



Fifteenth Report by the German Government on its Human Rights Policy

Reference period:
1 October 2020 until 30 September 2022



Federal Foreign Office



The Federal Minister for Foreign Affairs, Annalena Baerbock, at the special session of the United Nations Human Rights Council on the situation of human rights in the Islamic Republic of Iran, Geneva, 24 November 2022. She is holding a copy of the International Covenant on Civil and Political Rights. © photothek | Thomas Koehler

Dear readers,

We have faced a series of terrible events in 2022. Russia's ruthless war of aggression against Ukraine. War crimes such as the Bucha massacre, in which Russian soldiers murdered people indiscriminately, on their bicycles, in their front gardens, blindfolded and with their hands tied behind their backs.

We see human rights being trampled underfoot in many other places around the world. In Iran, for example, where Jina Mahsa Amini paid the ultimate price simply for not wearing her head-covering as prescribed. Since then, brave women and men alike have protested in fear of their lives for something which they should be able to take for granted: their right to self-determination. Or in Afghanistan, where the Taliban regime is robbing women and girls of their last shred of freedom and dignity. Where girls are barred from attending any school above primary level, and where women are no longer allowed even to go to the park or meet friends. Where it seems that women are now only supposed to exist and function, instead of being allowed to live.

The brutality is shocking. Harrowing. In part because we know that there is no quick and easy way to put a stop to these crimes. Russia's savage

war of aggression will not end overnight. Similarly, the situation of women in Iran, Afghanistan, and many other places in this world where people are stripped of their rights, will not improve instantly. Yet to despair, and not do all we can, time and again – that is simply not an option.

Human dignity is inviolable. That is the bedrock of values-based foreign policy. It is an integral part of the injunction enshrined in the Basic Law to respect and protect human rights around the world. It is more than that, however. In fulfilling that injunction we respect the fundamental principles of the United Nations. These are laid down in the UN's Universal Declaration of Human Rights, the 75th anniversary of which we will celebrate in 2023. The Declaration and other human rights conventions oblige governments around the world to uphold human rights. After all, they are not a domestic policy matter. We all have a responsibility to defend them.

That is why we have made it clear with regard to Russia's war of aggression against Ukraine that murder and rape cannot go unpunished. Impunity is an obstacle to justice. We are therefore committed to the investigation and documentation of human rights violations and war crimes

in Ukraine. This includes, for example, providing funding for the International Criminal Court and the Human Rights Monitoring Mission from the Office of the UN High Commissioner for Human Rights, as well as seconding expert personnel. We also support the work of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, Pramila Patten.

We have also responded decisively alongside our partners to the violence directed against children, women and men by the Iranian regime, imposing sanctions on the regime itself and organising aid for civil society in Iran. The international community condemned the inhumanity of the Iranian Government at a special session of the UN Human Rights Council co-requested by Germany. The Council also adopted a resolution that instructs a fact-finding mission to document human rights violations and to collect evidence against those responsible so that they can be held to account.

We see patterns in many of these crimes. They are warning signs. If women and children, minorities and marginalised groups are not safe in a given state, then nobody is safe there. Their rights are a barometer of the current state of any society. In addition, inward repression can be an omen of outward aggression in the future. With that in mind, we pursue a feminist foreign policy that strengthens the rights, resources and representation of women and marginalised groups.

This creates no inconsistency between values and interests in our foreign and human rights policies. On the contrary, they are two sides of the same coin. In the long term, nobody can afford to do business with regimes that do not abide by the rules. Economies in which everyone, including women, participates with equal rights are more stable and attract more foreign investment. If we

ban the products of forced labour from the EU's internal market, we also protect our businesses against unfair competition. That is why high human rights standards for European supply chains ensure better working conditions and stronger economies in other countries.

Meanwhile, I have seen in numerous places around the world how much we can learn from other countries about protecting human rights. Just as democracy is never a finished product, but a constant work in progress, so too are human rights. Consider, for example, the challenge of protecting personal privacy in the 21st century, or the issues arising from digitalisation. We also have much to learn from others in our anti-racism work and in female representation in business and politics.

It is particularly important here that we are open to self-reflection and to criticism from non-governmental players, such as courageous human rights defenders and journalists, NGOs and sea rescue organisations. In many countries, they risk their lives to protect human rights. They all have my deepest respect and gratitude – and they can continue to count on our support.



Federal Minister for Foreign Affairs

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*Preliminary remarks
and guide to the
report*

Upholding and propagating human rights is a key pillar 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 fifteenth 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 2020 to 30 September 2022.¹

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 (*Grundgesetz*).

Structure of the report

Part A, the German Government's Action Plan for Human Rights 2023-2024, focuses on the pre-eminent priorities of the German Government's human rights work in the years 2023 and 2024.

Part B on human rights in Germany describes human rights work in Germany and progress on implementing the recommendations made to Germany and accepted by Germany in the course of the current UN Human Rights Council Universal Periodic Review (UPR) cycle.

Part C on human rights in foreign and development policy sets out the German Government's work in international human rights forums and on various human rights issues in the context of its values-led and human rights-oriented foreign and development policy.

Part D on human rights around the world describes the human rights situation in selected countries and profiles Germany's involvement in human rights work and projects, including the impact of that engagement.

1 All statements about planned measures with financial consequences, particularly as enumerated in part A, the German Government's Action Plan for Human Rights 2023-2024, 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.

