



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

Summary of stakeholders' submissions on Germany*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 36 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. GIHR highlighted the following issues, amongst others, for consideration at the review of Germany:

(a) The constitutional prohibition of “discrimination on grounds of race” was largely ineffective given its restrictive interpretation by state authorities and courts, due to a lack of understanding of contemporary forms of racism. An amendment of the Basic Law of the Federal Republic of Germany (Basic Law) by replacing the word “race” in Article 3(3) with “racist discrimination” would facilitate protection in line with international human rights law;³

(b) The Basic Law did not prohibit discrimination based on sexual orientation and gender identity; and lesbians, gay, bisexual, transgender and intersex persons as well as queer and other non-binary persons (LGBTIQ+) were particularly affected by discrimination, exclusion and hate crimes;⁴

(c) Implementation of the 89 measures to combat racism and right-wing extremism adopted by the Federal Government in 2021 was not being systematically monitored, and there was resistance to addressing structural and institutional racism in state authorities, especially in the police;⁵ and except for the establishment of the Commissioner on

* The present document is being issued without formal editing.



Antiziganism, the recommendations from the Independent Commission on Antiziganism had not been follow-up on by the Government;⁶

(d) Racist and right-wing extremist positions were presented in Federal and State Parliaments and that future legislation on state financing of political parties must exclude parties promoting racism;⁷

(e) There was an increase in persons at risk of living in poverty, particularly children in single parent households, persons with a migration or refugee background and older persons;⁸

(f) The Climate Protection Act, as amended, must uphold the responsibility of all sectors for greenhouse gas reduction; and the “precautionary adaptation strategy” and planned federal climate adaptation legislation must contain concrete, measurable, and binding objectives;⁹

(g) A comprehensive strategy to address all forms of violence against women should be developed and there should be a new approach to fund women’s shelters and specialist support services;¹⁰

(h) Medical practitioners should be sensitised about discrimination of persons with disabilities. Medical treatment of persons with disabilities should be integrated in medical training and the envisaged action plan for a diverse and inclusive health system must focus on the accessibility of gynaecological services for women with disabilities;¹¹

(i) A strategy was needed to ensure an inclusive education system, particularly as more than half of the students with special needs continued to be taught in special schools;¹²

(j) There was an urgent need for community-based mental health services for children in light of the disproportionate impact of the COVID-19 restrictions of lockdowns and school closures had had on them;¹³ and

(k) Measures promoting the integration of Ukrainian refugees which included the choice of place of residence, and immediate access to the work force and schools for children, should be applicable to refugees from all other countries.¹⁴

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with human rights mechanisms

3. JS5 expressed regret that Germany had not considered the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁵

4. JS4 stated that Germany had done little to implement its accepted obligation to engage in negotiations for nuclear disarmament under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and had continued to abstain when required to vote on United Nations General Assembly resolutions on nuclear disarmament, including the most recent resolution of 13 December 2022.¹⁶

5. JS6 stated that Germany had yet to examine the necessity of maintaining its two significant reservations to the 1954 Convention on the Status of Stateless Persons, in line with its commitment at the Human Rights Council’s high-level segment on statelessness in 2019.¹⁷

B. National human rights framework

1. Constitutional and legislative framework

6. JS5 called for the incorporation of children’s rights in the Basic Law.¹⁸ FAM stated that there was no word for “gender” in German and therefore “sex” was used in Article 3(3)

of the Basic Law, which would now be replaced with “sex identity”. This meant that anyone who “feels” female would have the same rights of a person born female, which would hinder the attainment of equality between men and women.¹⁹

7. Referring to the relevant legal provisions and noting the lack of a statutory definition of domestic abuse, UPR-BCU stated that it would be prudent for Germany to codify a statutory definition of domestic abuse alongside existing laws and protections.²⁰

8. Noting the amendment of the Criminal Code in 2016 in relation to sexual offences, CoE-GREVIO stated that the conceptualisation of the offences of rape and sexual assault as acts committed against the recognisable will of the victim did not fully comply with the standard of criminalization of all non-consensual sexual acts, notably that consent must be given voluntarily as the person’s free will, assessed in the context of the surrounding circumstances.²¹

9. CoE-GREVIO considered the definition of sexual harassment in the Criminal Code to be restrictive and encouraged Germany to ensure that the Criminal Code included verbal and non-verbal sexual harassment, to remain vigilant to digital violence and to take the necessary steps to combat new and emerging forms of sexual harassment.²²

10. JS5 stated that Germany should enact legislation to ensure protection against digital violence, which provided for the obtaining of court orders to block accounts and permitted civil society organizations to initiate legal proceedings.²³

11. Various Stakeholders raised issues with the proposed “Self Determination Act (Selbstbestimmungsgesetz)”, which would allow persons to change their “sex entry” by submitting to the registry office a declaration that their “gender identity” did not match their “sex entry”, without a medical certificate or any assessment. Enactment of the proposed legislation would: threaten the sexual and reproductive rights of women and girls; make it difficult to guarantee the equality of women; allow minors as young as 14 years of age to change their sex designation without the consent of their parents or guardians; and forbid the disclosure of the biological sex of a person.²⁴

12. CoE-GREVIO encouraged Germany to: criminalise the intentional conduct of coercing or procuring a woman or a girl to undergo female genital mutilation;²⁵ and to criminalize all acts that seriously impair the psychological integrity of a person.²⁶

13. Noting that a new arms export control law was being drafted, JS5 urged Germany to, inter alia, prohibit the export of arms to countries involved in armed conflict or serious human rights violations, particularly as Germany had exported arms to countries involved in armed conflicts.²⁷

14. RSF stated that the proposed Whistleblower Protection Act that was meant to increase the level of security for whistleblowing would make it difficult for whistle blowers to disclose classified information even in cases of a justified public interest.²⁸

