

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Germany

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 17/07/1968	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 23/08/1973			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 12/03/2007			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education

Normative Framework:

2. Constitutional framework: The Constitution of Germany of 1949, known as the Basic Law (*Grundgesetz*),¹ does not explicitly recognize the right to education. This is due to the fact that Germany is a federal state and that the *Länder* (federal states) have the power to legislate on education and schools.² However, it states that “the entire school system is under the supervision of the state” (Art. 7, Paragraph 1).

3. Concerning religious education it specifies that “Parents and guardians have the right to decide whether children receive religious instruction” (Art. 7, Paragraph 2). “Religious instruction is part of the curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the State’s right of supervision is given in accordance with the doctrine of the religious community concerned. Teachers may not be obliged to give religious instruction against their will” (Art. 7, Paragraph 3).

4. According to Art. 7, Paragraphs 3 and 4, the right to establish private schools is guaranteed. “Private schools that serve as alternatives to state schools require the approval of the state and are subject to the laws of the *Länder*.”

5. According to Art. 5, Paragraph 3: “teaching shall be free” and “the freedom of teaching shall not release any person from allegiance to the constitution.”

6. Moreover, the principles of non-discrimination and equality are guaranteed by the Constitution. It sets out: “All persons shall be equal before the law. Men and women shall have equal rights.(...) No person shall be disadvantaged or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability” (Article 3). Accordingly, the state guarantees its citizens equal access to education and works to prevent discrimination (of minorities). Foreign nationals residing in Germany have the same access to education as given to German citizens.³

7. Legislative framework: Under The Child and Youth Welfare Act of 26 June 1990⁴ as amended in 2004 by the Day-Care Expansion Act⁵ and revised by the Law on Further

¹ <https://www.btg-bestellservice.de/pdf/80201000.pdf>

² State Report submitted for the 4th Consultation on the implementation of the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). Federal Republic of Germany, 2009, p. 1.

³ State Report submitted for the 7th Consultation on the implementation of the UNESCO Convention against Discrimination in Education (covering the period 2000-2005), Federal Republic of Germany, 2007, p. 4.

⁴ http://bundesrecht.juris.de/sgb_8/ (In German)

⁵ <http://217.160.60.235/BGBL/bgbl1f/bgbl104s3852.pdf> (In German)

Development of Child and Youth Welfare⁶, the *Länder* (federal states) are required to give concrete form to the general outlines of the law on pre-school institutions through their own legislation. This Act was also amended within the framework of the Maternity and Family Welfare Act of 27 July 1992 and expanded to include the legal right to a Kindergarten place for all children from the age of 3 years until they start school.

8. The legal basis for the *Grundschule*, as the first compulsory school for all children, is to be found in the Educational Acts, the Compulsory Schooling Acts and the school regulations (*Schulordnungen*) for the primary school enacted by the Ministries of Education and Cultural Affairs in the *Länder*.

9. The legal provisions for vocational training in the workplace, in industry and in handicrafts were contained in the Vocational Training Act of 1969 and the Handicrafts Act of 1953. Among other things, these two laws govern matters of the relationship between young people and companies that provide training (e.g. contracts, certificates, pay), in other words the rights and obligations of trainees and trainers. They also govern the regulatory aspects of vocational training (e.g. the suitability of training providers and trainers, the terms of the training regulations known as *Ausbildungsordnungen*, the examination system and supervision of training) and the organization of vocational training (e.g. the function of the various chambers of industry and commerce as the “competent bodies” and of their vocational training committees). The Vocational Training Promotion Act of 1981 governed the planning of vocational training and defined the organization and functions of the Federal Institute for Vocational Training. The Protection of Young Persons at Work Act laid down special provisions for the protection of young trainees. In 2004, the 1981 Vocational Training Promotion Act and the 1969 Vocational Training Act were completely reformed and merged in the Vocational Training Reform Act entered into force on 1 April 2005.⁷ The reform is aimed at safeguarding and improving training opportunities provided, as well as ensuring a high quality standard in vocational trainings available to all young people, irrespective of their social or regional backgrounds. It includes training for special groups, i.e. disabled persons.

