



Deutsches Institut
für Menschenrechte

Fourth Review of Germany under the
Universal Periodic Review (UPR)

UPR Submission by the NHRI of Germany

April 2023

A. Preliminary remarks

The German Institute for Human Rights (GIHR) is Germany's independent national human rights institution (NHRI). It is A-status accredited¹ and it is specifically mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child as well as of the Council of Europe Conventions on Violence against Women and Domestic Violence (Istanbul Convention) and on Trafficking in Human Beings.

In this submission, the German Institute for Human Rights (GIHR) addresses selected human rights issues that it suggests to the Human Rights Council for consideration during the Universal Periodic Review of the Federal Republic of Germany in 2023. This submission cannot provide a comprehensive picture of the human rights situation in Germany nor a detailed assessment of all 259 recommendations made in the third UPR cycle of 2018.² Instead, it concentrates on areas that the Institute considers to be of particular importance and on which it has worked. Issues that the GIHR considers to be of particular concern and that should be taken up in recommendations to Germany are italicized.

This submission focuses on the years 2020-22, in which Germany has been, and continues to be, confronted with several crises and their serious consequences: the COVID-19 pandemic; Russia's war of aggression against Ukraine, and the quickly advancing climate change.

The GIHR hopes that that the fourth UPR cycle becomes a central instrument for the Federal Republic of Germany for shaping domestic and foreign human rights policy. The government should, therefore, set up a follow-up and review mechanism for the recommendations emanating from the UPR and the UN treaty bodies that engages all state levels and ensures participation of civil society and the national human rights institution.

B. Suggested topics to be taken into account by the Human Rights Council Working Group for the 4th Universal Periodic Review of Germany

I. Poverty, Homelessness

In 2021, the percentage of persons at risk of poverty (less than 60 percent of the median net income in Germany) or of social exclusion has risen to 21 percent.³ Child poverty even reached 23.7 percent.⁴ Structurally disadvantaged groups of people such as single parents (predominantly women),⁵ persons with a migration or refugee background,⁶ and older persons,⁷ especially women,⁸ are particularly at risk of living in poverty.

During the COVID-19 pandemic, Germany introduced numerous measures to compensate employees and business operators for financial losses to protection-related restrictions. However, self-employed women were hit disproportionately.⁹

Russia's war against Ukraine led to inflation and to drastically increased food and energy prices, e.g. a 21.8 percent rise in food prices between February 2022 and February 2023.¹⁰ The government introduced "price brakes" for energy and compensatory payments for consumers. Pensioners and students were included only after public criticism. The long decision-making process and the late payment were also problematic for people at risk of poverty.

In 2022, social assistance was replaced by the "citizen's money" (not dependent on German nationality), raising it by about 10 percent, introducing protective measures for personal savings and against precipitous termination of the lease, increasing earnings ceilings, and reducing some sanctions.

- *In view of rising prices, there is an urgent need for a mechanism that ensures timely adaptation of the "citizen's money".*
- *It must be ensured that, in times of crisis, the most vulnerable are the first to receive support.*
- *Persons entitled to social benefits must be sufficiently informed about existing entitlements and the procedures for claiming them must be harmonized and alleviated.¹¹*
- *The basic security benefits for children envisaged by the government¹² must be sufficient to realize the human rights of the children concerned and be accompanied by measures addressing the root causes of child poverty.*

In 2022, the government published its first statistic¹³ and report¹⁴ on homelessness in Germany.¹⁵ The report focuses on "hidden homeless persons" (temporarily living with family, friends, or acquaintances) not reflected in the statistic. Due to the housing shortage, 46.3 percent of the homeless persons in emergency accommodation remain there for more than two years.¹⁶

- *The national action plan on homelessness envisaged by the government¹⁷ should be guided by human rights and be developed with the participation of homeless persons. It should contain minimum standards for emergency accommodations and measures to prevent of homelessness.*