15. CoE-ECRI found it disquieting that intersex babies and infants were being subjected to medically unnecessary and deferrable surgery and therapies and recommended the enactment of legislation that prohibited such surgery and therapies.²⁹

2. Institutional infrastructure and policy measures

16. Referring to its recommendation on the transparency of the parliamentary process, and while welcomed the entry into force of the Lobbying Register Act on 1 January 2022, CoE-GRECO noted that this Act prescribed obligations for representatives of special interests and not for members of parliament. It concluded that this recommendation remained partially implemented.³⁰

17. CoE-ECRI recommended that Germany, inter alia, extend the mandate of the Federal Anti-Discrimination Agency to cover hate speech, and discrimination based on skin colour, language, citizenship and gender identity, as well as intersectional discrimination.³¹

18. CoE-ECRI recommended the establishment of a coherent system of organizations to provide victims of discrimination with effective support, and that the Länder set up

independent equality bodies.³² In its interim follow-up in 2022, CoE-ECRI concluded that this recommendation had been partially implemented.³³

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

19. JS5 stated that Germany needed to ensure gender equality, including by bringing its anti-discrimination legislation in conformity with European Union legislation and human rights standards. Germany must also promote the rights of Black, Indigenous and People of Colour, LGBTQI*+ communities, and other groups facing marginalisation and systemic discrimination.³⁴

20. Noting the measures taken to promote tolerance and intercultural dialogue, CoE-ACFC encouraged Germany to thoroughly implement the action plans to combat racism and right-wing extremism.³⁵

21. CoE-ACFC urged Germany to address structural inequalities experienced by Sinti and Roma through a coordinated approach and targeted, evidence-based policies; and address the portrayal of stereo types in the media in relation to Sinti and Roma.³⁶

22. While welcoming the creation of the Office of the Commissioner for Antiziganism, JS5 stated that public programmes must be developed and implemented to foster the recognition of Antiziganism as a form of racist discrimination towards Sinti and Roma.³⁷

23. CoE-ECRI defined racial profiling as the use by the police of grounds such as “race”, colour, language, religion, citizenship or national or ethnic origin in control, surveillance, or investigation activities with no objective and reasonable justification, and recommended that Germany introduce a “reasonable suspicion standard” for such activities. It added that laws that provided the police with the power to carry out identity checks without a suspicion based on objective criteria opened the door to racial profiling.³⁸ AI stated that the measures to combat racial profiling by the police was insufficient and that the standard of reasonable suspicion was yet to be established.³⁹

24. CoE-ACFC noted that despite some measures taken by the authorities, discriminatory behaviour by the police such as references to the (assumed) ethnic background of suspects when reporting on crimes, investigations based on general suspicions, and incidents of police violence continued to occur. It called on the authorities to promptly investigate, in a transparent manner, all cases of alleged police misconduct and appropriately sanction discriminatory behaviour.⁴⁰

25. Referring to its 2020 publication, OSCE-ODIHR recalled that in the early phase of the Corona virus pandemic there were cases of intolerance and discrimination directed towards people of (or perceived to be of) Asian descent in Germany.⁴¹

Right to life, liberty and security of person, and freedom from torture

26. Noting that in 2022, the Bavarian police placed several dozen climate activists in preventative detention, AI stated that the detaining of individuals to prevent them from participating in protests could constitute arbitrary detention.⁴²

27. CoE-CPT recommended that the Federal and all Länder authorities, inter alia, ensure that all persons deprived of their liberty benefit from the right of notification of custody from the very outset of their deprivation of liberty;⁴³ and were provided with a clean mattress and blankets should they be held in custody overnight.⁴⁴

28. Recalling its repeated misgivings about the use of mechanical restraint to immobilise detained persons (Fixierung) in police custody, CoE-CPT called for an end to the use of Fixierung in police establishments.⁴⁵

29. JS9 noted that in cases of physical harm caused by police officers in the course of their duty, not all victims filed a complaint due to the assumption that it would not be successfully addressed. Only a few complaints mechanisms, which fell within the competence of the Länder, were truly independent.⁴⁶

30. CoE-ACFC expressed concern about the continuing rise of hate crime and other politically motivated crime against visible minorities, Jews, Muslims, Sinti and Roma and Sorbs.⁴⁷ AI also expressed concern about a significant increase in hate crime, noting that at the previous review Germany had supported recommendations to combat hate crime.⁴⁸ CoE-ACFC called on the authorities to set up comprehensive reporting mechanisms for hate crimes and intensify efforts to prevent, investigate and sanction such incidents.⁴⁹

31. Noting that at the previous review, Germany had supported recommendations to combat Islamophobia, ODVV expressed concern about high rates of crime perpetrated against Muslims.⁵⁰ IFWA noted a rise in discrimination of Muslims.⁵¹

32. Emphasising that a solitary-confinement-type regime could lead to inhuman and degrading treatment, CoE-CPT recommended that Germany ensure that inmates subjected to segregation from all other inmates for security reasons could benefit from a programme of purposeful and, as far as possible, out-of-cell activities on a daily basis with meaningful human contact.⁵²

33. IFWA noted the rise in xenophobic attacks against refugees and the attacks on shelters for refugees and asylum seekers.⁵³ ASSEDEL stated that refugees and asylum seekers were subjected to attacks in the camps and in their daily lives with statistics indicating that at least two persons were attacked every day.⁵⁴

International humanitarian law

34. JS8 stated that nuclear weapons had been stationed at a German air base, and that German pilots had been trained in the use of such weapons.⁵⁵ The coordinated practice of nuclear bomb drops in the annual North Atlantic Treaty Organization (NATO) maneuvers “Steadfast Noon” was an indication of the readiness of Germany to use these weapons in case of conflict.⁵⁶