10. The legal basis for higher education is provided by the Framework Act for Higher Education of the Federation⁸, and the legislation on higher education legislation passed in the *Länder*. In accordance with its purpose, the Framework Act for Higher Education describes the general objectives of higher education institutions as well as the general principles underlying the system of higher education, study, teaching and research, admission, membership and participation, staff, organization and administration of institutions of higher education. In the course of the reform for the modernization of the federal system (*Föderalismusreform*), in 2006, the relationship between the Federation and the *Länder* in regard to legislation in the field of education has changed. Amongst other things, the Federation’s framework responsibility in the field of higher education has ceased to exist. The Federation is responsible for the fields of admission to higher education institutions and degrees from higher education institutions as part of concurrent legislation (Art. 72 of the Basic Law). However, the *Länder* have been granted the power to enact their own provisions in deviation from the relevant federal laws. The power to deviate will only enter into force

⁶ <http://www.bgblportal.de/BGBL/bgbl1f/bgbl105s2729.pdf> (In German)

⁷ http://www.bmbf.de/pub/BBiG_englisch_050805.pdf

⁸ http://www.bmbf.de/pubRD/hrg_20050126_e.pdf (Accessed 16/03/11)

when and to the extent the Federation has exercised its legislative power, but in no event later than on August 1, 2008. The existing provisions of the Framework Act for Higher Education and of the laws of the *Länder* which relate to higher education institutions will continue to apply until the enactment of relevant federal or *Länder*-specific laws.

11. In May 2007, the Federal Government passed a bill to annul the Framework Act for Higher Education.

12. The right of disabled children to education and training appropriate to their needs is enshrined in the *Länder* constitutions and more detailed provisions are set out in the educational legislation of the *Länder*.

13. The General Equality of Treatment Act of 2006 relates to the access to all forms and levels of career advice, vocational education, including vocational training, employment, working conditions and education. The aim of the law is to prevent or remove disadvantages due to race or ethnic background, gender, religion or philosophy, disability, age or sexual orientation.⁹

14. The Immigration Act entered into force on 1 January 2005 contains provisions on the entry of foreigners into Germany, their residence in the country, various residence purposes, and termination of residence and asylum procedures. Amendments to the Act took effect on 28 August 2007 and those include provisions about Residence for the purpose of education or training. Therefore, a renewable residence permit may be issued to foreigners for the purpose of applying to and studying at a state or state-recognized higher education institution or comparable training establishment. After graduating, they may have their residence permit extended for up to one year for the purpose of seeking employment relevant to their field of study, if the job can be held by a foreigner. Residence permits may be issued on a case-by-case basis to foreigners wishing to go to school or participate in language courses without thereafter going on to university. If the Federal Employment Agency gives its approval, residence permits may also be issued for the purpose of completing in-company initial and continuing training. Graduates of German schools abroad who wish to complete a qualified in-company training course for a state-recognized or similarly accredited training occupation may be granted a residence permit without the approval of the Federal Employment Agency.¹⁰

Policy measures:

15. In the German education system, fundamental changes are currently being implemented under which special importance is attached to the various efforts for quality assurance and quality development in the school sector, teacher training and the higher education sector.¹¹

⁹ State Report submitted for the 7th Consultation..., op. cit., p. 4.

¹⁰ <http://www.auswaertiges-amt.de/diplo/en/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html> (Accessed 9 September 2010)

¹¹ Eurydice, Organisation of the Education System in Germany 2007/2008, p.26, http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full_reports/DE_EN.pdf.

16. Compulsory education: As a rule, general compulsory schooling begins for all children in the Federal Republic of Germany in the year in which they reach the age of six and involves nine years of full-time schooling.

17. Disabled children and young people are also required to attend school and complete their compulsory education. On the basis of their special educational needs, they are either taught in mainstream schools together with non-handicapped pupils, or in special schools.

