



# General Assembly

Distr.: General  
1 September 2023

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-fourth session**  
6–17 November 2023

## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

### **Germany**

---

\* The present document is being issued without formal editing.



## **I. Process for the preparation of the report**

1. The Federal Foreign Office coordinated the preparation of this report with input from all of the federal ministries, the German Government Commissioners with responsibility for human rights issues and the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany.

2. The content of the report is based, among other things, on the interim reports on the state of play regarding the recommendations supported by Germany which were made as part of the third Universal Periodic Review (UPR) cycle; these interim reports are set out in the 14<sup>th</sup><sup>1</sup> and the 15<sup>th</sup><sup>2</sup> Reports by the German Government on its Human Rights Policy.<sup>3</sup> For better comparability, this report is presented in the identical structure as the report from the previous UPR cycle. Four new chapters – on Antisemitism, Rights of older people, Business and human rights as well as Poverty risk and homelessness - have been added in an addendum.

3. Prior to the production of the report, the aforementioned bodies held public discussions on 1 March 2023 and 14 June 2023 with the Human Rights Forum (*Forum Menschenrechte*), which is the network of Germany's human rights NGOs, and the German Institute for Human Rights. Ms Luise Amtsberg, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office, chaired the events.

## **II. Implementation of recommendations from the previous cycle**

4. With regard to the recommendations from the third UPR cycle<sup>4</sup> (2018), Germany would like to present the following observations.

### **A. International instruments**

#### **1. Acceptance of international norms**

5. As a member of the international community, Germany strives for acceptance of international agreements.

6. In 2021, Germany ratified the Indigenous and Tribal Peoples Convention, 1989, (No. 169) of the International Labour Organization (ILO), and in 2019 it ratified the ILO Protocol of 2014 to the Forced Labour Convention, 1930, (No. 29).<sup>5</sup> The legislative process on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was completed, and the Optional Protocol ratified, at the beginning of 2023.<sup>6</sup> EU sanctions are consistent with international law, including the obligations arising from humanitarian international law and the human rights norms. They are an instrument of the Common Foreign and Security Policy (CFSP) of the EU for defending EU values and interests, preserving peace and supporting democracy, the rule of law, human rights and the principles of international law as well as strengthening global security. They do not target a country's civilian population, and where sanctions target particular economic sectors and/or individuals and institutions of a third country, the fundamental rights of the population are safeguarded in the formulation and application of the EU sanctions.<sup>7</sup>

#### **2. Withdrawing reservations**

7. The German Government closely examines whether to express reservations to international human rights treaties. As for the reservations it currently upholds, the German Government still considers these to be necessary.

8. The reservations regarding criminal law and residence law that Germany made on ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) have not been renewed. Accordingly, since February 2023 the Convention has applied without restriction in Germany. In the Coalition Agreement, the German Government undertook to develop an interdepartmental

political strategy against violence focused primarily on the prevention of violence and on victims' rights.

9. The German Government is considering the possibility of withdrawing its reservation under international law to Article 5(2)(a) of the first Optional Protocol to the International Covenant on Civil, and Political Rights (non-discrimination), as recommended by the UN Human Rights Committee in its concluding observations on Germany's seventh periodic report in 2021.

### 3. Cooperation with international mechanisms and institutions

10. Germany has continued its close cooperation with international human rights mechanisms and institutions.<sup>8</sup>

11. This includes a standing invitation to the special procedure mandate-holders of the Human Rights Council. From 28 November to 9 December 2022, for example, the UN Special Rapporteur in the field of cultural rights and cultural diversity visited Germany.<sup>9</sup>

12. Germany supports the work of the Office of the High Commissioner for Human Rights (OHCHR), not least with a substantial annual voluntary contribution and extensive additional project funding. The OHCHR listed Germany as its fifth-largest donor in 2021.

13. As an elected member for two three-year terms – 2016 to 2018 and 2020 to 2022 – Germany actively supported the work of the Human Rights Council, not least by way of resolutions on the rights to safe drinking water and sanitation,<sup>10</sup> on the right to adequate housing,<sup>11</sup> on human trafficking<sup>12</sup> and on the right to privacy in the digital age.<sup>13</sup> Germany held the presidency of the Human Rights Council in 2015 and provided a vice-president in 2018 and 2022. Special sessions of the Human Rights Council on the situation of human rights in Sudan in 2021 and 2023 and in Iraq in 2022 were due in large part to Germany's initiative.<sup>14</sup>

14. The Women, Peace and Security Agenda is a political priority of the German Government, which vigorously implements it as a cross-cutting measure embedded in a consolidated national approach. Accordingly, in 2019 Germany initiated Security Council Resolution 2467 and presided over its negotiation. Among other things, the resolution encourages member states to adopt a survivor-centred approach in preventing and dealing with sexual and gender-based violence in conflict and post-conflict situations.<sup>15</sup>

15. Germany's commitment in the Third Committee of the General Assembly is reflected in the resolutions it has tabled and, for example, in a joint statement on the human rights situation in China by 39 UN member states that was delivered in 2020. At the 66<sup>th</sup> session of the UN Commission on the Status of Women, held in 2022, Germany, in its capacity as co-chair, presided with great success over the negotiations on the agreed conclusions, which recommended measures for the reinforcement of women's rights and for the empowerment of all women and girls in the context of climate change.

16. Within the framework of the European Union (presidency of the Council in 2020), the Council of Europe (chairmanship of the Committee of Ministers in 2021) and the Organization for Security and Co-operation in Europe (chairmanship in 2016), Germany has been pressing emphatically for the promotion of human rights. This commitment is also reflected in its ratification of the revised version of the European Social Charter in 2021.

17. In 2022, Germany stood for election to the Committee on the Elimination of Discrimination against Women (CEDAW Committee). The German candidate was proposed by an organisation from civil society and was nominated in a transparent selection process.<sup>16</sup>

18. Decisions on issuing arms export authorisations are taken by the German Government on a case-by-case basis in the light of the prevailing situation, after careful examination with due regard to foreign and security policy considerations.<sup>17</sup> These decisions are based on the legal requirements laid down by the War Weapons Control Act (*Gesetz über die Kontrolle von Kriegswaffen*), the Foreign Trade and Payments Act (*Außenwirtschaftsgesetz*), the Foreign Trade and Payments Ordinance (*Außenwirtschaftsverordnung*), the Council Common Position of 8 December 2008 defining common rules governing control of exports of military technology and equipment, as amended on 16 September 2019 (EU Common

Position) and the Arms Trade Treaty (ATT), as well as the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment dating from the year 2000, as revised on 26 June 2019 (Political Principles). The German Government prescribes a restrictive approach to arms exports and will draft an Arms Control Act in accordance with the guidelines set out in the Coalition Agreement.<sup>18</sup> To increase transparency, the German Government began in 2022 to supplement its reports on arms exports with quarterly press releases giving quantitative data on arms export authorisations. The high current authorisation figures demonstrate Germany's ongoing support for Ukraine in its self defence against Russia's illegal war of aggression. The authorisation figures also reflect our close bond with our fellow members of the EU and NATO as well as close partner countries while maintaining a restrictive stance in respect of other third countries.

19. Respect for human rights in the recipient country plays a key role in the decision-making process. Where there is sufficient suspicion that the military equipment to be supplied will be misused for internal repression or for other persistent and systematic violations of human rights, authorisation will not be issued as a matter of principle. When assessing respect for human rights and humanitarian international law in the country of final destination (Criterion Two of the EU Common Position), the German Government also examines, as specified in the User's Guide to the Common Position issued by the Council of the European Union,<sup>19</sup> the aspects of gender-based violence and violence against women and children, as is also prescribed by Article 7(4) of the Arms Trade Treaty.