35. JS4 stated that the participation of Germany in the threat to use nuclear weapons, and in the planning and preparation of such use, as part of its membership in NATO, violated its international law obligations. These obligations were reinforced by the international law applicable to armed conflict, which includes international humanitarian law (*jus in bello*) and the laws of peace and security including, Article 2 of the United Nations Charter (*jus ad bellum*).⁵⁷

Administration of justice, including impunity, and the rule of law

36. CoE-GRECO noted the lack of progress in implementing its previous recommendation for measures to enhance the transparency and monitoring of secondary activities of judges and concluded that the recommendation remained partially implemented.⁵⁸

37. CoE-CPT recommended that Germany, inter alia, ensure that all persons deprived of their liberty: were fully informed of their fundamental rights as from the very outset of their deprivation of liberty; could effectively benefit from access to a lawyer throughout their police custody, with indigent persons benefit from free legal representation; that detained juveniles were not subject to police questioning or required to sign any statement related to the alleged offence without the presence of a lawyer and, in principle, a trusted adult.⁵⁹

38. Noting that in court proceeding involving children, the Jugendamt (youth welfare office) must be heard, JS3 stated that representatives of the Jugendamt were neither experts nor witnesses and the role of the Jugendamt was insufficiently defined.⁶⁰

39. JS5 stated that in cases of hate crime, law enforcement agencies and the judiciary were insufficiently able to recognise hate and racist prejudice-based motives.⁶¹ CoE-ECRI recommended training the police, prosecutors, and judges on recognising, investigating and sentencing hate crime, including punishable hate speech.⁶²

40. JS5 stated that prevalent gender-stereotypes and myths about rape often lead to sexual offences not being reported and when reported, they were inadequately prosecuted, and the proceedings traumatized the victims. There should be mandatory training for judges, prosecutors, and other professionals on the handling of such cases.⁶³

41. CoE-GREVIO encouraged Germany to establish strict guidelines for the prosecution of cases of physical violence in the context of intimate partner violence, among other measures; decrease the processing time by the prosecution services of cases of violence against women and domestic violence; ensure that forensic evidence is ordered not only in cases of sexual violence, but also in domestic violence cases; and that audio-visual recordings of testimonies were used in a sensitive manner.⁶⁴

42. AI stated that in 2021, Germany recognized the colonial atrocities committed in Namibia on the Herero and Nama peoples as Genocide, but explicitly stated that legal claims for compensation could not be derived from acceptance of moral responsibility. AI stated that the demands for justice and reparations should be meaningfully addressed.⁶⁵

Fundamental freedoms and the right to participate in public and political life

43. RSF stated that: since the previous review, physical attacks on journalists had sharply risen and that journalists had not received adequate support from the police; there was a lack of training of the police in dealing with media representatives and issues of press freedom; the defamatory and hate campaigns on the internet directed towards journalists were of concern; law enforcement agencies were unable to identify and prosecute digital violence; and that journalists were continuously exposed to the threat of digital surveillance by the authorities.⁶⁶

44. JS5 stated that new legislation expanded the surveillance powers of the intelligence services, police, and law enforcement authorities, and that this legislation should be amended to eliminate disproportionate surveillance threatening sensitive journalistic work and sources.⁶⁷

45. CoE-ACFC encouraged Germany to ensure better representation of persons belonging to national minorities in media regulatory bodies, with due regard for the independence and the cultural diversity of the bodies concerned.⁶⁸

46. ADF stated that Article 15 of the 1953 Federal Law on Assemblies and Processions and the laws passed by several Länder permitted the imposition of conditions or restrictions on an assembly if it posed a threat to public safety or public order. It underscored increasing pressure on the authorities to restrict the exercise of freedom of expressions and assembly around abortion facilities.⁶⁹

47. JS5 stated that women were underrepresented in political parties, parliaments, leadership positions and in decision making bodies, and Germany must ensure their meaningful participation at all levels of socioeconomic and political life.⁷⁰

48. OSCE-ODIHR stated that its Election Expert Team observed Federal Parliament elections in 2021 and, inter alia, recommended that Germany: fully guarantee freedom of expression and abolish criminal liability for defamation; and increase transparency and accountability in campaign financing and regulate the involvement of third parties in campaigning.⁷¹

Right to privacy

49. AI noted that the Federal Criminal Police Office had acquired and deployed the spyware “Pegasus” despite concerns over its compatibility with the right to privacy.⁷²

50. JS5 stated that asylum seekers who were unable to produce a valid passport were required to hand over their phones to the Federal Office for Migration and Refugees for search and inspection, which encroached on their privacy.⁷³

Right to marriage and family life

51. Noting that Germany had planned to legalize surrogacy and egg donation, LSF stated that surrogacy and egg donation were serious human rights violations.⁷⁴

52. UFI stated that parents had a right to determine the education and moral development of their children, and that those laws that conflicted with such rights should be changed.⁷⁵

Prohibition of all forms of slavery, including trafficking in persons

53. KOK stated that: the granting of residence for trafficked persons and their access to most rights continued to be linked to their cooperation in criminal proceedings, as the coalition agreement of the Federal Government which removed this requirement was yet to be implemented; the best interest of the child must be taken into account and needs-based support structures should be created for children and minors who have been trafficked; there were few criminal prosecutions for trafficking in persons and often alleged perpetrators were charged with lesser offences that were easier to prove at trial; the burden of proof lay with the trafficked person; and the police, judges and prosecutors were often insufficiently trained to deal with traumatised persons.⁷⁶ KOK considered relevant supported recommendations from the previous review to have been partially implemented.⁷⁷

54. JS5 stated that it was essential to establish nationwide services for victims of trafficking in persons, which were aligned with human rights standards. Improvement in identification and registration procedures for unaccompanied minors was required.⁷⁸

