

Responses to Recommendations

GERMANY

Review in the Working Group: 2 February 2009

Adoption in the Plenary: 9 June 2009

Germany's responses to recommendations:

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Recommendations pending responses: | Summary: |
|-------------------------------------|--|--|------------------------------------|---|
| No response, all pending | 35 REC accepted; 9 rejected; 1 pending | The delegation reaffirmed that it is not in a position yet to decide on the pending recommendation n°5 | 1 REC | Accepted: 35 Rejected: 9 No clear position: 0 Pending: 1 |

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/15:

“81. In the course of the discussion, the following recommendations were made to Germany:

- 1. Sign (Azerbaijan), ratify (Egypt, Azerbaijan), accede to (Algeria, Morocco), take necessary steps to become a party to (Ecuador) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

- 2. Maintain under study the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families from a human rights perspective, recognizing the fact that human rights are universal in nature and therefore are not conditioned by migrant status (Mexico); set an example itself accepting that the thousand of migrants workers from its development partners should be able to live in Germany benefiting from the protection of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as it can truly protect the most elementary rights (Algeria);

- 3. Conclude its procedure for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (France);

- 4. Withdraw reservations and declarations to the Convention on the Rights of the Child and to ratify its optional protocol OP-CRC-SC (Brazil);
- 5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ecuador);
- 6. Acknowledge the full applicability of ICCPR to persons subject to its jurisdiction both at home and abroad (Pakistan); comply fully with its obligations under the ICCPR and the recommendation of HR Committee (Islamic Republic of Iran);
- 7. Fully respect the provisions of international human rights instruments including ICCPR and CAT in the context of counter terrorism measures (Pakistan);
- 8. Be one of the countries contributing to best practices of the Human Rights Council by speeding up with the establishment of national preventive mechanisms (Benin), set a clear timetable for the establishment or designation of national mechanisms and grant adequate resources for the effective functioning of these mechanisms (United Kingdom), following the recent ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- 9. Ensure adequate cooperation between anti-discrimination organisations operating on the State level, and that adequate resources and independence of action be ensured for the Federal Anti-Discrimination Office for it to be able to effectively implement its mandate (Finland);
- 10. Encourage the visit of the Special Rapporteur on trafficking in persons, specially women and children, within the framework of the open and permanent invitation extended to special procedures (Mexico);
- 11. Continue to guarantee non-discrimination for all and share further experiences with regard to the new integration policies with regard to guaranteeing human rights (Netherlands);
- 12. Take concrete actions to deal with the discriminatory practices on the grounds of religion in access to employment and social integration (Pakistan);
- 13. Increase its efforts to prevent racially motivated offences and adopt required legislation as well as ensure that relevant criminal law provisions are effectively implemented (Islamic Republic of Iran); adopt laws to punish racist acts (Chad); give diligent follow-up to recommendations of CERD in 2008 in particular the prevention of racially motivated offenses, guaranteeing the equal enjoyment of the right to adequate housing, lifting obstacles encountered by asylum-seekers for schooling their children, and inclusion in their legislation of a specific provision which establish ethnic racial or religious hatred as an aggravated circumstance in criminal matters (Algeria); implement the recommendations of the CERD, including the adoption of a clear definition of racial discrimination in its domestic legislation, adoption of legislative measures and that would criminalize incitement to racial hatred, and effective sanctions for hate crimes (South Africa); adopt a clear and comprehensive definition of racial discrimination, in full compliance with CERD recommendations (Brazil);
- 14. Consider taking more resolute action to prevent and punish perpetrators of racially motivated acts of violence against members of the Roma/Sinti, Muslim, Jewish communities, as well as German nationals of foreign origin and asylumseekers (Malaysia); continue with efforts in order to counter racism within the German society in particular racism against Roma/Sinti and Muslims (Qatar);
- 15. Take concrete steps to implement the National Action Plan against racism and accelerate its efforts at combating all racially motivated crimes (Ghana); continue to implement the national action plan to combat racism in order to eliminate xenophobia and Islamophobia (Saudi Arabia);
- 16. Give consideration to the establishment of a centralized database on qualitative and quantitative data provided by victims or witnesses of racist or xenophobic incidents that have been reported to counselling institutions (Egypt);