20. Human rights are also an important criterion in decisions on the export of dual-use items within the meaning of Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 (Dual-Use Regulation). For some years, the German Government has been particularly committed to more stringent export controls for telecommunication surveillance equipment with which computers, for example, can be monitored or telephones tapped. On Germany's initiative, the participating states of the Wassenaar Arrangement agreed on new export controls for telephone surveillance software in 2019. In this way, the national controls that had been in place in Germany since 2015 were successfully established on an international scale. The entry into force of the updated Dual-Use Regulation on 9 September 2021 brought in authorisation requirements for digital-surveillance equipment not already listed in Annex I to the Dual-Use Regulation. This catch-all authorisation requirement comes into play where the digital-surveillance goods in question are intended for use in connection with domestic repression and/or to commit serious violations of human rights and international humanitarian law.

21. The German Government consistently applies its Principles governing the authorisation of exports of small arms and light weapons, corresponding ammunition and production equipment to third countries (Small Arms Principles), which date from 2015, with a view to significantly reducing the risk of uncontrolled proliferation.<sup>20</sup>

#### **4. International cooperation and development cooperation**

22. Human rights are a pillar of Germany's values-based, human rights-focused and feminist foreign policy. The Guidelines for Shaping Feminist Foreign Policy highlight how Germany is progressing in reinforcing the rights, resources and representation of women and marginalised groups.<sup>21</sup> The protection and promotion of human rights are key interests that Germany is pursuing worldwide in international forums, in its bilateral relations and in human rights dialogues conducted in diverse forms and formats as well as through support for projects, particular those implemented by organisations in civil society. German humanitarian assistance also contributes to the pursuit of this aim through specific aid measures tailored to the needs of people in distress. Guaranteeing and protecting human rights are guiding principles of the human rights-based and feminist development policy of the Federal Ministry for Economic Cooperation and Development that support achievement of the Sustainable Development Goals, adaptation to climate change and greater use of energy from renewable sources.<sup>22</sup> The evaluation of the human rights strategy in German development policy conducted by DEval, the German Institute for Development Evaluation, from 2019 to 2022, found shortfalls. The German Government is addressing these.<sup>23</sup>

## B. National instruments

### 1. Institutions

23. Germany has examined the recommendations made by the Office of the High Commissioner for Human Rights on national mechanisms for reporting and follow-up (NMRF). Germany applies an interministerial procedure, in which the Federal Foreign Office coordinates and transmits the contributions of the specialised ministries to the fulfilment of Germany's reporting obligations in the form of follow-ups to Universal Periodic Reviews and reports to treaty bodies or to special procedures of the UN Human Rights Council. One of the ways in which the Federal Foreign Office follows up the implementation of recommendations is by reporting on progress in implementing UPR recommendations in the German Government's biennial report on its human rights policy.<sup>24</sup>

24. With the adoption of the DIMR Act (*DIMR-Gesetz*), the legal status and mandate of the German Institute for Human Rights (DIMR) were enshrined in law in 2015. The Institute's A status under the criteria set out in the Paris Principles was confirmed in March 2016. The re-accreditation process is pending at the present time. The Institute can submit opinions on human rights issues in selected proceedings before national courts and international decision-making bodies if a court case raises a question of fundamental relevance to compliance with or realisation of human rights and the Institute's work covers the matter in question. In view of this fact, and given the fully guaranteed access to the courts in the event of alleged violations of human rights, the German Government does not consider an extension of the powers of the DIMR to be necessary at the present time.<sup>25</sup>

### 2. Human rights upbringing and education

25. Human rights, including the human right to education and the realisation of children's rights, are at the core of the education and upbringing mission of schools; the right to school education is enshrined in the Basic Law for the Federal Republic of Germany and in the education acts of the *Länder*. They are part of a long-term and holistic development of schools and curricula. This development is the task of all teachers and all specialists working in schools as well as an important aspect of cooperation between schools and the home environment. In particular, it involves encouraging and assisting pupils to be aware of their own rights and to stand up for the rights of others.

26. Education in human rights cuts across the whole of school life and is therefore a subject of interdisciplinary and supradisciplinary instruction. In 2018, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* updated and rewrote its recommendation on human rights education in schools,<sup>26</sup> which is the basis for the standards set by the *Länder*. Content relating to human rights will be found in the curricula for subjects like history, political, economic, social or general studies, languages, religious studies and ethics/philosophy, and other subjects too.

27. For the *Länder*, human rights education is a fundamental duty of institutions of higher education. In their mission statements, all higher education institutions affirm their commitment to universal human rights and possess diversity strategies. The *Länder* are working to establish complaint and prevention mechanisms in the mission statements of the higher education institutions, where such mechanisms are not already in place. All higher education institutions have diversity strategies. Human rights education, moreover, is an important research field in higher education institutions, particularly in the realms of the social sciences, the humanities and law.<sup>27</sup>

### 3. State abuse and law enforcement

28. Discriminatory racial profiling violates Article 3 of the Basic Law and is therefore prohibited by the general legality requirements governing police activity. Representatives of civil society, academic institutions and victims' organisations in Germany point out that the avoidance of racial profiling in police practice remains a challenge.<sup>28</sup> The need for action is also highlighted by the 13<sup>th</sup> Report of the Federal Government Commissioner for Migration, Refugees and Integration, published in 2023: Racism in Germany: Current situation, fields of action, measures.

29. High priority attaches in initial and continuing training across the subject spectrum to the impact of measures such as stop and search.<sup>29</sup> The issues of human and fundamental rights and non-discrimination are constantly addressed and are regular subjects of instruction in centralised training courses and local in-service training for all career paths. To reinforce these efforts, the same subjects are dealt with in practical police training. Since 2019, for instance, awareness-raising anti-racism and anti-discrimination seminars have been conducted with input from civil society organisations. These seminars serve to consolidate and develop the social and intercultural skills of police officers and to provide them with practical training, including role-play and situational simulations.

30. With regard to the police, the following measures were among those implemented or intensified to ensure that police powers are exercised in compliance with human rights.<sup>30</sup>

31. The topics of human rights, fundamental rights, non-discrimination, the prohibition of abuse and torture, the UN Charter, the European Convention on Human Rights and intercultural competence are addressed in detail right at the start of career training with the Federal Police. Initial and continuing training measures, relevant materials and pertinent instructions and regulations on the issues of discrimination, racism and racial profiling are continuously updated and improved. A study on behaviour-based stop checks is also being conducted at the present time.<sup>31</sup> The German Government is currently discussing a revision of the Federal Police Act (*Bundespolizeigesetz*).

32. The Federal Criminal Police Office and the Federal Police are pursuing the aim of increasing the proportion of their employees with migrant backgrounds. The personnel recruitment and selection processes in the Federal Criminal Police Office are being steadily improved through the introduction of its new careers gateway and through target group-focused recruitment advertising for occupational categories in digital channels. For this reason, in their recruitment policies the national police forces attach great importance to applicants' linguistic and intercultural skills. In their advertising measures, such as radio, poster and web-based recruitment drives, they aim specifically to reach this target group.<sup>32</sup> Because of the federal nature of police structures, measures for investigating reports of discrimination take different forms. Nor have all *the Länder* introduced compulsory identity badges for police officers.

33. The post of a Commissioner for Values was established at the Federal Criminal Police Office in January 2021. His remit is to reinforce the democratic resilience of Federal Criminal Police Office personnel and to propose a code of values to serve as a compass or benchmark in the organisation. The Commissioner for Values is involved in initial and continuing training, regularly offers events and information material designed to highlight basic democratic values and is available as a contact for employees in cases where values have been breached.