55. Noting that prostitution had been legalised over 20 years ago, LSF stated that Germany had become the centre of trafficking in persons in Europe and a destination for sex tourists.⁷⁹ OSCE-ODIHR stated that the legislation relating to trafficking in persons and prostitution did not provide sufficient safeguards for vulnerable persons engaged in prostitution and thus potentially undermined efforts to prevent trafficking in persons.⁸⁰

Right to work and to just and favourable conditions of work

56. Referring to relevant supported recommendations from the previous review, JS5 stated that as of 2020, the gender pay gap stood at 18.3 percent.⁸¹ According to ASSEDEL, the gender pay gap became even more pronounced after the coronavirus pandemic.⁸²

57. JS5 stated that persons with disabilities worked in a “segregated marketplace” with restrictive rights and no minimum wage, and that Germany must ensure equal access to work and an inclusive marketplace for everyone, citing relevant supported recommendations from the previous review in this regard.⁸³

Right to an adequate standard of living

58. Referring to relevant supported recommendations from the previous review, JS5 stated that poverty had reached a new high in 2021 and that while people with low incomes had to accept real income losses in recent years, higher incomes had grown. Germany should enhance efforts to address the issue of social and economic disparity between those living in poverty and the high-income segments of the population.⁸⁴ JS5 stated that financial support for low-income families and single parent households was poorly coordinated and called for the establishment of one-stop financial benefit.⁸⁵

59. JS5 stated that there was a severe shortage of affordable housing; and that Germany should develop and implement an action plan to address homelessness.⁸⁶

Right to health

60. J5 stated that Germany should address the lack of high-quality medical care for persons with unintended pregnancies and that abortions should become a compulsory part of medical training.⁸⁷ UFI stated that Germany had violated parental rights by permitting girls under 18 years of age to have abortions without parental consent.⁸⁸ ECLJ expressed concerns about the lifting of the ban “on advertising abortion” services.⁸⁹

61. CoE-GREVI encouraged Germany to ensure that: in any procedures authorizing the sterilization of legally incapacitated women, less invasive birth control options were considered; and that women with disabilities who undergo consensual sterilization could make their decision on the basis of sufficient information designed in a disability-accessible manner.⁹⁰

62. SOS-GER stated that children in the context of migration have often had specific needs in relation to mental health but had received limited or no access to adequate health care.⁹¹

Right to education

63. BC stated that there were inequalities between the highest and the lowest-performing students linked to socioeconomic disparities.⁹² Immigrant students were disproportionately affected by structural inequality and were less likely to advance in their education.⁹³

64. CoE-ECRI stated that in view of the great diversity in classrooms, all Länder should introduce human rights and equal treatment in their education legislation and in the obligatory parts of their education curricula.⁹⁴ CoE-ACFC urged the authorities to ensure that pupils throughout Germany learn about the history and contributions of Frisians, Danes, Sinti and Roma and Sorbs to German society in order to create understanding for the continuity and benefits of diversity.⁹⁵

65. JS5 stated that there was a lack of sustained effort to transform the segregated school and education system, and that in recent years there had been an increase in the number of pupils attending special schools. It referred to relevant supported recommendations from the previous review and called on Germany to live up to its commitment and to ensure an inclusive education system.⁹⁶

Cultural rights

66. UsNEF stated that although the Frisians were officially recognized in Germany as one of the four autochthonous national minorities, relatively less resources were allocated to the preservation of the Frisian culture and language, which was deliberately neglected and marginalized.⁹⁷

Development, the environment, and business and human rights

67. JS4 stated that Germany had continued to contribute to climate change, in potential violation of its human rights and environmental law obligations, primarily through excessive carbon emissions. Germany comprised 1.07 percent of the world's population but contributed 2.1 percent of global carbon emissions – about twice the global average. In 2021, Germany had amended its federal Climate Action Law with a view to achieving climate neutrality (net zero emissions) by 2045. However, Germany had failed to meet its annual emission targets for 2022. Even if Germany manages to meet the targets in subsequent years, the revised goals and timeframe were insufficient to cut emissions at a sufficient speed and rate to meet the global targets of keeping the rise in atmospheric temperature below 1.5 degrees Celsius, or even 2 degrees Celsius.⁹⁸

68. JAI stated that Germany should reconsider the reopening of coal mines, noting that as an industrial nation with a traditional history of coal mining, Germany bore a large share of the responsibility for the climate crisis and the use of coal would have a catastrophic effect on global warming.⁹⁹

69. JS5 stated that the 2021 Supply Chain Due Diligence Act which imposed mandatory human rights and environmental due diligence obligations on corporations was not in line with the risk-based approach of the Guiding Principles on Business and Human Rights.¹⁰⁰ CE stated that the Act did not cover the impact of the downstream side of the supply chain, thus leaving room for continued human rights violations.¹⁰¹

70. CE stated that Germany was one of the biggest importers of forest-risk commodities, such as soy, timber and palm oil, which were known to have strong links to deforestation and loss of biodiversity, greenhouse gas emissions and human rights violations in producing countries.¹⁰²

71. J4A stated that the proliferation of sanctions, and the laws and regulations relating to money laundering and the financing of terrorism hindered the growth and development of entrepreneurial activities and stifled entrepreneurship freedom. Germany should integrate the human rights standards of due process and presumption of innocence within its regulatory framework.¹⁰³

72. GSGPPHRWS stated that Germany had encouraged and supported the activities of German companies in Western Sahara in violation of the sovereignty of the Saharawi people over its natural resources.¹⁰⁴

2. Rights of specific persons or groups

Women

73. ASSEDEL stated that a comprehensive and inclusive approach was needed to protect women and to prevent violence.¹⁰⁵ JS5 stated that there was no national action plan to implement the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).¹⁰⁶ LFS stated that courts were not aware of the Istanbul Convention.¹⁰⁷ Noting that Germany had removed its reservation to Article 59 of the Istanbul Convention relating to the right of residence for migrant women who were victims of domestic violence, UPR-BCU stated that action should be taken to implement this Article in practice.¹⁰⁸ CoE-GREVIO noted the shortage of domestic violence shelters and stated that urgent action was needed to address this shortage.¹⁰⁹