II. Racism, Antisemitism, Antiziganism

By far the largest proportion of recommendations to Germany in the 3rd UPR cycle related to racism and racist hate crimes. These issues remain a major challenge for Germany. The murderous antisemitic and racist attacks against a Jewish congregation in the synagogue of Halle in 2019 and against young people in Hanau in 2020 galvanized the German public and politicians. In 2021, The Federal Government recognized that racism and right-wing extremism constitute the most serious danger in Germany and adopted a package of 89 measures for combating these phenomena.¹⁸

- *No systematic monitoring exists for the implementation and effectiveness of the Federal Cabinet's package of 89 measures for combating right-wing extremism and racism.*

The government appointed three Federal Government Commissioners: one for Jewish Life in Germany and the Fight against Anti-Semitism, one on Antiziganism and for the Life of Sinti and Roma in Germany, and one for Anti-Racism. In 2021, the Independent Commission on Antiziganism recommended a broad range of measures aiming at providing justice for past human rights violations, preventing discrimination, and ensuring full participation of Sinti and Roma.¹⁹

- *The recommendations of the Independent Commission on Antiziganism have not been taken up by the government and parliament so far (exception: establishment of the Commissioner on Antiziganism).*

Resistance to addressing structural and institutional racism is still widespread in state authorities, especially the police.²⁰

- *A comprehensive study on the practice of racial profiling by the police and of other forms of institutional racism is still missing.*

The constitutional prohibition of "discrimination on grounds of race" is largely ineffective given the restrictive interpretation by state authorities and courts due to a lack of understanding of contemporary forms of racism. Attempts to amend the Constitution were not followed through.

- *Replacing the term "race" in Article 3(3) of the German Constitution with "racist discrimination" would facilitate protection in line with Germany's commitments under international human rights law.²¹*

Racist and right-wing extremist positions are also present in parliaments on the federal and states level.²² The federal parliament decided that the state funding for the foundations of political parties will only be granted to those that stand up for the free democratic basic order, which includes human rights. The Federal Constitutional Court held that such provision needed a legal basis.²³

- *The future law on state financing of the foundations of political parties must ensure that parties promoting racism are excluded.*
- *Independent police complaints bodies should be set up in all states of the federation and on the federal level and should be strengthened so as to be able to carry out investigations.²⁴*

At present, a draft law²⁵ is before the federal parliament aiming at providing a better and more sustainable financial basis for associations and organisations that work to strengthen democracy and prevent extremism.

- *The Law on the Promotion of Democracy must ensure that civil society organizations engaged in combating racism and in advising and counselling victims of racist violence are sufficiently and continuously funded, including organizations working on the local level.*

The federal government intends to evaluate the General Equal Treatment Act, close protection gaps, improve access to justice, and expand its scope of application.²⁶ Parliament strengthened the independence of the Federal Anti-Discrimination Authority in 2022.²⁷ In 2023, a broad coalition of civil society organizations published 11 recommendations for a reform of the Act.²⁸

- *The reform of the General Equal Treatment Act should take into account the recommendations of UN treaty bodies, especially introducing the right of group actions, extending the deadline for submitting discrimination complaints, abolishing the provision permitting discrimination in the housing market, further strengthening the powers of the Federal Anti-Discrimination Authority, and establishing accessible non-governmental anti-discrimination advice centres nationwide.*

III. Violence against Women

Among the more recent positive steps in preventing and combating gender-based violence against women, are regional action plans, a national telephone helpline, and taking into account in the Criminal Code the digital dimension of violence against women, such as cyberstalking.²⁹ However, women with mental or cognitive impairments living in institutions disproportionately experience different forms of violence.³⁰ Homeless women are particularly at risk of (sexualized) violence, and homeless women with greater support needs, such as women suffering from addiction or mental impairment, also have increased difficulties to obtain access to women's shelters.³¹ There is no comprehensive study on the impact of COVID-19 on domestic violence. Given the lack of systematized data based on human rights indicators, the government mandated the GIHR as National Rapporteur Mechanism for gender-based violence.