34. Within the context of the National Action Plan Against Racism<sup>33</sup> (Cabinet decision of June 2017), the German Government has also been addressing the problem of racism in institutions. Wherever there are indications that institutional procedures (working methods, rules of procedure, routines and processes) are or appear discriminatory, the German Government will address them. The 13<sup>th</sup> Report, published in January 2023, of the Federal Government Commissioner for Migration, Refugees and Integration, who is also the Government's Anti-Racism Commissioner, contains a comprehensive up-to-date overview of racism in Germany and highlights key areas for action relating to structural racism. The Commissioner has also set up a council of experts on combating racism, one of its tasks being to produce a working definition of racism for administrative activities with a view to reducing structural racism. In 2016, the Federal Police introduced an independent internal complaints mechanism.

35. If complaints are made concerning discriminatory or other unlawful conduct by individual police officers, the German legal system has at its disposal independent and effective procedures to investigate the case concerned. Any criminal investigation into a suspected offence falls within the remit of a public prosecution office, which directs the investigation.<sup>34</sup> Investigations directed against federal police officers are handled by the police and the public prosecution office in the *Land* in which the complaint was lodged to ensure complete independence.

36. Within the legal system, preventive detention is regarded as a last resort. For this reason, each individual case needs to be examined conscientiously to ensure that the applicable strict standards are met.

37. The German Government, in line with an accord reached in the Coalition Agreement, has undertaken to introduce both an independent Commissioner for Policing for the federal police forces as a point of contact in the German Bundestag with rights of access to files and premises and the pseudonymised identification of police officers. The *Länder* have also been active in this respect and have developed several models. They may decide for themselves whether their police officers should be required to wear personal identification (with exceptions in special cases, e.g. on security-related grounds) and whether this should take the form of their name or a number, depending on the intended purpose.

#### 4. Human rights and counterterrorism

38. The Federal Republic of Germany and its interests and institutions worldwide remain a target for various terrorist organisations. Attacks can be expected at any time. A series of fatal attacks by right-wing extremists in 2019 and 2020 have confirmed Germany's assessment that violent right-wing extremism is currently the most pressing threat to its free democratic basic order.

39. The Federal Government and the *Länder* pursue a holistic approach in the fight against extremism and terrorism. Suppression and prevention are intertwined. Deradicalisation measures and programmes implemented by governmental and civil-society bodies are of fundamental importance in the effort to meet this challenge in the long term. Against this backdrop, the Federal Government and the *Länder* are promoting a wide range of exit and deradicalisation programmes.<sup>35</sup>

#### 5. Corruption

40. Over the past few years, Germany has undertaken further legislative measures to reinforce the fight against corruption with the instruments of criminal law. Mention may be made of the steps taken in 2021 to upgrade the offences of taking of bribes by and giving of bribes to elected officials (section 108e of the German Criminal Code (*Strafgesetzbuch*)) to crimes punishable with at least one year in prison (*Verbrechen*) and to extend the legal definition of money laundering.<sup>36</sup>

41. Measures are continually being developed, moreover, and the Bundestag is kept informed on the implementation of corruption-prevention provisions within the federal administration. Since the 2020 reporting year, the Federal Ministry of the Interior and Community has been presenting an extensive Integrity Report each year on 30 September; besides national and international corruption prevention, the report also covers other aspects of administrative integrity, such as sponsoring, the use of external persons in the federal administration and internal audit units in the federal administration.<sup>37</sup>

### C. Non-discrimination and human rights protection

#### 1. General

42. Respecting and protecting human dignity is the fundamental duty of all state authority in Germany (Article 1(1) of the Basic Law). The indivisibility, universality and close interdependence of all human rights, as well as the equal status of social, economic and cultural rights on the one hand and civil and political rights on the other are guaranteed in legislation, executive action and judicial practice. According to the rulings of the Federal Constitutional Court, obligations under human rights conventions are to be taken into account in interpretations of the Basic Law and bind the administration and judiciary as ordinary law. Germany is working in numerous ways to implement these obligations. For example, the German Government reports to the Bundestag every two years on its domestic and foreign policy activities and initiatives in the area of human rights. The report also contains the German Government's Action Plan for Human Rights for the next two years.

43. People seeking protection whose access to the labour market is in conformity with the provisions of EU legislation have the same rights and obligations as other employees and jobseekers when they enter the labour market. Where such people are in employment, German labour law and German health and safety legislation are fully applicable to them without discrimination.<sup>38</sup>

44. Through a programme entitled *Unsere Arbeit: Unsere Vielfalt. Initiative für betriebliche Demokratiekompetenz* (“Our work: our diversity. Initiative for democratic literacy in the workplace”), Germany is pursuing the aims of strengthening democracy in the world of work and combating racism. In the funding period from 2021 to 2024, 34 projects across Germany are assisting workforces, employers, students at vocational colleges and teaching staff in adopting pro-democracy practices. In the Integration through Qualification support programme, the programme line *Fair Integration* has been relaunched for the period from 2023 to 2025 with 17 projects across the country that are designed to assist third-country nationals by answering their questions about employment law, social legislation or problems they may face at work. The Federal Employment Agency respects and promotes diversity and equal opportunities both as an employer and as a service provider in the labour market. Its employees are trained in communication, in counselling and in the values and operating principles of the Federal Employment Agency as well as in discrimination risks, protection against discrimination, diversity, intercultural skills and equal opportunities. Discriminatory treatment of employees on grounds of ethnic origin, age, gender, religion or belief, disability or sexual orientation is prohibited in the realm of employment and career development under the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*). This discrimination ban is accompanied by various redress and enforcement mechanisms established by the said Act.<sup>39</sup>

45. In 2022, the Federal Anti-Discrimination Agency was strengthened in its role as a key player in the provision of effective protection against discrimination in Germany when its leadership was entrusted to an independent Federal Anti-Discrimination Commissioner, to be elected by the Bundestag for a five-year term. The Coalition Agreement, moreover, provides for a more sweeping reform of the General Equal Treatment Act, whereby gaps in protection are to be closed, legal protection is to be improved and the scope of the Act widened.<sup>40</sup>

46. Since 2015, the federal Live Democracy! programme has been supporting engagement on the part of civil society in favour of democracy and against every form of extremism and includes numerous measures for the protection of people affected by discrimination (second funding period, which runs until 2024). These measures include counselling services for victims and other affected parties, pilot projects for the development of new preventive educational measures and, since 2020, a separate network of excellence devoted to combating discrimination and shaping diversity with a view to pooling and further developing relevant expertise and information nationwide, providing expert advice, qualifying specialised staff and disseminators and ensuring the transfer of successful working and prevention practices into federal, *Land* and local-authority structures.<sup>41</sup> The programme *WIR – Netzwerke integrieren Geflüchtete in den regionalen Arbeitsmarkt* (“WE – Networks integrating refugees into the regional labour market”) is a vehicle for initiatives such as information events, awareness-raising measures and training for such beneficiaries as public administrative institutions and business enterprises.

47. Career training in the federal police forces and the allocation of posts in the working units of the criminal police are based on aptitude, performance and capabilities. Where a person was born does not matter; German citizenship is, however, a prerequisite for entry into the criminal police service. Employment is also open to citizens of EU member states, signatory states of the EEA Agreement and of third countries whose nationals have been accorded a contractual right to recognition of their vocational qualifications. Nationals of other third countries may be engaged if a special exemption clause is invoked.<sup>42</sup>

48. In the education system, the principles of non-discrimination and equal rights apply unconditionally within each institution. Accordingly, all *Länder* make strenuous efforts, for example, to ensure the greatest possible degree of equal participation of people with disabilities in education. Breaches of the principle of non-discrimination through malpractice in individual cases are punishable offences.<sup>43</sup>

## 2. Specific issues and groups

### (a) *Torture, enforced disappearance and human trafficking*

49. In Germany, there are a number of specific provisions criminalising all conceivable forms of torture or other cruel, inhuman or degrading treatment. In this context, reference should be made, in addition to general criminal law, to the Code of Crimes Against International Law (*Völkerstrafgesetzbuch*).

