



Federal Foreign Office

Fourteenth Human Rights Report of the German Government

Reference period: 1 October 2018 until 30 September 2020



Platz der Menschenrechte



Federal Minister for Foreign Affairs Heiko Maas meets Svetlana Tikhanovskaya, an unaffiliated civil rights activist and candidate for the presidential elections in Belarus in 2020, for talks at the Federal Foreign Office in Berlin on 7 October 2020 © photothek.

Dear readers,

Fate has bestowed upon her a role that she would hardly have envisaged for herself. Teacher, translator, mother – these are the words people would perhaps have used to describe Svetlana Tikhanovskaya before the events in Belarus in 2020, when they were joined by a few more: presidential candidate, opposition leader, human rights activist.

The state crackdowns in Belarus in connection with the presidential elections drove her to take on her husband's candidacy after he was barred from standing for election. Following his arrest, she became one of the leading figures of the protest movement and a voice for freedom, democracy and human rights in Belarus.

Civil society in Belarus is representative of many people in the world who are taking a stand against oppression and the curtailment of their human rights. Who are showing authoritarian rulers that there are limits to their tyranny. Who are responding to power with truth.

The shrinkage of civil society spaces nonetheless remains a widespread and growing phenomenon. One which the Federal Government is working determinedly to counteract through its human rights engagement. The fact that in some places the COVID-19 pandemic is being used as an excuse for repressive measures under the pretext of maintaining public order and protecting public health is an even clearer sign of how vital this engagement is.

Women are often particularly affected. They have already long been fighting for recognition and equal opportunities, and in the pandemic they are now facing even more challenges. Often they are solely responsible for caregiving, whether childcare or looking after sick or elderly family members. That not only limits their capacity to assume responsibility in civil society or political functions. It also marks a return to outdated stereotypes which were believed to have long been overcome.

Yet the COVID-19 pandemic is not solely to blame. It is often a deliberate ploy. The systematic campaigning of ostensibly conservative policymakers with the goal of reversing significant achievements in the area of equal opportunities has become known as “pushback”. We don’t need to go very far to see the fundamental value of the Universal Declaration of Human Rights – that all human beings are born free and equal in dignity and rights – being called into question. The Federal Government is working to counteract this regression.

But that is not all. This year, we have celebrated the 25th anniversary of the groundbreaking World Conference on Women in Beijing as well as the 20th anniversary of the UN Security Council Resolution 1325 on Women, Peace and Security. It is high time for women to sit at the negotiating table when the future of conflict-ridden societies is under discussion. The scientifically proven statement that peace is more enduring and incorporates broader sections of the population when women have a say in shaping it is now almost universally accepted.

We are passionately working on this and many other human rights issues, not least in the United Nations Security Council. For we know all too well that peace and security and the protection of human rights are interdependent. During our membership we have succeeded in bringing the Human Rights Council in Geneva and the UN Security Council in New York closer together and anchoring the issue of human rights firmly on the agenda in New York. When we leave the Council at the end of 2020, the partners who succeed us will continue to promote this goal.

Over the past year, we have taken the opportunity offered by our parallel membership of the UN Security Council and the UN Human Rights Council and our Presidency of the EU Council to drive forward our human rights agenda in numerous areas. Our Presidency of the Committee of Ministers of the Council of Europe from November 2020 to May 2021 will continue to provide us with a forum for this activity, as will the additional two years of membership in the UN Human Rights Council.

These institutions are flanked by a close-knit network of other established instruments and mechanisms – ranging from the Office of the United Nations High Commissioner for Human Rights and the numerous United Nations supervisory committees and mandate holders, through the OSCE’s third dimension, the human dimension, and the European Court of Human Rights, to the Charter of fundamental rights of the European Union.

However, these achievements of multilateral policymaking – in the field of human rights and beyond – are being more and more frequently called into question and the rules of multilateralism disregarded. We and our partners are often challenged by attempts to water down universal values. Yet alongside this defensive battle which we are continually fighting we can also set a positive agenda of cooperation to find global solutions on the basis of common values. We have achieved this with the Alliance for Multilateralism. With more than 60 members, it actively works to shape multilateral policy fields, such as human rights during the conference entitled “Advocating Human Rights in the 21st Century”, which took place at the Federal Foreign Office in December 2019. It also focuses on future-defining issues such as digital transformation and climate change and their impact on human rights.

Germany’s engagement in the area of human rights is held in high regard throughout the world. This is a result of the Federal Government’s activity in this field in cooperation with foreign partners and in other countries, but not only that. Another significant factor is our credibility on the global stage, as we strive to ensure that human rights are also protected at home. These efforts find their expression, for example, in Germany’s commitment to implementing the international community’s recommendations in the UN Human Rights Council’s Universal Periodic Review. I would like to offer my sincere thanks to all the staff of the federal ministries and subordinate authorities who work to ensure that we do not tire of continuing to improve our own human rights record.

In this task, we receive constructive criticism and support from nongovernmental players in Germany and throughout the world. To them, too, I convey my gratitude and respect for this and for their engagement in the numerous fields related to human rights. In many countries, human rights defenders put themselves at great personal risk. A fact that we wish to acknowledge through the founding of the Elisabeth Selbert Initiative for persecuted human rights defenders, which helps to remove committed activists from the firing line of repression so that they can continue their engagement in the medium and long term.

Svetlana Tikhanovskaya is one of the people who are willing to shoulder a considerable personal burden for the sake of preserving human rights. She represents many people whose names we may never know but who likewise decide on a daily basis to stand up for human rights. I have great respect for all of them. Only together can we defend the foundation of values on which free, democratic societies are built. Only together can we respond to issues affecting the future in such a way that respect for human rights does not just remain an ambition but can become a reality for everyone. This goal is what drives the engagement of the Federal Government, which will continue to make every effort to ensure that human rights are respected throughout the world.



*Heiko Maas,
Federal Minister for Foreign Affairs*

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Preliminary remarks and guide to the report



Upholding and propagating human rights is a key element of the German Government's remit and its work both domestically and abroad. In accordance with the mandate assigned by the German Bundestag in Bundestag printed paper 12/1735 of 4 December 1991, the present report – the fourteenth of its kind to date – outlines the German Government's human rights policy in foreign relations and in other policy fields. It refers to the period from 1 October 2018 to 30 September 2020.¹

The description of the German Government's domestic and foreign-affairs activities and initiatives highlights the aspiration inherent in Germany's human rights policy to mainstream active commitment to human rights across all policy areas. This also reflects the German Bundestag's mandate to consider human rights in all aspects of state action, in accordance with Article 1 of the Basic Law.

Structure of the report

In view of the scale of the report, which has grown to over 400 pages in the course of successive rewrites, and in response to the feedback from the Committee on Human Rights and Humanitarian Aid, the structure has been radically revised. The standing annex referred to as the handbook section has been dropped.

Part A, the German Government's Action Plan for Human Rights 2021-2022, has been given greater prominence and tighter focus on the pre-eminent processes and topics. It contains the priorities of the German Government's human rights work.

Part B on human rights in Germany and in the context of common European Union policy on justice and home affairs now refers to the progress made on implementing the recommendations that have been made to Germany and accepted in the course of the current Universal Periodic Review (UPR) cycle. As such, it answers the repeated call for an interim UPR report.

Part C on human rights in foreign and development policy has been streamlined and, like the countries section, has had information added about human rights projects which the German Government supports.

1 All statements about planned measures with financial consequences, particularly as enumerated in part A, the German Government's Action Plan for Human Rights 2021-2022, are non-binding declarations of intent, the feasibility of such measures being dependent on the relevant budgetary situation and on parliamentary consent, in compliance with the German Bundestag's budgetary prerogative.

Part D on human rights around the world outlines the human rights situation in particular countries and profiles Germany's involvement in projects. The number of countries featured has been significantly reduced, from 81 in the previous report to a prioritised selection of fewer than 30. Their inclusion depended particularly on Germany having addressed them under item 4 on the agenda of the United Nations (UN) Human Rights Council: Human rights situations that require the Council's attention.

Replies to the German Bundestag

In printed paper 19/15881 of 11 December 2019 – the recommendation for a decision issued by the Committee on Human Rights and Humanitarian Aid with regard to the Thirteenth Human Rights Report – the German Bundestag calls on the Federal Government to pay special attention to certain matters in the fourteenth report. The present report satisfies that injunction as follows:

- › The Fourteenth Human Rights Report of the German Government, not least in its country-by-country section, covers the current human rights issues and debates of the reference period with a focus on the problems to be resolved.
- › [Chapter C3](#) contains a detailed description of the German Government's work as a non-permanent member of the UN Security Council to generate greater mainstreaming of human rights within the Security Council.
- › The chief focus of [chapter D1](#) is on sexual violence in conflict and the progress made on implementing the associated UN Security Council Resolution 2467.
- › A detailed contribution in [chapter C4](#) reports on developments pertaining to the issue of shrinking space as well as on concrete international and national measures.
- › The German Government's work for the worldwide abolition of capital punishment and the prohibition of torture is described in [chapter C4](#) alongside the successes gained in those endeavours.
- › [Chapter C7](#) sets out the findings from monitoring the National Action Plan for Business and Human Rights.

- › The efforts to combat impunity for heinous human rights violations around the world are outlined in [Chapter D1](#) as well as in the Action Plan.
- › In the compilation of the country profiles, consideration was given in each case to the human rights violations associated with organ trafficking. Where relevant, a description is given of the situation in the country in question.

Both in its retrospective on the reference period and in its identification of future human rights priorities, the report makes it clear that the German Government is mindful of the indivisibility, universality, equal status and interdependence of all human rights – the civil and political as well as the economic, social and cultural.

A | German Government's Action Plan for Human Rights 2021 – 2022





Copies of the Universal Declaration of Human Rights at an event in the Bundestag
© picture alliance/dpa – Kay Nietfeld

The Action Plan sets out the priorities of the German Government's human rights policy from 2021 to 2022. It takes into account the observations and recommendations directed at Germany by various UN treaty organisations and the recommendations – those the German Government has accepted – made in the context of the UN Human Rights Council's Universal Periodic Review (UPR).

The German Government is committed to the universality of human rights, due process and the rule of law. It views human rights policy as a unifying responsibility common to all areas of policymaking. It is this compass that will guide the German Government in 2021 and 2022, when it will be seeking to achieve the following objectives within four overarching fields. (The order here does not reflect any particular prioritisation.)

Preserving and expanding the human rights acquis

1. Strengthening human rights in the context of the digital transition
2. Tackling climate action, protection of biodiversity and the environment and defence of human rights as a unified challenge
3. Promoting the rights to water and sanitation, health, housing and nutrition
4. Strengthening human rights in the context of business and trade
5. Championing freedom of the media and freedom of opinion
6. Championing freedom of religion or belief
7. Championing gender equality
8. Actively promoting the Women, Peace and Security Agenda
9. Combating discrimination based on sexual orientation or gender identity
10. Strengthening children's rights
11. Championing the rights of migrants, asylum seekers and refugees
12. Championing the rights of minorities and indigenous peoples
13. Strengthening the rights of older people
14. Promoting the right to education

Combating human rights violations

15. Combating racism, antisemitism and other forms of hatred against particular groups
16. Opposing the death penalty around the world
17. Combating torture and enforced or involuntary disappearance
18. Opposing discrimination against people with disabilities
19. Combating human trafficking

Strengthening institutions and stakeholders dedicated to protecting human rights

20. Creating and preserving spaces where civil society can operate, including online; supporting the work of human rights defenders
21. Strengthening international instruments, bodies and monitoring agencies and national human rights institutions
22. Promoting the realisation of human rights through development cooperation

Consolidating the rule of law

23. Combating impunity
24. Promoting the rule of law, reconciliation processes and security-sector reform in the context of crisis prevention, conflict resolution and peacebuilding as an important contribution to protecting human rights
25. Urging compliance with human rights in the fight against terrorism



*A woman waiting outside a temporary camp for food following the fire in Moria refugee camp.
© Nicolas Economou/NurPhoto*

Preserving and expanding the human rights acquis

1. Strengthening human rights in the context of the digital transition

- › The German Government continues to work to protect universally applicable human rights both online and offline and in the context of new digital technologies.
- › To this end, it will keep submitting the resolution on the right to privacy in the digital age to the UN Human Rights Council and the Third Committee of the UN General Assembly and, within that text, will continue to develop standards for the protection of human rights in the digital age.
- › Together with its partners in the Freedom Online Coalition, the German Government will advocate for the protection of human rights in all areas of digital life.
- › Within the framework of the EU, Germany will push for human rights to be protected when it comes to regulating new technologies, especially artificial intelligence.
- › The German Government will also work in other forums, such as UNESCO and the Council of Europe, to see human rights upheld in the cybersphere as elsewhere. Curbing online hate and incitement is a particular priority of Germany's Chairmanship of the Council of Europe Committee of Ministers from November 2020 to May 2021.
- › Good governance is the only way to guarantee human rights. The German Government will therefore continue to fund e-governance projects as part of its development cooperation. E-governance enables the public to participate more directly in the shaping of political will, to obtain services online and to access the law and courts more easily.

2. Tackling climate action, protection of biodiversity and the environment and defence of human rights as a unified challenge
 - › The German Government is working to meet ambitious targets to reduce Germany's greenhouse gas emissions and is also pushing for ambitious climate action at the EU and international levels. Limiting global warming will serve to protect commodities of relevance to human rights around the world, especially protected assets relevant to economic and social human rights, such as food and safe water.
 - › The German Government will also take into consideration the no longer preventable impacts that global warming will have on human rights, concentrating particularly on the severe consequences for already marginalised and vulnerable people and groups. To this end, the German Government will support the protection of human rights not least through measures to help particularly vulnerable groups adapt to the effects of global warming, to build their resilience to climate-related disasters and to improve management of climate risks. In developing adaptation measures, the German Government takes into account gender-specific vulnerabilities and the differing impacts that the effects of climate change have on each gender.
 - › Within the framework of global health policy, the German Government works to increase consideration of the effects of climate change on health and presses for action to mitigate them.
 - › The German Government will also raise the consequences of climate change for human rights in multilateral forums. Through the Geneva Pledge, it supports closer cooperation and knowledge-sharing between the UN Framework Convention on Climate Change (UNFCCC) and the Human Rights Council. The German Government will continue to emphasise the close connections between the two topics, and make the case for a human rights-based approach to climate protection, by embedding progressive language in resolutions adopted by the Human Rights Council and the UN General Assembly.
 - › During its two-year membership of the UN Security Council from 2019 to 2020, the German Government has put climate change on the agenda as one of the key security-policy challenges of the 21st century and has consistently advocated for greater attention to be paid at the UN level to the climate-security nexus. To this end, the aim over the coming two years is to establish a Global Risk and Foresight Assessment with which to improve reporting on climate risks and to

identify and mitigate potential security risks at an early stage. By averting and reducing the effects of climate change on security, the German Government will continue to contribute to conflict prevention and stabilisation, thereby creating the conditions for effective protection of human rights.

- › People in developing countries, such as small-scale farmers, are particularly affected by climate change. The German Government will support climate risk assessments for countries in sub-Saharan Africa. Adaptation strategies selected on this basis in collaboration with local stakeholders and with a focus on water availability and resilient agriculture serve to ensure the German Government's development policy portfolio is climate-secure.



Bunting at a climate rally in Switzerland in October 2020
© picture alliance/KEYSTONE – Georgios Kefalas

- › Climate change is one of the many factors increasingly driving migration. The German Government will push for forward-looking management of climate-related migration, pursuing approaches like regional free trade agreements and capacity-building for state actors and regional organisations, and for international dialogue (for instance the Platform for Disaster Displacement).
- › With regard to development-oriented nature conservation projects in partner countries, the German Government will work to ensure respect for human rights and the inclusion of local and indigenous communities in decision-making processes. It will support nature conservation authorities in holding themselves accountable on human rights.
- › Within the EU and globally, the German Government will work to ensure the success of the 15th Conference of the Parties (COP15) to the Convention on Biological Diversity (CBD) due to take place in China in 2021. It is aiming for an ambitious global diversity agreement that is geared towards implementation and serves people as well as nature – one that, as well as expanding synergies with other environmental agreements relevant to biodiversity, such as the Paris Agreement, also takes human and indigenous rights into consideration.

3. Promoting the rights to water and sanitation, health, housing and nutrition

- › The German Government will continue to advocate for the global implementation of the human rights to safe drinking water and sanitation by individual states. Together with Spain, it will continue to propose the resolution on the rights to safe water and sanitation in the UN General Assembly and the Human Rights Council, and it will consolidate and further develop those rights within that text. It will support the work of the UN Special Rapporteur on the human rights to safe drinking water and sanitation, foster the human rights-based approach in the water sector through Germany's development cooperation, and amplify the prioritisation of human rights in international forums and processes. In doing so, the German Government will look to ensure that, alongside the water sector, sanitation and hygiene, especially for women and girls, also receive greater attention. The German Government continues to advocate globally for water to be managed sustainably, with due regard to water use rights. In organising an international conference on water in June 2021, the German Government is making a significant contribution to the building of action-focused international consensus on overcoming the global water crisis.

- › In relation to the COVID19 pandemic, the German Government will advocate for the global availability of and fair, transparent access to treatments, tests and vaccines for SARSCoV2.
- › The German Government will campaign worldwide for universal access to healthcare that is free from discrimination, not least as a means to lessen the impact of future health crises. It will in particular support the World Health Organization (WHO) in its coordinating and leading role within the global health architecture.
- › The German Government will advocate for universal health coverage and access to affordable healthcare, particularly in its partner countries and cooperation with international health organisations. It will support the WHO in its central role in international health-related assistance and help strengthen it.
- › The German Government will continue its efforts to establish universal human rights standards for adequate housing both in the UN Human Rights Council and in implementation of the conclusions of the Habitat III conference. It will continue to support the work of the UN Human Rights Council's Special Rapporteur and to propose the resolution on the right to housing in the Council. In addition, as part of its development cooperation, it will support initiatives and programmes that aim to make the right to adequate housing a reality.
- › The German Government will promote cooperation between governments, companies, civil society, the scientific community and small-scale farmers in pursuit of the worldwide realisation of the right to food. Within the framework of its development policy, the German Government will continue to make resources available through the special One World – No Hunger initiative to target specific measures tackling hunger and malnutrition. This represents approximately a third of the resources that the German Government provides annually for measures on rural development, agriculture and food security in developing and newly industrialised countries.
- › The German Government is supporting the UN in preparing and hosting the 2021 Food Systems Summit to mark the beginning of the UN Decade of Action to deliver the Sustainable Development Goals (SDGs) which started in 2020. It sees both the preparatory process and the summit itself as politically very important at the global, EU and national levels for achieving the goals of the 2030 Agenda and transforming the world's food systems.

- › The German Government supports the process of developing the Voluntary Guidelines on the Food System and Nutrition, which are due to be adopted by the Committee on World Food Security in February 2021.

4. Strengthening human rights in the context of business and trade

- › The German Government will assess the progress made on implementing the 2016-2020 National Action Plan for Business and Human Rights (NAP) and will take it to the next stage.
- › In conformity with the Coalition Agreement and taking into consideration the challenges associated with the COVID19 pandemic, the German Government is developing a legal framework on companies' due diligence with regard to human rights in their supply chains.
- › The German Government considers that it has a duty to provide comprehensive support to companies in this area. It will therefore expand its support programmes for companies at home and abroad. This will include operating its NAP Help Desk for business and human rights at the Agency for Business and Economic Development, expanding the NAP support networks of the German missions abroad and assisting competent non-governmental providers of information and advice.
- › The German Government will continue to support and participate in sector-specific multi-stakeholder partnerships to strengthen sustainable supply chains. These include NAP sectoral dialogues, the Partnership for Sustainable Textiles, the German Initiative on Sustainable Cocoa, the Forum for Sustainable Palm Oil and the Sustainable Agricultural Supply Chains Initiative (INA). It would like to more closely dovetail sector-specific multi-stakeholder initiatives in Germany with structures at the European and international levels and to support initiatives at those levels.
- › Within the EU, the German Government is working towards a new strategy on corporate responsibility which promotes more consistent implementation of the UN Guiding Principles and the OECD Guidelines across the EU. The German Government will call for binding EU rules on human rights due diligence and will actively and constructively follow the matter in the Council.

- › The German Government will support the EU's practice of securing high labour, social and environmental standards through substantive chapters on sustainability in comprehensive free trade agreements and will contribute to the implementation of such provisions in practice. To improve the implementation and enforcement of sustainability provisions, the German Government has submitted an opinion to the European Commission requesting a modelling exercise on possible alternatives.
- › The German Government will support and promote the activities of international organisations and forums that make a particular contribution to globally and/or regionally ambitious and coherent implementation of the UN Guiding Principles. This pertains in particular to the UN (the Human Rights Council, the Office of the UN High Commissioner for Human Rights (OHCHR), the Working Group on Business and Human Rights), the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD) and the Council of Europe, as well as to the German Government's involvement in the G7 and G20.
- › The German Government will support the effective implementation of the OECD Guidelines for Multinational Enterprises and, via its National Contact Point for the OECD Guidelines, it will offer a mediation procedure for grievances regarding the application of the guidelines in specific cases.

5. Championing freedom of the media and freedom of opinion

- › The German Government works around the world to promote freedom of opinion, freedom of expression and access to information as inalienable human rights that form the bedrock of a free and democratic society. It will critically challenge any violation of these freedoms. It will, for example, defend free and open access to the internet, especially in view of the rise in censorship and surveillance under authoritarian regimes. The German Government will actively work against the persecution of journalists and the repression of opposition forces around the world. It is of particular importance to support and protect independent media and media producers who, through their work, shed light on injustices and advance societal debate. Appointing a UN Special Rapporteur for the protection of journalists could prove a significant contribution to these efforts, and the German Government therefore generally supports such a move. In the UN's human rights bodies, the German Government will take a clear stance against any move to relativise or relinquish freedom of the press

and freedom of opinion. Together with its EU partners, Germany will continue to raise violations of freedom of opinion, freedom of the press and the right of access to information in the Council of Europe and the OSCE. In addition, it will advocate the free exchange of ideas and information as well as protection against surveillance and hate speech in the digital sphere.

- › Through its development policy as in other areas, the German Government will support improvements in the political and legal parameters underpinning freedom of opinion online and offline, access to information for poorer and disadvantaged groups, more robust standards of professionalism and economic viability in the independent media, and skills development for journalists and other media professionals. In the digital age, this includes training and development for journalists in the use of online tools and technologies and the skills required to communicate safely online. The German Government will support its partners in providing public access to information as a prerequisite for accountable and inclusive institutions.

6. Championing freedom of religion or belief

- › In multilateral bodies and in bilateral foreign and development policy cooperation, the German Government will continue to advocate for the protection of individuals' human right to freedom of religion or belief and condemn religiously motivated persecution and discrimination. The German Government will speak on behalf of people who are oppressed, persecuted, penalised or subject to any other form of violence because of their religion or belief. In this endeavour, the German Government coordinates with other countries in the International Contact Group on Freedom of Religion or Belief and in the UN Human Rights Council. In April 2018, the German Government created the position of Federal Government Commissioner for Global Freedom of Religion. The Commissioner consistently works to improve freedom of religion or belief.



Presentation of the Report on the Global Status of Freedom of Religion: from left to right: Bärbel Kofler, Federal Government Human Rights Commissioner, Markus Grübel, Federal Government Commissioner for Global Freedom of Religion, Olivia Elias, Yazidi activist and human rights champion, and Archbishop Ludwig Schick, Chairman of the Commission for World Church Affairs © picture alliance/dpa – Kay Nietfeld

- › In its Second Report on the Global Status of Freedom of Religion, the German Government presented its work on three areas in which freedom of religion or belief faces particular constraints. These areas are (1) blasphemy and anti-conversion laws, which are often a gateway to the restriction of human rights, including freedom of religion, (2) digital communication and online hate speech, which are becoming increasingly important in guaranteeing freedom of religion or belief, and (3) state education systems, because freedom of religion or belief is often restricted in the education sector. For information on the specific measures the German Government is taking in these three areas, see the Second Report on the Global Status of Freedom of Religion.

7. Championing gender equality

- › As part of implementing the Coalition Agreement, the German Government intends to have a national equality foundation start work in 2021.
- › The German Government will continue its efforts to facilitate equal opportunities for women and men in terms of employment and earning prospects and to reduce the gender pay gap in a targeted manner. It will continue to proactively support the practical implementation of the Act to Promote Transparency in Wage Structures among Women and Men (*Entgelttransparenzgesetz*), including through a three-year corporate programme for 2020-2023 entitled *Unternehmen stärken – Entgeltgleichheit fördern* (“Strengthening companies – promoting equal pay”).
- › The German Government will continue to work to facilitate the equal participation of women and men in leadership positions. To this end, the existing provisions of the Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service (*Gesetz für die gleichberechtigte Teilhabe von Frauen und Männern an Führungspositionen in der Privatwirtschaft und im öffentlichen Dienst*) will be further developed and assessed on an ongoing basis.
- › Together with institutions, companies, associations and other organisations involved in providing support on educational and career choices, the German Government will continue to advocate for decision-making on professions and degree courses to be free from stereotyping and gendered restrictions. It will integrate measures such as Girls'/Boys' Days and *Initiative Klischeefrei* (“Initiative for freedom from stereotypes”) in its efforts.
- › Through its back-to-work programme *Perspektive Wiedereinstieg*, the German Government will continue to help women and men successfully return to work following periods of childcare or other forms of care. It will also raise awareness among employers of the potential of this target group to fulfil their staffing needs.
- › The German Government will advance the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), submit its ninth periodic CEDAW report in 2021, and continue the associated dialogue with civil society. Through measures such as publishing and disseminating a new handbook on CEDAW, the Federal Ministry for Family

Affairs, Senior Citizens, Women and Youth will help build awareness in Germany of the Convention and of the recommendations issued by the CEDAW Committee and will help ensure they are implemented in practice.

- › To mark the 25th anniversary of the Beijing Declaration and Platform for Action being adopted at the 1995 Fourth World Conference on Women in Beijing, the German Government will participate in the Generation Equality Forum initiated by UN Women, France and Mexico. It will be particularly active in leading the new gender equality action alliance for economic justice and rights.
- › Around the world, the German Government will champion equal access for female entrepreneurs to financial services, in particular by supporting the Women Entrepreneurs Finance Initiative (We-Fi).
- › The German Government will support UN Women by making a reliable contribution to its core budget. It will continue to support the UN Women National Committee Germany in order to facilitate closer coordination between the work being undertaken in Germany on equal rights and opportunities for women and men and UN Women's international work on gender equity and positive action for women.
- › Together with prenatal advisory services and in cooperation with the Federal Centre for Health Education, the German Government will develop specialised materials on sex education and family planning for people with disabilities, taking into consideration the needs of people with learning difficulties.
- › The German Government will maintain its close cooperation with the Länder on developing the existing support services for women affected by violence and their children.
- › Through the round table and federal funding programme on Ending Violence against Women Together, the Federation will continue, within the bounds of its constitutional mandate, to pursue the goal of helping the Länder close gaps in the support system.
- › The annual analysis of intimate-partner violence, undertaken on the basis of police crime data, will continue as part of a monitoring strategy to regularly survey and map the extent, forms and consequences of violence perpetrated against women and men, and to assess the impact of anti-violence policy at

the federal and Länder levels. In addition to this, the German Government is planning to conduct a representative gender comparison study on violence against women and men.

- › The German Government will support the Länder in implementing the Prostitute Protection Act (*Prostituiertenschutzgesetz*). A comprehensive assessment of the impact of the legislation is due to be undertaken five years after it came into force, i.e. from mid-2022.
- › The German Government will use its mandate in the UN Commission on the Status of Women and other international forums to campaign on equality issues and women's rights, to support international standard setting and to champion the upholding of women's rights. This particularly includes advocating for the recognition and protection of sexual and reproductive rights.
- › Promoting sexual and reproductive health and rights around the world is an important area of Germany's development cooperation. Through the Initiative on Rights-based Family Planning and Maternal Health run by the Federal Ministry for Economic Cooperation and Development, the German Government will promote measures to improve mother and child health and access to rights-based family planning. The aim of the development cooperation initiative is for every pregnancy in Germany's partner countries to be wanted and every pregnant woman to receive professional support.
- › The German Government will actively accompany and support the adoption and implementation of the EU Gender Action Plan III for 2021-2025.
- › The German Government will support third countries in preventing discrimination and violations of women's and girls' human rights and will provide targeted support for institutions that protect and reinforce women's rights. At the bilateral and multinational levels, such as in the context of the UN Human Rights Council's UPR, it will pay attention to the promotion, upholding and implementation of women's rights.
- › The German Government will support regional and international efforts to end female genital mutilation (FGM), which is a punishable offence under section 226a (Female genital mutilation) of the German Criminal Code, and other traditional practices that violate human rights, both in Germany and abroad. The German Government will continue to develop measures to prevent FGM in the federal-Länder-NGO Working Group on Eliminating Female Genital

Mutilation in Germany. It will systematically question affected states on their own measures and legislation, seek dialogue bilaterally, in development contexts and as part of the UPR, and support initiatives to eliminate FGM. In development cooperation with countries where FGM is a common practice, partner governments' legal and political commitment to eliminating FGM will serve as a key indicator of the quality of governance. Additionally, the German Government will continue to fund initiatives to eliminate FGM in selected countries where the practice is very prevalent.

8. Actively promoting the Women, Peace and Security Agenda

- Our vision is for the protection and fair inclusion of all genders to be systematically incorporated into all phases and at all levels of peace, security and development processes. Our goals are as follows:
 - A preventive approach that takes the gender perspective into account, strengthens women's rights and gender equality and dismantles existing social inequalities serves to guard against social violence and armed conflict.
 - Women participate meaningfully, substantially and on an equal footing in peace and security processes, including peace missions. Peace processes are shaped in an inclusive and gender-equitable manner. In partnership with UN Women, for example, the German Government promotes the participation of women in peace processes in the Middle East, with a focus on Iraq, Libya, Yemen and Syria.
 - Germany helps support survivors of sexual and gender-based violence, adopting a survivor-focused and human rights-based approach. Through a project run by civil society in northern Iraq, for instance, the German Government strengthens advice networks for women who have experienced gender-based violence in refugee accommodation and host communities.
 - Gender-sensitive and needs-based approaches help facilitate women's meaningful participation and leadership. Particular attention is paid to multiple discrimination and an intersectional perspective. People with disabilities, ethnic and religious minorities, indigenous groups, LGBTI people and survivors of sexual and gender-based violence are important target groups (in line with the "leave no-one behind" approach).
 - The Women, Peace and Security (WPS) Agenda is effectively and systematically embedded and coordinated at the international, regional and bilateral levels. Liaison between countries and with civil society is strengthened at the national, regional and international levels.

- WPS is enshrined in the German Government's structures, staff-training programmes and work; the personnel demographics of the German Government become more diverse.
- › In order to achieve these goals, the German Government will adopt its third national Action Plan on the UN Security Council's WPS Agenda for 2021-2024, and will implement it in close collaboration with civil society.

9. Combating discrimination based on sexual orientation or gender identity

- › The German Government will continue to work to combat all forms of discrimination on the basis of sexual orientation, gender identity and sex characteristics and will champion equal rights for all. At the bilateral and multilateral levels, the German Government will unequivocally condemn the criminalisation of homosexuality. At the international level, it will advocate for progress on codifying protection against discrimination based on sexual orientation, gender identity or sex characteristics. In these efforts, the German Government coordinates closely with partners in the Equal Rights Coalition established in Montevideo in July 2016 and participates actively as a member of the UN LGBTI Core Group in New York. The German Government is also active in the Council of Europe's LGBTI Focal Points Network. It will promote the 29 Yogyakarta Principles (2007) on the application of international human rights law in relation to sexual orientation, gender identity and sex characteristics and will support the implementation of the EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons.
- › The German Government will continue to fund human rights projects that are designed to dismantle existing prejudices and discrimination based on sexual orientation, gender identity or sex characteristics as well as obstacles to the reporting of offences committed against LGBTI people.



Pride Parade in Stockholm, August 2019 © picture alliance/ZOONAR – Julianna Est

- › In cooperation with civil society, the German Government is finalising a strategy for LGBTI inclusion to guide its foreign policy and development cooperation. The aim is to provide structurally sustainable support to the LGBTI human rights work undertaken by civil society in this area, with particular attention to specific vulnerabilities and multiple discrimination.
- › Via the federal Live Democracy! programme, the German Government will continue to support numerous measures relating to the prevention of homophobia and transphobia at the local, Länder and federal levels. These include a centre of excellence dedicated to the topic.

10. Strengthening children's rights

- › In all measures that impact children and adolescents, the German Government will prioritise their well-being and interests and will do more to encourage their active involvement.
- › The German Government will continue to guarantee independent supervision of the implementation of the Convention on the Rights of the Child by the dedicated monitoring body at the German Institute for Human Rights.
- › In the fight against sexual violence against children and adolescents, the German Government advocates for effective prevention and intervention as well as strong support for people affected by sexual violence during childhood and adolescence. It is assessing the potential of additional measures, particularly in the areas of protection and support for affected people, child-friendly justice, protection against exploitation, and international cooperation, research and science. The National Council on Combating Sexual Violence Against Children and Young People, set up on 2 December 2019 by Federal Minister for Family Affairs, Senior Citizens, Women and Youth Franziska Giffey and Independent Commissioner for Child Sexual Abuse Issues Johannes-Wilhelm Rörig, will submit meaningful findings in the summer of 2021.
- › As laid down in the Coalition Agreement, the German Government will address the significant risks inherent in the use of social media, not least in its upcoming update to the provisions protecting minors in relation to the media in the Youth Protection Act (*Jugendschutzgesetz*).
- › At the international level, the German Government will continue to provide political and financial support for the work of the UN Children's Fund (UNICEF).
- › The German Government will continue to provide political support for the UN Special Representative of the Secretary-General on Violence Against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, including the UN Security Council's mechanism on the protection of children in armed conflict.
- › As part of the International Year for the Elimination of Child Labour in 2021, the German Government will redouble its efforts to eliminate exploitative child labour, particularly its worst forms – child prostitution and pornography, and the use of child soldiers. At the multilateral level, the German Government

will continue to support the ILO's International Programme on the Elimination of Child Labour (IPEC) and will actively support Alliance 8.7, the international alliance to combat child and forced labour, in pursuit of SDG 8.7 of the 2030 Agenda.

- › The German Government will continue to advocate in UN bodies for greater acceptance of comprehensive sex education for children and adolescents.

11. Championing the rights of migrants, asylum seekers and refugees

- › The German Government will keep up its great commitment to refugee policy. The internationally binding provisions of the Geneva Refugee Convention, the UN human rights conventions and the European Convention on Human Rights, not to mention EU legislation like the Common European Asylum System (CEAS), are all components of Germany's legal system. The German Government will continue to check all proposed measures for compatibility with this legal framework and will champion compliance at the national, European and international levels.
- › In December 2018, the international community endorsed the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM). Germany is currently participating in the regional-level review process of the GCM. In addition, the German Government will actively contribute to the first high-level mid-term review meeting of the GCR in late 2021.
- › The German Government will continue to advocate for responsible EU policy on migration and refugees. The New Pact on Migration and Asylum, presented by the European Commission on 23 September 2020, provides a solid foundation. It takes a comprehensive approach with regard to the internal and external dimensions of migration. The Pact not only forwards proposals for reforming the CEAS but also contains proposals and announcements in respect of further (legislative) measures to combat organised migrant smuggling and reduce irregular migration as well as plans regarding legal migration (including resettlement and humanitarian admission schemes), integration and return. It also reinforces the external dimension of European migration policy. The Pact aims to intensify cooperation with important countries of origin, transit countries and host countries through balanced, tailored, flexible and mutually beneficial partnerships. Migration and refugee policy can only be successful if Germany works with its neighbours and with countries of transit and origin on the basis of close

cooperation and trust, and takes account of developments in migration policy in those countries. In particular, it is important to dovetail migration, foreign and development policy even more tightly to form a cohesive approach.

- › The German Government will continue to support people fleeing their homes and living in host regions. This includes supporting access to basic services (such as healthcare), education, training and employment opportunities, integrating refugees into host societies and providing infrastructure, food and psychosocial care.
- › The German Government will also continue to fulfil its humanitarian responsibilities through its commitment to the admission of contingents of people from non-EU countries who are seeking protection. The resettlement programme set up in cooperation with the UNHCR in 2012 will be continued and expanded. In addition, Germany will continue to advocate for other member states to increase or establish their admission of contingents.
- › Within the framework of its integration policy, the German Government will continue to champion equal opportunities and participation of people with migrant backgrounds in social, economic and cultural life in Germany.
- › The German Government will advocate for the integration of women with migrant backgrounds, particularly refugee women and mothers, into gainful employment. The German Government will provide advice and assist those using the support options available under the relevant regulations. To boost female migrants' potential and encourage them to shape their lives in Germany with self-confidence, the Federal Office for Migration and Refugees funds special seminars for women through the MiA programme, which seeks to empower female migrants in everyday life. It provides participants with easily accessible courses that help them pursue their daily lives in an independent manner.
- › To complement the statutory and other integration programmes and the integration course, the German Government continues to support migration advice services for adult migrants and the counselling offered by Youth Migration Services as well as the federal programme of community-oriented projects coordinated by the Federal Ministry of the Interior, Building and Community. The German Government aims to develop the latter into a federal programme entitled *Gesellschaftlicher Zusammenhalt. Vor Ort, Vernetzt, Verbunden* ("Social cohesion. Local, integrated, interconnected").

- › Integrating young people with migrant backgrounds into training and the labour market remains a priority. This involves the labour-market instruments governed by Books II and III of the Social Code, labour-market programmes and Youth Migration Services.
- › The German Government will maintain its support for programmes to prevent violence and to empower refugee women and other particularly vulnerable people. It will continue to back measures to help refugees participate in social and political life. The German Government will also continue to boost and expand volunteering by members of the public with and without migrant backgrounds, including refugees. In so doing, it will be helping to improve community life on the ground.
- › The German Government will support pregnant refugee women as a particularly vulnerable group through the *Schwangerschaft und Flucht* (“Pregnancy and displacement”) project, which aims to provide easy access to pregnancy advice services and the German support system.
- › The German Government will continue to enhance the protection of women and children in refugee accommodation. To that end, it will continue the joint initiative it runs in collaboration with UNICEF and civil-society partners.

12. Championing the rights of minorities and indigenous peoples

- › Continuous protection of national minorities and their languages plays a significant role in preserving and developing cultural richness as well as social cohesion and tolerance in Germany and Europe. The German Government will therefore continue to support all national minorities as an important contribution to peacekeeping. In addition to stabilising financial support, this includes promoting political inclusion and participation and combating discrimination.
- › The German Government will play its part in the implementation of the UN Declaration on the Rights of Indigenous Peoples on all continents. In its bilateral relations with countries with indigenous populations, the German Government will advocate for the realisation of indigenous rights and thereby for the improvement of indigenous people’s quality of life. Within the framework of its development cooperation and human rights project work, the German Government will undertake risk assessments with regard to indigenous rights and will support measures to uphold and strengthen those rights.

13. Strengthening the rights of older people

- › The German Government champions the full and effective implementation of the aims of the Madrid International Plan of Action on Ageing (MIPAA) and its Regional Implementation Strategy. In so doing, it is particularly working to improve the realisation of older people's human rights. The German Government actively supports the work of the Standing Working Group on Ageing of the UN Economic Commission for Europe (UNECE WGA), which convenes in Geneva on an annual basis.
- › In addition to this, the German Government will continue to participate in the national and international debate on how to strengthen older people's human rights, particularly the ongoing discussions of the Open-ended Working Group on Ageing (OEWGA) in New York.

14. Promoting the right to education

- › Inclusive, equal and high-quality education is a human right; it facilitates the full development of human personality and equips individuals to pursue self-determined lives and contribute to a free society and prospering economy. The German Government therefore promotes education at every stage of the education chain through its bilateral, regional and multilateral development cooperation.
- › In future, support for early childhood learning, primary and secondary schooling, and adult education will be reinforced at the multilateral level, particularly through the German Government's contribution to the Education Cannot Wait (ECW) trust fund and the Global Partnership for Education (GPE). Through the ECW, the German Government will continue to prioritise education for children and adolescents in contexts of displacement and crisis. The German Government will maintain its targeted support for the educational prospects of girls and women, for example via the GPE and the G7 Gender at the Center Initiative. Particular support goes to developing girls' and women's digital skills through the EQUALS Global Partnership for Gender Equality in the Digital Age and the G20 #eSkills4Girls initiative.
- › In its development cooperation, the German Government will continue to help uphold the human right to education and the human right to work by promoting non-discriminatory access to labour market-oriented vocational training.

For example, within the framework of the African Union's Agricultural Technical Vocational Education and Training initiative (CAADP ATVET), the German Government is supporting gender-sensitive and labour market-oriented agricultural training for women at the continental level and nationally in Benin, Burkina Faso, Ghana, Kenya, Malawi and Togo.

- › In its development cooperation, the German Government promotes tertiary education both within bilateral and regional initiatives and through the German Academic Exchange Service (DAAD). Relevant DAAD programmes include grant and alumni schemes and partnerships with universities in developing and newly industrialised countries, with the aim of paving the way towards high-quality education for all.
- › Within the context of humanitarian assistance, the German Government will advocate for education to be guaranteed for children and young people affected by conflict.
- › In addition, efforts will be reinforced to tap the potential of digital technologies to achieve global education goals and to improve fair access to high-quality education, especially for disadvantaged groups. In the coming years, German development cooperation will consistently take this objective into account across all sectors and in its support for refugees and refugee host countries.
- › The German Government will also continue to promote the Albert Einstein German Academic Refugee Initiative (DAFI) at the Office of the UN High Commissioner for Refugees (UNHCR). DAFI enables recognised refugees to pursue tertiary education in their country of first admission. Alongside Syrian refugees in Turkey, Jordan and Lebanon, support is primarily provided to African and Afghan refugees.
- › Through the Philipp Schwartz Initiative, the German Government offers researchers threatened by war and persecution the opportunity to pursue their activities for two years at German universities and research institutions.



*Black Lives Matter demonstration against racism in the Straße des 17. Juni in Berlin, 27 June 2020
© Ben Kriemann/Geisler-Fotopress, picture alliance*

Combating human rights violations

15. Combating racism, antisemitism and other forms of hatred against particular groups

- › On 18 March 2020, the Federal Cabinet voted to set up a Cabinet Committee for the fight against racism and right-wing extremism. With this move, the German Government emphasised the considerable political importance it attaches to fighting racism and right-wing extremism. Civil society has been and will continue to be extensively involved and consulted as part of this process. In addition to this, the Committee will prepare further preventive and other measures designed to effectively combat, in particular, and right-wing extremism and racism in Germany. By the end of 2020, the Cabinet Committee will develop and adopt a package of specific measures for the ongoing fight against right-wing extremism, racism, antisemitism, antigypsyism, Islamophobia and other forms of hatred against particular groups. Implementing these measures will constitute a key priority of the German Government's work in 2021 and 2022.



Mural in Cologne, October 2020 © picture alliance/Geisler-Fotopress – Christoph Hardt, Geisler-Fotopress

- › The German Government will continue to support global adherence to the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), implementation of the conclusions of the 2001 Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the work of the Council of Europe's European Commission against Racism and Intolerance (ECRI), and OSCE efforts to combat racism, antisemitism and other forms of intolerance. At the national level, it will work to improve dissemination and understanding of the international legal framework.
- › The German Government will continue to actively participate in the Council of Europe's No Hate Speech Movement and will actively promote implementation of the campaign in Germany as part of the federal Live Democracy! programme and the New German Media Producers association. At the Council of Europe, the German Government is participating in the development of recommendations for all Council of Europe member states in its capacity as a member of the Committee of Experts on Combating Hate Speech, which convened for the first time in September 2020.
- › The German Government is supporting a project run by the German Institute for Human Rights with the aim of making prosecution for race-related offences more effective and in particular of increasing the number of offences reported. The intention is to improve the structures for cooperation between the various actors involved (the judiciary, public prosecution office, police, victim-protection groups) through pilot projects in three Länder. The project will run for three years.
- › The start of 2020 marked the beginning of a second five-year funding period for the federal Live Democracy! programme, launched in 2015. The aim remains to strengthen civil-society engagement and democratic action as well as to continue educational work to prevent attacks on democracy and the rule of law and to counter selected forms of hatred against particular groups at the local, Länder and federal levels, within the bounds of the Federation's constitutional financial powers. The second funding period of the federal Live Democracy! programme will for the first time finance Competence Centres and Competence Networks dealing with 14 topics, including right-wing extremism, antisemitism, antigypsyism and racism against Black people. These new structures are intended to pool information on their particular topics from across the country, provide specialist advice and facilitate the sharing of successful approaches to prevention in federal, Land and local structures.

- › Equally, the German Government will continue to take account of the recommendations on improving initial and continuing training issued by the UN Committee on the Elimination of Racial Discrimination (CERD), the European Commission against Racism and Intolerance (ECRI) and the Bundestag Committee of Inquiry on the NSU right-wing terrorist group. The German Government sets great store by the continuous development and improvement of the existing basic and advanced training for the federal and Land police authorities. This is particularly the case with regard to strengthening victim protection, enhancing intercultural skills and raising awareness regarding right-wing extremism, etc. Corresponding training sessions take place regularly for the Federal Police, including a number by external lecturers from the Diaspora Policy Institute. These sessions raise awareness among police officers of the perspectives of the people affected.
- › Combating antisemitism is of particularly high importance to the German Government. With the first ever appointment of a Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism and the establishment of a standing federal-Länder committee, additional structures have been created to fight antisemitism with focus and better nationwide coordination. A strategy on combating antisemitism aims to mainstream the fight against antisemitism across all policy areas, in close conjunction with work to strengthen the fight against racism and right-wing extremism. 2021 is an anniversary year during which 1700 years of Jewish life in the German cultural sphere will be celebrated. The German Government will use the occasion to promote various events and projects to further increase visibility of the diversity, cultural richness and long tradition of Jewish life in Germany.

16. Opposing the death penalty around the world

- › At the national and EU levels, the German Government will continue to advocate bilaterally and multilaterally for a global moratorium on the death penalty and its worldwide abolition. In so doing, it will help increase the growing international endorsement of the EU's initiative for a moratorium on the death penalty in the UN General Assembly.
- › Together with its EU partners and on the basis of the EU guidelines on the death penalty, the German Government will exhaust all available diplomatic avenues to prevent death sentences being carried out in individual cases.

- › Germany will also continue to consistently advocate for the abolition of or a moratorium on the death penalty in the pan-European OSCE and Council of Europe.

17. Combating torture and enforced or involuntary disappearance

- › The German Government will support the National Agency for the Prevention of Torture in fulfilling its commitments under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
- › In addition, the German Government will continue to promote torture prevention and treatment for victims of torture by providing financial support for national and international programmes. Over the next two years, the German Government will make financial contributions to the UN Voluntary Fund for Victims of Torture and support capacity building in human rights organisations for their support of victims of torture.
- › The German Government will continue to consistently support the work of the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Anti-torture Committee).
- › Together with the European Commission and the EU member states in the Global Alliance for Torture-Free Trade, the German Government will advocate in UN negotiations for the establishment of a legally binding instrument to regulate the trade in goods used for torture or for capital punishment, on the basis of the corresponding resolution adopted by the General Assembly during its 73rd session.
- › The German Government will continue to support and closely follow the work of the UN Committee on Enforced Disappearances (CED).

18. Opposing discrimination against people with disabilities

- › To date, 96% of all the measures in the 13 areas for action included in the second National Action Plan (NAP 2.0) have been started, successfully completed or put into practice.
- › The German Government will update NAP 2.0 by the end of 2020.
- › The German Government is running the inclusion initiative *InitiativeSozialraumInklusiv* (“Inclusive Social Space Initiative”) from 2018 to 2021. The initiative highlights the importance of districts, towns and local communities in shaping an inclusive society. The German Government is therefore bringing together primarily local and civil-society stakeholders in regional conferences hosted by the Federal Centre of Expertise on Accessibility.
- › The Federal Participation Act (*Bundesteilhabegesetz*) adopted in 2016 separated integration assistance for people with disabilities from the welfare or social-assistance system and incorporated it, as up-to-date inclusion law, into Book IX of the Social Code. The reform is intended to enhance the autonomy and participation of people with disabilities. The implementation of the Federal Participation Act will be comprehensively supported until at least 2022 by means of numerous ancillary and research projects. These will include an impact assessment that will seek to identify whether and to what extent the new law has improved quality of life for people with disabilities. Increasing companies’ awareness of the labour potential and capacities of people with disabilities remains a priority of the German Government’s activities to enhance their inclusion in working life. Activities currently under way will continue and are to be supplemented by an additional initiative involving important labour market actors, such as the Federal Employment Agency and representatives of management and labour. The new initiative is specifically targeted at the 41,000 or so employers who, despite their statutory obligation to do so, neither train nor employ a single person with severe disabilities. These companies are to be engaged with in a targeted manner and, through advisory and referral services, persuaded to employ people with severe disabilities.
- › Within the framework of Inclusion Initiative II – *AlleImBetrieb* (“Everyone in the workplace”), the German Government will use a total of €150 m drawn from the equalisation fund to create additional jobs in existing or new integration enterprises in line with section 132 of Book IX of the Social Code.

- › In the coming years, the German Government will assess how, within the framework of an interdisciplinary research project initiated in August 2020, a transparent, sustainable and future-proof payment system could be developed for people with disabilities working in sheltered workshops. The assessment will consider both remuneration in sheltered workshops and possible alternatives for people with disabilities in the mainstream labour market.
- › In the coming years, the German Government will develop action plans to raise awareness of inclusion issues among supreme federal authorities. At the same time, it will support events and training programmes on a range of inclusion-related topics for various target groups (such as administrators or judges). For example, from 2019 to 2021 the German Institute for Human Rights is running a training project for people working in connection with adult-guardianship courts. Another key focus of the German Government's work will be to promote accessibility.
- › In its partner countries, the German Government will advocate for stronger national systems to collect and analyse data on people with disabilities. In addition, it will promote the use of these data to plan and implement measures in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
- › At the international level, the German Government will champion additional accessions to the UNCRPD and push for its implementation. The German Government will also advocate for inclusion and the needs and rights of people with disabilities to be taken into account in humanitarian assistance around the world. In addition, it will undertake targeted assessments on how humanitarian assistance organisations can involve people with disabilities and their particular needs in the projects they run. The aim is to mainstream the inclusion of people with disabilities across all areas of humanitarian assistance in a more systematic and sustainable manner.

19. Combating human trafficking

- › The definitions of criminal offences related to human trafficking have been fundamentally restructured and expanded by the Act to improve the fight against human trafficking and to amend the Federal Central Register Law as well as Book VIII of the Social Code (*Gesetz zur Verbesserung der Bekämpfung des Menschenhandels und zur Änderung des Bundeszentralregistergesetzes sowie des Achten Buches Sozialgesetzbuch*). The Act entered into force on 15 October

2016 and transposed Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims into national law. The new definitions will be assessed by the autumn of 2021 in line with the request made by the Bundestag Committee on Legal Affairs and Consumer Protection in the recommendation for a decision and the report on the bill that it submitted to the German Government on 6 July 2016.

- › The National Council on Combating Sexual Violence Against Children and Young People will concentrate on the following priority areas until the summer of 2021: identifying minors who have been victims of human trafficking and providing them with specific assistance; online recruitment of victims; sexual exploitation; and education and support in cases of organised and ritualised violence.
- › A key reform from 2019 was the amendment of social-compensation law, the majority of which will enter into force by January 2024. Thereafter, it will be possible for all victims of human trafficking who have suffered damage to their health to seek compensation, including in cases of psychological rather than physical violence. From 1 January 2021, access to emergency assistance in trauma outpatient clinics will be provided nationwide.
- › The Service Centre set up with the civic-education provider *Arbeit und Leben DGB/VHS Berlin-Brandenburg*, on the basis of a joint strategy from the federal-Länder working group on human trafficking for the purpose of labour exploitation, will continue to help develop and expand cooperation structures to combat labour exploitation, forced labour and human trafficking nationwide. It shares knowledge at the federal, Länder and local levels about situations of coercion and exploitative labour conditions.
- › In line with the Act to Combat Unlawful Employment and Benefit Fraud (*Gesetz gegen illegale Beschäftigung und Sozialleistungsmissbrauch*) of 11 July 2019, in coming years the Service Centre will run training courses on combating labour exploitation, forced labour and human trafficking with a focus on victim protection for the staff of main customs offices' financial control units monitoring undeclared work. The Service Centre will continue its activities for the German Government beyond 2020.
- › The German Government will also continue to cooperate actively with civil society. As an important partner in combating human trafficking, KOK e. V., the German NGO network and coordination office against trafficking in human

beings, and its member organisations will continue to receive institutional support and funding for specific measures. KOK e. V. not only supports those affected but also trains specialist personnel, such as the staff of financial control units monitoring undeclared work or the special representatives for victims of human trafficking in the regional offices of the Federal Office for Migration and Refugees. Through these activities, it is helping to improve the data situation and conducting research into human trafficking.

- › The German Government will continue to advance the work of reviewing and improving the way data are collected and analysed in the fight against human trafficking. In particular, KOK e. V., supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, is due to publish the first data report produced using its statistics and data reporting tool in 2021. The Trafficking in Human Beings Situation Report is to be further optimised on the basis of a comprehensive evaluation.
- › Building on Germany's Presidency of the Council of the European Union (July to December 2020), the German Government will also use its Chairmanship of the Council of Europe Committee of Ministers to foreground the fight against human trafficking for the purpose of labour exploitation, the protection and rights of victims, and the fight against trafficking in children. In January 2021, together with the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), the German Government will host an international conference entitled "Ending Trafficking in Children and Young Persons".
- › In line with the Coalition Agreement, the German Government will further strengthen structures for combating human trafficking and for victim support, particularly in the context of regular exchanges of views between ministries and of the federal-Länder working groups set up for this purpose. Funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and due to be submitted in the spring of 2021, the German Institute for Human Rights' plan for setting up a rapporteur's office for the fight against human trafficking is intended to provide a basis for interministerial coordination.



