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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Germany**

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

## **I. METHODOLOGICAL REMARKS**

1. This German State Report drawn up under the Universal Periodic Review has been coordinated at the Federal Foreign Office with the involvement of all Federal Ministries. It is based on contributions from the Federal Ministry of Justice, the Federal Ministry of the Interior, the Federal Ministry of Labour and Social Affairs, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Ministry of Economic Cooperation and Development, as well as the Federal Ministry of Education and Research and – bearing in mind the Länder's responsibility in educational affairs – the Conference of Ministers of Education and Cultural Affairs of the Länder. The Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office was also involved.
2. The draft report was presented on 15 October 2008 to the Committee for Human Rights and Humanitarian Aid at the German Bundestag and discussed. The consultation with civil society was undertaken in two stages: in the first the draft framework of the report was submitted to the German Institute for Human Rights (as the national human rights organization) and the 50 or so non-governmental organizations which make up the “Human Rights Forum” in July 2008, asking them to comment. Actual consultation on the draft report with the German Institute for Human Rights and the Human Rights Forum took place on 23 October 2008 at the Federal Foreign Office in Berlin. This consultation gave rise to a number of amendments and additions to the report.

## **II. NORMATIVE AND INSTITUTIONAL FRAMEWORK**

### **A. Constitution**

3. German Human Rights policy is based on a direct duty imposed by its constitution, the Basic Law. Article 1 of Basic Law is expressly committed to “inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world”. This principle may not be removed under Article 79, paragraph 3, even with a majority qualified to amend the constitution. Chapter I of the Basic Law expressly protects the most important basic rights: human dignity; the free development of the personality; the right to life and physical integrity and freedom of the individual; equality before the law; freedom of religion – including freedom of faith, conscience and creed; freedom of opinion, information and of the press; freedom of assembly; privacy of correspondence, post and telecommunications; freedom of movement, freedom of association, including the right to industrial action.
4. Basic rights are primarily the civil liberties of citizens vis-à-vis the State; at the same time they guarantee the right to involvement in the state community and participation in State benefit systems. The basic rights are also binding upon the legislative body, which may only restrict a basic right if the law expressly provides for this restriction (reservation of statutory powers). Under no circumstances may the essential content of a basic right be amended. Any person may lodge a constitutional complaint to the Federal Constitutional Court against the infringement of his basic rights by a public authority.

### **B. State structure**

5. The Federal Republic of Germany is a liberal, democratic, social and federal state founded on the rule of law. All state authority is derived from the people. It is exercised by the people as sovereign authority by means of elections and votes through legislative, executive and

judicial bodies through a system of separation of powers. The legislature is bound by the constitutional order; the executive authority and judicature by law and justice.

6. The Länder are the federal sub-divisions of Germany. The 16 Länder are states with their own state authority, their own federal territory and a constitutional order corresponding to that of the overall state. The Länder possess their own legislative powers. Local government has the right to self-administration. Federal law however enjoys precedence over Land law.

7. The head of state is the Federal President. The Federal Government is the supreme executive body. It comprises the Federal Chancellor and the Federal Ministers. The Bundestag as the Federal Parliament, together with the parliaments of the Länder, has legislative powers by virtue of the federalist structure. Participation by the Länder in the legislation and administration of the Federation is achieved through the Bundesrat (Federal Council), in which the Länder governments are represented.

8. Germany is a member of the European Union, which likewise is committed to democratic, social and federal principles and to the principle of rule of law, and guarantees a level of protection of basic rights essentially comparable to that afforded by the German constitution.

### **C. Judiciary**

9. Since the Basic Law enshrines the principle of rule of law, all state action in Germany is subject to the law. This legitimacy of State action is safeguarded by a comprehensive guarantee of legal rights and through the independence of the courts. Judicial power is exercised by the Federal Constitutional Court, the Federal Courts and the courts of the Länder. Judges are independent and subject only to the Law. During their period of office they are in principle irremovable and non-transferable. Every person is entitled to the protection of the courts against infringement of their rights by the State.

10. The Federal Constitutional Court shall ensure that the legislative and executive bodies respect and adhere to the constitution. Furthermore any individual who feels his basic rights have been infringed may appeal to the Federal Constitutional Court through the lodging of a constitutional complaint. The Court protects and interprets the Constitution. It acts only in response to petitions. Its decisions are binding on all parties, and no national appeal against them is possible.

### **D. Human rights institutions**

11. Within the executive body human rights issues are the responsibility of the Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office, who is involved in the shaping of human rights policy in external relationships and is the principal civil society contact in this area. He also heads the German delegation to the United Nations Human Rights Council. The Federal Government Commissioner for Human Rights Matters at the Federal Ministry of Justice is the official representative of the Federal Government at the European Court of Human Rights in Strasbourg, as well as in individual complaints procedures under the CCPR, CAT und CERD; she also draws up the required government reports for these committees.

12. Within the legislative body the Committee on Human Rights and Humanitarian Aid of the German Bundestag deals with the human rights aspects of all areas of policy. In dialogue

with the Federal Government it contributes to the further development of national, European and international instruments for the protection of human rights as well as to the political and legal handling of human rights violations. The Committee is recipient of the biennial comprehensive Human Rights Report of the Federal Government.

13. Alongside these institutions is a range of further establishments to which citizens can refer their concerns. Article 17 of Basic Law grants to every person the unrestricted right of petition to all public bodies and legislatures. Special petition committees, in which elected representatives can address citizens' concerns, exist within the Bundestag and the Landtage (State Parliaments). There is also a large number of specialized authorities that also handle complaints. The most important are

- (a) The Parliamentary Commissioner for the Armed Forces (for all services personnel);
- (b) The Committee pursuant to Article 10 of Basic Law (complaints against intelligence service surveillance);
- (c) The Federal Commissioner for Data Protection and Freedom of Information;
- (d) The Federal Commissioner for Migration, Refugees and Integration;
- (e) The Federal Anti-Discrimination Office (for complains about discrimination).

14. The Federal Anti-Discrimination Office in Berlin acts primarily as an advisory body, which pursuant to article 7 of the Universal Declaration on Human Rights, exists unconditionally for the benefit of anyone who feels they have been disadvantaged through one of the characteristics of discrimination referred to in German anti-discrimination law.

15. The German Institute for Human Rights has been recognized as Germany's independent national human rights institution since 2003 and under the normal ranking system for this type of institution has been awarded "A" status, i.e. the highest classification. The Institute contributes substantially to the process of shaping public opinion on all issues relevant to the question of human rights, both inside Germany and beyond its borders, through publications, academic research projects, public seminars, education programmes, expert discussions and policy consultation.

16. Within the framework of Germany's ratification of the Optional Protocol to the United Nations Convention against Torture, a Federal Office and a Regional (Länder) Commission are furthermore currently being established for the prevention of torture, having the authority to make unannounced visits to establishments in which people are deprived of their liberty and to monitor their compliance with the provisions of the convention.

