United Nations A/HRC/WG.6/16/DEU/3

General Assembly

Distr.: General
8 February 2013

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Sixteenth session
Geneva, 22 April – 3 May 2013

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Germany*

The present report is a summary of 23 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The German Institute for Human Rights (GIHR) regretted that the Government of the Federal Republic of Germany (Germany) has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and Protocol 12 to the European Convention on Human Rights.[2]

2. GIHR recommended that Germany clarify the extraterritorial applicability of its human rights obligations, which was important for Germany's involvement in international military operations and its contribution to forward displacement border control measures of the European Union (EU).[3]

3. GIHR stated that the German Constitutional Court strengthened the United Nations human rights treaties by holding that they must be taken into account when interpreting constitutionally guaranteed human rights. GIHR recommended that the courts implement this ruling and that the Federal and State Governments assess the constitutionality of legislative proposals within the context of these treaties, as well as the European Convention on Human Rights.[4]

4. GIHR noted that Germany withdrew all reservations to the Convention on the Rights of the Child and recommended that Germany align its national laws with its obligations under this Convention.[5]

B. Cooperation with human rights mechanisms

5. GIHR stated that Germany's reports to human rights mechanisms, including the Universal Periodic Review (UPR) were only discussed in the "Federal Parliament" and that the "State Parliaments" did not systematically consider human rights obligations and recommendations.[6] It also stated that the implementation of recommendations was not monitored regularly.[7]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

6. GIHR stated that Germany did not have a comprehensive strategy to address race discrimination. It stated that racism was often reduced to right-wing ideology and called for a broader understanding of racism that included indirect, structural and institutional discrimination.[8]

7. GIHR stated the police resorted to ethnic profiling, a practice approved by a court of first-instance, and called for a legal ban on discriminatory ethnic profiling.[9]

8. GIHR stated that despite widespread discrimination in all areas of life, victims rarely sought judicial intervention. It called for the raising of awareness among discriminated persons of their respective rights, and the improvement in enforcement of these rights. It also called for the General Equal Treatment Act to provide for class actions.[10]

9. GIHR stated that data on police violence have long shown a discrepancy between the number of complaints and the number of criminal proceedings as well as between the number of criminal proceedings and the number of convictions, which it attributed to an increased reluctance on the part of officers to incriminate their colleagues and to the difficulty of proving such crimes.[11]

10. GIHR noted that the Federal Constitutional Court precluded the use of force in psychiatric hospitals and stated that adequate protection of the rights of persons with psychosocial disabilities required establishing a practice of psychiatric care that was based on voluntariness.[12]

11. GIHR stated that the legality of male circumcisions on religious grounds was put in doubt by a lower court judgment. A parliamentary majority called for ensuring the legality of circumcisions carried out with state of the art procedures and without unnecessary suffering. The public debate showed increased awareness for the rights of the child, yet an undifferentiated understanding of a child's and his parent's freedom of religion and the State's role in this area. It also showed tendencies of degrade for religious minorities. GHIR stated that solving this conflict of rights by means of criminal law was problematic, as it stigmatized parents for a religiously motivated decision of conscience.[13]

12. GHIR stated that legal practice and legislation did not sufficiently provide for the litigation of economic, social, and cultural rights, when compared to that of civil and political rights. It recommended stronger commitment to the indivisibility, equality and universality of all human rights.[14]

13. GIHR recommended that the Federal and State Governments broaden and intensity human rights education in schools. It also recommended intensifying training on human rights for the police, security organs, and prison authorities; and for providing training on human rights for medical and care personnel, as well as other social professions.[15]

14. GIHR stated that the implementation measures for the CRPD outlined by the Federal Government in its national action plan were insufficiently aligned with the rights of persons with disabilities. Approximately 85 percent of children with disabilities were educated in special schools. Almost all *Länder* failed to comply with the obligation with regard to the prompt creation of an inclusive education system.[16]

15. GIHR stated that persons who were subjected to guardianship in all matters and persons in institutions in accordance with criminal court decisions were deprived of their electoral rights.[17]

16. GIHR stated that asylum seekers did not have effective remedy against deportations to "safe third countries," and demanded restoring the national judicial review. Pre-deportation custody, which can be imposed for up to 18 months, should be significantly decreased, and should be precluded for persons from vulnerable groups.[18]

17. GIHR stated that "undocumented persons" did not exercising their right to healthcare and to judicial protection against exploitative working conditions for fear of deportation. Public healthcare services and courts were obliged to transmit personal data of "undocumented persons" to respective government departments and law enforcement agencies.[19]

18. GIHR stated that victims of human trafficking received a residence permit only if they were willing and able to testify as witnesses against the perpetrators. The best interests of the child, the health of the victims or the possibility of civil claims for damages and outstanding wages were not taken into account when deciding on residence.[20]