- 17. Take effective measures to counter the incitement to discrimination and violence in the media (Islamic Republic of Iran); respect its commitments and take necessary measures to combat incitement to discrimination and violence in the media (Djibouti);
- 18. Take the necessary measures to avoid the stigmatization of migrants and ethnic or religious minorities living in the country and to ensure that they do not become the subject of racism, racial discrimination, xenophobia and other forms of related intolerance, including the prohibition of any organization and propaganda based on racist or xenophobic ideologies (Cuba);
- 19. Pay special attention to the recommendations of the Special Rapporteur on racism who cautioned that xenophobia needs to be addressed squarely to avoid right wing extremism (Pakistan);
- 20. Intensify its efforts in the area of combating racism, racial discrimination, xenophobia and related intolerance with a more committed contribution in the preparatory process for the Durban Review Conference with a view to ensuring its success (Algeria);
- 21. Continue to prioritize gender mainstreaming and to ensure that appropriate mechanisms are in place to implement, monitor and review the Government's strategy (New Zealand);
- 22. Continue its efforts and take further initiatives to combat hate crimes based on sexual orientation (Netherlands); strengthen measures to counter discriminatory attitudes, for example by including sexual orientation and gender identity in public education and equality programmes and initiatives (New Zealand); modify promptly the law on transsexuality to facilitate registration of a change of gender on official documents, without requiring transsexuals to divorce, in line with the decision of the Constitutional Court (New Zealand);
- 23. Continue to strengthen efforts to prevent law enforcement officers of using excessive force (Netherlands); put into place independent bodies responsible for investigating complaints of ill-treatment inflicted by the police et take all measures to ensure that criminal complaints filed against the authorities responsible for law enforcement are treated with attention and due diligence (Djibouti);
- 24. Take the necessary measures to ensure the respect of the Convention on the Rights of the Child to make sure minors are not imprisoned with adults (France); establish a form of effective judicial control over administrative decisions of the Office for Youth called *Jugendamt* (Poland);
- 25. Take necessary measures to ensure the protection of the rights of all children, and specially to resolve the problem of the so-called street children ensuring that their basic needs are covered including education, health, housing and food, and correspond to a society that is rich and developed (Cuba);
- 26. Make additional efforts to combat corruption and to examine the possibility of ratifying the United Nations Convention against Corruption (Russian Federation);
- 27. Repeal any legislation that infringe upon individuals' right to privacy such as the videosurveillance of private homes (Pakistan);
- 28. Consider the suggestions made by CERD in respect to the acquisition of dual citizenship (Turkey);
- 29. Review some of the laws that have been promulgated that prohibited clothes that reflect a religious connotation (Qatar); ensure that their laws and policies are consistent with CEDAW and ICERD by revising or revoking laws and regulations which prohibit religious symbols or clothing for teachers and civil servants which are deemed contravene to freedom of religion and expression (Indonesia);
- 30. Adopt necessary measures according to the international criteria to protect the freedom of Muslim women to belief (Qatar); continue to improve its efforts regarding the integration of citizen of Muslim confession within the German society while at the same time ensuring enjoyment of their human rights including the right to freedom of religious practices (Jordan);

- 31. Further intensify its efforts to overcome the high disparity in income between men and women (Azerbaijan);
- 32. Take fully into account the relevant recommendations of CERD aimed at ensuring the integration of non-German children into the regular school system (Italy); pay special attention to ensure that children of migrant background are not denied academic opportunities based primarily on their acquired proficiency in the German language (Canada); continue to implement the national integration plan to increase access to education for children of migrant workers (Saudi Arabia);
- 33. Consider enabling children to move between streams at a later age, noting the Special Rapporteur's observation on the right to education and particularly the young age that children are selected for streaming into the academic and non-academic schools (Canada);
- 34. Adopt time-bound measures to increase children with disabilities' access to inclusive education in mainstream schools, and that it ensure funding for the specific services necessary to help these students reach their full learning potential and participate along with other students (New Zealand);
- 35. Consider a strategy to address inequalities for children at high risk of exiting the education system too early as highlighted in OHCHR summary (Australia);
- 36. Explore with the Ministries of Education at the state levels the incorporation of more content in school curricula on the longstanding historical contribution of the Roma and Sinti communities to German society and culture (Canada);
- 37. Develop economic and social indicators for migrants and minority groups and that the government incorporate an economic cultural and social rights perspective as well as affirmative action in this regard (Egypt); consider taking more effective measures to eliminate discrimination against female immigrants and minority women in all areas, in particular in employment and education, and to respect and promote their human rights and to respect and promote their human rights, including their freedom of religion and expression (Malaysia).
- 38. Consider adopting measures that would ensure that any law/regulations aimed at controlling irregular migration should not deny nor prevent migrants from accessing fundamental human rights, including access to education, health, care and effective redress for human rights violations (South Africa); ensure that measures to control irregular migration do not operate to impede access to primary health care, education and judicial authorities (Canada); ensure full access to primary health care, education and judicial recourse to all persons present on its territory irrespective of their legal status (Pakistan); consider the possibility of eliminating criminal sanctions to undocumented migrants as well as those sanctions against those who provide services for the protection of their rights (Mexico);
- 39. Undertake additional measures to support migrants and in particular to implement the corresponding recommendations of the treaty bodies, such as recommendations of the CRC on support for the families of migrants (Russian Federation);
- 40. Take necessary steps to prevent any actions that may lead to the stigmatization of migrants, asylum-seekers and ethnic or religious groups living in Germany in the context of political discourse, and address its role as a country of immigration by explicitly acknowledging the positive contribution of immigrants to German society (Egypt);
- 41. Take steps to ensure that women and girls with German residency who were forced to marry abroad have a right to return (United Kingdom);
- 42. Show more understanding and flexibility during the expulsions of undocumented people and to take into account the social and humanitarian aspects of these families (Morocco);
- 43. Continue efforts in achieving the United Nations official development aid target of 0.7 per cent of gross domestic product (Malaysia); implement the United Nations target of allocations at least 0.7 per cent of the gross domestic product to official development assistance, in order to help achieving the Millennium Development Goals by 2015 (Brazil);

44. Continue civil society consultation in its follow up and implementation of the UPR outcome (United Kingdom).

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