Replies to the German Bundestag

In printed paper 19/30467 of 9 June 2021 – the recommendation for a decision issued by the Committee on Human Rights and Humanitarian Aid with regard to the Fourteenth Human Rights Report – the German Bundestag calls on the Federal Government to pay special attention to certain matters in the fifteenth report. The present report satisfies that injunction as follows:

- Part B gives an updated overview of the progress made on implementing the recommendations supported by Germany that have been issued in the context of the UN Human Rights Council's Universal Periodic Review (UPR), with an eye on Germany's next review, which is due in 2023.
- The subject of human rights amid the digital transition, and the digital technologies used by autocratic regimes to violate human rights, is given particularly critical attention in *chapter C 10*, a spotlight on human rights and the digital revolution.
- The challenges for human rights thrown up by climate change are examined primarily in *chapter C 9*, a spotlight on the challenges climate change poses to the defence of human rights and gender-sensitive strategies for tackling climate change.
- The German Government's engagement at the national and European levels to combat sexual abuse against children, particularly online, is set out in *chapter B 6*.
- Information on the German Government's fight at the national, European and international levels against human trafficking for the purpose of sexual exploitation or labour exploitation can be found in *chapter B 4*.

- The subjects of the countries section were selected in the same number and according to the same criteria as previously. The countries section dedicates more attention to the effects achieved by project work.

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
2023-2024*



Copies of the Universal Declaration of Human Rights. It will be 75 years old in 2023. © picture alliance/dpa | Kay Nietfeld

The Action Plan sets out the priorities of the German Government's human rights policy from 2023 to 2024.

Among the topics it addresses are the German Government's commitment to feminist foreign policy and the human rights focuses highlighted by the Coalition Agreement in the fields of gender equality, accountability for serious human rights abuses, climate change and the modern digital age. The Action Plan also reflects the new focus on feminist development policy being pursued by the Federal Ministry for Economic Cooperation and Development.

It takes into account the observations and recommendations directed at Germany by various UN treaty organisations and the

recommendations made in the context of the UN Human Rights Council's Universal Periodic Review (UPR) and accepted by Germany.

With foreign and development policy based on values and centred on human rights, the German Government expresses its commitment to the universality of human rights, due process and the rule of law. It views human rights policy as a cross-cutting task for all areas of policymaking. It is this compass that will guide the German Government in four overarching fields of the **Action Plan for Human Rights 2023-2024** as it pursues the following objectives. (The order here does not reflect any particular prioritisation.)

Preserving and expanding the human rights acquis

- Championing gender equality and diversity – in Germany and around the world
- Combating discrimination based on sexual orientation or gender identity
- Actively promoting the Women, Peace and Security Agenda
- Championing the rights of minorities and indigenous peoples
- Strengthening children's rights
- Strengthening human rights in the context of the digital transition
- Tackling climate action, protection of biodiversity and the environment and defence of human rights as a unified challenge
- Promoting the rights to water and sanitation, health, housing and nutrition
- Promoting the right to education
- Championing media freedom and freedom of opinion
- Championing freedom of religion or belief
- Championing the rights of migrants, asylum seekers, refugees and the internally displaced
- Strengthening and protecting human rights in the context of business and trade
- Strengthening the rights of older people

Combating human rights violations

- Combating racism, antisemitism, Islamophobia, antigypsyism and other forms of group-based hostility
- Opposing the death penalty around the world
- Combating torture and enforced or involuntary disappearance
- Combating human trafficking
- Opposing discrimination against people with disabilities

Strengthening institutions and stakeholders dedicated to protecting human rights

- Creating and preserving spaces where civil society can operate, including online; supporting the work of human rights defenders and peace activists
- Strengthening European and international instruments, bodies and monitoring agencies as well as national human rights institutions

Consolidating the rule of law

- Combating impunity
- 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
- Urging compliance with human rights in the fight against terrorism



Annalena Baerbock, Federal Minister for Foreign Affairs, at the Shaping Feminist Foreign Policy conference at the Federal Foreign Office (2022) © picture alliance / photothek | Thomas Koehler

Preserving and expanding the human rights acquis

1. Championing gender equality and diversity – in Germany and around the world

- The German Government will continue its efforts to facilitate equal opportunities for all in terms of employment and earning prospects, irrespective of gender, gender identity or sexual orientation, and to reduce the gender pay gap in a targeted manner. To that end, the German Government will for the second time present an evaluation of the impact achieved by the Transparency in Wage Structures Act (*Entgelttransparenzgesetz*) and, on the basis of that, examine the possibility of updating the Act. Additionally, in the fields of digitalisation in the world of work, genuine partnership in the division of paid work and unpaid care, and business start-ups, various pilot and development projects are carving out innovative approaches to promote women's employment.
- 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. As part of this, measures like *Initiative Klischeefrei* (“Initiative for freedom from stereotypes”), Girls’/Boys’ Days and the flagship YouCodeGirls project are intended to overcome gendered restrictions while HEROES – *gegen Unterdrückung im Namen der Ehre. Für Gleichberechtigung* (“Against repression in the name of honour. For gender equality”) strengthens girls’ and women’s equal rights.
- 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 roundtable and federal funding programme *Gemeinsam gegen Gewalt an Frauen* (Ending Violence against Women Together), it will uphold the goal of helping the *Länder* close gaps in the support system insofar as its constitutional mandate allows.
 - 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 *Land* levels. The German Government is planning a representative survey on violence against women and men. Directed at all genders, the survey is intended to investigate the undocumented incidence of violence, differentiating its findings by gender.
 - The German Government is pursuing a feminist foreign policy with the aim of bolstering the rights, resources and representation of women and girls around the world and promoting social diversity. The Federal Ministry for Economic Cooperation and Development, too, is pursuing these objectives in the context of its feminist development policy.
 - As part of this, the German Government will advocate within the EU and internationally for intersectional policy on gender equality. Within the framework of its feminist foreign policy and the Development Ministry’s feminist development policy, it will work to break down discriminatory power structures, social norms and gender roles.
 - On the basis of the international conference of foreign ministers on Shaping Feminist Foreign Policy (FFP) on 12 September 2022, the Federal Foreign Office will draw up FFP guidelines. The German Government will also draw up an action plan on gender equality outlining measures to quantitatively and qualitatively develop the gender equality portfolio.
 - The German Government will support non-EU countries in preventing discrimination and human rights abuses against women and girls, in all their diversity, and will provide targeted support for institutions that protect and reinforce women’s and girls’ rights. At the bilateral and multinational levels, it will pay special attention to the promotion, upholding and implementation of women’s rights. The German Government sees promoting gender equality and protecting the rights of women and girls as a cross-cutting task that needs to be fulfilled in every area of its foreign-policy engagement. This applies to everything from project funding to involvement in multilateral forums.