### **E. Fulfilment of international obligations**

17. Germany is a contracting state to all the major human rights covenants. It has accepted extensive obligations for the protection of human rights and has submitted to the authority of international supervisory bodies. Particularly important is the European Court of Human Rights which monitors compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. Germany is a signatory to the following multilateral agreements that bear upon human rights:

- (a) Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide;
- (b) European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;
- (c) International Convention relating to the Status of Refugees of 28 July 1951 and the Protocol on the Status of Refugees of 4 October 1967;
- (d) International Convention of 7 March 1966 on the Elimination of All Forms of Racial Discrimination;
- (e) International Covenant of 19 December 1966 on Civil and Political Rights with two Optional protocols;
- (f) International Covenant of 19 December 1966 on Economic, Social and Cultural Rights;
- (g) Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women and the Optional Protocol of 6 October 1999;
- (h) Convention of 10 December 1984 against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment and the Optional Protocol of 18 December 2002<sup>1</sup>;
- (i) European Convention of 26 November 1987 for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment;
- (j) Convention of 20 November 1989 on the Rights of the Child;
- (k) Rome Statute of the International Criminal Court of 17 July 1998
- (l) International Convention of 13 September 2006 on the Rights of Persons with Disabilities and additional protocol (Ratification in progress).

### **III. PROTECTION AND PROMOTION OF HUMAN RIGHTS IN THE FEDERAL REPUBLIC OF GERMANY**

#### **A. General comments**

18. Since its establishment in the nineteenth century, Germany's democratic tradition has twice been drastically interrupted, first during the era of National Socialism and again with the former German Democratic Republic. Against the background of this historical experience, today in both the constitution and day-to-day conduct of State and society human rights are afforded the highest priority in Germany, and are comprehensively applied. The rights laid down in the Universal Declaration of Human Rights apply in Germany to everybody, not just on paper but as an everyday legal reality. On the basis of its constitution Germany is a robust democracy

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<sup>1</sup> The national legislative process of the Optional Protocol has been completed, filing of the document is imminent (Position 31 October 2008).

that will act decisively against those who propagate the violation of human rights. For this reason specific forms of trivialization of committed crimes and propaganda for inhumane systems of government are expressly outlawed in Germany.

19. Respect for, and protection of, the human and fundamental rights embodied in the Basic Law are of prime importance to the Federal Government. The absolute safeguarding of civil liberties and the rights of political involvement is a legal reality in Germany today. The democratic system guarantees civil liberties and thus enables the monitoring of political authorities. Freedom of the press and of opinion and the resulting diversity in the media landscape ensure vigorous and often controversial debate of topical themes and challenges.

20. The Federal Government submits regular and comprehensive reports to the treaty bodies of the United Nations regarding the performance of its obligations arising from international human rights conventions. The key conclusions and recommendations of the committees attest to the fact that despite isolated criticism, Germany has no persistent or structural human rights problems. Likewise, in the reports of the United Nations Special Rapporteurs, who have visited Germany in recent years (1995: Racism and Xenophobia; 1997: Religious Freedom and Religious Intolerance, 2006: Right to Education), the Council of Europe Commissioner for Human Rights (2006) and the Council of Europe Anti-Torture Committee (which conducts regular visits), while a few individual aspects are referred to, no fundamental criticism is made of the human rights situation in Germany. This positive evaluation is borne out by the fact that Germany's total count of rulings by the European Court of Human Rights – both in absolute figures (7 in 2007) and relative to the number of inhabitants (82.2 million) – is extremely low. The measures to implement selected conclusions and recommendations of the United Nations treaty bodies are set out in an appendix to this report.

21. Against this background the activities of the Federal Government are presented below through five selected themes, which are of great public interest in Germany due not least to their relevance to human rights issues. These are: *B. Policy on asylum and integration; C. Xenophobia, racism and related forms of intolerance; D. Gender equality, violence against women; E. Human rights and terrorism; F. Situation of economic, social and cultural rights.* In addition to their relevance to human rights and topicality, all the themes cited are of interest in general and socio-political terms. They therefore serve to illustrate well the specific character and complex nature of human rights issues in a democratic industrialized nation.

## **B. Policy on asylum and integration**

### **1. Asylum policy**

22. The unlimited commitment to the protection of victims of political persecution is a particular concern of Germany, not merely in the light of German history. In Germany, the right of asylum is an individually actionable legal right having constitutional status. As an individual right it goes beyond the right of asylum referred to in article 14, paragraph 1 of the Universal Declaration of Human Rights, which includes no subjective right to the granting of asylum. The German Residence Act also contains regulations on the recognition of refugee status in the sense of the Geneva Refugee Convention and expressly clarifies that the protection afforded under the Geneva Refugee Convention is also extended to non-governmental persecution. Since 1953 almost 274,000 people have been recognized as having the right to asylum in Germany. Around 30,000 asylum applications were submitted in 2007. Either the right to asylum was recognized or

refugee status was granted in 2007 to 7,197 asylum seekers under the Geneva Convention on Refugees (25 per cent of all decisions taken by the Federal Office for Migration and Refugees).

23. With its 2007 amendment to the German Residence Act, the Federal Government set out to improve the prospect of permanent residence, and the chance of integration in the labour market, for people without a secure residence status. By June 2008 around 50,000 people had received a right of residence under this regulation. As from September 2008, the Federal Ministry of Labour and Social Affairs is supporting 43 regional networks for the improvement of employment opportunities for recognized refugees or for persons enjoying the right to remain under the Residence Act. Over EUR 30 million will be made available for this over the next two years.

## **2. Integration policy**

24. Germany as a country has attracted migrants since time immemorial. Full participation in social and political life is not possible without successful integration. Integration means a feeling of belonging to a community, developing a common understanding of how to coexist in society. Immigration can succeed only as a mutual process. It is dependent upon the commitment of the majority population to accept migrants, as well as on the willingness of the migrants to familiarize themselves with, and respect the laws and regulations of, the accepting country, and upon their commitment to promote their own integration.

25. The Federal Government's integration policy takes place against a complex background: around 15.1 million people living in Germany have an immigration background (i.e. 1<sup>st</sup> and 2<sup>nd</sup> generation migrants), making up 18.2 per cent of the total population. Out of these, 7.8 million people have German citizenship, while 7.3 million live in Germany under a foreign nationality. The main countries of origin are Turkey (14.2 per cent), the Russian Federation (8.4 per cent), Poland (6.9 per cent), Former Yugoslavia (8.4 per cent) and Italy (4.1 per cent). In recent years the number of new migrants to Germany has fallen. At the same time we are seeing an increase in the number of descendents of migrants who themselves arrived originally in the immigration waves of the 60s and 90s, so the total number of people having an immigration background remains largely unchanged. People with an immigration background live mainly in urban conurbations or in Berlin.