18. Both pupils and parents are responsible for seeing that this obligation is met and training companies are also responsible for ensuring that their trainees fulfil their obligation to attend vocational school. The school head checks on attendance records and can, if necessary, enforce attendance through various measures against the pupil, parents or the training company.¹²

19. Financing Education: Culture and education have become priority areas of German foreign policy. In 2009 a total of 1.436 million euros were provided for foreign cultural and education policy activities. This was equivalent to 0.47 per cent of the national budget. For 2010 funding was increased to 1.513 million euros.¹³

20. Schooling of children affected by constant moves: Children of bargees, and children of circus members and show people, are particularly affected by constant moves. The *Länder* have developed concepts to guarantee an improvement in school provision for the children of occupational travellers. The measures include parental counselling and improved access to *Kindergärten*, primary schools, secondary schools and to vocational training. Under a resolution of the Standing Conference of the Ministers of Education and Cultural Affairs last amended in 1999, these measures also include subsidies for the costs of accommodating children of the travelling professions in homes. Special measures in the primary sector include, for instance, keeping primary school places aside for children of occupational travellers, or creating additional facilities during an annual fair, for example.¹⁴

21. Financial aids to pupils: So that pupils have access to all teaching aids used in lessons regardless of their economic and social circumstances, most *Länder* have regulations on the provision of financial assistance for pupils to purchase teaching aids, or on their provision free of charge; this provision is, in part, staggered according to parents' income and number of children. Under these regulations, pupils are either exempt from the costs of teaching aids or only have to pay part of the costs. In the majority of *Länder*, pupils at public-sector schools are lent textbooks and other expensive teaching aids (e.g. pocket calculators) for the time they require them. When teaching aids become the property of pupils, parents may be required to pay a portion of the costs in some cases.

22. Each of the *Länder* has arrangements in regard to the transport of pupils to and from school. In general, fares are reimbursed, usually for public transport, while under certain conditions a school transport service is established in its own right. The purpose is to

¹² Ibid., p.33.

¹³ http://www.bundesregierung.de/nn_6562/Content/EN/Artikel/2011/01/2011-01-12-kabinett-auswaertige-kulturpolitik_en.html (Accessed 16/03/11)

¹⁴ State Report submitted for the 7th Consultation..., op. cit., p. 6.

guarantee fair opportunities for pupils from all walks of life, between urban and rural areas, non-handicapped and handicapped schoolchildren.¹⁵

23. Pre-school education: Pre-school education is not a part of the state school system, and Kindergarten attendance is not, as a general rule, free of charge. To cover some of the costs, parental contributions are levied, the level of which depends on parents' financial circumstances, the number of children or the number of family members.

24. The Federation, the *Länder* and the local authorities have agreed to progressively establish quality and demand-oriented day-care services for children under three years of age. By the year 2013, nationwide on average 35% of all children under three years of age should be certain of a place at a child day-care facility or in day care for children.

25. Language policies: There are no legislative provisions on the language of instruction. German is the normal language of instruction and training at general education and vocational schools, as well as institutions of higher education. The exceptions include some private schools, bilingual schools and instruction on mother tongue for pupils whose native language is not German.

26. In 1998, Germany joined the European Charter of Regional and Minority Languages of Council of Europe and applies it to those speaking Danish, Frisian, Sorbian, Romany and Low German. The children of these minorities can attend private schools providing education in their mother tongue. At such schools, German is a compulsory subject from grade 2.¹⁶

27. The German language is considered key to the country and the culture. One important goal of foreign cultural and education policy is to promote the German language worldwide. This helps make Germany more attractive as a place to do business, conduct research and study. To further boost numbers, a new campaign "German – the language of ideas" was launched in 2010.¹⁷

28. Higher education: Until 2005, no fees were charged for German higher education institutions up to the first academic degree qualifying for an entry into a profession. Pursuant to a judgment rendered by the Federal Constitutional Court, the *Länder* now may, at their own discretion, impose study fees on students. In order to maintain equal educational opportunities, the interest of low-income groups of the population should be taken into account. The first *Länder* made use of the option to introduce general study fees in the winter semester 2006/2007 and imposed contributions of up to Euro 500 per semester. In certain *Länder*, the higher education institutions are free to decide on the imposition of study fees and the amount thereof. Simultaneously, loan systems have been developed which provide for the legal entitlement to a student loan and the income-related repayment of the loan after completion of the study course. Students in the tertiary sector who have no other means

¹⁵ *Ibid.*, p. 4.