- The German Government supports UN Women by making a reliable contribution to its core budget and funds 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 on the one hand and UN Women's international work on gender equity and positive action for women on the other. Earmarked contributions to UN Women primarily fund support and security measures for women in crisis-torn regions and the fight against gender-based violence.
- 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 sexual and reproductive health and rights (SRHR) – promoting sexual and reproductive health and pushing for recognition and protection of the associated rights. The German Government will continue to support the UN Secretary-General in his gender review of the UN as part of the Our Common Agenda process, in order to facilitate system-wide effective change.
- The German Government makes core and earmarked contributions to the UN Population Fund (UNFPA), thereby supporting ante-natal and obstetric care around the world, training for health professionals, the right to sexual and reproductive health, including access to birth control and rights-based family planning, and the prevention of harmful practices and gender-based violence.
- As part of its engagement with the Women, Peace and Security (WPS) Agenda, the German Government will advance its implementation via the points of contact appointed in 2021 at around 60 strategic missions abroad, in a manner sensitive to each context, thereby providing targeted support for gender equality in crisis and conflict situations.
- The German Government will continue to support the Action Network on Forced Displacement: Women as Agents of Change founded in 2020 and enhance women's inclusion in crisis situations.
- The German Government will continue to direct special attention to conflict-related sexual violence (CRSV) in the Russian-occupied areas of Ukraine and other conflict zones around the world and support measures to promote accountability for these human rights abuses.

2. 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 or 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.
- At a conference in Buenos Aires on 8 September 2022, the German Government, alongside Mexico, assumed the two-year co-chairmanship of the Equal Rights Coalition (ERC). The ERC is an alliance of 42 states and more than 130 non-governmental organisations (NGOs) collaborating internationally to combat criminalisation, discrimination and violence targeting lesbian, gay, bisexual, transgender, intersex and non-binary (LGBTIQ+) people.
- The German Government continues to contribute actively as a member of the LGBTI Core Group in New York. It is also active in the Council of Europe's LGBTI Focal Points Network.
- The German Government will promote the 29 Yogyakarta Principles on the application of international human rights law in relation to sexual orientation, gender identity and sex characteristics, which were adopted in 2007, and will support the implementation of the EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by LGBTIQ+ Persons.
- In line with its LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation (2021), the German Government will create structures to effectively support LGBTIQ+ human rights activities carried out by civil society by giving special consideration to specific vulnerabilities and multiple discrimination. In the international discourse, it takes a leading role to see LGBTIQ+ people's human rights respected, protected and guaranteed.
- The German Government, not least reflecting the commitment reaffirmed in the context of Germany's Presidency of the G7, will focus in its development cooperation on equality between all genders and on the diversity of sexual orientations, gender identities and expression, and sex characteristics. It will seek greater cooperation with LGBTIQ+ civil society and human rights defenders. It will support the implementation of the UN LGBTI Inclusion Index as a key instrument for collating disaggregated data and recognises the important role of the UN Independent Expert on sexual orientation and gender identity.
- The German Government will continue to fund human rights projects around the world 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 LGBTIQ+ people.
- Besides repealing the Changing First Names and Establishing Gender Identity in Special Cases Act (Transsexual Act, *Transsexuellengesetz*) and introducing a new Gender Autonomy Act (*Selbstbestimmungsgesetz*), the German Government will collaborate with

players from civil society and academia to design and implement measures based on the recommendations in its *Aktionsplan "Queer*

Leben", the national action plan for the acceptance and protection of sexual and gender diversity.

3. Actively promoting the Women, Peace and Security Agenda

- The protection and equal inclusion of all genders is systematically incorporated into all phases and at all levels of peace, security and development processes. The German Government's objectives are enshrined in its third national Action Plan for the WPS Agenda for 2021-2024.
- 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-just manner.
 - Germany helps support survivors of sexual and gender-based violence, adopting a survivor-focused and human rights-based approach.
- 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, LGBTIQ+ people and survivors of sexual and gender-based violence are important target audiences (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.
- The WPS Agenda is enshrined in the German Government's structures, staff-training programmes and work; the personnel demographics of the German Government are growing in diversity.

4. Championing the rights of minorities and indigenous peoples

- Continuous protection of national minorities and their languages, cultures and traditions plays a significant role in preserving and developing cultural richness and promotes social cohesion and tolerance in Germany, in Europe and around the world. The German Government will therefore continue to support national minorities as an important contribution to peacekeeping and is dedicated to further strengthening minority rights at the international level. This comprises, among other efforts, promoting political inclusion

and participation as well as combating discrimination and attempts at instrumentalisation. Specifically for the national minority of German Sinti and Roma, the German Government is undertaking measures to implement the Council of Europe Framework Convention for the Protection of National Minorities and thereby promote equal participation in society for members of that minority in all areas of economic, social, political and cultural life.

- The German Government will play its part in the implementation of the UN Declaration on the Rights of Indigenous Peoples and the legally binding International Labour Organization (ILO) Convention No 169 to strengthen the rights of indigenous and tribal peoples on all continents.
- In its bilateral relations with countries with indigenous populations as well as through multilateral partnerships, 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 the (collective) rights of indigenous peoples.
- To implement the EU's strategic framework for the equality, inclusion and participation of Roma in Germany, the German Government will put its national strategic framework – Tackling Antigypsyism, Ensuring Participation – into practice by 2030. It will establish a National Roma Contact Point and the independent MIA, a monitoring and advice office

for antigypsyist incidents. The Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in Germany will coordinate the work of the National Roma Contact Point across government departments and develop it further on the basis of the key requirements expressed by the Independent Commission on Antigypsyism.