26. In 2007 the Federal Government made the matter of integration a particular focus of its policy and adopted a National Integration Plan. For the implementation of this plan around EUR 750 million will be made available in 2008 for measures to promote integration. The Federal Government, Länder, local authorities and social players undertake to introduce and implement appropriate measures for better integration. Working with the migrants themselves should improve their integration into society and provide them greater opportunities in the education and employment markets.

27. The delivery of integration courses is seen as one of the Federal Republic's most significant support measures. Participants in integration courses receive 600 hours of language teaching as well as a 45 hour orientation course covering Germany's legal system, history and culture. In 2008 alone the Federal Government has spent EUR 155 million on this. Since 2005 approximately 550,000 people in total have participated in these integration courses. Another important pillar of integration promotion is the counselling for newly arrived immigrants. Individual counselling sessions support the integration process, with the goal of making life easier for immigrants in their new surroundings and enabling them to act independently. The

Federal Government promotes the occupational integration of migrants through targeted measures such as vocational language courses.

28. Overcoming the integration gaps remains a particular challenge. The educational achievement of migrants, or more precisely of children and young people having an immigration background, forms an important foundation for successful integration. Very many immigrants have long found their place in society. They are successful and contribute their skills and achievements to the wellbeing and cultural diversity of the country. Nevertheless, in some quarters, problems of integration have increased in recent years. Integration has yet to become a reality for some sectors of second and third generation immigrants. Of all the European states having labour migration, Germany is the country whose migrants tend to be most at variance with the indigenous population in terms of educational background and socio-economic status. In 2006 12.6 per cent of 25 to 65 year olds having an immigration background had no general school leaving certificate and 41.5 per cent possessed no vocational qualifications. Admittedly some allowance has to be made in these results for significant differences depending on the country of origin. The Federal Government has stated that the support of children and young people having an immigration background is to be a focal point of its policy. The "National Integration Plan" represents an important instrument of integration policy. A range of integration initiatives are being launched at Federal level and in the Länder, local authorities and civil society.

29. The Federal Government attaches particular importance to the integration of Muslims and to dialogue with Islam. The launching of the German Islam Conference (DIK) in 2006 established for the first time a nationwide action framework for the fostering of relations between the State and Muslims in Germany. It represents the first institutionalized dialog between representatives of the German State and representatives of Muslims in Germany, and is an important symbol of mutual respect, understanding and diversity. The DIK has been set up as a long-term communication process between the German State and representatives of Germany's Muslim population. It aims to improve the religious and socio-political integration of the Muslim population in Germany.

### **C. Xenophobia, racism**

30. Germany sees itself as a tolerant and cosmopolitan country at the heart of Europe. Its history and legal system, but also its perception of itself as a modern, internationally connected society, make the combating of xenophobia, racism and associated forms of intolerance a key priority. There is general social and political consensus on this aim in Germany. The Federal Government is however aware that racist attitudes and prejudices persist in some sections of society in varying degrees and that a sustained and multi-faceted approach will be required to tackle this problem in the long term. The active policy of the Federal Government in this area is based upon

- (a) a sustainable human rights policy and human rights education;
- (b) the strengthening of civil society and the promotion of civil values;
- (c) the promotion of integration of foreigners; and
- (d) measures aimed at the perpetrators and their environment.

31. The National Action Plan against Racism (NAP) recently adopted by the Federal Government in order to meet the requirements set by the 2001 Durban World Conference against Racism is based on this differentiated approach. The NAP exists as a preventative instrument and as protection against violence and discrimination. It makes emphatically clear that no-one, be they policy-makers, society or the judiciary, is prepared to unresistingly acquiesce to, or even accept, racism, racial discrimination, xenophobia or anti-Semitism. The Action Plan sets out the action and measures which need to be taken in order to eradicate racist, xenophobic and discriminatory practices, in particular through initiatives to support and promote social cohesion. It identifies the many-faceted initiatives and measures, already underway, which have been launched to counter these phenomena across many different areas and are set to continue. In this respect the Action Plan is not static but open to constant reappraisal and updating.

32. Right-wing extremist parties have a very weak base of support in Germany, also compared to the rest of Europe, as shown by their membership which is low and has for years been falling (2005 and 2006: 21,500 members, 2007: 14,200 members). The single exception is the *National Democratic Party of Germany* (NPD), whose membership rose marginally in 2007 to 7,200 (2006: 7,000). The NPD is represented in two Land parliaments (Saxony and Mecklenburg-Western Pomerania). A joint action to have the NPD declared unconstitutional, brought by the Bundestag, Bundesrat and Federal Government, was rejected by the Federal Constitutional Court a few years ago on procedural grounds. The requirements for banning of a political party in Germany are extremely rigorous. For example, under Article 21 of Basic Law the only body with the authority to ban a political party is the Federal Constitutional Court.

33. The number of violence-prone individuals having a left or right-wing extremist background has fallen slightly (2007: 10,000 individuals, 2006: 10,400 individuals). Individuals who can be described as Neo-Nazis number around 4,400 (2007), which figure has risen only slightly compared to the previous year (2006: 4,200). The number of demonstrations organized by these groups fell by half in 2007 to 66 (2006: 126). A similar trend applied to relevant music events and Internet sites. The Federal Government continues to take this dangerous element very seriously.

34. In 2001 a new system for the differentiated recording of “Politically motivated crimes” (PMK) was introduced in Germany. Under this system crimes linked to the nationality, ethnic origin, race, skin colour, religion, origin, external appearance, disability, sexual orientation, or social status of the victim will also be recorded separately under the term “hate crimes”. Xenophobia and anti-Semitism that lead to criminal acts will be differentiated under the categories “xenophobic”, “anti-Semitic” and “racist”. 2,989 xenophobic, 1,657 anti-Semitic and 513 racially motivated crimes were recorded for 2007. 92.7 per cent of all felonies falling under this category arose from criminal behaviour motivated by right-wing views.

35. The measures introduced to counter these offences are both preventive and punitive, designed to complement each other and carry equal weight. They include sustained criminal prosecutions, the banning of associations, breaking up of concerts and the indexing of sound recording media. As part of a prevention strategy numerous initiatives designed to increase awareness and promote democracy have been launched.

36. The tackling of extremism is one of the focal points in the work of the Federal Agency for Civic Education. Its function is to promote understanding of political situations, raise democratic awareness and strengthen disposition toward political involvement. Its educational material range is therefore always designed to reinforce the powers of civil society. Prevention

through the raising of awareness, together with concrete support for arguing against extremist, racist and xenophobic attitudes and slogans, form important elements of this work. An example is the “Keep Racism out of School” project, which offers children and young people the opportunity to actively influence the atmosphere at their school by consciously opposing any form of discrimination, harassment and violence.

