



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues to be taken up in connection with the consideration of the sixth periodic report of Germany (CCPR/C/DEU/6) adopted by the Human Rights Committee at its 105th session, 9-27 July 2012

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please state if any of the provisions of the Covenant have been invoked before domestic courts during the reporting period. If so, please provide details on all cases in which this was done, and with what results.
2. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.
3. According to the State party's report (CCPR/C/DEU/6, para.114), the State party will examine the possibility of withdrawing its reservation to article 15, paragraph 1 of the Covenant (third sentence), and since this reservation is contained in the Act on the Ratification of the International Covenant on Civil and Political Rights (*Gesetz zur Ratifizierung des Zivilpaktes*), its withdrawal would require a new Act to be adopted by the German Bundestag. Please explain the specific steps that have been taken to withdraw this reservation and to adopt a new Act to that effect as stated in the State party report. Furthermore, please explain whether the State party intends to withdraw reservations and interpretative declarations made with respect to articles 14, paragraphs 3 (d), 14, and 5, and to articles 19, 21, 22 and 26 in conjunction with article 2, paragraph 1 of the Covenant.

Non-discrimination, equality between men and women (arts. 2, para. 1, 3 and 26)

4. Please provide updated information on the specific measures taken to improve (a) women's status in the political, economic and social life of the country such as representation in parliament (*Bundestag*) and appointment to the judiciary, (b) the percentage of positions of responsibility held by women, particularly in traditionally male-dominated fields, (c) hiring practices in order to close the wage gap and (d) the segregation of the labour market between gender lines.
5. Please provide information on the implementation of section 25 of the Act on Federal Civil Servants (*Bundesbeamtengesetz, BBG*) which expressly proscribes discrimination against women on grounds of pregnancy, maternity leave, parental leave, part time employment, telecommuting and family-related leave. Furthermore, please provide an update on the implementation of the Federal Act on Gender Equality of 2001

(*Bundesgleichstellungsgesetz*), which provides for equal opportunities between women and men. Please highlight the challenges identified in the report with regard to the implementation of this Act and the recommendations that have been made.

6. Please state the measures taken, if any, to revise section 19(3) of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*), which allows for different treatment on the grounds of race or ethnic origin in the rental of housing in order to create and maintain stable social structures, as well as balanced economic, social and cultural conditions.

7. Please provide information on specific measures taken to eliminate discrimination against people with an immigration background in areas of employment, housing and education. Please also explain the measures taken to improve the collection of disaggregated statistical data on cases involving racial discrimination.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

8. Please state the specific measures being taken to combat the high prevalence of violence against women and girls in the State party, according to studies which indicate that 40 per cent of women have experienced physical or sexual violence or both from the age of 16. In addition, please provide disaggregated information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims and (e) measures to ensure the sustained funding of shelters. Please also respond to reports that women with Turkish and Russian backgrounds experience physical and sexual violence with a level of frequency and gravity above the average experienced by other women in the State party. Furthermore, please provide information on any other steps taken to combat violence against women, including domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies.

9. Please explain how the crime of torture is addressed in the Penal Code and the General Penal Code and why the crime of torture in cases not amounting to a war crime or a crime against humanity has not yet been specifically codified in these codes. Please provide further information on: (a) the number of complaints against law enforcement and detention personnel related to incidences of ill-treatment; (b) the type of charges brought against law enforcement officers; (c) the number of cases dismissed, and the reasons for their dismissal; and (d) the number of officials convicted or disciplined. Please explain whether and in how many cases of ill treatment of persons by the police compensation has been awarded on the basis of the Victims Compensation Act.

10. Please respond to reports that police officers, except in Brandenburg and Berlin, are not wearing identification badges that show their numbers or names when on duty. Please explain how this practice affects the conduct of investigations of any alleged misconduct by law enforcement personnel and the fight against impunity in the police service.

11. Please provide information on the application of Section 34a (2) of the Asylum Procedures Act prohibiting suspension orders in cases of transfers to another State participating in the Dublin-II system. Please explain the mechanisms that have been put in place to ensure that the “fast track” asylum determination procedure that is undertaken at the State party’s airports, particularly at Frankfurt airport, complies with due process and does not breach the principle of non-refoulement? Please provide data on the number of cases that have been disposed of under this procedure during the reporting period. Please provide information on the State party’s practice regarding asylum applications of conscientious objectors.