19. GIHR stated that bilateral development cooperation projects lacked comprehensive human rights assessment.[21] Although it has signed the International Aid Transparency

Initiative (IATA), Germany has not regularly published information on the content, process and results of development programmes. GIHR urged Germany to implement its IATI commitments.[22]

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

20. Amnesty International (AI), Joint Submission 6 (JS 6) and Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e. V (KOK) stated that Germany should ratify the International Convention on the Rights of Migrant Workers and Their Families.[23]

21. AI stated that Germany should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[24]

22. Joint Submission 6 (JS 6) stated that although Germany ratified the International Convention for the Protection of All Persons from Enforced Disappearance and also recognised the competence of the Committee, enforced disappearance was still not codified as an offence under the German Criminal Code.[25]

23. JS 6 stated that Germany signed the Optional Protocol to the Convention on the Rights of the Child on communications procedure and recommended ratification of this Protocol.[26]

24. JS 6 recommended that Germany ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights and the United Nations Convention against Corruption.[27]

25. JS 6 stated that Germany failed to implement the withdrawal of its reservations and declarations to the Convention on the Rights of the Child. As a consequence, children, over the age of sixteen years, seeking asylum, were still treated as adults.[28]

2. Constitutional and legislative framework

26. Joint Submission 1 (JS 1) stated that Germany should include the rights of children in its Constitution.[29]

27. ECPAT stated that the national legislation addressing child pornography and child trafficking was not fully consistent with relevant international and regional minimum standards. A significant identifiable gap in this legislation was the lack of a clear definition of “child pornography”.[30]

28. ECPAT stated that the Criminal Code provided that age of sexual consent was fourteen years and therefore the higher levels of protection for children being trafficked for sexual purposes only applied to children under the age of fourteen years.[31] It recommended revising the Criminal Code to ensure equal protection for all children under the age of eighteen years.[32]

29. ECPAT stated that child prostitution was not defined in the national legislation. It recommended the adoption of a clear definition of child prostitution in the national legislation.[33]

3. Institutional and human rights infrastructure and policy measures

30. The Council of Europe's European Commission against Racism and Intolerance (CoE-ECRI) recommended increasing the competencies of the Federal Anti-Discrimination Agency to include the power to investigate individual complaints, as well as the right to initiate, and participate in, court proceedings; and the allocation of sufficient resources to this Agency.[34]

31. AI stated that Germany should ensure that the National Agency for the Prevention of Torture was able to carry out its functions effectively, by *inter alia* making available to it adequate resources.[35]

32. JS 6 stated that consultation with civil society stakeholders on the implementation of the outcome of the UPR was poor and that consultation on a midterm review was never organised.[36]

33. Joint Submission 8 (JS 8) stated that Germany should support the spirit and aims of the Yogyakarta Principles by including LGBTI issues in its foreign policy, as well as in its international cooperation and development policies.[37]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

34. Gesellschaft zum Schutz von Bürgerrecht und Menschenwürde (GBM) referred to Germany's acceptance of the recommendations in paragraph 81.13[38] of the Report of the Working Group on the Universal Periodic Review (Working Group Report),[39] relating to racially motivated offences, and welcomed the efforts to eradicate racism and xenophobia, as well as neo-Nazi groups.[40] However, it was still imperative that all levels of legislative and law enforcement bodies consistently and resolutely oppose any racist, xenophobic and neo-Nazi ideologies and related violent activities.[41]

35. GBM stated that Germany accepted the recommendation in paragraph 81.18[42] of the Working Group Report,[43] which inter alia related to racial intolerance, but did not implement the core of this recommendation.[44]

36. CoE-ECRI saluted Germany's commitment to denouncing and combating all forms of manifestations of anti-Semitism. It stressed the need for constant efforts to ensure that this commitment was translated into concrete actions. [45]

37. JS 6 stated that Germany had no action plan, specific programmes, legislation, or administrative initiatives to implement the recommendations on racism.[46] Also, there was no comprehensive monitoring and documentation of crimes committed with racist motivations.[47]

38. CoE-ECRI stated that while the General Equal Treatment Act constituted a significant step forward in ensuring that victims of discrimination have justiciable rights, there was room for improvement in the text as enacted.[48] It recommended that Germany scrutinise the manner in which the provisions concerning housing, education and legal representation were applied in practice, and revise them, if necessary.[49]

39. CoE-ECRI stated that although racial discrimination remained a significant phenomenon in daily life, the existence, scope and purpose of the General Equality Treatment Act remained largely unknown.[50] Council of Europe's European Charter for Regional or Minority (CoE-CM) recommended raising public awareness of this Act and ensuring that persons most vulnerable to discrimination were fully informed of the available legal remedies.[51]

40. CoE-CM stated that the measures taken to address racism were concentrated essentially on extreme right-wing movements and did not provide an adequate response to the many dimensions and manifestations of racism.[52]

41. Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) and CoE-CM called for Germany to combat racism in its many dimensions and manifestations.[53] The CoE-ECRI encouraged Germany to examine the extent to which existing criminal legislation enabled the criminal justice system to bring to light the racist dimension of offences, and recommended that Germany explicitly provide in law that racist motivations will constitute an aggravating circumstance for all offences.[54]

42. CoE-ECRI stated that incidents of hate speech, including racist propaganda on the internet, continued to occur. Efforts were needed to prevent the commission of these acts and which should include the effective application of the Criminal Code.[55]

43. CoE-CM recommended the adoption of measures to prevent the spread of prejudice and racist language through certain media, on the Internet, and in sports stadiums.[56]

44. CoE-ECRI stated that while most mainstream parties have for the most part avoided racist comments or overtones, some discourse aimed at Muslims has tended to focus essentially on security issues, or on a supposed integration deficit of Muslims in German society.[57] It recommended that Germany enact legislation to withdraw public financing from those organisations that promote racism, xenophobia and anti-Semitism.[58]

45. Joint Submission 4 (JS 4) and Joint Submission 7 (JS 7) expressed concern of the existence of discrimination and stigmatisation of persons who were HIV positive. These persons were excluded from their families, experienced insults and slander and were rejected by doctors when seeking medical assistance.[59]

46. JS 7 stated that although more than two thirds of persons who were HIV positive were employed, there were dismissals of persons for being HIV positive. The Anti-Discrimination law provided no protection for persons who were HIV positive and who had other serious chronic illnesses.[60]

47. JS 7 stated that transgendered people experienced discrimination by the authorities and employers. It urged Germany to address this discrimination by implementing relevant Guidelines from the EU, as well as international human rights standards.[61]

48. JS 8 stated that persons in a same-sex registered partnership living with children were disadvantaged when compared to traditionally married parents. They paid more taxes and were not granted all the rights of a traditional family.[62] Also, there was limited access to family reproduction services.[63]

49. JS 8 referred to the recommendations in paragraph 81. 22 of the Working Group Report,[64] which Germany accepted[65] and called on Germany to follow-up on its commitments by launching a national action plan to combat homophobia and "transphobia".[66]

50. Joint Submission 5 (JS 5) stated that the rights of intersex children were violated by the assignment of gender and the performance of gender reassignment surgeries during their early childhood without their consent. It stated that the German Association of Paediatrics advised parents to postpone surgery until the child was old enough to make the decision as regard his or her gender.[67]

51. Joint Submission 2 (JS 2) recommended abolishing the expert assessments and court procedures to change a child's gender identity, as they were unreasonable and provoked discrimination.[68] It stated that a gender identity deviating from the one assigned at birth was not diagnosable from physical appearance, and that it was impossible to give an expert

assessment using psychiatric methods concerning the permanence of the sense of one's gender identification.[69]

2 Right to life, liberty and security of the person

52. AI stated that Germany should prohibit by law, the invocation of diplomatic assurances against torture or other cruel, inhuman or degrading treatment, as a means of addressing the risk of such abuse that a person would face if transferred to a third country.[70]

53. CoE-ECRI stated that the number of violent crimes with extremist, xenophobic or anti-Semitic motivations has continued to rise in recent years. Many of these attacks are committed against single victims by several young men or teenagers acting together and belonging to or sympathising with organised Neo-Nazi, skinhead or other right-wing extremist groups.[71]

54. ECPAT stated that unaccompanied foreign children from non-EU states who were identified as victims of trafficking were considered as adults if they were over the age of sixteen years, in accordance with the Residence Act (2007), thus denying them access to protection and assistance available to German children and children from other EU states.[72]

55. Franciscans International (FI) stated that a 2012 study[73] published by the German Institute for Economics found that the legalization of prostitution led to an increase in trafficking of human beings.[74] FI made recommendations including modifying the Prostitution Act to ensure that prostitution businesses could not be used for illicit activities relating to human trafficking.[75]

56. KOK stated that a human-rights-based approach was necessary to effectively combat human trafficking and that action taken should focus on the protection of the victims.[76] Victims should be entitled to a residents and work permits, irrespective of whether or not they collaborated with law enforcement agencies. They should also be entitled to inter alia access to education and training and benefits in accordance with the German Social Welfare Code. Where the victims are minors, the focus of the authorities must always be on the best interest and well-being of the child.[77]

57. Council of Europe – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE –CPT) stated that surgical castration as a means of treatment for sexual offenders was a mutilating, irreversible intervention that could not be considered as a medically necessity, and amounted to degrading treatment. CoE-CPT recommended the discontinuation of surgical castration.[78]

58. CoE-CPT stated that it received a few allegations of detained persons, including juveniles, being subjected to excessive use of force by police officers who inflicted punches and kicks after these persons were brought under control.[79]