Phumzile Mlambo-Ngcuka, Executive Director of UN Women, in the run-up to International Women's Day
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Strengthening institutions and stakeholders dedicated to protecting human rights

20. Creating and preserving spaces where civil society can operate, including online; supporting the work of human rights defenders

- › In the field of political participation, one focus of the German Government's project work will be on protecting and promoting human rights defenders and the realm in which civil society can operate. Particular attention will be paid to protecting and promoting digital spaces.
- › In bilateral and European dialogue with non-EU countries, the German Government will clearly raise any curtailment of the room for manoeuvre, both online and offline, available to civil society. It will do so in close cooperation with affected actors and in coordination with European partners.
- › In international forums too, like the Human Rights Council and the Third Committee of the UN General Assembly, the German Government will address the shrinking space available to human rights defenders.
- › The German Government will support the work of the UN Special Rapporteur on the situation of human rights defenders and advocate for the independence of the Rapporteur's mandate.
- › The German Government will champion the implementation of the EU Guidelines on Human Rights Defenders and actively support the OSCE's Guidelines on the Protection of Human Rights Defenders.
- › The German Government will continue to support the German Bundestag in its work to protect at-risk human rights defenders, in particular within the framework of its Parliamentarians Protect Parliamentarians programme, gathering information on individual cases or activating German missions abroad to provide on-the-ground support.
- › With the Civil Peace Service, the German Government empowers disadvantaged groups to peacefully demand their human rights and to access their human rights. It also supports training and counselling in methods of civilian

conflict management. Another element of the Civil Peace Service's remit is to provide physical and legal protection for human rights defenders in crisis-torn countries.

- › Within the framework of the Elisabeth Selbert Initiative, the German Government will enable endangered human rights defenders to stay temporarily in Germany or within their region of origin, where they can continue their activities at a host organisation.

21. Strengthening international instruments, bodies and monitoring agencies and national human rights institutions

- › The German Government champions efficient multilateralism and a rules-based international order, not least when it comes to protecting human rights. It is committed to ensuring the efficiency, effectiveness and credibility of the UN Human Rights Council and advocates for broad civil-society participation in the Council's work. In the UPR process, the German Government participates in all dialogues and makes recommendations. It is seeking to be immediately re-elected to the Human Rights Council following its 2020-2022 term.
- › The German Government will actively support the implementation of the process to strengthen the UN's treaty bodies and to more effectively organise its operations. Ensuring the independence of the treaty bodies and of the experts working in them remains the guiding principle of that endeavour.
- › The German Government will counter the growing pressure on human rights worldwide through its resolute political support for the OHCHR and its independence. It will shore up that independence by making substantial voluntary contributions.
- › The German Government will use its Chairmanship of the Council of Europe Committee of Ministers to champion compliance with human rights obligations on the part of all member states. To this end, it will assess and improve the effectiveness of the Council of Europe's monitoring mechanisms. As part of its Chairmanship, the German Government will also make as much progress as possible towards the swift accession of the EU to the European Convention on Human Rights. The German Government supports and advances the work of

the Council of Europe, including the European Court of Human Rights and the Commissioner for Human Rights, as well as its activities combating discrimination against Roma and Sinti.

- › The German Government will continue to assume responsibility within the Organization for Security and Co-operation in Europe (OSCE). Human rights and fundamental freedoms are building blocks in the OSCE's comprehensive concept of security. The German Government will therefore continue to advocate for strengthening the human dimension and implementing the associated obligations. It will also champion the areas named in the action plan in the OSCE context. In particular, the German Government will champion several priority areas: defending freedom of the media and freedom of opinion, strengthening tolerance and non-discrimination, and advancing the rule of law.
- › The German Government will continue to actively support the implementation process of the EU Action Plan on Human Rights and Democracy 2020-2024, advocate for coordinated action on human rights in the EU's external relations, and push for implementation of the rules-based approach in EU development policy.
- › The German Government will continue to support the work of the German Institute for Human Rights. It will also keep working to strengthen other independent national human rights institutions.
- › Within the framework of the EU and at the bilateral level, the German Government will advocate for the universality and integrity of the Rome Statute of the International Criminal Court, campaigning worldwide for accession. It will concern itself with the effective implementation of the recommendations made at the International Criminal Court's Review Conference in Kampala.
- › In its development cooperation, the German Government will continue to support the implementation of regional human rights standards and the operation of regional human rights courts, in particular by supporting the African Court on Human and Peoples' Rights and the Inter-American Court of Human Rights. In this regard, particular focus will be placed on the execution of court rulings at the national level in individual member states.

22. Promoting the realisation of human rights through development cooperation

- › Having identified human rights, gender equality and disability inclusion as a criterion for quality in the course of its BMZ 2030 reform strategy, the German Government will consistently apply it as a hallmark of its development cooperation. In that context, the aim is to embed human rights standards and principles yet more systematically in the processes and instruments of Germany's development cooperation. Human rights risks and impacts will be assessed in advance of all development projects and reviewed in the subsequent monitoring and evaluation reports on those projects.
- › The German Government will observe and monitor the existing human rights grievance mechanisms of the implementing organisations KfW and GIZ. It will do so in discussion with these organisations and on the basis of human rights criteria as enshrined in, for instance, the UN Guiding Principles on Business and Human Rights.
- › Within the UN system, the German Government will advocate for more detailed definition and practical implementation of the right to development. This is a key point in countering the narrative advanced by some states, particularly China, that human rights are held by groups or states rather than individuals.



Minsk, Belarus – 2 November 2020 © picture alliance/dpa/TASS, Stringer

Consolidating the rule of law

23. Combating impunity

- › In its efforts to promote the rule of law at international level, the German Government pays special attention to the fight against impunity for the most serious crimes and to the ongoing development and validity of international criminal law.
- › As part of the Alliance against Impunity, the German Government advocates for perpetrators of heinous violations of international criminal law to be brought to justice. The Alliance serves to defend and strengthen the international criminal justice system. In particular, this includes supporting the International Criminal Court (ICC) in The Hague, which is the most important international organisation dedicated to prosecutions for and legal investigation of war crimes, genocide, crimes against humanity and the crime of aggression. Other international and hybrid courts set up to try criminal cases in a range of specific situations are further components of the international criminal justice system. The initiative also promotes the project of an international convention on the prevention and punishment of crimes against humanity. In addition, it is dedicated to supporting international investigative mechanisms, which collect evidence for later criminal prosecutions by domestic or international mechanisms. The German Government's efforts are reflected at the national level in the implementation of the principle of universal jurisdiction contained in the German Code of Crimes Against International Law. This provision makes it possible to prosecute people in Germany for certain serious crimes even if the offence was committed abroad and there is no direct link to Germany.

24. Promoting the rule of law, reconciliation processes and security-sector reform in the context of crisis prevention, conflict resolution and peacebuilding as an important contribution to protecting human rights

- › The German Government will continue to contribute to the protection of human rights on the basis of its interministerial strategies on promoting the rule of law, dealing with the past and working towards reconciliation, and supporting reform of the security sector in the context of crisis prevention, conflict resolution and peacebuilding.

- › The German Government will take it as a strategic objective in every strand of its foreign policy to advance the rule of law, promote dealing with the past, work for reconciliation and support security-sector reform at the bilateral and multilateral levels. It will cooperate with national, European and international partners in this regard.
- › The German Government's bilateral and multilateral efforts to advance the rule of law and processes of dealing with the past serve particularly to protect human rights. At the top of the agenda here are measures which guarantee the preservation of individual liberties and the right to physical integrity as well as generally making human rights better respected, protected and guaranteed. Other important areas include protecting disadvantaged groups in society, pursuing gender equality and combating discrimination, particularly by upholding the rights of women, children and minorities and protecting them against violence, and ensuring all sections of the population have access to justice. In line with these plans, the German Government is conducting a range of projects to advance the rule of law in partner countries through its implementing organisations.
- › To overcome the consequences of extreme or systematic human rights violations and extensive violence, provide accountability, see justice served and achieve reconciliation, the German Government supports both judicial and non-judicial measures and processes of transitional justice in societies seeking to work through the legacy of extensive abuses in their pasts.
- › The German Government supports dialogue and constructive cooperation between security-sector stakeholders and different groups and communities on providing stronger guarantees for human rights. To this end, raising awareness among state security forces of human rights as well as sexual and gender-based violence is an important element of Germany's approach to initial and continuing training in the context of security-sector reform.

25. Urging compliance with human rights in the fight against terrorism

- › Going forward, Germany will remain actively involved in international counterterrorism bodies like the Global Counterterrorism Forum, the Financial Action Task Force, the G7, the G20, the OSCE and the Global Coalition against Daesh. Together with its EU partners, in its bilateral relations, and in international organisations and bodies, the German Government will continue to advocate that counterterrorism activities be pursued in compliance with human rights and the rule of law.
- › In the June 2020 Council Conclusions on EU External Action on Preventing and Countering Terrorism and Violent Extremism, the member states reiterated the EU's intention to continue to proactively support and advance human rights and the principles of international law in all aspects of global counterterrorism efforts and in all its strategic partnerships. The German Government will also continue to pursue this aim with regard to the implementation of the UN Global Counter-Terrorism Strategy adopted by the UN General Assembly in 2006 and most recently reviewed in 2018.

B | Human rights in Germany and in the context of common European Union policy on justice and home affairs



EU flag at a demonstration for Europe, May 2019 © picture alliance/dpa/dpa-Zentralbild – Peter Endig

B1 Civil and political rights

In Germany, the commitment to inviolable and inalienable human rights has constitutional status under Article 1 (2) of the Basic Law. The Federal Republic has acceded to all the major international human rights agreements. At their heart are political and civil rights: fundamental protections and freedoms which, whether as defences against tyranny, direct or indirect rights of participation in politics, or personal liberties like freedom of thought, religion or opinion, shape political and civil life in our society. Important agreements include the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966 at the UN level and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 4 November 1950 at the European level. The European Court of Human Rights (ECtHR) takes applications from individuals who claim that their rights under the ECHR have been violated.

Furthermore, the German Government is implementing the recommendations it has accepted that were made in the Universal Periodic Review (UPR) conducted by the UN Human Rights Council. In view of the widespread interest in their implementation, this text is structured with reference to the accepted recommendations. An overview of those recommendations is available here: www.upr-info.org/sites/default/files/document/germany/session_30_-_may_2018/germany_2rp.pdf.

Protection from torture (UPR recommendations 121, 125, 130, 132 and 183)

Torture is constitutionally absolutely forbidden in Germany under Article 104 (1), second sentence, of the Basic Law. The same applies to other cruel, inhuman or degrading treatment or punishment. Such interference with human dignity cannot be justified under any circumstances. Human dignity, as enshrined in Article 1 (1) of the Basic Law, is inviolable to all state authority. In disputes with governmental authorities, private individuals can call on supervisory bodies or courts and bring the ban on torture to bear as directly applicable law. With regard to criminal investigations, the ban on torture and the right to respect for human dignity laid down in Article 1 (1) of the Basic Law are reflected in the regulations on examining the accused. Specifically, it is made clear in section 136(a) – Prohibited examination methods; prohibited evidence – of the German Code of Criminal Procedure that the use of compulsion, deception, threats or similar methods to impair the accused's freedom to make up their mind and to manifest their will shall be prohibited. German legislation is thus in line with international human rights agreements.

In accordance with its Action Plan for Human Rights 2019-2020, the German Government has further strengthened the National Agency for the Prevention of Torture in the reference period.

The ban on torture also applies when a wanted individual is to be extradited to another EU or non-EU country. Before deciding on an extradition request, the German courts are obliged to scrutinise detention conditions in the country requesting extradition with reference to Article 3 ECHR. They must ensure that the person detained will be accommodated in the requesting country's prison in a manner consistent with human dignity, that the detention conditions do not cause unnecessary suffering and that the person's health and well-being are adequately protected. How to deal with poor detention conditions was one of the main focuses of a conference on the transfer of detainees within the EU which Germany hosted in September 2020, and it will be an important topic at a conference on judicial surrender procedure under the European Convention on Extradition that Germany

will hold in May 2021. A number of extradition requests have been refused on the grounds that torture may be used to obtain statements in the course of an investigation or that torture has been used to obtain the evidence underpinning a suspicion.

The ban on torture also sets the parameters for the use of restraint to immobilise patients. There has been constant development in this area in recent years in light of international agreements, especially the UN Convention on the Rights of Persons with Disabilities (UN-CRPD). A key point is to raise the status of patients' wishes and patients' autonomy – not least with explicit reference to people who have psychological conditions.

In its judgment of 15 January 2020 (file no. 2 BvR 1763/16), the Federal Constitutional Court sustained a constitutional complaint that the criminal investigation of a case of physical restraint should not have been stopped. Physical restraint, it affirmed, is only permissible as a last resort.

UN human rights agreements (UPR recommendations 29-31 and 140-142)

Germany takes part in all major reporting procedures mandated by UN human rights agreements. Alongside the ICCPR reporting procedure, it is worth highlighting the compilation of national reports under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 10 December 1984, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 21 December 1965 and the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006 (CED).

1. International Covenant on Civil and Political Rights (ICCPR)

Under the ICCPR, the German Government is obliged to report regularly to the UN Human Rights Committee on implementation of the Covenant. During the reference period, the German Government supported the candidacy of Prof. Zimmermann from Potsdam for a seat on that Committee. Prof. Zimmermann was elected to the Human Rights Committee in August 2018, for a term of office ending on 31 December 2020.

After the last periodic report was submitted on 18-19 October 2012, the nature of reporting was changed, with the consent of the German Government, to an optional new format. Now, the committee sends each state party a "list of issues prior to reporting", or LOIPR, to which that country responds. The UN Human Rights Committee adopted the LOIPR

for Germany during its 123rd session. It was sent on 31 July 2018. The German Government wrote to the Committee on 10 March 2020, addressing those issues in its seventh periodic report. Five key elements of the German Government's response are dealt with below.

Network Enforcement Act

The Act to Improve Enforcement of the Law in Social Networks, or Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*), which entered into force in October 2017, is intended to ensure the swift removal of online hate speech. The Act is aimed at hate speech, unlawful fake news (disinformation) and other unlawful content on social media (see also [chapter B7](#) below).

Racial profiling

Racial profiling is unlawful under the applicable legislation, particularly Article 3 of the Basic Law with its injunction to equal treatment and its prohibitions against discrimination. Neither the Act on the Federal Police (*Bundespolizeigesetz*) nor any of the other regulations and decrees governing the Federal Police permit treating people differently on the basis of, for example, their ethnicity, origins or religion. The same applies with regard to the Land police forces. This is what guides police officers' day-to-day conduct.

Freedom of communication – the Federal Intelligence Service and foreign-foreign signals intelligence gathering

In its judgment of 19 May 2020 (file no. 1 BvR 2835/17), the Federal Constitutional Court decided that the Federal Intelligence Service was bound by the fundamental rights of the Basic Law in its telecommunications surveillance targeting foreign nationals in other countries. As it currently stands, the legal basis for authorisation is in violation of privacy of telecommunications as enshrined in Article 10 (1) of the Basic Law and freedom of the press as set out in Article 5 (1), second sentence, of the Basic Law. The rules which have been called into question will remain in force until the end of 2021 to allow the legislator time to amend them in line with the requirements of fundamental rights. The German Government is striving to ensure in a timely manner that strategic foreign-foreign telecommunications surveillance, vital to the work of the Federal Intelligence Service, complies with the stipulations of the Federal Constitutional Court.

Right to privacy – data retention

The adoption of the Storage Obligation and Maximum Retention Period for Traffic Data Act (Data Retention Act, *Gesetz zur Einführung einer Speicherpflicht und einer Höchstspeicherfrist für Verkehrsdaten*) of 10 December 2015 obliged providers of telecommunication services to store the traffic data generated by their users through their use of telephone and internet services for a limited period of ten weeks – data retention, as it is known – as of 1 July 2017. Location data have to be retained for four weeks. The compatibility of this law with the Basic Law and with EU legislation has been the subject of various legal proceedings, some of them still ongoing. The Federal Constitutional Court has a number of constitutional complaints against the data-retention rules pending. It is not possible to predict with certainty when these proceedings will reach their conclusion.

Right to participate in public life

Under the constitutional principle of universal suffrage, all Germans – that is, including people with disabilities – have the right to vote and stand as candidates in Bundestag, Landtag and local elections (Article 38 (1), first sentence, and Article 28 (1), second sentence, of the Basic Law). The principle of universal suffrage also applies to European elections (section 1 (1), second sentence, of the European Elections Act (*Europawahlgesetz*)). Neither people with disabilities nor people with diminished criminal responsibility are excluded from the right to vote.

In the past, individuals whom an adult-guardianship court had placed under permanent legal guardianship regarding all their affairs (persons under full guardianship) were excluded from Bundestag and European elections. In its judgment of 29 January 2019 (file no. 2 BvC 62/14), the Federal Constitutional Court declared this exclusion from voting rights to be incompatible with the Basic Law.

The Act amending the Federal Elections Act and other Legislation (*Gesetz zur Änderung des Bundeswahlgesetzes und anderer Gesetze*), which entered into force on 1 July 2019, abolished such exclusions. It simultaneously defined the limits of permissible assistance in exercising the right to vote and amended section 107a of the Criminal Code to make it clear that anybody rendering permissible assistance who casts a vote which is contrary to the choice of the voter they are assisting, or without the voter they are assisting having expressed their choice, will have committed a punishable offence. A judgment of the Federal Constitutional Court (file no. 2 BvQ 22/19), which was in effect at the time of the European elections on 26 May 2019, meant that the above exclusions were already being waived before the reform entered into force.

2. Convention against Torture (CAT)

As a state party to the CAT, the Federal Republic of Germany recognises the competence of the Committee against Torture to consider complaints from states and individuals. Instead of being submitted directly, the sixth periodic report was preceded by the communication of an LOIPR (see above) on the part of the Committee against Torture. The German Government then responded to that list of issues in its sixth CAT report, which it presented during the Committee's 66th session on 29-30 April 2019. The Committee thereafter adopted its Concluding Observations on the German Government's sixth report on 14 May 2019. These highlighted Germany's legislative efforts, referring for instance to the provisions of the German Code of Criminal Procedure in respect of the rights of people in police custody and to the Act to Improve Protection against Stalking (*Gesetz zur Verbesserung des Schutzes gegen Nachstellungen*). The German Government transmitted its initial responses to the Committee's questions on 20 July 2020, dealing with the resources of the National Agency for the Prevention of Torture, the monitoring of detention facilities and current investigations.

3. International Convention on the Elimination of Racial Discrimination (ICERD)

On 30 April 2020, the German Government wrote to the UN Committee responsible for verifying compliance with ICERD obligations to submit its reports covering the period from December 2012 to June 2018. In so doing, it fulfilled its reporting obligation vis-à-vis the UN Secretary-General in accordance with Article 9 (1) ICERD. The Committee can make suggestions on the basis of those reports and issue general recommendations in its Concluding Observations. The German Government supported the candidacy of Prof. Mehrdad Payandeh from Hamburg as an independent expert to sit on the Committee. He has been a member of it since 2019.

4. International Convention for the Protection of All Persons from Enforced Disappearance

Germany submitted up-to-date information to the Committee on Enforced Disappearances in June 2020. It referred particularly to the call to adopt legislation defining enforced disappearance as a separate crime. In the view of the German Government, the existing provisions of criminal law in Germany already ensure effective prosecution for such crimes in accordance with its obligations under the Convention. That being said, the German

Government does acknowledge the symbolic value of defining enforced disappearance as a separate crime. It is therefore examining whether an addition to Germany's criminal law, and what degree of change, might be considered.

With Barbara Lochbihler having succeeded Rainer Huhle in June 2019, the Committee on Enforced Disappearances again has a German expert in its ranks for the 2019-2023 term. The German Government supported her candidacy and is in regular contact with Ms Lochbihler.

Custody awaiting deportation (section 62 of the Residence Act) (UPR recommendation 254)

In Germany, custody awaiting deportation is not punitive detention. The legal basis for it is section 62 of the Residence Act (*Aufenthaltsgesetz*). People are only detained awaiting deportation as a last resort to ensure that their enforceable obligation to leave the country is enforced.

Upon application by the administrative authority responsible, the relevant court can order custody of up to six months. After this time at the latest, the court must decide again. In cases where deportation cannot be enforced for reasons caused by the foreigner, it can extend the period of detention by a maximum of twelve months. Minors, families with minor children and members of other vulnerable groups can only be taken into custody awaiting deportation in exceptional circumstances, and then the duration must be no longer than appropriate, with due priority given to children's well-being.

Under section 62 (1), first sentence, of the Residence Act, custody awaiting deportation is not permitted if the purpose of the custody can be achieved by less severe means. The second sentence of the same paragraph stipulates that custody is to be limited to the shortest possible duration. Custody awaiting deportation can therefore only be ordered when there is no alternative, less severe way to achieve the same purpose.

Chief among such less severe means are restrictions and conditions, particularly the obligation to report to the authorities, imposed if the person in question can be expected to adhere to them. Section 46 (1) of the Residence Act explicitly stipulates that the authorities can designate where the person is to live. In addition, section 61 (1) of the Residence Act provides for a series of legally and officially available restrictions on the residence of foreigners who are enforceably required to leave the federal territory, designed to make

it harder for them to go under the radar and easier to monitor whether they fulfil their obligation to leave. Sections 56 and 56a of the Residence Act provide for measures to monitor foreigners required to leave the federal territory for reasons of internal security.

Under section 44 (2a) of the Asylum Act (*Asylgesetz*), the Länder are to take suitable steps, when accommodating persons requesting asylum, to ensure that women and vulnerable individuals are protected.

If evidence is identified of a vulnerability as set out in Article 21 of Directive 2013/33/EU, or if torture or gender-based persecution is a factor, then interviews forming part of the asylum procedure are attended by specially trained and sensitised officials, such as specially-commissioned case-officers for torture victims and trauma sufferers, for people persecuted on the basis of their gender, for victims of human trafficking, or for unaccompanied minor refugees.

Abortion (section 219a of the German Criminal Code) (UPR recommendation 184)

The Act to Improve Information about Abortion (*Gesetz zur Verbesserung der Information über einen Schwangerschaftsabbruch*), which entered into force on 29 March 2019, amended the penal provisions of section 219a – Advertising abortion – of the German Criminal Code with the addition of paragraph (4). Doctors, hospitals and facilities prepared to terminate a pregnancy can now publicly make that readiness known and publicly draw attention to information provided by certain facilities about abortion-related substances, objects and procedures. This has reduced the criminal liability of doctors who conduct abortions.

Further to this, the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy (*Schwangerschaftskonfliktgesetz*) has been amended. Under section 13 (3) of the Act, the Federal Chamber of Doctors now maintains a list of doctors, hospitals and facilities which have informed it that they conduct abortions in accordance with the conditions enshrined in section 218a (1) to (3) of the German Criminal Code. This list is to be updated on a monthly basis and published online. The Federal Chamber of Doctors fulfilled its legal obligation to publish the list at the end of July 2019. To date, the list has grown to comprise the addresses of 330 doctors, hospitals and facilities. Others are still being verified. Under section 13a of the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy, the Federal Centre for Health Education also publishes the Federal Chamber of Doctors list as well as additional information about abortions. Information from the list is also provided by the centralised national hotline set up on the basis of the same Act for pregnant people in need of assistance (*Hilfetelefon „Schwangere in Not“*).

Protection from discrimination on the basis of sexual orientation or gender identity (UPR recommendations 56, 109, 111 and 254)

The German Government opposes all discrimination on the basis of sexual orientation or gender identity.

In implementation of the Federal Constitutional Court's decision of 10 October 2017 (file no. 1 BvR 2019/16), the Act amending Information to be Entered into the Register of Births (*Gesetz zur Änderung der in das Geburtenregister einzutragenden Angaben*) of 18 December 2018 provides for an additional gender option for people with differences of sex development. Next to "female", "male" and the option of making no entry pertaining to gender, the registration of a birth can now specify the person's gender as "diverse". The entry can be changed, and anyone who has such an alteration made can make an additional declaration to change their given name to suit their gender.

Following the Concluding Observations by the Committee on the Elimination of Discrimination against Women on Germany's sixth periodic report, the German Government instructed the German Ethics Council to produce an Opinion on the situation for intersex people in Germany. In the Opinion it published in 2012, the Council recommended that surgical and other medical procedures on infants and children should only be authorised for irrefutable reasons of child welfare. The German Government has proposed a bill to that effect, intended to limit parents' rights of care and custody in respect of treatment of intersex children and strengthen children's right of autonomy.

The General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*) also protects people from discrimination based on their sexual orientation or gender identity. The Federal Anti-Discrimination Agency provides support and advice for anyone who has experienced discrimination as defined in the General Equal Treatment Act.

The German Government has created separate criminal legislation in the form of the Protection from Conversion Therapy Act (*Gesetz zum Schutz vor Konversionsbehandlungen*) of 12 June 2020. The Act prohibits the practice and advertising of so-called "conversion" therapy. In so doing, it serves to protect people not only from damage to health but also from discrimination and stigmatisation because of sexual orientation or gender identity.

Rights in criminal proceedings

Two laws entered into force in December 2019 to implement Directive (EU) 2016/1919 on legal aid in criminal proceedings and Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings: the Act amending Legislation on Mandatory Defence Counsel (*Gesetz zur Neuregelung des Rechts der notwendigen Verteidigung*), primarily through its extensions to mandatory defence legislation in general criminal procedure law as enshrined in the German Code of Criminal Procedure (which also apply to juvenile accused persons pursuant to section 2 (2) of the Youth Courts Act – *Jugendgerichtsgesetz*), and the Act to Strengthen the Procedural Rights of Accused Persons in Juvenile Criminal Proceedings (*Gesetz zur Stärkung der Verfahrensrechte von Beschuldigten in Jugendstrafverfahren*).

Part of the effect of the Act amending Legislation on Mandatory Defence Counsel has been to align the list in section 140 of the German Code of Criminal Procedure, which governs cases of mandatory defence, with the provisions of the Directive in a number of respects.

The Act to Strengthen the Procedural Rights of Accused Persons in Juvenile Criminal Proceedings stipulates, among other things, that juveniles in mandatory defence cases (i.e. particularly in matters pertaining to detention or placement, relatively serious charges, likeliness of youth custody and/or the accused's insufficient capacity to defend themselves) be assigned defence counsel *ex officio* before they are questioned – even before their first examination by the police – as a matter of principle. Under these new provisions, in cases of mandatory defence, juvenile accused persons are assured defence counsel support at all stages of the proceedings up until the final judgment.

Preventive detention

In its judgment of 17 December 2009 (application no. 19359/04), the ECtHR found it to be a contravention of the right to liberty under Article 5 (1) ECHR and of the prohibition against retrospective provisions under Article 7 ECHR that the applicant was kept in preventive detention for longer than ten years, which was the maximum for a first period of preventive detention applicable at the time of his offence. The German legislature implemented the subsequent decision by the Federal Constitutional Court of 4 May 2011 with comprehensive legislative reform of preventive-detention law at both the federal and Land levels. The new provisions entered into force on 1 June 2013. The ECtHR has endorsed the legislative reform. The Grand Chamber has now also aligned itself with

this assessment, its judgment of 4 December 2018 in the case of *Illseher v. Germany* (applications nos. 10211/12 and 27505/14) finding the legal situation in Germany to be in conformity with the Convention.

Combating international terrorism (UPR recommendations 119 and 120)

Upholding human and fundamental rights in the fight against terrorism is of crucial importance in Germany. As the state has an obligation to protect its people, anti-terrorism measures which impinge on fundamental or human rights require a basis in legislation. They must be subject to parliamentary oversight so that they have democratic legitimacy.

With regard to support for victims of terrorism, the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory, a role established in April 2018, provides those affected with a central and permanent point of contact at the federal level. The Commissioner assists them and, when needed, acts as a go-between in matters of practical, financial and psychosocial support.

He also campaigned, in response to the terrorist attack on Breitscheidplatz in Berlin in December 2016, to retrospectively triple the hardship benefits which the German Bundestag annually earmarks for the dependants of victims of acts of terrorism (and extremist violence). The spouses, civil partners, children and parents of those killed in terrorist attacks now receive hardship benefits of €30,000 instead of €10,000. Siblings each receive €15,000 instead of €5,000.

B2 Economic, social and cultural rights

The creation of the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) in 1966 added a universal instrument for economic, social and cultural rights to the human rights arsenal. The Federal Republic of Germany ratified the ICESCR in 1973 and campaigns vigorously for the equal status of all human rights. Political, civil, economic, social and cultural rights are interdependent and can only be achieved in combination.²

Combating poverty (including child poverty)

Articles 22 and 25 of the Universal Declaration of Human Rights – not itself a binding document in international law – state that everyone has the right to social security. Even in a country like Germany, with a high general standard of living and a well-developed system of social welfare, combating poverty is an important task. To be in a position of relative disadvantage in terms of a society's income distribution is to be at risk of poverty and is often associated not only with limited material, social and cultural empowerment but also with health risks and poorer educational opportunities. In order to create transparency about the extent and severity of the risk of poverty and the associated hazards, the German Government produces a Report on Poverty and Wealth once every legislative term. The sixth such report is expected in the second quarter of 2021 and is intended to contain some initial findings on the effects of the COVID19 pandemic on social integration, participation in education and employment, and distribution.

The previous reports have demonstrated that regular, full-time or nearly full-time participation in paid work at the level of households, in combination with adequate remuneration, can usually prevent income poverty. The German Government therefore prioritises exactly that. Germany also has a safety net that protects people from penury by providing benefits of generally indefinite duration. If the conditions entitling them are in place, people in need of assistance receive payments to ensure their subsistence.

² See also [chapter B5](#) below on economic, social and cultural rights in Germany's foreign and development policy.



Bärbel Kofler (SPD) Federal Government Human Rights Commissioner speaking in the Bundestag on the Strong Families Act. © picture alliance/dpa – Jörg Carstensen

The German Government has further developed its anti-poverty policy in recent years by fostering employment opportunities in conjunction with supplementary social-security payments. In view of their heightened risk of poverty, the focus here is on families with children, especially single-parent families.

During the 2018-2021 legislative term, Germany has implemented a package of measures to combat child poverty. In so doing, it has followed the recommendation of the UN Committee on Economic, Social and Cultural Rights to review its benefits for children and improve access to them.

Child benefit, the child supplement and the education package – in combination, where appropriate, with basic income support – are intended to guarantee children's minimum cost of living and enable them to participate in society. Child benefit was raised in July 2019, and a further increase at the start of 2021 was agreed in the Coalition Agreement and has already been passed by the Federal Cabinet.

Additionally, the Strong Families Act (*Starke-Familien-Gesetz*), which entered into force in full on 1 January 2020, enhanced the child supplement and the education and participation package for children and adolescents. The aim of the Act is to protect low-income families from poverty more effectively, safeguard children's needs and ensure that starting a job or working more hours is financially worthwhile even on a small income.

The Good Daycare Act (*Gute-KiTa-Gesetz*) raises the quality of childcare provision and reduces the burden on parents with regard to fees. Vigorous progress has also been made on the expansion of daycare recently, with the creation of many new childcare places. Subsidising childcare improves families' economic stability; it takes pressure off households' disposable income, enables both parents to work (or increase their hours) and thereby leads to increases in income and a reduced risk of poverty.

The maintenance-advance system was significantly enhanced as of 1 July 2017, when the age limit was raised and the time limit on eligibility was removed, and it now ensures that the minimum cost of living is covered for all minor children of single parents. Around twice as many children now receive support, at approximately three times the amount, compared to before the system was expanded.

Equality for women in the workplace

In its Gender Equality Strategy adopted in July 2020, the German Government confirms that gender equality is a consistent guiding principle in everything it does.

The gender pay gap denotes the discrepancy between women's and men's average gross hourly earnings. They differed by 20% in 2019 (2018: 21%). The German Government is continuing with a holistic strategy to reduce the gap.

In line with the recommendations of the UN Committee on Economic, Social and Cultural Rights, the objectives of these measures include expanding the spectrum of career options for boys and girls and encouraging a choice of career based on talent and inclination, unencumbered by gender stereotypes.



Women's March 2020, Munich © picture alliance/ZUMAPRESS.com – Sachelle Babbar

At the same time, the German Government is working to break down vertical segregation on the labour market. The already successful Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service is being made more effective during the current legislative term on the basis of the Coalition Agreement. This corresponds with the recommendations of the UN Committee on Economic, Social and Cultural Rights (UPR recommendation 38) as regards increasing the proportion of management positions held by women. In execution of the Coalition Agreement between the CDU, CSU and SPD for the 2018-2021 legislative term, the governmental bill for a second Executive Positions Act is to be passed by the German Bundestag before the end of the term.

The Act to Promote Transparency in Wage Structures among Women and Men prohibits direct and indirect gender-based discrimination in remuneration for equal work or work of equal value. The first evaluation of the Act (2019) found that employees had to date made little use of their entitlement to disclosure of information, while 45% of the respondent businesses with more than 500 staff had heeded the call to conduct internal company evaluation procedures. The German Government therefore continues to support the application of the law in accordance with the UPR recommendations issued by the

UN Human Rights Council in 2018. As well as providing an extensive range of tailored information and advice, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth launched various initiatives in July 2020, including its equal-pay programme for businesses, which supports the implementation of the equal-pay rule as the central pillar of companies' overall staff policy.

Additionally, the German Government is planning for Council Conclusions on combating the gender pay gap to be adopted during its Presidency of the Council of the EU. Various measures and policy recommendations are being drawn up in collaboration with the EU member states with the aim of achieving a fair division of paid employment and unpaid care work between women and men and consequently reducing the gender pay gap.

Furthermore, it is more common for women than for men to work part-time or in mini-jobs, a fact which also contributes to their average hourly earnings being less than men's (as reported by the Federal Statistical Office, https://www.destatis.de/EN/Press/2020/03/PE20_097_621.html). In this context, developing nationwide childcare provision with opening hours aligned with parents' real needs, and splitting paid work and unpaid care fairly, are essential prerequisites for mothers and fathers to participate in economic life on equal terms. The Federation therefore supports the Länder, for example within the framework of the Good Daycare Act. More information about this assistance is provided in [chapter B4](#) on the human rights of children.

Labour law

Section 8 of the General Equal Treatment Act transposes Article 4 (1) of Directive (EU) 2000/78/EC, while section 9 transposes Article 4 (2) as well as reflecting the right of autonomy of religious organisations enshrined in Article 140 of the Basic Law in conjunction with Article 137 (3) of the German Constitution of 11 August 1919.

Section 9 of the General Equal Treatment Act contains an exception which permits public or private organisations whose ethos is based on religious principles or ideologies to treat people differently, based on their religion or ideology, under certain conditions. It thus reflects Article 17 of the Treaty on the Functioning of the European Union (TFEU) and Article 10 of the Charter of Fundamental Rights of the European Union. The provision corresponds to Article 9 ECHR.

In its judgment of 17 April 2018 in case C414/16 and its judgment of 11 September 2018 in case C68/17, the Court of Justice of the European Union (CJEU) found that churches' right of autonomy had to be weighed up against employees' right to non-discrimination

and that such decisions must be subject to effective judicial review. The requirements that religious organisations set with regard to their ethos must also be objectively necessary and proportionate.

In the light of these judgments, the Federal Labour Court found in favour of the employee in both decisions, in the former case granting compensation to the applicant, Vera Egenberger (8 AZR 501/14), and in the latter declaring the applicant's dismissal void (2 AZR 746/14).

Diakonie, the social welfare organisation of Germany's Protestant churches, has lodged a complaint of unconstitutionality against the Federal Labour Court's decision in the Egenberger case (file no. 2 BvR 934/19) and claimed that the CJEU overstepped its jurisdiction. The judgment of the Federal Constitutional Court is anticipated with interest, not least because of the statements it is expected to make on the extent of churches' right of autonomy.

Migration and integration on the labour market

The Skilled Immigration Act (*Fachkräfteeinwanderungsgesetz*), which entered into force on 1 March 2020, helps secure the supply of skilled labour in line with economic demand by means of targeted and increased immigration of qualified skilled workers from non-EU countries. Access to the German labour market has been expanded for people with professional qualifications in particular.

Forward-looking immigration law is also improving access to Germany's labour market for healthcare professionals from non-EU countries. The Federal Employment Agency has moreover concluded referral agreements for care workers with several countries' public employment services.³ On the basis of a report by the WHO, private recruitment programmes are banned in a total of 57 countries⁴ to prevent brain drain from countries with a critical shortage of health workers. The Federal Employment Agency is running a number of pilot projects⁵ to recruit trainees for geriatric care in line with a set of criteria agreed at the WHO.

3 These include Bosnia-Herzegovina, Tunisia and the Philippines.

4 See also sections 38 and 39 of the Ordinance on the Admission of Newly-Arrived Foreigners for the Purpose of Taking up Employment (*Beschäftigungsverordnung*).

5 In El Salvador and Viet Nam

People entitled to asylum, recognised as refugees or eligible for subsidiary protection have unrestricted access to the labour market. In principle, asylum seekers and those whose deportation has been temporarily suspended may take up employment with permission from the relevant foreigners authority and the consent of the Federal Employment Agency once they have been in Germany for three months. Furthermore, the Act on Suspending Deportation for Persons in Vocational Training or Employment (*Gesetz über Duldung bei Ausbildung und Beschäftigung*) defines clear criteria to create a new and reliable suspended-deportation status for well-integrated failed asylum seekers who are in employment as well as to broaden the applicability of that status to those in vocational training.

At the same time, the Integration through Qualification (IQ) programme is improving labour-market prospects for people with migrant backgrounds, who are supported by 380 component projects providing counselling, training and qualification measures. The programme was expanded in 2015 to include a focus on job-training schemes in the context of the Recognition Act (*Anerkennungsgesetz*). Other IQ projects serve to strengthen the intercultural competence of labour-market stakeholders and small and medium-sized enterprises (SMEs). The Fair Integration project offers refugees the opportunity to consult advisory services about their rights as employees in order to protect themselves from discrimination and exploitation on the labour market.

The support provided by the Federal European Social Fund (ESF) Integration Directive advances the integration of asylum seekers and refugees. Access to jobs, training and education is being improved by means of counselling, referral services and structural measures such as training sessions for job centres and agencies on the law governing the residence and employment of foreigners. The federal ESF programme Strong in the Workplace specifically seeks to unleash the earning potential of mothers with migrant backgrounds. Advice and support has already been supplied to 14,000 mothers. More than half of them gained a job, apprenticeship or qualification after participating in the project. The 2017-2019 project *Frauen mit Fluchterfahrung gründen* encouraged female refugees to start their own businesses. In Berlin, the 2017-2019 pilot scheme POINT – *Potentiale integrieren* helped over 100 refugee women who had fled their countries alone to find their place on the labour market and in society. Around 60% of the women obtained vocational qualifications alongside their ongoing language acquisition and/or were successfully integrated into the labour market. A follow-up survey of POINT participants is being conducted to investigate the lasting effects of the support.

The state-and-society admission programme NesT – New Start in a Team is intended to facilitate the additional admission of particularly vulnerable refugees. As part of this pilot scheme, the German Government joins with civil-society organisations in calling particularly on private sponsors willing to take in refugees.

Care

During the 2018-2021 legislative term, the German Government has launched an immediate-action programme to improve staffing levels and working conditions in nursing and geriatric care. The Care Staff Strengthening Act (*Pflegepersonal-Stärkungsgesetz*) entered into force on 1 January 2019 with the purpose of increasing staff numbers in all residential care facilities. The associated measures include the financing of some 13,000 additional jobs, a one-off co-financing scheme for new digital and technical equipment, and financial support for steps to promote a good balance between people's caring responsibilities and their careers. There was also the launch of a new quality-management system in residential care facilities on 1 October 2019, which represents significant advances in internal quality control, external quality reviews and reporting on quality. Under that system, care homes now need to compile quality data on all residents on the basis of certain indicators and send them to an independent data-evaluation agency every six months. The data are published and form the basis of the annual external quality reviews.

The Appointments Service and Care Act (*Terminservice- und Versorgungsgesetz*) instituted home-help services as an additional element of out-patient care as of 11 May 2019.

The concerted action for long-term care which the German Government has initiated together with numerous partners is intended to improve pay and conditions in the care sector and enable care workers to access better training. In the summer of 2019, a large number of specific measures and recommendations to improve the situation of professional care workers were developed and set out in binding agreements. Their implementation is being monitored, with a first report already expected to be published before the end of 2020.

When it comes to attracting international care workers, Germany's state institutions – i.e. the Federal Employment Agency and the German Agency for International Healthcare Professionals – ensure that the ethical standards of the WHO, the International Organisation for Migration (IOM) and the ILO are upheld.

Since 1 January 2020, the training required to become a care worker has been covered by the provisions of the Healthcare Professions Act (*Pflegeberufegesetz*) adopted in 2017. A new financing system ensures trainees do not face tuition fees and that they receive appropriate training pay. Enhanced job prospects make the training all the more attractive.

In the course of the COVID19 pandemic, extensive temporary measures were put in place from March 2020 onwards to safeguard care provision under pandemic conditions and protect the recipients of care services as a particularly vulnerable group. In this context, the Länder exercised their prerogative to, for example, set visiting rules for residential care facilities, which were incrementally amended after the infection curve had flattened.

Right to health

Germany's statutory health insurance provides all those insured with comprehensive care should they fall ill. They have access to all medically necessary treatments as developed to date, regardless of how much they have paid into the system or of their age, gender or state of health. Their contributions are based on ability to pay. Limits on co-payments ensure that nobody is financially overwhelmed. Children and adolescents are usually covered without additional charge and are largely exempt from co-payments.

It is on these foundations that the healthcare system has been evolving since the last Human Rights Report, with the Reduction of Insured Persons' Contributions to Statutory Health Insurance Act (*GKV-Versichertenentlastungsgesetz*), the Appointments Service and Care Act, the Care Staff Strengthening Act, the Act on Greater Security in the Supply of Medicines (*Gesetz für mehr Sicherheit in der Arzneimittelversorgung*), the Digital Healthcare Act (*Digitale-Versorgung-Gesetz*) and the Intensive Care and Rehabilitation Strengthening Act (*Intensivpflege- und Rehabilitationsstärkungsgesetz*).

It remains the aim of these reforms to safeguard the financial viability and quality of our solidarity-based health insurance system for the future and to foster the patient-centred development of healthcare. Safeguarding the financial stability of the statutory health insurance system, enhancing the quality of care and reshaping our healthcare structures to ensure greater connectivity and cooperation across the health sector will therefore be important focuses of the German Government's healthcare policy.

Asylum seekers and others seeking protection already have access to healthcare under current legislation.

During their first 18 months in Germany, the extent of that access is governed by sections 4 and 6 of the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*). After those 18 months, healthcare is normally provided in accordance with Book XII of the Social Code, making it essentially equivalent in scope to healthcare provision under statutory health insurance. If asylum or another form of protection is granted, access to healthcare is generally established via mandatory participation in the statutory health insurance system

under Book II of the Social Code, or else healthcare is provided in line with Book XII. If the latter, then the scope of the provision is also largely equivalent to that of statutory health insurance in Germany.

Combating human trafficking linked to labour exploitation

In view of the recommendations made by the Group of Experts on Action against Trafficking in Human Beings (GRETA) to improve coordination across all the German Government's strategies and measures to combat human trafficking, the Federal Ministry of Labour and Social Affairs and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth held a forum of three federal-Länder working groups for the first time in March 2019. The agenda included reform of social-compensation law, the Act to Combat Unlawful Employment and Benefit Fraud, and exploitation and trafficking of children. (See [chapter B3](#) for more information about anti-trafficking measures.)

Regular workshops are held with public prosecutors' offices, with the participation of the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking, which was set up by the Federal Ministry of Labour and Social Affairs under the aegis of the civic-education provider *Arbeit und Leben DGB/VHS Berlin-Brandenburg*. In one such workshop, held for the first time at the Ministry in November 2018, public prosecutors from six Länder talked about the criminal provisions on human trafficking, forced labour, exploitation of labour and exploitation involving deprivation of liberty that were amended in 2016 (sections 232-233a of the German Criminal Code).

The Act to Combat Unlawful Employment and Benefit Fraud of 11 July 2019 served to intensify the existing cooperation between the Service Centre and financial control units monitoring undeclared work. The chief intention is to provide training for the staff of such units in main customs offices on how to combat labour exploitation, forced labour and human trafficking with an emphasis on protecting the victims.

A sectoral analysis report published by the Service Centre in July 2020 examines indicators of exploitation and forced labour in the meat industry and the parcels sector and makes recommendations for prevention, counteraction and victim protection.

The Service Centre will continue to receive funding from the German Government – specifically, the Federal Ministry of Labour and Social Affairs – through 2020 and beyond.

Education

The Federation and the Länder continue to invest substantial financial resources in improving the infrastructure for all-day education and childcare. In the 2018-2019 school year, 67.8% of schools providing general education already offered all-day services for pupils up to lower-secondary level (2002: 16.3%). Since 2005, these efforts have been accompanied at the federal level by StEG, a nationwide concomitant research programme on the development of all-day schools which considers both German and international findings (www.projekt-steg.de). The German Government has moreover set itself a target to give all children of primary-school age a legal right to all-day schooling and extra-curricular provision by 2025. Discussions are currently under way at the political level about the specific legal, financial and scheduling measures required to make that legal entitlement a reality.

Strengthening social cohesion and harmony between different ethnicities and cultures, particularly at a time of increased migration, is an important duty that schools share. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) is in the process of compiling recommendations for schools on teaching the history and current situation of Sinti and Roma in Germany as well as on dealing with antisemitism. Also in 2020, it is updating its recommendations on teaching about Europe in schools. The Federation and Länder jointly fund *Demokratisch Handeln*, a nationwide competition designed to make particularly successful examples of democratic-citizenship teaching available to a wide audience.

Ensuring equal opportunities includes unleashing the potential of high achievers and pupils who may be unusually capable. The aim of *Leistung macht Schule*, a joint initiative agreed by the Federal Ministry of Education and Research and the Länder in November 2016, is to seek out hidden talent in all types of school. There are 300 schools across Germany taking part in the first stage. They will spread the initiative to other schools during the subsequent transfer stage. Over the course of ten years, a total of €125 m will be spent to augment individual successes in learning and education.

Through their *Schule macht stark* programme (2019), the Federation and Länder seek to support schools in socially disadvantaged areas and improve the educational prospects of the children attending them. A total of €125 m has been made available to that end.

Additionally, the German Government, through the Federal Ministry of Education and Research, has since 2013 been supporting extracurricular activities in arts and culture for deprived children and adolescents via the medium of the Culture is Strength. Education

Alliances programme. Project funding from the Federal Government Commissioner for Culture and the Media also goes to improving inclusion opportunities for educationally disadvantaged children and adolescents.

As part of the Child and Youth Plan of the Federation, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth contributes significantly to keeping Germany a good place in which to grow up through the myriad extracurricular activities of its Cultural Youth Education programme, whereby it ensures that children and adolescents can enjoy their human right to education.

In order to safeguard educational opportunities for advancement, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany established its support strategy for under-achieving pupils in 2010, setting itself the objective of substantially reducing the proportion of young people leaving school without qualifications. The Standing Conference adopted another report on the success of the support strategy in May 2020. Between 2006 and 2018, the proportion of pupils dropping out of school early fell from 8% to 6.8%.

These measures also benefit people with migrant backgrounds. In 2018, the education participation rate of 16- to 29-year-olds with migrant backgrounds was, at 49%, almost the same as the participation rate of those without (51%), though consideration does have to be given to people's region of origin and age on arrival in Germany when interpreting these findings. While the proportion of Germans starting vocational training under Germany's dual system shrank by almost four percentage points between 2011 and 2018, the 2018 Report on Vocational Education and Training found that the number of foreigners taking up vocational training courses went up by more than three percentage points to almost 38,700 during the same period.

Youth Migration Services support 12- to 27-year-olds with migrant backgrounds by offering tailored and professional assistance with the process of integration in Germany. Meanwhile, the national KAUSA network of Coordinating Offices for Vocational Training and Migration informs young migrants and refugees about Germany's dual system of vocational training and helps them in their search for suitable apprenticeships.

A good example of the assistance offered to immigrants who have passed the age of compulsory schooling and want to enter vocational training, one which foregrounds women, is the range of career-orientation services for migrants funded by the Federal Ministry of Education and Research, such as the Careers Guidance for Refugees programme.

Prospective students can access special help learning German from the University Educational Guidance Guarantee Fund run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. For young recognised refugees, resettled ethnic Germans and their family members living in Germany who gain their university-entrance qualifications here and want to prepare for a degree programme, it offers comprehensive advice as well as – if the person is eligible for funding – financial assistance.

It has been made even easier in recent years for international students to come to Germany, with the result that Germany is now fifth among the most common destinations for people studying outside their home countries. Since 2015, registered refugees have had access to university in all Länder irrespective of country of origin or residence status, as long as their university-entrance qualifications are recognised in Germany and they have a good level of academic German. In matters of tuition fees, they are treated the same as those who have passed through the German school system.

For more on this, see also the combined fifth and sixth supplementary report to the UN on the implementation of the UN Convention on the Rights of the Child in Germany (2019) and the combined 23rd to 26th reports submitted by Germany under Article 9 ICERD (2020).

Housing

Affordable and decent housing is one of the fundamental needs of all people. At the Housing Summit it held on 21 September 2018, the German Government adopted a Joint Housing Strategy in collaboration with the Länder and local authorities. The aim of the wide-ranging package of measures is to add to the stock of affordable housing. All the key policies decided at the Housing Summit have been put into practice or initiated.

With the Joint Housing Strategy, the German Government is largely following recommendation 55 of the UN Committee on Economic, Social and Cultural Rights, which encourages more extensive provision of affordable homes as well as higher public expenditure on housing.

For the current legislative term, the German Government has allocated more than €13 bn for social-housing construction, building-related child benefit, housing benefit and urban development assistance alone.

The Federation is providing a total of €8 bn between 2018 and 2024 to support Länder assistance for social housing. Housing benefit, another important instrument in the endeavour to make housing affordable, was increased in scope and amount by the housing-benefit reform of 1 January 2020.

If someone is in need and no other assistance takes precedence, then elements of basic income support for jobseekers under Book II of the Social Code, or social welfare or basic income support for the elderly or for those with reduced earning capacity under Book XII of the Social Code, can be brought to bear. These payments are calculated on the basis of the person's actual appropriate costs for accommodation and heating, so that their minimum cost of living in this respect is covered. Because of the differences in housing markets from region to region, what counts as an appropriate level of accommodation and heating costs is set by local authorities. This is not based solely on abstract criteria but also takes specific elements of each individual case into account.

Estimates indicate that, thanks to the well-developed support system, only a very small proportion of the population in Germany are homeless. However, no valid statistical data are available as to the actual number of homeless people. Pursuant to the Homelessness Reporting Act (*Wohnungslosenberichterstattungsgesetz*), which entered into force in April 2020, statistics on homeless people who are accommodated by state agencies or using public funds, including key socio-demographic data, will be collated annually from January 2022. Regular reporting is also being introduced on forms of homelessness which are not covered in the statistics.

In Germany, providing accommodation for the homeless is the responsibility of local authorities. However, the federal affordable-housing measures outlined above as well as the social safety net indirectly assist the fight against homelessness.



*Dance demonstration highlighting violence against women organised by One Billion Rising Revolution
© picture alliance/dpa – Paul Zinken*

B3 Human rights of women and girls

The international framework for the implementation of Germany's objectives in its work for the rights of women and girls is the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

CEDAW is the most important instrument of international law for women's rights. Its ratification in 1985 made it part of domestic German law. The states parties regularly submit periodic reports to the CEDAW Committee on their implementation of the associated obligations.

Most recently, a follow-up report on Germany's combined seventh and eighth periodic reports was submitted in March 2019. In it, the German Government briefs on the progress made on implementing four recommendations for action that the CEDAW Committee made to Germany in March 2017. The text of the follow-up report is available here – <https://www.bmfsfj.de/blob/jump/136168/20190517-cedaw-zwischenbericht-englisch-data.pdf> – while

further information and documents pertaining to the Convention and the reporting procedure can be found at <https://www.bmfsfj.de/bmfsfj/meta/en/equality/un-policies-on-gender-equality>. The CEDAW Committee informed Germany at the end of 2019 that its written briefings were satisfactory and that the reporting cycle was therefore closed.

As in previous reporting cycles, the CEDAW reporting procedure was accompanied by a process of dialogue with civil society. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth hosted a major conference and jubilee celebration in Berlin on 27 November 2019 to mark 40 years since the UN General Assembly adopted CEDAW (on 18 December 1979) and Beijing+25, the 25th anniversary of the Fourth World Conference on Women, held in Beijing (415 September 1995).

To further raise awareness in Germany of the Convention and of the CEDAW Committee's General Recommendations – that is to say, to reinforce its direct relevance and applicability – the Ministry used the anniversaries as an opportunity to update and expand its CEDAW brochure, publishing this new handbook on the Convention in 2020. In the handbook, German translations of all the more recent General Recommendations from the CEDAW Committee are made available for the first time. The finalised print version as well as a fully accessible online version, containing, among much else, a guest piece by Prof. Beate Rudolph, Director of the German Institute for Human Rights, on the legal import of CEDAW in Germany, will be published in the fourth quarter of 2020 and made available by the Ministry as a support document, free of charge, throughout Germany.

In 2020-2021, the German Government is compiling its next periodic CEDAW report – the ninth, to be submitted to the CEDAW Committee in Geneva by the end of March 2021 – using the new simplified reporting procedure for the first time. The ninth report will centre around responding to a list of issues and questions prior to reporting which the Committee put to Germany in March 2020 and which the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has translated into German and made available online (www.bmfsfj.de/cedaw). As part of the process of creating the ninth periodic report, dialogue with civil society will continue in December 2020.

National policy mechanisms for gender equality: Implementing UPR and CEDAW recommendations

In implementation of the recommendations of the CEDAW Committee (see Concluding Observation No. 18b from 2017) and of various recommendations made to Germany in the course of the UPR (see the 2018 recommendations accepted by Germany from No. 155.32 to No. 155.48), the German Government expanded and strengthened the national policy mechanisms for gender equality during the reference period.

In 2020, the German Government adopted an interministerial Gender Equality Strategy for the first time, motivated by the knowledge that actual equality between women and men is a goal as yet unattained. Unequal chances of fulfilment are to be found in many areas of life. Gender equality policy uses a great variety of provisions and measures in the endeavour to adequately support the human rights of girls and women. These should be internally coherent and coordinated, and the interministerial Gender Equality Strategy is to help ensure that they are. It identifies key gender equality issues from which it derives policy objectives as well as flagship measures with which to achieve them. The Gender Equality Strategy thus illuminates the breadth of gender equality issues and responsibilities. It shows how each of the policies it contains is relevant to people's lives and to securing progress and equality between the sexes. The strategy is available online at <https://www.gleichstellungsstrategie.de/rgs-en>.

Another important element of the German Government's holistic gender equality policy is its periodic Gender Equality Report.

The focus of the Third Gender Equality Report is the question of what groundwork needs to be done to guide developments in the digital economy in such a way as to give women and men equal chances of fulfilling their potential.

It consists of an assessment by an independent commission of experts, the German Government's response, and a follow-up on the Second Gender Equality Report.