50. In Germany, protection from torture is guaranteed both by the administration and in court proceedings. Consequently, it is the standard practice of German higher courts (including the Federal Constitutional Court) to reject extradition or expulsion to a country if there is a concrete threat of torture or inhuman or degrading treatment or punishment there.<sup>44</sup>

51. On 1 November 2022, an independent reporting agency on human trafficking took up its duties at the German Institute for Human Rights. With a remit based on the Council of Europe Convention on Action against Trafficking in Human Beings, the reporting agency deals with all forms of human trafficking, whether for sexual exploitation, labour exploitation, exploitation of criminal activities, traffic in human organs, begging or child trafficking. Its task is to collect and analyse data on human trafficking, to evaluate existing measures against human trafficking in Germany on that basis, to formulate recommendations for action and so to contribute to the effective fulfilment of international requirements. The foundation for combating human trafficking is a human rights-based approach, which is being worked on continuously. The Coalition Agreement moreover provides in particular for the drafting and implementation of a national action plan. Preparations for this have already begun within the German Government, coordinated by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. In light of the negotiations under way at the EU level on the revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, as well as the evaluation of the Prostitute Protection Act (*Prostituiertenschutzgesetz*) ongoing until 2025, possibilities for improving the provisions on combating human trafficking will need to be examined.

52. In February 2023, Germany obtained the status of a Pathfinder Country within Alliance 8.7. The Alliance is a global partnership co-initiated by the International Labour Organization and dedicated to the achievement of target 8.7, defined in United Nations General Assembly Resolution A/RES/70/1 of 25 September 2015 entitled Transforming our world: the 2030 Agenda for Sustainable Development, which commits states to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. The German Government also plans to develop a national action plan for the prevention and suppression of all forms of human trafficking.<sup>45</sup>

### (b) *Children*

53. The German Government takes account of the interests and needs of young people through its Youth Strategy, published in 2019. In order to widen still further the scope for participation of young people, the Youth Strategy will be expanded by 2025 by means of a National Action Plan for Child and Youth Participation. At the end of 2022, the voting age for European elections in Germany was lowered to 16. The aim of the German Government is to introduce this lower voting age for Bundestag elections too.<sup>46</sup>

54. Since the last report, Germany has further expanded its work in the areas of child protection and reinforcement of children's rights. The Children and Youth Empowerment Act (*Kinder- und Jugendstärkungsgesetz*), which entered into force in 2021, provides for numerous improvements<sup>47</sup>, especially for young people who need particular support from the child and youth welfare services and for their families.<sup>48</sup>

55. The Act also helped to pave the way for what is known as the "inclusive approach", that is to say the consolidation of all services for children and adolescents under the umbrella of the child and youth welfare services, regardless of whether or not children have a disability and irrespective of the nature of any such disability.<sup>49</sup>

56. December 2019 saw the establishment of the National Council on Combating Sexual Violence against Children and Young People, a body dedicated to long-term interdisciplinary dialogue.<sup>50</sup> It focuses on protection from exploitation and particularly on identifying the needs of under-age victims of human trafficking, online grooming and sexual exploitation and on sourcing available means of assistance.<sup>51</sup> In addition, a nationwide awareness-raising campaign and call to action on sexual violence against children and young people was launched at the end of 2022.<sup>52</sup> The German Government has responded to the sharp rise in cases of sexual violence against children and in the circulation of abuse images in digital media by introducing legislative amendments designed to provide better protection for children, particularly by upgrading the gravity of offences in the Criminal Code and extending the investigative powers conferred by the Code of Criminal Procedure (*Strafprozessordnung*).<sup>53</sup>

57. The right to school education is enshrined in the Basic Law for the Federal Republic of Germany as well as in the constitutions and education acts of the *Länder*. Access to school education free of charge is guaranteed for all children and young people, and they are nurtured in the best possible ways in accordance with their talents. This also applies as a matter of principle to children and adolescents who have fled to Germany from other countries.<sup>54</sup> The Federal Government and the *Länder* are responding with numerous measures to current challenges.<sup>55</sup>

58. There has moreover been input from civil society against the right of the German armed forces to recruit people under the age of 18. In the process for recruiting under-18s into the Bundeswehr, the German Government fulfils its obligations under the provisions of the Optional Protocol of 25 May 2000 to the UN Convention on the Rights of the Child regarding the involvement of children in armed conflicts.

59. The German Government plans to enshrine children's rights in the Basic Law, primarily on the basis of the UN Convention on the Rights of the Child.

(c) *Families*

60. Under Article 6 of the Basic Law, marriage and the family in all their diversity enjoy the special protection of the state. Provision for equal status of unmarried couples in established relationships is not made in every area of the law.<sup>56</sup>

61. Since the last national report, the German Government has undertaken various measures to promote the reconciliation of work and family life. Good childcare, a family-friendly working world and genuine partnership in task-sharing between parents are the basis for a good work-life balance.

62. Parents have the option of suspending their employment for parental leave and resuming it after the end of the statutory leave period on the terms and conditions that applied before the start of their parental leave.<sup>57</sup> The German Government also supports the reconciliation of family and working life by means of its interdepartmental Gender Equality Strategy.<sup>58</sup>

(d) *Women*

63. In 2020, the German Government adopted a common comprehensive strategy for greater gender equality. Progress on the implementation of the strategy was reviewed at the end of the last legislative term. The Gender Equality Strategy is currently being further developed and linked with specific objectives and measures.<sup>59</sup> Differences in remuneration still remain between men and women, as does a degree of gender-based segregation in the labour market. Additionally, there has been an increase in the number of women returning to unpaid care work as a result of the COVID-19 pandemic. The German Government is addressing the existing shortfalls through various measures.

64. The Act of 24 April 2015 on the Equal Participation of Women and Men in Executive Positions in the Private and the Public Sector (*Führungspositionen-Gesetz*) is helping to increase the proportion of women in positions of leadership.<sup>60</sup> The Transparency in Wage Structures Act (*Entgelttransparenzgesetz*) prohibits direct or indirect pay discrimination on

grounds of gender between persons performing the same or equivalent work.<sup>61</sup> The implementation of these Acts is promoted through several programmes.<sup>62</sup>

65. By means of various initiatives, the German Government is promoting growth in the proportion of women in politics; *Aktionsprogramm Kommune – Frauen in Politik!* (“Action programme for local government – women into politics!”), for example, is a programme with the specific aim of increasing the percentages of women in municipal representative assemblies as well as in full-time and honorary mayoral posts and county assemblies.<sup>63</sup>

66. Since the last report, the German Government has been expanding the range of services dedicated to protection from domestic violence, although these are still too few; one means to this end has been the establishment of more counselling centres and women’s refuges.<sup>64</sup> Since the start of the legislative term, the German Government has been working on a package of measures that provides, among other things, for a national legal instrument on protection and counselling of victims of violence, the establishment of a national coordinating body under Article 10 of the Istanbul Convention and an interdepartmental strategy for the prevention and suppression of violence.<sup>65</sup> Since November 2022, the German Institute for Human Rights has been entrusted with the task of continuous and independent national reporting on the implementation of the Istanbul Convention.