37. Since 2001 the Federal Government’s youth policy has placed emphasis on the action programme “Young People for Tolerance and Democracy – against Right-wing Extremism, Xenophobia and Anti-Semitism”. From 2001 to 2006 a total of 4,470 preventive and educational prototype measures and projects were promoted, primarily in the sphere of information, education and interaction aimed at young people, with a total of EUR 192 million under the CIVITAS, ENTIMON and XENOS programmes.

38. Germany is actively involved in the XENOS “Integration and Diversity” Programme, and during 2007-2013 is making available EUR 200 million from funds received from the European Social Fund (ESF). The programme aims to increase tolerance and the awareness of democracy, and to reduce xenophobia and racism. It comprises primarily preventive measures against exclusion and discrimination in the labour market and society. The programme is targeted predominantly at young people and young adults in transition between education and work. Particular attention is also directed at young people with a migration background who are having problems with integration into the labour market and society.

39. An example of the Federal Government’s ongoing commitment is the special programme, commencing in autumn 2008, to support civil society initiatives to counter right-wing extremist tendencies and support those willing to renounce them.

## **D. Gender equality, violence against women, trafficking in women**

### **1. Gender equality**

40. The equality of men and women is enshrined in the German constitution. The Federal Government is actively committed to the real achievement of equal rights for men and women and the removal of existing discrepancies. Equal opportunities for men and women and the reconciliation of family and career have been promoted over recent years by means of targeted political and economic measures in many areas. Despite the fact that compared to elsewhere in Europe and the rest of the world the situation in Germany is good, more still needs to be done: women remain under-represented in management positions. In 2006 women's gross average hourly earnings were 24 per cent below those of men. Women also mainly work part-time, which can adversely affect their social security situation.

41. The Federal Government is actively committed to the creation of a framework to make it easier for men and women to reconcile a career with family commitments. Development of child-care is a political priority. Another important step was the introduction in 2007 of the “parental allowance” and the “Partner months”. The new Partner months scheme is partly aimed at giving fathers greater opportunity to become more involved in childcare or even take over childcare duties. Initial figures for 2007 indicate that this new arrangement has been successful. In 2007 for instance almost 60 per cent of fathers who drew Parental allowance took the opportunity to take 2 months' parental leave and 20 per cent took the full twelve months.

42. In 2001 the Federal Government concluded an agreement with German industry to promote equal opportunities for men and women in the private sector. Progress has varied in the four sectors covered by the agreement: the agreement has led to improvements both in reconciling family and career and in educational opportunities. In the other areas of the voluntary agreement the effects have been less positive: women in management positions continue to be significantly under represented, and the difference in income between men and women in Germany continues to be particularly high in comparison with other EU countries. Women in management positions and women returning to work are supported by Federal Government schemes and programmes. Measures have been introduced to close the earnings gap.

43. In 2000 the Federal Government adopted the strategy of “Gender Mainstreaming” as a universal code of practice for its activities. It has introduced various measures for its implementation within Federal administration, including the promotion of the Gender Competence Centre (GenderKompetenzZentrum – [www.genderkompetenz.info](http://www.genderkompetenz.info)), which provides technical support to the Federal administration's equal opportunities initiatives.

## **2. Violence against women**

44. The Federal Government opposes any form of violence against women. In 2007, the Second Action Plan to combat violence against women was adopted. Its main goals are to improve the efficiency of the measures and the protection of affected women. The Action Plan covers all forms of violence and determines where there is currently special need for action: in strengthened provision for female migrants, women with disabilities, in healthcare and in the earliest possible prevention. The Action Plan rolls together more than 130 Federal Government measures. Activities at Federal and Länder level are conducted in close cooperation with non-governmental organizations in joint working groups on “domestic violence” and “trafficking in women”. In order to identify and preclude risks to children in good time, in particular in connection with domestic violence, the Federal Ministry of Family Affairs is developing the programme “Early Help for Parents and Children and Social Warning Systems”, integrating into that the theme of domestic violence as a central risk factor. Forced marriages are serious infringements of human rights. For this reason the Federal Ministry for Family Affairs is promoting a model project for the development of an online counselling service for young migrant women affected by forced marriage and domestic violence.

## **3. Trafficking in women**

45. As a transit and target country for cross-border trafficking in women, Germany is very conscious of its responsibility in the combating of this serious violation of human rights. In 2007 the Federal Criminal Police Office identified 689 cases of victims of human trafficking for the purpose of sexual exploitation. It can be safely assumed that the real number of undetected cases is considerably higher. In connection with the ratification of the “Human trafficking” supplementary protocol of the United Nations Convention against Transnational Organized Crime, Germany has restructured the offence of human trafficking for the purpose of sexual exploitation and made human trafficking for the purpose of labour exploitation a punishable offence in the Penal Code (2007: 92 cases). To enable victims of human trafficking to recover from the experience and make a decision on cooperation with the criminal prosecution authorities, a respite period of at least a month was incorporated into the Residence Act. To enable them to cooperate with the prosecution authorities and testify as a witness in criminal proceedings they may also be granted a limited right of residence.

46. Many victims of human trafficking are traumatized by their experience of violence and so are not appropriate for inclusion in conventional witness protection programmes. The joint Federal Government/Länder Working Group on the Trafficking in Women has therefore developed a special protection programme, based on cooperation between the police and specialized counselling services. A code of practice is currently being prepared which refers to the police, judiciary and local authorities, in order to provide information on the circumstances and mental situation (particularly traumatization) of victims.

### **E. Human rights and the fight against terrorism**

47. Germany is a target for international terrorism and therefore is faced with significantly increased responsibility for the protection of its citizens. The overall strategic approach in the fight against terrorism centres on pressure for investigation and prosecution, preventive measures, international cooperation, the protection of the population and critical infrastructure, and action to eliminate the causes of terrorism. Implementation of this approach is via adoption of the German Act to Fight International Terrorism and a supplementary act. Measures adopted under these acts to date include the expansion of intelligence powers, authority to ban associations, amendments to the aliens' and asylum laws and establishment of a central anti-terror database.

48. The fight against terrorism is also inextricably linked with the central theme of preservation of human and basic rights. In Germany this is guaranteed not only by internal government, parliamentary and legal controls, but also means that there is exhaustive debate on the subject in the media and public arena.

49. The requirement for a legal basis, incorporating fundamental directives on the protection of human rights, ensures that measures to fight terrorism possess democratic legitimacy. Before the Federal Government can pass a bill, it has to be checked by the Federal Ministries of the Interior and Justice to ensure that it is compatible with basic rights. The Bundestag also monitors the government through its right to ask parliamentary questions. The intelligence service is under the scrutiny of a special committee of the Bundestag, the Parliamentary Control Panel. All state measures are also subject to scrutiny by the courts, which in questions concerning basic rights is exercised in the last instance by the Federal Constitutional Court.