The assessment will be submitted to the Federal Minister for Family Affairs, Senior Citizens, Women and Youth early in 2021. The Third Gender Equality Report is expected to be presented to the Federal Cabinet in April 2021.

In the reference period, in 2020, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also submitted its Fourth Gender Equality Atlas with a plethora of data and information on the situation of women and girls in Germany.⁶

Integration of migrant women and girls

Also within the 2018-2020 reference period, the German Government provided many kinds of support for easy-access measures to boost the empowerment and integration of women and girls with migrant backgrounds not only on the labour market but in society more generally. A particular priority was to improve their prospects of inclusion and enable them to fulfil their potential.

It is of particular importance that women have well-directed support for starting their careers and entering the labour market as well as accessing relevant information. Other significant elements include knowledge of their rights, needs-based childcare and psychosocial support, which all help make it easier to participate in integration courses, technical language classes, and other educational and employment-promoting measures.

There follow a few examples from the broad spectrum of integration measures run by the German Government during the reference period.

The beginning of 2019 saw the start of the second funding phase of the Strong in the Workplace – Migrant Mothers Get on Board programme (2015 to mid-2022) run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth with resources from the European Social Fund. Around 90 contact points provide assistance for mothers with migrant backgrounds finding their way into employment, in cooperation with job centres and employment agencies. To date, 14,000 mothers with migrant backgrounds have taken part in the programme – one in four of them refugees.⁷

From 1 May 2020 to 30 June 2023, the Federal Government Commissioner for Migration, Refugees and Integration in collaboration with the Federal Employment Agency is funding the Fem.OS project to proactively provide orientation and advice for migrant women on social media platforms. Women are contacted via social media and given advice about jobs and integration in their native language.

6 <https://www.bmfsfj.de/bmfsfj/meta/en/equality/equalityatlas>

7 More information on the programme is available (in German) at www.starkimberuf.de.

The Integration through Sport programme, integration courses specifically for women and the MiA programme, run by the Federal Ministry of the Interior, Building and Community to empower female migrants in everyday life, all consolidate the potential of migrant women and encourage them to shape their lives in Germany with self-confidence. Since 2017, childcare offered for the duration of language and integration courses has been making it easier, especially for mothers, to attend.

The German Government also supports nationwide projects to empower women refugees and other particularly vulnerable groups. As well as providing information and a source of psychosocial stability, the focus here is on boosting the women's self-confidence. For example, the *Mut-Macherinnen** project, which is run by DaMigra, the umbrella association of migrant organisations, with funding from the Federal Government Commissioner for Migration, Refugees and Integration, is designed to support and empower refugee women in various circumstances by encouraging migrant women to do volunteer work helping female refugees and by training them for that work. Since 2020, to boost inclusion of refugee girls as part of the federal Live Democracy! programme, funding has also been going to the three-year pilot scheme *Mädchen Mischen Mit* ("Girls join in") run by the International Rescue Committee (IRC) in Germany, which is intended to develop and trial ways of increasing refugee girls' diversity competence and opportunities for inclusion as well as to build support networks by specifically establishing ties with young people in the host community (2020-2022).

An additional priority is to propagate an outlook that values gender equality with a focus on women's and girls' human rights, above all by raising awareness among male refugees (and others) of women's equality in all areas of life.

Alongside the various substantive support options and programmes, measures to foster integration and gender equality include funding DaMigra, an umbrella association of over 70 migrant organisations. One of the umbrella organisation's chief aims is to advance the cause of equality for female migrants and refugees in legislation, politics and society.

Violence against women and girls

The Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, entered into force in Germany on 1 February 2018. Its implementation in Germany is currently being scrutinised by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). The monitoring procedure will run from February 2020 until January 2022 and comprises the submission of a report by Germany, an evaluation visit and the compilation of a report by GREVIO.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has initiated a programme of action to prevent violence against women, support those affected and their children, and enhance support structures. Important elements of the programme include the round table bringing together the Federation, Länder and local authorities, and a nationwide programme of innovation and investment called Ending Violence against Women Together.

The Ministry plans to make a total of up to €120 m available for that federal investment programme between 2020 and 2023. The funds go towards extending, converting, constructing, renovating and purchasing support facilities through innovative projects. The objective is to eliminate known deficiencies as well as to expand the support system in accordance with real needs, within the confines of the Federation's constitutional financial powers.

The federal programme of innovation began in 2019, funding five projects at the federal level. The Federation plans to provide a total of up to €21 m to support innovative projects between 2019 and 2022.

The third part of the programme of action is the nationwide Stronger than Violence initiative. The aim of this initiative is to raise awareness among the general public of the scale of violence against women and to encourage each and every individual to stand up against it.

To ensure that women affected by violence can still be reached while the coronavirus measures restrict the usual ways of getting in touch, the Not Safe at Home? campaign has been running since April 2020, using posters and receipts in Germany's largest retail chains to advertise the Stronger than Violence initiative and support services.

The federal-Länder working group on domestic violence facilitates interdisciplinary dialogue among specialists and assists in managing and coordinating measures within Germany's federal system. Non-governmental organisations (NGOs) in particular bring their knowledge and expertise to bear in the working group, contributing to its discussions with important insights into problems and possible solutions based on practical experience.

At their round table entitled Ending Violence against Women Together, which started work in September 2018, the Federation, Länder and local authorities consider what they can do to advance the expansion of women's refuges, safe apartments, and non-residential support and assistance facilities in line with actual needs and to ensure they have financial security for their work. The chief objective of the round-table discussions is to secure voluntary commitments from the Federation, Länder and local authorities to develop their support structures for women affected by violence and their children.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently supporting a German Institute for Human Rights project to put together a concept for the potential and design of an independent monitoring agency on violence against women, domestic violence and human trafficking on the basis of two independent mandates (Istanbul Convention and human trafficking). The project involves not only working out the precise parameters of the mandates but also addressing questions about the agency's various tasks – including research, data gathering, monitoring and reporting – and the necessary inclusion of relevant stakeholders.

In implementation of the Istanbul Convention, Germany set up the nationwide Violence against Women hotline 08000 116 016 on a legislative basis in 2013, in order to provide direct, easy-to-access support and advice for women affected by violence. Five years after it began operating, an academic study was conducted to evaluate its success.

In Germany, married foreign women can be granted their right of residence independently of their husbands', so that victims of domestic violence can report the crime without fear of consequences. Under section 31 (2) of the Residence Act, a spouse who is the victim of domestic violence is to be granted an independent right of residence, if certain other conditions are met, without regard to the three years' previous lawful marital cohabitation which would otherwise be required. As a result, as long as their own residence permit remains valid, no-one who immigrated to join a spouse runs the risk of being included in the deportation of that spouse.

Female genital mutilation

In the working group on eradicating female genital mutilation (FGM) in Germany, six federal ministries, the Länder, the Federal Government Commissioner for Migration, Refugees and Integration, the Federal Chamber of Doctors, the Federal Office for Migration and Refugees, and the INTEGRA network of NGOs working in Germany to combat FGM regularly discuss anti-FGM measures and devise important projects. In June 2020, for example, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth published what was already its second set of data on the number of women and girls at risk of and affected by FGM in Germany.

A new Ordinance governing Midwifery Studies and Examinations (*Studien- und Prüfungsverordnung für Hebammen*) came into force in January 2020. For the first time, it makes provision for the special needs of women who have undergone FGM.

Protection for women and children in refugee accommodation

The German Government further enhanced protection for women and children in refugee accommodation during the reference period and continued its joint initiative in collaboration with UNICEF and other partners to that end. The third edition of the Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres has been available since October 2018, with annexes on LGBTI* refugees, refugees with disabilities and traumatised refugees.⁸

As part of the above-mentioned initiative, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has funded various projects since 2019, including one on decentralised advisory and support structures to protect people against violence in refugee accommodation and one to monitor and evaluate protection strategies in refugee accommodation.

Under sections 44 (2a) and 53 (3) of the Asylum Act, the Länder are supposed to take appropriate steps to protect women and vulnerable groups in reception centres and collective accommodation. Accommodating and providing for asylum seekers is the responsibility of the Länder. All AnKER arrival, decision and return facilities and other equivalent centres

8 (In German) www.bmfsfj.de/blob/117472/bc24218511eaa3327fda2f2e8890bb79/mindeststandards-zum-schutz-von-gefuechteten-menschen-in-fluechtlingsunterkuenften-data.pdf

have protection strategies adapted to their particular circumstances. In the course of 2020, the ongoing process evaluation of AnkER facilities and other arrival, decision and return centres will investigate whether there is any further need for changes in the law.

Protection for people engaged in prostitution

The purpose of the Prostitute Protection Act, which entered into force on 1 July 2017, is to create a legislative basis for reasonable working conditions and healthcare protection for prostitutes, improve control of commercial prostitution, enhance legal certainty in respect of lawful prostitution, prohibit dangerous forms of prostitution as well as antisocial and youth-endangering consequences of prostitution, and combat violence and exploitation targeting prostitutes. The Act thus also seeks to protect affected individuals in Germany from violence, forced prostitution and sexual exploitation.

Its implementation fell within the reference period covered by this report and is the responsibility of the Länder. The Federation and the Länder are in constant dialogue in order to facilitate and monitor uniform implementation throughout the country. The federal-Länder committee on the Prostitute Protection Act convenes the relevant authorities to discuss issues arising within the realm of their responsibilities, devise solutions and issue recommendations.

As well as providing multilingual, nationally applicable information material on the registration procedure for prostitutes, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has financed a set of healthcare guidelines for prostitutes, which is to be published in the near future.

The Ordinance on Maintaining Federal Statistics pursuant to the Prostitute Protection Act (*Prostitutions-Statistikverordnung*) issued by the German Government formalises the collection of static data from the official registration and licensing procedure, which makes it possible for the first time to collate reliable figures on legal prostitution in Germany. The data for 2017 and 2018, published by the Federal Statistical Office, formed the basis on which the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth produced its interim report on the Prostitute Protection Act published on 30 June 2020. The report, like the statistical data of 30 July 2020, indicates a rise of some 23% in the number of prostitutes registered as well as an increase of around 35% in licences for prostitution businesses. This suggests that the administrative processes have become better established in the Länder in comparison to previous years. Thus are the foundations laid for protecting the rights outlined above.

The Prostitute Protection Act provides for an impact evaluation to be conducted five years after its entry into force.

Human trafficking

During the reference period, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published its report on the results of its second round of evaluating the situation in Germany. The German Government and the Länder also submitted an interim report in October 2020 on their implementation of the GRETA recommendations arising from that second round of evaluation. See the reports themselves for more detail. There follow a few examples of measures taken during the reference period.

The Federal Foreign Office, Federal Ministry of Labour and Social Affairs, Federal Ministry of Finance, Federal Ministry of Health, Federal Ministry of the Interior, Building and Community and Federal Ministry of Justice and Consumer Protection, led by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, continued the consultation process they had launched in 2016 on the possibility of establishing an independent national reporting office and a mechanism to improve coordination across all the German Government's anti-human-trafficking strategies and measures. A wide-ranging expert consensus was reached, on the basis of which the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been supporting a German Institute for Human Rights project since January 2020 to put together a concept for the potential and design of an independent monitoring agency on violence against women, domestic violence and human trafficking on the basis of two independent mandates (Istanbul Convention and human trafficking). The project involves not only working out the precise parameters of the mandates but also addressing questions about the agency's various tasks – including research, data gathering, monitoring and reporting – and the necessary inclusion of relevant stakeholders. Results are expected in the first half of 2021.

The German Government is committed to improving and strengthening established structures that offer protection and aid to children and adolescents at risk of exploitation and trafficking. Information about the specific measures undertaken by the German Government during the reference period, and on progress made in implementing the Federal Cooperation Concept on Protection and Help in Cases of Trafficking in and Exploitation of Children, can be found in [chapter B4](#) below. THB LIBERI, an EU project financed from the Internal Security Fund and conducted by the Federal Criminal Police Office, also addresses the exploitation of children, juveniles and adolescents in Germany and Europe. Its objectives include the creation of greater inter-agency awareness and better-informed treatment of human-trafficking victims. The focus areas identified for the

current 2018-2021 phase of the project are human trafficking on the internet, exploitation via family structures, and testimony. As well as assisting investigations and operational measures nationwide, the project also involves preventive action.

The criminal provisions for fighting human trafficking (sections 232-233a of the German Criminal Code) were fundamentally reshaped and expanded by the Act to Improve the Fight against Human Trafficking and to Amend the Federal Central Register Law as well as Book VIII of the Social Code of 11 October 2016 (Federal Law Gazette I, p. 2226). In its recommendation for a decision and its report of 6 July 2016 on the government bill, the Committee on Legal Affairs and Consumer Protection of the German Bundestag called on the Government to evaluate the recast criminal provisions after two years. The first evaluation report, produced in September 2018, concluded that the short timeframe since entry into force had been insufficient to generate reliable evaluation findings and pointed to an external evaluation planned for 2020-2021. This is to begin shortly. The research project will investigate, among other things, what impact the criminal provisions on human trafficking have had and how they are handled in practice. The results of the evaluation are expected in the fourth quarter of 2021 at the latest.

The Act to Combat Unlawful Employment and Benefit Fraud of 11 July 2019 gave the customs authorities' financial control units monitoring undeclared work the auditing and investigative powers they need to take action against exploitative working conditions in the course of their checks and to undertake human-trafficking investigations in respect of employment, forced labour and exploitation.

The German Government, through the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, continues to support KOK e. V., the German NGO network and coordination office against trafficking in human beings. KOK e. V. pools the competence and expertise of the specialised counselling centres for victims of human trafficking in Germany and channels it into federal political debate and legislation as well as the public discourse. On 30 July 2020, KOK e. V. published the second book in its Trafficking in Human Beings in Germany series, a compendium of 30 practice-focused articles published in German and English with a particular emphasis on rights and protection for those affected.

Sexual and reproductive health and rights

Protecting girls' and women's right to the best possible health and autonomy remains a high priority in the German Government's work, both in its international commitments and in its domestic endeavours, as exemplified by the following activities during the reference period.

The Federal Ministry of Health is working to support gender-specific data analysis in the context of federal reporting on health. The Robert Koch Institute is currently compiling a report on the health situation of women in Germany. Its publication is expected in the fourth quarter of 2020.

The pilot scheme *HeLB – Helfen. Lotsen. Beraten* (“Help. Guidance. Advice”) funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is designed to trial multiple means of getting pregnancy-related help, guidance and advice to hard-to-reach target audiences, with a focus on rural areas. New, primarily digital methods of accessing the required counselling are being tried out and put into practice. The pilot scheme runs from 1 April 2019 until 30 April 2022 in a total of 23 locations across Germany and is flanked by academic research activities.

In collaboration with DSW (German Foundation for World Population), the International Planned Parenthood Federation, KfW and Bayer AG, the Federal Ministry for Economic Cooperation and Development annually organises the International Dialogue on Population and Sustainable Development, which is vital to the ongoing strategic and political development of the subject matter and to the consolidation of alliances and partnerships at the international level. See also [chapter C2](#) below on the German Government’s work in this area of development policy.



Children holding up banners with their demands in front of the Bundestag to mark Universal Children's Day, 20 September 2020 © picture alliance/dpa – Jörg Carstensen

B4 Human rights of children and adolescents

Children and adolescents have their own rights which must be respected, fostered and protected at all levels. Children's rights fall within the universal human rights which the German Government has pledged to uphold, alongside its EU partners, within the framework of international and European agreements, particularly the UN Convention on the Rights of the Child of 1989 and its three Optional Protocols. The Lisbon Treaty signed on 13 December 2007 also contains explicit provisions on protecting the rights of the child (Article 3 (3) and (5) of the Treaty on European Union).

The Convention on the Rights of the Child has been ratified by more countries than any other human rights agreement. In conjunction with the three Optional Protocols, it defines a comprehensive catalogue of legally binding international norms for the advancement and protection of children's rights. It contains four principles of particular importance

which apply to all measures affecting children, namely non-discrimination (Article 2), the primacy of the child's best interests (Article 3), the child's right to life and development (Article 6) and overall respect for the child's views (Article 12).

The German Government is fervently committed to seeing these principles, along with all other provisions of the Convention, recognised and effectively put into practice around the world. The Coalition Agreement between the CDU, CSU and SPD for the 2018-2021 legislative term stipulates that fundamental rights of the child are to be explicitly grounded in the Basic Law. The intention is to make it clear that children possess fundamental rights and that their rights have constitutional status. In the autumn of 2019, the federal-Länder working group on enshrining children's rights in the Basic Law submitted its final report on how its purpose might be achieved. The Federal Ministry of Justice and Consumer Protection has produced a ministry draft for a bill on the basis of that report. The German Government's internal discussion of that draft is still ongoing.

In April 2019, the German Government submitted Germany's combined fifth and sixth supplementary report to the UN on the implementation of the UN Convention on the Rights of the Child in Germany in accordance with Article 44 of that agreement. The report covers two reference periods combined – 2010-2014 and 2015-2019.

When examining national reports, the Committee on the Rights of the Child also consults reports from civil society. The Supplementary Report published by the National Coalition Germany in October 2019 contains 147 recommendations. The main topics include child poverty, inequality of educational opportunities, experience of discrimination and enshrining children's rights in the Basic Law. In November 2019, children and adolescents presented Federal Family Affairs Minister Franziska Giffey with the Second Child Rights Report. The Child Rights Report details how children and adolescents in Germany assess the implementation of the Convention on the Rights of the Child and is also submitted to the Committee on the Rights of the Child.

The Committee on the Rights of the Child then hosts consultations in Geneva with representatives of civil society and finally with Germany.

During its start-up phase, the monitoring unit at the German Institute for Human Rights, funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, has established itself as a competent point of contact in matters of children's rights. It functions as an independent agency to monitor the implementation in Germany of the Convention on the Rights of the Child.

Inclusion of children and adolescents

Children and adolescents have a right to freely express their views in all matters affecting them, to be heard and for their views to be given due weight (Article 12 of the Convention on the Rights of the Child). Getting young people involved is a guiding principle for the German Government and is of particular importance when it comes to developing and implementing the Government's Youth Strategy. The Youth Strategy places the interests and needs of 12- to 27-year-olds at the heart of social and political action. Its goal is a society which involves the younger generation in decisions that affect them and which gives all adolescents and young adults the best possible conditions for meeting the challenges of their youth. A shared interministerial understanding of the state of play in nine areas for action and the requirements derived from that knowledge form the basis of various measures within the Youth Strategy intended to tangibly improve young people's lives.

Alongside the direct involvement of young people, civil-society organisations, youth advocacy groups, the Länder and local authorities' national associations are also included in the development and implementation process via the advisory board for the Youth Strategy at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Young people have had and still have the opportunity to participate directly in the process of developing and implementing the strategy at the *JugendPolitikTage* ("Youth politics days") run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, themed *Jugendaudits* ("Youth audits") on the above-mentioned areas for action and a Federal Youth Conference on the Youth Strategy. However, the special weight of youth involvement in the context of the Youth Strategy can also be seen in the nationwide projects, run by various ministries to develop, qualify and implement participation, which have found their way into the catalogue of measures listed within that strategy.

Early-years education for equal opportunities

The legal entitlement to early-years support for children from the age of one was established in 2013, and to implement it, the Federation, Länder and local authorities have undertaken a wide range of measures to enhance early-years education and childcare.

Through four investment programmes, the special childcare-expansion fund has provided the Länder with financial assistance totalling some €4.4 bn since 2008 to create new daycare places. In 2020 and 2021, the Federation is making an additional €1 bn available for expanding daycare as part of its stimulus package to combat the effects of COVID19, safeguard prosperity and enhance sustainability.

Through the Good Daycare Act, the Federation supports the Länder in their endeavour to further enhance the quality of daycare and improve uptake of early-years education and childcare services.

In addition, the Federation uses the federal qualified-professionals programme for nursery school teachers, *Nachwuchs gewinnen, Profis binden*, to support the Länder and providers in attracting new blood, keeping educators in their careers in the long term and giving them promotion prospects.

With its federal daycare-access programme *Kita-Einstieg: Brücken bauen in frühe Bildung*, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth promotes easy-access services which prepare and support children's enrolment in daycare.

The federal programme *Sprach-Kitas: Weil Sprache der Schlüssel zur Welt ist* ("Language kindergartens: Because language is the key to the world") is aimed at daycare facilities which look after an above-average proportion of children requiring special support with language acquisition.

Special protection against violence and exploitation for children and adolescents

The German Government remains in constant pursuit of the aim of improving the protection of children and adolescents against violence, including sexual violence and exploitation. In 2018, in accordance with its Coalition Agreement, the German Government created strong protection, prevention and intervention structures to combat sexual violence in childhood and adolescence. For example, the decision was taken to permanently establish the office of Independent Commissioner for Child Sexual Abuse Issues, a permanent Council of Victims and Survivors was established, and the work of the Independent Inquiry Commission was extended to the end of 2023.

On 2 December 2019, the Federal Family Affairs Minister and the Independent Commissioner for Child Sexual Abuse Issues convened a National Council on Sexual Violence Against Children and Adolescents. The Council is intended to further improve prevention, intervention, support and research in respect of sexual violence and exploitation targeting children and adolescents.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supports working with the internet economy to combat the sexual exploitation of children and adolescents, and it funds jugendschutz.net, the federal-Länder centre of excellence for

the protection of minors on the internet, as well as the complaints departments of eco – Association of the Internet Industry and the Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM e.V.), and the Federal Review Board for Media Harmful to Minors. Deletion statistics are recorded in the annual German Government report compiled under the lead of the Federal Ministry of Justice and Consumer Protection and the Federal Ministry of the Interior, Building and Community on measures for the deletion of telemedia containing child pornography as defined by section 184b of the German Criminal Code.

Prevention and protection strategies against sexual violence

The nationwide *Trau Dich!* (“Have courage!”) initiative for the prevention of sexual violence, run jointly by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Centre for Health Education, will be continued until 2022 (see the Thirteenth Human Rights Report). The initiative is currently being implemented in ten different Länder, and three Länder have adopted the prevention stage play.

The nationwide pilot scheme *Beraten und Stärken* (“Advise and empower”) to protect girls and boys with disabilities from sexual violence in institutions has funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth until 2020, and work is continuously ongoing to establish protection strategies in institutions where children and adolescents with disabilities live and receive education.

A child-friendly justice system

Since the summer of 2019, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been aiding quality development and quality assurance for child-friendly justice through its federal pilot scheme for good child-protection procedures. Interdisciplinary training on child protection, including e-learning provision, is to be given to family-court judges and specialists working in children’s and youth services. Judicial and administrative procedures are to be made more child-friendly and age-appropriate.

Supplementary Support Systems and Sexual Abuse Fund

The Supplementary Support System for Survivors of Sexual Abuse in Childhood or Adolescence has been in place since May 2013 in conjunction with the Sexual Abuse in Family Settings Fund and the Supplementary Support System for Survivors of Sexual Abuse in Institutional Settings (see pp. 78-79 of the Thirteenth Human Rights Report). It supplements the existing network of social-welfare systems and provides survivors with assistance, suited to actual needs and easy to access, in dealing with their traumatic experiences.

To date, more than 14,400 survivors have applied for assistance from the Sexual Abuse Fund.

Alongside the Länder, there are 15 non-governmental institutions providing access to help for people who have suffered sexual violence in institutional settings.

Coordination of support and advice services protecting children and adolescents from violence nationwide

On the basis of the Federal Child Protection Act (*Bundeskinderschutzgesetz*) – specifically, section 3 (4) of the Child Protection (Cooperation and Information) Act (*Gesetz zur Kooperation und Information im Kinderschutz*) – the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth set up the Federal Foundation for Early Childhood Intervention on 1 October 2017. The Federation equips the Foundation with an annual budget of €51 m. The Foundation uses that money to make sure there are comparable and quality-assured support and networking structures for early-childhood intervention available across the country (see the Thirteenth Human Rights Report).

Maintained by the Federal Centre for Health Education in collaboration with the German Youth Institute, the National Centre for Early Prevention provides national quality-development and quality-assurance measures to help the Foundation fulfil its purpose.

Early-childhood intervention consists of easy-to-access and non-mandatory services for families. They are particularly aimed at parents and prospective parents and families with children up to the age of three who have an increased need for advice and support due to various psychosocial pressures but in many cases have difficulty accessing such support. Early-childhood intervention is primarily based on multi-professional cooperation, though it also includes civic engagement and reinforcement of families' social networks. The focus is on successful parent-child bonding, healthy childhoods and protection from violence.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is committed to maintaining support services for families in the area of preventive child protection in spite of the COVID19 crisis. Professionals working in early-childhood intervention can make greater use of and claim for digital and telephonic communication options to counsel families. The National Centre for Early Prevention moreover provides a continuously updated set of FAQs to support those professionals in their day-to-day work in a time of pandemic. An online training option is also to be made available in the near future for people working or preparing to work in early-childhood intervention.

Together with the research facility *Institut für Sozialpädagogische Forschung Mainz*; IGfH, the German section of the International Federation of Educative Communities; the University of Hildesheim; and DIJuF, the German Institute for Youth Human Services and Family Law, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has built a communication and knowledge-sharing platform to help the professionals shape support services for children and young people during the COVID19 pandemic (www.forum-transfer.de). Since April 2020, it has provided the latest notices, recommendations and thematically arranged examples of good practice showing how those working in child and youth support services can manage the current situation. Online seminars for professionals are also provided.

During the lockdown imposed by the COVID19 pandemic, special importance attached to services which were aimed directly at children and adolescents and which they could use to get help. Existing online services for children and adolescents as well as for parents were therefore expanded at short notice and had their counselling capacity increased. Examples include the *Nummer gegen Kummer* helplines for children and adolescents (tel.: 116 111) and parents (tel.: 0800 111 0550) who need someone to talk to, and the online advisory service provided by the Federal Conference for Child Guidance Counselling (www.bke.de) for parents and adolescents of 14 years or older. At the same time, the *JugendNotmail* online crisis advice service for young people in mental distress is being expanded and extended (www.jugendnotmail.de).

For the moment, the official statistics on child and youth support only reflect cases of suspected child endangerment of which the Youth Welfare Offices had become aware up to the end of 2018. Therefore, to generate up-to-date and reliable data in the situation created by the COVID19 pandemic, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently conducting a follow-up survey in collaboration with the Länder and the local authorities' national associations, asking Youth Welfare Offices about the endangerment assessments they have conducted under section 8a (1) of Book VIII of the Social Code since 1 May 2020.

The German Government remains committed to improving access to specialist counselling for those affected by sexual violence in childhood or adolescence. The BKSF, the federal coordination bureau funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to provide specialist counselling to combat sexual violence in childhood and youth, remains committed to ensuring that counselling services have long-term financing based on actual need and to closing gaps in care (see the Thirteenth Human Rights Report). The federal pilot scheme *Wir vor Ort gegen sexuelle Gewalt* (“We on the ground against sexual violence”) was initiated to strengthen specialist counselling provision in rural areas. The goal is to advance the development and expansion of specialist counselling providers in rural areas and to establish such providers as regional centres of excellence in matters of sexual violence.

Protection and help against the trafficking in and exploitation of children

In the interests of better protecting children from sexual exploitation in travel and tourism and in cases of child trafficking, a range of awareness-raising measures and a long-established reporting platform called *Nicht wegsehen* (“Don’t look away”) are being run in cooperation with ECPAT. Meanwhile, nationally, the Länder are pushing forward with the implementation of the Federal cooperation concept “Protection and help in cases of trafficking in and exploitation of children”.

To mark 18 November as the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, the German Government held a network conference on 19-20 November 2018 to facilitate dialogue between academics and professionals, thereby to improve protection for children and adolescents against sexual violence.

An academic platform is currently being set up to provide education and support with regard to sexual violence in organised and ritualised power structures.

Protection of Young People in Public Act (*Jugendschutzgesetz*)

To bring the protection of minors in the media up to date, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth introduced a bill to amend the Protection of Young People in Public Act, which, with an emphasis on the rights of the child, identifies risks of interaction such as bullying and grooming as matters for the protection of minors in the media, creates better guidance for children, adolescents, parents and professionals, and obliges service providers to take preventive steps. The intention is to protect children and adolescents more effectively from being contacted by potential abusers through social

media and online games. They are moreover to be given the chance to take part in life in an untroubled way and grow up with a positive relationship with digital media, in line with the provisions of the UN Convention on the Rights of the Child.

Protection of refugee children

In Germany, accommodating, providing for and taking care of unaccompanied foreign minors is primarily the responsibility of child and youth support services. The primacy of child and youth support services ensures that the young people involved are housed, fed and looked after in a manner designed to safeguard children's well-being.⁹

An evaluation is currently under way to assess the impact of the Act to Improve Accommodation, Provision and Care for Foreign Children and Young People (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*). The findings of the evaluation have to be submitted to the German Bundestag by 31 December 2020.

The Federal Initiative to Protect Refugees and Migrants in Refugee Accommodation Centres, run jointly by UNICEF and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, is continuing. Alongside the projects enumerated above (see [chapter B3](#)), one project in particular, *Kinder schützen – Strukturen stärken* ("Protect children – strengthen structures"), run by Save the Children in cooperation with Plan International, supports three Land governments' counselling and assistance provision in order to further develop child protection in the context of refugee accommodation and to link it up to the existing child protection systems in each Land.

Under sections 44 (2a) and 53 (3) of the Asylum Act, the Länder are supposed to take appropriate steps to protect women and vulnerable groups in reception centres and collective accommodation. It is apparent from the legislative statement of purpose that "vulnerable groups" as understood in this law particularly include minors.

Since 2016, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has funded a project to promote host families, sponsorships and guardianships for unaccompanied foreign minors. In its first phase, which ran until the end of 2018, the project concentrated on drumming up foster families to host unaccompanied foreign minors.

⁹ Greater detail on this point can be found on pp. 62-63, chapter A4, of the Twelfth Human Rights Report and on p. 80 of the Thirteenth Human Rights Report.

(The relevant brochure on host families, sponsorships and guardianships for young refugees is available in German at www.familien-fuer-junge-fluechtlinge.de/wp-content/uploads/Abschlussbericht_2018_Monitor.pdf)

Starting in 2019, the chief focus of the project switched to recruiting and assisting volunteers to become guardians and putting together the requisite guidelines (2019-2020 German Government Action Plan for Human Rights, No. 12: Promoting the rights of migrants, asylum seekers and refugees).



Cartographer Katharina Kohnen and Andre Neutag (right), physiotherapist and remedial teacher specialising in inclusion, begin a four-day walk from Leipzig to Dresden in the Auenwald. Benny Tröllmich (left), adviser with the organisation *Leben mit Handicap* (living with a handicap), who is blind himself, accompanies them on the first 12 kilometres. The walk is intended to draw attention to inclusion shortcomings in daily life.
© picture alliance/dpa – Waltraud Grubitzsch

B5 Human rights of people with disabilities

Labour market access

In 2019, the Bundestag called on the German Government to examine within four years how a transparent, sustainable and future-proof remuneration system could be developed for people with disabilities working in sheltered workshops. To implement that Bundestag resolution, an interdisciplinary research project has been under way since August 2020. It is not only investigating remuneration in sheltered workshops but also looking into possible alternatives for people with disabilities on the mainstream labour market, such as the Budget for Work subsidy and support system or employment following in-house training as part of supported-employment schemes.

The employment situation of people with severe disabilities on the mainstream labour market has been steadily improving in recent years. There were on average 154,696 people with severe disabilities unemployed in 2019, which is the lowest that figure had been in 12 years. Initiatives and programmes like the Inclusion Initiative for Training and Employment or the SME-support network *Unternehmensnetzwerk INKLUSION* have been operating for some years to keep improving the level of inclusion in working life enjoyed by people with disabilities. In addition, the *Einstellung zählt – Arbeitgeber gewinnen* (“Employment counts – employers gain”) initiative launched in April 2019 is aimed specifically at businesses with mandatory employment quotas which nevertheless have no staff or trainees with severe disabilities. The main objective is to inform and persuade those employers and thereby get them on side to give jobs to people with severe disabilities.

Education

One key requirement of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the obligation to create an inclusive education system. Since education lies primarily within the remit of the Länder, federal action in this area is largely focused on three of the instrumental goals from National Action Plan (NAP) 2.0, namely raising awareness, improving the data stock and building connections among the various stakeholders.

The Länder pursue the objective of guaranteeing inclusive schooling – children, adolescents and young adults with and without disabilities learning together with full and effective inclusion for all – while consolidating and continuing to develop the standards that have been achieved so far in special-needs education, counselling and support. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany is moreover creating the necessary framework for teaching staff to gain additional skills. Its recommendations are currently being reviewed for each of the specific special-needs focus areas in turn, starting with learning in March 2019. The Länder update regularly on the progress on putting inclusive education into practice both in the bodies of the Standing Conference and in an annually updated overview. While only 31.4% of all pupils receiving special-needs support attended general schools in 2013-2014, that figure had risen to 42.3% by the 2018-2019 school year.

The measures for young people with severe disabilities are supplemented by a careers-guidance programme for the lower-secondary level at general-education schools. Through vocational training providers, the programme encourages meaningful analysis of potential and supports practical workshop days for adolescents. This also benefits pupils with disabilities at special-needs schools (currently around 18.5% of participating schools) as well as those in inclusive classes (data are not collected on what proportion of the young

people have disabilities). The programme's annual budget currently stands at €77 m, which funds measures serving some 195,000 pupils each year. The careers-guidance measures provided by the Länder are also designed to be inclusive.

Another contributor to the implementation of the UNCRPD is the national programme to improve the quality of teacher training, *Qualitätsoffensive Lehrerbildung*, which includes a drive to modernise teacher training with regard to the demands of heterogeneity and inclusion and which the Federal Ministry of Education and Research is funding to the tune of up to €500 m between 2015 and 31 December 2023.

The Ministry also contributes to the implementation of the UNCRPD and NAP 2.0 via the research focus on inclusion within its Framework Programme for the Promotion of Empirical Educational Research.

The 2017-2021 funding guidelines on qualifying teaching staff for inclusive education help prepare teachers in all areas of education to handle inclusive teaching and learning processes. The funding guidelines on support-related diagnosis in inclusive education, formulated in late 2019, are designed to enhance the quality of diagnosis in mixed systems and thereby improve learning outcomes for all pupils. The Federal Ministry of Education and Research continues to fund and support the European Agency for Special Needs and Inclusive Education.

The Ministry's funding guidelines on inclusion through digital media in vocational training are intended to support people with disabilities in using digital media innovatively as they learn and, in the long term, engage in a vocational occupation.

For more on this, see also Germany's combined second and third reports on its implementation of the UNCRPD (2019) and its 37th report on the European Social Charter (2019).

Healthcare

Germany's statutory health insurance provides all those insured with comprehensive care should they fall ill. They have access to all medically necessary treatments as developed to date, regardless of how much they have paid into the system or of their age, gender or state of health (see [chapter B2](#) above).

However, people with disabilities do still face obstacles when it comes to accessing doctors' practices. Many practices are not completely accessible, particularly for people with reduced mobility.

Under section 20h of Book V of the Social Code, providers of statutory health insurance have an obligation to promote health-related self-help, i.e. mutual assistance among similarly affected people in dealing with chronic illnesses or disabilities. To enhance support for self-help, the Health Promotion and Disease Prevention Act (*Präventionsgesetz*) in 2015 significantly increased the relevant funding available to statutory health insurers. As a result, the budget for self-help in 2020 is €1.15 per insurance customer, or €83.9 m altogether. The providers of statutory health insurance have an obligation to actually spend that money.

Access to justice

Germany guarantees barrier-free access to the justice system for people with disabilities. In NAP 2.0 to implement the UNCRPD, adopted on 28 June 2016, the German Government set itself the goal of improving disabled access to the judiciary and expanding further training schemes. It reported on these measures in its combined second and third reports to the relevant UN Committee.

Information is increasingly made available in fully accessible formats. This goal is served by the Ordinance on Making Documents Accessible to Blind and Visually Impaired People in Legal Proceedings (*Verordnung zur barrierefreien Zugänglichkeit von Dokumenten für blinde und sehbeeinträchtigte Menschen in Gerichtsverfahren*), with documents being made available in written and digital formats. People with hearing and/or speech impairments can choose whether they would prefer to use spoken, written or sign language in their communications with the judiciary. Accused persons in criminal proceedings who have impaired vision, hearing or speech receive mandatory defence counsel if they request it.

For victims of crime, the judicial authorities of the Länder maintain registers of recognised providers of psychosocial assistance in criminal proceedings. In criminal proceedings, in accordance with the conditions set out in the German Code of Criminal Procedure, victims of crime can have psychosocial assistance assigned to them by the court.

Taking the needs of people with disabilities into account is part of general training for prospective and existing staff as well as the subject of special courses and conferences. Judges, public prosecutors and correctional officers receive comprehensive training in, among much else, applying the UNCRPD and the national provisions implementing it.

Implementing the UNCRPD: NAP 2.0 and future updates

The entry into force of the UNCRPD in Germany was a sign that disabilities policy is not just a social-affairs matter but a horizontal topic that touches on all areas of life and thus all areas of policy. This is the basis on which the German Government compiled its National Action Plan (NAP) to implement the UNCRPD. In 2016, when the NAP was reworked to become NAP 2.0, the cross-portfolio approach was further consolidated in that, in the interests of disability mainstreaming, all the federal ministries contributed measures. The first interim report followed in 2018. The review of progress made in the 13 fields of action showed that numerous measures had already been successfully completed or put in place as continuous features.

As the NAP is a dynamic programme rather than a finalised document, it is regularly updated and is in fact currently undergoing revision.

In the course of that work, in mid-2020, the federal ministries examined their measures since 2016 as well as new ones and updated the status of measures contained in NAP 1.0 and NAP 2.0. The report on the catalogue of measures and on progress made will be submitted at the end of 2020 and published on the Federal Ministry of Labour and Social Affairs web platform www.gemeinsam-einfach-machen.de in order to transparently inform the public about the current state of implementation. The progress made is regularly reported to the NAP Committee, which comprises representatives of disability, social and charitable organisations, management and labour, and academia as well as the Federal Government Commissioner for Matters Relating to Persons with Disabilities.

Accessibility

In accordance with Article 9 of the UNCRPD and the Action Plan in the Thirteenth Human Rights Report, the German Government worked during the reference period to guarantee equal access for people with disabilities to the physical environment, means of transport, and information and communications, including information and communications technology, and to continue improving accessibility.

For example, as already outlined in Germany's combined second and third reports on its implementation of the UNCRPD, financial assistance from federal and Land urban-development funds has been helping local authorities invest in urban-development measures designed to facilitate access for people with disabilities. Further to this, the Federation funds pilot schemes to generate accessibility in the public sphere.

Together with the Federal Chamber of Architects, the Federal Government Commissioner for Matters Relating to Persons with Disabilities has run several conferences on ideas and good examples of inclusive building from the fields of architecture and urban planning. The aim of these conferences is to raise awareness of accessible construction and inclusive urban planning among architects and urban planners as well as to help implement the provisions of Article 9 UNCRPD.

Within the framework of their service-level and funding agreement, the Federation provides the federal railway infrastructure companies with funds for replacement investment in the network, and measures which create accessibility are eligible to receive that funding.

As stipulated in the Construction and Operation of Railways Regulations (*Eisenbahn-Bau- und Betriebsordnung*), Deutsche Bahn (DB AG) worked in close cooperation with organisations of people with disabilities to establish its third accessibility programme, which started in 2019 and runs until 2023. The programme includes a large number of measures for people with impaired mobility or short stature, and for those who are blind or have visual or hearing impairments. The fourth programme, to run from 2021 to 2025, is currently being put together.

During the reference period, regional conferences were held under the aegis of the inclusion initiative *Initiative SozialraumInklusiv* – one on mobility, another on housing in an inclusive social environment – with the involvement of important stakeholders. The conferences showcased good examples, from various regions of Germany, of how to create an inclusive social environment.

The Federal Inclusion Award for Inclusive Mobility was conferred for the first time in 2019. This annual prize is intended to recognise examples of good practice and pilot schemes which show what can be done to foster an inclusive social environment and which can be repeated in other communities and regions nationwide.

Also featuring during the reference period were the implementation of the accessibility amendments added to the Federal Act on Gender Equality (*Bundesgleichstellungsgesetz*) that the German Bundestag adopted in 2018 and, most recently, measures to improve accessibility particularly in the context of the COVID19 epidemic.

Women with disabilities – protection from violence

Studies have shown that women and girls with disabilities face a greater risk of violence. As this is a global phenomenon, Article 16 UNCPRD obliges the states parties to protect all people with disabilities from all forms of exploitation, violence and abuse, including their gender-based aspects. In addition, Article 6 UNCPRD refers to women and girls with disabilities being subject to multiple discrimination and obliges the states parties to take steps to ensure their full and equal enjoyment of all human rights and fundamental freedoms. This is also referenced in paragraph 36 of the Concluding Observations made by the UN Committee on the Rights of Persons with Disabilities with reference to the most recent report from Germany (2015). The Committee recommends that Germany provide a comprehensive and effective strategy with adequate funding to ensure that women and girls with disabilities are effectively protected against violence in all public and private settings. It was on this basis that protection against violence was also included in NAP 2.0 to implement the UNCPRD.

The NAP therefore also contains measures to improve support services and protection against violence for women and girls with disabilities. Priorities for action are to promote better representation for women with disabilities, enhance their opportunities for involvement in sheltered workshops, and strengthen protection against violence for women with disabilities. In connection with this, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is funding a project on political representation for women with disabilities run by the non-profit association *Weibernetz e.V.* for three years, starting in March 2018. The project pursues the same priorities for action. *Weibernetz e.V.* is the only organisation run for women with disabilities by women with disabilities which operates nationwide. Funding this association is part of implementing Article 4 UNCPRD, which stipulates that the parties concerned are to be actively involved in the planning and implementation of measures affecting them.

Funding *Weibernetz e.V.*'s latest project, on strengthening the nationwide network of commissioners for women's affairs in institutions, is intended to establish an independent lobby for women's affairs commissioners working in institutions, to independently and sustainably stand up for their needs and interests. The project was launched in 2019 for a duration of three years.

It is a particular problem that responsibility for protecting people with disabilities is spread among various state and private stakeholders. It follows that any strategy for protection against violence must transcend the boundaries of different remits and levels. With that in mind, the Federal Ministry of Labour and Social Affairs has commissioned a study to map the structural violence faced by people with disabilities and the gaps in the defences that are supposed to protect them. An amendment to Book IX of the Social Code is intended to give legislative backing to the protection of people with disabilities against violence.

Inclusion

The UNCRPD states in Article 31 that each country undertakes to collect appropriate information, including statistical and research data, to enable them to assess the implementation of their obligations under the Convention. The German Government funds a representative poll on inclusion of people with disabilities which has been running since 2017.

The survey examines the levels of inclusion enjoyed by people with impairments (dysfunction, disease) who experience hindrances in various areas of life as they interact with their physical and social environments or because of a lack of assistive equipment, remedies and/or the relevant personnel. The objective of the study is to provide reliable information about the world in which people with impairments or disabilities live, as empirically compared to those without.

The inclusion study polls people living in private households as well as residents of integration-support or geriatric-care facilities. The overall findings will be available in 2021 and will find expression in the Federal Government Reports on Participation with Regard to the Circumstances of Persons with Impairments, which are published each legislative term.

The third phase of the Federal Participation Act entered into force on 1 January 2020. As part of this, integration support was incorporated into rehabilitation and inclusion law as a separate element of benefits legislation and comprehensively updated, in order to facilitate a people-centred approach to providing support in the spirit of the UNCRPD. The associated reform of the integration-support system will be accompanied and examined by academic study until 2022. As with the drafting of the Federal Participation Act, there is close collaboration here with service and funding providers as well as constant dialogue with people with disabilities and their organisations. The German Government briefed the Bundestag and Bundesrat on the implementation of the concomitant research programme at the end of 2018 and 2019.

In social-compensation law, Book XIV of the Social Code, which was promulgated on 19 December 2019, covers a number of the UNCRPD's key objectives. In many cases, because of the personal injuries they have suffered, people entitled to assistance under Book XIV of the Social Code are people with disabilities as understood by the UNCRPD. The new law separates inclusion assistance from the welfare system, making it more effective, and establishes various emergency-support services, particularly those of walk-in trauma clinics. Book XIV of the Social Code enters into force in 2024.

B6 Human rights in migration, integration and the protection of refugees and national minorities

Deportation bans (UPR recommendation 121)

When carrying out checks in accordance with section 60 (5) and (7) of the Residence Act, the Federal Office for Migration and Refugees particularly verifies whether the third-country national (foreigner) enforceably required to leave Germany would, if deported to the other country, face a substantial concrete threat to life and limb or liberty and/or be at risk of torture or other cruel, inhuman or degrading treatment or punishment.

Access to justice/due process for refugees (UPR recommendation 128)

Only if conditions for none of the four types of protection – asylum, refugee status, subsidiary protection or a deportation ban – are met in the recognition procedure do applicants for asylum receive a rejection in combination with a deportation notice.

In all cases, rejected applicants have the right to contest the rejection. They can lodge an appeal with the relevant administrative court against the decision of the Federal Office for Migration and Refugees and request an interim injunction. As a rule, the appeal must be lodged within two weeks. The written rejection contains an explanation of the legal remedies available to the applicant as well as the associated deadlines. Even if applicants receive notification of recognition, they have the right of appeal – except if they have been recognised as a refugee.

The administrative court then reviews the decision reached by the Federal Office for Migration and Refugees. If it is found that conditions entitling the applicant to protection are met, the court overturns the decision and obliges the Federal Office for Migration and Refugees to grant one of the above-named types of protection. If the court reaffirms the rejection in relation to all the types of protection, the appeal is dismissed and the person remains obliged to leave the country. Should the person fail to fulfil that obligation of their own free will, they can be forcibly removed by way of repatriation, which is the responsibility of the relevant foreigners authority. This also applies when no appeal is lodged. If repatriation is not possible, the foreigners authority can grant suspended-deportation status or even a residence permit.

Right of residence for women who have suffered domestic violence (UPR recommendation 196)

Under section 31 of the Residence Act, women who have become victims of domestic violence can be granted their own right of residence even if their marriage is less than three years old. This is an option in cases of particular hardship as specified in section 31 (2). Other protections for affected women, outside the realms of residence legislation, also remain in place.

Family reunification (UPR recommendation 237)

The principles governing the subsequent immigration of spouses and dependants to rejoin third-country nationals, including those eligible for protection, are set out in sections 27 to 36a of the Residence Act.

The Family Reunification Amendment Act (*Familiennachzugsneuregelungsgesetz*) – under which, in accordance with section 36(a) of the Residence Act, up to 1000 people each month can be permitted on humanitarian grounds to join a close family member who is eligible for subsidiary protection – has been in force for more than two years. The Act strikes an appropriate balance between an interest in managing the influx of foreigners on the one hand and the affected parties' interest in being reunited with their families on the other. In the view of the German Government, the procedure has established itself well.



*Bike demonstration in Oldenburg, Lower Saxony, to highlight the living conditions in a refugee shelter
© picture alliance/Hauke-Christian Dittrich – Hauke-Christian Dittrich*

Upholding the human dignity of asylum seekers in reception centres (UPR recommendation 238)

In the Federal Republic of Germany, the accommodation and medical care of asylum applicants lies within the remit of the Länder under section 44 (1) of the Asylum Act and section 10 of the Asylum Seekers Benefits Act. Sections 44 (2a) and 53 (3) of the Asylum Act in particular explicitly provide for measures to protect women and other vulnerable people in refugee accommodation. Germany's constitutional order does not allow for the Federation to issue instructions in respect of matters that are the particular concern of the Länder.

The German Government will continue to strengthen the protection of women and vulnerable groups in refugee accommodation and, to that end, carry on with its initiative run jointly by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, UNICEF and partners from civil society (see also [chapter B3](#) above).

Improving the situation of women seeking asylum (UPR recommendation 239)

The Federal Republic of Germany is striving to further improve the situation of refugees and asylum seekers, especially women and girls. A key part of this is a swift and fair asylum process. Various additions to the regulatory framework have served to advance this goal in recent years. At the heart of asylum procedure is the task of safeguarding all rights and guarantees for those seeking asylum. This applies most particularly with regard to women and girls, to whom special guarantees pertain. Extensive training and awareness-raising measures in this area have been provided for the staff involved in asylum procedure. The focus of these measures was primarily on identifying special requirements demanding prompt responses and on responding appropriately to such requirements, which may mean special relief, support services or the involvement of civil-society organisations providing assistance.

Human rights checks prior to end of residence (UPR recommendation 240)

In Germany, carrying out deportations – directly enforcing rejected applicants' obligation to leave – is the responsibility of the Länder, usually their foreigners authorities. The relevant authorities only carry out deportations if no obstacles precluding deportation stand in the way. The relevant authorities always check whether such obstacles exist on a case-by-case basis. As part of the check for destination-related obstacles precluding deportation under section 60 (5) and (7) of the Residence Act, the Federal Office for Migration and Refugees (on behalf of the relevant Länder authorities) particularly checks whether the foreigner would face a substantial concrete threat to life and limb or liberty if deported to the other country. Over and above this, the relevant Länder ministries can suspend deportations of specified groups of foreigners with an enforceable obligation to leave for several weeks, up to a maximum of three months (temporary suspension of deportation in line with section 60a (1) of the Residence Act). The people concerned are granted suspended-deportation status for the period in question. This happens, for example, when an acute disaster or crisis occurs in the destination country.

Access to free legal advice for asylum seekers (UPR recommendation 253)

A legislative amendment brought section 12a of Germany's Asylum Act, on asylum-procedure counselling, into force in August 2019. This legal instrument stipulates that the national asylum authority – the Federal Office for Migration and Refugees – provide independent state counselling on asylum procedure for asylum seekers. The counselling is free as well as voluntary for asylum seekers, and it is offered in two phases.

The first phase of the counselling normally takes place prior to submission of the asylum application and thus prior to the interview. In group sessions, the Federal Office for Migration and Refugees informs asylum seekers about how the asylum procedure works, what its different elements are and what options people have to return to their countries of origin. Building on this, the second phase gives all asylum seekers the opportunity for one-to-one asylum-procedure counselling, provided by the Federal Office for Migration and Refugees or charitable organisations. Access to one-on-one counselling on the asylum procedure is available to asylum seekers from before they submit their applications and attend their interviews, until the official process is concluded.

Every asylum seeker in Germany is free to instruct legal counsel at any stage of the asylum procedure and to appeal against the decision if their application is rejected. They are told about this in the course of the asylum-procedure counselling described above. In principle, asylum seekers who lack funds but require counsel and representation in the asylum procedure can apply for a certificate of eligibility for counselling support, which would see the state assume part of the costs entailed by the legal counsel.

Providing special protection for vulnerable groups of migrants (UPR recommendation 254)

As part of the general asylum-procedure counselling, asylum seekers are informed that, if they belong to a group with vulnerabilities that may have a bearing on the procedure or on the decision, they can mention this when they submit their application or, at the latest, during their interview. If such vulnerabilities are identified in the course of asylum-procedure counselling, the counselling providers can, subject to the asylum seeker releasing them from the duty of confidentiality, pass the relevant information on to the departments responsible for asylum matters or application processing within the Federal Office for Migration and Refugees, so that it can take the vulnerabilities into account. If applicants have been identified as traumatised, or if torture or gender-based persecution is a factor, then the interviews conducted as part of the asylum procedure are attended

by specially trained and sensitised officials, such as specially-commissioned case-officers for torture victims, trauma sufferers and victims of human trafficking. Those officials therefore also have a responsibility to assess the associated needs and vulnerabilities.

In Germany, custody awaiting deportation is not punitive detention. Minors, families with minor children or representatives of other vulnerable groups can only be taken into custody awaiting deportation in exceptional circumstances, and then the duration must not be longer than appropriate, with special priority duly given to children's well-being. Since there are alternatives to custody awaiting deportation when it comes to unaccompanied and accompanied minors, detaining a minor would in most cases be disproportionate.

Under sections 44 (2a) and 53 (3) of the Asylum Act, the Länder are to take appropriate steps to protect women and vulnerable people in refugee accommodation. The German Government will continue to enhance the protection of women and vulnerable groups in refugee accommodation and, to that end, carry on with its initiative run jointly by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, UNICEF and other partners (see also [chapter B3](#) above).

Registering the birth of migrants' children regardless of residence status (UPR recommendations 258 and 259)

Civil-status law in Germany says that migrants can register the birth of their child in Germany irrespective of their own status under residence legislation. Once a birth has been recorded, an appropriate civil-registration document – a birth certificate or extract from the register of births – is issued as swiftly as possible. These documents are equivalent under the law, and either serves as proof of the birth having been registered. They can be used to access social services, healthcare and education.

Sinti and Roma (UPR recommendations 213 and 215) and promoting minority media and languages (UPR recommendation 216)

The German Government sets great store by the protection of national minorities. Those recognised as national minorities in Germany are the Danish minority, the Frisian ethnic group, the Sorbian people and the German Sinti and Roma.

The applicability of the Council of Europe Framework Convention for the Protection of National Minorities is thus assured – as set out in the memorandum issued by the German Government when the Convention was ratified – for all ethnic groups which differ from the majority population and have their traditional home in Germany with their own identity (Bundestag printed paper 13/6912, p. 21).

As the Council of Europe Framework Convention for the Protection of National Minorities contains no definition of the term “national minorities”, it is up to the signatory states to define the scope of its application for themselves. The delineation chosen for the term by Germany’s federal legislature is in line with the Convention’s purpose of protecting national minorities. The Convention is not to be understood as a universal human rights instrument for all groups within a population which differ in one or more respects – ancestry, language, culture, home, origins, nationality, beliefs, religious or political ideology, sexual preference, etc. – from the majority population. That is not to say that representatives of these groups are unprotected. They have the protection of universal human rights and, if they are German citizens, of our civil rights. These rights are sufficiently well established by domestic legislation in Germany and underpinned by the ratification of a large number of relevant international agreements.

The German Government moreover supports and promotes the aims of the European Charter for Regional or Minority Languages. The Charter has been in force in Germany for more than 20 years. In conjunction with the Framework Convention for the Protection of National Minorities, the Charter affords wide-ranging protection to national minorities and their languages as well as regional languages. Six minority languages traditionally spoken in Germany are protected and promoted here as endangered aspects of European cultural heritage – Danish, North Frisian, Sater Frisian, Romani, Lower Sorbian and Upper Sorbian – as is one regional language, Low German.

That special protection also extends into the media sphere, as covered by Article 11 of the Charter.