67. Under the principle of mandatory prosecution, prosecution authorities are required to open investigations if there is an initial suspicion of a criminal offence, regardless of the groups of persons against whom the acts are suspected to have been committed.<sup>66</sup> Some *Länder* have established special units with specific expertise in quest of even more efficient prosecution in respect of domestic and gender-based violence. In 2013, a separate criminal offence of female genital mutilation was created.<sup>67</sup>

68. On 19 July 2022 the Criminal Code Amendment Act (Removal of the Ban on Advertising for Termination of Pregnancy) (*Gesetz zur Änderung des Strafgesetzbuches – Aufhebung des Verbots der Werbung für den Schwangerschaftsabbruch*)<sup>68</sup> entered into force.<sup>69</sup> In March 2023, the German Government appointed a commission on reproductive autonomy and reproductive medicine. The commission will examine options for regulations on pregnancy termination outside the German Criminal Code as well as options for the legalisation of egg donation and altruistic surrogate maternity. This serves to reinforce women’s right of sexual and reproductive autonomy. Doctors who perform terminations themselves can now publicly provide objective and professional information about the process and methods used to terminate a pregnancy, while knowledge about the performance of terminations must be made part and parcel of their initial training.

69. In July 2021, Germany submitted its ninth periodic report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Geneva. The presentation of that ninth periodic report and the public hearing on the report before the CEDAW Committee took place in Geneva on 11 May 2023.<sup>70</sup>

(e) *Antigypsyism*

70. Combating and preventing antigypsyism is a key concern of the German Government.<sup>71</sup> The German Government has appointed a specialised body, the Independent Commission on Antigypsyism, which sets its own working agenda and, in the period from March 2019 to March 2021, produced an 800-page-plus report with numerous recommendations. The report gives an extensive depiction of the structural and institutional antigypsyism that Sinti and Roma face in Germany in all areas of life even 75 years after liberation from National Socialism.

71. In the Coalition Agreement, the German Government pledges to take on board the recommendations of the Independent Commission on Antigypsyism and establish the post of Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in Germany. He coordinates the German Government’s measures against antigypsyism, encourages the implementation of the Independent Commission’s recommendations within the Government and dialogue with the *Länder*, and is the central governmental point of contact for the Sinti and Roma communities in Germany. International matters are dealt with by the Federal Foreign Office.

72. With the national strategic framework Tackling Antigypsyism, Ensuring Participation adopted on 23 February 2022 (lead ministry: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth), the German Government is implementing the EU Roma Strategic Framework for 2020-2030. The adoption of the strategic framework by the Federal Cabinet was preceded by a broad consultation process with input from the relevant government departments, *Länder*, national associations of local authorities and representatives of civil society. In addition to the goal of equal access to education, employment, healthcare and housing, the focus of the new implementation strategy is on tackling antigypsyism effectively and promoting the equal participation of Sinti and Roma in Germany as cross-cutting objectives. Germany has set up a coordination body at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to coordinate the implementation activities.<sup>72</sup>

73. In addition, the German Government is supporting the establishment of an Antigypsyism Reporting and Information Centre to collect data on antigypsy incidents.<sup>73</sup> Notwithstanding a drop in 2021, the German police authorities have been registering an upward trend in the number of antigypsy incidents. In the context of the arrival in Germany of people fleeing war in Ukraine, the Reporting and Information Centre has recorded numerous incidents of antigypsyism against Ukrainian Roma.

74. On 31 March 2021, the German Government adopted the non-binding but politically significant working definition of antigypsyism formulated by the International Holocaust Remembrance Alliance (IHRA).

75. Sinti and Roma children living in Germany have the same access as others, free of charge, to healthcare if they are covered by health insurance as well as to education. The children of Sinti and Roma, like children in all other sections of the population, are subject to compulsory schooling.<sup>74</sup> In practice, however, members of the Sinti and Roma communities nonetheless report discriminatory behaviour in connection with education, health, work and housing.

76. In December 2022, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder*, together with the Central Council of German Sinti and Roma and the Alliance for Solidarity with the Sinti and Roma of Europe adopted “a joint declaration on the impartation of the history and present of Sinti and Roma in schools”,<sup>75</sup> the aim of which is to intensify engagement with the history and present situation of the Sinti and Roma in the classroom and in extracurricular activities. In particular, the goal is to raise awareness of antigypsyism among pupils as well as in teacher training.<sup>76</sup>

(f) *Persons with disabilities*

77. In 2021, the German Government’s National Action Plan 2.0 to implement the UN Convention on the Rights of Persons with Disabilities was updated as regards the topic of the digital transition and inclusion. The National Action Plan is designed to be a dynamic, living programme for disability policy and is therefore updated regularly.

78. Among the priority areas are accessibility as well as work and employment. The primary focus of the Federal Accessibility Initiative is on mobility, housing/construction, health and digital services. People with disabilities now have the option of taking up employment in the mainstream job market as an alternative to employment or training in sheltered workshops. The budget for employment or training supports the exercise of this option. Employers can obtain assistance from single points of contact. In this way new, inclusive pathways and support opportunities have been created for the training and employment of people with disabilities in the mainstream job market.<sup>77</sup>

79. Combating discrimination against children with disabilities is a declared aim of the German Government and of all the *Länder*. Between the ratification of the UN Convention on the Rights of Persons with Disabilities in 2009 and the 2021/22 school year, the proportion of children receiving special educational support who attended mainstream schools rose from 20% to 44%. At the same time, between 2009 and 2021/22 the proportion of children receiving special educational support in mainstream schools and special schools rose only marginally, from 6.0% to 7.8% of all pupils. Germany is continuing its efforts to develop an inclusive school system.<sup>78</sup>

80. In the Federal Republic of Germany, there is, as a rule, sufficient and non-discriminatory access to healthcare for everyone residing in Germany. An essential prerequisite for the use of health services is the existence of health insurance coverage or the exercise of one of the options available in Germany for access to coverage in the event of illness.<sup>79</sup> During the COVID-19 pandemic, there was much discussion about potential bottlenecks in the healthcare of people with disabilities, whose criticism did not subside even after legislative action.

81. The accessibility of health services for people with disabilities is an important issue. Various individual measures have increased accessibility in the healthcare system. For example, the associations of statutory health insurance physicians, whose statutory task it is to provide medical care as panel doctors, are required to inform insured persons online, in an appropriate and nationally uniform manner, about the means of access to medical care for people with disabilities.<sup>80</sup>

(g) *LGBTIQ+*

82. Considerable social progress has been made with regard to legal protection and equality of legal status for LGBTIQ+ persons.

83. The Act Amending Information to be Entered in the Register of Births (*Gesetz zur Änderung der in das Geburtenregister einzutragenden Angaben*) of 2018 created the option for intersexual persons to have the gender category “diverse” entered in the civil status records. In 2020 the Conversion Therapy Act (*Gesetz zum Schutz vor Konversionsbehandlungen*) was adopted. The Act prohibits interventions on minors and persons of full age – unless the latter have effectively given their consent – which are designed to change or suppress their sexual orientation or their own sense of gender identity. In addition, May 2021 saw the entry into force of the Act on the Protection of Children with Differences in Sex Development (*Gesetz zum Schutz von Kindern mit Varianten der Geschlechtsentwicklung*). The prohibition of medical interventions, unless medically indicated to preserve life, on intersex children is intended to ensure that no irreversible interventions can be made which may adversely influence the physical and mental health of intersex persons throughout their lives.<sup>81</sup>

84. The first Federal Government Commissioner for the Acceptance of Sexual and Gender Diversity, also known as the Commissioner for LGBTIQ+ Equality, was appointed on 5 January 2022. His task is to work with the participating federal ministries on projects in the realm of LGBTIQ+ policy. In particular, he coordinates the production and implementation of the nationwide action plan for the acceptance and protection of sexual and gender diversity, *Aktionsplan “Queer leben”*, which was adopted by the Federal Cabinet on 18 November 2022. The action plan encompasses measures in the fields of legal recognition, empowerment, safety, health, reinforcement of counselling and community structures and the international dimension. It is intended to combat homophobia and transphobia and improve the situation of LGBTIQ+ people, particularly as regards their safety.<sup>82</sup>