59. ECPAT stated most support services from Youth Welfare Institutions operated by the *Bundesländer* focused on sexual violence of children in general and were not tailored to address the special needs of children involved in commercial sexual exploitation.[80] It recommended providing adequate assistance and support services specifically tailored to the needs of child victims of commercial sexual exploitation.[81]

60. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that while corporal punishment was prohibited and that legislative protection of children complied with Germany's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, research reflected that children continued to be physically abused.[82]

61. CoE-CPT stated that it had received several allegations of inter-prisoner violence and intimidation in the form of beatings, threats and extortion mainly from Cologne,

Herford and Leipzig Prisons. It called on the relevant authorities to remain vigilant and continue their efforts to prevent inter-prisoner violence.[83]

62. CoE-CPT stated that in Freiburg Prison contacts between custodial staff and inmates under preventative detention were kept to a minimum. There was a shortage of psychological care and therapeutic activities for facilitating the reintegration of inmates into society. Also, conditions of detention of inmates in preventive detention were scarcely better than those of sentenced prisoners.[84] In Burg Prison, a conflict between inmates under preventative detention and the management because inmates were prevented from keeping their personal belongings in their cells, was a constant source of tension.[85]

63. CoE-CPT recommended creating secure rooms in major hospitals in all *Länder* in order to avoid the shackling of inmates to hospital beds. It also recommended that medical examinations be conducted out of sight and hearing of prison officers.[86]

3. Administration of justice, including impunity, and the rule of law

64. JS 1 stated that although Germany accepted the recommendations in paragraph 81.24[87] of the Working Group Report to *inter alia* establish "effective judicial control over the administrative decisions of the Office for Youth called *Jugendamt*",[88] this was not implemented.[89] It referred to Germany's response that "[a]ccording to the Basic Law, it is always possible to take legal recourse against administrative decisions made by the *Jugendamt*",[90] and stated that this Basic Law was insufficient to provide for adequate legal recourse and were not applied by the courts.[91] Also, the *Jugendamt* may ignore the decision of a family court and the Constitutional Court will generally dismiss a complaint of alleged violations of human rights without providing any reasons for the dismissal.[92]

65. AI expressed concern that cases of alleged ill-treatment or excessive use of force by the police were not always investigated promptly, impartially, independently, adequately and effectively.[93] It called on Germany to establish an independent police complaints mechanism.[94]

66. ECPAT stated that while some *Bundesländer* have established investigation departments specialising in combating child pornography or child trafficking, these departments were established at the discretion of each *Bundesland*. It recommended that Germany establish specialised police units nationwide; and provide resources for law enforcement officials, prosecutors and judges.[95]

67. CoE-ECRI recommended that Germany intensify efforts to provide training to police officers, prosecutors and judges to ensure that all offences with racist motivations were properly identified and treated as racially motivated offences.[96]

4. Right to privacy, marriage and family life

68. JS 4 stated that the legal requirements that needed to be satisfied for transgendered persons to change their names were in violation of their privacy. It urged Germany to implement European Union guidelines and international human rights standards in this regard.[97]

69. Aktion Transsexualität und Menschenrecht stated that transsexual persons were not accepted as "sexual variations" but were identified as those who changed their originally assigned gender.[98] It also stated that the procedure for changing a transsexual person's personal status, which required a psychiatric evaluation, constituted "harassment".[99]

70. The Association of Binational Families and Partnerships (IAF) stated that restrictive migration policies and administrative practices in relation to family migration or family reunification - when a foreign family member of a citizen or a resident foreigner migrates to

join him or her in his or her country of residence – infringed the right to the protection of marriage and family life.[100]

71. IAF stated that the authentication of documents required for family reunification was frequently questioned where such documents originated from certain African and Asian countries.[101] Individual couples considered "suspicious" of being in a marriage of convenience (a marriage for the sole purpose of obtaining a residence permit) were subjected to practices which often invaded their privacy and were humiliating and distressing.[102]

5. Freedom of religion or belief, expression, association and peaceful assembly

72. Observatory on Intolerance and Discrimination against Christians in Europe (OIDAC) stated that pharmacists were required by law to provide prescribed medications within due time. There was no exception for ethically ambiguous drugs, such as the "early abortifacient morning-after-pill", even though surgical abortion was subject to a conscientious objection clause. OIDAC called for legal recognition of the freedom of conscience for pharmacists in the *Apothekengesetz* or the *Sozialgesetzbuch V.*[103]

73. CoE-ECRI encouraged Germany to raise awareness amongst the media of the need to ensure that reporting did not perpetuate racist prejudice and stereotypes and also the need to play a proactive role in countering such prejudice and stereotypes, without encroaching on their editorial independence.[104]

74. EuroProLife e.V. (EPL) stated that a state-sponsored television station broadcasted a negative report about its pro-life position. Germany's lack of interest in stopping the ideological abuse of the media has encouraged those opposed to EPL's peaceful demonstrations to continue to disrupt them.[105]