Constrained by the constitutional principle of separation between broadcast media and the state, the authorities in Germany cannot and must not influence the content or form of programming by either public-service or private broadcasters. However, the Federation and the Länder do advocate for keeping minority languages alive in public-service and private media. The German Government regularly reports on measures undertaken and successes achieved, most recently in the form of the Sixth Report of the Federal Republic of Germany pursuant to Article 15 (1) of the European Charter for Regional or Minority Languages.

In Germany, federal, Land and local projects, initiatives and other measures are generally not offered exclusively for one particular minority but are aimed, as integrated elements of general social-integration policy, at all potentially interested parties. This means that Sinti and Roma can always partake of such measures, since ethnicity is of no relevance.

Germany has thus implemented the EU Framework for National Roma Integration Strategies up to 2020, which concentrates on the four core areas of education, employment, healthcare and housing, by means of (non-specific) integrated packages accompanied by political measures under the umbrella of a broad-based policy of social inclusion. The German Government produces an annual progress report on the level of integration achieved by Roma.

The EU Framework after 2020 is designed to help advance equal rights for the Roma and more comprehensively combat their socio-economic exclusion. Its heightened focus on fighting antigypsyism and discrimination is intended to complement the integration efforts of the current EU Framework.

The German Government welcomes the EU Framework's new focus. It is already taking steps to combat discrimination against minority groups, in particular Sinti and Roma, and will continue to support such measures.

The rights and democratic voice of minorities, particularly Roma, are high on the agenda planned for Germany's Chairmanship of the Council of Europe Committee of Ministers, which starts in November 2020.



Participant in a silent demonstration in Stuttgart against racism and police violence

© picture alliance/dpa – Christoph Schmidt

B7 Combating racism and other forms of hatred against particular groups

Measures to combat hate speech (UPR recommendations 54, 56, 60, 62, 65, 67, 68, 69, 70, 71, 74, 75, 87, 94, 95, 104, 106, 124, 137, 141 and 142)

In the summer of 2020, the Bundestag and Bundesrat passed the Act to Combat Right-wing Extremism and Hate Crime (*Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität*). Part of the objective is to prevent online hate and incitement spilling over into real-world crimes motivated by right-wing extremism.

To that end, the Act places an obligation on social-media network providers, as defined by the Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*), to report certain offences against personal liberty or public order, such as death threats or incitement to racial hatred, to the relevant unit in the Federal Criminal Police Office. The latter then passes

the reported content on to the law-enforcement authorities. The Act also amended the German Criminal Code, for example adding dangerous bodily harm (section 224) and certain offences against sexual autonomy (sections 177 (4) to (8) and 178) to the offences listed under section 126 on disturbing public peace by threatening to commit offences. Approving of certain offences not yet committed is now punishable too, under section 140 of the German Criminal Code. Moreover, it has now been explicitly clarified that, when fixing the penalty for an offence, antisemitic motives are to be particularly taken into consideration (section 46 (2) of the German Criminal Code).

The Act is part of a package of measures to combat right-wing extremism and hate crime that the German Government adopted in October 2019 and which also involves focusing the work of federal law-enforcement and domestic intelligence authorities more strongly on fighting right-wing extremism, creating more jobs in those agencies and enhancing prevention efforts. Additionally, a Cabinet Committee for the fight against racism and right-wing extremism has been established, its priorities including the prevention of right-wing extremism, racism and other forms of hatred against particular groups.

Publication of statistics on extremist crimes (UPR recommendation 63)

Politically motivated offences are recorded by the Police Reporting Service for Politically Motivated Crime.

Depending on the motives and circumstances, politically motivated offences are divided into categories and subcategories, and their discernible ideological context and causes are reflected in the different categories ascribed to politically motivated crime, all of them relevant to state security: right-wing, left-wing, foreign-ideology driven, religious-ideology driven and uncategorised.

The reporting service also separately flags up extremism in the background to an offence. This classification can be assumed to apply if there is reason to believe that the offence was intended to eliminate or invalidate particular constitutional principles which are crucial to the fundamental liberal and democratic order of the Federal Republic of Germany. Total numbers of cases are published annually for the previous year.¹⁰

10 The figures for 2019 are available (in German) at www.bmi.bund.de/DE/themen/sicherheit/kriminalitaetsbekae-mpfung-und-gefahrenabwehr/politisch-motivierte-kriminalitaet/politisch-motivierte-kriminalitaet-node.html

Promoting the integration of migrants into the criminal police (UPR recommendation 33)

Initial training for the Federal Police and appointments to jobs in their criminal-investigations units – District Offices for Crime Control – are based on aptitude, performance and qualifications. Where applicants were born is irrelevant. In recent years, the Federal Police have multiplied the measures they take to raise the number of staff with migrant backgrounds in their ranks.

Performing their statutory duties as border guards, railway police and aviation security officers means coming into contact with many people from other cultures. When recruiting, therefore, the Federal Police set great store by applicants' linguistic and intercultural skills. This means it is desirable to increase the proportion of police officers with migrant backgrounds. It follows that recruitment adverts for the Federal Police actively target prospective applicants with migrant or minority ethnic backgrounds. Such applications are expressly welcomed. Advertising measures, such as radio, poster and internet campaigns, are aimed specifically at reaching that target group.

Contributing to action against racial profiling (UPR recommendations 78, 81, 82, 83, 84 and 136)

Discriminatory racial profiling is already unlawful under the legislation in force in Germany and is out of the question for police practice (see paragraph 141 et seq. of the combined 23rd to 26th reports submitted by Germany under Article 9 ICERD).

The Federal Police have undertaken extensive measures at all levels to ensure that the exercise of their statutory functions is free from discrimination.

The impact of stop and search, for example, has high priority in multiple areas of initial and continuous training, particularly as regards the possibility of people feeling discriminated against. Human rights, fundamental rights and non-discrimination are discussed continuously and regularly taught both in centralised initial training for all career strands and in decentralised training for each station's existing staff. In tandem with this, the topics are also dealt with at a practical level in police training. Since 2019, for instance, awareness-raising anti-racism and anti-discrimination seminars have been held with the involvement of civil-society organisations. This serves to consolidate, expand and hone police officers' social and intercultural skills, with methods including role play and scenario training to focus on their application in practice. The law-enforcement officers of

the Federal Police are thus continuously kept alert to the possibility of causing a sense of discrimination. Their training also takes in current cases and landmark court judgments as well as academic studies and relevant handbooks.

Further to this, the complaints department of the Federal Police is used to monitor success. The complaints department provides various internal and external complaint mechanisms enabling supervisory bodies to investigate potential misconduct by law-enforcement officers in an independent procedure. Affected parties can make their complaint in person, in writing or by telephone at any Federal Police station. There is also an online platform through which members of the public can contact any Federal Police authority. In addition, the Federal Police have had a confidential whistleblowing unit since May 2015, which reports directly to the President of the Federal Police Headquarters. Any employee of the Federal Police can approach that unit with information about possible cases for investigation, remaining anonymous if they so wish. If criminal investigations may be required, the case is passed on to the relevant law-enforcement authority.

Contributing to police training (UPR recommendations 96, 97, 98 and 125)

In the Federal Police as elsewhere, extensive measures in the context of initial and ongoing training, including courses on intercultural competence, are intended to shape officers' sense of treating everyone equally and serving the common good. All available forms of education are deployed to raise awareness among Federal Police staff, to ensure that they consistently perform their duties objectively and without prejudice. The complaints department of the Federal Police is also used to monitor success.

Initial and continuous training focused on real-world application ensures that the statutory powers of the Federal Police are exercised in accordance with the law. The prohibition against discrimination is part of that. Since 2009, the Federal Police have also specifically considered accusations of racial or ethnic profiling in the course of their initial and continuous training on the subject. It has also been possible to bring in external speakers from the Diaspora Policy Institute for staff training sessions at the Federal Police, to explain the perspective of those affected and to further raise awareness of the issue.

To promote engagement with the subject of racism in the justice system, the Federal Ministry of Justice and Consumer Protection has carried out a two-year project in collaboration with the German Institute for Human Rights and designed training modules for criminal-court judges and public prosecutors, which have been made available to the Länder.

General anti-racism/anti-discrimination measures (UPR recommendations 52, 59, 60, 64, 66, 72, 93, 99, 100, 101, 102, 103, 105 and 139)
and promoting preventive anti-extremism/anti-racism measures
(UPR recommendations 107 and 108)

Combating extremism and racism is a primary concern for the Federal Agency for Civic Education. The Agency pursues that endeavour with an extensive range of mechanisms, including publications in print and online, events and study tours, and support for civil-society forces. It thus funds measures to strengthen local and regional civil-society structures in the fight against these phenomena. Through the federal Cohesion through Participation programme, the Federal Ministry of the Interior, Building and Community finances more broadly focused efforts to promote a sense of involvement in democracy and combat extremism. The Alliance for Democracy and Tolerance, too, supports the struggle against stereotyping and all forms of extremism.

The federal Live Democracy! programme has been funding civil-society work to advance democracy and oppose all forms of extremism at the local, Land and federal levels since 2015. It makes an important contribution to the prevention of racism and other forms of prejudice, takes account of important recommendations from the Bundestag Committee of Inquiry on the NSU right-wing terrorist group, and is embedded in the National Action Plan Against Racism. The funding provided for the federal programme comes to €115.5 m annually since 2018.

In the first funding period, from 2015 to 2019, some 300 local Partnerships for Democracy received support through the federal programme at the local level to fund numerous individual pro-democracy and extremism-prevention projects. At the Land level, Democracy Centres were funded in each of Germany's 16 Länder, to support civil-society counselling facilities for people affected by right-wing extremist and racist violence or by other forms of prejudice. The idea of setting up places where victims could access counselling supplied by civil society came from the recommendations of the Bundestag Committee of Inquiry on the NSU right-wing terrorist group.

At the federal level, the first funding period of Live Democracy! saw various measures financed – some to develop durable civil-society structures, others taking the form of pilot schemes – that centred around preventive education to combat racism, antisemitism, antigypsyism, homophobia, transphobia and Islamophobia. Funding went to a total of 96 pilot schemes across Germany run by a range of different organisations to address selected manifestations of prejudice and to strengthen democracy in rural areas, which developed and trialled innovative methodological and pedagogical concepts and ways of working in the field of preventive education.

Of particular note are the endeavours of civil-society organisations working in prevention which not only operate locally to combat racism and other forms of hatred against particular groups but also receive funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to professionalise their successful efforts in various areas of the subject and of the relevant structures, and to scale them up nationwide. A total of 35 civil-society organisations receive support for their structural development under the federal Live Democracy! programme. Additionally, a number of new topics and structural areas have been added to the spectrum of support since 2017, including racism prevention and Black empowerment, and promoting acceptance and empowerment of LGBTI people.

The second funding period of Live Democracy! started at the beginning of 2020 and will run for five years. The federal programme has a budget of €115.5 m in 2020.

Alongside the continuing support for 300 local Partnerships for Democracy, 16 Land Democracy Centres and pilot schemes in various areas of advancing democracy, shaping diversity and preventing extremism, the second funding period of Live Democracy! will, within the bounds of the Federation's constitutional financial powers, for the first time finance Competence Centres and Competence Networks dealing with 14 topics, including right-wing extremism, antisemitism and racism against Black people. These new structures are intended to pool information on their particular topics from across the country, provide specialist advice and facilitate the sharing of successful approaches to prevention in federal, Land and local structures.

Over and above this, projects flanking the programme also receive support, as do individual research projects, an evaluation of the programme and accompanying academic work. The federal programme is supplemented by an innovation fund to finance projects launched at short notice in response to unforeseen social challenges.

Gender identity and sexual orientation are an important strand of the fight against discrimination as well. Sexual orientation and gender identity are part of our human rights and represent key aspects of people's personalities. However, many people suffer discrimination on the basis of their sexual orientation or gender identity. The German Government is committed to ending such discrimination. Within the German Government, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is responsible for coordinating issues and activities relating to LGBTI people.

The Ministry will create a forum for dialogue on gender diversity in order to strengthen the counselling and support landscape for matters of intersexuality and transgenderism. The aim is also to expand in scope and depth the provision of information on the Rainbow Web Portal run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The Ministry's federal Live Democracy! programme funds a number of measures endeavouring to dismantle homophobic and transphobic attitudes under the aegis of its *Selbstverständlich Vielfalt* ("Self.evidently diversity") Competence Network for the prevention of homophobia and transphobia.

Implementing the National Action Plan Against Racism (UPR recommendations 88, 89, 90 and 91)

During the reference period covered here, the National Action Plan Against Racism (NAP) adopted in 2017 served the German Government as a primary guide for its political activities dealing with racist phenomena in various relevant arenas. The German Government continues to see the NAP as a good subject-specific foundation for public discussion, not least with civil society.

Starting on 13 February 2020, for example, a consultation conference was held to discuss the NAP, referring to racism and other ideologies of inequality, with civil-society organisations, academics and professionals from social work and education, as well as state institutions. Around 150 people took part altogether. In the form of chaired discussions, talks, workshops and debates, the event critically took stock of the current situation and shone a spotlight on the implementation of the various approaches and measures. In a participatory process involving the German Government and civil society, progress and problems were discussed and ideas for the possible future evolution of the NAP examined. The key findings were documented and collated in a conference record, which was made available to all the participants.

Additionally, the German Government decided in mid-March 2020 to set up a Cabinet Committee for the fight against racism and right-wing extremism. The intention is to underline the high level of political priority and responsibility attaching to this topic at the present time, over and above the thematic focuses in the NAP. The Committee has agreed to submit a concrete package of measures for the fight against racism and right-wing extremism in the autumn of 2020.

Education on human rights (UPR recommendations 185, 186 and 187)

One focus of the work of the Federal Agency for Civic Education is human rights education, giving people the wherewithal to know their rights and stand up for them. Through a range of civic-education measures, the Agency raises awareness of human rights issues, familiarises the general public with the most important human rights concepts, and imparts theoretical background knowledge on key human rights-related topics, such as democracy, peace, gender equality, the environment, the media, poverty and violence.

The German Government also fulfils its mandate to inform the public in matters of human rights policy. The Federal Ministry of Justice and Consumer Protection, for example, describes the existing international human rights mechanisms on its website and explains under what circumstances they can serve as legal remedies for private individuals. Summaries are also drawn up of important judgments from the European Court of Justice and made accessible to the public in German. In January 2020, the Ministry published an information brochure on judicial redress in cases of human rights violations committed within the sphere of responsibility of a business.

Combating antisemitism (UPR recommendations 86 and 138)

Fighting antisemitism in all its manifestations remains a top priority for the German Government.

Since May 2018, the Federal Ministry of the Interior, Building and Community has been home to the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism. The Commissioner's primary duty is, at the federal level but also in collaboration with the Länder, to further enhance the coordination of measures and activities against antisemitism and to support a very diverse range of civil-society players. Many of the Länder have also appointed their own commissioners to reinforce the fight against antisemitism. The Land and federal antisemitism commissioners have been working together within a joint commission to combat antisemitism and protect Jewish life since June 2019. Germany established that commission to safeguard permanent and structured dialogue within its federal order about measures, ideas and strategies for preventing and fighting antisemitism.

One of the chief concerns of the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism is to create a nationwide reporting system in collaboration with the Länder to collect data on antisemitic incidents, including those

below the threshold of criminal liability. Police statistics do not reflect the whole gamut of antisemitic incidents, which are often at a level not punishable under the law, such as verbal threats or gestures.

The objective here is, firstly, to generate a more reliable store of data from which new ideas for preventive measures can be gleaned. Secondly, and fundamentally, it is about helping the people affected – e.g. by referring them to appropriate counselling services. Because of Germany's federal structure, the Länder decide for themselves how to organise and arrange reporting centres in their areas.

The federal Live Democracy! programme funds numerous antisemitism-prevention measures at the local, Land and federal levels. There are 15 such pilot schemes currently receiving funding. In addition, the first Competence Network on preventing antisemitism has been financed since the start of 2020 to pool information from across the country, provide specialist advice and facilitate the sharing of successful approaches to prevention in federal, Land and local structures. Land Democracy Centres are also being funded in each of the Länder, supporting advisory services for people affected by right-wing extremist, racist and/or antisemitic violence. Further to this, individual measures relating to antisemitism are receiving support at the local level via the local Partnerships for Democracy.

The report published by the Independent Expert Group on Antisemitism in 2017 suggests that the federal Live Democracy! programme is currently making the most significant contribution to preventive education on antisemitism outside of the regular structures (see p. 220 of the report in German, *Bericht des Unabhängigen Expertenkreises Antisemitismus 2017*).

Combating Islamophobia (UPR recommendations 57, 58, 73, 86, 136 and 138)

Hostility towards Islam and Muslims is a challenge to society as a whole, which all parts of society must tackle jointly and resolutely. There is an emphasis here on prevention.

The German Islam Conference, the central forum for dialogue between the German state and the Muslims of Germany, builds on existing findings and recommendations to tackle this phenomenon through workshops and projects.

Moreover, the German Government set up an Independent Expert Group on Islamophobia in September 2020, which will focus specifically on anti-Muslim and anti-Islamic attitudes as a form of prejudice for several years. The independent experts' mandate includes compiling a report on the forms Islamophobia takes and possible ways of combating it.

As part of the federal Live Democracy! programme run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, a large number of projects are funded at the local, Land and federal levels which support preventive-education work to promote democracy and the rule of law and specifically address various manifestations of prejudice. With regard to Islamophobia, there are six pilot schemes receiving funding in the current, second funding period of the Live Democracy! programme (2020-2024), firmly dedicated to preventing hostility towards Islam and Muslims. In addition, the first Competence Network on preventing Islamophobia has existed since the start of 2020 to pool information from across the country, provide specialist advice and facilitate the sharing of successful approaches to prevention in federal, Land and local structures. Land Democracy Centres are also being funded in each of the Länder, supporting advisory services for people affected by right-wing extremist, racist and/or Islamophobic violence. Further to this, individual measures relating to Islamophobia are receiving support at the local level via the local Partnerships for Democracy.

Combating antigypsyism (UPR recommendation 215)

In the spring of 2019, on the basis of a mandate from the German Government's current Coalition Agreement, the Independent Commission on Antigypsyism was established and started work. Its establishment was flanked by a Bundestag decision on the motion on fighting antigypsyism of 19 March 2019 (Bundestag printed paper 19/8546). The aim is to compile a report taking stock of antigypsyism in Germany and submit it to the German Bundestag by the end of the current legislative term with a view to informing future social-affairs policy on the issue.

Addressing and combating antigypsyism is a prominent field in the National Action Plan Against Racism (NAP). Concrete measures are being implemented constantly at different levels, particularly within the framework of the federal Live Democracy! and Cohesion through Participation programmes and in the form of civic-education work. The NAP is not to be understood as a static programme but as a framework pegged out by the German Government – as permitted by its federal mandate – and kept open to new developments and changes in the relevant discourse. Measures to combat antigypsyism will continue to be implemented in this context.

The federal Live Democracy! programme funds numerous antigypsyism-prevention measures at the local, Land and federal levels. The first separate Competence Network on the subject is also receiving support, intended to pool information from across the country, provide specialist advice and facilitate the sharing of successful approaches to prevention in federal, Land and local structures.

Through funding for pilot schemes, support also goes towards developing and trialling innovative preventive-education ideas to combat antigypsyism. Land Democracy Centres are moreover being funded in each of the Länder, supporting advisory services for people affected by ring-wing, racist and/or antigypsy violence. Further to this, numerous individual measures relating to antigypsyism prevention are receiving support at the local level via the local Partnerships for Democracy.

Ratifying ILO Convention No. 169 (UPR recommendation 8)

The German Government is seeking ratification of ILO Convention No. 169, the Indigenous and Tribal Peoples Convention of 1989. The purpose of the Convention is to safeguard indigenous groups' right to equal treatment and non-discrimination as well as to ensure their economic, social and cultural rights are comprehensively protected and their cultural identities accorded particular respect. In its protective purpose, the Convention is primarily aimed at countries which have indigenous groups living within their territories. Germany is not home to any such groups. Nonetheless, it is seeking ratification of the Convention in the interests of strengthening the international framework of human rights protections for indigenous peoples. The national minorities recognised in Germany are not covered by the Convention's protective purpose, so it can have no applicability in Germany. This legal opinion is clearly set out in the memorandum on the bill seeking the Bundestag's parliamentary approval for ratification, and a declaration to the same effect is to be included in Germany's first implementation report to the ILO shortly after the instrument of ratification has been deposited.



LebensWert, a multigenerational home in Bavaria © picture alliance/dpa – Felix Kästle

B8 Human rights and the elderly

The rights enshrined in human rights agreements – notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (UNCRPD) – stand regardless of a person's age.

The SDGs, too, serve people no matter what their age, for part of sustainable development is the principle of intergenerational justice in relation to resources and sustainable environment, economic and social policy which takes account of the needs both of younger and of older people. The goal of the 2030 Agenda is to enable all people to enjoy a decent life, with no-one left behind.

In addition to the elements detailed elsewhere in chapter B, the following measures were undertaken during the reference period to reinforce the rights of older people in Germany.

People with dementia

In September 2018, the German Government's Report on the Implementation of the Agenda of the Alliance for People with Dementia (2014-2018) announced the decision to develop a National Dementia Strategy. The Federal Cabinet adopted the National Dementia Strategy on 1 July 2020. Its focuses are the inclusion of people with dementia in society, support for them and their families, their medical and nursing care, and basic as well as clinical and care-focused research into dementia.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides information, including texts expressly drafted in plain language, as well as a forum for patients and their families to discuss dementia on the website www.wegweiser-demenz.de. It is to be completely accessible as of 1 January 2021. Having been funded by the Ministry until 2018 as part of the Agenda of the Alliance for People with Dementia, 500 Local Alliances for People with Dementia have since October 2018 enjoyed specialist support from a nationwide network office at BAGSO, Germany's National Association of Senior Citizens' Organisations. The objective of this assistance is to encourage, sustainably and for the long term, the use of networking to improve local structures so that people with dementia can stay in the social environment familiar to them for as long as possible. The federal programme plans for five new waves of funding by 2026, adding around 150 further networks across Germany, specifically in those regions which have not yet received federal funding from the German Government.

Support for family caregivers

To support family caregivers during the COVID19 pandemic, a number of acute-assistance measures came into effect in May 2020. Initially intended to stay in place until the end of September, the arrangements are now to be extended again to the end of the year. They include special provisions, applicable until 31 December 2020, in the Family Caregiver Leave Act (*Familienpflegezeitgesetz*), the Caregiver Leave Act (*Pflegezeitgesetz*) and in the arena of long-term care insurance covered by Book XI of the Social Code, to the effect that any employee who is also caregiver to a family member can take up to 20 working days' leave from their job when the situation is acute. The care-support allowance is also paid for 20 working days. Family caregiver leave and caregiver leave can moreover be taken more flexibly.

The *Pausentaste* (“Pause button”) project is a nationwide, easy-access support for children and adolescents who care for chronically ill or infirm family members. The support consists of the online provision of advice (in German) at www.pausentaste.de as well as counselling offered by phone, online or via chat.

Hospice and palliative care

The DGP, the German Association for Palliative Medicine, has maintained its *Wegweiser*, a guide to hospices and palliative care in Germany, for many years, and expanded it in 2018 with funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.¹¹

The guide enables people in need of advice to find experienced doctors, teams, hospices, out-patient services and palliative-care facilities in their areas at the touch of a button. For service providers in the field of hospice and palliative care, the guide has become increasingly well established as an important networking tool in recent years.

The website, which went online in 2018, creates a platform for severely or terminally ill people with migrant backgrounds, and their families, on which they can swiftly and surely find hospice and palliative-care services which are specially suited to their demographic. The expansion is also leading service providers to build ties among themselves and add to their own portfolios.

Life has changed significantly for people with intellectual disabilities in recent decades. A steadily increasing life expectancy, not infrequently associated with additional health conditions, is confronting family members, doctors, caregivers and institutions with major challenges. In particular, awareness is not yet very widespread among hospice and palliative-care providers of the special needs of family members of people with intellectual disabilities. Conversely too, those family members can often be unfamiliar with and reluctant to think about the services offered in hospice and palliative care. The changes have also brought new challenges for integration-support staff. Alongside reluctance to confront the topic of grief, death and dying, many lack detailed knowledge of the possibilities of hospice and palliative care. To establish attitudes and approaches in line with end-of-life care, e.g. through appropriate rituals and training, and to make contact with providers of hospice and palliative care, people need to have the relevant information.

11 <http://wegweiser-hospiz-palliativmedizin.de/>

As a first step towards breaking down inhibitions, a guide has been developed in the form of an accessible PDF file to tell people about the possibilities of (early) involvement of hospice and palliative care and inform them about specialised services.

In 2018, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supported a dialogue forum – a pilot event which gave rise to follow-ups and complementary measures – with the aim of improving hospice and palliative care for people with severe intellectual or complex disabilities. It served to spark awareness-raising among statutory carers, who are not caregivers from patients' own families, about dealing with the end of life of people with intellectual disabilities. Targeted information-sharing helped to enhance skills and facilitate better integration into the decision-making process with due respect for the needs and wishes of patients.

Ageing at home

By the end of 2019, around 40 projects had been run as examples of good practice through the programme Shared Housing, Self-Determined Lives and another on helping people to continue living at home and easing the burden on family caregivers. Starting in 2020, a new project called *Leben wie gewohnt* ("Living as normal") is taking their findings as a foundation, pooling them and developing them further in light of the COVID19 pandemic to provide, for example, easy-to-access counselling services, online as well as offline, community development and mobility-adapted housing for old and young. The aim of these measures is to make people from different backgrounds, people who need support, have a disability or impairment, and people on low incomes part of the life of their communities and wider society, and to highlight potential for meaningful inclusion.

Promoting inclusion and autonomy through education and digital sovereignty for older people

Particularly for older people, education is a crucial channel for understanding everyday processes and social developments and for acting autonomously. Education is guided by individual interests, by the direct utility it has for everyday life in people's particular worlds, and by the contribution that learning processes make towards helping people (better) find their way in the world. As such, education should be seen as a human right for older as well as younger people.

Lifelong learning that encompasses all stages of life has different target audiences who have particular requirements, and special conditions need to be in place for educational processes to be initiated and implemented. The digital revolution, its impact felt in all aspects of our lives, affects older people just as it does the young. The processes of increasing digitalisation bring with them opportunities and risks, particularly with regard to the inclusion, autonomy, health and safety of the elderly. In this situation, social policy must be directed towards enabling older people to exercise digital sovereignty. The vital preconditions for digital sovereignty include powerful and secure infrastructure, mastery of key skills and technologies, and a regulatory context that is conducive to innovation.

What is needed are easy-to-access services suited to people's real lives, interests and needs. They need to build on the existing infrastructure and incorporate regional cooperation partners. The interdependence of education and engagement is particularly significant here: while engagement opens up informal and non-formal spaces of learning, skills acquisition and training courses are themselves prerequisites for engagement.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has enacted and/or funded the following measures to boost inclusion and autonomy for the elderly:

A mobile team called *Digitaler Engel* ("Digital angel") uses existing networks of senior-citizens services to enter into dialogue with older people, directly and one-to-one. During their visits, the team can address specific questions and anxieties as well as teach appropriate solutions and skills. Parallel to these activities, various informative materials on such topics as how to use video communication, and brochures explaining, for example, that one is never too old for the internet, are currently available online.¹²

Age-appropriate education provision can enhance people's competence and sovereignty in their dealings with digital media. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides funding to the Service Centre for Digitalisation and Education for Older People at BAGSO. Digitalisation and education represent not only acquisition of knowledge and skills but also empowerment to get to grips with all kinds of day-to-day tasks and requirements confidently and creatively at any age. One focus of the Service Centre's work is to specifically approach senior citizens who do not yet make use of educational provision.

12 www.digitaler-engel.org/materialien

On the web platform [wissensdurstig.de](https://www.wissensdurstig.de), the Service Centre for Digitalisation and Education for Older People provides information on educational provision for senior citizens across Germany, searchable by region, along with tips and materials on digitalisation and education in later life as well as useful input for education providers. It also supplies guides and other brochures to give senior citizens basic information about the two focus areas and offers opportunities for disseminators to gain qualifications in the field of (digital) education in and for later life. The Service Centre moreover funds beacon projects across Germany that deal with digitalisation for older people and education in and for later life, several of them serving remote target audiences and rural areas.

Measures to prevent social isolation

The 534 multigenerational centres funded nationwide as part of the federal Multigenerational Centres programme (2017-2020) of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth are meeting places and community hubs where harmony among the generations is alive and well. With easy-to-access information, advice and opportunities to meet other people, they create space for shared activities and encourage the voluntary involvement of all age groups. As such, multigenerational centres provide extensive infrastructure that is used, among other purposes, to avoid social isolation. The more than 22,000 services for almost 63,000 users a year boost people's sense of involvement in their communities and thereby help prevent involuntary loneliness.

In June 2018, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth conducted a survey among multigenerational centres on the measures and services they provide for the lonely or socially isolated.¹³ Around 57% of them said they already ran or were planning to run services centring around loneliness.

Faced with the necessity of temporary closures during the COVID19 crisis, the multigenerational centres responded very swiftly, creating alternative services through which they could continue to be there for local people and help prevent social isolation. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is providing an extra €1000 for each centre and organising cooperative arrangements with, for example, the "digital angels" from the IT security association *Deutschland sicher im Netz e.V.* so that those alternatives can be put into practice. To date, 309 multigenerational centres have made use of the COVID funding boost.

13 www.mehrgenerationenhaeuser.de/meldungen/topnews/news/befragungsergebnisse-aus-den-mehrgenerationenhaeusern-thema-einsamkeit/

Intergenerational cohesion

The federal Multigenerational Centres programme (2017-2020) and the follow-up programme starting in 2021 are components of the Pan-German Funding System for Less Favoured Regions. Throughout the country, and particularly in rural areas, the centres have grown into indispensable elements of the social infrastructure, contributing significantly to intergenerational dialogue and to the convergence of living standards. Multigenerational centres are open meeting places for all generations. Over and above their services aimed at particular age groups, all the centres operate at an intergenerational level with the goal of facilitating interaction between people of different generations who are not of the same family, to foster their exchange of views and to spark or cement intergenerational relationships. This encompasses not only participating in public life or the life of the community at a social level, but also playing a role in the (political) opinion-forming and decision-making processes in the catchment area or the local authority and so actively helping to shape the regulatory context.

BAGSO Secretariat for International Policy on Ageing

Since 2017, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has funded the BAGSO Secretariat for International Policy on Ageing, which functions as an interface between senior citizens' organisations and international political actors. The Secretariat integrates older people or their organisations into the processes of discussion and negotiation behind international policy affecting them and brings their expertise to bear in the national and international arenas. The Secretariat for International Policy on Ageing or other BAGSO representatives take part in international meetings of EU and UN bodies in order to defend the interests of older people as well as to ensure adequate support for the selected issues. At the UN level, BAGSO actively participates in the annual meetings of the Open-ended Working Group on Ageing (OEWGA) in New York. As part of the review process for the Madrid International Plan of Action on Ageing, the Secretariat also plays a significant role in relation to the Standing Working Group on Ageing of the UN Economic Commission for Europe (UNECE), which meets regularly, and the 2022 UNECE Ministerial Conference. The German Government is thus fulfilling its obligation to involve civil society in the review process.

C | Human rights in German foreign and development policy



C1 Human rights in the bilateral and multilateral relations of the Federal Republic of Germany and in the framework of the Common Foreign and Security Policy of the European Union

Basis

Article 1 of the Basic Law assigns a clear mission to all who act for the state in Germany: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.” In paragraph 2 of that article, it puts this mission into an international context: “The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.”

Human rights policy is therefore a **cross-cutting task**, the foreign-policy dimension of which entails promoting the worldwide realisation of human rights. Under section 1 of the Foreign Service Act (*Gesetz über den Auswärtigen Dienst*), it is the explicit purpose of the German Foreign Service to preserve inviolable and inalienable human rights as the basis of every community. Human rights form the **core of a value-led and interest-based foreign policy**. Standing up for the universality of human rights always includes taking preventive action in the interests of peacekeeping and development. This is the purpose of Germany’s commitment, particularly in the UN, the OSCE, the Council of Europe, the EU and the G7 and G20.

The **global framework of values** that forms the basis of our action in the sphere of human rights is derived from the Universal Declaration of Human Rights of 1948, which, though not of itself binding in international law, contains many guarantees that constitute customary international law, and from the human rights agreements of the UN, the common core of which is the obligation to protect individuals and their freedom from interference by, or indirectly attributable to, the state.¹⁴ The fact that there is no variation in status between different human rights was reaffirmed at the World Conference on Human Rights, held in Vienna in 1993, the final declaration of which proclaims that “All human rights are universal, indivisible and interdependent and interrelated”.¹⁵ The

14 For an overview of the nine main international human rights agreements, see www2.ohchr.org/english/law/

15 See <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

global framework of values also includes the SDGs from the UN's Agenda for Sustainable Development, adopted in 2015. Human rights themselves, and particularly such human rights principles as inclusiveness, transparency and accessibility, are key legal as well as procedural foundations for the achievement of the SDGs.

The EU recognises the rights, freedoms and principles set out in the **Charter of Fundamental Rights of the European Union**. According to Article 21 of the Treaty on European Union (TEU),¹⁶ the action of the EU on the international scene is to be guided by the essence of these fundamental rights in conjunction with other principles. The human rights established by the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR) are general principles forming part of the law of the European Union. By adopting the first EU human rights strategy in June 2012 and appointing a Special Representative for Human Rights, the EU has provided itself with an appropriate framework for its commitment to human rights in its external relations. The negotiations on the update of the related Action Plan on Human Rights and Democracy for the years 2020 to 2024 began before the end of the reference period.

In view of numerous developments of recent years, including the increasing engagement of the UN Security Council with human rights matters and the continuing development of the international system of criminal justice, the development of concepts such as the international responsibility to protect¹⁷ and the framing of guidelines and action plans relating to corporate responsibility for human rights, human rights are not an internal affair of states or part of their *domaine réservé*, nor are they the sole preserve of particular human rights bodies. It often takes international involvement to make human rights objectives achievable. The following paragraphs outline the main instruments, actors and issues that form the framework of German human rights policy.

16 The following is an excerpt from Article 21 (1) TEU: "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

17 See the 2005 World Summit Outcome, UN document A/60/1 of 24 October 2005, paragraphs 138-139, which was reaffirmed by Security Council Resolution 1674 (UN document S/RES/1674 of 28 April 2006)



Foreign Minister Heiko Maas (SPD) travels to New York on 2 April 2019 for the start of Germany's Presidency of the UN Security Council. © photothek

Instruments

In the context of its **bilateral relations**, the German Government uses a number of instruments and formats to pursue its human rights aspirations. Foremost among these are the human rights dialogues that are conducted in various forms and formats – bilaterally or through the EU, separately or as an integral part of a general political dialogue – with a previously agreed agenda in each case. The German Government acts either alone or in the framework of the Common Foreign and Security Policy (CFSP) of the EU in conjunction with its EU partners. The EU alone maintains regular human rights dialogues with some 40 non-EU states. The bilateral human rights dialogue with China in the summer of 2020 was conducted by Dr Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office.

These dialogues are a channel for discussion of general human rights issues as well as of individual cases. They often bring to light a specific need for support that Germany can address through its foreign and development policy. Practical support in promoting human rights and strengthening human rights institutions, assisting democratisation, observing elections, establishing administrative and police structures, and training armed forces and other security forces, as well as other measures of crisis prevention and development cooperation, are all parts of a cooperative instrument of bilateral human rights policy. In promoting projects for these purposes, the German Government often cooperates with organisations from civil society.

Besides the practical advancement of human rights, the German Government also pursues its human rights policy by addressing the subject critically in bilateral talks with countries in which violations of human rights occur (“quiet diplomacy”) or through various forms of public criticism or condemnation. The latter may, for example, take the form of statements made by the German Government or by the EU. In addition, specific human rights situations may be addressed in multilateral forums such as the UN Human Rights Council or the Third Committee of the UN General Assembly. Stronger action may involve terminating or “freezing” existing cooperative ventures or agreements, for example withdrawing tariff concessions. The firmest response, ultimately, is to impose sanctions. In the reference period, for instance, the EU has been seeking to adopt a sanctions regime that will penalise the most serious violations of human rights. The range of human rights policy instruments provides scope to adopt the most fitting and effective approach possible to a given situation.

Regionally and internationally, Germany is committed, within the framework of its human rights policy and the Common Foreign and Security Policy of the EU, to the active use and continued development of the human rights instruments created by the various international organisations. To this end, great successes have been achieved especially in the Council of Europe, but also in the UN Human Rights Council and the Third Committee of the UN General Assembly, in setting standards and developing new implementation mechanisms. Regardless of the tier of governance and the forum, mainstreaming a human rights-based approach throughout all policy areas remains a duty and an instrument of German human rights policy. In the international organisations too, the German Government strives to gain acceptance for a human rights-based approach.

Actors

Besides **states** and **groups of states**, **non-governmental organisations** (NGOs) also play a particularly important role in the establishment and implementation of human rights obligations. Germany has long been pressing for expansion of these indispensable participatory rights of NGOs. **Business enterprises operating internationally**, through their activities and their responsibility for their employees, are also indirectly involved in enforcing human rights standards. Indeed, corporate activities have increasingly become a focal point of measures and initiatives designed to foster respect for human rights. More details can be found in [chapter C7](#) below on human rights and business.

Priority issues

Germany presses, frequently with partners inside and outside the EU, for progress on all the **core issues of international human rights policy**. This commitment is pursued in the following four areas of action:

Germany seeks the **preservation and expansion of the established human rights acquis**. These include “classic” civil and political as well as economic, social and cultural rights, such as freedom of the media and freedom of expression or the right to water and sanitation. There is also a need to promote the rights of vulnerable groups such as women, children, minorities, the elderly and indigenous peoples. Then there are new areas of intervention, such as protecting human rights in the context of the digital transition, tackling climate action, environmental protection and defence of human rights as a unified challenge, and strengthening the role of women in conflict resolution.

As part of its commitment to **the fight against human rights violations**, Germany continues to campaign against the death penalty, torture and enforced disappearance, racism, xenophobia, antisemitism, discrimination against people with disabilities, and violation of the rights of women and girls.

Germany is strengthening the **institutions and actors dedicated to the protection of human rights**. To this end, it is widening the scope for action on the part of civil society and protecting human rights defenders. It is supporting international institutions and national human rights institutions. It is also using its development cooperation to promote human rights.

Across the board, its focus is on **consolidating the rule of law**. Impunity is being combated, and procedural rights are being reinforced. The rule of law and reconciliation processes play an important part in the protection of human rights in the context of conflict resolution. In the fight against terrorism, too, Germany attaches great importance to respect for human rights.

Humanitarian commitment as a contribution to the realisation of human rights

Along with the relevant provisions of international humanitarian law, the law relating to refugees and the humanitarian resolutions of the UN General Assembly, human rights are one of the cornerstones of international humanitarian assistance. The aim of humanitarian assistance is to preserve the lives and dignity of people affected by crises, conflicts and natural disasters and to ease their suffering. By means of specific aid measures designed to meet the needs of people in distress, humanitarian assistance can make a contribution to the realisation of human rights. In 2020, the German Government has already made €2.1 bn available for humanitarian assistance, which makes it the world's second-largest donor, and so has contributed significantly to the satisfaction of humanitarian needs.

One of the main targets of German humanitarian assistance is Africa. At the present time, some 53% of people who are dependent on humanitarian assistance live in Africa. The aim of German humanitarian assistance in Africa is to fill the basic gaps in the supply of fundamental necessities and to provide protection for people hit by humanitarian crises, especially refugees, internally displaced persons and returnees, and their host communities. To this end, the German Government supports projects in areas such as healthcare, food and sanitation.

In Latin America, the Federal Foreign Office is supporting humanitarian measures that are helping to provide protection, accommodation and basic necessities for some four million Venezuelan refugees and migrants who have had to leave Venezuela as a result of the continuing political crisis there and have found refuge in neighbouring countries such as Colombia and Ecuador.

In Syria, where the conflict has entered its tenth year, millions of people still have no reliable access to medical services. With funding from the Federal Foreign Office, healthcare provision is being maintained, particularly in the north-west of the country, to ensure that people there have access to medical services.

In Iraq, the Federal Foreign Office is supporting humanitarian assistance in the form of shelters in camps for internally displaced persons, rent subsidies for people housed in host communities, and basic healthcare through, for example, mobile clinics. By extensively funding monetary benefits (cash and voucher assistance) as part of its humanitarian assistance, the Federal Foreign Office is making an important contribution to upholding the dignity of people in need.

Promoting the rule of law as a strategic objective of foreign and development policy

The rule of law is the prerequisite for the protection, respect, guaranteeing and enforcement of human rights and for stable conditions within a country. When the state and its institutions are bound by the law, its citizens are protected against despotism and unequal treatment. In this way, personal and economic activity as well as political participation are encouraged. Citizens who know their rights and freedoms, and can defend these against the power of the state before sovereign courts regardless of their own status and income, strengthen the social balance and enhance the potential of their state.

The German Government regards promoting the rule of law in dealings with partner countries as a cross-departmental task. For this reason, the German Government devised an interministerial strategy for promoting the rule of law in the fields of crisis prevention, conflict resolution and peacebuilding, which was published in 2019. Key elements of this strategy are the function of the rule of law in protecting human rights and the need to respect human rights when taking action to promote the rule of law (the “do no harm” principle).

In the strategy, the German Government presents promoting the rule of law as a strategic task in the field of foreign policy, a task that must be performed at both the bilateral and the multilateral level. Promoting the rule of law is therefore a priority of the German Government in its crisis-prevention, stabilisation and peacebuilding efforts. The fact that a state is obliged to observe certain legal forms and procedures and to respect human rights when performing its tasks can prevent the abuse of political power and establish a value system based on the rule of law. In states which have resolved violent conflicts but whose political and social institutions have been weakened or no longer function, restoring or reinforcing the rule of law, for example by monitoring and supporting constitutional reform processes, is a key stabilisation factor. Functioning and legitimate structures dedicated to the rule of law, which we support through the establishment and reinforcement of judicial and police authorities, contribute in a post-conflict phase to the public acceptance and credibility of newly formed state institutions. Legal certainty,

moreover, can encourage the resumption of economic activities and contribute to conflict management and reconciliation. On the preventive side, a functioning state based on the rule of law creates the conditions in which disputes can be peacefully resolved, thereby averting a slide into situations of crisis and conflict.

Internationally, the rule of law must be established as a legal principle by states and international organisations, which entails their fulfilment of obligations under international law. Foremost among these are adherence to the principle of peaceful resolution of conflicts and, in the event of armed conflict, observance of international humanitarian law and human rights wherever these are applicable.

Promoting the rule of law, moreover, is also a strategic core area of Germany's development cooperation. The rule of law is both an objective of and a prerequisite for development policy and forms the basis of sustainable social and economic development. SDG 16 of the 2030 Agenda has enshrined the rule of law, and in particular access to justice, even more firmly in the international development agenda too. The rule of law and access to justice have been established as prerequisites and catalysts for the achievement of all other SDGs and for the realisation of human rights. They ensure that people can enforce their rights, such as physical inviolability, political and economic freedoms, property rights and the right of cultural identity and can defend themselves against violations of their human rights. The latter include access to healthcare, education and inclusion in political and economic processes, rights which are protected by judicial remedies, including rights of appeal. This is particularly important in the case of disadvantaged groups, particularly women.

The Federal Ministry for Economic Cooperation and Development, besides promoting access to justice and lasting judicial reforms, also provides targeted support for courts of human rights. This includes support for the work of both the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights. The main focus is on enforcement of the judgments of these courts in the relevant nation states.

In addition, the Federal Ministry of Justice and Consumer Protection assists countries in transition and newly industrialised countries in establishing structures dedicated to the rule of law. One of the thematic priorities of this cooperation is the dissemination of human rights standards. Other prominent objectives are the creation of efficient judicial procedures and the modernisation of criminal, civil and commercial law. The diverse forms of judicial cooperation include exchanges of experts, legislation support, and continuing-development courses and observation placements for foreign lawyers in Germany and cooperating countries, as well as the organisation of round tables, seminars, panel discussions and congresses. Human rights issues are also raised in the bilateral

dialogues on the rule of law with China and Viet Nam; it is hoped that this will contribute significantly to establishing the rule of law as a guiding principle of thought and action. A human rights dialogue with China is also conducted yearly.

The German Government also sets particular store by supporting promotion of the rule of law in the international arena and through international institutions. Within the EU, the new EU Framework to Strengthen the Rule of Law,¹⁸ which was presented in 2014, is the guideline for such efforts. Active promotion of the rule of law is also one of the tasks of civilian Common Security and Defence Policy (CSDP) missions. Since 2008, moreover, the European Union has maintained a mission dedicated specifically to the rule of law, namely EULEX, the EU Rule of Law Mission in Kosovo. Internationally, the UN and its multidimensional peace missions play a special role, which is steadily growing in importance. Against this backdrop, the German Government advocates vigorously for the inclusion of a strong human rights component in peace missions. Since the UN Secretary-General's Report of 2004 on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, many UN peace missions have had a component devoted to the rule of law.

In 2012, on the initiative of the UN Secretary-General, a Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations was established within the UN system. Since then, that instrument, originally created for the purpose of internal coordination within the UN system, has grown and has been replicated in peace missions. Accordingly, promotion of the rule of law more generally has been visibly upgraded within these missions too, being now usually part of the remit of the deputy head of any UN peace mission. In this context, Germany also supports the Justice and Corrections Standing Capacity of OROLSI, the Office of Rule of Law and Security Institutions, which is part of the Department of Peace Operations (DPO). We thus ensure that competent staff can be sent at an early stage into mission contexts to prepare the implementation of rule-of-law components of peace missions.

18 Document COM(2014) 158 final, at <https://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-158-EN-F1-1.Pdf>

Support for mechanisms of international justice

Germany has a particular interest in supporting mechanisms of international justice, especially the system of criminal jurisdiction, the key element of which is the International Criminal Court (ICC) in The Hague. In 2019, Germany was the second-largest contributor to the ICC budget after Japan. The German Government vigorously campaigns for international acceptance of the Rome Statute and of the ICC and is a particularly active participant in the current reform debate.



Exterior of the ICC in The Hague © picture alliance /ANP – „Phil nijhuis“

Germany has likewise supported the creation and activity of hybrid and special criminal tribunals. These bodies had, or still have, mandates to undertake judicial examination of heinous crimes in Cambodia, Kosovo, Lebanon, Rwanda, Sierra Leone and the former Yugoslavia. Germany supports these tribunals and, where applicable, their successor mechanisms by means of financial contributions and judicial and enforcement assistance. As a result, several of those who have been convicted are serving their custodial sentences in Germany.

The purpose of international and hybrid criminal courts and tribunals is to prosecute the perpetrators of the most serious crimes that affect the international community as a whole; these are essentially the four “core crimes” listed for the ICC, for example, in its Rome Statute – namely genocide, crimes against humanity, war crimes and crimes of aggression.

It has not yet proved possible to establish jurisdiction for the ICC or a special criminal tribunal in respect of crimes committed in Iraq, Myanmar and Syria. For this reason, the German Government supports international investigative mechanisms in such situations. These mechanisms are used to collect and conserve evidence and to compile specific case files to enable a national, regional or international court to prosecute at a later date.

Human rights and Bundeswehr assignments abroad

The Bundeswehr is an indispensable instrument of German foreign and security policy and is pivotal to the security and protection of Germany and its citizens. It thereby serves to protect human rights and fundamental freedoms too. As well as national defence and defence of the Alliance, the tasks of the Bundeswehr also comprise international conflict prevention and crisis management, including the fight against international terrorism, contributions to homeland defence, rescue operations and evacuation. In performing its duties, the Bundeswehr complies with the requirements of international law, especially as regards human rights and international humanitarian law.

In the framework of what are known as Enable and Enhance Initiatives, the Bundeswehr helps selected partner countries to assume responsibility for their own and their region’s security by providing advice, training, equipment and infrastructure. In this context, principles of the rule of law, observance and protection of human rights, and compliance with international humanitarian law are also instilled. The use and retention or return of items provided as part of an Enable and Enhance Initiative, such as weapons, are normally the subject of an end-use certificate, which also refers, for example, to the applicable provisions of international law and particularly to those of international humanitarian law, human rights instruments and the law relating to refugees.

Displacement and migration

According to data from the IOM, there are approx. 272 million migrants worldwide, corresponding to 3.5% of the global population. According to the UNHCR, there were 79.5 million displaced people in the world at the end of 2019,¹⁹ more than one per cent of the global population; this figure had almost doubled over the previous decade, from 41 million in 2010. Reasons for displacement include warfare and persecution on political, ethnic or religious grounds. Poor governance, corruption, inequality, discrimination, consequences of climate change and generally adverse economic conditions are examples of structural factors which cause or exacerbate flight and migration. The COVID19 pandemic is having a considerable influence on migratory and refugee movements, not only through border closures and restriction of migrants' and refugees' mobility, but also through its extensive socio-economic and sometimes destabilising effects. These expose refugees, internally displaced persons and migrants to particular risks. In various countries, for example, xenophobia and discrimination against migrants and refugees are on the rise as a consequence of COVID19.

People fleeing their homes and irregular migrants are exposed to dangers on their journeys, for example when traversing deserts or crossing the Mediterranean or at the hands of criminal people smugglers and human traffickers. To reduce the risks of human rights violations during displacement and migration, there is a need for close international co-operation, encompassing countries of destination such as Germany as well as countries of origin and transit. At the end of 2019, 85% of refugees worldwide were living in low- or middle-income countries.²⁰ It is consistent with the principle of responsibility-sharing among states to assist these countries in enabling refugees and internally displaced persons to live in dignity and to offer them decent prospects.

The German Government supports the people fleeing their homes themselves as well as countries and communities of transit and final destination. Its measures comprise assistance with accommodation, access to basic services (such as basic healthcare), education, training and employment opportunities, integration of refugees into host societies and provision of infrastructure, food, and medical and psychosocial care. Increasing

19 This figure includes asylum-seekers and the forcefully displaced, comprising about 45.7 million internally displaced persons, about 26 million refugees (about 5.6 million under the UNWRA mandate and about 20.4 million under the UNHCR mandate), about 3.6 million Venezuelans displaced abroad – included in these statistics for the first time – and about 4.2 million asylum-seekers. (Source: UNHCR, *Global Trends*, 2019)

20 Including displaced Venezuelans (Source: UNHCR)

use is made of digital media in this context for purposes of information, education and networking. This also creates new potential for facilities such as online higher education programmes for refugees.

One of the priorities of international efforts in this field is to address the root causes of flight and irregular migration and to create prospects of a decent future. In November 2015, at the Valletta summit between the EU and African states, an action plan was adopted and an EU Emergency Trust Fund (EUTF) for Africa was established; since then, the Fund has approved funding of €4.8 bn for projects. Its resources are used to create decent economic prospects for people in African countries of origin, to promote stability and development and to improve migration management. At the Supporting Syria Conference in London in February 2016, Germany was the largest single donor, pledging €2.3 bn. At the follow-up conferences in Brussels from 2017 to 2020, moreover, Germany pledged funds totalling €5.2 bn and has met these commitments in full.

When the UN General Assembly endorsed the internationally non-binding Global Compact on Refugees (GCR) in December 2018 (which the United States and Hungary voted against), the international community committed itself for the first time to a comprehensive operational framework for fairer sharing of international responsibility with regard to refugees. Germany contributed actively to the drafting process and strongly influenced the substance of the GCR. The Global Refugee Forum (GRF) is enshrined in the GCR as its key instrument. At these Forums, held every four years, the UN member states are invited to pledge wide-ranging contributions towards the achievement of the GCR objectives. The first GRF took place in December 2019. Along with Switzerland, which co-hosted the event with UNHCR, Germany and four other countries were co-conveners. Germany took on the role of chair of the task team on tertiary education and co-sponsored the thematic area of education. In addition, Germany made contributions to all six thematic areas, including 13 voluntary commitments. The Forum resulted in some 1400 pledges from diverse actors, relating to the implementation of the GCR and to new cooperation formats. For the sake of fairer international sharing of responsibility for refugees, Germany will continue to play a very active role and is willing to lend its political support for the mid-term review of the GRF, to be conducted by the end of 2021. Germany has already honoured, and in some cases overfulfilled, its pledges or is working on their implementation, thereby sending a message to other UN member states.

The Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted by acclamation in December 2018 at an intergovernmental conference in Marrakech and was subsequently endorsed by a clear majority of 90% of votes cast in the UN. The GCM constitutes a political, albeit legally non-binding, framework that serves to bolster international cooperation and order in migration matters. The intention is that developing

safe routes for regular migration and creating alternatives to irregular migration will reduce the risk of human rights violations. The implementation of the GCM is to take place at the global, regional, national and local levels. Germany has contributed actively to shaping the International Migration Review Forum, and in this context has campaigned especially for transparency, broad scope for participation and a balanced approach to the content of reviews. The first regional review is currently taking place. States are invited to submit voluntary contributions concerning their national implementation; Germany is taking part in this. Many of the actions referred to in the GCM already applied in Germany, regardless of the adoption of the Compact. The Migration Multi-Partner Trust Fund, one of the capacity-building mechanisms specified in the GCM, has been established with a view to ensuring successful implementation of the GCM by UN member states. The Fund makes resources available for the implementation of the GCM. Germany was one of the first donors to the Migration Multi-Partner Trust Fund.



Robert Okello, head of the company Sage Uganda, holding chia seeds in his hands in Namayingo (Uganda) on 30 June 2017. © picture alliance / Gioa Forster / dpa

C2 The human rights-based approach in German development policy

Development policy is human rights policy. Human rights are the normative core and practical benchmark of value-led and sustainable development cooperation. Germany and most of the countries with which it engages in development cooperation have ratified the pertinent international conventions. This makes them binding on Germany and its partners and makes human rights a binding guiding principle of German development policy and of the 2030 Agenda for Sustainable Development, the framework that governs international cooperation for sustainable development.

1. The 2030 Agenda and human rights

Structural inequality and systemic disadvantage pose a formidable challenge when it comes to both sustainable development and the realisation of human rights. Although the international community has made considerable progress in improving the living conditions of millions of people, a look behind the data, which are usually aggregated, reveals that some sections of the population are still systemically excluded from such progress. That is why “leave no one behind” (LNOB) is a major guiding principle of the 2030 Agenda for Sustainable Development. It is based on the human rights principles of the dignity of the individual, non-discrimination and equality of opportunity, which are enshrined in all human rights agreements.