- In light of the National Socialist genocide of Sinti and Roma, the Federal Republic of Germany bears a special responsibility in the fight against antigypsyism. It is of particular importance to process the transgenerational traumatic after-effects and the injustices committed in all political and social spheres by state authorities and other communal institutions of the Federal Republic of Germany (such as the police, courts, public administration, foreigners authorities, schools, youth welfare offices and other authorities dealing with social affairs). That is why, in line with the key recommendations of the Independent Commission on Antigypsyism, a process is being started for a truth and reconciliation commission to comprehensively work through the injustices committed against Sinti and Roma, with a view – as set out in the European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism (2017/2038(INI)) – to creating essential mutual trust within society, acknowledging the persecution, exclusion and disownment of Sinti and Roma, and doing so with the particular involvement of representatives of the Roma community, NGOs and grassroots organisations. In liaison with the competent federal and Land authorities, the Commissioner for the Fight against Antigypsyism will introduce measures to bolster Sinti and Roma culture and raise its visibility.

5. Strengthening children's rights

- The German Government will thoroughly examine the Concluding Observations published by the Committee on the Rights of the Child as part of the state-party reporting process on the implementation of the UN Convention on the Rights of the Child and will expand on the previously instituted measures, where necessary, to further strengthen children's rights in Germany.
- For measures affecting children and adolescents, the German Government will take their well-being and interests into account and involve them.
- The rights of the child are to be enshrined in the Basic Law in general alignment with the stipulations of the UN Convention on the Rights of the Child.
- Through an information campaign, the German Government will make children aware of their rights and ways in which they can raise grievances.
- The German Government will strengthen children's right to grow up with the benefit of social security and facilitate better prospects for children and adolescents. To that end, it will combine various former family benefits into one basic child security benefit (*Kindergrundsicherung*).
- The basic child security benefit is to bring together support payments like child benefit, child-related payments made under Books II and XII of the Social Code (*Sozialgesetzbuch II/XII*), elements of the education and participation package, and the child supplement, and its level is to be determined according to a newly defined socio-cultural minimum cost of living for children. The basic child security benefit is intended to reach families more easily and be implemented with a digital-ready set-up so that it can be paid with as little red tape as possible. The hope is that the basic child security benefit will thus better reach families which have not been claiming their benefits under the previous system.
- The German Government has established an interministerial working group to prepare the basic child security benefit. Seven ministries, headed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, are working in specialised working groups to draw up the blueprint for the basic child security benefit. The legislative process to introduce the basic child security benefit is to begin in 2023. Until the new benefit is introduced, the German Government has been providing low and no-income families with a monthly emergency supplement of €20 per child since 1 July 2022. The emergency supplement is an ongoing and unbureaucratic support payment which can be claimed for around 2.9 million children.
- The German Government will continue to guarantee independent supervision of the implementation of the UN Convention on the Rights of the Child by the dedicated monitoring body at the German Institute for Human Rights and will expand the monitoring work.
- The German Government will implement the Council Recommendation (EU) establishing a European Child Guarantee, under which all children in need are to be provided with access to education, care, healthcare, healthy

nutrition and decent housing by 2030, by means of its National Action Plan – New Opportunities for Children in Germany. The drafting and implementation of the National Action Plan will be flanked by a broad-based participation process involving political and civil-society stakeholders as well as children and adolescents. The adoption of the National Action Plan in the Federal Cabinet is planned for the spring of 2023. During the subsequent implementation phase, progress reports are to be submitted every two years until 2030.

- The German Government will continue to support the work of the UN Children's Fund (UNICEF). It will expand its collaboration with UNICEF particularly in the fields of humanitarian assistance and development cooperation.
- The German Government will give its political backing to the Special Representative of the UN Secretary-General on Violence Against Children and the Special Representative of

the UN Secretary-General for Children and Armed Conflict, and it will advocate for other UN member states to sign the Safe Schools Declaration as well as the Optional Protocols to the UN Convention on the Rights of the Child.

- Human rights projects around the world will help document violence against children, prevent children being recruited as soldiers and make it possible for them, for example, to find alternative sources of income and be reintegrated into society.
- The German Government champions the implementation of the OSCE (Organization for Security and Co-operation in Europe) obligations relating to children's rights and lends political support to the associated work of the OSCE Chair. Within the OSCE, the German Government also supports project work for the protection of children and others from human trafficking in connection with Russia's war of aggression against Ukraine.

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

- The German Government is working to ensure that universally applicable human rights are upheld and strengthened both online and offline, especially in light of the opportunities and risks that come with using 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, draw attention in the discourse to current challenges facing the protection of human

rights in the digital sphere and update already established standards to combat discrimination, restrictions and intimidation.

- Together with its partners in the Freedom Online Coalition and elsewhere, the German Government will advocate for the protection of human rights in all areas of digital life. The German Government will particularly contribute to the development of the UN Global Digital Compact. Over and above this, it will champion the strengthening of international law in cyberspace. It will also play its part in the ongoing drafting of a Cyber Programme

of Action intended to take shape as a permanent, inclusive and action-focused UN forum on cybersecurity from 2025 onwards. The Programme of Action is to advance dialogue between states, as well as between state and non-state actors, and enhance respect for human rights in cyberspace.

- The subject of online civic engagement and online hate plays an important role at the national level in the federal Live Democracy! programme. It represents a cross-cutting task that goes beyond all the various aspects of the German Government's most well-funded and broad-based prevention programme. Next to promoting a Competence Network to combat online hate, support goes to numerous pilot projects focusing on the internet and new and digital media within each of the programme's three fields of action – promoting democracy, shaping diversity and preventing extremism – as well as various accompanying projects.