75. Lebenszentrum - Helfer für Gottes kostbare Kinder Deutschland e.V. stated that it was denied access to areas outside abortion clinics.[106] It stated that preventing one from manifesting his or her convictions through peaceful demonstration or through speaking to members of the public, constituted a violation of freedom of expression.[107]

6. Right to work and to just and favourable conditions of work

76. JS 6 stated that policies on the labour market, social security, health, welfare, and taxation have increased structural discrimination against women. Women occupying similar positions as men earned an average of 23 per cent less than men.[108]

77. CoE-ECRI stated that persons with an immigrant background continued to suffer discrimination in access to employment. Even with equivalent qualifications, immigrants and their children have greater difficulty finding work than the rest of the population.[109] CoE-ECRI made recommendations including the launching of an awareness-raising campaign aimed at changing employers' attitudes towards persons with an immigrant background.[110]

78. CoE-ESCR stated that the conditions laid down by the courts before trade unions can call a lawful strike were difficult to satisfy. Also, given that a group of workers may not readily form a union for the purpose of a strike, it considered that this situation lack conformity with The European Social Charter.[111]

79. FI stated that the failure of the Prostitution Act was evident by the deplorable working conditions that existed for prostitutes, the lack of health care with women not having medical insurance, and the lack of employment contracts.[112]

80. Joint Submission 3 (JS 3) expressed concerns that juveniles may be recruited in the armed forces at the age of seventeen years, with parental consent.[113]

81. Council of Europe's European Committee of Social Rights (CoE-ECSR) stated that the allowances paid to apprentices were inadequate and therefore not in conformity with The European Social Charter.[114]

7. Right to social security and to an adequate standard of living

82. CoE-ECSR stated that while the Pensions Insurance Sustainability Act established statutory contribution rates, ceilings and goals to safeguard pension levels, new pension adjustment rules modified the formula for the adjustment of pensions which reduced pension and diminished the purchasing power of pensioners.[115]

83. JS 6 stated that in the eastern federal states, there were an increasing number of older men born between 1942 and 1952, who ran the risk of receiving pensions below 600 Euro per month. The poverty risk for this group will likely increasing from 13.4 to 23.6 per cent by the year 2023.[116]

84. FIAN stated that the Federal Constitutional Court held that the amount of benefit prescribed in the Asylum Seekers Benefits Act was insufficient and unconstitutional; that the fundamental right to guarantee a dignified minimum existence applied equally to German and foreign nationals living in Germany; and that the Legislator should immediately introduce a revision of this Act, ensuring a dignified minimum existence.[117]

85. FIAN stated that Germany was not fulfilling its obligations in relation to the right to food. The considerable increase of food banks was evidence of food insecurity.[118] Social security benefits for children and youth were insufficient for well-balanced nutrition.[119] FIAN recommended the implementation of a comprehensive anti-poverty programme.[120]

86. CoE-ECRI stated that various studies have shown that on average, migrants living in Germany pay higher rent than German citizens but lived in smaller houses or apartments. It also noted the existence of discriminatory practices by landlords and property managers, based for example on a person's name or on their fluency in German.[121]

8. Right to education

87. The Open Society Justice Initiative (OSJI) stated that while steps have been taken by Germany to implement the recommendations in paragraph 81.32 of the Working Group Report,[122] relating to the education of migrant children, discrimination against migrant children continued to undermine their right to education.[123] OSJI called for *inter alia* an amendment to the General Anti-discrimination Law to include protection against discrimination in education; integration of non-native German speakers into regular classes and providing them with additional support; and mandatory teacher training in non-discrimination and intercultural teaching.[124]

88. CoE-ECRI stated that studies and research have shown that first and second-generation immigrant children continued to have significantly lower chances of success in the German school system than German children although their desire to succeed was as high as, if not higher than that of German children.[125] It stressed the need for policies to ensure the full participation, on an equal footing, of children from minority groups in education; to combat racism and racial discrimination within schools; and to train teaches to work in a multicultural environment.[126]

89. CoE-ECRI recommended inter alia targeted training programmes to ensure that all teachers have the capacity to objectively assess the skills of students due to enter the secondary school system, to ensure that students were not sent to schools in the lower academic streams unless this was absolutely necessary.[127]

90. OIDAC stated school attendance was compulsory, with parents not having the option of home-schooling their children. Children were required to attend sexual education

lessons, which conveyed morally liberal ideas. Christian parents would be penalised if they stopped their children from attending these lessons.[128]

9. Cultural rights

91. CoE-ECRI stated that Germany should ensure that its commitment to supporting Jewish culture was translated into concrete actions.[129]

92. CoE-CM called for policies to enable the use of minority languages in dealings with the administration and the courts; and to ensure that adequate radio and television broadcasting was available in Danish, Low German, Lower Sorbian, North Frisian, Romani, Sater Frisian.[130]