¹⁶ *Ibid.*, p. 19.

¹⁷ http://www.bundesregierung.de/nn_6562/Content/EN/Artikel/2011/01/2011-01-12-kabinett-auswaertige-kulturpolitik_en.html (Accessed 16/03/11)

(mainly from their parents' income) of maintenance and financing a course of study can also receive financial assistance under the terms of the Federal Training Assistance Act.¹⁸

29. Vocational training : With its “JOBSTARTER – Training for the Future” program, the Federal Ministry of Education and Research (BMBF) supports the sustained improvement of regional training structures, winning in-company training places as well as improving information and advice about vocations of the future for which training exists.

30. In order to achieve a comprehensive modernization and structural development of the support measures for the less privileged in the area of vocational training, the Federal Ministry of Education and Research has launched the program ‘Promoting Skills – Vocational Qualification for Target Groups with Special Learning Problems and for the Socially Disadvantaged’. This programme offers new starting points and qualification pathways to youths who have not yet completed a vocational training. The model measures funded within this program concentrate on optimizing support structures, improving the work of the educational facilities, strengthening approaches to prevent lack of vocational training already at school, as well as improving the vocational training prospects of immigrants.¹⁹

31. Lifelong learning: In July 2004, the Federation and the *Länder* adopted a joint strategy for lifelong learning in Germany. The BMBF’s “Learning Regions - Support for Networks” programme represents the core of the “Lifelong Learning for Everyone” programme of action. The themes of the Learning Regions are based on the potential of and the issues facing the respective regions. These include, among others, the establishment of a regional education management body, holistic counselling, education marketing, education databases and the drafting of concepts at the interfaces between education sectors: the transition from school to career, the development of new training courses for SMEs, honorary posts, mentoring, etc.²⁰

32. Literacy: The State Institute for Teacher Training and School Development in Hamburg, Germany, was awarded the 2010 UNESCO King Sejong Literacy Prize for its Family Literacy Project (FLY), which targets both children and parents in immigrant communities in Hamburg.²¹

33. Teachers: Expatica reports that teachers in Germany will get guidelines on how to pick up early signs of pupils being forced into marriage and how to handle these cases and refer them to child protection services. In typical cases girls are sent back to the home country of the parents in Turkey, Lebanon, Syria or Kosovo to marry someone they chose for them from where often they do not return, due to lacking a German passport.²²

¹⁸ Eurydice, op. cit., p. 152.

¹⁹ State Report submitted for the 7th Consultation..., op. cit., p. 7–8.

²⁰ Ibid., p. 11–12.

²¹ <http://www.unesco.org/en/literacy/literacy-prizes/winners-2010/germany/> (Accessed 9 September 2010)

²² <http://www.tdh-childprotection.org/news/german-teachers-to-get-guidelines-on-forced-marriage> (Accessed 16/03/11)

34. Human rights education (HRE): Human rights education, education for tolerance and democratic citizenship are anchored in the school legislation of the individual Länder. There are hand-outs and various publications to support schools in carrying out human rights education. There are also many different suitable school books from which the schools or subject conferences must make a selection.

35. Furthermore, in order to ensure efficient teaching in the context of human rights education most *Länder* have taken special measures tailored to this issue which take the form of in-service training for teachers, symposia and teaching conferences in particular subjects, which start as early as teacher training where the subject of human rights as a cross-sectional subject receives special attention.²³

36. In Germany, the most well established target groups of HRE are: Pupils in secondary school, Students in higher education, Justice and security professionals

37. In Germany, HRE is predominantly part of the following subjects: History (values such as peace, democracy, non-discrimination, equality, justice); Ethics/Religious Education (values such as non-discrimination, responsibility and conscience); Social science (values such as gender equality, recognition of ethnic and cultural diversity).²⁴

38. In regards to the work in cooperation with UNESCO Associated Schools (ASPs): There are 190 UNESCO Associated Schools in Germany. Through a tightly organized system of national and regional coordinators, they hold regular encounters, exchange experience, organize joint projects, partnerships and exchange projects with schools in other countries. Around 15.000 students from 60 countries take part in the joint projects with German schools every year. The German UNESCO Associated Schools network is supported by the *Länder* and the Ministry of Foreign Affairs. HRE has been a topic high on the agenda of the UNESCO Associated Schools since the 1970s. Every two years, the German Associated Schools organise an international project day; most of the topics of this project days since 1996 have a direct relation to the 1974 Recommendation.

