus-vs-predator-dissidents-doubly-infected-iphone-reveals-cytrox-mercenary-spyware/>

<sup>11</sup> <https://ldsf.info/blog/2025/02/28/28-02-25-1/>

- Regional security coordination<sup>12</sup>: use of bilateral ties and informal channels to harass or deport HRDs.

These tactics mirror the global TNR playbook and directly affect Egyptian exiles' ability to exercise freedom of expression in host countries, including Germany<sup>13</sup>. In this context, LDSF underscores the case of Ms. Basma Mostafa<sup>14</sup>, an exiled Egyptian investigative journalist and the Director of Programmes at LDSF, whose situation has been formally recognized by multiple UN mandates. On 23 December 2024, a joint communication by the UN Special Rapporteur on freedom of opinion and expression and other mandates (AL EGY 6/2024)<sup>15</sup> detailed ongoing transnational repression against her in Germany and elsewhere, including intimidation, surveillance, physical assaults, and gendered online hate campaigns, and explicitly warned of reprisals for her cooperation with the United Nations.

Despite this UN engagement, attacks escalated<sup>16</sup>. Again in August and September 2025, the same network resumed harassment: renewed threats of abduction, coordinated online smear campaigns, and direct messages sent to her phone warning that she would “await punishment.” Although Ms. Mostafa has been granted political asylum, no effective protective measures have been provided by German authorities following the government's May 2025 political recognition of transnational repression. She continues to reside at an exposed address already documented with the state police (LKA), who advised relocation but offered no assistance.

The persistence of the same actors, coupled with the absence of tangible accountability, has eroded trust among those targeted by transnational repression. When exiled journalists and human rights defenders report attacks over three consecutive years—as in Ms. Mostafa's case—yet see no commensurate progress, the practical message is that protection is uncertain and accountability unlikely. This dynamic discourages reporting, encourages self-censorship, and undermines freedom of expression in practice. Germany cannot credibly claim leadership in combating TNR or in improving policy frameworks unless efforts produce real, effective change in the daily lives of the targeted defenders and journalists.

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<sup>12</sup> <https://ldsfi.info/blog/2025/12/28/abdulrahman281225/>

<sup>13</sup> <https://www.auswaertiges-amt.de/en/newsroom/news/2714530-2714530>

<sup>14</sup> <https://rsf.org/en/transnational-repression-german-federal-government-must-protect-egyptian-journalist-basma-mostafa>

<sup>15</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29562>

<sup>16</sup> <https://x.com/marylawlorhrds/status/1971593465675862373?s=46>

## 9) Recommendations for Germany

To translate political recognition into effective protection, LDSF proposes the following practical, evidence-based measures. **These recommendations draw on two core reference frameworks: the Coalition's *Policy Paper*<sup>17</sup>: *Tackling Transnational Repression in Germany* and OHCHR's *Civic Space Brief on Transnational Repression*<sup>18</sup>.** Together, they provide a coherent roadmap to turn Germany's recognition of TNR into concrete protection and accountability.

### **A) Legal & Policy Measures**

1. Define Transnational Repression in German policy in line with OHCHR's framing and the Coalition's definition; integrate TNR and counter-TNR measures into national security and human rights strategies.
2. Develop an EU / Council of Europe instrument clarifying state obligations to prevent, protect, and provide redress in TNR cases—setting clear host-state standards (reporting, protection, remedy).
3. Apply the EU Global Human Rights Sanctions Regime to foreign officials/entities responsible for TNR targeting individuals in Germany.
4. Protect digital rights in law and policy: explicitly protect end-to-end encryption (E2E) and adopt a moratorium on the export of spyware tools, consistent with OHCHR's brief.

### **B) National Protection Architecture**

5. Establish a National Coordination Office on Transnational Repression (e.g., in the Federal Chancellery) as a trusted, first point of contact—to record cases, coordinate across ministries/Länder, and drive implementation.
6. Create trusted, multilingual, victim-centered and gender-sensitive reporting pathways (hotlines and walk-in counseling centers) that are trauma-informed and provide immediate legal, digital, and psychosocial support to those affected.
7. Issue national guidelines and deliver systematic training for first responders (police, asylum/migration agencies, municipal services, prosecutors, judges, diplomats), covering sub-criminal tactics, digital harassment, gendered attacks, and coercion by proxy.
8. Strengthen digital protection capacity: fund a rapid-response digital forensics unit accessible to journalists/HRDs; create platform escalation channels to reverse malicious takedowns, tackle coordinated disinformation, and support evidence preservation.
9. Enable safe participation in public life: review assemblies-related rules to reduce identification risks for at-risk groups (e.g., proportionate allowances on

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<sup>17</sup> <https://ldsfi.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/>

<sup>18</sup> <https://www.ohchr.org/sites/default/files/documents/publications/transnational-repression-1-en.pdf>

face-covering for threatened communities), in line with the Coalition's prevention lens.

### **C) Prevention & Accountability**

10. Prevent misuse of international cooperation:

- apply enhanced vetting for INTERPOL red notices/diffusions;
- ensure extradition/deportation procedures are transparent, rights-compliant, and fully respect non-refoulement and fair-trial guarantees;
- assess countries' TNR records when concluding security agreements, mutual legal assistance, or information-sharing arrangements; and avoid diplomatic visas for personnel implicated in TNR.

11. Publicly condemn severe TNR incidents and, where appropriate, expel diplomats; ensure transparent coordination between law enforcement and intelligence for early warning and protection of targeted individuals.

12. Monitor and report systematically: include TNR incidents and policy responses in the constitutional protection report and in Germany's ICCPR/UPR submissions; commission data collection/research on national threat patterns.

13. Regulate surveillance technologies: restrict procurement/export of tools likely to facilitate TNR; require human-rights and gender due diligence by technology companies in line with the UN Guiding Principles on Business and Human Rights.

### **10) Conclusion**

Germany is a critical haven for HRDs, journalists, and dissidents, and political recognition of TNR in May 2025 is an important step forward. However, the implementation gap remains significant: targeted communities still lack accessible reporting and support, authorities lack consistent training and coordination, and digital protection is under-resourced.

LDSF respectfully urges the Special Rapporteur to emphasize that Germany must do more—operationalize the 2025 commitment through a national coordination office, trauma-informed support, training and guidelines for first responders, digital rapid response, and firm prevention and accountability measures against foreign perpetrators. These concrete steps will ensure that Germany's legal guarantees translate into real protection for freedom of opinion and expression for those most at risk of transnational repression.