Cycling for climate action: a *Radeln für Klimaschutz* demonstration in Hamburg, Germany, demanding changes to transport policy and more protections for the environment (2020) © picture alliance / rtn – radio tele nord | rtn, frank bründel

7. 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 life, health, 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 disadvantaged people and groups. To this end, the German Government will support the protection and advancement of human rights not least through measures to adapt to the effects of global warming, better management of climate and disaster risks, and improvements in resilience to climate-related disasters. In addition, the German

Government will further the effectiveness and coherence of the humanitarian system and of development cooperation in contexts of climate change-related and/or disaster-induced displacement.

- Within the framework of global health policy, the German Government works to increase consideration of the effects of climate change and environmental destruction on health and presses for action to mitigate them. This includes making the healthcare sector itself climate neutral and sustainable.
- The German Government supports the work of the Special Rapporteur on human rights and the environment as well as the newly created mandate of Special Rapporteur on the promotion and protection of human rights in the context of climate change. The German Government is committed to strengthening the link between protection of the environment and human rights, supported the recognition by the UN General Assembly of the human right to a clean, healthy, and sustainable environment, and will continue to follow
- the process with close attention. Under Germany's G7 Presidency, the G7's environment, climate and energy ministers recognised that the protection of human rights, the environment and climate are inextricably linked.
- The German Government will also raise the consequences of climate change for human rights in multilateral forums. With the initiative of the Geneva Pledge, it supports more intensive cooperation and knowledge-sharing between the UN Framework Convention on Climate Change (UNFCCC) and the Human Rights Council.
- At the international level, the German Government champions the conservation of biodiversity as well as the protection, sustainable use and restoration of ecosystems. At the fifteenth Conference of the Parties (COP15) to the Convention on Biological Diversity (CBD), it will push for an ambitious and implementation-oriented new global framework for biodiversity and highlight the important role of indigenous peoples in global biodiversity conservation.

8. 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 the rights within that text. It will support the work of the Special Rapporteur appointed for the subject by the Human Rights Council.
- It will 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 sustainable water management, meaning not only the efficient use of water and water

- rights, but also water resources management. Furthermore, the German Government champions the protection and restoration of water-related ecosystems.
- 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 SARS-CoV-2.
 - 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. The World Health Organization (WHO) plays a key role as a leading and coordinating authority in global health. Future health crises can only be prevented or better coordinated at the international level if the international structures, and above all the capacities of the WHO, are significantly enhanced. Strengthening and reforming the WHO is therefore a key objective for the German Government in the field of global health. Since February 2022, negotiations have been ongoing within the WHO framework on a pandemic prevention, preparedness and response accord. The German Government supports the creation of a legally binding instrument of this kind.
 - The G7 partners agreed in their Pact for Pandemic Readiness to support low and middle-income countries for another five years (until 2027) in putting into practice the core capacities specified in the International Health Regulations (IHR), to work towards the common goal of supporting at least 100 countries in achieving the IHR core capacities. The German Government will actively pursue that goal.
 - 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 Human Rights Council's Special Rapporteur. 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 works throughout the world to help realise the human right to adequate nutrition. Key to these efforts is the lasting transformation of global food systems, particularly to enhance the resilience of the countries affected as well as to strengthen sustainable, resilient production on the ground. The fight against climate change and biodiversity loss also needs to be pursued with a focus on the long term. Another essential building block is the promotion of sustainable consumer behaviour and the reduction of food waste and losses. The German Government supports the work to improve the global governance of agricultural and food systems and is particularly dedicated to enhancing the role of women and girls. The Committee on World Food Security (CFS) is crucial to that work as an inclusive, rights-based and inter-governmental global platform.
 - The German Government is supporting the UN with the follow-up measures to the 2021 Food Systems Summit. In particular, the German Government is involved in the School Meals Coalition, the Coalition for Aquatic/Blue Foods, the Coalition of Action for Achieving Zero Hunger, the Agroecology Coalition and the Coalition for Fighting Food Crises along the Humanitarian, Development

and Peace Nexus. At the 2021 Nutrition for Growth Summit in Tokyo, the German

Government pledged to invest €580 million in nutrition in the years 2022 to 2025.

9. Promoting the right to education

- At both the national and international levels, the German Government takes a holistic approach to education and supports inclusive, high-quality education and life-long learning at every stage of the education chain – early-childhood learning, primary and secondary schooling, vocational training, higher education and adult learning. Around the world, the German Government particularly champions new prospects for those suffering from restrictions to freedoms in teaching and research or denied access to educational spaces for other reasons.
- Its announcement of €200 million for the 2023-2026 period makes Germany the largest donor, at a total of €318.8 million since 2017, to the global Education Cannot Wait (ECW) fund. ECW finances educational opportunities for children and adolescents who have had to flee their homes or are in other crisis situations. It has to date supported 4.6 million children and adolescents, 48% of them girls and 49% of them displaced. Germany is helping to organise the High-Level Financing Conference to top up the fund in 2023 and is standing up for quality education for children in crisis situations.
- Alongside the other countries also working for the schooling of children and adolescents who have fled Ukraine, as well as various universities and research organisations, the German Government supports refugee students from Ukraine through, for example, the tried and tested programmes of the
- German Academic Exchange Service (DAAD) for the integration of refugees at German universities, or through a DAAD programme for German and Ukrainian universities in partnership to jointly set up and conduct virtual classes. The German Government will make scholarships available for students from newly industrialised and developing countries who have fled Ukraine. This will enable those young people to take advantage of their right to education in Germany or in their countries or regions of origin despite Russia's war of aggression.
- 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.
- Through the Alexander von Humboldt Foundation's 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.
- Through the DAAD's Hilde Domin Programme, the German Government supports students in Germany who are denied the right to education in their home countries, either formally or de facto, on the basis of their ethnic, sexual, gender or religious identity or their political or civic activities.