German development policy, with its human rights-based approach, indivisibly links these principles with the other human rights principles such as human dignity, inclusion, transparency and accountability and with the core elements of the individual human rights (for example the availability, affordability and quality of water, healthcare services, education, etc.) with a view to fostering inclusion among the general population and specifically inclusion of children and young people, women, indigenous peoples, people with disabilities and LGBTI people. The German Government’s work to ensure that companies throughout the world respect human rights in their business activities, adhere to environmental and social standards and maintain fair and transparent supply chains (for details see [chapter C7](#) below), as well as its commitment to the prohibition of exploitative child labour and its current coronavirus emergency programme for a large number of partner countries, demonstrate these priorities of German development policy.

Instruments have been developed in the context of German development cooperation to address the structural causes of poverty, inequality and disadvantage. One such mechanism is the Equity Budgeting Tool, which shows expenditure on disadvantaged groups in public budgets and so reveals allocation practices in budgetary policies that consciously or unconsciously exacerbate inequality. Similarly, the reduction of structural disadvantage has been addressed in projects such as the support programme for social protection of the ultra-poor in Malawi, which implements measures, through several pilot schemes, to assist poor and disadvantaged people in Malawi. These include, for example, the establishment of the following important elements of the social security system:

- › a unified beneficiary registry for registration of the ultra-poor;
- › a harmonised grievance and redress mechanism;
- › E-payment systems;

- › measures to strengthen informal savings and credit groups in selected districts of the country.

Around the world, the COVID19 pandemic has led to serious setbacks with regard to respect for human rights and, in many cases, has been a sharp reminder of the extent and the implications of structural inequality and discrimination. Health systems have reached breaking point. In many countries food supplies have run short. Income slumps and job losses have led to acute deprivation. Millions of people have slid into extreme poverty. Women are hit disproportionately hard by the adverse effects of these setbacks. The rocketing number of women and girls who have been victims of domestic violence in many countries, especially during lockdowns, has been described as an “epidemic within an epidemic”. Accordingly, as part of the €3 bn Emergency COVID19 Support Programme established by the Federal Ministry for Economic Cooperation and Development, the German Government is helping partner countries to combat the pandemic effectively in areas such as healthcare, food security and social security and to alleviate its socio-economic impact. In the realm of social security, for instance, the Federal Ministry for Economic Cooperation and Development is topping up its contribution to the World Bank’s Sahel Adaptive Social Protection Programme (SASPP) by €80 m from the Emergency COVID19 Support Programme. The SASPP is assisting the five Sahel countries Burkina Faso, Chad, Mali, Mauritania and the Niger as well as Senegal in developing and financing adaptable social security systems so that, in a crisis such as a climate-related emergency or a pandemic like COVID19, they can bring help to those who bear the brunt.

2. The human rights-based approach and specific projects

When it comes to implementing the human rights-based approach in Germany’s development cooperation, compliance with the strategy paper on Human Rights in German Development Policy²¹ is compulsory for all implementing organisations delivering government contributions to development cooperation. It sets out requirements for framing government programmes, including an assessment of risks to human rights during the preparation of any project. Practical assistance in these matters is provided by the Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation.²² To

21 www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier303_04_2011.pdf

22 https://www.bmz.de/en/zentrales_downloadarchiv/themen_und_schwerpunkte/menschenrechte/Leitfaden_PV_2013_en.pdf

take account of the mainstreaming of human rights, the Federal Ministry for Economic Cooperation and Development has listed human rights, gender equality and inclusion as one of six quality criteria in its BMZ 2030 reform strategy.

German development cooperation is and will remain based on a three-pronged approach. Firstly, it promotes the embedding of the human rights-based approach across the board in all sectors and priority areas of cooperation. Secondly, the German Government aspires to coherent promotion of human rights internationally and in its policy dialogues with partner countries. Thirdly, Germany's development policy promotes human rights in partner countries through specific human rights projects.

The human rights-based approach means a change of perspective in German development policy. People in need become legal subjects with rights, and the state and its institutions incur obligations. The specific human rights projects address both as well as supporting rights protectors of human rights.

At a national level, for example, the National Human Rights Commission in Mauritania is supported in its continuing efforts to improve its human rights grievance mechanism through the Promotion of Human Rights and Human Rights Dialogue project.²³ Regionally too, the Federal Ministry for Economic Cooperation and Development, through a project entitled International regional law and access to justice in Latin America, is empowering marginalised sections of the population to assert their rights against governments in Latin America through the inter-American system for the protection of human rights. In the CEGGA project (Citizen Engagement for Good Governance, Accountability and the Rule of Law),²⁴ civil society, the National Assembly and the Provincial People's Assemblies in Laos are being strengthened in their resolve to represent citizens' interests and to frame reforms in a way that is consistent with obligations relating to the rule of law and human rights. The regional Social Rights for Vulnerable Groups project²⁵ in south-east Europe, for its part, assists welfare centres, local administrations and civil society in the cooperating countries in improving the guaranteed protection of marginalised groups' social rights and their access to social services.

23 <https://www.giz.de/en/worldwide/35093.html>

24 www.giz.de/en/worldwide/73603.html

25 <https://www.giz.de/en/worldwide/37117.html>

3. Sustainable supply chains and the fight against child labour in German development cooperation

In accordance with the UN Guiding Principles on Business and Human Rights, the German Government is committed worldwide to respect for human rights throughout supply chains (see also [chapter C7](#) on human rights and business). It uses voluntary and binding instruments to pursue this goal and cooperates directly with partner countries and with the private sector in Germany. Care is taken to ensure, for instance, that support for raw materials projects does not result in human rights violations. In the Democratic Republic of the Congo, for example, the Federal Ministry for Economic Cooperation and Development is funding a project to strengthen oversight in the commodities sector. The Congolese Ministry of Mines is being assisted in the establishment of the Certified Trading Chains (CTC) mineral certification scheme, which entails a right to decent working conditions and a ban on the worst forms of child labour in artisanal and small-scale mining.²⁶ To give a regional example, the Federal Ministry for Economic Cooperation and Development is funding the provision of support to the International Conference on the Great Lakes Region (ICGLR) for the implementation of the Regional Initiative against the Illegal Exploitation of Natural Resources.²⁷ On the significance of human rights in the German Government's raw materials partnerships, see also [chapter C7](#) below.

In the textiles sector, the German Government promotes sustainability standards and corporate responsibility in global supply chains through the Partnership for Sustainable Textiles. The member companies of the Partnership, which account collectively for about 50% of retail sales of textiles in Germany, set specific individual targets and publish progress reports on their pursuit of those targets. For example, 160 toxic chemicals are to be banned from production processes, and the proportion of sustainable cotton is to be steadily increased – to 70% by 2025. In joint Partnership initiatives, members also bring about tangible improvements locally, such as payment of a living wage and the establishment of effective complaint mechanisms. In order to increase the visibility of sustainable textiles to consumers, the Green Button, the official symbol for socially and environmentally manufactured textiles, was introduced in 2019. Besides meeting 26 social and environmental product criteria, companies must also show, by fulfilling another 20 criteria, that they are discharging their duty of corporate due diligence in their supply chains. In addition, through bilateral development cooperation in Asia with a total budget of some €100 m, the Federal Ministry for Economic Cooperation and Development is promoting the enforcement of sustainability standards in the textiles

26 www.bgr.bund.de/EN/Themen/Min_rohstoffe/CTC/Home/CTC_node_en.html

27 www.giz.de/en/worldwide/15662.html; www.bgr.bund.de/DE/Themen/Zusammenarbeit/TechnZusammenarbeit/Projekte/Laufend/Afrika/2040_2016-2074-9_Ruanda_ICGLRII.html?nn=1542366 (in German)

sector with a view to improving employees' working and living conditions, especially in Bangladesh and Pakistan. Through a regional project, dialogue programmes are used to impart knowledge about the work of trade unions and collective wage bargaining in, for instance, Bangladesh, Cambodia, Myanmar and Pakistan.

The German Government is committed to the worldwide fight against exploitative child labour. In 2019, the Federal Ministry for Economic Cooperation and Development launched a campaign entitled *Wir stoppen Kinderarbeit* ("Let's end child labour"); with a cooperation fund of up to €1.6 m, it supports innovative projects run by German NGOs to help eliminate child labour in agriculture, textiles production or mining. As part of the International Programme on the Elimination of Child Labour (IPEC), the German Government, in cooperation with the ILO, is funding projects for the elimination of child labour worldwide, for example in rural regions of Central Asia (particularly in Tajikistan and Kyrgyzstan). Governments of partner countries are assisted in eliminating the causes of child labour. Key actors in the cocoa, cotton, mining and textiles sectors are devising specific steps to combat exploitative child labour. Farmers' cooperatives in Madagascar, for example, are drafting a code of conduct for voluntary renunciation of child labour. In Côte d'Ivoire, the Green Innovation Centre supports mechanisms for monitoring child labour in the cocoa sector. The German Government also plays an active part in Alliance 8.7, a global initiative dedicated to the fight against child labour and forced labour.

4. Food security and the right to food in German development cooperation

The right to adequate food is a human right: every human being has a right to the non-discriminatory availability of affordable food in a quantity and quality sufficient to satisfy their individual age-, health- and culture-based dietary needs.

All states are duty-bound to ensure that the right to food, which is enshrined in international law, is a reality for their citizens. In SDG 2 of the 2030 Agenda, moreover, the international community set itself the aim of eliminating hunger in all its forms and guaranteeing food security for everyone by 2030. The aim of adequate food and food security is indivisibly linked with the sustainability of food supplies, which means guaranteeing access to food for both the present and future generations. According to the UN's 2020 report on the state of food security and nutrition in the world, however, some 690 million people across

the globe, that is to say almost 9% of the global population, are undernourished. The UN fears, moreover, that the COVID19 pandemic could drive this figure up by another 83 to 132 million by the end of this year.²⁸

To support partner countries in the war on hunger and malnutrition, a total of some €1.8 bn from Germany's development cooperation budget was invested in food security, agriculture and rural development in 2019. About a third of this amount was devoted to the special initiative One World – No Hunger. German development cooperation is focused on addressing the structural causes of hunger and malnutrition and contributes in this way to global realisation of the right to food.

5. Health protection and the right to sexual and reproductive health in German development cooperation

The German Government champions the protection of health both internationally and in cooperation with its partner countries. Besides its efforts to achieve the objectives of universal health coverage, Germany is also dedicated to the protection and promotion of sexual and reproductive health and rights. These are of great importance, particularly for women and young people, and contribute to their autonomy and to gender equality.

The benchmark here remains the Programme of Action of the Cairo International Conference on Population and Development and the related review conferences. Germany, in close consultation with partners, continues to press for the most comprehensive consideration possible of sexual and reproductive health and rights in international processes. In international negotiations, pressure to omit any mention of women's sexual and reproductive rights is increasing. In spite of this growing resistance, negotiators succeeded in enshrining references to consideration of sexual and reproductive health and reproductive rights in the UN Declaration on Universal Health Coverage in 2019. The Federal Ministry for Economic Cooperation and Development has also extended its Initiative on Rights-based Family Planning and Maternal Health until 2023. The aim of this initiative, funded from the bilateral cooperation budget with annual commitments averaging up to €100 m and reaching almost €126 m in 2019, is to ensure that, in partner countries, girls and women in particular can take free and informed decisions about their family planning. Between 2011 and 2018, measures taken under this initiative enabled some

28 www.fao.org/3/ca9692en/CA9692EN.pdf, p. viii

25 million couples to protect themselves against unplanned pregnancies. German support for the UN Population Fund, which campaigns worldwide for sexual and reproductive health and rights, was further increased in 2020 to a €70 m contribution to core resources.

6. Disadvantaged groups

6.1 Children and young people in German development cooperation

The rights of children and young people play a particularly important part in German development cooperation, because 3.2 billion people in the world are below the age of 25. That is a third of the world's population. Ninety percent of this age group live in developing and newly industrialised countries, where they often constitute a majority of the population. German development cooperation is dedicated to worldwide reinforcement of the rights of this group to protection, inclusion and support that derive from the UN Convention on the Rights of the Child. Through the Action Plan entitled "Agents of Change – Children's and youth rights in German development cooperation activities (2017-2019)", support and promotion of young people's participatory rights, for example, have been expanded. The Action Plan highlights the role of children and young people as a force for good, as "critical agents of change". In a wide range of sectors, 367 projects and programmes in the realm of intergovernmental development cooperation, 228 projects run by central church bodies and welfare institutions, 447 projects run by private promoters and 65 projects run by Länder and local authorities are contributing to strengthening children's and young people's rights across the world. These include projects promoting access to education and sanitary infrastructure, both of which are especially important for girls.

In Honduras, a project supporting decentralisation processes in the national education system is reinforcing the participatory rights of school pupils. In the framework of a two-year participatory process, schoolchildren themselves are drafting a national regulation on pupil representation.²⁹

²⁹ <https://www.giz.de/en/worldwide/13828.html>

A competition entitled “Agents of Change – Innovation for Children’s and Youth Rights” was implemented on behalf of the Federal Ministry for Economic Cooperation and Development; from 2018 to 2019, through a total of 12 pilot schemes in Asia, Africa and Latin America, it supported the development of innovative approaches to enable children and young people to exercise their rights in practice.³⁰

In addition, the Ministry has considerably broadened the thematic and financial scope of its support for UNICEF. From €160.5 m in 2014, its payments rose continuously to €431 m in 2019. In Iraq, for example, the Ministry has contributed more than €150 m to the UNICEF country programme since 2014 for purposes including improvement of the precarious situation regarding children’s education, enhancement of public water supply and sanitary facilities, and provision of psychological and psychosocial support and counselling services.

The reference period saw the planning of the first Youth Council of the Federal Ministry for Economic Cooperation and Development and the publication of the call for applications. Children and young people from Germany and partner countries participated in the inclusive founding process, which comprised several workshops. The aim of the Ministry’s Youth Council³¹ is to give young people the opportunity to make their voices heard on German development policy and so contribute to youth-friendly and sustainable change.

6.2 People with disabilities in German development cooperation

Of the more than a billion people in the world with disabilities, about 80% live in countries with low or middle average incomes. Demographic change and the increase in chronic illnesses as well as violence and environmental disasters are driving a further increase in the percentage of the population who have disabilities. The interaction of poverty and disability increases the risk of poverty for these people.

For this reason, the German Government pursues an inclusive development policy that ensures observance, protection and promotion of the rights of people with disabilities. To this end, in December 2019 the Federal Ministry for Economic Cooperation and Development adopted an inclusiveness strategy³² that makes a tangible contribution to the implementation of Article 32 (International cooperation) of the UN Convention on

30 https://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier470_09_2019.pdf, pp. 15-16

31 www.kinder-und-jugendrechte.de/im-fokus/jugendpartizipation-in-der-entwicklungspolitik (in German)

32 https://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier501_inclusion.pdf

the Rights of Persons with Disabilities and of the 2030 Agenda with its guiding principle “Leave no one behind”. The latter has defined inclusion as a key element of social development processes and contains binding requirements to make development projects inclusive. Also firmly anchored in this approach is the active involvement of experts with disabilities in the implementation of measures, in accordance with the principle “Nothing about us without us”.



Demonstration in Buenos Aires, Argentina, in October 2018 against the reduction in state aid for people with disabilities © picture alliance/ZUMAPRESS.com – Roberto Almeida Aveledo

Since 2009, the number of projects with an inclusiveness dimension has risen steadily. In technical cooperation alone, more than 100 projects incorporate an explicit focus on the diverse needs and capabilities of women, men, girls and boys with disabilities. In Rwanda, for example, access to vocational skills for people with disabilities has improved as a result of employment-promotion measures being linked to the needs of the labour market. Public employment agencies have been assisted in conducting business start-up

training for unemployed people with disabilities.³³ In Jordan, support is provided for inclusive education programmes and a clean, safe and accessible environment in schools and locations used for extracurricular activities. The measures benefit refugee children and their host communities.³⁴

6.3 Indigenous peoples in German development cooperation

Indigenous peoples account for 15% of the people living in extreme poverty in the world and often live in and from vulnerable ecosystems. For this reason, they are particularly affected by climate change. Protection of their human rights and respect for their right of consultation and approval, encapsulated in the principle of people's free, prior and informed consent (FPIC) being required for measures that particularly affect them, are major components of the human rights strategy of the Federal Ministry for Economic Cooperation and Development and hence guiding principles of Germany's development policy. In October 2019, a round-table discussion on current challenges and needs for action was held in Berlin with international and indigenous experts, with a view to more systematically embedding indigenous rights in German development cooperation.

The active involvement of indigenous peoples in political decision-making processes is a necessary condition for the realisation of their human rights. At international level, the Ministry is supporting the Local Communities and Indigenous Peoples Platform established by the UNFCCC, which is a unique mechanism for involving indigenous sections of the population in climate negotiations. By supporting the Global Initiative to Address and Prevent Criminalisation of and Impunity against Indigenous Peoples, the Ministry is also backing indigenous human rights defenders who are subject to threats, criminalisation and killings.

Germany's development cooperation reinforces the role of indigenous peoples as key actors in the protection of global assets such as forests and biodiversity. With its portfolio of projects with a total value of some €2.1 bn, the Ministry is one of the largest donors to international forest protection and reinstatement of forests. By means of the REDD+ framework (Reducing Emissions from Deforestation and Forest Degradation), indigenous communities in many countries have been able to involve themselves for the first time in strategy development and planning processes with a view to safeguarding forests and combating climate change. In Colombia, the REDD Early Movers Programme³⁵ supports

33 www.giz.de/en/worldwide/20792.html

34 www.giz.de/en/worldwide/37916.html

35 <https://www.kfw-entwicklungsbank.de/International-financing/KfW-Development-Bank/Topics/Climate/REDD/>

indigenous communities in exercising their right of self-determination and sustainably managing their territories. In Cameroon, through the Support for the Central African Forests Commission (COMIFAC) and Forest and Environment projects, the Ministry is increasing the involvement of indigenous communities in forest management as well as backing the creation of alternative sources of income through the sustainable use of forest products. As part of the global Responsible Land Policy project, German development cooperation is supporting the protection of collective land and resource rights of indigenous communities in the Peruvian Amazon.

6.4 LGBTI people in German development cooperation

LGBTI people are subjected to severe discrimination and violence throughout the world. In many countries, LGBTI people are criminalised by legislation, and in some countries consensual sex acts between adults can even carry the death penalty. For this reason, Germany is actively committed to protecting LGBTI people and combating discrimination against them through its development cooperation. On one front, it promotes efforts to defend the human rights of LGBTI people by means of dedicated measures. On another, the German Government is also seeking to mainstream consideration of LGBTI groups in more general governmental and non-governmental development cooperation projects.

Among the aims of the project Strengthening Good Governance and Civil Society in Uganda³⁶ are advising Uganda's Human Rights Commission and police on the avoidance of discrimination against LGBTI people and supporting the work of LGBTI organisations in civil society by means of organisational-development and capacity-building measures as well as advice on strategic litigation.

7. Gender equality in German development cooperation

Gender equality is both an explicit objective and a hallmark of German development cooperation. In numerous partner countries, Germany pursues a three-pronged approach, which combines projects specifically designed to empower women and girls, gender mainstreaming and the discussion of equality issues in bilateral and multilateral political dialogue. Particular emphasis is placed, for example, on the prevention and elimination of all forms of gender-based violence, on the promotion of economic and political participation and on the Women, Peace and Security Agenda (see [chapter C6](#) below).

36 www.giz.de/en/worldwide/57937.html



Speech by Federal Foreign Minister Heiko Maas (SPD) at the 68th session of the UN General Assembly in New York on 25 September 2019. © Thomas Koehler/photothek.net

C3 Cooperation with the UN, NATO, the Council of Europe and the OSCE

United Nations

As an elected member of the **UN Security Council** in 2019 and 2020, Germany vigorously championed the reinforcement of human rights and, through numerous initiatives, contributed significantly to making human rights a permanent part of the Council's agenda, while also pressing for the establishment of a comprehensive concept of security in the Council.

With this commitment, the German Government manifested its conviction that respect for human rights is a prerequisite for conflict prevention and for the sustainable management and resolution of crises.

Because of the resistance of some members of the UN Security Council, human rights only ever appear explicitly on the Security Council agenda in exceptional cases, although they are addressed almost every time the Security Council discusses any crisis or country.

Commitment to human rights as the unifying theme of Germany's Security Council membership in 2019-2020

As an elected member of the UN Security Council in 2019-2020, Germany – in close consultation with like-minded partners and in the face of sometimes considerable opposition in the Security Council – explicitly put the human rights situation in specific conflicts (e.g. Crimea, Myanmar and Syria) as well as cross-cutting issues relating to human rights (e.g. people with disabilities, human rights in peace missions, children conceived as a result of rape, and protection of human rights defenders and representatives of civil society) on the Security Council agenda. It also systematically referred in its submissions to the Security Council to the human rights situation and the protection of civilians in specific situations within countries.

In addition, in negotiations on relevant thematic and country-specific Security Council documents, the German Government pressed for the mainstreaming of references to human rights. Together with like-minded nations, it co-sponsored some Security Council resolutions with a sharp focus on human rights, such as the first resolution ever to deal specifically with the situation of people with disabilities in armed conflicts, or the Security Council resolutions on missing persons in armed conflicts and the resolution on youth, peace and security.

Germany also clearly highlighted the importance of UN peace missions in the protection of human rights, for example through the Security Council's first formal debate on the subject of peace operations and human rights, which was held during Germany's presidency of the UN Security Council in July 2020; the debate was chaired by Annegret Kramp-Karrenbauer, Federal Minister of Defence, and briefed by Michelle Bachelet, UN High Commissioner for Human Rights. In all negotiations on the mandates of UN peace and political missions, Germany has championed robust human rights components and the protection of civilians in armed conflicts. For example, Germany successfully

co-sponsored the creation of a human rights component in the mandate of UNITAMS, the UN Integrated Transition Assistance Mission in Sudan (the follow-on mission to UNAMID), to ensure continued effective observation of the human rights situation there.

Liaison between Geneva and New York

A significant fruit of Germany's commitment as a member of the UN Security Council in 2019-2020 and, simultaneously, of the Human Rights Council (2019-2021) has been an increase in communication and in the flow of information between the Security Council in New York and the Human Rights Council in Geneva. That is a stated aim of the Human Rights and Conflict Prevention Caucus in New York, a group of friends led by Germany and Switzerland and comprising states committed to a sharper focus on human rights in the bodies of the UN.

One of the successes in this endeavour during Germany's presidency of the UN Security Council in April 2019 was the first formal briefing of the Security Council by the High Commissioner for Human Rights, Michelle Bachelet, who portrayed the situation in Haiti; this was followed by further briefings given by her deputy on South Sudan and the Sudan. In 2018, because of the opposition of some Security Council members, there had not been a single briefing by the Office of the High Commissioner.

In addition, in its capacity as President of the Security Council in April 2019 and July 2020, the German Government organised informal meetings of the Security Council members with the President of the UN Human Rights Council, thereby promoting a free and interactive exchange of views in which even critically disposed members of the Security Council participated after some initial resistance.

Women, peace and security

One of the priorities of Germany's membership of the Security Council in 2019-2020 was to embed the Women, Peace and Security (WPS) Agenda more firmly into the work of the UN Security Council and broaden its thematic scope.

With Security Council Resolution 2467 (2019), which was successfully adopted, and with the organisation of two open debates, Germany stepped up the fight against sexual violence in conflict (see [chapter D1](#) below).

In April 2019, Federal Foreign Minister Heiko Maas, together with the United Kingdom and UN Women, invited UN member states and UN organisations to make voluntary commitments to implement the WPS Agenda and to honour those commitments in time for the 20th anniversary of the Agenda in October 2020.

To promote the mainstreaming of the WPS Agenda, Germany consistently put the need for women's political involvement and for protection against sexual violence on the agenda in its submissions to the Security Council on relevant situations in particular countries, pressed for references to the WPS Agenda in the negotiation of pertinent Security Council documents and arranged numerous informal meetings of the Security Council members, known as Arria-formula meetings, on thematic and country-related aspects of the WPS Agenda.

With its co-chairmanship of the Informal Expert Group on Women, Peace and Security, Germany assumed paramount responsibility for seeing that this cross-cutting issue received due consideration from the UN Security Council and ensured that, prior to any discussion of relevant situations in particular countries and/or of extensions to the mandates of UN peace missions, information on progress in the implementation of the WPS Agenda and related recommendations were fed into the work of the Security Council. Besides co-chairing meetings on Afghanistan, Colombia, the Democratic Republic of the Congo, Iraq, Libya, South Sudan, the Sudan, Syria and Yemen, in its capacity as co-chair of the WPS Group Germany also drew the attention of the Security Council to the impact of COVID19 on the situation of women in crisis zones in April 2020.

Germany noticeably increased the participation of women speakers in meetings of the Security Council devoted to specific countries and regions. According to UN Women, Germany's first presidency of the UN Security Council in April 2019 saw the highest level yet of contributions by women speakers from civil society to country-specific deliberations in the UN Security Council. During Germany's second presidency of the Security Council in July 2020, 10 out of 15 representatives of civil society invited by Germany were women, and 51% of all those who addressed the Security Council were female.

To mark the 20th anniversary of Resolution 1325 (2000) in October 2020, Germany, during its presidency of the Security Council in July 2020, joined forces with the International Civil Society Action Network to organise a discussion between the members of the Security Council and female peace activists from more than 25 conflict zones, the first such event to have been held since 2000. Through this initiative, the German Government contributed to better understanding on the part of the UN Security Council of the state of play regarding the implementation of the WPS Agenda.

Children and armed conflict

The German Government foregrounded the cross-cutting issue of children and armed conflict in all relevant Security Council discussions on particular countries or on extensions of UN peace mission mandates and consistently called for children's rights to be respected and children in armed conflict to be protected. In this context it vigorously supported the work being done by Belgium as chair of the Security Council Working Group on Children and Armed Conflict.

The German Government plays an active part in that Working Group, which, since the beginning of 2019, has adopted conclusions on Syria, Yemen, Myanmar, Iraq and Colombia on the basis of country reports presented by the UN Secretary-General. The Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba, made an official visit to Berlin in June 2019.

Resolution 2467, adopted in April 2019 under Germany's presidency of the Security Council, is the first resolution to deal in detail with the situation of mothers and their children born as a result of rape. The resolution refers to challenges faced by these children and their mothers, such as economic and social marginalisation, physical and psychological injury, statelessness, discrimination and lack of access to reparations. The resolution requests the UN Secretary-General to report to the Security Council on these issues no later than the end of 2021. It also raises awareness of sexual violence specifically targeting boys in the context of armed conflicts.

Involvement of civil society

The German Government has been a staunch advocate of involving briefers from civil society in meetings of the UN Security Council devoted to particular countries or regions. The German Government has thus succeeded in obtaining a hearing for the concerns and recommendations of civil society, improving the UN Security Council's access to relevant information on human rights and enabling the Security Council to see controversial issues from new perspectives.

During the presidency month of April 2019, eleven female and two male experts from civil society spoke at Germany's invitation on country-specific issues and on the subjects of international humanitarian law, women in UN peace missions and the fight against conflict-related sexual violence. During its second month of presidency, in July 2020, Germany managed to involve 15 speakers from civil society in the deliberations of the

UN Security Council. In the period of virtual meetings of the Security Council since mid-March 2020, Germany has thus achieved the highest level of participation to date of speakers from civil society.

Germany's Permanent Representation to the UN in New York, moreover, has provided regular briefings, seven of them at ambassadorial level, for the New York offices of civil-society organisations, thereby ensuring a high degree of transparency and providing them with opportunities to exchange views and information and remain involved, which has been appreciated and explicitly commended by civil society at a time when contacts in person have been curtailed and the working methods of the Security Council altered accordingly by the COVID19 pandemic.

Since October 2018, Germany has organised or co-hosted twelve informal meetings of UN Security Council members on human rights issues with 13 briefers from civil society.

Germany organised three meetings, on Syria, Myanmar and people with disabilities, with mandated members of the Geneva-based Human Rights Council in spite of opposition from some Security Council members that dispute the right of the Human Rights Council to interact directly with the Security Council.

At Germany's invitation, representatives of the Office of the High Commissioner for Human Rights, including High Commissioner Michelle Bachelet herself and her deputy, briefed the Security Council at informal meetings on a total of seven occasions. At official Security Council meetings, there have been five briefings since the start of 2019 by High Commissioner Bachelet or her representatives; Germany was directly involved in the organisation of four of these – on Haiti, South Sudan, the Sudan and peacekeeping.

During the reference period, Germany continued its close cooperation, based on mutual trust, with the **Office of the UN High Commissioner for Human Rights (OHCHR)**. With its voluntary contribution, amounting in 2020 to €6 m, plus additional project funding, Germany is one of the largest donors to this key institution in the UN system of human rights protection. The German contribution is primarily used to support the work of the Special Rapporteurs and of the treaty bodies for the human rights conventions, the country and regional offices of the OHCHR, and the UN Voluntary Fund for Victims of Torture and UN Trust Fund for Victims of Human Trafficking, both of which are administered by the OHCHR. At Germany's invitation, Dr Michelle Bachelet, UN High Commissioner for

Human Rights, briefed the UN Security Council twice during the German presidencies of the Security Council – on 3 April 2019 and 7 July 2020 – on the subject of peace missions and human rights.

In the framework of the **Third Committee of the UN General Assembly**, which is responsible for human rights, Germany sponsored another resolution in the autumn of 2019 intended to strengthen **national human rights institutions** (NHRIs). Its purpose is to develop and institutionalise the input of NHRIs' expertise into deliberations on relevant UN mechanisms and procedures. The German Government also supported such efforts within the relevant bodies themselves. Other initiatives related to the human rights to safe drinking water and sanitation (submitted jointly with Spain) and a resolution submitted by Germany and a group of other states proclaiming International Equal Pay Day. The General Assembly adopted all three German initiatives by consensus.

From 2013 to 2018, Germany served two consecutive three-year terms as a member of the **UN Human Rights Council**, of which it ceased to be a voting member, in accordance with the statute, at the end of 2018. The German Government decided that it would stand once again for election as soon as the statutory one-year interval had elapsed. This is why Germany only had observer status on the Human Rights Council in 2019, but in the autumn of 2019 it was elected again by the General Assembly for another three years (2020 to 2022 inclusive) as a member of the UN Human Rights Council. In 2018 and 2020, as a voting member, and in 2019 as an observer, Germany campaigned wholeheartedly in the UN Human Rights Council for the human rights priorities of the German Government. In the years 2018 to 2020, Germany submitted resolutions in the UN Human Rights Council relating to the fight against human trafficking (together with the Philippines), adequate housing as a component of the right to an adequate standard of living (together with Finland, Brazil and Namibia), the rights to safe drinking water and sanitation (together with Spain) and the right to privacy in the digital age (together with Brazil, Austria, Liechtenstein and Mexico). The German Government has regularly used the UN Human Rights Council and its Universal Periodic Review procedure to publicly address human rights situations that give cause for concern and to encourage other states to do likewise.

Germany in the Universal Periodic Review of the UN Human Rights Council

Following the creation of the Human Rights Council in 2006 as the successor institution to the UN Commission on Human Rights, the instrument of the Universal Periodic Review (UPR) of states was introduced in 2007. All 193 states report to the Council on the fulfilment of their human rights obligations, respond to questions from the other member states and receive recommendations from them. The procedure serves to fend off criticism that the Council focuses selectively on particular countries.

The aim of the UPR is to make a long-term contribution to the improvement of the human rights situation. To that end, the UPR is designed as an instrument of dialogue and cooperation. Even while drafting their reports, states are urged to seek dialogue with civil society. NGOs, and the national human rights institutions, can also have their interests considered in the review procedure by formally submitting what is known as a shadow report. This mechanism assumes particular importance in countries where a regular dialogue between the government and civil society does not feature on the agenda.

By accepting recommendations made by other states, the governments of reviewed countries make a voluntary commitment by which they must let themselves be judged during the next reporting cycle.

On 8 May 2018, Germany underwent its third UPR. At the hearing in Geneva, lasting three and a half hours, the representatives of 109 states spoke and made 259 recommendations to Germany. On 20 September 2018, on completion of this third UPR process, Germany informed the Human Rights Council that it supported 209 of the 259 recommendations. In accordance with the widely expressed wish for a mid-term review of the implementation of the accepted recommendations, this Fourteenth Human Rights Report by the German Government deals in the relevant chapters with what has been achieved. The task in the coming years is to make further progress on implementation.³⁷

Germany cooperates with the **Special Procedures of the UN Human Rights Council** and has issued a standing invitation to all Special Rapporteurs, independent experts and commissions of inquiry. Germany has provided funding, specifically and/or through its voluntary contribution to the OHCHR, for the Special Rapporteur on the human rights to safe drinking water and sanitation, Leo Heller, the Special Rapporteur on the right to adequate housing, Leilani Farha, the Special Rapporteur on trafficking in persons, Maria

37 Full documentation of the UPR, including a video recording of the hearing and of the German statements to the Human Rights Council, can be found on the Human Rights Council website at www.ohchr.org/EN/HRBodies/UPR/Pages/DEIndex.aspx.

Grazia Giammarinaro, the Special Rapporteur on promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, and the Special Rapporteur on the right to privacy, Joseph Cannataci.

In addition, the German Government cooperates closely with the Independent International Commission of Inquiry on the Syrian Arab Republic (IICI Syria) and with the UN International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011 (IIIM), which Germany supported with voluntary contributions of €1 m in both 2017 and 2018 and with a contribution of €1.04 m in 2019. In the 2019 UN budget negotiations, we successfully pressed for the IIIM to be funded from the regular UN budget in future, with an allocation of US\$17.8 m.

Professor Beate Rudolf, Director of the German Institute for Human Rights, served as Chairperson of the **Global Alliance of National Human Rights Institutions** (GANHRI, formerly the International Coordinating Committee) from March 2016 to March 2019. The German Government continued to support the Chairperson of GANHRI during the reference period in the aim of enhancing the connectivity of NHRIs and of feeding their expertise into the relevant human rights-related processes and mechanisms of the UN.

Part of the agenda of the UN **Open-ended Working Group on Ageing** (OEWGA) is the identification of gaps in the existing international protection of older people's human rights and consideration of areas and ways in which more binding protection of older people can be achieved. The two focus areas at the Tenth Session of the Working Group in April 2019 were social protection and social security, and education, training, lifelong learning and capacity-building. The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth supports a German Institute for Human Rights project for the preparation of and follow-up to these Working Group sessions. The Eleventh Session of the Working Group, which was due to take place in April 2020, had to be cancelled because of the COVID19 pandemic.

The review and appraisal of the Madrid International Plan of Action on Ageing (MIPAA), which is the second global action plan on ageing, continues to be conducted through the Regional Implementation Strategy, which is the responsibility of the UNECE Standing Working Group on Ageing (SWGGA). The mandate of the Working Group was upgraded in 2020 to that of a Standing Working Group, which means that the mandate does not have to be renewed every five years. In addition, the SWGA is also supposed to deal with all other matters relating to older people, such as the WHO Decade of Healthy Ageing, in order to promote a holistic approach within the wider UNECE as well. This upgrade stems to a great extent from a German proposal.

In its work within and with the UN, the German Government remains actively committed to the worldwide enforcement of **children's rights** as set out in binding form in the UN Convention of 1989 on the Rights of the Child. The German Government continues to cooperate closely with various bodies in this field, including the UN Children's Fund UNICEF. Germany is the third-largest governmental donor to UNICEF and has greatly increased its contributions over the past few years, from €40 m in 2013 to more than €430 m in 2019. It attaches particular importance to ensuring that the new project-related funding commitments it makes each year are always spread over several years if possible, normally three to four. This makes it easier for UNICEF to plan ahead, underlines Germany's role as a reliable donor and permits the adoption of longer-term strategies on the ground. In particular, the German Government supports the work of UNICEF in countries that are especially affected by crises, war and displacement. Besides support for UNICEF programmes in crisis-ridden countries, the German Government's institutional allocation to UNICEF's regular resources is also an important contribution to the worldwide enforcement of children's rights. The German Government has steadily increased this allocation, too, over the past few years. Of the total of €430 m committed to UNICEF in 2019, the sum of €60 m was made available as a voluntary unearmarked core contribution.

UNESCO, the UN Educational, Scientific and Cultural Organization, is the lead body in the UN system for matters concerning freedom of the press and the safety of journalists. It brings violations of these principles into the public domain by means of press releases from the Director-General, arranges capacity-building measures such as continuing-development courses for journalists, lawyers and judges, and publishes relevant recommendations for action and global reports. In the context of the COVID19 pandemic, for instance, UNESCO launched a globally successful campaign for the protection of journalists and freedom of information, which had a vast reach in sub-Saharan Africa and Latin America in particular. Individual complaints about violations of human rights within UNESCO's sphere of competence, such as freedom of the press, freedom of information, the right to education and the right to share in scientific advancement, are examined in private session by the Committee on Conventions and Recommendations of the UNESCO Executive Board. Germany is a member of the Committee for the years 2020 and 2021. Other contributions to the defence of human rights are the UNESCO International Coalition of Inclusive and Sustainable Cities (ICCAR), campaigns for artistic and academic freedom and for endangered academics and artists, and civic-education initiatives against antisemitism and for Holocaust education.

The German Government also cooperates with a range of UN organisations, funds and programmes. One of the aims of this cooperation is to fulfil Germany's human rights obligations both nationally and internationally with the aid of the UN. For this purpose,

the German Government, as well as making its core contribution to the various UN bodies through the UN budget, also supports them through voluntary and project-related contributions, such as those made to UNICEF and UN Women.³⁸

NATO

In the North Atlantic Alliance, the German Government actively involved itself during the reporting period in the work strands for the reinforcement of human rights in operational settings, focusing both on protection of civilians and on children and armed conflict, as well as the formulation of the NATO policy on preventing and responding to sexual exploitation and abuse.

To enhance NATO expertise in the field of children and armed conflict, a German expert was seconded to NATO Headquarters and subsequently to Supreme Headquarters Allied Powers Europe (SHAPE) during the reference period, where his main duties involved providing training courses and advice for operational forces.

To highlight NATO's contributions to the realisation and observance of international humanitarian law, Germany's Permanent Delegation to NATO, together with the delegations of France and Canada, organised a high-level panel discussion, held in September 2019, on the subject of NATO's role in promoting effective implementation of international humanitarian law.

In the period from June 2019 to March 2020, the German Government also financed a study, at a cost of €70,000, on the influence and impact of NATO gender advisers on NATO-led activities, missions and operations. The study identified examples of best practice and made recommendations on the deployment of these advisers and was the first such input for NATO.

38 See the German Government report on cooperation between the Federal Republic of Germany and the UN for 2018-2019 (in German) at www.bundesregierung.de/breg-de/service/publikationen/bericht-der-bundesregierung-zur-zusammenarbeit-zwischen-der-bundesrepublik-deutschland-und-den-vereinten-nationen-2018-2019-1779462

Council of Europe

During the reference period, the German Government advocated actively for the effective use and further development of the Council of Europe instruments for protecting human rights as well as for even closer cooperation between the Council of Europe and other international organisations, especially the OSCE and the UN. The German Government reports regularly to the Bundestag and the Bundesrat on the activity of the Council of Europe, including its work in the field of human rights. The most recent report covers the year 2019 (Bundestag printed paper 19/20360 of 4 June 2020).

The reference period saw a wide range of contacts at the political level. Federal Foreign Minister Heiko Maas took part in the 70th session of the Committee of Ministers in Helsinki in May 2019, and in November 2019 had a meeting in Berlin with Marija Pejčinović Burić, newly elected as Secretary General of the Council of Europe by its Parliamentary Assembly in June 2019.

Germany's chairmanship of the Committee of Ministers from mid-November 2020 until mid-May 2021 is to be used to strengthen the Council of Europe as a central pillar of multilateral cooperation and rules-based order in Europe in the realm of human rights. Among the subjects in focus will be strategic issues such as human rights online and the establishment of the Council of Europe as a setter of standards for the regulation of human rights-related and ethical aspects of artificial intelligence.

The German Government is committed to helping ensure that all member states of the Council of Europe honour their common obligations. It therefore presses consistently for unrestricted observation of the human rights situation in all member states by the competent institutions of the Council of Europe, including visits to the relevant regions. This applies especially to regions of member states which are under the internationally unrecognised *de facto* control of other states, as in the case of Crimea.

In various Council of Europe and EU forums, the German Government has repeatedly made clear that it emphatically supports the EU's accession to the European Convention on Human Rights. The German Government intends, especially within the framework of the Council of Europe presidency, to make active efforts to secure accession to the Convention, as prescribed by Article 6(2) of the Treaty on European Union, at an early date. It had pressed for continuation of the accession negotiations, which had made no progress since 2014, and emphatically welcomed their resumption in the second half of 2019.



European Court of Human Rights, September 2019 © picture alliance/dpa – Philipp von Ditzfurth

The German Government supports the work of the Council of Europe institutions with responsibility for human rights, the rule of law and democracy. These include the European Court of Human Rights (ECtHR), the European Commission for Democracy through Law (Venice Commission), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Anti-torture Committee) and the European Commission against Racism and Intolerance (ECRI). Since January 2020, Professor Anja Seibert-Fohr has been the German judge at the ECtHR. Since the workload of the Court is very heavy because of a high volume of individual applications, the German Government is supporting a special fund established by the Council of Europe to finance the appointment of additional legal experts.

The Federal Ministry of Justice and Consumer Protection publishes annual reports on the decisions of the ECtHR in cases against the Federal Republic of Germany and the execution of these judgments as well as on the decisions of the Court in cases against other states.³⁹

³⁹ www.bmjjv.de/DE/Themen/Menschenrechte/EntscheidungenEGMR/EntscheidungenEGMR_node.html (in German)

Through its project-related support, the German Government helps to fund the European Roma Institute for Arts and Culture (ERIAN), which receives some of its institutional assistance from the Council of Europe. The ERIAC Board includes representatives of the German Government from the Federal Ministry of the Interior, Building and Community and the Federal Foreign Office. The purpose of the Institute is to help make Roma culture better known in Europe and thus to effectively combat negative attitudes towards that minority.

Germany is one of the Council of Europe's major contributors, funding about 11% of its budget. The German Government also intends to continue lending project-related support to the Council of Europe through voluntary contributions, particularly for its activities in the field of human rights. It provided substantial assistance in the reference period for mechanisms such as the Council of Europe's Human Rights Trust Fund, in which several member states are involved and which funds projects designed to improve the execution of ECtHR judgments in member states (about €400,000 in 2019), and the special fund for the ECtHR, which is intended to ensure that the Court has adequate funding to deal with its heavy caseload (about €300,000 in 2019).

Organization for Security and Co-operation in Europe

The German Government actively pursues its human rights policy within the framework of the Organization for Security and Co-operation in Europe (OSCE) too. The "human dimension" of security within the OSCE area remains a priority of Germany's efforts. During the reference period the German Government's main focal points were freedom of opinion, media freedom, the rights of national minorities, and promotion of tolerance and non-discrimination. Other priorities were promotion of the rule of law, women's rights and the implementation of fundamental freedoms.

Germany, along with its EU partners, strove to ensure that all OSCE participating states were meeting their obligations under the "human dimension" and were fostering the protection of human rights in their own countries and regionally. In that context, in the Permanent Council of the OSCE, the German Government, together with EU partners, regularly addressed violations of human rights and called for adherence to the principle of the rule of law and to democratic standards. Its main areas of concern in this respect were attitudes to freedom of assembly and freedom of association, promotion of independent civil society, respect for freedom of opinion and media freedom, protection of journalists, respect for freedom of religion or belief, protection of minorities, combating intolerance and discrimination, and democratic standards in connection with the conduct of elections.

Germany is the second-largest contributor to the OSCE, funding approx. 11% of its budget. Its annual compulsory contribution was about €24 m in 2019 and about €26 m in 2020. The German Government also supported 32 human rights projects in each of those years, with a total funding volume of some €3 m. The projects focused on strengthening the rule of law and good governance, protection of human rights and fundamental freedoms, support for civil society and observation of elections, as well as media freedom and freedom of opinion, national minorities, and tolerance and non-discrimination.

Germany also assisted the OSCE by seconding experts to OSCE institutions and field missions, 81 being seconded in 2018, 86 in 2019 and 83 up to the completion date of this report in 2020. In addition, the German Government campaigned vigorously for the retention of the current 16 OSCE field missions and the full exercise of their mandates. Germany provided financial and political support for the activities of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media, including support for preserving the independence of these three OSCE institutions in the field of human rights.

Together with its partners, Germany pressed for unhindered access for NGOs and representatives of civil society to OSCE events relating to the human dimension, particularly to the OSCE Human Dimension Implementation Meeting (Warsaw, 16 to 27 September 2019), which is the world's largest annual forum on human rights and fundamental freedoms.

ODIHR renders a particularly visible contribution in the sphere of human rights by monitoring adherence to democratic standards through the instrument of election observation. In close cooperation with the Venice Commission of the Council of Europe, ODIHR assists OSCE participating states in improving their electoral laws and election administration. As in the other areas of ODIHR's work, Germany makes extensive voluntary contributions to election-related activities. Germany agreed to ODIHR's request for the secondment of German election observers and provided around 10% of all members of its election observation missions. This was made possible by a pool of specially trained volunteer experts selected and assigned by the Centre for International Peace Operations (ZIF). During the reference period, the German Government seconded 600 German observers through ZIF to ODIHR election observation missions.

The fight against antisemitism is a constant priority of Germany's human rights policy, including in the context of the OSCE. In particular, the German Government continued its wide-ranging support for ODIHR's Words into Action II project, following up the successful Words into Action to Address Anti-Semitism project. The purpose of this multiannual project is to better address the security needs of Jewish communities in the OSCE area and to counter antisemitism through education.

Germany also participated in the work of the OSCE to curtail the spread of hate speech online by taking part in the Meeting of National Contact Points as well as contributing to the reports published by ODIHR each November entitled “Hate Crimes in the OSCE Region: Incidents and Responses”.

The work of the Coordinator and that of the OSCE to combat violence against women also received active support from the German Government. In addition, at the end of 2018 the German Government supported the decision of the OSCE Ministerial Council on preventing and combating violence against women and an OSCE project based on that decision.

C4 Civil and political rights

Germany campaigns worldwide for respect for civil and political rights and freedoms.

Together with its EU partners, Germany has been pursuing an active policy against the **death penalty** for many years, not least in the UN and OSCE frameworks. This policy is based on the Guidelines to EU Policy towards third countries on the death penalty. The Guidelines make it clear that the abolition of the death penalty is a key human rights goal of the Common Foreign and Security Policy (CFSP). The German Government, often together with EU partners, makes diplomatic démarches, for example, and public statements, either with a view to influencing the general practice of individual states or trying to prevent the death penalty being carried out in individual cases.

At international level, another resolution on a moratorium on the use of the death penalty was carried at the 73rd session of the UN General Assembly in December 2018; the resolution (A/RES/73/175) clearly documents the worldwide trend towards abolition of the death penalty. In Universal Periodic Reviews (UPRs) too, Germany recommends the abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Gambia ratified that Optional Protocol in the autumn of 2018, as Germany had recommended in the UPR. In 2019, the Optional Protocol was ratified by Angola and signed by Armenia, and Kazakhstan's signature followed in 2020. Most of the 193 UN member states have now abolished or suspended the death penalty, and fewer than 60 states still have capital punishment, although these include close partners of Germany such as Japan and the United States, which carried out federal executions in July 2020 for the first time since 2003.

The German Government supports efforts to obtain suspension and abolition of the death penalty through its project funding too. In the reference period, for instance, it supported several projects for the abolition of the death penalty in Taiwan. Since 2017, Germany has been part of the Support Group of the Madrid-based International Commission against the Death Penalty (ICDP).

As a state party to the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (CAT), to its Optional Protocol (OPCAT) and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (European Anti-torture Convention), Germany is committed to the aims of those instruments. The German Government engages consistently and continuously in the fight against torture and abuse.

In the **United Nations**, Germany, along with its EU partners, sponsors an anti-torture resolution every year in the General Assembly. These resolutions strongly urge all states to ratify the CAT. In addition, Germany also promotes the development of the **national preventive mechanisms** prescribed by the OPCAT of 18 September 2002 to assist the newly created Subcommittee on Prevention of Torture (SPT). Within the framework of the UPR procedure in the UN Human Rights Council, Germany regularly recommends ratification of the CAT; during the reference period, Angola, Samoa and Oman ratified the CAT after receiving such recommendations. The EU, by adopting its **Guidelines to European Union policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment** on 9 April 2001, created an instrument that underpins its commitment to the worldwide elimination of torture. Since then, the suppression and elimination of torture have been an integral part of the bilateral dialogues that the EU as a whole and its individual member states conduct with non-EU countries. The focus is often on interventions in support of individuals. The EU and its member states are founding members of the Global Alliance for Torture-Free Trade, which was established in the autumn of 2017 and to which 66 countries have now signed up. The aim of the initiative is to establish a binding international legal instrument, modelled on the EU Anti-torture Regulation, to regulate trade in goods used for torture or capital punishment. At the 73rd session of the UN General Assembly, the resolution initiated by the Alliance (A/73/L.94) was adopted by a large majority in June 2019. This was an important step on the way to a legal instrument, but success is by no means certain in view of considerable opposition from some countries.

The **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**, a **Council of Europe** body established following the adoption of the **European Anti-torture Convention**, has the task of protecting detained persons from torture. In line with the Committee's country-focused approach, delegations from the CPT pay periodic as well as ad hoc visits to a large number of member states to check on the treatment of these people. The German Government supports the work of the independent German member of the UN Subcommittee on Prevention of Torture, Dr Marina Langfeldt, who was re-elected in October 2020.

During the reference period, the Federal Foreign Office supported anti-torture projects in Israel, Jordan, Palestine, Kenya, Kyrgyzstan, Peru, the Philippines, Rwanda, Russia, Tunisia, Turkey and Ukraine. Germany is one of the main supporters of the UN Voluntary Fund for Victims of Torture and the Special Fund of the Optional Protocol to the UN Convention against Torture (OPCAT Special Fund), to which the German Government contributed a total of €1.05 m in 2018 and €1.1 m in 2019; it will make another substantial contribution to these funds in 2020.

The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) is the primary weapon in the fight against **racism, racial discrimination, xenophobia and related intolerance**. Since 2020, Professor Mehrdad Payandeh has been the independent German expert on the Committee on the Elimination of Racial Discrimination (CERD), the body of independent experts that monitors implementation of the Convention.

Germany also campaigns for the implementation of the decisions taken at the **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**, held in Durban, South Africa, in 2001 and monitors the work of the Anti-Discrimination Unit at the Office of the UN High Commissioner for Human Rights, which is the unit responsible for the implementation of the Durban decisions.

In the **OSCE**, Germany supports the Personal Representatives of the OSCE Chairperson-in-Office on tolerance and non-discrimination issues, namely the Personal Representative on Combating Intolerance and Discrimination against Muslims, the Personal Representative on Combating Intolerance and Discrimination against Christians and Members of Other Religions, and the Personal Representative on Combating Anti-Semitism.

Protection against **discrimination on grounds of sexual orientation and gender identity** is an important element of human rights protection in both domestic and foreign policy and is enshrined in the Coalition Agreement and in the National Action Plan for Human Rights. The protection against discrimination that is established in international law by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) also applies to people whose human rights are violated on account of their sexual orientation or gender identity. Germany is therefore committed to the protection and promotion of the rights of LGBTI (lesbian, gay, bisexual, trans and intersex) people worldwide. At its 32nd regular session in June 2016, the UN Human Rights Council decided to appoint an independent expert dedicated to issues of violence and discrimination based on sexual orientation or gender identity, and his regular reports have firmly established LGBTI rights on the Council's agenda. The independent expert's mandate was extended in June 2019. Germany co-sponsored the resolution in question, which had been initiated by a group of Latin American states.



Drag queens unroll a rainbow-coloured feather boa in Times Square, New York, to mark the annual World Pride Festival. © picture alliance/dpa – Christina Horsten

Germany makes its voice heard globally against the criminalisation of homosexuality. Contrary to current international law, homosexuality remains a criminal offence in about 80 countries. In some countries, homosexual acts can even incur the death penalty. The 17th of May has been proclaimed as the International Day Against Homophobia, Biphobia, Intersexism and Transphobia, abbreviated to IDAHOBIT. Germany and many other countries use that day to draw attention to the issue, individually or jointly, through press releases and events.

The **EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons** are the basis for action on the part of the EU and its member states to protect the human rights of LGBTI people in countries outside the EU. The Guidelines set out fundamental considerations and catalogues of specific measures that should be taken into account whenever actions in this domain are planned.

In many member states of the UN, it is still impossible to engage in open and objective discussion of discrimination based on sexual orientation and gender identity, because these matters remain strictly taboo. On the other hand, within the UN framework a total of more than 90 states have signed declarations against discrimination based on sexual orientation and gender identity. Besides Western countries, Latin American states are among the most active in promoting LGBTI rights.

The German Government is continuing its support for projects to protect the human rights of LGBTI people, as indeed was recommended in its UPR. In 2018, the German Government supported LGBTI projects in countries such as Cameroon, the Republic of the Congo, Latvia, Macedonia, Nicaragua, Russia, Sri Lanka, Tunisia and Ukraine. In 2019 and 2020, it supported projects in Albania, Benin, Côte d'Ivoire, Hungary, Namibia, New Zealand, Nicaragua, North Macedonia, Russia, Serbia, Tunisia, Turkey, Ukraine and Zambia. Promoting the rights of LGBTI people ranks highly in German development cooperation too; see [chapter C2](#) on the human rights-based approach in German development policy.

The UN Convention on the Rights of Persons with Disabilities (CRPD) is the international regulatory framework for the German Government's efforts to **combat discrimination against people with disabilities**. In the European Union and the UN as well as in its bilateral relations, the German Government staunchly advocates the ratification and implementation of the Convention. Germany also participates in the Global Action on Disability Network (GLAD), a coordination body of bilateral and multilateral donors. From 2011 until the end of 2018, Professor Theresia Degener served as an elected representative on the UN Committee on the Rights of Persons with Disabilities.

Protection and promotion of **freedom of religion or belief** are key components of the German Government's human rights policy. At international level, freedom of religion or belief is primarily guaranteed by Article 18 of the ICCPR. Article 2 (1) of the ICCPR and Article 2 (2) of the ICESCR also require states to guarantee the rights enshrined in the respective Covenants without distinction of any kind, including religious discrimination. Religious minorities are also protected by the Declaration of 1992 by the UN General Assembly on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Nevertheless, the right to choose or reject one's religion freely, like freedom to practise one's own religion or embrace one's own ideology, is severely restricted in many parts of the world. The effects of restrictions are particularly felt by religious minorities, displaced people, women and LGBTI people.

Together with its EU partners, the German Government regularly sponsors resolutions on this issue in the UN General Assembly and Human Rights Council, as it did during the reference period, thereby reaffirming its particular interest in sharply condemning all

forms of religious intolerance. In the EU framework, the protection of freedom of religion or belief and of the rights of members of religious minorities is a regular subject of Council Conclusions, statements and démarches relating to individual cases in non-EU countries.