74. CoE-GREVIO encouraged Germany to harmonize the procedures for the dissolution of forced marriage throughout the country; and to enable, through legislative and other measures, women and girls forced into marriage abroad to exercise their right to return.¹¹⁰

Children

75. TDH stated that minors were recruited as soldiers who received the same military training as adult soldiers. Parents often signed long-term contracts for under-age soldiers, which in contrast to civilian contracts, could not be terminated after the probationary period. Germany should, inter alia, increase the minimum recruitment age for soldiers to 18 years.¹¹¹

76. Noting that Germany was hosting a large number of refugees, SOS-GER stated that unaccompanied and separated children were accommodated in substandard accommodation. Age assessment procedures were based on ethically questionable and unproven or unreliable medical methods, with the risk of the children being considered and treated as adults and administrative procedures frequently disregarded their best interest.¹¹²

Persons with disabilities

77. ASSEDEL stated that persons with disabilities were disadvantaged in the education system and in the workplace.¹¹³

Indigenous peoples and minorities

78. While noting that Germany had expanded its solid framework for providing support to the four recognised national minorities (Danes, Frisians, Sinti and Roma, and Sorbs), CoE-ACFC stated that the level of protection granted to persons belonging to national minorities varied across the 16 Länder in important areas. It urged Germany to, inter alia, ensure the full application of the Framework Convention for the Protection of National Minorities.¹¹⁴

79. CoE-ACFC encouraged Germany to extend its pragmatic approach to the application of the citizenship criteria to Sinti and Roma without German citizenship; and to establish mechanisms for Sinti and Roma to effectively participate in and influence decision-making on all matters affecting them at federal level and in all Länder.¹¹⁵

80. CoE-ACFC encouraged Germany to consider the request for national minority status by the Polish community and to enter a dialogue with Yenish representatives on their request for recognition as a national minority.¹¹⁶

Lesbian, gay, bisexual, transgender and intersex persons

81. Referring to a relevant supported recommendation from the previous review and while noting the improvement in projects to reduce discrimination against LGBTIQ+, JS7 stated that the projects remained limited in number and in need of long-term financing and sustainable support.¹¹⁷

82. CoE-ECRI considered the introduction of a third gender category “diverse” to be a good practice and encouraged Germany to minimize restrictions on the right to self-determination of intersex persons.¹¹⁸

83. Noting the recognition by the Federal Government of the duty to protect trans refugees as vulnerable persons, JS7 stated that local governments were failing to provide safe accommodation to trans refugees and asylum seekers.¹¹⁹

Migrants, refugees and asylum-seekers

84. CoE-ECRI stated that Germany should support low-threshold counselling and assistance services where migrants without residence permits could explore options to regularise their situation without being systematically reported to immigration control services.¹²⁰

85. JS1 stated that data from an independent survey conducted by a civil society organization in 2021 raised doubt about the impartiality and integrity of the evaluation of asylum cases.¹²¹ Multiple instances of arbitrary evaluations of religious conversions by the Federal Office for Migration and Refugees and court authorities had been documented.¹²² Noting the revised guidelines introduced in 2020, ADF stated that credibility assessments for convert refugees continued to remain inconsistent.¹²³

86. JS5 stated that relevant professionals in refugee care facilities often lacked the knowledge to identify victims of gender-specific violence and called for regular training for all professionals working with refugee girls and women. While welcoming the humanitarian admission programmes for Afghans, JS5 noted criticisms concerning a lack of transparency in its implementation.¹²⁴

87. JS2 stated that thousands of Ahmadi Muslims who had fled religious persecution in their country of origin were awaiting a decision on their asylum applications, and that Germany ought to recognize the Ahmadiyya Muslim communities as a religious minority that was being persecuted.¹²⁵

88. JS5 stated that at the beginning of war in Ukraine, Ukrainian refugees had been granted protection with fewer complications compared to previous refugee movements. However, persons of different nationalities who had been living in Ukraine as refugees had been subjected to discriminatory practices and had to prove their need for protection through tedious and lengthy procedures.¹²⁶

89. JAI stated that Germany had refused to recognize the concept of climate refugees. It stated that Germany should be prepared to address the anticipated displacement arising from climate change, as well as ensure the protection of those who come to Germany fleeing the effects of climate change.¹²⁷

Stateless persons

90. JS5 highlighted the difficulties faced by refugees in complying with the requirements for birth registration and stated that Germany should guarantee birth registration of new-born children regardless of their migration status.¹²⁸

91. JS6 stated that there was no procedure in place to screen for statelessness upon birth and that measures should be put in place to ensure universal birth registration, regardless of the residence or documentation status of their parents or family members.¹²⁹

Notes

¹ A/HRC/39/9, A/HRC/39/9/Add.1 and A/HRC/39/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

ADF

ADF International, Geneva (Switzerland);