10. *Championing media freedom 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. This includes defending 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 professionals who, through their work, shed light on injustices and advance societal debate.
- In the UN's human rights bodies, the German Government will take a clear stance against any move to relativise freedom of the press and freedom of opinion. The German Government is in favour of creating the office of UN Special Rapporteur for the protection of journalists.
- In the Council of Europe and the OSCE, the German Government will raise violations of freedom of opinion, freedom of the press and the right of access to information and will support the work of the OSCE Representative on Freedom of the Media. It will advocate for the free exchange of ideas and information as well as protection against surveillance and hate speech in the digital sphere. Within the EU, Germany works to ensure that the tools in place to strengthen the rule of law are used consistently and continuously developed. Upholding freedom of the press and media is particularly important in that context.
- Through DW Akademie, run by public broadcaster Deutsche Welle, the German Government supports, among other things, initial and continuing training for media professionals, the economic viability of media companies and the media literacy of media consumers. It moreover assists civil-society groups and networks working to combat disinformation and advance women's rights in the digital sphere. One important concern is to enhance the resilience of the media in crisis situations. To that end it is providing, for example, a mobile editorial platform – a robust piece of open-source software for journalists.

11. *Championing freedom of religion or belief*

- The German Government will continue to advocate worldwide for the protection of individuals' human right to freedom of religion or belief and condemn (religiously motivated) persecution and discrimination targeting faith communities. The German Government will speak on behalf of people who are oppressed, persecuted, discriminated against or subject to any other form of violence because of their religion or their beliefs. In so doing, it will focus more strongly on intersectionality and multiple discrimination. The German Government will continue to actively oppose blasphemy and anti-conversion laws, which are incompatible with human rights.

- 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. It will continue to advocate for joint initiatives like the Istanbul Process, both within and beyond the group of like-minded states.
- The German Government will further strengthen the office of the Federal Government Commissioner for Freedom of Religion or Belief and International Dialogue and will publish a biennial report on the situation of freedom of religion or belief around the world.

12. *Championing the rights of migrants, asylum seekers, refugees and the internally displaced*

- 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 also continue to check all proposed measures for compatibility with this legal framework and will champion compliance at the national, European and international levels.
- Germany will play an active part in the 2024 regional review process being conducted in the context of the Global Compact for Safe, Orderly and Regular Migration (GCM). Germany will be a dedicated contributor at the second Global Refugee Forum (GRF) in 2023, which is enshrined in the Global Compact on Refugees (GCR) as its key instrument. Germany remains committed to the principle of burden and responsibility-sharing endorsed in the GCR and advocates for supporting host countries, reinforcing refugees' rights and enhancing provision for them.
- The German Government provided financial and political support for the UN High-level Panel on Internal Displacement, which published its report in September 2021. The German Government will continue to work for the rights and protection of the internally displaced and for lasting solutions to help them. It will, for example, drive forward the implementation of the UN Secretary-General's June 2022 Action Agenda on Internal Displacement.
- The German Government will also continue to stand up for the rights of people migrating or driven from their homes in the context of climate change and will contribute to the search for lasting solutions for those groups.
- The German Government will advocate for responsible EU policy on migration and refugees. The German Government is working for fundamental reform of the Common European Asylum System (CEAS). The New Pact on Migration and Asylum, presented by the European Commission on 23 September 2020, provides sound foundations for that reform. The German Government's aim is a fair distribution of responsibility and solidarity among EU countries when it comes to taking in asylum seekers. France's Presidency of

the Council of the EU has made important advances, including agreement on a temporary Voluntary Solidarity Mechanism which covers the distribution of people rescued at sea in the Mediterranean. The German Government will share in the associated relocations. The German Government will also support the future Presidencies of the Council with the ongoing work to draw up a long-term solution for the migration dossier that upholds fundamental and human rights.

- The aim is to intensify cooperation with important countries of origin, transit countries and host countries through balanced, tailored, flexible and mutually beneficial partnerships. The German Government therefore seeks practicable agreements with key countries of origin characterised by a spirit of partnership, respect for human rights standards and a comprehensive, gender-sensitive approach. 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 migration-related developments and interests in those countries.

- In the context of Russia's war of aggression against Ukraine, the German Government will continue to participate in solidarity efforts to host and support refugees from Ukraine within the EU framework and will moreover support particularly affected host countries in dealing with the challenges and burdens associated with taking in and taking care of refugees. The Moldova Support Platform that the German Government set up in collaboration with France and Romania will be maintained. The German Government will furthermore continue to support the internally displaced and their host communities within Ukraine.

13. Strengthening and protecting human rights in the context of business and trade

- The German Government will continue to actively and constructively monitor the implementation of the Supply Chain Due Diligence Act (*Lieferkettensorgfaltspflichtengesetz*), in force as of 1 January 2023 for businesses with at least 3000 employees and 1 January 2024 for those with at least 1000. The National Action Plan for Business and Human Rights adopted in 2016 is currently being revised in light of the Supply Chain Due Diligence Act and developments in the area of business and human rights.
- The German Government feels it has an obligation to comprehensively support companies in conducting their due diligence both

at home and abroad. It will therefore further expand on existing provision, such as the advice offered by the Helpdesk on Business and Human Rights, mediation for dialogue within sectors where human rights are particularly at risk, the German Government information platform at www.wirtschaft-menschenrechte.de and the SME Compass website for small and medium-sized enterprises (SMEs). In view of the 2023/2024 entry into force of the Supply Chain Due Diligence Act, development cooperation projects are working to support companies in partner countries and German companies engaged in purchasing in fairly dividing and jointly fulfilling their responsibilities.