50. The time-restricted powers granted to the security authorities under the German Act to Fight International Terrorism are regularly reviewed; in the case of the intelligence services this includes a review by the Parliamentary Control Panel, which in its report of May 2005 came to the conclusion that the security authorities have used the powers they are granted with circumspection and restraint and have thus kept encroachment on civil liberties to a minimum. For this reason the time limits were extended to 2012.

51. The Public Prosecutor General of the Federal Court of Justice, as the criminal prosecution authority of the Federal Republic, acts as the public prosecutor in criminal prosecutions dealing with terrorist organizations and their actions. A judge of the Federal Court of Justice, the supreme German court in criminal cases, is responsible for the ordering of enforcement measures and the control of Public Prosecution Service measures in preliminary proceedings. His decisions may in turn be scrutinized by a Criminal Division of this court. The Federal Court of Justice is also responsible for the judicial review of judgements delivered by the higher regional courts in terrorist prosecutions on the application of the Federal Public Prosecutor General. The courts, which under the Basic Law are independent and subject only to the law, are in particular bound

by the principal of rule of law; this includes respect for the right to a fair trial, the principle of proportionality and the presumption of innocence, as well as basic rights.

## **F. Situation of economic, social and cultural rights**

### **1. General remarks**

52. A fundamental aspect of the legal and constitutional order is the laying down, in Article 20 of Basic Law, of the principle of social justice which is irrevocable by any amendment to the Basic Law. The welfare state is responsible to its citizens for the securing both of their living conditions and of the preconditions for freedom to flourish. The individual is also expected to take active responsibility for his own social welfare. Against this background Germany actively endeavours to ensure that economic, social and cultural human rights are ranked equally alongside political and civil rights.

53. Social legislation is governed by the Code of Social Law. This primarily encompasses social security benefits, such as health insurance, pension insurance, accident insurance, unemployment insurance and long-term care insurance. It also governs state welfare benefits such as educational grants, child benefit and housing benefit. In addition the Code of Social Law establishes claims to support through youth services and social benefits, as well as the rights of the disabled to participate in working life.

### **2. Poverty**

54. The principle of social justice incorporates the right to the safeguarding of a minimum subsistence level. In Germany this means not only the maintenance of a material level of subsistence, but also opportunities for economic and social participation and attainment for all members of society. As the level of prosperity achieved in Germany is relatively high, the poverty risk threshold, set at a net monthly income<sup>2</sup> of EUR 781 for a one person household, is also higher than in many other countries. As part of its poverty and wealth reporting the Federal Government has been reviewing the social situation in Germany at regular intervals since 2001. The Federal Government provides these reports to highlight not just the trends in income and property but also the central trends and challenges in respect of participation in the labour market, education, family and children, health provision, housing and political involvement. The results of the 3rd Poverty and Wealth Report of 2008 confirm that the welfare state continues to be effective in its protective and motivational role. Financial transfers and family benefits have enabled the percentage of those at risk of poverty in Germany, including children, to fall below the European average. The findings of the OECD study "Growing unequal", published in October 2008, which ranks Germany around the middle of the OECD ratings scale, are also in keeping with those of the 3rd Poverty and Wealth Report. The study confirms that motivational strategies and financial incentives to find work can reduce poverty, and in this respect the German labour market reforms (No. 54) are pointing in the right direction.

55. Under the labour market reform package, unemployment benefit and welfare benefits for all those capable of working have been reinvented as a needs-based, means-tested state welfare benefit. This measure, together with the cyclical upturn in the economy, has led to higher

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<sup>2</sup> I.e. less than 60 per cent of the average equivalence-weighted net monthly income of all individuals.

employment and better social security. The Federal Social Court has confirmed that both the extent and nature of the needs assessment are constitutional.

56. The Federal Government has agreed extensive reform of two laws in order to create a basis for further industry-specific minimum wages. Minimum pay fixed under these laws will be mandatory in the relevant industry for permanent employees in Germany and for employees temporarily seconded from abroad.

### **3. Education and equal opportunities**

57. The right to education is enshrined in the constitution in the sense of a right to participate in general and equal educational opportunities. General levels of education, and participation in education, are high in Germany in comparison with other countries. A top priority for the Federal Republic and the Länder is the creation of opportunities for all, irrespective of social origin, allowing everyone to advance themselves through education. In their "Qualification Initiative for Germany", the Federal Government and the Länder have decided to halve the number of school dropouts and the number of young adults without a vocational qualification by 2015. Since 2006 the National Education Report, "Education in Germany", has provided a tool for monitoring all sectors of education, making it possible to continually assess to what extent equal opportunities are actually being realized.

58. A key educational policy target is the ability to offer to all children and young people, particularly from migrant families, the opportunity to best develop their full potential through education in school or at work, or via further education. To achieve this, sweeping fundamental changes have been introduced in all education sectors in recent years, with special priority given to the manifold efforts to ensure quality at all levels of the education system, from day nurseries and schools right through to higher education. The emphasis is on early and individual support, as well as targeted encouragement of language skills, to provide consistent support to educationally disadvantaged children.

59. At the heart of the "National Integration Plan" lies the improved educational participation of children and young people coming from an immigration background. The Federal Government and the Länder have committed themselves to guarantee demand-based intensified language tuition before school enrolment by 2012.

60. In 2006 the United Nations Special Rapporteur on the Right to Education visited Germany and presented his results to the United Nations Human Rights Council in 2007. The report represents a further contribution to the ongoing debate on reforms in the German education system. It backs the Federal Republic and the Länder in the directions they have taken with their decisions following the 2000 PISA Study.

## **IV. ACHIEVEMENTS AND BEST PRACTICES**

### **A. Involvement of civil society**

61. Civil society involvement is a fundamental objective of the Federal Government's human rights policy. It promotes the idea that the active involvement of civil society offers the best protection against infringements of human rights and is one of the factors determining the success of the state in acting against conduct likely to infringe human rights. This applies at both national and international level, where many non-governmental organizations have gained a high degree of influence and standing. The Federal Government is working closely and openly with

civil society players in a number of policy areas and is supporting them in their commitment to human rights. This also includes the promotion of cooperation between German and foreign civil society.

62. The “Alliance for Democracy and Tolerance – against Extremism and Violence”, a joint venture on the part of the Federal Ministry of the Interior and the Federal Ministry of Justice, was established in 2000 with the mandate of networking and raising the awareness of civil society for democracy and tolerance. The alliance collects best practices for this purpose and makes these available to other initiatives on its website ([www.buendnis-toleranz.de](http://www.buendnis-toleranz.de)). The alliance also assists civil society players in particularly affected regions of Germany by bringing experts from other areas or regions around the table and supporting the networking and problem solving processes through the early stages. The networking ensures the propagation of information between the various nationwide assistance offerings.