AI	Amnesty International, London (United Kingdom);
ASSEDEL	European Association for the Defence of Human Rights and Liberties, Strasbourg (France);
BC	Broken Chalk, Amsterdam (Netherlands);
CE	ClientEarth, Berlin (Germany);
ECLJI	European Centre for law and Justice, Strasbourg, (France);
EGFG	Europäische Gesellschaft für Geschlechtergerechtigkeit, Bonn (Germany);
FAM	Frauen Aktion München, München (Germany);
GSGPPHRWS	Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara, Geneva (Switzerland);
IFWA	International Foundation Witnesses Ashoora, Babol, Mazandaran (Islamic Republic of Iran);
IPWR	The Institute for the Protection of Women's Rights, Tehran (Islamic Republic of Iran);
J4A	Justice for All International, Geneva (Switzerland);
JAI	Just Atonement Inc., New York (United States of America);
KOK	German NGO Network against Trafficking in Human Beings, Berlin (Germany);
LAZ	Lesbisches Aktionszentrum (LAZ) reloaded e.V, Berlin (Germany);
LGB	LGB Alliance e.V, Blunk (Germany);
LSF	Lasst Frauen Sprechen, Munchen (Germany);
ODVV	Organization for Defending Victims of Violence, Tehran (Islamic Republic of Iran);
RSF	Reporter ohne Grenzen, Berlin (Germany);
SOS-GER	SOS Children's Village Germany (SOS Kinderdorf e.V.), München, (Germany);
TDH	terre des hommes Germany e.V., Osnabrück (Germany);
UFI	United Families International, Gilbert, Arizona (United States of America);
UPR-BCU	The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, Birmingham (United Kingdom of Great Britain and Northern Ireland);
UsNEF	Us Noard East Fryslan, Voorburg (Netherlands).
<i>Joint submissions:</i>	
JS1	European Baptist Federation, Amsterdam (Netherlands), and Union of Evangelical Free Churches in Germany, Elstal-Wustermark, (Germany) (Joint Submission 1);
JS2	Coordination des Associations et des Particuliers pour la Liberté de Conscience, Paris (France) and International Human Rights Committee, London (United Kingdom of Great Britain and Northern Ireland) (Joint Submission 2);
JS3	Trennungsväter e.V., Amberg (Germany) and KiMiss Institut., Tübingen (Germany) (Joint Submission 3);
JS4	World Future Council, Basel (Switzerland) and Aotearoa Lawyers for Peace, Basel Peace Office and Youth Fusion (Joint Submission 4);
JS5	FORUM MENSCHENRECHTE, Berlin (Germany), in cooperation with Bundesweite AG der psychosozialen Zentren für Flüchtlinge und Folteropfer (BAFF), Bischöfliches Hilfswerk Misereor, Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V., Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. (KOK), FIAN Deutschland e.V., Gesellschaft für bedrohte Völker e.V., Gesellschaft für Freiheitsrechte (GFF) e.V., Human Rights Watch e.V., Interessenvertretung Selbstbestimmt Leben in Deutschland (ISL) e.V., Women's International League for Peace and Freedom (WILPF, German Section), JUMEN e.V. – Juristische Menschenrechtsarbeit in Deutschland, Kindernothilfe e.V., Lesben- und Schwulenvorband in Deutschland (LSVD) e. V., medica

	mondiale e.V., Nürnberger Menschenrechtszentrum e.V., Deutscher Paritätischer Wohlfahrtsverband – Gesamtverband e.V., PRO ASYL, pro familia Bundesverband e.V., Reporter ohne Grenzen e.V., terre des hommes Deutschland e.V., urgewald e.V., Vereinte Evangelische Mission (VEM) (Joint Submission 5);
JS6	Statefree, European Network on Statelessness, London (United Kingdom of Great Britain and Northern Ireland) and Institute on Statelessness and Inclusion (Joint Submission 6);
JS7	Federal Trans* Association and Bundesarbeitskreis Regenbogen (LSBTTI) in ver.di, Kiel (Germany) (Joint Submission 7);
JS8	IALANA Deutschland – Vereinigung für Friedensrecht, Berlin (Germany) and Lawyers Committee in Nuclear Policy, New York (United States of America) (Joint Submission 8);
JS9	International Federation of ACATs – Action by Christians for the Abolition of Torture, Paris (France) and Action by Christians for the Abolition of Torture (Germany) (Joint Submission 9).
<i>National human rights institution:</i>	
GIHR	German Institute for Human Rights,* Berlin (Germany).
<i>Regional intergovernmental organizations:</i>	
CoE	Council of Europe, Strasbourg, France; Attachments: Council Of Europe – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Report to the German Government on the periodic visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 14 December 2020, CPT/Inf (2022) 18 (CoE-CPT); Council Of Europe – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Response of the German Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 14 December 2020, CPT/Inf (2022) 19 (CoE-CPT/Response); Council Of Europe – European Commission against Racism, ECRI Report on Germany (sixth monitoring cycle), published 17 March 2020 (CoE-ECRI); Council Of Europe – European Commission against Racism, ECRI Conclusions on the Implementation of the Recommendations in Respect of Germany Subject to Interim Follow-Up, Adopted on 29 June 2022, and Published on 20 September 2022, CRI (2022) 32 (CoE-ECRI/Interim Follow-Up); Council Of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities, Adopted on 3 February 2022 (CoE-ACFC); Council Of Europe – Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), GREVIO’s (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Germany, adopted 24 June 2022, and published on 7 October 2022 (CoE-GREVIO); Council Of Europe – Group of States against Corruption, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Second Interim Compliance Report, adopted on 17 June 2022 and published on 22 November 2022, GrecoRC4 (2022) 21 (CoE-

OSCE-ODIHR

GRECO);
 Organization for Security and Co-operation in Europe – Office
 for Democratic Institutions and Human Rights, Warsaw,
 (Poland).