- At the EU level, the German Government is in favour of a European Action Plan on Business and Human Rights and an effective EU legal instrument on corporate due diligence in value chains with regard to human rights and environmental concerns. These are intended to ensure that the UN Guiding Principles and the OECD Guidelines are implemented uniformly across the EU. The German Government is actively and constructively following the negotiations on the proposal for a European Directive adopted on 23 February 2022.
- The German Government has launched a Team Europe Initiative to coordinate support measures for businesses in the EU and in partner countries at the EU level, in the interests of pooling existing national measures and developing new joint support packages.
- The German Government is in favour of an EU legal instrument to prohibit products made with forced labour. The German Government will involve itself actively and constructively in the European Commission's legislative initiative. An instrument of this kind will constitute an important addition to the planned EU instrument on corporate due diligence.
- The German Government will continue to support and participate in sector-specific and cross-sectoral multi-stakeholder partnerships to strengthen sustainable supply chains. It would like to more closely dovetail multi-stakeholder initiatives in Germany with structures at the European and international levels and to support initiatives at those levels.
- The German Government supports the European Commission in its efforts to secure respect for human rights through its trade policy by, for example, enshrining the protection of human rights as an essential element of framework political agreements with non-EU states, including effective implementation of international labour, social and environmental standards in sustainability chapters within EU trade agreements and making reference to recognised legal instruments on human rights-related corporate social responsibility (CSR). The intention is for all future trade agreements at the European level, including those already being negotiated, to include and attach sanctions to the provisions of the relevant international agreements, and for the latter to be effectively enforced overall. This applies to trade benefits and degrees of trade freedom as well as to the agreed sustainability standards. Both incentives and mechanisms for dialogue and dispute settlement, such as panels, are to be enshrined in the agreements to that end. The German Government supports trade sanctions as the last resort for dealing with serious violations of key trade and sustainable development (TSD) obligations, especially violations of the ILO's fundamental principles and rights at work or of the Paris Climate Change Agreement or the Convention on Biological Diversity in the version proposed by the Commission in the TSD process.
- The German Government will support and promote the activities of international organisations and forums that make a particular contribution to 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 ILO, the OECD and the Council of Europe, as well as to the

- German Government's involvement in the G7 and G20. The German Government will – in accordance with the pledge made by all the G7 countries during Germany's Presidency of the G7 in 2022 – contribute constructively to talks at the UN and ILO levels in order to explore ideas and options, in close liaison with all the relevant stakeholders, for a legally binding international instrument on CSR in value chains. The hope is to achieve the most consistent possible implementation of international human rights, environmental and labour standards throughout global supply and value chains by means of a combination of binding and non-binding measures.
- In the interests of eliminating child labour, the German Government contributes to the ILO's 8.7 Accelerator Lab multi-partner fund. That funding helps both at the national level in the Democratic Republic of the Congo (primarily in the mining sector) and at the global level to combat the causes of child labour in supply chains and prevent future occurrences through, for example, the ILO Child Labour Platform. The current measures are to be implemented by 2023.
 - The German Government will advance the effective implementation of the OECD Guidelines for Multinational Enterprises. Through its National Contact Point for the OECD Guidelines, it will continue to provide a mediation and arbitration procedure for grievances regarding the application of the guidelines in specific cases, thereby helping to ensure compliance with them. The German Government is actively campaigning for the guidelines to be updated on the basis of the Stocktaking Report.
 - The German Government supports the rights to a healthy environment, social security and an adequate standard of living through socio-environmental economic transformation programmes aiming to make the global economy more environmentally friendly and fairer.
 - The German Government supports equality for women in the economy by providing empowerment and training for female entrepreneurs. Moreover, the German Government will place a stronger focus on the subject of caring duties – to ensure the fair division of unpaid care work, enable women to play an equal role in the economy and reinforce the formal care sector.

14. 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), the UN's second plan for a society that serves all age groups. It will actively contribute to the revision of the UNECE Regional Implementation Strategy (RIS) as agreed at the Ministerial Conference of the UN Economic Commission for Europe (UNECE) on 17 June 2022. Better enforcement of the rights of older people is to play a key role here. That means continued support for the UNECE Standing Working Group on Ageing (SWGA), among other things, not least through active collaboration within the UNECE Bureau.
- Germany cooperates actively in the Open-ended Working Group on Ageing (OEWGA) and joined an informal, transregional core group in spring 2022 which will compose a draft of a formal decision regarding a sub-working group by April 2023, to enable the OEWGA to fulfil its mandate to identify possible gaps in the international human rights framework and decide on instruments with which these might be eliminated.
- People with dementia and their families require special support to ensure that they remain able to participate in society and that proper care and assistance, particularly in their own homes, is provided. The COVID-19 pandemic made this unavoidably clear. The German Government's National Dementia Strategy contains an extensive collection of more than 160 measures which are to be put into practice in collaboration with all stakeholders by 2026. There is a particular focus on establishing and expanding support networks like local alliances for people with dementia, raising public awareness of dementia, opening up sporting, educational and cultural facilities to people with dementia and their families, and supporting family caregivers.

Combating human rights violations

15. Combating racism, antisemitism, Islamophobia, antigypsyism and other forms of group-based hostility

- Within the framework of the multiannual research project on racism as a threat to social cohesion in the context of selected socio-institutional areas, academics from the Research Institute for Social Cohesion (*Forschungsinstitut Gesellschaftlicher Zusammenhalt*, FGZ) will be examining racism in community and state institutions until the end of 2024. It is hoped that the research findings will provide insights into effective interventions with which institutional racism – embedded, for example, in modes of operation, rules of procedure, routines and processes – can be identified, dismantled and, above all, prevented.