63. The Federal Government is also working closely with non-governmental organizations in the protection of women. Their joint action includes the support of umbrella associations for women's counselling and protection services, as well as cooperation between government institutions and non-governmental assistance offerings which go hand in hand with the implementation of the Federal Government's Second Action Plan for the suppression of violence against women. It also involves close cooperation between the Federal Government, Länder and non-governmental organizations, resulting in various regularly convened working groups.

### **B. Strengthening education and qualification**

64. School attendance in Germany is open to everyone free of charge, regardless of gender and social background. This fits in with a long tradition in Germany by which every citizen should have the same opportunities for education. In Germany attendance at full-time school, originally for eight and now for nine or ten full-time school years, has been compulsory for around 100 years. The majority of students in Secondary Level II attend vocationally oriented courses.

65. In recent years both Federal Government and Länder have introduced far reaching measures to strengthen pre-school education and provision, day nursery care, and individual support such as the promotion of language skills for all children from three years old. Through its qualification initiative the Federal Government is striving, together with the Länder, to improve educational opportunities from pre-school education, through school and training, right up to degree level, and to enable advancement through education. From 2013 onward children aged from 2 years have a legal right to childcare.

66. The obligation to attend school applies as much to children with disabilities as it does to those without. Depending on special educational needs and the level of development this may involve integration into mainstream schools or specific provision in special or special needs schools. Special needs teachers in Germany are highly professional. Integration schools and classes are constantly being expanded in many Länder. Pupils in special schools are to be increasingly led to a general secondary school certificate beyond the certificate specific to their special schools.

### **C. Human rights in connection with German reunification**

67. Following the reunification of the two German states the social systems were successfully reorganized and the injustices of the GDR system confronted. In addition to many other problems, a number of human rights issues emerged from this. In the former GDR territory democratic structures based on the rule of law had to be reintroduced, or existing institutions revised, to meet the requirements of a democratic society based on the rule of law. This represented a huge challenge to every state institution, but at the same time a tremendous benefit to the citizens of the former GDR. They were now able to participate in the liberal, democratic and rule of law respecting state of the Federal Republic of Germany, with all the basic and human rights guaranteed by its Basic Law, the human rights covenants of the United Nations and the European Human Rights Convention (EHRC). Reunification nonetheless brought massive transformation to the social and economic lives of GDR citizens. Restructuring of the social security systems followed human rights criteria (appeals to the European Court of Human Rights, ECHR, have without exception been unsuccessful) and brought considerable improvement to most of those affected. Similar legal problems also arose in the question of return of expropriated property. The solutions devised by the Federal Government in this context have however been confirmed by the ECHR also without exception as following human rights criteria. The harmonization of the overall economic situation is a long-term process, which is still far from being concluded.

68. Finally the human rights abuses committed by the former GDR (shooting to kill at the border, imprisonment, repression and state surveillance) also had to be pursued. Using processes based on the rule of law, which similarly were accepted by the international institutions without objection, it has been possible to draw a line under this chapter of German history. Particular reference should be made to the disclosure of intelligence files, which are under the administration of the Federal Commissioner for the Files of the State Security Service (Stasi) of the former GDR and are accessible to all concerned.

### **D. Control of the police**

69. Germany's federal constitution basically gives the 16 Federal Länder sovereignty in police matters within their own territory. The decentralized structure of the police, which reflects the federal system, ensures close oversight by senior bodies in professional, personnel and legal matters. Thus police measures are subject to direct control by supervision, and ultimately by the relevant parliaments. Police actions may also be subject to scrutiny by the courts at any time.

70. The training and advanced training of police officers is also designed in its content to reflect Germany's democratic order under the rule of law. Officers must respect and protect the basic rights as a prerequisite to justice and freedom. This is particularly stressed with regard to police rights of intervention, particularly for intrusions upon the basic rights of freedom of opinion and assembly, the right of asylum and the right to privacy of information. The topics relevant to basic rights in Germany are addressed in detail during police training.

### **E. Protection from torture**

71. Germany is committed to the absolute prohibition of torture and other cruel, inhumane or degrading treatment or punishment. The prohibition of torture is enshrined in the constitution. Article 104 Para. 1 Clause 2 of Basic Law specifies that persons in custody may not be subjected to mental or physical mistreatment. Torture also contravenes the duty contained in Article 1 of

Basic Law to respect and protect human dignity. The prohibition of torture applies without restriction and irrespective of whether the offence has been committed in Germany or abroad. Involvement by public officials in acts of torture is a criminal offence under the German Penal Code. Testimonies obtained in violation of this prohibition may not be used.

72. The prohibition of torture is upheld by the German Courts. This can be demonstrated by a case heard in 2007, in which a German court passed sentence on two police officers, who in a child abduction case, had threatened the kidnapper while in police custody with ill-treatment in order to learn the whereabouts of the kidnapped child, as the police believed it still possible for the child to be found alive. In the criminal proceedings against the kidnapper and murderer, the statements he made to the police under this duress were not used.

## **F. International commitment**

73. The understanding of the Federal Government is that the preservation of elementary human rights in every state, irrespective of regional, cultural or religious distinction, is the fundamental prerequisite for stability, security and development. The Federal Government therefore participates, both as a state and jointly with its EU partners, in multilateral bodies for the respect of human rights, particularly at the United Nations, the Council of Europe and the OSCE. In its bilateral contacts the Federal Government continually urges compliance with, and protection of, human rights in other states and supports measures designed to improve the human rights situation in those countries. Germany played a crucial role in the drafting of the EU Charter of Fundamental Rights and will continue to press for it to be made legally binding within a treaty to establish a new EU Constitution.

74. Germany also implements its human rights approach in its development policy, and in its cooperation with partner countries invokes the binding effect of human rights agreements. Germany thus helps to ensure that the Millennium development goals are formulated with regard to human rights and that the human rights instruments developed in the international framework are applied in practice. Germany took a leading role internationally in 2004 through committing itself to systematically implementing human rights and human rights principles into its development policy. The Second Development Policy Action Plan on Human Rights 2008-2010 drawn up by the Federal Ministry for Economic Cooperation and Development confirms this commitment. Within the framework of development cooperation some EUR 520 million have been made available in 2008. This human rights approach enables more effective targeting of development aid toward the structural causes of poverty than was previously possible. For example, in the realization of water rights, it has been possible to make significant progress regarding sustainability and target group focussing, and to strengthen the legal status of the recipients of development work. Particular importance is attached to the implementation of the rights of women within the framework of gender mainstreaming and of indigenous rights.