39. Special attention to out-of-school education: A special focus of HRE in Germany is the training of policemen. The German Institute for Human Rights offers seminars for policemen and published a detailed study on HRE for policemen.²⁵

40. New initiatives in foreign cultural policy: "Kulturweit": In cooperation with the German UNESCO Commission, the Federal Foreign Office facilitates international commitment and cultural encounter through its voluntary program entitled "kulturweit", which is the international cultural voluntary service for young people between the ages of 18 and 26, started in 2009. The project was implemented by the German Commission for UNESCO and financed by the German Federal Foreign Office. It enables people from

²³ Ibid., p. 17–18.

²⁴ State Report submitted for the 4th Consultation on the implementation of the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). Federal Republic of Germany, 2009, pp. 5-7

²⁵ State Report submitted for the 4th Consultation on the implementation of the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). Federal Republic of Germany, 2009, pp.5-7.

Germany to engage themselves as volunteers in the field of cultural relations and educational policy.²⁶

41. Sport: Sport brings people together. For this reason the Federal Foreign Office initiative "Sport and Foreign Policy "concentrates on establishing and extending popular sport. The assistance provided, which is seen as help towards self-help, makes a contribution towards building civil society structures in the country in question.

42. Scholarship programs for gifted youngsters from other countries: Within the framework of the foreign academic training policy, those programs also help strengthen civil society. In particular young scholarship holders from countries in conflict, like Iraq and Afghanistan, are given access to the education, training and knowledge that are desperately needed in their home countries.

Cooperation:

43. Germany is party to UNESCO's 1960 Convention against Discrimination in Education since 1968 and submitted a report, in 2007, on the measures taken for its implementation within the framework of the seventh consultation (covering period 2000-2005).

44. Germany is not party to UNESCO's 1989 Convention on Technical and Vocational Education.

45. Germany reported to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

2. Right to take part in cultural life

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life²⁷

46. Normative Framework: constitutional and legislative frameworks: The Basic Law is in the constitution of the Federal Republic of Germany. According to Article 73 of the Basic Law on Matters under exclusive legislative power of the Federation "(1) The Federation shall have exclusive legislative power with respect to: [...] 5a. safeguarding of German cultural assets against removal from the country". Article 23 on the European Union – Protection of basic rights – Principle of subsidiarity of the Basic Law states that when legislative powers exclusive to the *Länder* concerning [...] culture or broadcasting are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the European Union shall be delegated by the Federation to a representative of the *Länder* designated by the *Bundesrat*.

²⁶ http://www.kulturweit.de/english/who_we_are.html (Accessed 16/03/11)

²⁷ Sources used: http://www.bundestag.de/htdocs_e/index.html; <http://www.kmk.org/>; <http://whc.unesco.org/>

47. The Constitutions of the 16 *Länder* cover the protection of cultural heritage. Moreover, there are various Land historic and cultural monuments protection acts. The Federal Nature Conservation Act and corresponding acts of the *Länder* cover the protection of natural heritage. In addition, a national sustainability strategy is in place. There is specific planning legislation to protect World Heritage at federal, regional and municipal level.

Institutional framework:

48. The following institutions are involved in the implementation of the World Heritage Convention on a national level:

i. Cultural heritage:

- a. The Standing Conference of the Ministers of Culture and Education of the Federal German States (KMK) in the Federal Republic of Germany unites the ministers and senators of the *Länder* responsible for education, higher education and research, as well as cultural affairs.
- b. *Länder* ministries and agencies responsible for cultural heritage protection, regional governments, districts, specialist service
- c. districts, municipalities, local authorities, city districts

ii. Natural heritage:

- a. Directorate for Nature Conservation and Sustainable Use of Nature in the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Federal Agency for Nature Conservation; Land ministries and agencies responsible for natural heritage protection
- b. districts, municipalities

49. Heritage conservation is institutionally integrated. The private sector, local communities and NGOs are involved as well.