The argument that raged for years within the UN between the EU and its Western partners on the one hand and the Islamic countries on the other over the concept of “defamation of religions”, which is not compatible with the idea of human rights as individual rights, did not surface with the old vehemence in the reference period, although there are still leanings in that direction. The reconciliatory Resolution A/HRC/RES/16/18, that was adopted in the UN Human Rights Council in 2011, continues to have an impact.

The office of a Federal Government Commissioner for Global Freedom of Religion was established in 2018. The Commissioner is based at the Federal Ministry for Economic Cooperation and Development. It is envisaged that a Federal Government report on the global situation of freedom of religion will be presented at two-year intervals, following on from the first Federal Government Report on the Global Situation of Freedom of Religion and Thought (Bundestag printed paper 18/8740), which was published in 2016. The second Federal Government Report on the Global Situation of Freedom of Religion appeared in 2020. It comprises a country-by-country part and a thematic part. The former contains reports on the situation with regard to freedom of religion or belief in selected countries. The thematic part provides information on three current challenges facing efforts to guarantee freedom of religion or belief, namely blasphemy and anti-apostasy laws, digital communication, and state education provision.

In the digital age, there is an additional challenge to the protection of human rights. New technology, such as artificial intelligence, offers opportunities for the realisation of human rights but also poses risks, for example through surveillance of human rights defenders, through algorithms that reinforce existing forms of discrimination or through new means of surveillance. Human rights apply both offline and online, but this only means that answers must be found to the new challenges. Since 2013, Germany, together with Brazil, has sponsored nine resolutions in the UN General Assembly and Human Rights Council on the **right to privacy in the digital age**. These have reaffirmed the right to privacy and have initiated a discussion process for the purpose of identifying the challenges posed to that human right by the digital age as well as ways in which it can be protected. Germany is maintaining its commitment to equal protection of human rights online and offline, thereby also fulfilling one of the recommendations made in the UPR. In the framework of German development cooperation, moreover, digital security measures are promoted to ensure that journalists’ freedom of opinion and freedom of the press as well as the freedoms of human rights activists are protected in the digital sphere as elsewhere.

In 2015, acting on a German-Brazilian initiative, the Human Rights Council adopted a mandate for a UN Special Rapporteur on the Right to Privacy. Joseph Cannataci took up his post in July 2015.

Through its two representatives on the Council of Europe's Ad hoc Committee on Artificial Intelligence, which was appointed in 2019, Germany is involved in the construction of a legal framework for the development, design and application of artificial intelligence. The Council of Europe's standards on human rights, democracy and the rule of law form the basis of this framework.

Since 2013, Germany has been a member of the **Freedom Online Coalition (FOC)**. The FOC is an informal coalition of 32 states which strives, in dialogue with civil society, for a free internet and the protection of human rights online. Joint statements on current threats and an annual conference are primary focal points of its work. In 2018, Germany was Chair of the FOC and organised the annual conference in Berlin in November of that year.

In addition, the German Government organises round tables on human rights and the internet several times a year, at which representatives of civil society, business, parliament and government discuss topical matters relating to internet freedom.

The **enforced disappearance of individuals** is a globally observable instrument of state repression. The victims are regularly subjected to other violations of human rights, such as torture, denial of the right to a fair trial or serious disruptions of family life and invasions of privacy. Perpetrators typically include police officers, military personnel and members of security forces or intelligence services but also paramilitaries or so-called death squads, some of which operate on behalf of their government or with its approval. Although crimes of this nature were already familiar when the basic human rights covenants were being negotiated after the Second World War, more than half a century elapsed before the **International Convention for the Protection of All Persons from Enforced Disappearance** (also known as the UN Enforced Disappearances Convention) was created. Among other things, it establishes the obligation to prosecute those responsible for enforced disappearances, outlaws secret detention, establishes information rights for relatives and improves the legal position of victims by prescribing reparation and compensation. The Convention entered into force on 23 December 2010. In Germany, the UN Enforced Disappearances Convention has been in force in domestic and international law since 23 December 2010. Dr Rainer Huhle was a member of the Committee on Enforced Disappearances, the body governing the UN Convention, until the summer of 2019, and another independent expert from Germany, Barbara Lochbihler, was elected to succeed him on the Committee. The main tasks of the ten-member Committee are the international promotion and monitoring of the UN Convention.

Protecting human rights defenders has long been a key component of the German Government's human rights policy. The reference period saw further deterioration in the global situation of human rights defenders. The COVID19 outbreak further exacerbated matters. The scope for activism on the part of civil society has shrunk. One example is the increasingly restrictive legal regulation of the work of NGOs. The German Government is watching this trend with deep concern.

Shrinking spaces and the protection of human rights defenders

Human rights defenders are pioneers in the field of human rights. In principle, according to the UN General Assembly's Declaration on Human Rights Defenders, all individuals, groups and institutions that promote and strive for the protection and realisation of human rights and fundamental freedoms are human rights defenders, even if they do not consciously regard themselves as such. Many human rights defenders are women and may also belong to the marginalised groups (such as LGBTI people, indigenous peoples or people with disabilities) whose rights they defend. In many countries the freedom of action of human rights defenders, journalists, media providers and other civil-society actors is being severely restricted. This phenomenon of narrowing room for manoeuvre is also referred to as "shrinking spaces". In particular, it involves infringements of freedom of assembly and association as well as of freedom of opinion and freedom of the press. This is done, for example, by means of restrictive legislation on the funding and/or registration of NGOs, accusations of terrorism or terrorist funding, censorship of expressions of opinion, arbitrary detentions, public smear campaigns and defamatory statements, and can even extend to kidnapping and murders, particularly in the context of the present COVID19 pandemic. The main targets are civil-society actors or NGOs with international connections and/or funding, including the German political foundations and their partner organisations.

The situation of human rights defenders in other countries, which is often perilous and sometimes even life-threatening, is a key issue in German human rights policy. To protect and extend their freedom of action and to make it possible for human rights defenders and civil society to do their important work, the German Government supports them nationally and internationally by means of measures such as the following:

The Federal Foreign Office finances more than 100 human rights projects each year; most of them are projects launched by local NGOs. In this way it contributes to the reinforcement of civil society in those countries. The projects are closely monitored by the embassies there.

Every year since 2016, 15 human rights defenders from around the world have been honoured for their efforts with the Franco-German Prize for Human Rights and the Rule of Law; in 2019, for example, one of the prizewinners was Iranian lawyer Nasrin Sotoudeh, who was sentenced to a total of 33 years in prison and 148 lashes for her work defending the rights of women and children yet still strives untiringly from her prison cell to improve the human rights situation in Iran. She even went on a hunger strike to highlight her call for the release of political prisoners on humanitarian grounds.



Poster in Paris, France © picture alliance/abaca – Pierrot Patrice – Avenir Pictures – ABACA

Protecting human rights defenders is an important task of Germany's missions abroad. The missions report on the situation of human rights defenders and the human rights situation in their respective geographical areas of responsibility. In addition, the European Union Guidelines on Human Rights Defenders are applied worldwide by Germany's missions. To this end, the missions maintain close contact with human rights defenders locally,

monitor legal proceedings and support endangered human rights defenders. Conditions for human rights defenders and their increasingly shrinking space are regularly addressed in talks with representatives of other states.

In 2020, the Federal Foreign Office launched the Elisabeth Selbert Initiative for the protection of human rights defenders. The Initiative enables acutely endangered human rights defenders to stay for a period of up to six months in a safe location in Germany or within their region of origin. The aim is to make arrangements with host organisations that will enable the human rights defenders to continue working in their field.

During the reference period, the German Government used the UN Human Rights Council in Geneva as a forum for publicly drawing attention to the plight of human rights defenders in many countries. In UPRs, the German Government made specific recommendations to countries such as Saudi Arabia, Mexico, Chad, Nicaragua, Albania and Equatorial Guinea with a view to improving conditions for human rights defenders. It also made public statements criticising the human rights situation in countries like China, Egypt, Iran and Russia. Norway, moreover, sponsored resolutions in the UN Human Rights Council and the UN General Assembly for the protection of human rights defenders. The German Government supported these resolutions and strove to ensure that they contained specific and strong wording which took due account of the needs of human rights defenders.

In the reference period, the Federal Foreign Office organised two **regional seminars on human rights** – one in Georgia in 2018 for the countries of the Eastern Partnership and one in Kenya in 2019 for East Africa. Human rights defenders from the regions in question as well as staff from German missions and from Federal Foreign Office headquarters took part in these seminars, which were chaired by Dr Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance. The aim of these seminars is to stimulate discussion and the formation of networks in the realm of human rights. Staff of German missions and human rights defenders from a particular region share their experiences and report on current developments in their countries. The seminars offer participating human rights defenders the opportunity to establish contacts with each other and with representatives of the German Government.

With a view to bolstering the work of human rights defenders in their own countries and making it more widely known throughout the world, the **Franco-German Prize for Human Rights and the Rule of Law** has been awarded since 2016. Each year, this prize is awarded to up to 15 figures worldwide who have displayed outstanding commitment to human rights protection and promotion of the rule of law in the most diverse areas, such as campaigning for women's rights, for abolition of the death penalty or for LGBTI rights. Each candidate

for the prize is proposed jointly by the French and German missions abroad, which then conduct the award ceremony in the host country, thereby reflecting the close cooperation that takes place between France and Germany and extends to the realm of human rights.

In the UN Human Rights Council, in the Third Committee of the UN General Assembly and in other international forums, the German Government champions the protection of human rights defenders and clearly condemns reprisals against them. The German Government supports the mandate and the aims of the **UN Special Rapporteur on the situation of human rights defenders**, who regularly conducts country visits and draws attention to the difficult situation of human rights defenders. The office of Special Rapporteur was held by Michel Forst of France until May 2020, when Mary Lawlor was appointed to replace him.

In the **Council of Europe**, working to protect human rights defenders and to prevent and eradicate impunity for perpetrators of serious human rights violations remain priorities. One of the foundations for these efforts is the Guidelines for eradicating impunity for serious human rights violations, which were adopted by the Committee of Ministers in 2011. The Guidelines urge states to fight impunity as a matter of justice for the victims, as a deterrent to prevent fresh violations, and to uphold the rule of law and public trust in the justice system. The Council of Europe Commissioner for Human Rights is also deeply committed to these goals.



Tackling impunity: alleged members of the Syrian regime are being tried for crimes against humanity in a German court in Koblenz. © picture alliance/dpa/AFP Pool – Thomas Lohnes

In numerous countries, **Germany's governmental development cooperation** supports the work of human rights defenders and human rights organisations in civil society. This is done, for instance, in the framework of human rights and governance projects such as the following:

- › Mauritania: Promotion of human rights and human rights dialogue (which assists human rights organisations and their activities in educating people about their human rights and supports journalists in reporting on human rights issues)
- › Uganda: Strengthening good governance and civil society in Uganda (which supports organisations in civil society, including many human rights organisations)
- › Palestinian territories: Strengthening civil-society organisations in the Palestinian territories (which strengthens organisations within civil society, such as advocacy organisations run by and for people with disabilities)
- › Zambia: Political participation in governance reform processes and poverty reduction in Zambia
- › Mexico: Initiative to strengthen civil-society organisations (which supports organisations in areas such as anti-corruption, access to justice, transparency and political participation)

The work of civil society, including human rights organisations, is supported in other areas of activity too, such as land management projects (e.g. in Laos, Viet Nam, Myanmar, Cambodia and Peru). In the field of non-governmental development cooperation, private or ecclesiastical aid agencies are supporting human rights defenders and human rights organisations in civil society worldwide, for example in Guatemala, Kenya, Nepal and the Philippines.

The Civil Peace Service, supported by the Federal Ministry for Economic Cooperation and Development and in collaboration with the Peace Brigades International (PBI) organisation, runs projects with human rights defenders in Indonesia, Nepal, Mexico, Colombia, Guatemala, Honduras and Kenya. PBI accompanies and protects human rights defenders in conflict zones by providing unarmed volunteer escorts.

The German Government supports the Global Initiative Against Criminalisation of Indigenous Peoples with a view to strengthening defenders of indigenous peoples' human rights and focuses on violations of collective rights.

In many places around the globe, indigenous human rights defenders are subjected to discrimination, marginalisation and threats. In Brazil, for example, most threats to indigenous leaders and environmental activists arise in practice from social and land conflicts, exacerbated by widespread webs of organised crime, corruption and impunity, particularly in places where governmental presence is minimal or almost non-existent. For years there has been an observable erosion of environmental and indigenous affairs authorities as a result of funding and staff cuts, reassignment of posts, curtailment of remits, and rhetoric, propagated even from the highest echelons of the state, that presents these authorities as “activist” and part of a “fine-collection industry”; the result has been a continued increase in deforestation statistics and illegal land-grabs as well as in systemic impunity for those who threaten and intimidate environmental activists and human rights defenders. The threats to indigenous peoples have been further exacerbated by the COVID19 pandemic, for instance through the obstruction of measures to curb the virus in indigenous territories.

C5 Economic, social and cultural rights

The foundations of the international architecture for the protection of human rights were laid on 10 December 1948 with the adoption of the Universal Declaration of Human Rights. The fact that human rights and their protection were subsequently the subject of international legal instruments has been of paramount importance, particularly as a basis for the development of economic, social and cultural rights. In Articles 23 to 27, the Declaration lists economic, social and cultural rights (including the right to education, work, an adequate standard of living and participation in cultural life). The economic, social and cultural rights were defined with binding force at the end of 1966 in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Federal Republic of Germany ratified the ICESCR in 1973, and it entered into force in 1976. As of September 2020, the Covenant had a total of 171 states parties. The ICESCR is thus one of the most important international reference documents in the realm of economic, social and cultural rights. Observance of these rights is overseen by an independent body of experts, the Committee on Economic, Social and Cultural Rights (CESCR). In the reference period, the Committee concluded the sixth periodic state party report process by making recommendations to the Federal Republic of Germany.⁴⁰ In October 2020, as requested by the CESCR, the Federal Government produced a follow-up report⁴¹ on its implementation of some of the recommendations. In September 2020, Michael Windfuhr, Deputy Director of the German Institute for Human Rights, was re-elected to serve a second term on the CESCR, from 2021 to 2024.

In September 2015, the 193 member states of the UN agreed on the **2030 Agenda for Sustainable Development**. One of the main objectives of the German Government during the negotiation process was to enshrine the protection and promotion of human rights in the 2030 Agenda as a permanent aim and to point out the mutual dependence of sustainable development and human rights.

In this context, the promotion of economic, social and cultural rights remains an important means of **reducing poverty and inequality**. Back in the year 2000, in the UN Millennium Declaration, the heads of state and government made a commitment to eradicate poverty and hunger by 2020. The 2030 Agenda also pursues the aim of ending extreme poverty within a generation, i.e. by 2030. At the same time, however, the 2030 Agenda is also the

40 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fDEU%2fCO%2f6&Lang=en

41 https://www.bmas.de/SharedDocs/Downloads/DE/zwischenbericht-wsk-en.pdf;jsessionid=454BF0FEF10B-DAF7F3C897C4E73E62A7.delivery2-replication?__blob=publicationFile&v=3

first instrument designed to drive forward a global as well as national **transition to more sustainable lifestyles and management practices in government, business and society** with a view to protecting the planet as the basis of life for future generations.

Germany is committed to the human rights-based approach to development cooperation, which means basing the aims and strategies of this cooperation on human rights standards and principles. In the domain of non-governmental development cooperation too, the German Government supports NGOs that contribute to improvements in the exercise of economic, social and cultural rights. Here are some examples:

In numerous countries, the **right to** enjoy the highest attainable standard of **physical and mental health**, which also encompasses a right of universal **non-discriminatory access to medical care** of good quality, has not yet been sufficiently realised. The right of non-discrimination in particular is often violated, especially in the case of sections of the population that are already marginalised or subject to discrimination. Women and girls, people with diseases such as leprosy, HIV-positive people, people with disabilities, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people are often exposed to considerable stigmatisation and discrimination. Discrimination on the basis of sexual orientation or gender identity is also a major obstacle to access to effective information on HIV and other sexually transmissible infections and to their prevention and treatment. In 2019, for instance, the German Government, aware of the problem, supported a prevention, treatment and counselling project in the context of HIV among migrant men who have sex with men (MSM) in the Moscow region and a project designed to promote the sexual and reproductive health of unaccompanied minor migrants and refugees in Greece.

In the reference period, the German Government continued the process of mainstreaming the human rights-based approach in the health sector and worked for the attainment of the health goal in the 2030 Agenda, among other endeavours. Success was achieved in having universal health coverage established as a target within that goal.

To realise the **human right to food**, the German Government strives to establish that right in international political processes and to expedite the creation of the right conditions for food security and sustainable nutrition. Various instruments are available for this purpose.

As the fourth-largest contributor to the Food and Agriculture Organization of the UN (FAO), the German Government cooperates closely with the FAO and its Committee on World Food Security (CFS).

As the lead department for FAO matters, the Federal Ministry of Food and Agriculture supports the FAO with resources from the Bilateral Trust Fund (BTF) to consolidate the role of the FAO as a repository of knowledge and to improve the global food situation. By funding projects, the Ministry helps to support the FAO in the fulfilment of its mandate to offer technical cooperation and, through policy advice, to develop appropriate legal and institutional conditions in the areas of food and agriculture. A total of 118 projects have been supported by the German Government from BTF resources since 2002, representing a total input of €142 m. The aim of the projects is to develop innovative strategies to promote sustainable food security and combat undernourishment and malnutrition, to focus international discussion and cooperation more sharply on these objectives and to expedite their achievement in the FAO as well as in partner countries.

Through bilateral cooperation projects within the ambit of the Federal Ministry of Food and Agriculture, the German Government, in cooperation with newly industrialised countries, also promotes farming methods that are both sustainable and effective. These are developed in close consultation with the cooperating country and are implemented in the framework of political or purely professional dialogue with the aid of agricultural demonstrations. Modern crop- and livestock-farming practices and methods are studied and tested with a view to creating conditions in which the prospect of a resource- and climate-friendly future can develop in the agricultural sector of the partner country. Strategies also play a great and important part in the quest for food security. Besides facing up to the challenges posed by climate change, there is also a desire to address the challenges posed by rapid global population growth by means of advances in livestock and crop farming. In addition, closer trade relations and mutual understanding in matters of agricultural policy are promoted. For example, the German Government assists partner countries in developing and adapting their legal rules, standards and certification processes so that they can obtain better access to the international market and international trade in agricultural products. It also assists partner countries in promoting the formation of voluntary cooperative ventures between associations in order to promote internal information-sharing and to enable the participating players from the farming sector to speak with a stronger voice and ultimately become more competitive.

With the International Research Cooperation for Global Food Security funding programme, the German Government, through the Federal Ministry of Food and Agriculture, supports applied-research projects between German research establishments and those in countries and regions that are seriously affected by hunger and malnutrition (Sub-Saharan Africa, Southern Asia and South-east Asia). To date there have been three calls for proposals – in 2013, 2016 and 2019 – prioritising different parts of the agricultural value chain. The projects from the first funding cycle have now been completed. The provision of funding for new projects from the third call for proposals of 2019, the theme of which was food

environments for improved nutrition, will be delayed as a result of the COVID19 pandemic. The funding package for each call for proposals amounts to about €9 m. In principle, this instrument supports the development of needs-based findings and solutions with the aid of approaches based on open science and inter- and cross-disciplinary applied research. In addition, the development of research networks is promoted and, in the long term, partnerships are created through interregional cooperation and supranational exchanges. Doctoral candidates from partner countries are also supported by the Federal Ministry of Food and Agriculture. Last but not least, the programme thus contributes to capacity development in those countries.

With its special One World – No Hunger initiative, the Federal Ministry for Economic Cooperation and Development focuses especially on vulnerable groups. The global programme Food and Nutrition Security, Enhanced Resilience,⁴² for instance, uses multi-sectoral approaches to help enable women in particular to provide themselves and their infants with a sufficient and balanced diet at all times. By means of measures designed to raise household incomes, increase harvests through better cultivation methods or provide temporary social transfer payments, the programme also serves to improve financial access to food.

The aim of the global programme Responsible Land Policy is to improve access to land, which is a major prerequisite for food security and rural development, for women and marginalised groups in particular.⁴³ In projects promoting the quality-assurance infrastructure, partner countries are advised on food safety rules and standards and assisted in establishing the requisite testing laboratories with a view to ensuring food safety along the entire production chain. In this way a contribution is made to enhanced food quality.⁴⁴

The UN World Food Programme (WFP) is the Federal Government's main multilateral partner in the fight against hunger and in the effort to improve food security worldwide. The German Government plays a proactive role on the WFP Executive Board and is the Programme's second-largest donor.

As part of its humanitarian assistance, the Federal Foreign Office supports WFP projects in crisis situations, particularly in the areas of food and nutrition aid and logistics, with regional focal points in the Middle East (the Syrian crisis and Yemen) and Africa. The paramount aims are to prevent and reduce disease and deaths resulting from hunger

42 www.giz.de/en/worldwide/32194.html

43 <https://www.giz.de/en/worldwide/39918.html>

44 www.ptb.de/cms/en.html

and malnutrition and to safeguard the availability of necessities in crisis situations. Innovative measures of disaster prevention and precautionary humanitarian assistance are also supported.

The Federal Ministry for Economic Cooperation and Development supports WFP projects designed to achieve sustainable improvements in food security and provide access to the necessities of life in order to make people more resilient against outbreaks of hunger in countries with protracted, complex crises and conflicts and in countries with stable conditions but a volatile food situation. The thematic focus is on strengthening resilience by means of comprehensive multi-sectoral packages, and the main geographical focal points include the Sahel countries, Central and East Africa, the Syrian Arc and Yemen. In addition, in accordance with the drive for UN reform and the nexus approach, the Federal Ministry for Economic Cooperation and Development is increasingly supporting joint UNICEF and WFP resilience-strengthening programmes in which the UN agencies work towards common goals.

The Ministry, the Federal Foreign Office and the Bavarian State Government have since 2016 been jointly funding the WFP Innovation Accelerator in Munich, which monitors and supports innovative ideas for combating hunger up to the applicability stage.

The International Fund for Agricultural Development (IFAD), a specialised agency of the UN, through its focus on rural development and empowerment of small farmers, provides particular expertise that cannot be replaced by the projects and programmes of other financing institutions.

Its measures and projects chiefly target the poorest strata of the population in developing and newly industrialised countries and remote and fragile regions where the activities of other operators are limited or precluded by access problems.

In the present replenishment period, Germany is one of the largest donors to the Fund and also participates, with a considerable financial input, in thematic initiatives and programmes. As a member of the Fund's Executive Board, Germany plays an active part in shaping its programme of work.

Germany is one of the largest donors to the Eleventh Replenishment of IFAD's Resources (IFAD11). In fact, if core contributions and voluntary additional contributions are added together, we have been the Fund's largest donor during the current three-year financing period. The German contribution to IFAD11 (2019-2021) amounts to €63.206 m. In addition, the Federal Ministry for Economic Cooperation and Development also supports individual IFAD initiatives, contributing a total of about €20 m from the budget of the

special initiative One World – No Hunger. Through the German aid organisation *Welt-hungerhilfe*, the Ministry promotes dialogue between owners of rights and duty bearers to make the right to food a reality in those countries, which are particularly affected by food insecurity. In addition, the German Government supports the implementation and drafting of international legal instruments of the Committee on World Food Security (CFS) for the global fight against hunger, undernutrition and other forms of malnutrition. During the reference period, the CFS focused particularly on the development of Voluntary Guidelines on Food Systems and Nutrition (VGFSyN) and on policy recommendations concerning sustainable agricultural methods and other innovative approaches.

As a result of COVID19, the negotiations and the adoption of the two instruments that were originally scheduled for October 2020 have been postponed until the next CFS plenary session in February 2021. The VGFSyN are of particular relevance in the context of the UN Food Systems Summit scheduled for the end of 2021, preparations for which had already begun during the reference period. The German Government attaches great political importance to this Summit as a means of achieving sustainable food systems and driving progress on the 2030 Agenda.

The Global Forum for Food and Agriculture (GFFA) is an international conference on matters relating to food and agriculture policy. For twelve years, it has taken place at the start of the International Green Week Berlin. At the GFFA, an international gathering of some 2000 visitors from the realms of politics, business, science and civil society engages in discussion on a key topic. The final day of the conference, moreover, sees the world's largest informal meeting of Agriculture Ministers. That is the climax of the GFFA. Some 70 Ministers of Agriculture from all parts of the world and high-level representatives of more than ten international organisations adopt a joint political communiqué on the key topic that has been the theme of the GFFA. Delegations from a total of 146 countries have attended previous GFFAs.

The themes of the last two forums were “Food for All! – Trade for Secure, Diverse and Sustainable Nutrition” (2020) and “Agriculture Goes Digital – Smart Solutions for Future Farming” (2019).

Closely linked to the right to food are the **human rights to safe drinking water and sanitation**, which are derived, on the basis of General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights (2002), from the right to an adequate standard of living, enshrined in Article 11 ICESCR, and the right to health, enshrined in Article 12

ICESCR. According to UN Water's SDG 6 Synthesis Report 2018 on Water and Sanitation,⁴⁵ 844 million people still have no access to basic water services, while 2.1 billion lack safely managed drinking water, which means that they cannot access uncontaminated water on their land when they need it ("water at home, available and safe"). What is more, 4.5 billion people lack access to safely managed sanitation. This criterion is met if there are toilets or latrines in which excrement is safely treated on site or piped to a sewage treatment plant. An estimated 892 million people still have to practise open defecation today. The importance of sanitation in particular is often underestimated: diseases and subsequent undernourishment resulting from the lack of toilets and hygiene facilities claim the lives of more children than malaria, AIDS and measles put together. Unhygienic conditions pose a particularly serious health risk to girls and women, given the hygiene requirements relating to pregnancy, childbirth and even menstruation. Where appropriate female sanitary facilities are lacking, women and girls are exposed to an increased risk of sexual abuse and often have no safe and dignified means of dealing with their menstrual needs. In addition, stigmatisation and a lack of education have far-reaching implications for the exercise of a number of rights and so prevent girls and women from realising their full potential.

The depletion of global freshwater resources, caused by overuse, inappropriate water consumption and the effects of climate change, poses a long-term threat to worldwide drinking water supplies and sanitation. Only sustainable and integrated management of water resources and cooperation between states sharing cross-border river basins and lakes can counteract this trend.

This is why Goal 6 of the 2030 Agenda is devoted specifically to safe water and sanitation ("Ensure availability and sustainable management of water and sanitation for all"), with eight targets for states to achieve in the coming years.

In the UN General Assembly and Human Rights Council, Germany has traditionally striven jointly with Spain to promote the human rights to safe drinking water and sanitation and sponsors resolutions on that subject.

Through these resolutions, the rights to safe water and sanitation are continuously developed and reinforced; the resolution text was recently updated to include the subjects of menstrual hygiene and climate change. The importance of water and sanitation in the context of the COVID19 pandemic has also been highlighted. Following its subsequent

45 www.unwater.org/publication_categories/sdg-6-synthesis-report-2018-on-water-and-sanitation

tabling by Kyrgyzstan, the resolution with these substantive additions was once again adopted by consensus in the UN General Assembly in 2019 and in the Human Rights Council in 2020.

In the reference period, Germany continued to support the mandate, established in 2008, of the Special Rapporteur on the human rights to safe drinking water and sanitation financially and substantively with events in Geneva and New York as well as through associated resolutions. Léo Haller held the office of Special Rapporteur from 2014. At the 42nd session of the UN Human Rights Council in September 2019, the mandate was extended for another three years until 2022. In October 2020, following the end of Léo Haller's term of office, Professor Pedro Arrojo of Spain took up his post as the new Special Rapporteur.

The **right to adequate housing** has traditionally been another priority of the German Government's human rights policy in the realm of economic, social and cultural rights and has come more into the spotlight over the past few years. Although there is no dedicated article in the ICESCR, the right to adequate housing is enshrined in Article 11 (1) of the Covenant as part of the right to an adequate standard of living. In addition, individual aspects of the right to adequate housing are addressed in various ILO conventions as well as in Article 28 of the UN Convention on the Rights of Persons with Disabilities. Although the right to adequate housing was only set out in a fragmentary manner in the Millennium Development Goals, the 2030 Agenda contains a specific goal – SDG 11 – devoted to making “cities and human settlements inclusive, safe, resilient and sustainable”.

Together with Finland, Germany had worked since 2000 in support of the mandate of the Special Rapporteur on the right to adequate housing and pressed for further substantive development of that right. The German Government's support for the work of the Special Rapporteurs in this field includes financial input. The mandate was extended at the 34th session of the Human Rights Council, and the office of Special Rapporteur is currently held by Balakrishnan Rajagopal of the United States, who succeeded Canadian Leilani Farha in May 2020. In March 2020, a substantive resolution was brought before the Human Rights Council, focusing particularly on the effects of climate change and the areas where that issue overlaps with business and human rights.

Workers' rights and protection in the workplace, especially in newly industrialised and developing countries, remain inadequate. Their **right of freedom of association**, for instance, is still too rarely respected around the world, and the same applies to their **right to social protection**.

In the reference period, the German Government campaigned, especially in the ILO framework, for global enforcement in the workplace of the fundamental principles governing the protection of workers and of their rights.

With a view to improving working conditions in supply chains, the German Government is striving, through its National Action Plan, to implement the UN Guiding Principles on Business and Human Rights; for details, see [chapter C7](#) below.

Realisation of the **right to education** enables the individual to grasp and develop their personal opportunities and to assume social responsibility. According to data from the UNESCO Institute for Statistics (UIS), however, at least 258 million children and young people of school age are out of school. The group most affected is children from disadvantaged sections of the population. Millions of others are marginalised within the education system because of their origins, identity or disabilities. In the UN's 2030 Agenda, education is enshrined in SDG 4: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all". The German Government played an active part in the development of this education goal, which is subdivided into ten targets. Through its membership of the UNESCO SDG-Education 2030 Steering Committee, the German Government presses for the achievement of this goal globally as well as in partner countries.

Target 4.7 of the UN Sustainable Development Goals explicitly lists education for sustainable development (ESD) as a distinct objective. The aspiration is to impart knowledge and skills and promote values and attitudes that enable all individuals to understand the effects of their own actions on their fellow human beings and on the environment and to take responsible decisions. This includes an understanding and appreciation of cultural diversity and of the contribution that culture makes to sustainable development. The Federal Ministry of Education and Research is responsible for implementing ESD in Germany on behalf of the German Government. The National Action Plan on Education for Sustainable Development, which was adopted by the National ESD Platform in June 2017, contains 130 objectives and more than 300 specific recommendations for action, which are intended to integrate education for sustainable development more effectively than hitherto into the structure of all parts of the German education system. The participatory multi-stakeholder process for the development and implementation of the Action Plan, involving more than 300 actors from civil society, politics, education and science, is regarded as a model, also internationally. The German Government promotes the active participation of young people in the implementation of ESD and supports the development of indicators for the purpose of systematically and continuously collecting research data on the integration of ESD into the education system, on its development within the system and on any implementation problems. At the invitation of the German

Government, the global launch of ESD for 2030, the new UNESCO global framework on ESD, will take place in Germany in 2021. In its substance, the new framework emphasises the importance of ESD as a key to the successful pursuit of the entire 2030 Agenda.

Education is also a priority of German development cooperation, in which lifelong learning is promoted from early-childhood learning through primary and secondary schooling, vocational training and higher education to adult learning. During the reference period, development cooperation was especially focused on combating the adverse effects of the COVID19 pandemic on the education system. The pandemic, in fact, is resulting in one of the worst-ever education crises and is endangering the human right to education, particularly in developing countries. At the peak of the COVID crisis in the first half of 2020, according to UNESCO, more than 1.5 billion children and adolescents were unable to attend school – in addition to the 258 million children in the world who had no access to education even before then. For this reason, in 2020 the German Government, besides making its annual core contribution of €50 m to the Global Partnership for Education (GPE), also made an additional €25 m available for the GPE's COVID19 accelerated funding window. The measures funded from the latter amount include support for partner countries' efforts to adapt curricula, to establish distance learning in the event of school closures, and to prepare school systems and teaching staff for the reopening of schools, for example through hygiene measures and opportunities for remedial tuition.

Support for education and promotion of human rights are also essential elements of cultural relations and education policy. One key instrument is the Schools: Partners for the Future (PASCH) initiative, a network linking more than 2000 schools and 600,000 pupils from around the world as well as a growing number of PASCH alumni. The 140 German schools abroad are part of the PASCH network. Besides its focus on learning German, PASCH, as an international learning community, reinforces intercultural dialogue and promotes people's knowledge and understanding of each other. The curriculum and examination programme for the German Language Certificate (DSD) feature subjects such as sustainability and democratic interaction. Similarly, the extensive creative project work between PASCH schools frequently addresses social or environmental issues. Education in democracy and human rights also forms a key element of the work of UNESCO Associated Schools. Together with more than 11,500 schools and educational establishments in 182 countries, the UNESCO Associated Schools in Germany, of which there are almost 300, are committed to a culture of peace, sustainable development and high-quality education. They have twinning arrangements with schools in 100 countries and contribute through joint projects to global sharing of good educational practice. Other actors in this field are the German Academic Exchange Service (DAAD), with a wide range of scholarships and academic exchange programmes, the Goethe-Institut branches, the DAAD alumni associations network and the Alexander von Humboldt Foundation.

Improving the quality of education is another priority of all initiatives and measures for the promotion of education. This includes strengthening the role of teaching staff but also has other dimensions, such as the enhancement of education systems. To improve access to and the quality of teacher training and in-service training, for example in the PASCH framework, digital technologies are used as part of blended learning approaches to in-service teacher training, which combine face-to-face sessions with elearning. The Goethe-Institut offers the *Deutsch Lehren Lernen* (“Learning to teach German”) in-service training programme for teachers. The Federal Office of Administration – Central Agency for Schools Abroad uses the DSD Gold programme to train teachers outside Germany to deliver courses leading to the German Language Certificate (DSD). The DAAD has developed *Dhoch3*, a master’s-level course for the training of future teachers of German that is being used at universities throughout the world.

Providing prospects for people who have fled their homes and using education and training to help eliminate the causes of flight and migration are important aims of the German Government in its efforts to prevent the creation of a “lost generation”. To this end, for example, support is being given to host communities and schools in Turkey, university scholarships are being made available in Jordan, and schools in Lebanon are being rehabilitated.

The Federal Foreign Office has been working for years to ensure that refugees are given access to higher education. Since 1992, it has been supporting the Albert Einstein German Academic Refugee Initiative (DAFI), run by the Office of the UN High Commissioner for Refugees (UNHCR). This is an in-situ scholarship programme that enables recognised refugees to study at a university in their country of first admission. In 2018, the Federal Foreign Office provided over 6866 scholarships through DAFI; the majority of these were awarded to refugees studying in Turkey, Ethiopia and Jordan. In 2019, a total of 8347 scholarships were granted. In addition, more than 200 scholarships were awarded through the DAAD in 2018 for study in third countries, enabling Syrian refugees to study at one of the bi-national universities, particularly the German Jordanian University in Amman, the Turkish-German University in Istanbul and the German University in Cairo. The Federal Foreign Office also supported the Leadership for Syria programme by awarding more than 200 Syrian students scholarships for a master’s or bachelor’s course in Germany. In 2015, the Federal Foreign Office launched the Philipp Schwartz Initiative, which is administered by the Alexander von Humboldt Foundation. This initiative provides the first-ever special programme for the acceptance and integration of threatened researchers into German universities and research institutions. Since the start of the initiative, more than 200 researchers have received two-year scholarships.

The UN Children's Fund UNICEF is a major partner in the promotion of education for displaced children. Germany allocates substantial resources to support UNICEF. Germany increased its voluntary unearmarked core contributions from €15 m in 2017 to €60 m in 2019. It also finances UNICEF programmes worldwide, especially in crisis zones. In 2019 alone, Germany paid out some €380 m in programme support. UNICEF, moreover, is one of Germany's main partners in the effort to manage the Syrian crisis. Since 2018, annual amounts of more than €160 m have been paid to UNICEF in that context. With financial assistance from the German Government, UNICEF enabled a total of 123,000 Syrian and Lebanese children to attend school in Lebanon in the 2019-2020 school year, for example. With an annual allocation of €55 m, Germany is the largest bilateral donor to UNICEF's Reaching All Children with Education (RACE) programme in Lebanon.

Germany also supports education in crisis and displacement contexts by means of substantial contributions to the Education Cannot Wait (ECW) trust fund. ECW was launched at the World Humanitarian Summit in Istanbul in 2016. Short-term and medium-term funding strands serve in crisis and conflict situations as bridges between humanitarian assistance and long-term development cooperation. Germany has been supporting ECW since the end of 2017; so far its contribution has amounted to €65 m.



The Cameroonian NGO HOFNA is tackling violence against women and girls, as well as its causes. The Federal Foreign Office regularly provides funding for the organisation's projects. © HOFNA/AA

C6 Women's and children's rights

The reference period was marked by serious violations of the human rights of women and children and gave little reason to hope for an improvement in their situation. Violations of women's and children's human rights occur most frequently in theatres of conflict. Even after the end of a conflict – as in Iraq, for example – survivors suffer dreadfully from the repercussions. Women and children fleeing their homes have always been particularly hard hit by the consequences of these armed conflicts and have been exposed to great risks.

What is more, negotiations in multilateral forums have shown that the consensus which existed on children's and women's rights in the 1990s – manifested, for example, in the gains made 25 years ago at the Fourth World Conference on Women in Beijing in 1995 – is being increasingly repudiated instead of being further developed. In particular, these negotiations have been marked by the questioning of sexual and reproductive rights and of sexual autonomy and identity – even by individual member states of the European

Union. The German Government has been expending considerable energy merely to defend the status quo. While general proclamations of commitment to more equality and equal rights are repeated time and again, it is made ever more difficult to formulate those rights in concrete terms and enforce them.

Although the UN Convention on the Rights of the Child has been almost universally ratified, the extent to which it is being implemented remains unsatisfactory.⁴⁶ The right of all children to grow up and live in the conditions prescribed by the Convention once again remains an unachieved aim at the end of this reference period.

Against this backdrop, the German Government has been committed at every level and in many diverse forums to the promotion of women's and children's rights and to gender equality.⁴⁷

Global commitment to the realisation of women's human rights

The international framework within which the German Government pursues its equality policy comprises the provisions of CEDAW (see also [chapter B3](#) above), which are legally binding in Germany, the decisions of the Fourth World Conference on Women, held in Beijing in 1995, and the results of the reviews of their implementation. The rights enshrined in CEDAW are fleshed out in the General Recommendations and the country-specific Concluding Observations adopted by the Committee on the Elimination of Discrimination against Women (CEDAW Committee). During the reference period, the German Government used the 40th anniversary of the adoption of CEDAW to make its provisions more widely known in Germany and to speed up its implementation by means of promotion activities such as a large-scale dialogue event and the publication of a new handbook on CEDAW, which also contains the first German translation of the more recent General Recommendations adopted by the CEDAW Committee. The aforementioned recommendations and observations, together with the reports and recommendations of the UN Special Rapporteurs, guide the policy of the German Government.

To these can be added various other instruments, such as the conclusions of the UN Commission on the Status of Women and resolutions of the UN Security Council and Human Rights Council. The Universal Periodic Review (UPR) conducted by the Human Rights Council is also an important mechanism for improving the realisation of women's

46 Only the United States has yet to ratify the UN Convention on the Rights of the Child.

47 Many of these activities are covered by other German Government reports and by other chapters of the present report (see [chapter B3](#) above on the human rights of women and girls).

human rights worldwide. So a host of international agreements and instruments set clear objectives and establish clear obligations for the international community, such as enforcing women's rights, ensuring gender equality and eliminating discrimination. The weakness lies in a failure to fulfil these objectives consistently in practice. To promote the implementation of these agreements and instruments, the German Government is working on several fronts to ensure:

- › the removal of barriers that prevent women from participating in social, political and economic life on an equal basis;
- › an end to all forms of violence against women and girls, including traditional practices entailing human rights violations, such as female genital mutilation, forced marriages and the practice of marrying off under-age girls;
- › realisation of the right to sexual and reproductive autonomy;
- › implementation of the Women, Peace and Security (WPS) Agenda, which comprises UN Security Council Resolution 1325 and its nine related resolutions;
- › firmer embedding of the human rights-based approach, and hence the associated principle of gender equality, in international development cooperation;
- › the eradication of trafficking in women and girls.

A range of instruments is used in pursuit of these goals, from development and human rights projects to bilateral and multilateral political dialogue and close cooperation with international organisations.

A prominent role devolves on UN Women as the UN entity for gender equality and the empowerment of women. It has a global mission to act for gender equality and gender justice in a regulatory and operational capacity. The Executive Director, being an Under-Secretary-General of the UN, is a member of the Chief Executives Board for Coordination, the supreme coordination forum of the UN system. UN Women was further expanded during the reference period.

Germany supports the mandate of UN Women and its key role in the worldwide realisation of the human rights of women and girls. The aim of the German Government is to work for consolidation of the authority of UN Women within the UN system and, in the context of the current reform of the UN development system, to help achieve greater consideration of women's rights in the reshaping of the UN development entities and

in their programmes in partner countries. The COVID19 pandemic has lent even greater significance to this approach. Women and girls are particularly affected by the impact of the measures that have been implemented to contain the pandemic. There is, for example, the increase in violence against women and girls that has been a direct result of lockdowns, and then there are the medium- and long-term socio-economic consequences.

In these circumstances, the German Government more than doubled its annual voluntary unearmarked core contribution to UN Women from €4 m in 2018 to €9 m in 2020. The extra allocation of €5 m was added to the core contribution in response to the additional requirements arising from COVID19 in 2020.

These resources are accompanied by earmarked contributions to UN Women funds and programmes such as the Trust Fund to End Violence against Women, efforts to protect female migrants in the Sahel and promote their rights, and the activities of UN Women under the WPS Agenda.

The UN Women National Committee Germany is an independent non-profit association and one of 12 national committees in the world that support the work of UN Women within their respective countries. The German Committee is linked to UN Women by a Recognition Agreement and therefore has an official mandate and obligation to make the tasks and objectives of UN Women known in Germany, to provide it with substantive assistance and to raise funds for the global programmes of UN Women. These funds are available for the operational activities of UN Women and cannot be used for the work of the German Committee. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supports the work of the UN Women National Committee Germany by means of a project linking national work on gender equality and equal opportunities with international efforts in the field of gender justice and the promotion of women's rights. The project serves to raise greater awareness in Germany of the subjects of gender justice and fairness of opportunity for women and men.

In the reference period, Germany supported a number of other UN bodies besides UN Women that are active in the promotion of women's rights. Special emphasis should be placed on its support for the UN Population Fund (UNFPA), whose aims – universal access to sexual and reproductive healthcare and realisation of reproductive rights for all – the German Government wholeheartedly endorses. This is reflected in the virtual doubling of Germany's annual voluntary unearmarked core contribution from €22 m in 2018 to €40 m in 2020. In view of the COVID19 pandemic, an additional amount of €30 m was made available in 2020. This ensures that women and girls will continue to have access to essential sexual and reproductive health services and supplies in spite of overburdened

health systems. Measures are also being taken to counteract sexual violence and harmful practices such as female genital mutilation and child marriage, which have become more prevalent in the wake of measures designed to contain the pandemic.

The UN bodies and entities dedicated to women's rights base their work on mandates that are the product of political negotiations in the various organs of the UN. Chief among these is the Commission on the Status of Women (CSW), which meets once a year. It has 45 members, who are elected for a four-year term by the UN Economic and Social Council (ECOSOC) on the basis of geographical quotas. Germany was a member of the CSW for an uninterrupted period from 1997 to 2017 and has once more been a member since April 2019.

In the reference period, the CSW adopted conclusions, which are the main outcome of its meetings, on social security systems and sustainable infrastructure (2019). To mark the 25th anniversary of the adoption of the Beijing Platform for Action, states were called upon to draw attention, in the form of reports and their own events, to the progress they have made in implementing the Beijing Declaration and Platform for Action. The German Government submitted such a report to the UN in 2019. The anniversary celebrations in the CSW framework were rendered impossible by the restrictions resulting from the COVID19 pandemic, and only a Political Declaration was adopted in 2020, reviewing and appraising the implementation of the Beijing Declaration and Platform for Action. Also in 2020, three resolutions were adopted by means of a virtual decision-making procedure; these related to the multi-year programme of work, HIV/AIDS, and the release of women and children taken hostage.

During the negotiations, as in the preceding years, the open breach within the international community was evident on matters such as sexual and reproductive health and rights, sex education, the role and status of the family, participation of civil society, including the choice of wording on female human rights defenders, LGBTI people, empowerment of girls and wording on discrimination.

In other bodies and organs of the UN, such as the Human Rights Council and the General Assembly, the promotion and protection of women's human rights are among Germany's priorities. In those forums the German Government negotiated a number of resolutions on women's rights, in particular combating discrimination against women and promoting the protection of women and girls from violence. The issues addressed included female genital mutilation and violence against women. The German Government, moreover, sought to ensure that women's rights and equality issues were also discussed at meetings where they did not feature explicitly on the agenda. For example, the German-Spanish initiative for a resolution on the human rights to water and sanitation focuses particular attention on the needs of women and girls.

Women, Peace and Security

The priorities of the German Government during the reference period were the reinforcement, further development and worldwide implementation of the Women, Peace and Security (WPS) Agenda. UN Security Council Resolution 1325 and its nine related resolutions, which collectively make up the WPS Agenda, lay down political guidelines for a gender-responsive peace and security policy and call on member states to take specific action to ensure women's involvement on an equal footing in political processes and institutions for the prevention, resolution and management of conflicts and for prevention of and protection from sexual violence in armed conflicts.

The German Government set out its targets and planned measures in this area in its interdepartmental second Action Plan on the Implementation of Resolution 1325, covering the period from 2017 to 2020. A third Action Plan for the period from 2021 to 2024 is currently being developed.⁴⁸

WPS has been one of the priority themes of Germany's membership of the UN Security Council in 2019-2020. In spite of vehement opposition, Germany has been able to contribute to the further development of the Agenda as well as to its integration into the deliberations of the Security Council and, in particular, into the mandates of the UN peace missions. Thanks to our consistent involvement of women speakers from civil society, the point of view of women peace activists from crisis zones was heard more clearly in the UN Security Council (see also the section on commitment to human rights as a cross-cutting theme of Germany's Security Council membership in 2019-2020 in [chapter C3](#) above).

As part of the EU's Women, Peace and Security Task Force, the German Government contributed to the development of the Strategic Approach of the European External Action Service

48 More detailed information on the activities of the German Government in this field can be obtained from the following online sources:

1. Action Plan of the Government of the Federal Republic of Germany on the Implementation of UN Security Council Resolution 1325 for the Period 2013 to 2016: <https://www.lse.ac.uk/women-peace-security/assets/documents/2019/NAP/Germany-NAP-1-2013-2016.pdf>
Implementation Report on the Action Plan of the Federal Government on the Implementation of UN Security Council Resolution 1325 for the Period 2013 to 2016: <https://www.auswaertiges-amt.de/blob/610628/84763851e5cdffe0ca61acf9e25f2480/aktionsplan1325-umsetzungsbericht-2013-2016-engl-data.pdf>
2. Action Plan of the Federal Government on the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the Period 2017 to 2020: <https://www.auswaertiges-amt.de/blob/610626/cfb344b602d3129d9aa735f472be358c/aktionsplan1325-2017-2020-engl-data.pdf>
Implementation report of 25 November 2015, published under the German G7 presidency: G7 Report on the Implementation of the G8 Declaration on Preventing Sexual Violence in Conflict: <https://www.mofa.go.jp/mofaj/files/000113256.pdf>

(EEAS) and its adoption at the end of 2018. In it, the EEAS undertakes to increase the participation of women in political and economic life, strengthen their decision-making powers, and combat sexual and gender-based violence. In July 2019 an EU Action Plan on Women, Peace and Security for 2019-2024 was adopted as a means of achieving these objectives. Its adoption gave the issue a considerably more prominent place on the European agenda.

In multilateral forums too, the focus was on interaction between experts from government and civil society and on political support for efforts to address the issue:

- › In 2019, together with Network chair Namibia and co-chairs-elect Canada and Uruguay, Germany was part of the Troika of the WPS Focal Points Network, which now comprises some 85 states and regional and global organisations. Meetings in April and September 2019 discussed the importance of regional organisations in the implementation of the Agenda, the role of young people and the significance of the Agenda in the quest for disarmament and small arms control. In 2020, Germany contributed to a series of online conferences held by the Network on the subject of women and COVID19.
- › Women, Peace and Security was included for the first time as a separate topic in the main programme of the Munich Security Conference. At the Conference, held in February 2020, women peace activists discussed the role of women in violent extremism and in the prevention and suppression of extremism.
- › In February 2019, as part of the annual WPS Workshop, members of the UN Security Council engaged in discussion in Berlin with representatives of civil society and of the UN system on ways of sharpening the focus of the Agenda on combating sexual and gender-based violence. The findings of the Workshop were taken into account in UN Security Council Resolution 2467 on sexual violence in conflict.

In fragile states, states in conflict and post-conflict states, the German Government supported specific measures for the empowerment of women in peace processes and on protection from sexual violence. For example, by supporting the African Women Leaders Network, Germany contributed to the creation of a continental network of women who work together to foster political, economic and social change in Africa. The German Government supported projects designed to give women a greater say in political processes in Burundi, to train women in extremism prevention in Nigeria and to promote the inclusion of women from civil society in the Libyan peace process. It also supported the creation of safeguards against sexual and gender-based violence against women and men and of support services for survivors.

The Federal Ministry for Economic Cooperation and Development, for its part, ran 114 activities from 2017 to 2020 to promote inclusion of women in crisis contexts. For example, it supported the establishment of the African Peace and Security Architecture in the framework of the APSA project (Support for the African Union in the area of Peace and Security). In the realm of prevention, the project helps to empower women mediators to engage actively in peace processes. The FemWise prevention and mediation network, for instance, receives support in the form of training sessions and advisory assistance for its secretariat. This enabled FemWise mediators to double the number of their assignments in 2019. In the field of conflict management, the project is also assisting the African Union in developing a compliance framework to ensure adherence to international human rights standards and to the principles of UN Security Council Resolution 1325 in AU peace missions.

To give women visibility and a voice as stakeholders in displacement situations and to empower them economically and politically, the Federal Ministry for Economic Cooperation and Development, at the UN Global Refugee Forum in Geneva at the end of 2019, announced the establishment of a global support network for women in displacement contexts. The network is to be launched in the autumn of 2020 and will be linked with a fund for local projects undertaken by women in displacement situations.

In the OSCE, political commitments relating to gender equality are primarily based on the Gender Action Plan of 2004. Although the OSCE Secretariat painted a mixed picture in the latest progress report on that Action Plan, it did hail as a success the fact that half of those in certain personnel categories in the OSCE Secretariat were women. Qualification, it said, was the key criterion. The implementation of the 2004 Action Plan should be further accelerated by means of an addendum. The German Government continues to press for the adoption of the addendum.

In the reference period, the German Government strove to secure a higher profile for the Gender Issues Section of the OSCE Secretariat, for example by holding joint events and supporting extrabudgetary projects such as the study entitled “Well-being and Safety of Women”.

Both bilaterally and at the European level, the German Government campaigned for the ratification of the **Council of Europe** Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention. In the reference period, Ireland ratified the Convention. The Istanbul Convention is an instrument of international law which is binding on its parties; it provides a comprehensive legal framework for the prevention of violence, the protection of victims and the eradication of impunity for perpetrators of violence against women and domestic violence. It

is more comprehensive and detailed than other regional conventions in this field, such as those of the African Union and the Organization of American States, and is also open to accession by non-member states of the Council of Europe. A Council of Europe body, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), oversees the implementation of the Istanbul Convention and compliance with its provisions. The German Government is required to send GREVIO an implementation report on the Istanbul Convention in September 2020.

Since 2012, within the Council of Europe the subject of equality between women and men has been a matter for the Gender Equality Commission (GEC), in which the German Government plays an active part. The output of the GEC during the reference period included recommendations on combating sexism, which were adopted by the Committee of Ministers. In this context, a Council of Europe conference entitled “Tackling Gender Stereotypes and Sexism” was held in March 2019. The GEC now offers a wide range of digital materials on combating sexism, the content of which is also available in German.⁴⁹ Other topics on the GEC agenda were equality and the media and protecting the rights of migrant, refugee and asylum-seeking women and girls, on which a factsheet was produced.

In addition, the Drafting Committee on Migrant Women, a subgroup of the GEC comprising government experts, was given the task of framing a recommendation on migrant and refugee women on the basis of Recommendation No. R(79)10 and analysing needs and shortfalls with regard to their equal treatment.

The promotion of gender equality and of the rights of women and girls is an explicit aim as well as a cross-cutting task and hallmark of German **development cooperation**. Accordingly, German development cooperation contributed to the pursuit of equality and the realisation of women's and girls' rights through numerous programmes and projects in partner countries in the reference period.

The basis of this approach to gender equality is the 2014 cross-sectoral strategy paper “Gender Equality in German Development Policy”. In this strategy paper, Germany committed itself to a three-pronged approach to the promotion of gender equality. Besides gender mainstreaming, in other words taking account of the gender perspective in all development strategies, programmes and projects, and the promotion of specific empowerment measures for women, women's rights and equality issues are also systematically incorporated into high-level bilateral and multilateral dialogue on development policy.

49 www.coe.int/en/web/genderequality/combating-and-preventing-sexism; www.coe.int/de/web/human-rights-channel/stop-sexism

With the adoption of the second Development Policy Action Plan on Gender Equality, covering the period from 2016 to 2020, the Federal Ministry for Economic Development and Cooperation has stepped up its commitment to promoting equality and enforcing women's rights and has been contributing actively and quantifiably to the achievement of global targets such as those of the 2030 Agenda.

As part of this contribution, for example, since the start of 2020 the German Government has been supporting, through a regional project, the eradication of female genital mutilation in East African countries where the practice is very prevalent (Somalia, Sudan and Ethiopia). The aim of the new project is to raise awareness of the adverse consequences of female genital mutilation in society as a whole and so to reduce public acceptance of that harmful practice.

In 2019, the German Government pledged €30 m for the African Guarantee Fund (AGF) to inject capital into the Affirmative Finance Action for Women in Africa (AFAWA) programme, which supports women entrepreneurs in Africa. In addition, Germany supports the World Bank's Umbrella Facility for Gender Equality (UFGE) to the tune of €3 m. The purpose of this facility is the development of approaches that assist girls and young women in rural areas of the Sahel by closing gender gaps in education, employment and income and the adoption of these approaches by governments and civil society.