10. Minorities

93. CoE-CM stated that was a lack of clarity in the distribution of responsibilities between the Federal Government, the *Länder* and local authorities on the protection of national minorities, which resulted in complex and confusing public funding arrangements.[131]

94. CoE-ECRI stated that members of the Muslim, and Turkish communities frequently experienced discrimination in daily life, and faced difficulties in areas of employment and housing. Children were affected by the phenomenon of lower school outcomes and there were reported cases of discrimination by teachers.[132]

95. CoE-ECRI stated that Muslim women faced difficulties in finding employment because of their use of a headscarf and that a number of *Länder* have enacted legislation prohibiting the wearing of head scarfs in schools.[133] Also, public discussion on the use of headscarves had even more detrimental effects than the legislation, as Muslim women were portrayed as oppressed and dependent.[134]

96. CoE-ECRI stated that Black community were especially vulnerable to racist violence, with victims being treated as "second-class" persons when they turned to the police for help.[135] Black people were subjected to discrimination in employment and found few professional role models. They also suffered from the streaming system in place in the area of education.[136]

97. CoE-ECRI stated that members of the Roma and Sinti communities experienced discrimination, in particular in areas of housing and education. Teachers frequently had little knowledge of the history of Sinti and Roma, and perpetuated negative stereotypes. There was generally an unfavourable climate of opinion towards the Roma and Sinti communities, both by the media and the police.[137]

11. Migrants, refugees and asylum-seekers

98. JS 5 stated that the immigration legislation did not prioritise the best interests of the child, in accordance with the Convention of the Rights of the Child. It stated that appropriate measures should be taken to ensure that the best interests of the child were taken into consideration in all administrative decisions, policies, services and programmes.[138] AI expressed a similar view and called for the repeal of article 18a of the Asylum Procedure Act (known as the "Airport Procedure") and article 34a, paragraph 2 of the Asylum Procedure Act.[139]

99. AI called for Germany to comply with international refugee and human rights law and standards, including EU law, when considering whether to detain and maintain the detention of asylum-seekers.[140]

100. JS 3 stated that in the light of Germany's good practices with regard to conscientious objection to military service, it was surprised that Germany's asylum tribunals have not consistently recognised the right to asylum of those fleeing recruitment in countries where there were either no, or inadequate, provisions for conscientious objection to military service.[141]

101. JS 6 state that in the case of deportations, although the authorities were obliged to assess whether the deportee was able to travel, in practice this was often not done, even where there were the deportee presented indications of illness.[142]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status)

Civil Society:

AI	Amnesty International, London, UK;
ATME e.V.	Aktion Transsexualität und Menschenrecht, Ludwigsburg, Germany;
ECPAT	ECPAT Germany, Freiburg, Germany and ECPAT International, Bangkok, Thailand;
EPL	EuroProLife e.V. Munich, Germany;
FI	Franciscans International, Geneva, Switzerland;
FIAN	FIAN Deutschland e.V. Köln, Germany;
GBM	Gesellschaft zum Schutz von Bürgerrecht und Menschenwürde, Berlin, Germany;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
HGKKD	Lebenszentrum - Helfer für Gottes kostbare Kinder Deutschland e.V. München, Germany;
IAF	The Association of Binational Families and Partnerships, Frankfurt, Germany;
JS 1	Trennungsväter e.V. Amberg, Germany and Gleichmaß e.V. Gera, Germany (Joint Submission 1);
JS 2	Deutsche Gesellschaft für Transidentität und Intersexualität e.V, Offenburg, Germany, TransInterQueer e.V., Berlin, Germany, and Trans-Kinder-Netz, Berlin, Germany (Joint Submission 2);
JS 3	International Fellowship of Reconciliation, The Netherlands and Conscience and Peace Tax International, Belgium (Joint Submission 3);
JS 4	Federal Working Group GLBTI and United Services Union, Berlin, Germany (Joint Submission 4);
JS 5	National Coalition for the Implementation of the UN Convention on the Rights of the Child in Germany, Berlin, Germany (Joint Submission 5);
JS 6	FORUM MENSCHENRECHTE, Berlin Germany, In cooperation with: ATD Fourth World Germany, Aktion Courage, Brot für die Welt - Evangelischer Entwicklungsdienst, Bundesverband unbegleiteter minderjähriger Flüchtlinge (BUMF), Bundesweite AG der Psychosozialen Zentren für Flüchtlinge und Folteropfer (BAFF), Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess (KOK), Deutscher Frauenrat, FIAN Deutschland e.V., Diakonie Deutschland - Evangelischer Bundesverband, Gemeinschaft für Menschenrechte im Freistaat Sachsen e.V. (GMS), Germanwatch, Gesellschaft für bedrohte Völker, Humanistische Union (HU), Human Rights Watch Germany, Humboldt Law Clinic: Grund- und Menschenrechte, International Physicians for the Prevention of Nuclear War (IPPNW), German Section, Physicians in Social Responsibility, Refugio Munich, Intersexuelle Menschen e.V., Lesben- und Schwulenverband in Deutschland (LSVD), Kindernothilfe, MISEREOR, Nuremberg Human Rights Centre, Pro Asyl, Reporters without Borders German Section, TERRE DES FEMMES, terre des