50. With regard to the 2003 Intangible Cultural Heritage Convention, the German federal government has already provided financial means to the German Commission for UNESCO to establish an administrative office and contact point for the 2003 Convention in Germany.

51. Policy measures: Germany's ongoing World Heritage investment programme (approved from 2010 to 2014 with a budget of EUR 70 million) for the conservation of German World Heritage sites fosters the implementation of the World Heritage Convention.

52. Work with civil society: Community involvement plays an important role at German World Heritage sites. The Old town of Regensburg with Stadtamhof, Fagus Factory in Alfeld and The Wadden Sea (Germany / The Netherlands) are just some examples for this involvement.

53. Recently a UNESCO Chair in Tangible and Intangible Heritage at the University of Paderborn was created. It will encourage understanding the specificities of intangible heritage and the 2003 Convention, and the important differences between protecting built heritage and safeguarding living heritage.

2. Freedom of opinion and expression²⁸

Achievements, best practices, challenges and constraints

54. Legislative framework: The German Basic Laws guarantee the constitutional framework for freedom of expression in Article 5: “*Every person shall have the right freely to express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.*”

55. Furthermore, each of the Laender Press Laws include specifications of a ‘free press’ and provide for the right of the press to information and press accountability among other features.

56. The Freedom of Information Law was enacted in 2006 thus granting easier access to information from different governmental agencies and organizations.

57. Defamation is still a criminal offense under the German Criminal Code²⁹ under sections 186-188; the liabilities depend on the offence with the maximum sentence an imprisonment of up to five years with section 188 relating specifically to ‘defamation of the persons in the political arena’.

58. Media self-regulation: Media self-regulation is well established in the country through several associations including the German Press Council³⁰ which publishes the German Press Code, and independent associations such as the German Journalists’ Association

59. Safety of journalists: Journalists enjoy a high degree of freedom in the country and UNESCO recorded no killing of journalists and media workers in Germany between 2008 and 2011.

4. The right to enjoy the benefits of scientific progress and its applications (REBSP)³¹

Co-operation, Achievements, best practices, challenges and constraints:

60. German scientific communities co-operate actively with UNESCO in the framework of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) on issues of ethics of science and technology, with a particular focus on the requirements and special needs of scientific research to be carried by the developing countries and in particular those in Africa and scientific researchers who work there.

²⁸ Sources :

²⁹ http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#StGBengl_000G52

³⁰ <http://www.presserat.info/service/english/keyfacts-in-english.html>

³¹ Sources :

61. The expert from Germany is member of the International Bioethics Committee (IBC) of UNESCO, an advisory body concerning the follow-up to the Universal Declaration on Bioethics and Human Rights (2005), the International Declaration on Human Genetic Data (2003) and the Universal Declaration on the Human Genome and Human Rights (1997). Germany is member of the Intergovernmental Bioethics Committee (IGBC). Germany is a State elected at the 35th session of the General Conference; members of the IGBC until the end of the 37th session (Autumn 2013).

62. Germany submitted to UNESCO its national report on the application of the 1974 Recommendation on the Status of Scientific Researchers and took an active part in the consultations concerning the question of a possible revision of the 1974 to be discussed.

III. RECOMMENDATIONS

Right to education

63. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Germany has not yet reported to UNESCO on the Convention and is now strongly encouraged to submit a report.

64. Germany could be encouraged to enshrine the right to education in its Constitution.

65. Germany could be encouraged to adopt further measures (e.g. special laws) which aim to promote gender equality.

Right to take part in cultural life

66. Germany is invited to ratify the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage at its earliest opportunity, as it recently announced at the 36th General Conference of UNESCO in 2011, and to fully participate in its governing bodies. This will not only help the neighbouring countries to undertake integrated safeguarding measures, and make it possible for other States Parties to benefit from Germany's experience in this field, but will also allow for German experts to participate more actively in the implementation of the Convention.

Freedom of opinion and expression

67. The Government is encouraged to decriminalize defamation and progress towards making it part of the civil code in accordance with international standards.