Another important area of activity for the German Government is the **eradication of human trafficking** (see also [chapter B3](#) above), to which millions of people throughout the world, predominantly women and girls, fall victim. To this end, in 2004 Germany initiated the establishment in the UN framework of the mandate of the Special Rapporteur on trafficking in persons, especially women and children. In October 2018, the Conference of the Parties to the UN Convention against Transnational Organized Crime decided to establish a mechanism for reviewing the implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). The German Government, through the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, is constantly involved in the establishment of this mechanism and has experts supporting the process of putting it into practice.

During the reference period, the German Government continued to observe **worldwide restrictions on civil society**, which were imposed either through formal law-making procedures (so-called NGO legislation) or by informal means. This is why the German Government makes a point of supporting NGOs, particularly in the realm of women's rights. In the reference period, projects of this type initiated by civil society were supported

in more than 20 countries with annual allocations ranging from €1000 to €500,000. Their aims included combating violence against women, supporting victims of sexual and gender-based violence, and social empowerment of women.

Access for female representatives of civil society to institutions and conferences is also supported. In the reference period, for instance, several were included in the German Government delegation at the sessions of the UN Commission on the Status of Women. In addition, the German Government assisted the NGO Committee on the Status of Women (NGO CSW), an international non-governmental association of more than 100 women's rights organisations, in devising and conducting training courses for female representatives of civil society worldwide ahead of the 62nd and 63rd sessions of the Commission on the Status of Women.

Global commitment to the realisation of children's human rights

The German Government is equally committed to the realisation of children's rights. The UN Convention on the Rights of the Child, together with other international and regional instruments on children's rights, including those of the European Union and the Council of Europe, form a sound basis for guaranteeing children's human rights.

The UN Children's Fund (UNICEF) is the German Government's most important partner in its efforts to promote the worldwide enforcement of children's rights.

The German Government supports UNICEF with a voluntary contribution to its regular resources. In the past several years, this contribution has been successively increased to €60 m in 2019 and €90 m in 2020. This makes the German Government the second-largest provider of UNICEF's regular resources.

The German Government also supports the work of UNICEF by allocating project-related resources. In view of the numerous acute crises that were severely detrimental to children and their rights, cooperation with UNICEF was further intensified in the reference period. In 2019, the German Government was the third-largest bilateral donor to UNICEF programmes. Cooperation with UNICEF has also been further developed in the context of the global COVID19 pandemic with a view to mitigating its health-related and socio-economic consequences. In 2018 and 2019, the German Committee for UNICEF, based in Cologne, remained one of the top fundraisers among the 36 national committees. With donations amounting to about €126.2 m in 2019, the Committee contributed significantly to the work of UNICEF. The German Government is in regular and close contact with the German Committee.



Elke BÜdenbender, wife of Germany's Federal President and patron of UNICEF, is presented with pictures by members following a visit to a youth club in Nepal. Issues such as child marriages, child labour and children's rights were discussed during the visit. © pictue alliance/dpa – Sina Schuldt

In July 2018, a joint conference was held by the Federal Ministry for Economic Cooperation and Development and UNICEF on psychosocial support in the context of the various crises in Syria and Iraq. Besides its cooperation in the context of crises and displacements, in 2019 the Ministry allocated another €26 m to the Education Cannot Wait (ECW) trust fund, which is hosted by UNICEF. Lastly, the Ministry supported a study on children's rights in German corporate activities, which was conducted by the German Committee for UNICEF and the German Global Compact Network.

In the UN Security Council too, Germany pursued the aim of guaranteeing children's rights, particularly through the deliberations of the Security Council on the subject of children and armed conflict. To this end it funded projects, some of which were run by NGOs, and liaised closely with the UN Secretary-General's Special Representative on Children and Armed Conflict, Virginia Gamba. The UN's "Children, not Soldiers" campaign against the recruitment of children by state forces received financial support from the German Government, which continues to pursue the aim of completely eradicating the forced recruitment of children.

Children and young people are the key agents of social change and sustainable development. For this reason, they are expressly included in development activities as beneficiaries of their own rights to protection, support and participation. Under the Action Plan “Agents of Change – Children’s and youth rights in German development cooperation activities” for the period 2017-2019, Germany continued to make diverse contributions through its development cooperation to the protection and promotion of the rights of children and young people and to their involvement in both social and political processes. Young people were consulted on the drafting of the Action Plan and on its implementation. Concrete data on the Agents of Change Action Plan are set out in [chapter C2](#) above on the human rights-based approach in German development policy. The results are currently being reviewed, and the impact of the Action Plan will be assessed in a final report.

The German Government remains strongly committed to the worldwide fight against exploitative child labour. In 1992, Germany, as the sole initial donor, kick-started the International Programme on the Elimination of Child Labour (IPEC) of the ILO. Since then, IPEC has developed into the largest ILO programme of technical cooperation. In the period since the creation of IPEC, the German Government has provided some US\$73 m in funding for the programme. Examples of specific programme measures and projects are highlighted in [chapter C2](#) above. The German Government also plays an active part in Alliance 8.7, a global initiative dedicated to the fight against child labour and forced labour.

In the Council of Europe too, the German Government maintained its commitment to the reinforcement and protection of children’s rights and especially to the universalisation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the Lanzarote Convention. In the reference period, Azerbaijan ratified the Lanzarote Convention, and Tunisia acceded to it as a non-member state of the Council of Europe.

To create awareness of the sexual exploitation and sexual abuse of children and promote the implementation of the Convention, the Council of Europe declared 18 November as the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.

In April 2016, the Council of Europe adopted the Strategy for the Rights of the Child for the period from 2016 to 2021 for the purpose of meeting the present-day challenges in the member states with regard to children’s rights.

C7 Human rights and business

Respecting, protecting and guaranteeing human rights are primarily governmental tasks. The activities of private-sector operators, however, are crucial when it comes to ensuring respect for human rights in supply and value chains. The Universal Declaration of Human Rights itself also calls on every individual and every organ of society to contribute to securing the universal and effective recognition and observance of human rights. It is therefore an elementary step to recognise human rights as a fundamental yardstick for shaping international supply and value chains. This fosters the stability of states and is a prerequisite for economic growth, which means that sustainable protection of human rights is also in the interests of business enterprises.

National Action Plan for Business and Human Rights

In June 2011, the UN Human Rights Council unanimously adopted the UN Guiding Principles on Business and Human Rights, which have subsequently come to be regarded as the “agreed language” for describing corporate due diligence with regard to human rights.

In December 2016, as the basis for the implementation of the UN Guiding Principles in Germany, the German Government adopted the National Action Plan for Business and Human Rights (NAP) 2016-2020. In the NAP, the German Government expresses its expectation that all businesses will exercise due diligence with regard to human rights. The Interministerial Committee for Business and Human Rights, chaired by the Federal Foreign Office, meets twice a month to coordinate the implementation of the NAP.⁵⁰ The work of the Committee is shadowed by a broad-based body of stakeholders, the Business and Human Rights Working Group, which is led by the German Institute for Human Rights; at its regular meetings, it provides a forum for the various viewpoints of non-governmental players.

⁵⁰ Represented on the Committee are the Federal Ministry of the Interior, Building and Community, the Federal Ministry of Justice and Consumer Protection, the Federal Ministry of Finance, the Federal Ministry for Economic Affairs and Energy, the Federal Ministry of Labour and Social Affairs, the Federal Ministry of Food and Agriculture, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Federal Ministry for Economic Cooperation and Development.

The website www.wirtschaft-menschenrechte.de⁵¹ is the German Government's central information platform on the National Action Plan for Business and Human Rights. It outlines the commitment of the German Government and reports extensively on corporate due diligence as well as publishing aids to implementation and offering support services.

The NAP prescribes that corporate compliance with the core elements of due diligence (chapter III) is to be reviewed by means of a research survey. The current Coalition Agreement provides for legislative action if the present voluntary approach proves inadequate. The NAP itself sets the target of compliance with the due diligence requirements set out in the NAP by at least 50% of German-based companies with more than 500 employees by 2020.⁵² In July 2020, the consortium conducting the review announced that the findings of the representative monitoring survey for 2020 were likely to show, as did the 2019 survey, that considerably fewer than 50% of companies were meeting the core due diligence requirements relating to human rights set out in the NAP.⁵³ The full interim report of 15 September 2020 indicates that the proportion of "compliers" lies somewhere between 12.8% and 16.5%.

As a consequence of the monitoring results, the German Government, in accordance with the arrangements set out in the Coalition Agreement and with particular regard to the effects of the COVID19 pandemic and the discussion at the EU level on the subject of due diligence, will draft a binding instrument on corporate due diligence with regard to human rights, which will be based on the UN Guiding Principles on Business and Human Rights as well as on developments in the EU framework, in order to ensure a level playing field both within the EU and internationally and so establish international compatibility. The German Government supports the EU legislative initiative announced by the European Commissioner for Justice, Didier Reynders. The subject also features prominently on the agenda for Germany's Presidency of the Council of the EU in the second half of 2020.

In implementation of the Action Plan, the German Government offers **support services** for companies. At some German missions abroad, it has created NAP networks, which serve primarily to promote exchanges between German companies and experts in the host country as well as dialogue on business and human rights with the host government. The strategy is already being implemented at some 20 missions around the world and is

51 This is a page on the website www.csr-in-deutschland.de, hosted by the Federal Ministry of Labour and Social Affairs and devoted to the corporate social responsibility (CSR) policy of the German Government.

52 There are about 7400 such companies in the whole of Germany.

53 For detailed information on the NAP monitoring process, see <https://www.auswaertiges-amt.de/de/aussenpolitik/themen/aussenwirtschaft/wirtschaft-und-menschenrechte/monitoring-nap/2131054>.

being further developed. German Chambers of Commerce Abroad, Germany Trade and Invest, GIZ, KfW and specialised non-governmental players active in the field of business and human rights are involved in the local networks.

The Agency for Business and Economic Cooperation (AWE), which is funded by the Federal Ministry for Economic Cooperation and Development, provides advice on support and funding instruments in the field of development cooperation of which companies can avail themselves for their business activities in developing and newly industrialised countries. The Business and Human Rights Helpdesk at the AWE serves to raise general awareness of business and human rights, offers individual advice and helps companies to find the right support services, contacts and networks.

The **SME Compass** (*KMU Kompass*) website assists German companies, especially small and medium-sized enterprises (SMEs) in practising more sustainable procurement management in development contexts. By means of a thorough overhaul, the SME Compass is being expanded into a digital contact point for more socially and environmentally sustainable supply chain management to mentor businesses in the adoption of more sustainable management practices. The new portal is being hosted by the Business and Human Rights Helpdesk.

The Coordination Office of the Africa Business Network, which is funded by the Federal Ministry for Economic Affairs and Energy, cooperates with the Africa Network Office of the Chamber of Industry and Commerce to provide companies with referrals and initial advice regarding business services that are available for the promotion of external trade.

In **development partnerships** with the private sector, German development cooperation pursues human rights objectives together with companies. Through the **ExpertS programme** of the Federal Ministry for Economic Cooperation and Development, experts advise local, German and European businesses on matters relating to development policy in about 30 countries. The aim of the ExpertS programme is to promote sustainable economic activity worldwide and to create the conditions in which companies can become involved in development activities in partner countries.

Sectoral dialogues on the NAP, conducted by the Federal Ministry of Labour and Social Affairs with German business sectors whose supply and value chains are associated with particular human rights challenges, are intended to identify risks and devise solutions. Since February 2020, the first sectoral dialogue has been taking place with the German motor industry in a multi-stakeholder format. A second sectoral dialogue with the mechanical and structural engineering industries is at the preparation stage. Exploratory talks are taking place with other sectors.

The basis for these dialogues is a study entitled **“Die Achtung von Menschenrechten entlang globaler Wertschöpfungsketten – Risiken und Chancen für Branchen der deutschen Wirtschaft”** (“Respect for human rights along global value chains – risks and opportunities for German business sectors”), which was published in August 2020. The study shows that serious risks to human rights are to be found in almost all significant sectors of the economy. The study undertakes an in-depth examination of eleven focal sectors which are major components of the German economy, have considerable international connections and are confronted with particularly relevant human rights risks.

To implement another measure from the NAP, in January 2020 the Federal Ministry of Justice and Consumer Protection published a new brochure in several languages, entitled **“The responsibility of business enterprises for human rights violations: access to justice and the courts”**, to let victims of human rights abuses know how they can exercise their rights.

Active shaping of international policy on corporate responsibility for human rights

OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises are the main comprehensive international instrument for the promotion of responsible corporate activity. The Guidelines are supplemented by a publication entitled OECD Due Diligence Guidance for Responsible Business Conduct as well as by special guides for the extraction, minerals, garments and footwear, agricultural and financial sectors.

The National Contact Point for the OECD Guidelines in the Federal Ministry for Economic Affairs and Energy promotes the effective application of the Guidelines and offers a mediation procedure to handle grievances relating to the implementation of the Guidelines in specific instances. In 2018 and 2019, following its peer review, the National Contact Point implemented the recommendations contained in its favourable review report.

In particular, it strengthened its constituent bodies, expanded its promotional activities and improved its procedural rules for complaints. The Contact Point reports annually to the Bundestag on its work, focusing especially on complaints procedures, promotional activities and cooperation within the OECD and with other National Contact Points.⁵⁴

International forums and political processes

In the Leaders' Declarations of the G7 summit at Schloss Elmau in 2015 and of the G20 summit in Hamburg in 2017, far-reaching agreements on sustainable supply chains were achieved under Germany's Presidency. At the subsequent G7 summits in 2018 and 2019, the German Government also pressed successfully for a renewal of the G7 commitment to the promotion of sustainable supply chains.

In accordance with the NAP, which is the source of the obligation to stand up for global implementation of the UN Guiding Principles (UNGPs) – not least to establish fair competition – the Federal Foreign Office began in 2020 to support the **project UNGPs 10+ – Next Decade for Business & Human Rights** of the UN Working Group on Business and Human Rights by providing significant funding for the year-long first phase of the project.

With regard to the meetings of the **Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights** (IGWG), initiated by Ecuador and South Africa in the UN Human Rights Council in 2014, the German Government is playing an active role in the coordination of EU positions and queries on draft provisions for a legally binding instrument. As the draft instrument is a “mixed agreement”, in the sense that it affects the spheres of competence of both EU member states and the European Commission, participation in the textual negotiations required a negotiating mandate from the European Commission and the Council of the EU.

54 Report by the Federal Government to the German Bundestag concerning the work undertaken by the National Contact Point for the OECD Guidelines for Multinational Enterprises in 2018, Bundestag printed paper 19/11670; Report by the Federal Government to the German Bundestag concerning the work undertaken by the National Contact Point for the OECD Guidelines for Multinational Enterprises in 2019, Bundestag printed paper 19/21175

UN Global Compact

The UN Global Compact was created in the year 2000 as an alliance between the UN and the private sector and is now the world's largest initiative for the promotion of sustainable and responsible corporate governance. The number of participants in the Global Compact grew during the reference period to about 15,000 organisations in 170 countries, comprising some 11,450 companies and 3550 organisations from civil society, science and the public sector. The number of German participants had risen by mid-2020 to more than 580 signatories, including 24 of the 30 DAX companies.

Germany supports the work of the Global Compact by making voluntary contributions of up to €350,000 a year to the Global Compact Trust Fund. At the national level too, the German Government supports the Global Compact. An office within GIZ, operating on behalf of the Federal Ministry for Economic Cooperation and Development in consultation with the Federal Foreign Office, coordinates the German Global Compact Network. The Network promotes dialogue and knowledge-sharing by means of diverse learning and dialogue formats, such as guidelines for good practice, online and classroom seminars, training courses and twice-yearly participants' conferences.

In addition, since 2018 the Network, together with local partners, has been piloting country-specific training courses in selected cooperating countries, namely Ethiopia, Ghana and Tunisia.

Support for EU policy for the protection of human rights in the business context

Since 2014, there have been two EU Directives, relating to corporate social responsibility (CSR) reporting and public procurement, that are dedicated to promoting the exercise of social responsibility by businesses and transparency with regard to CSR. In implementation of Directive 2014/95/EU, large undertakings in Germany which are public-interest entities with more than 500 employees have been reporting since the 2017 financial year, subject to certain conditions, on their policies for ensuring respect for human rights.

Alongside the NAP process, the German Government is making particular use of Germany's Presidency of the Council of the EU in the second half of 2020 to focus greater emphasis within the EU framework on the related matters of consistent application of the UN Guiding Principles and the OECD Guidelines and promotion of decent work in global supply chains through the drafting of a new EU Action Plan on responsible business conduct, and to amplify support for an EU legislative initiative on corporate due

diligence. To this end, various events were held during the German Presidency involving ministers from several government departments and experts in the relevant fields, as well as political deliberations within the Council of the EU.

Free trade agreements

The German Government supports the European Commission in its efforts to secure respect for human rights through its trade policy. The protection of human rights, including the international labour standards enshrined in the core ILO conventions, is normally embedded as an essential element of framework political agreements with non-EU states. Violations have repercussions, which may extend to suspension of the trade agreement with the state in question. In addition, the EU seeks to include comprehensive sustainability chapters in trade agreements so as to ensure compliance with international labour, social and environmental standards. For example, the addition of comprehensive sustainability chapters is part of the current negotiations on updating the free trade agreements with Chile and Mexico. The revised agreement with Chile, moreover, will be the first EU trade agreement to contain a section devoted to gender equality and trade.

EU general system of preferences

Under the Generalised Scheme of Preferences (GSP), the EU also unilaterally grants some 70 developing countries preferential tariff treatment for imports of numerous industrial goods and semi-finished products as well as processed agricultural products. The arrangement known as “GSP+ preferences”, which goes beyond the scope of basic GSP preferences, provides for the use of sustainable development and responsible governance as criteria for a suspension of customs tariffs. The qualifying criteria for GSP+ are the ratification and implementation of 27 international conventions relating to human rights, labour and social standards, environmental protection and good governance and participation in a continuous monitoring process. Observance of fundamental human rights is also a condition for duty-free and quota-free access to the EU market for the poorest countries under the EBA (“Everything but arms”) initiative. The European Commission has also launched a monitoring procedure for this initiative. The German Government welcomes the inclusion of the national human rights institutions in the monitoring process as well as other EU measures designed to raise awareness and promote stakeholder ownership in the EU and in beneficiary countries. On account of recovery proceedings against Cambodia for violations of international human rights and labour standards, tariff preferences amounting to about 20% are currently suspended.

Promotion of corporate human rights standards at national level

The corporate social responsibility policy of the German Government

Since 2010, the German Government has been pursuing a systematic corporate social responsibility (CSR) policy, based particularly on recommendations made by the National CSR Forum, a multi-stakeholder body with representatives of business, civil society, government ministries, trade unions, and the academic and scientific community. Key measures from the CSR Action Plan of 2010 have now been implemented. The German Government's objective for the further development of the national CSR strategy is to drive CSR forward in Germany in step with international developments and to ensure that Germany, as an exporting nation, plays a trailblazing role. Its main focus is on responsibility within supply chains and the exercise of corporate due diligence.

In the Berlin CSR Consensus, the stakeholders in the National CSR Forum under the auspices of the Federal Ministry of Labour and Social Affairs defined specifications for sustainable supply chain management and set out what good corporate practice might comprise. The Berlin CSR Consensus on corporate responsibility in supply and value chains was adopted on 25 June 2018.

One of the main components of the German Government's CSR strategy is the CSR Prize. Since 2013, the prize has been awarded to companies that integrate sustainable conduct into their business activity. The competition was held for the fourth time during the reference period.

Sustainable procurement objectives

The work that has been undertaken to date to implement the NAP has shown that, in the field of procurement law, it might be particularly useful to draw up model conditions of performance so as to require successful tenderers to practise due diligence with regard to human rights throughout their supply chains. In addition, the target set by the German Government through its programme of sustainability measures – of sourcing as close as possible to 50% of procured textiles on the basis of environmental and social criteria by 2020 – should be met. The federal administration's guide to sustainable public procurement of textiles serves as practical support for contracting authorities. It is based on the OECD's Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector and embraces the human rights due diligence approach.

Furthermore, the new Competition Register for Public Procurement, which is to become operational by the end of 2020 if possible, will contribute in future to the consideration of human rights in the context of public procurement. The Register, to be established and maintained by the Bundeskartellamt (Federal Cartel Office, Germany's competition watchdog), will provide public contracting authorities with reliable information, especially on any compelling reasons for excluding companies from procurement procedures, for example convictions for serious crimes such as human trafficking and forced labour.

The Centre of Excellence for Sustainable Procurement at the Procurement Agency of the Federal Ministry of the Interior, Building and Community, the German Government's central advice and information service on procurement matters, has been assisting contracting authorities in the field of sustainable public procurement since 2012. Together with the Länder, it provides training courses, a telephone and email hotline, a central web platform and other services. A training programme on human rights in public procurement has been produced. The sectoral agreement between the Centre of Excellence at the Procurement Agency and the German Association for Information Technology, Telecommunications and New Media (Bitkom) was thoroughly revised, the new version taking effect in May 2019.

The Sustainability Compass, an information platform funded by the German Government, provides an overview of sustainability certification schemes and additional provisions and assists contracting authorities in incorporating a sustainability dimension into their procurement procedures.

The Fair Procurement Network of local authorities, which is part of the Communities in One World Service Agency, provides advice to local authorities and other entities and familiarises them with the issue of sustainable procurement through specialised promoters. An information and dialogue campaign entitled *Deutschland Fairleicht* ("Germany compares for fairness") informs decision-makers and contracting authorities at the local-authority level and raises their awareness of sustainable procurement.

Export credit and investment guarantees

The German Government grants export credit and investment guarantees to cover only those supplies, services and projects that are unobjectionable in terms of their environmental, social and human rights impact. The criterion for guaranteeing export credits is compliance with the OECD environmental and social guidelines set out in the Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (the "Common Approaches"). The

same principles also apply to investment guarantees. The German Government strove to ensure that human rights protection was explicitly established as one of those principles. It also endeavours, in numerous bilateral meetings and multilateral forums, to ensure that non-OECD member states also undertake not to offer official support for export credits unless global human rights standards will be adhered to in the relevant projects.

The applicable test criteria (particularly those of the World Bank) essentially cover all the human rights that are relevant in this context, such as those relating to forced resettlement, cultural heritage protection and the rights of indigenous peoples. Environmental, social and human rights aspects of the relevant guaranteed projects continue to be monitored after the guarantee has been granted; where necessary, credit and investment recipients may be required to take remedial action. The changes that had to be made to the instruments of foreign trade and investment promotion to meet the requirements of the National Action Plan for Business and Human Rights have now been fully implemented.

Export control

The human rights criterion plays an important part in decisions on **exports of military equipment**. This applies in the EU framework through the Common Position of the Council of the EU, which is embedded in the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment. These principles flesh out the human rights criterion for the export of war weapons and other military equipment, specifying what fulfilment means in terms of requirements and so according a special status to that criterion. At international level, the Arms Trade Treaty (ATT) prescribes that arms exports are to be assessed, particularly as to the potential use of the arms to commit or facilitate a violation of human rights or international humanitarian law.

The German Government applies particularly restrictive criteria for the authorisation of **exports of small arms**, which, under the Political Principles as amended on 26 June 2019, are no longer to be authorised as a matter of principle. Under the Small Arms Principles, as they are commonly known, of March 2015, this restrictive stance also applies to the supply of corresponding ammunition and related production technology to third countries.⁵⁵

55 https://www.bmwi.de/Redaktion/EN/Downloads/small-arms-export-principles-german-federal-government.pdf?__blob=publicationFile&v=2

Human rights are also an important criterion in decisions on the export of **dual-use items**⁵⁶ within the meaning of Council Regulation (EC) No. 428/2009 of 5 May 2009 (the Dual-use Regulation). The German Government is particularly committed to more stringent export controls for telecommunication surveillance equipment with which computers, for example, can be monitored or telephones tapped. On Germany's initiative, the regime known as the Wassenaar Arrangement was agreed in 2019, introducing new export controls for telephone surveillance software. In this way, the national controls that had been in place in Germany since 2015 were successfully established on an international scale. The EU is also continuing to discuss a revision of the Dual-use Regulation, partly with a view to stricter regulation of exports of telecommunications surveillance equipment. Negotiations on the proposed new rules are still ongoing between the European Commission, the European Parliament and the Council of the EU.

Trade in certain goods which could be used **for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment** is also subject to export restrictions under Regulation (EU) 2019/125, known as the Anti-torture Regulation. The German Government publishes annual activity reports in which it provides information on the decisions issued on the basis of that Regulation. In July 2020, the European Commission presented a report on the implementation and review of the Anti-torture Regulation. In it, the Commission concludes that the Regulation makes an important contribution to human rights-based trade policy. The report is now being assessed by the European Parliament and by the member states in the Council of the EU. The EU and the German Government, moreover, have been pressing, through the EU initiative Global Alliance for Torture-Free Trade, for globalisation of the principles set out in the Anti-torture Regulation. As a result, the UN General Assembly adopted a resolution on torture-free trade on 28 June 2019, thereby launching a process in which further UN discussion of this topic can be gradually moved forward.

56 Items that can be used for both civil and military purposes

Sectoral issues

German Initiative on Sustainable Cocoa and Forum for Sustainable Palm Oil

In 2012, the Federal Ministry for Economic Cooperation and Development and the Federal Ministry of Food and Agriculture initiated the creation of the German Initiative on Sustainable Cocoa, a multi-stakeholder platform bringing together some 80 actors from the German cocoa and chocolate industry, the grocery trade, civil society and the German Government. The Initiative requires all operators in the cocoa supply chain to respect human rights and meet certain environmental standards. Various events devoted to human rights due diligence were held during the reference period. The Annual General Meeting of the Initiative in September 2020, for example, focused on human rights as its main theme. In addition, the Initiative assists its members, especially SMEs, in implementing the National Action Plan for Business and Human Rights.

Similarly, the Forum for Sustainable Palm Oil, founded by the Federal Ministry of Food and Agriculture, is committed to providing practical support for its member businesses in implementing the NAP for Business and Human Rights. To this end, it commissioned the German Institute for Human Rights in June 2019 to conduct a study that identifies risks to human rights in palm oil value chains and develops strategies that businesses can adopt in order to discharge their duty of due diligence with regard to human rights. The members of the Forum made themselves available as industry partners for the duration of the study and so were able to make an exemplary contribution to the development of practical strategies.

Raw materials partnerships

Bilateral raw materials partnerships are part of the German Government's Raw Materials Strategy of October 2010 and its updated version of January 2020. These partnerships have been concluded with selected producer countries. Depending on the partner country, international human rights instruments have been incorporated into the partnership agreement in a suitable way. In the agreement with Peru, for instance, the parties reaffirm their commitment to the UN Guiding Principles on Business and Human Rights and to the Equator Principles on compliance with environmental and social standards. The aim of the raw materials partnerships is to contribute to the supply of raw materials to German businesses while supporting economic development in the partner country

and particularly the sustainability of its extractive industries. The conclusion of raw materials partnerships in the form of agreements with Mongolia, Kazakhstan and Peru has been followed by cooperative arrangements in the field of raw materials with Australia, Chile and Canada.

Partnership for Sustainable Textiles

For information on the work of the Partnership for Sustainable Textiles, see [chapter C2](#) above.

European Partnership for Responsible Minerals

Germany is a member of the multi-stakeholder European Partnership for Responsible Minerals (EPRM), which is an accompanying measure of development policy designed to support the implementation of the EU Conflict Minerals Regulation. Through project funding, the EPRM supports responsible artisanal and small-scale mining in conflict-affected and high-risk areas with the aim of improving the living conditions of mineworkers in those areas and removing sources of conflict funding. The EPRM also promotes the sharing of best practice in responsible mineral extraction, for example through the establishment of a Due Diligence Hub as an information gateway for companies.

D | Human rights around the world



D1 Focus: Sexual violence in conflict situations, Security Council Resolution 2467

“I thought that was a barbaric act of war”

When the Srebrenica massacre shook the world 25 years ago, images went around the globe of exhausted and desperate women fleeing, their children clinging to their hands or carried on their backs. Many had been raped as they tried to flee. Others had been imprisoned for years in factories and warehouses converted into brothels. An estimated 50,000 women were raped during the war in Bosnia and Herzegovina.



Foreign Minister Heiko Maas (left, SPD) and Dr Denis Mukwege visit the Nobel Peace Prize laureate's hospital.
© picture alliance / dpa – Kay Nietfeld

When the Second Congo War broke out soon afterwards, the images were the same: women fled in long convoys, holding their children by the hand or carrying them on their backs. Other photographs showed groups of young men with semi-automatic weapons. Dr Denis Mukwege, who runs a hospital in the east of the Democratic Republic of the Congo, was a young doctor at the time. He recalled the events in an interview: “It was that year [1999] that our first rape victim was brought into the hospital. After being raped, bullets had been fired into her genitals and thighs. I thought that was a barbaric act of war, but the real shock came three months later. Forty-five women came to us with the same story: they were all saying, ‘People came into my village and raped me, tortured me.’” In the course of the war, Dr Mukwege and the team at his Bukavu hospital alone treated more than 30,000 women who had been raped.

On 3 August 2014, the group calling itself Islamic State began its offensive against the Yazidi villages at the foot of Mount Sinjar. Most of the Yazidi men they caught were killed, the women abducted and sold, raped and forced into marriage. Of the 6417 Yazidis kidnapped since 2014, 3524 have been freed or managed to escape (almost two-thirds of them women and girls). Young Yazidi woman Nadia Murad is one of them. She has been working ever since to see the genocide against the Yazidis recognised and to advocate for the rights of sexual-violence survivors. There are 2839 people still missing.

Conflict-related sexual violence remains a horrific tactic of warfare, terrorism and political repression today – a means of destroying communities, driving people from their homes and dehumanising them. It encompasses rape, sexual slavery, forced pregnancy, enforced abortion or sterilisation, forced marriage and other crimes of comparable gravity against people of any gender committed in connection with a war. As in the case of Islamic State, however, it serves not only as an instrument of warfare but also as a recruitment and financing tool as well as a means of “rewarding” soldiers and fighters. Sexual violence usually does not cease when a conflict ends and tends to have been widespread in society even before the fighting began.

Nadia Murad and Denis Mukwege were jointly awarded the Nobel Peace Prize in 2018 for their efforts to combat sexual violence and defend survivors’ rights. They are fighting for the support that victims need – not only psychosocial and medical care but social and economic assistance as well.

The UN Security Council recognised in 2000 that preventing and protecting people from sexual and gender-based violence is important to the maintenance of international peace and security. In its landmark Resolution 1325, it confirmed the link between sexual and gender-based violence and the failure of attempts to restore peace and security and to rebuild societies. In a follow-up resolution adopted in 2009, the UN Security Council

mandated the appointment of a Special Representative of the Secretary-General on Sexual Violence in Conflict. The establishment of the office and the adoption of the Security Council resolutions on the subject demonstrate a significant shift in the way the international community looks at the issue. Sexual and gender-based violence is no longer seen as an unavoidable consequence of war but regarded as a war crime which can be avoided and must be punished. The men (and in some cases women) who perpetrate such crimes need to be brought to justice.

Security Council Resolution 2467: Support and empower survivors, punish perpetrators

In April 2019, the UN Security Council adopted Resolution 2467, initiated by Germany and dedicated to combating sexual violence in conflict. It calls on the UN and its member states to adopt a survivor-centred approach in preventing and responding to sexual violence in conflict and post-conflict situations. This means that survivors are to have access to the care they need, their social and economic reintegration needs to be made possible, and they must have access to the justice system, which is to afford them special protection. The member states are simultaneously called on to enhance their prosecution of those responsible for sexual violence.

The resolution also addresses issues that had received little previous attention from the UN Security Council but began to be perceived as security threats in recent years, particularly in connection with the kidnapping of women and girls by terrorist groups: the rights and needs of mothers and their children born as a result of rape; boys and men as victims of sexual violence; and the links between sexual violence and the objectives, ideology or tactics of terrorist groups.

With its focus on sexual and gender-based violence, Resolution 2467 is firmly embedded in the Women, Peace and Security (WPS) Agenda. It underscores the fact that the protection of women is indivisibly bound up with their inclusion on an equal footing in political processes. Civil society plays an important role in both.

What are the challenges we face, and how do we deal with them?

Just as the UN Security Council sees protection from gender-based violence as indivisibly connected to women's inclusion, the German Government is implementing all ten resolutions of the WPS Agenda in their entirety and taking a comprehensive approach to enhancing the involvement of women in crisis prevention, peace processes and post-conflict rehabilitation as well as to preventing and overcoming sexual violence. It does so in deference to the fact that gender inequality is a pivotal cause of sexual and gender-based violence and long-term change can only be achieved by means of women's fair and meaningful inclusion in all political processes. Simultaneously, for women to be able to participate in peace processes, they need to be effectively protected from violence.

When it comes to dealing with sexual violence, the German Government considers the following four areas to be key.

1. Survivors must be at the heart of discussions about sexual violence and receive medical and legal assistance.

Germany gives consideration to Resolution 2467 in its work as a member of the UN Security Council, in debates about extending the mandates of UN peace missions, for example, and on various Security Council sanctions committees and working groups. Moreover, Germany involves the Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten, in the activities of sanctions committees.

Alongside work in multilateral bodies, regular high-level meetings ensure that the topic attracts a lot of political attention. Speaking to survivors of sexual violence in Iraq; meeting women peace activists in Sierra Leone, where a national emergency was declared because of sexual violence in February 2019; visiting the hospital run by Nobel Peace Prize laureate Denis Mukwege – Federal Foreign Minister Heiko Maas has made a point on many of his trips to meet activists and survivors in order to gain an impression of the situation on the ground.

These meetings often lead to concrete support, as when €400,000 in funding was given to the Mukwege Foundation. The Foundation is using the money to run a pilot scheme providing financial and psychosocial support to survivors of sexual violence in various African countries, its findings to help shape the parameters of a survivors' fund. In Iraq, the German Government is providing €100,000 to support the IOM in its efforts to make the voices of survivors from Iraq and Germany heard in the drafting of a law on support for survivors.

In Afghanistan, the German Government is funding a pilot scheme by All Survivors International to draw up medical guidelines for male victims of sexual and gender-based violence. Reinforcing women's rights and the rights of female survivors in Afghanistan is at the core of a project run by *medica mondiale* which combines psychosocial counselling and self-help groups for women and families, as well as legal advice and counsel, with training on women's rights for Afghan stakeholders like lawyers and police officers.

Improving the health of Syrian refugees and Lebanese people in need by means of qualitatively enhanced medical infrastructure is at the forefront of a development-policy project conducted in collaboration with *humedica*. As part of the project, women and girls are advised on medico-social matters and issues pertaining to gender-based violence.

2. Women must play a key role in peacebuilding. Without gender equality and without human rights, lasting peace and long-term reconciliation will remain unattainable.

That is why Germany supports NGOs like *Together We Build It*, which promotes the inclusion of women in the political side of the peace process in Libya.

In Sierra Leone, the German Government is funding a UN Women project to boost women's inclusion and leadership in the country's political processes. Like many other projects receiving support, it combines political-participation elements with the prevention of violence and the inclusion of survivors.

The involvement of women on an equal footing is also important when it comes to preventing and combating violent extremism. The German Government is supporting this through a project run by the *Borno Women Development Initiative* in two of Nigeria's northern states.

3. Sanctions need to be more robust to put an end to sexual violence.

The German Government helped formulate and championed the UN Security Council's decisions about sanctions on individuals in response to sexual violence. As an elected member of the Security Council in 2019-2020, it successfully submitted two joint applications for new listings based partly on this criterion to the Sanctions Committees for the Democratic Republic of the Congo and the Central African Republic. This is an important element of accountability and can also serve to deter potential perpetrators.

4. Impunity must be fought and perpetrators brought to justice.

Survivors must have access to the justice system. Organisations like the Mukwege Foundation and medica mondiale see this as part of the support they offer survivors. The German Government supports projects that improve women's access to the justice system, notably in South Sudan, Mali, Ethiopia, Nigeria, Myanmar, Afghanistan, Laos and El Salvador.

Germany moreover applies the principle of universal jurisdiction, which prescribes that a country can prosecute people for crimes against international law even if neither they nor the victims have that country's nationality and the crimes took place outside its territory. In this way, high- and low-ranking perpetrators of crimes can be held to account into Germany. A German court recently opened proceedings against two former employees of the Syrian regime. They stand accused of torture and sexual assault. To facilitate the gathering of evidence for trials, the German Government funds the International, Impartial and Independent Mechanism (IIIM) for Syria and the Independent Investigative Mechanism for Myanmar (IIMM).

Thanks to the political and financial action it has taken, the German Government has been able to help highlight the issue of sexual violence and overcome the associated taboo. It has succeeded in supporting survivors of sexual violence and helping to improve their access to justice. It is contributing to the development of measures for groups of survivors who have previously remained under the radar, such as men and boys. It also supports the inclusion of women in peace processes.

Putting the WPS Agenda into practice is a task the international community needs to face together. Sexual violence occurs in all conflicts around the world and is often deeply rooted in the societies concerned. UN institutions, member states and civil society need to work together to effectively prevent it.



Umbrella embellished with EU stars at the "One Europe for All – Your Voice against Nationalism!" demonstration in Berlin on 19 May 2019. © picture alliance/dpa – Paul Zinken

D2 International reporting mechanisms on the human rights situation

European Union

Within the system of legal protections for the European Union,⁵⁷ fundamental rights are defended visàvis EU legal instruments both by member states' national courts and by the Court of Justice of the European Union (CJEU) in Luxembourg. The CJEU consists of two courts: the Court of Justice and the General Court, which was established in 1988. Any natural or legal person can bring an action for annulment to the General Court against acts of the community institutions which are addressed to them or are of direct and individual

⁵⁷ **27 EU member states:** Austria, Belgium, Bulgaria, Croatia, Czechia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain

concern to them and against regulatory acts which concern them directly and which do not entail implementing measures. In so doing, they can call on the fundamental rights and freedoms applicable in the EU. The judgments and opinions of the CJEU are published online and can be accessed free of charge at https://curia.europa.eu/jcms/jcms/j_6/.

The EU Annual Report on Human Rights and Democracy, established at Germany's initiative in 1999, provides an overview of human rights policy in the EU's external relations and contains a global Country Updates section, which includes reports on the EEA/EFTA countries Iceland, Liechtenstein, Norway and Switzerland as well as, for example, Australia, Canada, Israel, Japan, Korea, New Zealand and the United States (see https://eas.europa.eu/topics/human-rights-democracy/8437/eu-annual-reports-human-rights-and-democratisation_en). During the reference period, on 13 May 2019, the Council of the European Union adopted the 2018 Annual Report on Human Rights and Democracy (Council document 8592/19).

Council of Europe

The Council of Europe with its 47 member states⁵⁸ has campaigned to advance human rights, the rule of law and democracy since it was founded in 1949. The priorities of its work are promoting and exercising effective oversight of human rights protection, the rule of law and democratic structures in the member states. The Council of Europe Commissioner for Human Rights, a position held by Dunja Mijatović since 1 April 2018, undertakes country visits with a view to improving human rights protection in all member states of the Council of Europe. These visits are generally followed by the publication of reports which are made available at www.coe.int/en/web/commissioner/country-monitoring.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) is the keystone of the system constructed under the aegis of the Council of Europe to protect human rights in Europe. The European Court of Human Rights (ECtHR) in Strasbourg is an international court which was set up to monitor how the member states uphold the ECHR and decides on individual and inter-state applications in respect of alleged violations of the Convention. The ECtHR's judgments and decisions are published online in English and French and available for download from its HUDOC

58 **47 Council of Europe member states:** Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom

database at www.echr.coe.int/hudoc. The German Government translates all judgments and decisions in German cases and publishes the translations in a database on the Federal Ministry of Justice and Consumer Protection website: www.bmjv.de/egmr.

OSCE

The **Organization for Security and Co-operation in Europe**, or **OSCE**, has 57 participating states⁵⁹ and has developed a nuanced set of tools for the protection of human rights:

- › The OSCE Office for Democratic Institutions and Human Rights (ODIHR) based in Moscow submits written reports after, for example, election-observation missions in OSCE participating states “both east and west of Vienna”, reviewing not only the conduct of an election but also election laws, the political landscape and media freedom in the country in question (www.osce.org/odihhr).
- › OSCE field operations include large-scale projects relating to the human dimension (www.osce.org/where).
- › The OSCE High Commissioner on National Minorities based in The Hague (www.osce.org/hcnm), the post held by Lamberto Zannier since July 2017, briefs the OSCE Permanent Council on his activities every six months, giving short country reports to enumerate the topics he has raised with the participating states (available online at www.osce.org/hcnm/66055).
- › Headquartered in Vienna, the OSCE Representative on Freedom of the Media – a post created at Germany’s initiative at the end of 1997 and held by Harlem Désir since July 2017 – reports to the OSCE Permanent Council in Vienna twice a year. His written report contains a list of countries in which he indicates what matters he has raised with the relevant participating state (available online at www.osce.org/fom/66084).

59 **57 participating states of the OSCE:** Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Republic of Moldova, Monaco, Mongolia, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States, Uzbekistan

- › The post of Special Representative and Co-ordinator for Combating Trafficking in Human Beings (www.osce.org/secretariat/trafficking), based in Vienna and held since September 2014 by Madina Jarbusynova, involves visiting countries and publishing reports on those visits (available online at www.osce.org/secretariat/107636).
- › Additionally, the Chairperson-in-Office can appoint personal representatives on tolerance-related issues (www.osce.org/chairmanship/chairperson-in-office-representatives).

UN Human Rights Council

The core mandate of the **UN Human Rights Council in Geneva**, with its membership of 47 countries,⁶⁰ lies in examining human rights violations, issuing recommendations and receiving the reports of the special rapporteurs it has appointed for particular countries or issues. For its regular meetings, the Human Rights Council convenes for three to four weeks three times a year, and reports about the sessions are posted online on the website of the OHCHR: www.ohchr.org/EN/HRBodies/HRC/Pages/Documents.aspx.

Outside its regular meetings schedule, the Human Rights Council reviews the human rights situation in each UN member state in its **Universal Periodic Review**, or **UPR**.⁶¹ The fundamental idea of the UPR is to contribute on a long-term basis to improving human rights, through voluntary commitments by the governments concerned, a stronger role for civil society as dialogue partners to governments, and the establishment of independent national human rights institutions. The UPR documents can be accessed on the Human Rights Council website at www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx.

60 A list of the **member states currently sitting on the Human Rights Council**, each elected for a three-year term, is available online at www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx.

61 For an **overview of the 193 UN member states**, see www.un.org/en/member-states/



The Palais Wilson in Geneva houses the office of the UN High Commissioner for Human Rights.
© picture alliance/ZB – Sascha Steinach

UN General Assembly

The **Third Committee of the UN General Assembly** has universal representation, which is to say its membership comprises all 193 current UN member states, and is concerned with social and human rights issues. It meets in New York for around eight weeks every autumn. Like the UN Human Rights Council in Geneva, the Third Committee is one of the key institutions for global human rights issues. Each year, it prepares more than 60 resolutions on various human rights and social issues for the General Assembly to adopt in December. Those resolutions are published on the General Assembly website at www.un.org/en/ga/.

D3 National situations

The following **country-by-country review for the Fourteenth Human Rights Report of the German Government** contains a selection of countries with critical human rights situations. Chief among the criteria for a country's inclusion was whether the German Government had addressed it since 2015 under item 4 on the agenda of the UN Human Rights Council – human rights situations that require the Council's attention – followed by consideration of the human rights situation on the ground and aspects relevant to regional policy. This approach served to reduce the number of countries looked at and make the present report more readable. The report is not thereby making any statement about the human rights situation in countries not mentioned here.

For each of the selected countries, developments during the reference period are described, the implementation of human rights commitments is discussed and German or European project work on the ground is outlined. Information about freedom of religion or belief in particular can be found in the second German Government report on that subject.

The subject of **trafficking in organs** was examined with reference to each country. Where applicable, the findings are set out here.

Azerbaijan

Developments in the human rights situation during the reference period

The human rights situation in Azerbaijan continues to give cause for widespread international criticism. People are imprisoned on political grounds, and pressure is exerted on critics of the government. The judiciary is not independent. In the World Press Freedom Index drawn up by Reporters Without Borders, Azerbaijan ranks 168th among a total of 180 countries. The restrictive law on NGOs significantly hampers the work of civil-society actors. Where not politicised, profession of religious faith is relatively free. Women, though legally entitled to equality, are often restricted in the extent of their inclusion in society.

The parliamentary elections, brought forward to be held in February 2020, were criticised by international election-observation missions as not free. Several months of lockdown precipitated by the pandemic have exacerbated an economic situation that was already

precarious for the majority of people in the country. The COVID19 pandemic has also resulted in a number of laws affecting the media being toughened up, and representatives of the opposition have been subject to increased state control.

In July 2020, President Aliyev signed a National Action Plan to Combat Human Trafficking. The Ministry of Internal Affairs lists around 300 cases for 2018 and 2019. The US Embassy in Baku has identified some 200 victims of human trafficking for the same period, most (167) of them women forced into prostitution, besides a number of men subjected to forced labour. In each of 2018 and 2019, there was one case of organ trafficking.

President Aliyev has been pursuing a policy of reform since the middle of 2019, placing younger, Western-educated allies in government positions. Far-reaching amnesties for over 50 political prisoners in the spring of 2019 spark hope of an improvement, however slow, in the human rights situation.

Implementation of human rights commitments and policy

The Council of Europe notes elements of progress on human rights in its member state Azerbaijan, in, for example, the professionalisation of the judicial system through the 2019 justice reform. After the Council of Europe threatened Azerbaijan with a sanctions mechanism in May 2019 because the 2014 judgment of the ECtHR in the case of opposition leader Ilgar Mammadov had not been implemented, he was acquitted by the country's supreme court on 23 April 2020.

Examples of German and European project work

In Azerbaijan, Germany is committed to the development and expansion of civil society and to capacity-building in the judiciary. During the reference period, the Federal Foreign Office programme Expanding Cooperation with Civil Society in the Eastern Partnership Countries and Russia supported around 20 civil-society projects with an emphasis on women's rights, environmental protection or cross-border interactions as grassroots work to resolve the conflict with Armenia.

In the 2018-2020 Single Support Framework for EU support to Azerbaijan, project assistance amounting to €1012 m was allocated to support good governance and civil society.

Belarus

Developments in the human rights situation during the reference period

Belarus exhibits considerable shortfalls in civil and political rights, particularly with regard to freedom of the media, assembly and association. Human rights NGOs and independent parties, associations and media companies are subject to massive restrictions. The human rights situation in Belarus has continuously deteriorated since December 2019. After wholesale repression in the run-up to the presidential elections on 9 August 2020, it reached its lowest point to date with the violent response to the peaceful protests which followed the election. Opposition politicians, human rights defenders, independent journalists and participants in the protest movement have been subject to major reprisals including threats, persecution, arrests, expulsions and mistreatment, in a number of cases, of the worst kind.



Belarusian opposition politician Svetlana Tikhonovskaya in Berlin © picture alliance/dpa – Kay Nietfeld

Implementation of human rights commitments and policy

The death penalty is still carried out in Belarus, which is not a member of the Council of Europe. Belarus is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Belarusian Government does not recognise the mandate of the UN Human Rights Council's Special Rapporteur on the situation of human rights in Belarus. The dialogue on human rights issues between the state and civil society, which had achieved some progress since 2016, has come to a complete standstill due to the escalation of violence and the government's refusal to engage following the presidential elections. The EU-Belarus Human Rights Dialogue, established in 2015, was last held on 18 June 2019, with plans for 2020 postponed for the time being in view of the COVID19 pandemic. In September 2018, the Belarusian Ministry of Foreign Affairs presented the implementation report on the National Human Rights Action Plan for 2016-2019 adopted in 2016. There has been no progress on freedom of assembly, association or the press. No follow-on document has yet become known.

Examples of German and European project work

The German Government and the European Union support a broad range of measures to further human rights in Belarus, both bilaterally and within the framework of the Eastern Partnership.

Following the violent suppression of protests surrounding the 2020 presidential elections, the work of the German-Belarusian Strategic Advisory Group run under the aegis of the two countries' foreign ministries has been suspended. It had been intended to draw up recommendations with regard to civil society, human rights, the rule of law and other areas. Further project work is under consideration.

Viktor Balakirev, Belarusian Director of the Minsk centre for education and exchange IBB Johannes Rau, was awarded the Cross of the Order of Merit of the Federal Republic of Germany in June 2020 for his efforts in pursuit of German-Belarusian reconciliation.



In a workshop for newly elected political decision-makers from the parliament and senate, UN Women and Burundi's National Women's Forum raise awareness of gender issues as a governance priority, July 2020. © UN Women

Burundi

Developments in the human rights situation during the reference period

Human rights violations continue to occur regularly in Burundi. Important institutions for safeguarding and advancing human rights, like the National Independent Human Rights Commission, the ombudsperson and the Truth and Reconciliation Commission, lack sufficient independence from the state. Serious violations of political and civil rights, including torture and killings, can be attributed to state bodies or are committed with their endorsement. Ethnicity does not play a significant role in these occurrences. Intimidation and mistreatment of opposition politicians and human rights defenders are widespread. Most prominently, they dominated the time around the presidential, parliamentary and local elections held in May 2020. The youth wing of the ruling party has been increasingly developing into a parallel executive, its assaults generally going unpunished.

The human rights situation in Burundi is therefore also on the agenda for discussions in the UN Human Rights Council. However, the government refuses to cooperate with the Commission of Inquiry mandated by UN resolution. The Burundi office of the UN High Commissioner for Human Rights (UNHCHR) has also had to close. The only independent human rights monitoring by foreign observers is carried out by the African Union with support from the EU.

Freedom of opinion and freedom of the press are severely limited. There are hardly any independent media. Reporting that is critical of the government can only be undertaken at great personal risk.

Nothing is known about trafficking in organs. Cases of human trafficking towards the Arab region have received media attention in recent years and given rise to government measures to combat the practice.

Implementation of human rights commitments and policy

The new government has announced improvements to the protection and advancement of human rights. The focus, however, is on initiatives to enhance socio-economic and cultural human rights, which cannot be adequately guaranteed in what is one of the poorest countries in the world.

In the public perception, discrimination against certain groups in society fades into the background in relation to the violations of political and civil rights. With government and society characterised by a conservative religious worldview, improvements in tolerance towards LGBT+ people are not to be expected in the short term.

Examples of German and European project work

The Federal Foreign Office is funding projects to improve the situation for women and encourage dialogue between young people and the police. The micro-projects conducted by the Embassy are regularly selected on the basis of women's empowerment or social inclusion.

Cameroon

Developments in the human rights situation during the reference period

Human rights are disregarded in many ways in Cameroon, especially in conflict regions. In the North-West and South-West regions, security forces are accused of major human rights violations like killings and torture. Separatist groups behave with similar brutality, while criminal assault has increased alongside politically motivated clashes. Even members of aid organisations are not safe, and those organisations' access to people in need is not guaranteed.

In the Far North region, severe human rights violations are perpetrated by security authorities and criminal groups as well as by Islamist terrorists. Particularly at the border to neighbouring Nigeria, there have been suicide attacks in crowded places such as bridges and markets. There is no prospect of an end to the conflicts or of an improvement in the human rights situation in the crisis-torn regions.

Implementation of human rights commitments and policy

Freedom of opinion and freedom of the press are guaranteed in law, yet journalists and opposition politicians are arrested, especially if they question the unity of the state or the executive power. Bans on demonstrations and violent treatment of protesters by security forces are not unusual.

The government insists that it does not tolerate criminal activity on the part of the armed forces or security forces, but it displays little motivation to investigate incidents and call the guilty to account. In the past, commissions of inquiry have only been set up, and subsequent arrests made upon discovery of wrongdoing, following pressure from the international community.

In day-to-day life and before the law, women are disadvantaged. They earn less, and girls leave school considerably earlier than boys. Women often do not know their rights and accept injustices because these are tolerated by society and the state. Genital mutilation and breast ironing are practised despite legislative prohibitions.

Homosexuality is a punishable offence. Churches, the media and the general public respond to homosexuality with great hostility.

In multi-ethnic Cameroon, no group is politically, economically or socially excluded because of its religious or ideological identity.

Examples of German and European project work

Germany is committed to combating corruption and to enhancing legal certainty, the justice system and police force, women's rights and the rights of sexual minorities. Specifically, the work has included projects to advance women's and widows' rights as well as measures to protect people from sexual violence, such as information campaigns on local public radio stations. Workshops were held in which women learned simple artisanal skills to enable them to be financially independent.

Central African Republic

Developments in the human rights situation during the reference period

Despite constitutional guarantees, respect for human rights is severely restricted in practice, with even humanitarian aid workers frequently falling victim to attacks. A 2019 peace agreement between the government and 14 armed groups has led to an improvement in the security situation, but armed militia and gangs continue to operate within their spheres of influence without regard for the civilian population and do not feel themselves bound by any human rights standards.

Implementation of human rights commitments and policy

The government is endeavouring to ensure human rights are upheld and to develop structures dedicated to the rule of law. Alongside the work of the International Criminal Court and the Special Criminal Court in Bangui, the ordinary criminal courts also prosecute people for human rights violations. They have already sentenced several militia members to long prison terms.

Freedom of opinion, of the press and of assembly are guaranteed in the constitution, and civil society is not subject to restrictions, as a rule. There have been cases of the police using excessive force at gatherings and demonstrations.

Freedom of religion is guaranteed, but religious identity is also instrumentalised to exacerbate conflicts in the population, as ethnic and religious difference are often intertwined. An inter-religious platform brings together representatives of the Christian and Islamic communities, endeavouring to promote inter-faith dialogue and social cohesion.

Women have equal rights under the law but are disadvantaged socially and economically. The government supports women's organisations with a view to creating gender equality in the long term. UMIRR, a joint rapid response unit to suppress sexual violence against women and children, started work in 2017. Sexual violence is particularly prevalent in rebel-controlled areas.

The situation of LGBTI people is characterised by discrimination from the state and from society. Homosexual acts are punishable offences.

Armed militia groups are still recruiting minors as "child soldiers". UNICEF estimates that some 10,000 children are being made to serve those armed groups.

Examples of German and European project work

Within the framework of technical, financial and humanitarian cooperation, Germany is involved in rural development, health promotion, protection of the environment and poverty reduction. The German aid organisation *Welthungerhilfe* supports programmes in agriculture, agricultural research and infrastructure. Germany's Civil Peace Service has had a programme since 2018 to support social cohesion and the reconciliation process. In providing €35 m, Germany is the largest contributor to the EU's Békou Trust Fund and the second-largest bilateral contributor of humanitarian assistance.