➤ *It is necessary*

- *to develop a comprehensive strategy comprising long-term and co-ordinated policies to address all forms of violence against women;*
- *to find a new approach for the funding structure of women's shelters and specialist support services, given the inadequacy of present funding and the lack of an individual right of access to them;³²*
- *to ensure that the needs of women facing multiple and intersecting forms of discrimination are taken into account sufficiently in policy-making on violence against women;*
- *to develop, implement, and monitor nationwide principles on protection against violence for women with disabilities living in institutions.*

IV. Persons with disabilities

During the COVID-19 pandemic, persons with disabilities feared to be refused hospital treatment in situations where sufficient intensive care was not available for all in need ("triage situation").³³ The Federal Constitutional Court found that the legislature had not fulfilled its duty of protection as it had left the determination of the criteria and procedure to the medical profession.³⁴ In 2022, a law was enacted, but it uses the criterion of "current and short-term survival probability",³⁵ which brings with it the danger of indirect discrimination against persons with disabilities.³⁶

- *The government must ensure that medical practitioners are sensitized to discrimination against persons with disabilities, notably by overcoming the medical, deficit-focussed understanding of disability, and that medical treatment of persons with disabilities becomes part of medical training.*
- *These disability-related measures of awareness-raising and improvement of medical training must be a part of the evaluation of the Triage Act.³⁷*

Women with disabilities face substantial impediments in accessing sexual and reproductive health services.³⁸ According to a representative survey of women living in institutions, administering a depot contraceptive injection to women with intellectual impairments is a frequent practice.³⁹ Structural and communicative barriers persist that make access to and use of health services difficult or impossible for persons with disabilities.

- *The action plan for a more diverse, more inclusive and barrier-free health system envisaged by the government⁴⁰ must focus on nationwide accessible gynecological services for women with disabilities and on empowering them to make autonomous decisions on the use of contraceptives and on having children.*

The reform of the guardianship law strengthens the UNCRPD principle of "supported decision-making instead of substituted decision-making". Sterilization is no longer possible against the "natural will" of the person concerned.⁴¹

- *However, under certain conditions, legal guardians are still appointed against the will of the person concerned, and the provisions creating the legal bases for coercive measures, such as placement in an institution or medical treatment against the will of the person, remain in force.*⁴²

Germany has not made significant progress with respect to children's right to inclusive education.⁴³ More than half of all students with special educational needs are still being taught in special schools and the percentage has remained at nearly the same level nationwide for years. In most states of the federation, special schools continue to be firmly anchored in the school system. Students usually leave these schools without a school-leaving certificate – the first link in a lifelong chain of exclusion. On leaving school, 80-90 percent of graduates from special schools enter segregated forms of training that cover less theory than other programmes and provide poorer chances on the labour market.⁴⁴

- *A strategy for inclusive education emphasizing a stronger cooperation between the federal and the state level is necessary.*
- *The constitutional amendment envisaged by the government⁴⁵ should encompass the key challenges associated with establishing an inclusive school system nationwide, namely the principles of inclusive education, reasonable accommodation, and joint financing.*
- *Regular vocational training system must be made inclusive, and vocational training courses more flexible.*

[For violence against women with disabilities see above at III.]

V. Children's Rights

Lockdowns and school closures had a disproportionate impact on children's mental health.⁴⁶

- *There is an urgent need for nationwide community-based mental health services and counselling for children.*

Numerous reports suggest that domestic violence increased significantly in Germany during the pandemic.⁴⁷

- *A comprehensive national strategy for preventing, combating and monitoring all forms of violence against and among children is urgently needed.*

In the majority of the states of the federation, refugee children have no right to attend school while living in initial reception centres (a maximum of three months). The COVID-19 restrictions such as home-schooling during lockdown and closure of schools particularly impacted children in community accommodation for refugees, as children had no access to mobile devices in many cases.⁴⁸

- *The right to education should be ensured for refugee children in initial reception centres.*

During COVID-19-pandemic, children's rights did not receive appropriate consideration in connection with severe restrictions adopted.⁴⁹ This deficit should be remedied by strengthening children's participation through

- *an amendment of the constitution to encompass children's rights by incorporating the four basic principles of the CRC;⁵⁰*
- *lowering the voting age for European and federal elections to 16 years as intended by the government.⁵¹*

[For the right to education of children with disabilities see above at IV.]