	hommes, Vereinte Evangelische Mission (VEM), Women's International League for Peace and Freedom German Section (WILPF) (Joint Submission 6);
JS 7	Federal Working Group LGBTI and United Service Workers Trade Union, Germany (Joint Submission 7);
JS 8	Lesbian and Gay Federation in Germany (Lesben- und Schwulenverband in Deutschland - LSVD) and European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe) (Joint Submission 8);
KOK	Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e. V., Berlin, Germany;
OIDAC	Observatory on Intolerance and Discrimination against Christians in Europe, Vienna, Austria;
OSJI	Open Society Justice Initiative.
National human rights institution	
GHIR	German Institute for Human Rights.
Regional intergovernmental organization	
CoE-CPT	Council of Europe – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Report to the German Government on the visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 November to 7 December 2010, CPT/Inf (2012) 6;
CoE-ECRI	Council of Europe – European Commission against Racism and intolerance: ECRI Report on Germany, CRI(2009)19;
CoE-CM	Council of Europe – Committee of Ministers, Resolution CM/ResCMN(2011)10 on the Implementation of the Framework Convention for the Protection of National Minorities in Germany;
CoE-ACFC	Council of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Germany, adopted on 27 May 2010, ACFC/OP/III(2010)003;
CoE-Committee/CM	Council of Europe, European Charter for Regional or Minority Languages, Application of the Charter in Germany, Fourth Monitoring Cycle, Report of the Committee of Experts on the Charter (Committee); Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Germany (CM), 25 May 2011, ECRML (2011)2;
CoE-ECSR	Council of Europe, European Committee of Social Rights: Conclusions XIX-1 (Germany) (November 2008); Conclusions XIX-2 (2009) (Germany); Conclusions XIX-3 (2010) (Germany); (Conclusions XIX-4 (2011) (Germany).

[2] GIHR, para. 8.
[3] GIHR, para. 9.
[4] GIHR, para. 10.
[5] GIHR, para. 26.
[6] GIHR, para. 11.
[7] GIHR, para. 11.
[8] GIHR, para. 14.
[9] GIHR, para. 16.
[10] GIHR, para. 17.
[11] GIHR, para. 19.
[12] GIHR, para. 22.
[13] GIHR, para. 24.
[14] GIHR, para. 25.
[15] GIHR, para. 28.
[16] GIHR, para. 30.

[17] GIHR, para. 31.
[18] GIHR, para. 33.
[19] GIHR, para. 34.
[20] GIHR, para. 35.
[21] GIHR, para. 36.
[22] GIHR, para. 38.
[23] AI, p. 4; KOK, p. 4, para. 18; JS 6, para. 51.
[24] AI, p. 4.
[25] JS 6, para. 3.
[26] JS 6, paras. 4 and 51; *See also* ECPAT, p. 4.
[27] JS 6, para. 51.
[28] JS 6, para. 4.
[29] JS 1, p. 5.
[30] ECPAT, p. 5. ECPAT made recommendations (p. 6).
[31] ECPAT, p. 6.
[32] ECPAT, p. 7.
[33] ECPAT, p. 7.
[34] CoE-ECRI, p. 19, paras. 43 and 44.
[35] AI, pp. 2 and 5.
[36] JS 6, para. 2.
[37] JS 8, p. 4.
[38] *See* Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/11/15/Add.1 (A/HRC/11/15/Add.1), p. 3.
[39] A/HRC/11/15, p. 17.
[40] GBM, p. 2.
[41] GBM, p. 2.
[42] *See* A/HRC/11/15/Add.1, p.4.
[43] A/HRC/11/15, p. 17.
[44] GBM, p. 3.
[45] CoE-ECRI, p. 44, para. 154. CoE-ECRI made a recommendation in this regard (p. 44, para. 155.)
[46] JS 6, para. 13.
[47] JS 6, para. 11. *See also* GBM, p. 2.
[48] CoE-ECRI, pp. 15-16, paras. 26-28.
[49] CoE-ECRI, p. 18, para. 36.
[50] CoE-ECRI, pp. 16-17, paras. 29, 30.
[51] CoE-CM, CM/ResCMN(2011)10, p. 3.
[52] CoE-CM, CM/ResCMN(2011)10 p. 2. *See also* JS 6, para. 10.
[53] CoE-ACFC, p. 2. CoE-CM, CM/ResCMN(2011)10, p. 3, para. 2.
[54] CoE-ECRI, p. 13, paras. 17 and 22.
[55] CoE-ECRI, p.14, para. 20.
[56] CoE-CM, CM/ResCMN(2011)10, p. 3, para. 2.
[57] CoE-ECRI, p. 25, para. 67.
[58] CoE.ECRI, p. 25, paras. 68 and 69.
[59] JS 4, p. 1. JS 7, p. 1.
[60] JS 7, p. 1.
[61] JS 7, p. 2.
[62] JS 8, p. 1.
[63] JS 8, p. 1.
[64] A/HRC/11/15, p. 18.
[65] *See* A/HRC/11/15/Add.1, p.4.
[66] JS 8, p.3.
[67] JS 5, p. 7.
[68] JS 2, p. 3, para. 3.
[69] JS2, p.2, paras. 1 and 2, and p. 4.
[70] AI, pp. 2 and 5.
[71] CoE-ECRI, p. 27, paras. 79 and 80.