## **V. NATIONAL PRIORITIES**

### **A. Human Rights Action Plan**

75. In 2005 the Federal Government issued an Action Plan on Human Rights, which in accordance with Parliament's wishes forms an integral part of the Federal Government's Human Rights Report. The current Action Plan lists the individual priority targets for the period 2008-2010. Alongside confirmation of the fundamental linking of Government and policy with human rights standards and values, at the forefront is the handling of real human rights issues. Primarily

involved in this is the strengthening of human rights bodies, the worldwide countering of impunity, worldwide abolition of the death penalty, and the fight against torture or genital mutilation. Equal priority however is given to the adoption of a National Action Plan against Racism and speedy ratification by Germany of the Supplementary Protocol to the Anti-Torture Convention. The Federal Government and its officials continually reappraise achievement against the targets set, maintaining ongoing dialogue with the Bundestag and civil society.

### **B. Integration policy**

76. Federal Government policy places clear focus on integration. Through its integration summit and the resulting National Integration Plan, Germany has pursued a successful course and placed integration policy on a new footing: for the first time all levels of government – Federal Government, Länder and local authorities – together with representatives of civic society and migrants came together to agree a sustainable integration policy. Clear targets and over 400 concrete measures and voluntary commitments from government and non-governmental players are set out in a National Integration Plan. The improvement of integration courses, nationwide language tests for pre-school children and stronger involvement in the educational sector are some of the important measures to have come out of this.

### **C. Protection of the rights of migrants, refugees and asylum seekers**

77. The Federal Government also supports protection of the rights of migrants, asylum seekers and refugees. It is collaborating in the improvement of the global structures for dealing with the refugee crisis and will continue to give financial and political support to organizations involved in the protection of refugees, particularly the UNHCR.

### **D. Anti-discrimination policy**

78. The Federal Government will also continue to press for the combating of racism, xenophobia and Anti-Semitism, as well as of any discrimination based on ethnic origin, gender, religion or ideology, disability, age or sexual identity. The adoption in 2006 of the Anti-Discrimination Act (AGG) aiming to prevent or eliminate discrimination was an important element of this campaign. Inter alia, the AGG contains as an important legal instrument the "relaxation of the burden of proof". This means that in future presumed victims of unequal treatment will no longer have to provide absolute proof. More importantly, the other side will in future have to provide evidence that they are not guilty of unjustified discrimination. This legal instrument is intended to provide those affected with greater encouragement to assert their rights.

79. Another result of the AGG was the establishment in 2006 of the Federal Anti-Discrimination Office. The Federal Anti-Discrimination Office sets out to more effectively emphasize the right to non-discrimination as a universal human right and to place the concept of equal treatment firmly at the centre of society. It fulfils its function of raising awareness not only through its advisory service for those affected, but also through its research and public work. Every four years commencing in 2009 the Federal Anti-Discrimination Office, together with the Federal Government Commissioners and the Parliamentary Commissioners of the Bundestag, is to submit a report to the Bundestag on cases of discrimination and make recommendations for its elimination and avoidance.

80. The Civil Partnerships Act which has been in force since 2001 also enables homosexual couples to establish a civil partnership. This will also be recognized as a civil status as from 2009.

81. The Federal Government will continue to work towards the bringing into force in Germany of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol as at 1 January 2009.

82. The Federal Government is to use its National Action Plan to implement the resolutions of the Durban World Conference against Racism (2001). The Federal Government is to furthermore push through important programmes for the prevention and combat of racism. Hence 2007 saw the launch of the programme “DIVERSITY IS GOOD FOR YOU. Young People for Diversity, Tolerance and Democracy”, for which the Federal Republic is making available the sum of EUR 19 million annually until 2010. The aim of the programme is to highlight diversity, tolerance and democracy as values for society as a whole, and to win children and young people over to these ground rules for peaceful and democratic coexistence. This prevention-oriented programme is complemented by another programme, also launched in 2007 (“Competent. For Democracy – Advice Networks against Right-wing Extremism”) for cause-driven intervention against right-wing extremism, which receives funding of EUR 5 million annually.

#### **E. New challenges in education and labour market policy**

83. Globalization and the associated worldwide exchange of goods, capital and labour represent an enormous challenge for employment and social policy. Those employed in the low wage sector are particularly at risk of losing their jobs in the face of increasing global competition. In this scenario lifelong learning becomes increasingly important to secure long-term opportunities for participation in society and employment. For this purpose and in particular to support low-skilled and older workers, vocational training remains a core part of the employment policy of the Federal Government and the Federal Employment Agency.

84. The Federal Republic and the Länder will continue to strive to consolidate the German education system, improve educational opportunities, increase interaction between the educational sectors, and support innovative approaches for reforming the educational system. On the basis of the evaluation of the findings of the 2006 PIRLS and PISA studies, the Federal Republic and the Länder have devised educational policies to promote the development of the educational system.

85. By 2013 the Federal Republic and the Länder aim to progressively develop a needs-based, quality-oriented care offering for a nationwide average of 35 per cent of children under the age of three, on which they will expend around EUR 12 billion. These measures should result in substantial improvement to the quality of the range of day care centre and day nursery offerings. Particular emphasis will be placed on the early promotion of language skills. The aim is to give all children right from the start the best possible encouragement and support in their individual and social development.

#### **F. Strengthening human rights bodies and supervisory agencies**

86. The Federal Government will continue to lobby for the strengthening of the effectiveness and credibility of the United Nations Human Rights Council. It will support the work of the

Special Rapporteurs appointed by the Human Rights Council and will embed in its policy a "standing invitation" to the Rapporteurs. The Federal Government will actively participate in the development and further definition of the State review process (Universal Periodic Review, UPR) and also advocate the reference nature of the state reports and documents drawn up within the framework of this process.

87. The Federal Government will continue its political support for the office of the United Nations High Commission, in particular its independence, and will also emphasize this in future through the granting of a substantial voluntary contribution. The Federal Government will continue to actively support endeavours to strengthen the United Nations treaty bodies and promote more effective working practices.

### **G. Abolition of the death penalty and the campaign against torture**

88. In collaboration with its EU partners the Federal Government will also continue to campaign in the future for the worldwide abolition of the death penalty and will utilize all diplomatic channels to prevent the impending enforcement of death sentences in individual cases. The campaign against torture will continue to be a priority task of German human rights policy. Accordingly, the Federal Government is currently establishing the National Prevention Mechanism required under the United Nations Optional Protocol to the United Nations Convention against Torture. The Federal Government will also further support the treatment of torture victims through the provision of financial assistance to national and international programmes and also continue its financial support for the United Nations Voluntary Fund for Victims of Torture in 2009.

## **VI. CONCLUSION**

89. In the Federal Republic of Germany the protection of human rights is accorded the highest priority. It is the constant duty of all to make this a reality and live their lives accordingly. Only through the mutual and alert cooperation of all levels and players can universal protection of human rights be guaranteed at the highest level. The Federal Government is making every effort to maintain this standard and remove existing problems in Germany.