85. The German Government is currently drafting a Gender Registration (Self-Determination) Bill (*Selbstbestimmungsgesetz*) on the basis of core principles published by the Ministry for Family Affairs, Senior Citizens, Women and Youth and the Ministry of Justice on 29 June 2022. The aim of the proposed act is to regulate changes of civil status for transsexual and intersex as well as non-binary people. It is designed to replace the Transsexuals Act (*Transsexuellengesetz*). Under the new bill, it will no longer be compulsory to obtain an expert opinion in order to have one’s gender or forename entry changed in the civil status records. The sole prerequisites will be a declaration and assurance, to be made by the applicant before a civil registrar. For the first time there will be a single instrument for trans, intersex and non-binary people. It is planned to allow minors from the age of 14 to make the declaration themselves before the civil registrar. To do so, however, they would require the consent of their parents or guardians, which has drawn criticism from civil society. If the parents or guardians refuse their consent, a family court may give its consent *in loco parentis* unless that is inconsistent with the child’s welfare. In the case of children under the age of 14, only the parents or guardians may make the declaration before the civil registrar to have the gender entry changed.<sup>83</sup>

(h) *Religious minorities*

86. Combating Islamophobia is a priority of the work of the German Islam Conference. In pursuit of this goal, the German Government established the *Unabhängiger Expertenkreis Muslimfeindlichkeit*, an independent panel of experts on Islamophobia, in 2020, providing it with financial support. Its mission is to analyse current and evolving manifestations of Islamophobia and formulate recommendations for action. Its findings will be presented in 2023. In addition, the German Islam Conference provides about EUR 3.7 million a year in funding for projects designed to promote the social empowerment of Muslims, to professionalise Muslim community work, to provide structural support for German imam training and to raise awareness of Muslim diversity in Germany.<sup>84</sup>

87. For decades, the German Government has been supporting institutions and projects in the framework of Christian-Jewish cooperation and dialogue. With regard to all activities in the sphere of interfaith dialogue, the German Government is aware of its special responsibility towards the Jewish community in Germany and Europe.

(i) *Racism*

88. Back in 2017, the German Government adopted the National Action Plan (NAP) Against Racism, which serves as a primary guide for political efforts at various specialised levels to deal with racist phenomena in Germany. The German Government considers tackling racism, racist discrimination and ideologies of inequality to be an ongoing task at all levels of society in Germany's federal system, one that the executive, legislature and judiciary must keep on addressing in their respective spheres of competence and in dialogue with civil society.<sup>85</sup> The NAP is not to be understood as a static programme but rather as a framework pegged out by the German Government, exercising its responsibility within the federal system, and is to be kept flexible enough to confront additional discourses as a kind of political project.

89. Since the NAP was adopted, intensive discussions with civil society have been held in various formats, including specific consultations (such as the Forum against Racism, a consultation event held in Berlin on 13 February 2020). Moreover, the German Government established a Cabinet Committee for the fight against racism and right-wing extremism in March 2020. The Cabinet Committee compiled a comprehensive catalogue of measures, which was adopted by the Federal Cabinet in December 2020, and presented its concluding report in May 2021. The measures are put into practice and provided with specialist input by each government department within the sphere of its responsibilities, as well as being continuously developed via interministerial cooperation.

90. As part of the catalogue of measures, the National Discrimination and Racism Monitor (NaDiRa) was established at the German Centre for Integration and Migration Research. It examines the causes, extent and consequences of racism in Germany longitudinally with a particular focus on the victims' perspective. In addition, for example, a research project was commissioned to examine racism as a threat to social cohesion in the context of selected socio-institutional areas.

91. Furthermore, the German Government committed itself to establishing a coordination unit to implement the International Decade for People of African Descent of the United Nations with a view to contributing to improved awareness of and greater respect for the diversity of the heritage and culture of people of African descent. On 25 February 2022, the unit was officially established. The German Government will use the remainder of the UN Decade to focus on particular issues relating to the specific situation of people of African descent and to pool thematically related activities of the German Government, the *Länder* and other players, particularly civil society, grassroots organisations and academic institutions.

92. The Coalition Agreement for the present 20th legislative term provides for continuation of the work to combat right-wing extremism and racism and further development of its scope.<sup>86</sup> An accord was also reached in the Coalition Agreement on the appointment of a Federal Government Anti-Racism Commissioner. Following her appointment, the first-ever Federal Government Anti-Racism Commissioner, who holds the position along with the office of Federal Government Commissioner for Migration, Refugees

and Integration, announced her intention to further develop the National Action Plan Against Racism.

93. Prevention of and intervention against racism of any kind are among the foremost principles of school education. In this respect, the *Länder* take wide-ranging action, from embedding the subject in the curriculum guidelines and providing guidance material and dedicated in-service training courses to implementing large-scale projects and programmes. They cooperate closely in this field with partners and counselling bodies from outside the school system.<sup>87</sup>

94. In the Coalition Agreement, the German Government also decided that the term *Rasse* (“race”) in Article 3 of the Basic Law should be replaced.

(j) *Migrants*

95. Children with migration histories whose parents have statutory health insurance enjoy access to healthcare by virtue of family insurance cover until their 18<sup>th</sup> birthday. People in need who are staying in Germany in the context of the asylum procedure and have not yet been granted any protection status have access to healthcare under the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*).<sup>88</sup> The legislation in force in the Federal Republic of Germany guarantees all people healthcare provision that is in keeping with human dignity.

96. The *Länder* are implementing a wide range of measures focused on the educational integration and support of children with migrant backgrounds. These efforts are generally bearing fruit. In 2022, the percentage of 15 to 19-year-olds with migrant backgrounds who were enrolled in schools was roughly the same as the percentage of those without migrant backgrounds. Because of the great importance of language skills as a key to success at school, the *Länder*, in their measures to promote integration through education, attach importance to intensive German language training from an early stage for children with migrant backgrounds as well as for young refugees. This is done, for example, by means of a review of children’s language proficiency before their transition to school, language training, and specially established preparatory and welcoming classes for beginners to acquire initial knowledge of German. The *Länder* offer newly migrated pupils the option of taking examinations in their language of origin.<sup>89</sup>

97. Through the signing and ratification on 1 October 2007 of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention), the principles of which are applied by Germany in respect of all states worldwide, the recognition of qualifications obtained abroad was simplified. This has not only facilitated the international mobility of students but also enables labour migrants to obtain recognition for higher education qualifications acquired in their home countries.<sup>90</sup>

98. With its updated Skilled Immigration Act (*Fachkräfteeinwanderungsgesetz*), Germany has simplified and accelerated access to the labour market for foreign skilled workers and those with vocational qualifications, professional experience or specific other qualifications, and it enables asylum-seekers to “switch tracks”, under certain circumstances, from the asylum procedure to applying for a skilled workers residence permit.

(k) *Asylum and refugees*

99. Under its legal provisions, the Federal Republic of Germany grants protection to people fleeing from violence, war and terrorism in other parts of the world. The paradigm shift in the German Government’s asylum and refugee policy, as set down in the Coalition Agreement, particularly comprises a humanitarian approach that concentrates on protecting and integrating people in need of protection. Emphasis is also placed on the inclusion of civil society as an important player to ensure widespread support and involvement in dealing with displacement and migration. Thanks to the sterling efforts of the Federal Government, *Länder* and local authorities, and thanks to the overwhelming solidarity within our society, we have to date provided protection for more than a million people fleeing Ukraine – primarily women and children. People are fleeing from war, terrorism and repression in other parts of the world too, as reflected in the significantly increased number of asylum applications.