- ³ GIHR, para. 4.
- ⁴ Ibid., p. 6.
- ⁵ Ibid., p. 3. See also: ODVV, paras. 7 and 10. ODVV made recommendations (paras. 37 and 40).
- ⁶ GIHR, pp. 3–4.
- ⁷ Ibid., p. 4.
- ⁸ Ibid., p. 3.
- ⁹ Ibid., p. 7, referring to Decision of 24 March 2021, 1 BvR 2656/18.
- ¹⁰ Ibid., pp. 4–5.
- ¹¹ Ibid., p. 5.
- ¹² Ibid., p. 5.
- ¹³ Ibid., p. 6.
- ¹⁴ Ibid., p. 7.
- ¹⁵ JS5, para. 3. See also: AI, para. 5.
- ¹⁶ JS4, pp. 4 and 6, referring to A/RES/77/57. JS4 made recommendations (p. 7). See also: JS8, para. 5.
- ¹⁷ JS6, para. 8. JS6 made a recommendation (para. 42).
- ¹⁸ JS5, para. 28.
- ¹⁹ FAM, para. 3. See also: LSF, para. 2.
- ²⁰ UPR-BCU, para. 9. UPR-BCU made recommendations (pp. 6–7).
- ²¹ CoE-GREVIO, para. 252.
- ²² Ibid., paras. 269, 271, 273 and 274.
- ²³ JS5, para. 25.
- ²⁴ EGFC, p. 1; LSF, para. 2; LAZ, pp. 1–2; LGB, pp. 1; and UFI, para. 26. UFI made a recommendation (paras. 28 and 30).
- ²⁵ CoE-GREVIO, para. 259.
- ²⁶ Ibid., para. 243.
- ²⁷ JS5, para. 62. See also: ODVV, paras. 29–33; and TDH, paras. 10–15.
- ²⁸ RSF, p. 3. RSF made recommendations (p. 6).
- ²⁹ CoE-ECRI, para. 32 and 34.
- ³⁰ CoE-GRECO, paras. 9–17.
- ³¹ CoE-ECRI, para. 10. See also: JS7, para. 1(b).
- ³² Ibid., para. 11.
- ³³ CoE-ECRI/Interim Follow-Up, para. 1.
- ³⁴ JS5, paras. 11 and 12.
- ³⁵ CoE-ACFC, paras. 102 and 116.
- ³⁶ Ibid., paras. 91, 118 and 121.
- ³⁷ JS5, para. 20.
- ³⁸ CoE-ECRI, para. 105.
- ³⁹ AI, para. 17. AI made recommendations (paras. 31–36).
- ⁴⁰ CoE-ACFC, paras. 139 and 140.
- ⁴¹ OSCE-ODIHR, para. 13. OSCE-ODIHR made recommendations (para. 14).
- ⁴² AI, para. 27. AI made a recommendation (para. 45).
- ⁴³ CoE-CPT, para. 19.
- ⁴⁴ Ibid., para. 24. See also: CoE-CPT/-Response, pp. 11 and 20 for the response by Germany.
- ⁴⁵ CoE-CPT/, para. 27. See also: CoE-CPT/-Response, p. 21 for the response by Germany.
- ⁴⁶ JS9, paras. 9 and 16. JS9 made recommendations (para. 20).
- ⁴⁷ CoE-ACFC, para. 131.
- ⁴⁸ AI, para. 13 referring to A/HRC/39/9, para. 155.62 (Turkiye), para. 155.124 (Bahrain), para. 155.246 (Afghanistan), para. 155.248 (Iceland), para. 122.250 (Islamic Republic of Iran) and para. 155.251 (Ghana), read together with A/HRC/39/9/Add.1.
- ⁴⁹ CoE-ACFC, para. 132.
- ⁵⁰ ODVV, paras. 11–13, referring to A/HRC/39/9, para. 155.73 (Libya) and para. 155.74 (Egypt) and A/HRC/39/9/Add.1. ODVV made a recommendation (para. 38).
- ⁵¹ IFWA, IFWA made recommendations (p. 4). See also: IPWR, pp. 3–4. IPWR made recommendations (p. 4).
- ⁵² CoE-CPT, para. 53.
- ⁵³ IFWA, pp. 1–2. IFWA made recommendations (p. 4).
- ⁵⁴ ASSEDEL, pp. 1–2. ASSEDEL made recommendations (p. 5).
- ⁵⁵ JS8, paras. 2 and 3. JS8 made recommendations (paras. 21–24).