[For the rights to education and to family life of refugee children see below at VII.]

VI. LGBTIQ+ Rights

Lesbians, gays, bisexual, transgender and intersex persons as well as queer and other non-binary persons (LGBTIQ+) are particularly affected by discrimination, exclusion, and hate crimes.⁵² In 2023, the government introduced an amendment to the criminal code rendering a motive that is “gender-specific or directed against the sexual orientation” an aggravating circumstance.⁵³ Following a decision of the Federal Constitutional Court,⁵⁴ parliament introduced the option for intersex persons to be registered as “divers” or to leave open the category of gender.⁵⁵ In 2022, the government adopted a national action plan on “Queer living”.⁵⁶

- *The “Transsexuals Act” requiring two medical opinions for gender recognition⁵⁷ has not yet been replaced by a law that recognizes gender identity based on self-determination.⁵⁸*
- *No compensation fund has been set up so far for persons who had to undergo sterilisation or gender reassignment treatment between 1981 and 2011 to have their gender recognised.⁵⁹*
- *The reform of the law on parentage should not solely focus on lesbian couples but also on intersex and transgender parents.*
- *So far, the constitution does not explicitly prohibit discrimination based on sexual orientation and gender identity.*

VII. Refugees and Asylum Seekers

As of 31 December 2022, 1.5 Mio internationally protected persons lived in Germany, one third being minors.⁶⁰ As a result of the Russian aggression against Ukraine, more than one million people from Ukraine fled to Germany.⁶¹ The decision of the European Union to allow Ukrainian refugees to choose their place of residence, take up work immediately and has permitted children to attend school without delay,⁶² resulting in facilitated integration.

- *The measures promoting integration of Ukrainian refugees should also be applied to refugees from other countries.*

Many asylum seekers are housed in large facilities with several hundred people, shared rooms and often a shortage of sanitary facilities. The maximum stay in initial reception facilities was tripled to 18 months for persons without children.⁶³ During the COVID-19 pandemic, refugees were particularly at risk in such facilities due to the lack of space for quarantine and physical distancing.

- *As there is no systematic identification of vulnerable refugees, especially refugees with intellectual impairments or chronic illnesses are not appropriately accommodated.⁶⁴*
- *Refugee families with children should be housed in individual housing and the Federation should prescribe minimum standards for protection against violence in refugee centres.⁶⁵*

Family reunification for subsidiarily protected persons continues to be subject of a quota (1,000 visa per month).⁶⁶ The procedure is lengthy, resulting from low capacities in the visa offices of German consulates and high requirements of documentation, and it prevents integration of the applicants.⁶⁷

- *The right to family reunification for subsidiarily protected persons, especially of minors, should be fully reinstated.*

The current European asylum system focuses on protecting external borders rather than on ensuring access to effective asylum procedures for persons in need of protection. The externalization of the European asylum and migration policy disregards the EU member states’ responsibility towards people in need of protection from persecution and serious human rights violations.⁶⁸ As a EU member state, Germany has a responsibility to help ensure human rights in this field.

- *A Common European Asylum System (CEAS) must be based on solidarity among EU member states and be fully compliant with human rights and refugee law, especially*

the right of access to a fair and individual asylum procedure.