100. Responsibility for conducting asylum procedures lies with the Federal Office for Migration and Refugees. It decides on asylum applications on the basis of the Asylum Act (*Asylgesetz*), the Residence Act (*Aufenthaltsgesetz*) and relevant European directives and regulations. As part of the asylum procedure, staff check whether the conditions are met for granting international protection – refugee status or subsidiary protection – whether the applicant is subject to persecution on political grounds within the meaning of the Basic Law, and whether a deportation ban should be put in place. Asylum-seekers are not free to choose in which country their asylum procedure is conducted. Responsibility for examining any application for international protection is allocated in accordance with Dublin III, Regulation (EU) No 604/2013. If conditions for none of the types of protection are met in the recognition procedure, applicants for asylum receive a rejection in combination with a deportation notice. People whose asylum application is rejected in whole or in part nonetheless have access in every case to legal remedies against the rejection.<sup>91</sup>

101. The Federal Republic of Germany endeavours to ensure fair and fast asylum procedures for all asylum-seekers. In this context, the identification of vulnerable individuals – who may include women, children and people with disabilities or chronic medical conditions – is a key element if their special needs are to be met. The task assigned to the Federal Office for Migration and Refugees under section 24 of the Asylum Act, to clarify the facts of the case and compile the necessary evidence, is rendered increasingly complex and time-consuming in view of multiple and in part interwoven crises and rising numbers, with workloads intensifying from various directions simultaneously. The case-by-case assessment that needs to be carried out for the aforementioned forms of protection is required by law and must provide evidence of individual persecution.

102. Criticism from civil society primarily relates to the “adequate involvement” of children in the asylum procedure and recognition of reasons for flight specific to children, the lack of a legal basis for taking psychotherapy reports into account as reasons for precluding deportation on health grounds, or the maintenance of minimum standards in asylum-seeker accommodation.

103. Throughout the entire asylum procedure, asylum-seekers can obtain advice free of charge in the framework of the system of asylum-procedure counselling, which is independent of the public authorities, or through the Federal Office for Migration and Refugees. In addition, asylum-seekers who lack funds and cannot reasonably obtain any other assistance but require counsel and representation in the asylum procedure can apply for a certificate of eligibility for counselling support, which would see the state assume the costs entailed by the legal counsel apart from a personal contribution of EUR 15. They can also apply for legal aid for the judicial proceedings. If legal aid is granted by the court seized of the case, the recipient party, depending on their financial circumstances, either makes no payments at all or makes only instalment payments fixed by law to meet the court costs and, where relevant, the costs of their own lawyer.<sup>92</sup>

104. On account of Russia’s war of aggression against Ukraine and the refuge given to more than a million Ukrainians fleeing their homeland, the accommodation and provisioning of asylum-seekers is posing immense challenges for Germany. Responsibility for receiving, providing for and accommodating people who have fled their homelands lies with local authorities. In view of limited capacities, accommodation remains a major challenge.<sup>93</sup>

105. Germany stands by its political aim of creating legal access channels for particularly vulnerable people seeking protection. An important contribution is made by the continuous resettlement and humanitarian admission schemes as well as the creation of the federal admission programme for Afghanistan. Family reunification can take a long time as a result of the quota system and limited capacities in visa sections throughout the world. In view of the requirements of applicable national and international law that afford special protection to the family, visa sections are striving to keep waiting times as short as possible by triaging appointment requests within the bounds of the relevant legal provisions.

### III. Status of fulfilment of voluntary commitments

106. Germany has fulfilled the voluntary commitments<sup>94</sup> it made upon its election to the UN Human Rights Council in 2019 and 2022. Some of these commitments involve ongoing tasks on which the German Government is continuing to work. For more details, please see the relevant sections of this report.

### IV. New and emerging problems, including achievements and challenges associated with them

107. Universal human rights for everyone, everywhere on the planet, still remains an unfulfilled ambition. In many parts of the world, rights that are already enshrined in law are not being realised or are being insufficiently realised in practice. There is a need to absorb global challenges such as climate change, the digital revolution and gender equality into a communal framework of law and practice.

108. In its efforts worldwide and in bilateral and multilateral forums, Germany pursues a feminist foreign and development policy. The Women, Peace and Security Agenda, with its goals of greater involvement of women in crisis prevention, conflict management, post-conflict peacebuilding and protection of women and girls against violence in armed conflicts, is a key element of that policy.

109. Unremitting climate change poses a challenge to the defence of human rights. Its impact on women and children is disproportionately high. Germany is committed, for example in its role as co-chair of the Geneva Pledge framework, to tightening the nexus between the UN Framework Convention on Climate Change and the human rights pillar of the United Nations. Germany's commitment takes the form, among other things, of mobilising international climate finance. By 2025, at least EUR 6 billion a year (including grant equivalents) is to be made available for this purpose from the budget. Germany is actively involved in giving shape to the COP 27 decision on establishing and strengthening arrangements for responding to loss and damage, including a fund.

110. A fierce debate is taking place in Germany, to the very limits of legitimate protest, about suitable climate action and the speed with which it needs to be implemented. The necessary political and social process of reckoning as to whether the restrictions of liberty during the COVID-19 pandemic were proportionate will serve as important input for future reflections on how to deal with pandemics while safeguarding human rights, both in Germany and in the corresponding global discussion.

111. In view of new technologies, Germany is also working at the international level to foster effective protection of human rights in the digital sphere, for instance through the UN resolution on the right to privacy in the digital age.

112. Accountability for human rights abuses is a basic prerequisite for just and stable societies. That is why Germany remains firmly committed to the pursuit of accountability, for example in the context of Russia's illegal war of aggression against Ukraine.

113. These efforts are accompanied by extensive contributions of aid and support for the stricken population. The assistance being provided in the field of education may be cited as just one example. The work of the Federal Government and *Länder* in this field includes efforts to encourage the integration of refugee children and adolescents into schools and ensure that they are provided with schooling. By the end of May 2023, some 207,000 pupils from Ukraine had been enrolled in German schools. In addition, a decision made by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* lays down that, if pupils and students from Ukraine were unable to complete their courses in accordance with the rules and regulations, that should not count against them when they apply to enter higher education in Germany.

## Conclusion

114. Respect for and protection of human rights are fundamental principles enshrined in the Basic Law which guide all state action. The practical implementation of these fundamental principles in an ever-changing environment remains a challenge. Germany understands the UPR process as an opportunity to further raise the already high level of human rights protection in Germany through critical analysis and dialogue, not least with civil society.