90. As the present report makes clear, the Federal Government is keen to promote interaction at both national and international level to achieve these goals. It therefore sees the UPR process as a good opportunity, through dialogue about best practices and the critical scrutiny of its own perspective, to gain recognition for the further protection and promotion of human rights. Germany moreover sees the UPR process as an important step towards the goal of a similar level of human rights protection being granted in all countries.

## Appendix to paragraph 20

### Examples of Germany's implementation of the conclusions and recommendations of the United Nations treaty bodies

<i>Name of the Convention</i>	<i>Conclusion/Recommendation</i>	<i>Measure for implementation/comment</i>
<i>ICESCR</i> ( <i>Discussion of the 4<sup>th</sup> State Report of 2000</i> )	The percentage of GNP designated for development cooperation (ODA) should gradually approach the United Nations target of 0.7 per cent	The ODA quota has clearly risen since 1998; in 2003 and 2004 it was 0.28 per cent, rising to 0.36 per cent in 2005. The graduated plan anticipates interim stages of 0.33 per cent by 2006 and 0.51 per cent by 2010.
	Asylum seekers' applications should be processed more rapidly	Almost 30 per cent of asylum applications are decided within one month, over 67 per cent in less than 3 months and around 83 per cent in less than 6 months. The Federal Government will also work to speed up the process in the future
	Introduction of emergency measures to tackle high unemployment, primarily in young people	Youth unemployment is lower in Germany than in other EU states; the training agreements with industry and the qualifications initiatives of the Federal Employment Office have had some success; not least in severely disabled people.
<i>ICCPR</i> ( <i>Discussion of the 5<sup>th</sup> State report of 2004</i> )	Proposal to inform security forces in international operations about the rights arising from the Covenant	Instruction forms part of training Germany pledges to guarantee the rights arising from the Covenant to all persons subject to the authority of its police or armed forces abroad
<i>ICERD</i> ( <i>Discussion of the 15<sup>th</sup> State report of 2001</i> )	Comment that Germany has not issued a statement in accordance with Article 14;	Statement was issued in accordance with Article 14 on 30 August 2001;
	Action to suppress the rise of racist propaganda on the Internet	Expansion of statutory offences of § 130 of the German Penal Code; Improvements to voluntary self-regulation by providers Increased international police cooperation
<i>CEDAW</i> ( <i>Discussion of the 5<sup>th</sup> State Report 2004</i> )	Consolidation of measures and implementation of programmes to eliminate stereotypes and traditional role models; Projection of a positive female image in the media	<u>Suppression of stereotypes in Educational Policy</u> National "Girl's Day" in association with industry and the unions Computer camps for girls in the Information Technology Year 2006 Project to enhance social skills and to make male role models for boys more flexible Cross-generational voluntary services <u>Suppression of Stereotypes in Family Policy and Family Law:</u> Introduction of parental allowance Business programme "The Family Success Factor. Win over businesses" Election of married name <u>Suppression of stereotypical role models in the media:</u> Promotion of the "Global Media Monitoring Project" of the German League of Women Journalists Federal Länder measures

<i>Name of the Convention</i>	<i>Conclusion/Recommendation</i>	<i>Measure for implementation/comment</i>
	Collection of data on the type and extent of violence against women;  Continue with efforts to implement measures, plans and programmes with the aim of combating violence against women	Data and information on the type and extent of violence against women have become available in the meantime; Federal Government has commissioned and published representative study on violence against women in Germany; Acts to introduce reserved preventive detention (21.08.2002) and to introduce supplementary preventive detention (23.07.2004); 2 <sup>nd</sup> Action Plan of the Federal Government to suppress violence against women; Various measures for prevention, intervention and assistance and support for target groups of people affected by domestic violence. Perpetrator programmes
	Increased efforts to promote the de-facto equality of women on the labour market, through among other things provisional special measures under Article 4, Paragraph 1 and application of the principle of "equal pay for equal work";  Observation of the effects of the provisions concerning part-time work and parental leave, increase of incentives to counter possible detrimental consequences of part-time work for women	Implementation of the double strategy to promote gender equality and positive promotion of women in accordance with the employment guidelines of the European Union Improvement of the work/family balance by Day Care Expansion Act "Local Alliances for the Family" initiative Parental allowance Alliances with industry ("Partner months") "Programme for Women Professors" National Pact to attract women to mathematic and scientific occupations.
	Adoption of measures to eliminate discrimination against female immigrants and women belonging to minority groups through effective and proactive measures, including programmes to raise awareness and provide information; Implementation of further studies on the situation of female immigrants and women and girls belonging to minority groups (including obtaining data); Increased efforts to protect the human rights of foreign domestic staff in diplomatic households	Study commissioned by the Federal Government " <i>Living many worlds, the circumstances of girls and young women having Greek, Italian, Yugoslav, Turkish and ethnic German migrant backgrounds</i> " (2004) Study "The forgotten women of the immigrant generation" (the circumstances of older migrant women living alone) Numerous projects of the Federal Government to increase the participation of migrant women in the labour market General Anti-Discrimination Act Criminal Law Amendment Act to combat trafficking of women and girls
	Facilitating women's access to high ranking positions; introduction of proactive measures to eliminate existing obstacles including special measures under Article 4, Paragraph 1	Various staff development processes in all ministries Various measures to promote women in science and research

<i>Name of the Convention</i>	<i>Conclusion/Recommendation</i>	<i>Measure for implementation/comment</i>
<i>CAT</i> ( <i>Discussion of the 5<sup>th</sup> State Report 2004</i> )	Establishment of a central office to collate data and information;	All criminal proceedings against police officials for relevant offences will be recorded in the justice statistics at federal level;
	Advice on whether all the options available against members of the penal enforcement authorities also exist against private security services	Confirmation to the committee has been effected in this respect
<i>CRC</i> ( <i>Discussion of the 2<sup>nd</sup> State report 2004</i> )	Early adoption of a National Action Plan	National Action Plan was adopted in February 2005
	Provision of 0.7 per cent of GDP for development aid abroad	Increase in development aid to 0.36 per cent; Commitment by the Federal Government to increase expenditure on official development aid to 0.51 per cent by 2010 and 0.7 per cent of GDP by 2015
	Extension of protection from sexual exploitation and human trafficking in all relevant laws to all boys and girls under the age of 18.	The protection under criminal law of children and young people from sexual violence was improved by legislation in 2003; Alignment of the legal framework to international requirements by the Criminal Law Amendment Act 2005; Implementation of the framework decision of the Council of the European Union on the combating of child pornography and of the sexual exploitation of children (2008); Signing of the Council of Europe Convention on Action against Trafficking in Human Beings (2005)
<i>OPCRC</i> ( <i>Discussion of the 1<sup>st</sup> State report 2008</i> )	Ensuring that members of the police and armed forces involved in United Nations peacekeeping operations will be made aware of the rights of the child	Introduction of supplementary training for soldiers of the Federal Armed Forces

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