VIII. Climate Change and Human Rights

Germany is experiencing the consequences of climate change, namely extreme weather events with lethal consequences.⁶⁹ In 2021, the Federal Constitutional Court held that the 1.5 degrees target of the Paris Agreement is constitutionally binding and that the Climate Protection Act must contain clear targets beyond 2030 so as to prevent that insufficient measures drastically reduce freedom in the future.⁷⁰ The amended law contains the obligation to set annual reduction targets for the various sectors.⁷¹ However, the government announced that there will be an “intersectoral and multiannual overall accounting”.⁷² So far, attempts to oblige the state to take specific measures failed.⁷³

- *The amendments to the Climate Protection Act must uphold the responsibility of all sectors for greenhouse gas reduction and not entail a diffusion of responsibility.*
- *The “precautionary adaptation strategy” and federal climate adaptation legislation planned by the government⁷⁴ must contain concrete, measurable, and binding objectives.*

- ¹ See OHCHR and GANHRI, *Accreditation status as of 29 November 2022*, https://ganhri.org/wp-content/uploads/2022/11/StatusAccreditationChartNHRIs_29-Nov-2022.pdf.
- ² See Human Rights Council, *Report of the Working Group on the Universal Periodic Review of the Federal Republic of Germany*, A/HRC/39/9, 11.06.2018, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/76/PDF/G1821076.pdf?OpenElement>.
- ³ Statistisches Bundesamt (Federal Statistical Office), <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefaehrung/Tabellen/eurostat-armut-sozialeausgrenzung-mz-silc.html>.
- ⁴ Statistisches Bundesamt (Federal Statistical Office), <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefaehrung/Tabellen/eurostat-armut-sozialeausgrenzung-mz-silc.html>.
- ⁵ Wirtschaft- und Sozialwissenschaftliches Institut, *WSI Verteilungsbericht 2022*, November 2022, p. 10 https://www.wsi.de/fpdf/HBS-008464/p_wsi_report_79_2022.pdf.
- ⁶ Wirtschaft- und Sozialwissenschaftliches Institut, *WSI Verteilungsbericht 2022*, November 2022, p. 10 https://www.wsi.de/fpdf/HBS-008464/p_wsi_report_79_2022.pdf.
- ⁷ Statistisches Bundesamt (Federal Statistical Office), <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefaehrung/Tabellen/armutsschwelle-gefaehrung-mz-silc.html>.
- ⁸ For the gender pension gap see: Statistisches Bundesamt (Federal Statistical Office), Gender pension gap: retirement income of women almost one third below that of men in 2021, 7 March 2023, https://www.destatis.de/EN/Press/2023/03/PE23_N015_12_63.html.
- ⁹ Deutsches Institut der Wirtschaft (DIW) aktuell No 69 (15 July 2021), https://www.diw.de/de/diw_01.c.821536.de/publikationen/diw_aktuell/2021_0069/corona-pandemie-draengt-selbststaendige-vermehrt-zur-geschaeftsaufgabe-frauen-staerker-betroffen.html
- ¹⁰ Verbraucherzentrale (Consumer Advice Centre), „Steigende Lebensmittelpreise“, 23 March 2023, <https://www.verbraucherzentrale.de/wissen/lebensmittel/lebensmittelproduktion/steigende-lebensmittelpreise-fakten-ursachen-tipps-71788>.
- ¹¹ GIHR, *Wie kommen die Armen zu ihrem Recht? - Zur Umsetzung sozialer Menschenrechte in der Grundsicherung*, 2018, <https://www.institut-fuer-menschenrechte.de/publikationen/detail/wie-kommen-die-armen-zu-ihrem-recht>.