China, including Hong Kong

Developments in the human rights situation during the reference period

The negative trend discernible since 2012 continued during the reference period, as the spaces available to civil society, already beleaguered by many restrictions, shrank yet further. Individual rights are being curtailed more and more. This applies particularly to civil and political rights like freedom of opinion and freedom of the press, but also to academic freedom and freedom of religion. In a number of cases, human rights defenders are punished for their activism with long prison sentences.

The human rights situation is especially critical in the Xinjiang Uyghur and Tibet Autonomous Regions. The human rights situation has continued to deteriorate in Xinjiang in particular with the proliferation of repression, surveillance and mass internment. The abuses reported included forced labour and state measures enforcing birth control, specifically targeting the Uyghur minority. The measures are intended to “sinicise” the religious and cultural identities of the minorities in these regions. The Central Government responds very harshly to any (even suspected) ambitions for autonomy or independence in minority regions.

The Hong Kong Special Administrative Region also faced a deterioration in its human rights situation during the reference period, above all as a result of the National Security Law passed on 30 June 2020. The law enables Chinese security authorities to crack down on critical civil society, the political opposition and independent media in Hong Kong. It thereby undermines the “one country, two systems” principle, the high degree of autonomy Hong Kong had been assured until 2047, and the rights and freedoms of its citizens.

China’s leaders are working to further develop the rule of law in China. The long-planned Civil Code, for example, was adopted in 2020. However, key principles of the rule of law remain without guarantee. The judiciary is subject to party control and is seen by the party as a tool for exercising its authority.

Organ trafficking has been banned in China since 2007. The criminal-justice reform of 2011 made forced organ donation, as wilful killing, punishable by death. Harvesting organs from executed prisoners has also been completely prohibited since 2015. However, NGOs criticise the entirely inadequate transparency surrounding this area in China, with regard, for example, to the possibility of tracing the source of organs or the accessibility of organ registers to the public. In recent years, it has been claimed by various sources on numerous occasions that imprisoned practitioners of Falun Gong have been subject to forced organ donation. Similar fears have been expressed in respect of Uyghur internees. China’s leaders refute these claims.

Statistics on capital punishment are treated as a state secret. According to expert estimates, though, China executes more condemned prisoners than any other country in the world.

Implementation of human rights commitments and policy

China has ratified six of the nine key UN human rights agreements and is standing for membership of the UN Human Rights Council for the 2021-2023 term. Internationally, China is increasingly active in seeking to disseminate its narrative on human rights, which places the right to development, e.g. eradication of poverty, and a state's security responsibilities above individual rights.

Examples of German and European activities

Within the framework of the German-Chinese Rule of Law Dialogue, the German Government is working with Chinese partners on the development of structures dedicated to the rule of law. The human rights matters mentioned above are raised on a regular basis as part of the EU-China Human Rights Dialogue. The German Government addressed these issues at the 16th German-Chinese Human Rights Dialogue conducted by Dr Bärbel Kofler, Member of the German Bundestag and Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office, on 8 September 2020.

On 10 December 2019, the Franco-German Prize for Human Rights and the Rule of Law was awarded to Li Wenzu for her committed work as an outstanding human rights activist, alongside other members of her family, for the human rights lawyers in China caught up in the 709 crackdown.

Democratic Republic of the Congo

Developments in the human rights situation during the reference period

The Democratic Republic of the Congo exhibits major shortfalls in all areas of human rights protection.

Under President Tshisekedi, who was elected in December 2018, the operational scope of political authority has gradually broadened after being severely restricted under his predecessor, President Kabila. Nonetheless, in the east of the country in particular, it remains almost impossible to guarantee human rights, due to the precarious security situation and a rising number of armed conflicts. Armed groups and state security forces in that region are responsible for heinous crimes. In the economy, which is predominantly informal in nature, exploitative working conditions, extending to grave human rights violations,

are frequent. In this respect, the international spotlight has been on the mining sector in particular. Across the country, human rights protection is impeded by a largely inefficient and corrupt judiciary, inadequate resources and a general unwillingness, to date, to tackle radical reform in the security sector.

Implementation of human rights commitments and policy

The Democratic Republic of the Congo has ratified seven of the nine key UN human rights agreements. Its national human rights bodies, however, have not yet had any meaningful impact.

Sexual violence remains highly present throughout the country. Only scant progress is being made in the way it is dealt with by the judiciary. Although human trafficking is not the subject of large-scale public discussion, it must be assumed that it is a reality as a result of the economic emergency and limited capacity of state control.

Examples of German and European project work

The issue of human rights is of particular priority for the EU embassies in the country. An important partner on this score is MONUSCO, the UN stabilisation mission.

Germany is chiefly active in fighting discrimination against women and sexual violence. Specifically, a project to combat impunity, particularly in relation to gender-based violence, was funded in 2019 and another to help protect the civilian population (women and children) in armed conflicts, continuing in 2020. Also in 2020, a project was conducted to support groups in civil society. In Nobel Peace Prize laureate Dr Denis Mukwege's Panzi Hospital, Germany provided the funds to employ one gynaecologist who treats survivors of sexual violence and trains local gynaecology specialists.

The EU sanctions imposed on security forces and politicians in 2016 and 2017 in response to human rights violations and obstruction of the implementation of the political transition agreement were most recently extended for another year in respect of 12 individuals on 9 December 2019.

Egypt

Developments in the human rights situation during the reference period

The human rights situation in Egypt has deteriorated further.

The balance of power continues to shift in favour of the country's president. The state of emergency imposed in 2017 was followed in 2019 by a change in the constitution which grants the executive far-reaching rights of control over the judiciary. The new Emergency Law gives the president additional extensive powers. Freedom of opinion, the press, assembly and association are not guaranteed. There have been arbitrary arrests, detention without charge and trials which are not consistent with the rule of law, some of them resulting in the death penalty. Cases of torture, enforced disappearance and mistreatment in police custody also occur. Protests in September 2019 were followed by mass arrests of at least 4000 people. According to human rights organisations, thousands of people are being held for political reasons in unacceptable conditions in Egyptian jails. What is more, overcrowded prisons are placing inmates in acute peril during the COVID19 pandemic.

Existing laws to protect minorities are often not enforced. In spite of laws prohibiting such practices, women and children are subjected to human trafficking for the purposes of forced marriage and forced labour. A legislative proposal to combat domestic violence failed. Genital mutilation, though banned, remains widespread. There is evidence of organised illegal trafficking in human organs, particularly affecting refugees.

People's basic needs are met (access to water, food, healthcare), but standards are low despite state subsidies. The World Bank estimates that 60% of the population are poor or at risk of poverty. In practice, cultural rights are restricted.

Implementation of human rights commitments and policy

Egypt has ratified eight of the nine key UN human rights agreements. The Egyptian constitution and the international commitments Egypt has entered into provide for extensive protection of fundamental and human rights, yet little significance is ascribed to this in practice. The government and the state media frequently portray human rights and due process as obstacles to stability and the fight against terrorism.

Examples of German and European project work

Through its project work, Germany is particularly active in the area of supporting human rights defenders and takes part in the observation of legal proceedings. As part of our development cooperation, we support Egypt's National Council for Human Rights.

In 2019, there were Egyptians – in this case, the El-Nadeem Center for the Rehabilitation of Victims of Violence and Torture – among the recipients of the Franco-German Prize for Human Rights and the Rule of Law for the third year running.

Eritrea

Developments in the human rights situation during the reference period

Human rights remain limited under the authoritarian regime in Eritrea. Democracy and the rule of law are not assured, and elections at the national level do not take place. The rapprochement begun between Eritrea and Ethiopia after their peace declaration in July 2018 has not yet led to domestic reform.

The political system is repressive, and society is highly militarised. All citizens aged between 18 and 50 are required to do military or civilian service, which ostensibly lasts 18 months but is often of indefinite duration in practice. Neither resignation nor any right to conscientious objection are provided for. Refusal to serve is frequently punished by imprisonment. Political prisoners are still being held without trial and without contact to the outside world; reports of inhumane prison conditions and torture continue to recur.

There is no free press in Eritrea, as all Eritrean media are state-owned. Internet access is possible at a low technological level, and foreign satellite television can be received. In the 2020 World Press Freedom Index published by Reporters Without Borders, Eritrea places third-last. Despite the alleged freedom of religion, only the Eritrean Orthodox, Catholic and Lutheran churches and Sunni Islam are officially recognised. Limitations are imposed on religious freedom time and again, as when Catholic healthcare facilities and schools were nationalised or closed in 2019.

The number of cases of female genital mutilation has been falling since the practice was officially banned in 2007. Homosexuality is a punishable offence and not tolerated in society, but prosecutions are not actively pursued.

Implementation of human rights commitments and policy

Eritrea has ratified six of the nine key UN human rights agreements and has been a member of the Human Rights Council since the start of 2019. In June 2020, the Human Rights Council extended the mandate of its Special Rapporteur on Eritrea by a year. The Special Rapporteur resigned her mandate in July 2020 after the Eritrean Government denied her entry into the country and refused to cooperate in any way. In the course of the UPR in January 2019, Eritrea accepted 131 of the Human Rights Council's 261 recommendations.

German and EU activities in Eritrea

Both the EU and the German Government regularly draw attention to the difficult human rights situation in Eritrea and are actively seeking dialogue with the Eritrean Government to improve the situation. The focus here is on calling for the release of political prisoners, implementation of the recommendations of the UN Human Rights Council and reform of national service. The EU Special Representative for Human Rights visited Eritrea in May 2019.

Honduras

Developments in the human rights situation during the reference period

The human rights situation in Honduras remains a cause for concern. The state is not in a position to enforce respect for human rights throughout its territory.

Most notable here is the right to life. After falling for several years running, the murder rate has once more risen slightly, to 43 murders per 100,000 inhabitants. These and other crimes are met with far-reaching impunity. The 23 deaths which occurred during the post-election crisis of 2017 have still not been properly investigated. Increasing militarisation repeatedly leads to clashes and excessive use of violence during, for example, protests criticising the government.

Threats and physical attacks targeting human rights defenders, environment activists and critical journalists are a regular occurrence. The best-known case is the murder of Berta Cáceres, an activist for the environment and indigenous rights. The perpetrators have been sentenced to long prison terms, and the trial of a man suspected of having ordered

the killing is ongoing. In the Guapinol case, several human rights defenders have long been held in pre-trial detention in connection with protests against the construction of an iron oxide mine in a national park.

Domestic violence is widespread, and the number of women being murdered remained high even under the state of emergency triggered by the pandemic. LGBTI people are regularly subjected to hate crimes. At least 60 people have been murdered because of their sexual orientation since October 2018.

Violence, poverty and want of prospects drive many to emigrate. Many migrants, including minors, are exposed to trafficking gangs, forced labour, robbery and prostitution en route to North America.

Implementation of human rights commitments and policy

Honduras cooperates with international rapporteurs and takes the UPR seriously. The Optional Protocol to the ICESCR was ratified in 2018, but shortfalls in its implementation remain – as seen particularly in the wide-ranging violations of, for example, the rights to work, decent pay, social security and education during the COVID-related state of emergency.

Civil society also criticises the inadequate application of the principle guaranteed in ILO Convention No. 169 that measures affecting the indigenous population “shall take place only with their free and informed consent”. In the case of five members of the Garífuna community in Triunfo de la Cruz who were abducted in July 2020, the UN Committee on Enforced Disappearances has published urgent recommendations for action.

Examples of German and European project work

Through its project work, Germany is chiefly active in matters of education, preventing youth violence and protecting the environment. In collaboration with the EU and national partners, it has been successfully campaigning for forest protection. Germany is also working to advance the rule of law and combat corruption, and it supports the Honduran side with advice on good governance and infrastructure development.

In the south and west of the country, where many people are going hungry because of droughts caused by climate change, Germany is providing humanitarian assistance.

Iran

Developments in the human rights situation during the reference period

The difficult human rights situation in Iran became yet more acute during the reference period. Following social unrest in November 2019, the regime further curtailed civil and political rights, above all freedom of opinion and assembly. Freedom of the press is limited by legislation and by self-censorship.

Iran is the country with the second-highest number of executions in the world. The death penalty is applied primarily in cases of murder. Other capital offences are terrorist activity, drug-related crime, espionage, political crimes and rape. Even people who were minors at the time of the offence can be executed.

The judiciary is neither independent nor transparent. In cases of politically motivated prosecutions, the choice of legal representative is limited. Arbitrary arrests, forced confessions and pressure exerted on family members of human rights defenders are common occurrences. The penal system is characterised by overcrowded prisons and inhuman conditions.

Women are subject to legally, economically and socially discriminatory rules. They are excluded from certain public roles, and their participation in the labour market, despite their high levels of education, is scant. In day-to-day life, women are compelled to wear headscarves as well as coats which conceal the contours of their bodies.

Religious and ethnic minorities are subject to discrimination to different degrees. While the fundamental rights of Jews, Christians and Zoroastrians are guaranteed by the constitution, members of the Bahá'í faith are persecuted by the state. Ethnic minorities like the Ahwazis and Kurds are disadvantaged economically.

President Rouhani unveiled a Charter on Citizens' Rights to protect economic, social and cultural rights in 2016, but it was never put into practice. The size of the low-wage sector remains problematic, as does the prevalence of child labour.

There have been isolated reports of organs being trafficked for economic reasons.

Implementation of human rights commitments and policy

Iran has ratified five of the nine key UN human rights agreements but only inadequately fulfils the concomitant obligations. Iran is one of the few countries which have not acceded to CEDAW. Iran takes part in the UPR but does not recognise the mandate of the UN Special Rapporteur and denies him entry into the country.

Examples of German and European project work

The German Government is engaged in dialogue on human rights with the Iranian Government. Project work, however, is not possible as it would result in criminal prosecution of our project partners. Imprisoned human rights activist Nasrin Sotoudeh received the Franco-German Prize for Human Rights and the Rule of Law in December 2019 and the Human Rights Prize of the German Judges Association in September 2020. A regular high-level dialogue format between the EU and Iran, with human rights on the agenda, was cancelled in 2020 because of the COVID19 pandemic.

Iraq

Developments in the human rights situation during the reference period

The terrorist organisation Islamic State was defeated as a territorial entity in Iraq at the end of 2017. Now underground, it nonetheless still represents a threat and has returned to some degree of prominence by carrying out attacks. The human rights situation, particularly for activists and journalists, is characterised by a climate of intimidation and threats primarily emanating from semi- and non-governmental armed militia groups. Under the new government led by Prime Minister Mustafa al-Kadhimi, who took office in May 2020, the state does have the will to counteract this, but capacity to do so is limited by structural weaknesses. The COVID19 pandemic is exacerbating the failings associated with the financial and economic crisis.



Preparations for the celebration of 16 Days of Activism against Gender Violence Project of SAWA Organization for Human Rights © SAWA 2019

Human rights violations occur in the justice system too, including arbitrary arrests and torture. Death sentences are carried out. Due to the difficult security and supply situations, circumstances remain fraught for the internally displaced who have fled Islamic State.

Women and girls are subject to many forms of discrimination. This is similarly true of religious and other minorities. In addition, a growing proportion of the population are having their economic, social and cultural rights curtailed in that they lack access to, for example, adequate education, healthcare and/or safe water.

Shortfalls also persist in Kurdistan-Iraq, partly because of the extent of power wielded by the security apparatus. However, ethnic and religious minorities are not at risk of violence or persecution in this region. Women's rights are more firmly anchored in the region's laws, but they are not fully enforced in day-to-day life.

Implementation of human rights commitments and policy

Iraq has ratified seven of the nine key UN human rights agreements. From 2017 to 2019, Iraq held a seat on the UN Human Rights Council. The country underwent the UPR for the third time in 2019. To date, the Iraqi state has displayed selective commitment to improving the human rights situation. State watchdogs are active but have little influence. The Independent High Commission for Human Rights established by the Iraqi parliament in 2012 has gained in stature in the course of the protests held since 2019. It publishes up-to-date figures for fatalities, injuries and abductions. Active civil society is emerging in the human rights arena and has been able to make up for some of the shortfall in state provision. Its influence remains slight, however, and the associated risks are high.

Examples of German and European project work

Germany's active commitment in Iraq continues in the form of humanitarian assistance, stabilisation, development cooperation, enable-and-enhance efforts, reconstruction, and cultural cooperation, and it has been one of the country's largest foreign donors since 2014. Consideration of human rights is mainstreamed throughout all projects. The German Government also advocates for gender equality, women's rights, freedom of the press and freedom of opinion. Security-sector reform guided by democratic principles is helping to strengthen human rights in Iraq. Germany is funding projects to that end run by, for instance, the IOM and UNDP. Germany's missions abroad continuously maintain contact with journalists and human rights organisations. At the EU level, there is close coordination on human rights issues. Abolition of the death penalty is a priority in this context.

Myanmar

Developments in the human rights situation during the reference period

Myanmar has been in a transition phase since its first democratically legitimated government took office in 2016. Fundamental shortfalls still remain: the judiciary is not independent, and the rule of law is slight. Human rights violations by the military, the police and armed ethnic groups in the conflict zones are a recurring phenomenon.

The situation in Rakhine State deteriorated further as a result of the conflict between the Arakan Army and the military which escalated at the end of 2018. The Rohingya and other ethnic minorities remain exposed to the risk of violence in connection with

the conflict. In the context of the ongoing conflicts, local civilians continuously face abuses at the hands of armed groups and military personnel, including recruitment and exploitation of minors, human trafficking, child labour, rape and sexual abuse. The lack of accountability for crimes, particularly for conflict-related sexual violence against the Rohingya in northern Rakhine State, remains unchanged.

There is still no sign of the legislation drafted in March 2013 to prevent violence against women, nor of the amendments to the constitution and the penal code recommended by CEDAW.

Myanmar ratified ILO Convention No. 138, on the minimum age for admission to employment, in June 2020. The aim is to combat the nationwide use of child labour. In the current COVID19 crisis, the rights, safety and development of an estimated 1.13 million children engaged in child labour throughout the country are at risk. Discussions about significantly increasing the national minimum wage are still ongoing.

Implementation of human rights commitments and policy

The human rights situation in Myanmar is a recurring topic of resolutions in the UN General Assembly and the UN Human Rights Council.

In the run-up to the elections in November 2020, Thomas Andrews, the new UN Special Rapporteur on the situation of human rights in Myanmar, raised criticism of electoral law (which excludes the Rohingya), limitations on freedom of opinion and freedom of assembly, restricted access to information and a free press, and obstruction of journalists and human rights defenders, among other issues.

Examples of German and European project work

Alongside partners from the UN and civil society, Germany supports survivors of sexual violence, particularly in regions affected by conflict. One project run in collaboration with UNFPA supports legal advice, case management, and psychosocial counselling and treatment for survivors of sexual and gender-based violence.

Through Save the Children and other channels, Germany is supporting work to strengthen child-protection structures in camps sheltering the internally displaced in Rakhine State. The focus is on strong, locally led child protection building on existing resources and community ownership.



*Vilma Núñez, director of the Nicaraguan Centre for Human Rights, one of many human rights defenders in Nicaragua
© picture alliance/dpa – Carlos Herrera*

Nicaragua

Developments in the human rights situation during the reference period

In Nicaragua, the hoped-for progress towards consensual resolution of the political crisis has not transpired. Freedom of assembly has been suspended in practice since 2018, with the police preventing or precipitously breaking up demonstrations. Opposition activists are often subjected to threats and bureaucratic harassment, as are representatives of the independent press, though they can still publish reports critical of the government. According to the opposition, there are currently around 100 political prisoners. Attacks on the Catholic church are on the rise. Freedom of association is severely restricted. NGOs and political parties can have their status as legal entities arbitrarily granted and withdrawn. During the COVID crisis, the government has been accused of concealing its true extent and placing the population at considerable risk of infection by organising mass gatherings. According to the UN, the political and economic crisis in combination with

political persecution have led more than 100,000 Nicaraguans to emigrate since 2018. Nicaragua ranks very high on women's rights, in part because quotas are consistently implemented in politics and women's rights in education and healthcare are guaranteed. Negative factors are the high incidence of violence against women and an abortion ban that is one of the strictest in the world. The country has achieved considerable progress in the fields of education, healthcare and social policy but is again suffering significant setbacks due to the persistent economic crisis.

Implementation of human rights commitments and policy

Nicaragua is party to the most important international human rights agreements. The death penalty has been abolished. The government responded to criticism of its human rights policy from the OHCHR and the Inter-American Commission on Human Rights (IACHR) by withdrawing much of its cooperation.

Examples of German and European project work

The German Embassy in Managua maintains close ties with the most important human rights organisations. In 2019, it joined the French Embassy in presenting the French-German Human Rights Prize in Nicaragua. Germany co-financed the group of experts from the Organization of American States (OAS) and the work of the OHCHR to investigate the human rights violations that occurred during the 2018 crisis. The OHCHR continues to receive funding for its documentation work. Several German NGOs are active with the support of the German Government. The EU and a number of member states support civil society via a joint fund.

Nigeria

Developments in the human rights situation during the reference period

The Nigerian Government is committed at the political level to principles of human rights and international law. Overall, the country has an open and pluralistic society that is nonetheless subject to some grave human rights violations.

These include severe violations of human rights by Islamist terrorist groups, such as Boko Haram and ISWAP, in the north-east: bombings, murders, enforced disappearances, kidnappings, sexual violence and forced marriage. The security forces are fighting the terrorist groups with great rigour and themselves stand accused of human rights violations, some severe, even though President Buhari has pledged strict respect for human rights on the part of the military. Women remain disadvantaged in many areas of law and life in Nigeria, despite gender equality being guaranteed by the constitution. Homosexual acts are a punishable offence, and LGBTI people face discrimination.

Human trafficking remains a pressing human rights problem. Nigeria is one of the five most common countries of origin among victims of human trafficking in the EU. There are also recurring reports of illegal trade in organs and ritual killings to harvest organs.

Due to the widespread poverty, only a minority of people enjoy comprehensive economic, social and cultural rights. The COVID19 pandemic has further exacerbated this situation. The approximately two million people who are internally displaced have difficulty accessing basic services.

Implementation of human rights commitments and policy

Nigeria fulfils its reporting obligations under international law and is in principle receptive visàvis international investigations. The in parts inadequate implementation of recommendations and obligations is regularly raised in this context. In 2018, Nigeria submitted itself to the UPR by the UN Human Rights Council. The review paid tribute to the progress made on combating corruption and improving the healthcare system but criticised several points, above all the death penalty, which is still enshrined in law, the justice system, and the human rights situation of women, children and LGBTI people. A high-level dialogue on human rights policy was held in Abuja in February 2020 between the Nigerian Government and various EU member states.

Nigeria has a broad spectrum of civil-society organisations, which can generally operate without hindrance. However, stakeholders judge that their freedom of action has shrunk in recent years.

Examples of German and European project work

In dialogue with government representatives and civil society, the German Government advocates for improvements to the human rights situation and supports human rights projects. In 2020, for example, the German Government is supporting a project by the NGO Protection International to build ties between human rights defenders in West African countries and provide education on security-related topics. The NGO Borno Women Development Initiative receives support for its work on human rights for women in armed conflicts.

In December 2019, the Franco-German Prize for Human Rights and the Rule of Law was awarded to Amina Hanga for her dedication to women's and children's rights in Nigeria.

North Korea

Developments in the human rights situation during the reference period

The momentum of diplomatic activity since 2017-2018 has noticeably abated again since the start of 2019. The cautious hopes of 2018 that the human rights situation in the Democratic People's Republic of Korea might improve have not come to fruition. Reports from North Korean defectors and refugees attest that severe and systematic human rights violations, including politically motivated trials, arbitrary arrests, labour camps, killings and torture, remain widespread in North Korea. The number of people held in political prison and re-education camps is said to be at least 80,000 but is very likely to be significantly higher.

Implementation of human rights commitments and policy

Severe violations of civil, political and social rights are systemic in North Korea. Human rights are not respected, even though North Korea has ratified four of the nine key UN human rights agreements. The 2014 report of the UN Commission of Inquiry found that crimes against humanity were being committed in North Korea. There are no signs of this situation having improved.

Examples of German and European project work

The human rights situation is regularly raised in talks with the North Korean Government, along with attempts to persuade the state to uphold the UN human rights agreements it has acceded to. A 2001 agreement between Germany and North Korea to establish a bilateral human rights dialogue has not yet been implemented by North Korea.

The German Government has provided around €9 m to support humanitarian assistance projects since 2012. Seeking to cement the beginnings of civil society in North Korea, it has also supported exchange in the fields of culture and science.

After the German Embassy in Pyongyang was closed for the foreseeable future on 9 March 2020, most of those commitments had to be suspended.

Five years after the previous review, another UPR was conducted in May 2019 in which the UN Human Rights Council in Geneva formulated 262 recommendations for the North Korean Government. The latter subsequently submitted responses to 199 of them but without committing itself to any concrete action. The remaining 63 recommendations were merely noted.

Tomás Ojea Quintana, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, has not to date been granted entry into the country. In his statements, he not only points out deficits in relation to civil rights and freedoms but also addresses deficiencies in the provision of food and the extensive prevalence of sexual violence against women.

The EU Special Representative for Human Rights (Stavros Lambrinidis until February 2019, succeeded by Eamon Gilmore) has not been granted the opportunity to visit the country either.

Pakistan

Developments in the human rights situation during the reference period

The human rights situation in Pakistan remains difficult and has deteriorated further in parts since Imran Khan's government took office in August 2018. The realm of civil society and public, critical debate continues to shrink. The military and the intelligence services restrict the field of action available to civil society and the media. Public discussion of sensitive political and religious issues is curtailed. The military successfully exerts pressure on journalists to self-censor. The sources of human rights violations remain not only feudal-conservative-tribal social structures and extremism/Islamism but also the state itself. In many cases, it does not take sufficiently effective action against human rights violations. Discrimination, exploitation, and violence against women, children and minorities continue.

Minorities like Christians and Hindus are discriminated against by a climate of intolerance that reigns in some parts of Pakistan's society and even subjects them to religious violence. The state is not adequately fulfilling its duty to protect its people. Members of minority groups often work under conditions of bonded labour or debt bondage, a situation akin to slavery. Hindus and Christians in particular are subjected to forced conversion. The Ahmadis continue to be discriminated against by the behaviour of the majority population. There are also isolated cases of public agencies taking steps against Ahmadis. Pakistan has one of the strictest blasphemy laws in the world.

Illegal acts of violence on the part of the security authorities – enforced disappearances, extrajudicial killings, torture – persist. The death penalty is used, although the number of executions has been decreasing for some years.

Organ trafficking has ceased to be a critical issue in Pakistan since the law was made more robust in 2010.

Implementation of human rights commitments and policy

Although Pakistan's constitution and a series of laws guarantee fundamental civil, human and political rights, implementation is usually wanting. Public institutions for the protection of human rights also exist at the federal and province levels, but they remain weak because they operate without adequate resources and are not protected from government interference.

The Report on the Generalised Scheme of Preferences published by the European Commission in February 2020 paints a mixed picture of the human rights situation, noting improvements in women's, children's and transgender rights. In contrast, there had been no progress on legislation relating to enforced disappearances, torture and labour rights.

Examples of German and European project work

Several projects pertaining to human rights, the rule of law, civil society and the prevention of extremism were carried out during the reference period through the Federal Foreign Office budgets for crisis prevention, peacekeeping and conflict management. The current funding priority are projects intended to facilitate access to justice for marginalised groups as well as a project being implemented by the UN Development Programme (UNDP) which is to enable the state to document the human rights situation more systematically so that it can undertake more targeted improvements.

Philippines

Developments in the human rights situation during the reference period

The human rights situation has significantly deteriorated under President Duterte and increased further in severity during the COVID19 pandemic. Widespread poverty is undermining economic and social rights. The realm of civil society is shrinking. Extrajudicial killings are reported, chiefly in connection with the accusation of support for the Communist party, which is listed as a terrorist organisation, or its armed wing or with the government's anti-drug campaign. Human rights organisations estimate that up to 27,000 people have been killed in this way. Even members of the national Commission on Human Rights, NGOs and critical media are vilified and threatened. Impunity is an additional problem, as the justice system is in need of reform.

Implementation of human rights commitments and policy

Although fundamental human rights like freedom of opinion, of the press and of assembly are enshrined in the constitution, in practice, voices critical of the government are put under pressure. On paper, national human rights legislation is comprehensive, and the Philippines has ratified the most important human rights agreements. The death penalty was abolished in 2006; its reintroduction for drug-related crimes is currently under

discussion. Human rights organisations fear misuse of the powers of the Anti-terrorism Act, which came into force in July 2020. The Philippines has a seat on the UN Human Rights Council for 2019-2021.

President Duterte makes no secret of how little value he places on human rights, and he responds harshly to criticism. In 2019, negotiations on bilateral projects with supporters, including Germany, of UN Human Rights Council Resolution 41/2 on the situation in the Philippines were suspended.

The Philippines are considered a hub of internet-based sexual exploitation of minors. Organ trafficking is also a serious problem, with social media playing an important role in the recruitment of victims. Although the Anti-trafficking in Persons Act, made stricter in 2009, prohibits organ trafficking, widespread poverty nonetheless drives countless people to offer their kidneys for sale. According to the WHO, however, numbers have been falling since the introduction of tougher transplant regulations.

Examples of German and European project work

The German Government and the EU maintain active dialogue on human rights issues with the government and with civil society, and they fund selected projects including capacity-building measures for human rights lawyers to strengthen their nationwide network and empower them in their work. The programmes of the political foundations also have a human rights focus. In 2019, Mary Diez-Bacalso received the Franco-German Prize for Human Rights and the Rule of Law in recognition of her commitment to the victims of violent enforced disappearance.

The EU monitors the human rights situation in a multi-annual cycle as part of the GSP+ procedure to grant trade advantages. It also funds local projects through the European Instrument for Democracy and Human Rights (EIDHR) as well as an extensive project for justice-sector reform.

Russia

Developments in the human rights situation during the reference period

The worrying situation of human rights in the Russian Federation further deteriorated during the reference period. There have been negative developments in various areas including political liberties, freedom of opinion online, and the space available to civil society and NGOs. Freedom of assembly was especially curtailed in connection with the 2019 regional elections. Criminal proceedings were launched against several people who had taken part in protests, resulting in some cases in prison sentences of several years. Freedom of assembly was also curtailed in the run-up to the constitutional referendum, with the COVID19 pandemic cited as the reason, while, for example, a major military parade attended by the public could still be held.

Under a law passed in May 2020, citizens can be denied their right to stand in elections following moderately serious criminal convictions or repeated administrative offences.

One of the effects of the “sovereign internet” law of 2019 was a considerable expansion of the potential for cyber censorship in Russia. In March 2019, stricter laws were passed against “fake news” and “disrespect of state authority”, and criminal proceedings against the media and NGOs proliferated.

NGOs’ freedom of action is in some cases vastly curtailed by their classification as “foreign agents” or “undesirable organisations”; criminal proceedings are undertaken against activists. A number of NGOs have been disbanded by the authorities and courts. The broad use of extremism accusations is curtailing freedom of opinion and freedom of religion, as witnessed by the prohibition against Jehovah’s Witnesses. Effective judicial redress is often hampered by shortfalls in the independence of the judiciary. Acts of violence against critics of the government, opposition politicians and journalists give cause for concern, as does the lack of proper investigation of such incidents.

Women’s rights are guaranteed at the formal level, but a traditional idea of gender roles is gaining in popularity.

In December 2018, OSCE Moscow Mechanism rapporteur Prof. Wolfgang Benedek confirmed that serious human rights violations had taken place in the Chechen Republic, particularly against LGBTI people.

Poverty is widespread, and welfare benefits frequently fail to cover the minimum cost of living. The situation is precarious for migrant workers, many of whom live in Russia illegally. The COVID19 pandemic is further exacerbating existing problems.

Implementation of human rights commitments and policy

Russia has ratified seven of the nine key UN human rights agreements. As a member state of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Russia is bound by the final judgments of the European Court of Human Rights (ECtHR) – but it is the country with the highest number of judgments not yet carried out. An amendment to the constitution in July 2020 makes the execution of ECtHR judgments subject to provisos. The death penalty has been under a moratorium since 2006.

Examples of German and European project work

The European Union and the German Government fund a large number of projects each year to strengthen civil society and human rights. The German Government has regular contact with human rights groups in Russia. It talks publicly and visàvis the Russian Government about deficits in the field of human rights. On occasion, legal proceedings are observed in liaison with the EU member states and the EU delegation.

The Franco-German Prize for Human Rights and the Rule of Law was awarded to Oyub Titiev in 2018 for his commitment to the human rights organisation Memorial in the Northern Caucasus and to Irina Biryukova in 2019 for her work in the organisation Public Verdict.

Saudi Arabia

Developments in the human rights situation during the reference period

The Saudi Arabian constitution assumes the primacy of Sharia over human rights. Human rights are recognised as long as they are compatible with Sharia. The corporal and retributive punishments arising from Sharia remain part of criminal law.

The state Human Rights Commission, or HRC, has the task of aligning Saudi Arabia's human rights protection with "international standards for human rights". Work on a National Human Rights Action Plan is currently ongoing.

The number of activists being arrested on the basis of the catch-all anti-terrorism law has gone down since the summer of 2019.

In the case of the murder of Jamal Khashoggi, five defendants were sentenced to death in the court of first instance in Riyadh at the end of December 2019. The death sentences were commuted into prison sentences in September 2020.

At 15, the number of death sentences carried out so far in 2020 is significantly lower than in previous years (184 in 2019; 149 in 2018). Trafficking in human beings and organs is met with severe punishment in Saudi Arabia.

Progress has been made recently within the framework of Saudi Vision 2030, the programme initiated by Crown Prince Mohammad bin Salman, and the state-ordered social and cultural opening of the country. Some liberalising measures in the realm of women's rights have led to greater inclusion of women in social and economic life. The influence of clerics with a rigid interpretation of Islam has been partly driven back. Since 2018, there has been a push towards a more tolerant Islam and enhanced dialogue with other religions. That said, this has not yet been reflected in any change to the curriculum.

Implementation of human rights commitments and policy

Saudi Arabia places a general Sharia proviso on each of the UN agreements it has ratified. The country was a member of the UN Human Rights Council until the end of 2019. Its renewed candidacy for the 2021-2023 term was unsuccessful. Saudi Arabia has acceded neither to the International Covenant on Civil and Political Rights (ICCPR) nor to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Saudi Arabia once again submitted itself to the UN Human Rights Council's UPR on 5 November 2018. In that context, the German Government called on Saudi Arabia to abolish capital punishment, release human rights defenders, guarantee freedom of opinion and of the press, reform its guardianship law and cooperate with the UN's human rights bodies.

Examples of German and European project work

The German Government regularly raises human rights issues in political talks with representatives of Saudi Arabia. Additionally, diplomatic démarches are made both on matters of human rights and on specific human rights cases.

Regular contact is maintained with the HRC. The German Embassy in Riyadh endeavours to attend court proceedings as an observer. The Federal Government Human Rights Commissioner regularly comments on the human rights situation in Saudi Arabia. The details of a structured human rights dialogue between the EU and Saudi Arabia have been under negotiation since the beginning of 2020.

South Sudan

Developments in the human rights situation during the reference period

The human rights situation in South Sudan remains very difficult. During the reference period, the space in which civil society and journalists can operate continued to shrink. The human rights situation is primarily characterised by endemic violence and impunity. Sexual violence is widespread and has been deliberately used by all conflict parties. Many incidents still go unreported because people are afraid of stigmatisation. According to the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, the judiciary hardly has any presence outside urban areas, and ignorance of the law makes the situation of victims even more difficult. The death penalty remains on the statute books. Death sentences are issued and in some cases carried out. In 2020, the death sentence of a man who was only 15 years old at the time of his crime was commuted following international pressure. Religious freedom is guaranteed. Islam is recognised and respected in this majority Christian country, as are other faiths.

The ceasefire concluded in 2017 is in principle holding. The peace agreement of 2018 led to the formation of an interim government in February/March 2020. However, the reform of the security sector is not yet complete. With military personnel not receiving their pay, there is a high risk of human rights violations emanating from the armed forces. All the conflict parties recruited adolescents and children. The country's economic downward spiral and the spread of hardship and poverty are continuing, providing fertile ground for crime and violence. Out of a population of approximately 12 million, some 7.5 million require humanitarian support and around half are short of supplies and undernourished. Nearly four million people remain displaced, either within South Sudan or in neighbouring countries. This is the third-largest refugee crisis in the world.

Implementation of human rights commitments and policy

The South Sudanese Government does not acknowledge its international human rights obligations. The peace agreement provides for the future establishment of a hybrid court by the African Union Commission to pass sentence on heinous human rights violations.

Examples of German project work

Germany supports numerous activities to benefit human rights in South Sudan:

- › advocacy for implementation of the peace agreement;
- › funding and personnel to support UNMISS, the UN peace mission, which has a mandate with a strong human rights component;
- › training for judges to improve access to the justice system;
- › stabilisation measures via a UN trust fund, in part focused on helping victims of rape and strengthening traditional justice mechanisms;
- › education about the substance of international law for members of non-state armed groups and government soldiers;
- › development-cooperation support for the water sector and agriculture to help realise the human right to water and food;
- › technical further-training to empower people with disabilities;
- › participation of a woman human rights defender in a regional human rights seminar.

Syria

Developments in the human rights situation during the reference period

The armed conflict in Syria continued unabated throughout the reference period. The UN estimates that 6.2 million people are internally displaced, while some 5.6 million Syrians have fled abroad. Fighting has lately reduced in the last rebel stronghold, Idlib, since the ceasefire agreement between Turkey and Russia was signed in March 2020. Nonetheless, the situation remains disastrous overall for human rights and international humanitarian law.



*White Helmets humanitarian workers free an injured child from the rubble of a house (July 2019).
© picture alliance/dpa – Anas Alkharbouti*

During the reference period, the Syrian regime, with the support of Russia, carried out systematic attacks on residential areas and civilian infrastructure. These often involved the use of barrel bombs and cluster munitions, which resulted in the indiscriminate killing of civilians. Medical facilities have been particularly affected. In April 2020, the Organisation for the Prohibition of Chemical Weapons (OPCW) found unequivocal evidence of

three times the Syrian regime had used chemical weapons in 2017. During the reference period, serious human rights violations – expropriation, abduction, murder and forced displacement, especially targeting Kurds and other ethnic and religious minorities – were carried out in Turkish-held areas by militia groups belonging to the anti-regime Syrian National Army. Actors hostile to the regime, such as Hay'at Tahrir al-Sham (HTS), have themselves attacked regime-controlled civilian areas. These attacks have also led to numerous civilian casualties. Despite its territorial retreat, Islamic State remains a threat to the civilian population, including by planting landmines.

The freedom of action available to civil society is extremely restricted nationwide. During the reference period, human rights defenders remained subject to arrest campaigns on the part of the regime.

Implementation of human rights commitments and policy

The Syrian regime grants access neither to the UN's Independent International Commission of Inquiry (IICI) nor to the International, Impartial and Independent Mechanism (IIIM), which assists in the investigation and prosecution of persons responsible for the most serious war crimes committed in Syria. Their task includes gathering and processing evidence for future criminal proceedings.

Additionally, since April 2020, members of the Syrian regime have for the first time been on trial in Koblenz Higher Regional Court, on the basis of the principle of universal jurisdiction, for crimes against humanity.

Examples of German and European project work

During this reference period, as previously, Germany and the EU regularly spoke out on violations of international humanitarian law and human rights in Syria and worked to put Syria's human rights situation on the agenda at the UN. Together with international partners, above all on the UN Security Council, the German Government advocates for unhindered humanitarian access to the conflict regions. The German Government also pushes for those responsible for war crimes and crimes against humanity to be brought to justice. In connection with this, funding goes to projects concerned with documenting and systematically processing human rights violations.

In December 2018, Syrian human rights lawyer Anwar al-Bunni was awarded the Franco-German Prize for Human Rights and the Rule of Law for his services to the fight against impunity in Syria.

Tajikistan

Developments in the human rights situation during the reference period

Tajikistan is an autocratically governed state in which the fundamental rights and freedoms guaranteed in the constitution are only incompletely reflected in practice. The human rights situation is shaped by the domestic policy agenda seeking to maintain stability and preserve the existing power structures. People's participation in politics through free and fair elections is not guaranteed. Access to information from independent sources, already severely limited, has been further restricted by the COVID19 pandemic. The judiciary is not independent; the rule of law and the separation of powers are not upheld. Reports of torture in prisons and police stations continue to recur. Civil liberties, especially freedom of opinion and freedom of religion, are severely restricted. The media are state controlled, and the internet is censored. Freedom of religion is curtailed on the pretext of combating extremist threats. Pressure on opponents of the government, critical journalists and social-media users has further increased. There is no longer any organised political opposition in Tajikistan itself. Banned as a "terrorist organisation" in 2015, the Islamic Renaissance Party of Tajikistan is still being persecuted, its activists and their lawyers sentenced to many years in prison or forced into exile. The spaces available for civil-society organisations have shrunk. The situation of women has deteriorated further on the back of a return to traditional values and behaviours that has taken hold in society. Healthcare – as amply demonstrated in the COVID19 pandemic – is inadequate, characterised by corruption, poor organisation and insufficient training of medical staff.

Implementation of human rights commitments and policy

Tajikistan has ratified seven of the nine key UN human rights agreements (not the Convention on the Rights of Persons with Disabilities or the International Convention for the Protection of all Persons from Enforced Disappearance). There is national legislation for gender equality and a national strategy to implement the Sustainable Development Goals. However, implementation of national and international obligations remains

unsatisfactory. To date, Tajikistan has not acted on Germany's recommendations from the 2016 UPR to abolish capital punishment and allow the International Committee of the Red Cross to access prisons.

Examples of German and European project work

Through its project work, Germany is chiefly active on the rights of people with disabilities. With the support of the National Congress held by the Tajikistan association of people with disabilities in December 2018 and 2019, the German Government has been actively pushing for greater inclusion in Tajikistan. The German Government is in dialogue with state and civil-society organisations to enhance protection of human rights. By hosting a reception for human rights and civil-society organisations in December 2019, the German Embassy in Dushanbe gave a visible sign of support for them.

The EU conducts an annual human rights dialogue with Tajikistan, most recently in October 2019, and organises seminars with members of civil society. Through various projects, it also supports the protection of human rights and the advancement of democratisation and civil society.

Turkey

Developments in the human rights situation during the reference period

The negative trend in the human rights situation, particularly noticeable since the attempted coup in July 2016, is still ongoing even after the state of emergency was lifted in July 2018. Key special arrangements that were part of the state of emergency – pertaining to freedom of assembly, police custody and the sacking of public servants – have been made part of ordinary law. At the same time, the broad definition of terrorism in criminal law is open to abusive interpretation. Voices critical of the government continue to face the threat of criminal investigation and arrest. Investigations and legal proceedings with political components raise doubts about the independence of the judiciary and have an intimidating effect on Turkish civil society, one example being the case of prominent patron and activist Osman Kavala, kept in pre-trial detention in defiance of a judgment from the European Court of Human Rights. People are still being sacked from public service on the basis of alleged connections to the Gülen movement, which is seen in Turkey as a terrorist organisation and the mastermind of the attempted coup. Demonstrations critical of the government are regularly banned, made subject to excessive conditions or broken up.

The majority of the Turkish media are dependent on the government, and around 100 media representatives are currently imprisoned. Reporters Without Borders ranks Turkey 154th out of 180 on its World Press Freedom Index. Law-enforcement agencies take action against critical content on social media; a new law entered into force on 1 October 2020 that makes it possible to block and restrict the bandwidth of online platforms.

Women are often significantly disadvantaged in the economic, social and political spheres. In the current Global Gender Gap Index compiled by the World Economic Forum, Turkey ranks 130th out of 153 countries. Freedom of religion is not in line with international standards, as non-Sunni and non-Islamic groups are granted no status with legal guarantees and depend on the government's goodwill. The results of the 2019 local elections were not all respected by the central government, with several dozen elected mayors being deposed and replaced by unelected administrators. Turkey has not responded to criticism raised by the Venice Commission of the Council of Europe.

Implementation of human rights commitments and policy

Turkey submitted itself to the UN Human Rights Council's UPR in January 2020. The recommendations focused on strengthening the independence of the judiciary, amending anti-terrorism legislation, enhancing women's rights and guaranteeing freedom of assembly and freedom of opinion. The judicial reform package which has been implemented in several stages since October 2019 has not yet made meaningful progress on eliminating fundamental problems. Turkey has ratified eight of the nine key UN human rights agreements.

German and European project work

Germany supports projects in Turkey working, among other things, to advance freedom of the press, strengthen the rule of law, improve gender equality and enhance the rights of minorities, including LGBTI people. As part of development cooperation, Turkey is receiving support for its endeavour of hosting almost four million refugees. The EU is also active, both through the Facility for Refugees in Turkey agreed in 2016 and through programmes to strengthen civil society and the rule of law.

Turkmenistan

Developments in the human rights situation during the reference period

The human rights situation gives cause for concern. Efforts to consolidate the legal and institutional framework since 2015 – the National Human Rights Action Plan of 2016, action plans on gender equality, combating human trafficking etc., the 2016 revision of the constitution, the creation of an ombudsperson position – have not improved the de facto situation. In the course of the economic crisis, state controls in all areas of political, economic and social life, and interference with citizens' fundamental rights and freedoms, were further ramped up. In particular, freedom of opinion, of the press, of movement and of assembly are subject to severe restrictions. Checks by security services are ubiquitous and prevent unwelcome activities. Independent civil-society activities do not take place. The fate of more than 120 people who disappeared while in detention remains unknown.

While guaranteed in the constitution, freedom of religion or belief is severely curtailed in reality by the obligation for all faith communities to be registered and by strict surveillance of people's practice of their faith. Smaller faith communities in particular are often denied registration. Economic hardship and a lack of prospects lead people to emigrate, primarily to Turkey, (northern) Cyprus and Russia. Human rights organisations report that forced labour occurs particularly in connection with the cotton harvest.

In contradiction of the general principle of equality that applies according to the constitution, discrimination against women is increasing amid invocations of "Turkmen tradition". Women are being reduced to conservative gender roles. Pertinent trends include a recent increase in confiscations of women's driving licences. Domestic violence is widespread. Gay men are systematically prosecuted on the basis that male homosexuality is "incompatible with Turkmen traditions".

Implementation of human rights commitments and policy

Turkmenistan has ratified the International Covenant on Economic, Social and Cultural Rights. Water supply is good in larger cities but often precarious elsewhere. Human rights organisations have no access. The UNHCHR is seeking to establish a permanent presence. Human rights are raised in the human rights dialogue with the EU and at other opportunities.

Examples of German and European project work

The EU is supporting Turkmenistan through, for example, a project furthering the evolution of the administration in respect of human rights. Within the framework of the European Instrument for Democracy and Human Rights (EIDHR), it funds skills development on human rights issues for judges and lawyers.

Bilateral forums in which human rights are addressed include political consultations.

Alongside like-minded partners, Germany is pushing for the implementation of the President's pledge to allow prison visits and has conducted a project for people with disabilities. Through the Central Asia Water Initiative, also known as the Berlin Process, which ran until 2019, and the Green Central Asia Initiative from January 2020, the Federal Foreign Office has been supporting the development of regional resilience to the effects of global climate change.

Ukraine

Developments in the human rights situation during the reference period

The conflict in eastern Ukraine and the illegal annexation of Crimea remain the chief obstacles to the realisation of elementary human rights and fundamental freedoms. Heinous human rights violations are documented there, including torture, arbitrary executions and deprivation of liberty. According to the Ministry of Social Policy, around 1.5 million people are registered as internally displaced. A total of 5.2 million people in Ukraine have been affected by the conflict, with 3.5 million in need of humanitarian assistance.

Rising food prices and temporary closure of the crossing points on the contact line have exacerbated the situation in areas outside government control. Some residents of remote areas can access neither services, convenience goods nor adequate healthcare. In Crimea, the situation of the Crimean Tatar minority is particularly precarious.

In the government-controlled parts of Ukraine, human rights organisations can operate without hindrance. While there has been a slight increase in the number of human-trafficking victims, the authorities have also grown more acutely aware of the problem when it comes to recognising cases, prosecuting perpetrators and supporting victims. The measures taken to combat the pandemic are stifling progress on protecting at-risk groups and upholding social, economic and cultural rights. Roma are finding themselves

exposed to mounting economic hardship and increased stigmatisation. Despite the growth in services to help victims of domestic violence, they remain insufficient to meet the increased demand. A lack of social security and a large informal sector are feeding a rise in unemployment and poverty. The number of attacks on activists and journalists and the largely inadequate law-enforcement response give cause for concern.

Implementation of human rights commitments and policy

Ukraine is a party to the key UN human rights agreements. It is serving as an active member of the UN Human Rights Council from 1 January 2018 until 31 December 2020. It has state institutions to monitor fulfilment of human rights obligations, including a parliamentary ombudsperson for human rights. Ukraine's active and dynamic civil society is above all pushing for the policy of reform to be taken forward.

Examples of German and European project work

In the government-controlled areas, the chief focus of German project activities is on protecting minorities and at-risk groups. Recently, for example, the German Government funded a dialogue project between local Roma representatives and the police. Other project activities were intended to prevent child trafficking and promote tolerance of LGBTI+ in schools. Germany is supporting Ukraine in its work to deal with the effects of conflict and is its largest bilateral contributor of humanitarian assistance in 2020 (€21.4 m).

Venezuela

Developments in the human rights situation during the reference period

The Maduro regime responds to political opponents with targeted, sometimes violent, repression. Although 110 political detainees were released or found the cases against them abandoned at the end of August 2020, the number of political prisoners remains over 300, among them some 120 members of the armed forces.

Independent journalists who report critically on the government have been victims of arbitrary arrest. The print media and television are dominated by state influence. Excessive violence on the part of security services is a regular occurrence. According to estimates by the UNHCHR, the FAES – the Special Actions Force of the Bolivarian National

Police – is responsible for several thousand cases of extrajudicial killing. Both SEBIN, the Bolivarian National Intelligence Service, and DGCIM, the Directorate General of Military Counter-Intelligence Police, carry out arrests and detain prisoners in their own facilities for long periods of time.

Illegal armed groups with connections to regular security forces, organised crime or Colombian terrorists (ELN/FARC dissidents) control illegal mining in the Arco Minero in the south-east of the country. Among other things, illegal mining is violating the land rights of indigenous peoples and subjecting them to forced labour.

The World Food Programme has estimated that up to a third of Venezuelans regularly go hungry. Independent studies have found that 80% of Venezuelans live below the absolute poverty line. The Maduro regime's catastrophic economic policy has resulted in the Venezuelan economy shrinking by more than 70% since 2014.

The health of the Venezuelan population has deteriorated dramatically – long before the start of COVID19 – due to underfunding of the health sector on the part of the state. Child and maternal mortality have risen sharply; diseases like diphtheria and malaria are spreading again. After years of denying the existence of a humanitarian emergency, the regime has permitted humanitarian assistance from other countries since 2018. However, the aid agencies are regularly hampered in their operations.

Implementation of human rights commitments and policy

UN High Commissioner Michelle Bachelet visited Venezuela in 2019 and submitted a report to the UN Human Rights Council, which she has subsequently updated on a number of occasions. The Maduro regime has refused to accept the critical report. It has rejected key recommendations, such as the dissolution of the FAES. On a positive note, the OHCHR has been able to deploy an office with a skeleton staff in Venezuela.

Examples of German and European project work

Germany and the other EU member states have supported the resolutions on Venezuela that the UN Human Rights Council has debated in recent years, among them resolutions on the UNHCHR's report and the establishment of a fact-finding mission. The German Government's support for the UN's work in Venezuela includes additional voluntary contributions. In its statements, the EU has constantly called for human rights to be upheld.



Heiko Maas, Luz Mely Reyes and French Ambassador for Human Rights François Croquette at the presentation of the Franco-German Prize for Human Rights at the FFO on 10 December 2019 © Thomas Trutschel/photothek.de

Susana Raffalli, a nutritionist working for Caritas Venezuela, and Luz Mely Reyes, publisher of the online media outlet Efecto Cocuyo, received the Franco-German Prize for Human Rights and the Rule of Law in 2018 and 2019 respectively.

Zimbabwe

Developments in the human rights situation during the reference period

Overall, the human rights situation in Zimbabwe significantly deteriorated during the reference period.

Having at first grown following the change of government and President Mnangagwa's assumption of power, the space available to civil society and NGOs has shrunk again drastically. The outbreak of the COVID19 pandemic greatly heightened this development.

The government is responding to the growing dissatisfaction of the population by using the pandemic as a pretext for massively restricting people's exercise of their democratic freedoms. One positive point is that systematic curtailment of freedom of the press is not yet in evidence; the opposition press is still permitted to report freely. However, some journalists have found themselves facing increasing repression from the state.

The various faith communities remain free to practise their religions.

The biggest LGBTI interest group can largely operate without hindrance. Homosexual acts between men remain illegal, but in practice no homosexuals have been tried on the basis of the relevant criminal provisions in recent years.

For broad swathes of the population, the realisation of their economic, social and cultural rights is in large part impeded by the continuously deteriorating economic conditions. According to WFP forecasts, 8.6 million people will be dependent on food aid by the end of the year. The government measures to combat the pandemic are having devastating effects on schooling. Schools have been closed since March 2020, and there is no prospect of them reopening soon. At least at state schools, adequate alternative lesson provision is not in place.

Implementation of human rights commitments and policy

The Zimbabwean constitution of 2013 contains one of the most comprehensive catalogues for the protection of human rights in African constitutional history, although the process of constitutional alignment, bringing separate legislation into line with the new constitution, has still not been completed. However, at the start of the year the government initiated a law to amend the constitution in a way that has drawn criticism from observers, not least because it would boost the power of the executive.

Examples of German and European project work

Official development cooperation with Zimbabwe was put on ice in 2002. Only measures to directly improve people's basic circumstances or advance democracy and the rule of law at the local level are currently receiving support. The German Government funds a large number of projects to strengthen human rights, not least by supporting human rights defenders.

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Title

The area between the Center for Art and Media and the Filmpalast in Karlsruhe is known as the Platz der Menschenrechte (human rights square). What used to be a factory where forced labourers produced ammunition during the Second World War is now a square dedicated to peace where everyone can gather. With the Center for Art and Media, the Karlsruhe University of Arts and Design and the Federal Public Prosecution Office, key state institutions – namely the arts, culture and the law – are all located at Platz der Menschenrechte. One of the street signs from the Platz der Grundrechte (square of fundamental rights) is also to be found here, thus creating a link between the two squares. © picture alliance / ZB – Sascha Steinach

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