12. Please provide data on instances when the State party has deported or extradited individuals to countries based on diplomatic assurances. Please explain the mechanisms that have been put in place to monitor the treatment of such individuals by the requesting countries after extradition or deportation?

Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 9, 10 and 14)

13. Please explain the measures being taken to reduce the high incarceration rate of people with an immigration background. Please provide information on studies and initiatives taken to establish and address the underlying social causes and concerns regarding the high number of foreigners in places of detention.

14. Please explain the current state of the law regarding post sentence preventive detention and any changes planned to take into account the decisions of the European Court of Human Rights and the Federal Constitutional Court on this subject. Please explain how current law and proposed changes address concerns under article 9 of the Covenant. Please provide data on the number of people that are still under preventive detention, and also data on the length of post-sentence preventive detention.

15. Please respond to reports that in more than 10 per cent of the cases where physical restraints applied, in particular to dementia sufferers in residential homes, including being tied to a bed or kept behind closed doors, are applied without consent or authorization as required by law and that in more than 20 per cent of such cases no periodic examination took place of whether such forms of deprivation of liberty continued to be necessary.

Elimination of slavery and servitude (arts. 2, 8 and 26)

16. Please respond to reports alleging an increase in the number of women subject to trafficking for labor and sexual exploitation in the State party. In light of this, please provide additional information on (a) the magnitude of this phenomenon, expressed in statistical data disaggregated by gender, age and country of origin; (b) the number of prosecutions, convictions and sanctions imposed on persons involved in trafficking in persons; (c) any training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers and (d) the rights of victims of trafficking.

17. Please comment on allegations that families forcibly evicted at gunpoint in August 2001 from their homes and lands in Naluwondwa-Madudu, Mubedne District, Uganda to make way for a large coffee plantation owned by Kaweri Coffee Plantation Ltd., a wholly-owned subsidiary of Neumann Kaffee Gruppe Hamburg continue to live in extreme poverty and explain what the State party has done to investigate the role and responsibility of Neumann Kaffee Gruppe.

Non-discrimination, freedom of religion and belief and incitement to discrimination and violence (arts. 3, 18, 20, para 2, 24 and 26)

18. Please provide information as to whether religiously motivated circumcision of boys is prohibited in the State party. Please comment on such prohibition in light of articles 18 and 24 of the Covenant.

19. Please respond to reports of increased anti-Semitic attacks that include the desecration of Jewish cemeteries and the pulling down and smearing of gravestones and Jewish monuments with paint, swastikas and other Nazi symbols and anti-Jewish slogans. Please explain the measures taken to combat racially motivated offences against members of the Jewish, Muslim and Roma/Sinti communities as well as Germans of foreign origin

and asylum seekers in the State party. Please explain the specific measures taken to promote freedom of religion, tolerance of diversity and multiculturalism in order to guarantee rights under the Covenant.

20. Please explain the measures being taken to combat hate speech and racist propaganda that is reportedly widespread in the State party, particularly on the Internet. Please provide data on investigations and prosecutions conducted with regard to advocacy, including over the Internet, of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as well as the outcome of these investigations?

Rights of persons belonging to national minorities (art. 27)

21. Please indicate any measures taken to avoid the stigmatization of ethnic or religious minorities living in the country and to eliminate discrimination against minority women in all areas, in particular in employment and education. Please provide updated information, in particular, on the respect for the rights of the Roma and Sinti people with regard to their access to education, employment, housing and social services. Please provide data on the indicators showing improvements in the respect for their rights under the Covenant following the initiatives undertaken by the State party as stated in paragraphs 48 to 53 of the State party's report. Please state the specific measures taken to eliminate the persisting racial prejudice and stigmatization of the Roma and Sinti people. Please provide information on the return of Roma, Ashkali and Egyptians to Kosovo despite reports about discrimination suffered by such returnees.

Dissemination of information relating to the Covenant and the Optional Protocol (art.2)

22. Please provide information on the steps taken to disseminate information on the Covenant, the submission of the sixth periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and the national human rights institution in the preparatory process in the report.