- ⁵⁶ Ibid., paras. 7, 8 and 10. JS8 made recommendations (paras. 21–24).
- ⁵⁷ JS4, pp. 2 and 4. JS4 made recommendations (p. 7). See also: JS8, paras. 10–14. JS8 made recommendations (paras. 21–24).
- ⁵⁸ CoE-GRECO, paras. 40–44.
- ⁵⁹ CoE-CPT, paras. 18–22.
- ⁶⁰ JS3, paras. 1, 3 and 5.8. JS3 made a recommendation (para. 7).
- ⁶¹ JS5, para. 21.
- ⁶² CoE-ECRI, para. 71. See also: OSCE-ODIHR, para. 11. OSCE-ODIHR made recommendations (para. 14).
- ⁶³ JS5, para. 24.
- ⁶⁴ CoE-GREVIO, paras. 248 and 302.
- ⁶⁵ AI, para. 19. AI made a recommendation (para. 37).
- ⁶⁶ RSF, pp. 1–2 and 4–5. RSF made recommendations (p. 6).
- ⁶⁷ JS5, para. 51, referring to the Federal Police Act and the amended Federal Intelligence Service Act (BND Act, 2021).
- ⁶⁸ CoE-ACFC, paras 159 and 161.
- ⁶⁹ ADF, para. 15 and 17. ADF made recommendations (para. 25).
- ⁷⁰ JS5, para. 12.
- ⁷¹ OSCE-ODIHR, para. 9. For other recommendations see para. 9.
- ⁷² AI, para. 20. AI made recommendations (AI, paras. 38 and 39).
- ⁷³ JS5, para. 53.
- ⁷⁴ LSF, para. 3.
- ⁷⁵ UFI, paras. 2, 10 and 23. UFI made a recommendation (para. 27).
- ⁷⁶ KOK, pp. 3–4.
- ⁷⁷ Ibid., pp. 3–6, referring to referring to A/HRC/39/9, para. 155.149 (India), para. 155.150 (Tunisia) para. 155.152 (Romania), para.155.153 (Poland), para. 155.155 (Morocco), para. 155.156 (United States of America), para.155.158 (Bahrain), para.155.159 (Hungary), para. 155.160 (Kenya), para. 155.161 (Lebanon) and para.155.163 (Bulgaria), and A/HRC/39/9.
- ⁷⁸ JS5, paras. 42 and 43.
- ⁷⁹ LSF, para. 4. See also: ECLJ, para. 19. ECLJ made a recommendation (para. 28).
- ⁸⁰ OSCE-ODIHR, para. 6. OSCE-ODIHR made a recommendation (para. 6).
- ⁸¹ JS5, para. 11, referring to A/HRC/39/9, para. 155.42 (Tunisia), para. 155.168 (Zambia), para. 155.170 (Iraq) para. 155.175 (Cyprus), read together with A/HRC/39/9/Add.1. See also: JS7, para. 8; ASSEDEL, p.3; LFS, para. 6; and ODVV, para. 23. ODVV made a recommendation (para. 41).
- ⁸² Ibid., p. 2.
- ⁸³ JS5, para. 11, referring to A/HRC/39/9, para. 155.209 (Peru), para. 155.210 (Cyprus), and para. 155.211 (Israel), read together with A/HRC/39/9/Add.1.
- ⁸⁴ Ibid., para. 6, referring to A/HRC/39/9, para. 155.179 (Haiti) and para. 155.180 (Malaysia), read together with A/HRC/39/9/Add.1.
- ⁸⁵ Ibid., para. 7, referring to A/HRC/39/9, para. 155.181 (Republic of Korea) and para. 155.199 (Republic of Moldova), read together with A/HRC/39/9/Add.1. See also: LFS, para. 6.
- ⁸⁶ JS5, paras. 8–10. See also: GIHR, p. 3.
- ⁸⁷ Ibid., para. 27. See also: AI, para. 22. AI made a recommendation (para. 40).
- ⁸⁸ UFI, para. 20. UFI made a recommendation (para. 29).
- ⁸⁹ ECLJ, para. 18. ECLJ made a recommendation (para. 27).
- ⁹⁰ CoE-GREVIO, paras. 267 and 268.
- ⁹¹ SOS-GER, para. 3.6. SOS-GER made recommendations (paras. 3.8–3.12).
- ⁹² BC, paras. 4 and 7. BC made recommendations (paras. 16 and 17).
- ⁹³ Ibid., para. 8. BC made recommendations (paras. 18 and 19). See also: JS5, para. 49.
- ⁹⁴ CoE-ECRI, para. 17. CoE-ECRI made a recommendation (para. 18).
- ⁹⁵ CoE-ACFC, para. 190.
- ⁹⁶ JS5, para. 13 referring to A/HRC/39/9, para. 155.188 (Andora) and para. 155.191 (Hungary), read together with A/HRC/39/9/Add.1.
- ⁹⁷ UsNEF, pp. 1 and 4. UsNEF made recommendations (p. 4).
- ⁹⁸ JS4, p. 9. JS4 made recommendations (p. 10). See also: CE, para. 6. CE made recommendations (para. 8).
- ⁹⁹ JA1, paras. 1, 14, 36 and 39.
- ¹⁰⁰ JS5, para. 57.
- ¹⁰¹ CE, paras. 12 and 13. CE made recommendations (para. 18).
- ¹⁰² Ibid., para. 17. CE made recommendations (para. 18).
- ¹⁰³ JA4, pp. 1–3. JA4 made recommendations (p. 3).
- ¹⁰⁴ GSGPPHRWS, para. 29. GSGPPHRWS made recommendations (para. 32.).

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- ¹⁰⁵ ASSEDEL, p. 4. ASSEDEL made recommendations (p. 6). See also: IPWR, pp. 1–2. IPWR made recommendations (p. 2).
- ¹⁰⁶ JS5, para. 23, referring to A/HRC/39/9, para. 155.194 (Estonia), read together with A/HRC/39/9/Add.1. See also: LFS, para. 4.
- ¹⁰⁷ LFS, para. 6.
- ¹⁰⁸ UPR-BCU, para. 15.
- ¹⁰⁹ CoE-GREVIO, p. 7.
- ¹¹⁰ Ibid., paras. 225 and 351.
- ¹¹¹ TDH, paras. 1–9. See also: JS5, para. 32.
- ¹¹² SOS-GER, paras. 1.4, 2.12, 2.14, 2.15 and 3.7. SOS-GER made recommendations (paras. 2.22–2.24 and 3.8–3.12).
- ¹¹³ ASSEDEL, p. 4. ASSEDEL made recommendations (pp. 5–6).
- ¹¹⁴ CoE-ACFC, paras. 14–17, 54 and 65.
- ¹¹⁵ Ibid., paras. 37 and 241.
- ¹¹⁶ Ibid., paras. 41 and 46.
- ¹¹⁷ JS7, para. 1(a), referring to A/HRC/39/9, para. 155.109 (Greece), read together with A/HRC/39/9/Add.1.
- ¹¹⁸ CoE-ECRI, para. 31. See also: JS7, para. 3; AI, para. 25. AI made recommendations (paras. 43 and 44).
- ¹¹⁹ JS7, para. 7.
- ¹²⁰ CoE-ECRI, para. 23. CoE-ECRI made recommendations (para. 24).
- ¹²¹ JS1, pp. 2–3. JS1 made recommendations (p. 6).
- ¹²² Ibid., p. 5. JS1 made recommendations (p. 6).
- ¹²³ ADF, paras. 4 and 7. ADF made recommendations (para. 25).
- ¹²⁴ JS5, paras. 26 and 33.
- ¹²⁵ JS2, pp. 1–2.
- ¹²⁶ JS5, para. 50.
- ¹²⁷ JAI, para. 28. JAI made a recommendation (para. 40).
- ¹²⁸ JS5, para. 45.
- ¹²⁹ JS6, paras. 34 and 37. JS6 made recommendations (para. 42).
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