- ¹² "Kindergrundsicherung", see *Mehr Fortschritt wagen – Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. Koalitionsvertrag 2021–2025 zwischen SPD, BÜNDNIS 90/DIE GRÜNEN und FDP*, 24 November 2021, pp. 5, 12, 74, 78-79, https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf.
- ¹³ Statistisches Bundesamt (Federal Statistical Office), *Statistik untergebrachter wohnungsloser Personen in Deutschland*, 31 January 2022, <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Wohnungslosigkeit/inhalt.html>.
- ¹⁴ Bundesministerium für Arbeit und Soziales (Federal Ministry of Labour and Social Affairs), *Ausmaß und Struktur von Wohnungslosigkeit*, 2022, https://www.bmas.de/SharedDocs/Downloads/DE/Soziale-Sicherung/wohnungslosenbericht-2022.pdf?__blob=publicationFile&v=4.
- ¹⁵ Pursuant to the "Homelessness Reporting Law" (Wohnungslosenberichterstattungsgesetz), of 16 January 2020, <https://www.gesetze-im-internet.de/woberichtsg/index.html>.
- ¹⁶ Claudia Engelmann, *Notunterkünfte für Wohnungslose menschenrechtskonform gestalten*, GIHR Analysis 2022, p. 15, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Notunterbringung_Wohnungsloser_2.pdf.
- ¹⁷ Coalition agreement, supra endnote 12, p. 71.
- ¹⁸ *Abschlussbericht des Kabinettsausschusses zur Bekämpfung von Rechtsextremismus und Rassismus*, 12 May 2021, https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/sicherheit/abschlussbericht-kabinettsausschuss-rechtsextremismus.pdf?__blob=publicationFile&v=3.
- ¹⁹ Unabhängige Kommission Antiziganismus, „*Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation*“, Bundestagsdrucksache 19/30310 of 21 May 2021, <https://dserver.bundestag.de/btd/19/303/1930310.pdf>.
- ²⁰ GIHR, *In Behörden muss ein stärkeres Bewusstsein für Rassismus geschaffen werden*, 22 March 2021, <https://www.institut-fuer-menschenrechte.de/aktuelles/detail/in-behoerden-muss-ein-staerkeres-bewusstsein-fuer-rassismus-geschaffen-werden>; GIHR, *Nach den Morden in Hanau Menschenrechtliche Verpflichtungen zum Schutz vor und zur effektiven Strafverfolgung von rassistischer und rechtsextremer Gewalt umsetzen*, March 2020. https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahme_Nach_den_Morden_in_Hanau.pdf.
- ²¹ For background: Hendrik Cremer, *Das Verbot rassistischer Diskriminierung*, GIHR Analysis 2020, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Verbot_rassistischer_Diskriminierung.pdf.
- ²² Hendrik Cremer, *Nicht auf dem Boden des Grundgesetzes*, GIHR Analysis 2021, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Nicht_auf_dem_Boden_des_Grundgesetzes.pdf.
- ²³ Federal Constitutional Court, judgment of 22 February 2023, - 2 BvE 3/19 -, http://www.bverfg.de/e/es20230222_2bve000319.html.
- ²⁴ Eric Töpfer / Tobias Peter, *Unabhängige Polizeibeschwerdestellen*, GIHR Analysis 2017, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Unabhaengige_Polizeibeschwerdestellen.pdf.
- ²⁵ *Gesetzesentwurf der Bundesregierung zur Stärkung von Maßnahmen zur Demokratieförderung, Vielfaltgestaltung, Extremismusprävention und politischen Bildung – Demokratiefördergesetz*, 1 March 2023, <https://dserver.bundestag.de/btd/20/058/2005823.pdf>.
- ²⁶ Coalition Agreement (supra endnote 12), p. 96.
- ²⁷ Entwurf eines Gesetzes zur Änderung des Allgemeinen Gleichbehandlungsgesetzes, of 5 April 2022, <https://dserver.bundestag.de/btd/20/013/2001332.pdf>.
- ²⁸ Bündnis AGG-Reform – Jetzt!, *Mehr Fortschritt wagen heißt auch mehr Antidiskriminierung wagen!*, <https://www.antidiskriminierung.org/s/barrierefreie-Stellungnahme-AGG-Reform-Buendnis-ohne->