[72] ECPAT, p. 10.
[73] FI cited Cho, S.-Y., Dreher, A. and Neumayer, E. (2012). "Does Legalized Prostitution Increase Human Trafficking?". Economics of Security Working Paper 71, Berlin: Economics of Security (fn. 4).
[74] FI, p. 3, para, 8.
[75] FI, p. 5, para. 25.
[76] KOK, p. 4, para. 14.
[77] KOK, p.4, paras. 15 – 20. KOK made recommendations (pp. 5-6).
[78] CoE-CPT, p. 60, para. 145.
[79] CoE-CPT, p. 14, para. 14.
[80] ECPAT, p. 9.
[81] ECPAT, p. 9.
[82] GIEACPC, p. 1.
[83] CoE-CPT, p. 28, para. 52.
[84] CoE-CPT, p. 46, para. 107.
[85] CoE-CPT, p. 47, paras. 109 and 111.
[86] CoE-CPT, p. 24, para 43 and Annex 1, p. 64.
[87] *See* A/HRC/11/15/Add.1, p. 5.
[88] A/HRC/11/15, p. 18, para. 24.
[89] JS 1, pp. 3-4.
[90] A/HRC/11/15/Add.1, p. 5.
[91] JS 1, p. 6.
[92] JS 1, p. 6-7.
[93] AI, p. 4.
[94] AI, p. 6.
[95] ECPAT, p. 8.
[96] CoE-ECRI, p.15, para. 23.
[97] JS 4, p. 2.
[98] ATME e.V., p. 3.
[99] ATME e.V. p. 8.
[100] IAF, p. 2.
[101] IAF, p. 3.
[102] IAF, p. 4.
[103] OIDAC, p. 2, para. 3.
[104] CoE-ECRI, p. 27, para. 77.
[105] EPL, pp. 1-2.
[106] HCKKD, p. 1.
[107] HCKKD, p. 2.
[108] JS 6, para. 8.
[109] CoE-ECRI, p. 22, para. 56.
[110] CoE-ECRI, p. 23, paras. 59 and 60.
[111] CoE-ECSR, Conclusions XIX- 3, p. 14.
[112] FI, pp. 3-4, paras. 9-15.
[113] JS 3, para.22.
[114] CoE-ECSR, Conclusions XIX-4, p. 5.
[115] CoE-ECSR, Conclusions XIX-4, p. 20.
[116] JS 6, para. 44.
[117] FIAN, p. 3.
[118] FIAN, p. 1.
[119] FIAN, p. 2.
[120] FIAN, p. 4.
[121] CoE-ECRI, p. 24, para. 62.
[122] A/HRC/11/15, p. 19.
[123] OSJI, p. 1
[124] OSJI, p. 1.
[125] CoE-ECRI, p. 20. para. 46.

[126] CoE-ECRI, p. 20, para. 51.
[127] CoE-ECRI, p. 2, paras 52 – 54.
[128] OIDAC, p. 2, paras. 1 and 2.
[129] CoE-ECRI, p. 44, para. 155.
[130] CoE –Committee/CM, ECRML (2011)2; p. 109.
[131] CoE-CM, CM/ResCMN(2011)10, p. 2.
[132] CoE-ECRI, p. 31, para. 96 and p. 33, para. 105.
[133] CoE-ECRI, p. 32, para 99
[134] CoE-ECRI, p. 32, para. 99.
[135] CoE-ECRI, p. 34, para. 108.
[136] CoE-ECRI, p. 34, para. 109.
[137] CoE-ECRI, p. 35, para. 111. See also CoE-CM, CM/ResCMN(2011)10, p. 2. CoE-CM made recommendations (p. 3).
[138] JS 5, p. 1.
[139] AI, p. 5. See also JS 1, p. 2, and JS 6, para. 20.
[140] AI, p. 5.
[141] JS 3, para.14.
[142] JS 6, p. 17.