### Notes

- <sup>1</sup> See <https://www.auswaertiges-amt.de/blob/2422644/3f981cf30f610babfd16d0eb63ee542c/201202-mrb-14-download-data.pdf>
- <sup>2</sup> See <https://www.auswaertiges-amt.de/blob/2591384/1275acc89f960e02b050de4102c64b4a/221207-mrb-15-en-data.pdf>
- <sup>3</sup> For the measures referred to in the report which have financial implications for the federal budget and/or social insurance systems, the budgetary and financial planning rules have been observed. All measures that may be taken will be kept within the framework of the available financial resources and staffing establishment.
- <sup>4</sup> See Report of the Working Group on the Universal Periodic Review – Germany, A/HRC/39/9.
- <sup>5</sup> See recommendation 155.8.
- <sup>6</sup> See recommendations 155.4-155.6.
- <sup>7</sup> See recommendation 155.231.
- <sup>8</sup> See recommendation 155.10.
- <sup>9</sup> See the End of Mission Debrief of the UN Special Rapporteur in the field of cultural rights and cultural diversity at <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2022-12-07/20221209-EOM-Germany-SRculturalrights-en.pdf>
- <sup>10</sup> See A/HRC/RES/33/10 and related resolutions.
- <sup>11</sup> See A/HRC/RES/34/9 and related resolutions.
- <sup>12</sup> See A/HRC/RES/35/5 and related resolutions.
- <sup>13</sup> See A/HRC/RES/34/7 and related resolutions.
- <sup>14</sup> See recommendation 155.12.
- <sup>15</sup> See recommendation 155.10.
- <sup>16</sup> See recommendation 155.13.
- <sup>17</sup> See recommendations 155.14, 155.15 and 155.16.
- <sup>18</sup> See recommendation 155.15.
- <sup>19</sup> <https://data.consilium.europa.eu/doc/document/ST-10858-2015-INIT/en/pdf>.
- <sup>20</sup> See recommendation 155.14.
- <sup>21</sup> See <https://www.auswaertiges-amt.de/blob/2585076/4d2d295dad8fb1c41c6271d2c1a41d75/ffp-leitlinien-data.pdf>
- <sup>22</sup> See recommendations 155.32, 155.116 and 155.117.
- <sup>23</sup> See the comments from the Federal Ministry for Economic Cooperation and Development (in German) at <https://www.bmz.de/resource/blob/140792/bmz-stellungnahme-deval-studie-menschenrechte-teil-2.pdf>
- <sup>24</sup> See recommendations 155.29, 155.30 and 155.31.
- <sup>25</sup> See recommendations 155.26, 155.27 and 155.28.
- <sup>26</sup> Available (in German) at [https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/1980/1980\\_12\\_04-Menschenrechtserziehung.pdf](https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/1980/1980_12_04-Menschenrechtserziehung.pdf)
- <sup>27</sup> See recommendations 155.185, 155.186 and 155.187.
- <sup>28</sup> See recommendation 155.96.
- <sup>29</sup> See recommendations 155.96 and 155.97.
- <sup>30</sup> See recommendation 155.122.
- <sup>31</sup> See recommendations 155.78, 155.79, 155.82, 155.83 and 155.84.
- <sup>32</sup> See recommendation 155.33.
- <sup>33</sup> See recommendation 155.88.
- <sup>34</sup> See recommendation 155.126.
- <sup>35</sup> See recommendations 155.119 and 155.120.
- <sup>36</sup> See recommendations 155.115 and 155.148.
- <sup>37</sup> See [https://www.bmi.bund.de/SharedDocs/downloads/EN/themen/moderne-verwaltung/integrity-report-2021.pdf?\\_\\_blob=publicationFile&v=7](https://www.bmi.bund.de/SharedDocs/downloads/EN/themen/moderne-verwaltung/integrity-report-2021.pdf?__blob=publicationFile&v=7)

- 38 See recommendation 155.34.
- 39 See recommendation 155.220.
- 40 See recommendations 155.34, 155.212 and 155.217-155.221.
- 41 See recommendations 155.34, 155.212 and 155.217-155.221.
- 42 See recommendation 155.33.
- 43 See recommendations 155.34, 155.212 and 155.221.
- 44 See recommendations 155.121 and 155.122.
- 45 See recommendation 155.155.
- 46 See recommendations 155.145, 155.143, 155.144 and 155.147.
- 47 These include:
- better protection of children and young people;
  - more support and participatory rights for children and adolescents who grow up in foster families or in educational support establishments;
  - aid from a single source for children and adolescents with and without disabilities;
  - more local prevention;
  - greater involvement of young people, parents and families.
- 48 See recommendations 155.199 and 155.206.
- 49 See recommendations 155.202 and 155.201.
- 50 See recommendations 155.203 and 155.154.
- 51 See recommendations 155.162, 155.160, 155.152, 155.155 and 155.161.
- 52 See recommendation 155.157.
- 53 See recommendations 155.205, 155.153 and 155.204.
- 54 See recommendations 155.201, 155.202 and 155.207.
- 55 Current challenges include:
- the need to make up for learning deficits after the pandemic;
  - a correlation between origin and level of achievement at school;
  - problems relating to the schooling of refugees;
  - a shortage of teachers.
- 56 See recommendations 155.166 and 155.167.
- 57 See recommendation 155.172.
- 58 See recommendation 155.36.
- 59 See recommendations 155.47, 155.48, 155.49, 155.50, 155.36 and 155.43.
- 60 See recommendations 155.51, 155.41 and 155.38.
- 61 See recommendations 155.41, 155.37, 155.171, 155.42, 155.68 and 155.170.
- 62 See recommendations 155.39, 155.35, 155.169, 155.175, 155.176 and 155.174.
- 63 See recommendations 155.40, 155.146 and 155.41.
- 64 See recommendation 155.123.
- 65 See recommendation 155.195.
- 66 See recommendations 155.192, 155.127, 155.246, 155.248, 155.250, 155.251 and 155.239.
- 67 See recommendations 155.194 and 155.193.
- 68 The same Act amended the Criminal Code to remove the ban on advertising termination of pregnancy, the Health Products Advertising Act, the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy, the Introductory Act to the Criminal Code and the Act Rehabilitating under Criminal Law Persons Convicted for Consensual Homosexual Acts after 8 May 1945 (full title in German: *Gesetz zur Änderung des Strafgesetzbuches – Aufhebung des Verbots der Werbung für den Schwangerschaftsabbruch (§ 219a StGB), zur Änderung des Heilmittelwerbegesetzes, zur Änderung des Schwangerschaftskonfliktgesetzes, zur Änderung des Einführungsgesetzes zum Strafgesetzbuch und zur Änderung des Gesetzes zur strafrechtlichen Rehabilitierung der nach dem 8. Mai 1945 wegen einvernehmlicher homosexueller Handlungen verurteilten Personen*).
- 69 See recommendations 155.182 and 155.184.
- 70 See recommendations 155.47, 155.45.
- 71 See recommendation 155.243.
- 72 See recommendations 155.212, 155.213, 155.214, 155.215.
- 73 See recommendation 155.214.
- 74 See recommendation 155.215.
- 75 See <https://www.sintiundroma.de>: Joint declaration: More history and culture of the Sinti and Roma to be taught in schools | Englische Version (sintiundroma.de)
- 76 See recommendations 155.34, 155.212, 155.213 and 155.215.
- 77 See recommendations 155.209 and 155.210.
- 78 See recommendations 155.188 and 155.211.
- 79 See recommendation 155.211.
- 80 See recommendation 155.211.

- <sup>81</sup> See recommendations 155.111 and 155.113.
- <sup>82</sup> See recommendations 155.110, 155.109 and 155.56.
- <sup>83</sup> See recommendation 155.112.
- <sup>84</sup> See recommendations 155.57, 155.58, 155.73, 155.74, 155.75, 155.135 and 155.136.
- <sup>85</sup> See recommendations 155.52, 155.55, 155.88, 155.89, 155.90 and 155.91
- <sup>86</sup> See recommendations 155.56, 155.57, 155.58, 155.59, 155.60, 155.64, 155.66, 155.73, 155.99, 155.101, 155.105, 155.106, 155.107 and 155.108.
- <sup>87</sup> See recommendation 155.52.
- <sup>88</sup> See recommendation 155.201.
- <sup>89</sup> See recommendations 155.189, 155.190, 155.191, 155.226, 155.227, 155.229 and 155.230.
- <sup>90</sup> See recommendation 155.228.
- <sup>91</sup> See recommendation 155.128.
- <sup>92</sup> See recommendation 155.253.
- <sup>93</sup> See recommendation 155.238.
- <sup>94</sup> See A/74/94 and A/77/301.
-