[Logos16791.pdf](#).

²⁹ See also: The Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), *(Baseline) Evaluation Report on Germany*, 7 October 2022, <https://rm.coe.int/report-on-germany-for-publication/1680a86937>.

³⁰ Monika Schröttle et al., *Gewalterfahrungen von in Einrichtungen lebenden Frauen mit Behinderungen – Ausmaß, Risikofaktoren, Prävention*, Bundesministerium für Familie, Senioren, Frauen und Jugend (ed.), Berlin May 2014, p. 7 and 91, <https://www.bmfsfj.de/resource/blob/93972/9408bbd715ff80a08af55adf886aac16/gewalterfahrungen-von-in-einrichtungen-lebenden-frauen-mit-behinderungen-data.pdf>.

³¹ See Claudia Engelmann, Heike Rabe: *Umsetzung der Istanbul-Konvention – Gewaltschutz in der Wohnungslosenhilfe*, in: *wohnungslos - Aktuelles aus Theorie und Praxis zur Armut und Wohnungslosigkeit*, 2019, No. 3, pp 94–98.

³² See GIHR, *Stellungnahme zum Antrag „Von Gewalt betroffene Frauen nicht vor verschlossener Tür stehen lassen – Frauenhäuser stärken, Rechtsanspruch schaffen“*, August 2018, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahme_Landtag_Niedersachsen_Istanbul.pdf.

For the most recent figures, see: Deutscher Frauenrat, *Ein Leben frei von Gewalt ist für zu viele Frauen in Deutschland nicht möglich*, 25 November 2022, <https://www.frauenrat.de/ein-leben-frei-von-gewalt-ist-fuer-zu-viele-frauen-in-deutschland-nicht-moeglich/>.

³³ For background: GIHR, *Entwicklung der Menschenrechtssituation in Deutschland. Juli 2020 – Juni 2021*, pp. 63-71, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Menschenrechtsbericht_2021.pdf; Executive Summary in English, pp. 7-8, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2021.pdf.

³⁴ Decision of 16 December 2021, - 1 BvR 1541/20 -, http://www.bverfg.de/e/rs20211216_1bvr154120.html.

³⁵ Beschlussempfehlung und Bericht des Ausschusses für Gesundheit (14. Ausschuss) zu dem Gesetzentwurf der Bundesregierung – Drucksachen 20/3877, 20/3953, 20/4145 Nr. 4, of 9 November 2022, Sect. 5c (2), <https://dserv.bundestag.de/btd/20/043/2004359.pdf>, adopted 10 November 2022.

³⁶ GIHR, Press release of 11 November 2022, <https://www.institut-fuer-menschenrechte.de/aktuelles/detail/triage-gesetz-stellt-gleichwertigkeit-alten-menschlichen-lebens-in-frage>. GIHR Position paper, *Zum Gesetzentwurf der Bundesregierung - Entwurf eines Zweiten Gesetzes zur Änderung des Infektionsschutzgesetzes. BT-Drucksache 20/3877*, October 2022, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahmen/Stellungnahme_zum_Gesetzentwurf_der_Bundesregierung_-_Entwurf_eines_Zweiten_Gesetzes_zur_Aenderung_des_Infektionsschutzgesetzes.pdf.

³⁷ Id.; foreseen until 31.12.2025 at the latest.

³⁸ Sabine Bernot & Britta Schlegel, *Sexuelle und reproduktive Rechte von Frauen mit Behinderungen*, GIHR Information No 38, p. 6-7, October 2021, https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Information/Information_Sexuelle_und_reproduktive_Rechte_von_Frauen_mit_Behinderungen.pdf; Bundesministerium für Arbeit und Soziales (Federal Ministry for Labour and Social Affairs), *Zweiter Teilhaberbericht der Bundesregierung über die Lebenslagen von Menschen mit Beeinträchtigungen. Teilhabe – Beeinträchtigung – Behinderung*. Bonn 2016, p. 321.

³⁹ Julia Zinsmeister, *Behinderungen reproduktiver Freiheit und Gesundheit*, djbZ 2017/1, p. 16 n. 5, https://www.nomos-elibrary.de/10.5771/1866-377X-2017-1-16.pdf?download_full_pdf=1 (with further references); see also Bundeszentrale für gesundheitliche Aufklärung (Federal Agency for Health Education), *Adult Contraceptive Behaviour 2018*, <https://english.forschung.sexualaufklaerung.de/subjects/adult-contraceptive-behaviour-2018/>.

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Imprint

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March 2023

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