- By the end of 2023, the German Government will draw up an interministerial strategy for a strong, resilient democracy, an open, diverse society and efforts to combat extremism. The strategy, not least through collaboration with the *Länder*, local authorities and civil society, is intended to strengthen democracy and social cohesion as they relate to the fight against current extremism threats.
- NaDiRa, Germany's national discrimination and racism monitor, examines the causes, prevalence and consequences of racism in Germany. Through this work, the German Centre for Integration and Migration Research (DeZIM) intends to record developments and trends in relation to racism in Germany. Key components of the monitor are surveys of the general population and of people (potentially) affected by racism as well as qualitative investigations of institutional contexts. To shine a light on developments and trends on a continuous basis, regular reports are to be published from 2023 onwards.
- 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), 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 continues to press for the acceptance, dissemination and application of the working definitions of antisemitism and antigypsyism adopted by the International Holocaust Remembrance Alliance (IHRA).
- The German Government is drafting a national strategy to combat antisemitism and foster Jewish life, in which the fight against antisemitism is conceived of as a cross-cutting task common to all areas and levels of policy-making in a holistic, integrated approach. The strategy can be used by public and private, state and civil-society players as a tool to design and review measures. Most particularly, it systematically includes the perspectives of the people affected.
- The German Government works closely with the EU Coordinator on combating antisemitism and fostering Jewish life and will advance the examination, prevention and combating of antisemitism also within the framework of the European Conference on Antisemitism, established by the Vienna Declaration against Antisemitism in May 2022.
- The Independent Group of Experts on Islamophobia (*Unabhängiger Expertenkreis Muslimfeindlichkeit*), set up by the Federal Ministry of the Interior and Community and operating since autumn 2020, analyses current and mutating manifestations of Islamophobia – including ways in which they overlap with antisemitic attitudes and other forms of group-based hostility. Its work will also consider the dividing line between permissible religious criticism and Islamophobia as a form of group-based hostility. It is planned that the group of experts will present its report, with analyses relating to Islamophobia and recommendations for prevention and counteraction, to the Federal Ministry of the Interior for the German Government in 2023.
- The German Government will examine possible ways to reinforce effective legal instruments in the fight against antigypsyism.

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 for its worldwide abolition. It was to this end that it held the 8th World Congress against the Death Penalty in Berlin in November 2022. Through this advocacy, it will help further 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.

17. *Combating torture and enforced or involuntary disappearance*

- The German Government will continue to promote torture prevention and treatment for victims of torture by providing financial support for national and international programmes and projects. 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.
- Together with the European Commission and the EU member states in the Global Alliance for Torture-Free Trade, the German Government campaigns 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. It is also represented in the international group of experts which checks the feasibility and scope of common international standards.

18. *Combating human trafficking*

- The German Government will continue to cooperate actively with civil society to combat human trafficking. Alongside its regular funding for the 2022-2024 funding period, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is providing KOK, the German NGO Network against Trafficking In Human Beings, with additional financial support in 2022 for a project dedicated to lasting protection for refugees from Ukraine.
- Support for ECPAT Germany to prevent the trafficking of children is being continued until 2024.
- The National Council on Combating Sexual Violence Against Children and Young People will look into the following topics: identification of minors who have been victims of human trafficking and providing them with specific assistance; protection from sexual

exploitation via digital media; and education and support in cases of organised and ritualised violence.

- The German Government will establish, by 1 November 2022, an independent national reporting office on human trafficking, particularly in the interests of implementing the Council of Europe Convention.
- The German Government will continue to champion the fight against human trafficking in international forums, e.g. by actively

participating in the current evaluation and potential amendment of the EU Directive on preventing and combating trafficking in human beings (2011/36/EU) in the context of the third evaluation round being conducted by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) and in the review process of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to the UN Convention against Transnational Organized Crime, as well as through relevant resolutions in the UN Human Rights Council.

19. Opposing discrimination against people with disabilities

- The German Government will tackle the inclusion projects set out in its Coalition Agreement for the 20th legislative term, with a special focus on accessibility, in order to advance the cause of an inclusive society. Germany is to become accessible in all areas of public and private life, especially in terms of mobility, accommodation, health and the digital arena. Particular measures being undertaken to achieve this are the revision of the Equality for Persons with Disabilities Act (*Behindertengleichstellungsgesetz*), the ongoing development of the Accessibility Reinforcement Act (*Barrierefreiheitsstärkungsgesetz*) and the launch of the federal accessibility initiative *Bundesinitiative Barrierefrei*. The latter is intended to bring the support activities and legislative measures of all government departments under one roof in order to tackle the subject of accessibility in a coordinated, effective and visible manner. The process is also to involve the associations for people with disabilities, the *Länder* and relevant experts.
- A legislative procedure is planned to advance the integration of people with disabilities into the labour market. The law is to comprise measures to get more people with disabilities into regular work – such as introducing a fourth level to the compensatory levy payable by employers who, despite their statutory obligations, employ no-one with severe disabilities – as well as measures to keep people with health impairments in work. Following the conclusion of the research project on the remuneration system for people with disabilities working in sheltered workshops in mid-2023, the remuneration system is to be reformed and the services provided by the workshops are to be tailored more towards integrating people into the mainstream labour market.
- The Coalition Agreement for the 20th legislative term records the intention to create the requisite legal basis for putting into practice inclusive support services for children and young people. The aim is for child and youth welfare services to be made responsible for

providing children and adolescents with integration support irrespective of whether they have disabilities (what is known as the “inclusive approach”). Until now, children and adolescents with physical, mental or sensory disabilities have come under the remit of providers of integration support under Part 2 of Book IX of the Social Code, child and youth welfare for children and adolescents with educational needs or psychological disabilities. When the inclusive approach is put into practice, the decision as to which provider is responsible for a young person will no longer depend on whether or not they have a disability, nor on the type of disability.

- At the international level, the German Government will champion additional accessions to the UN Convention on the Rights of Persons with Disabilities 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 and development cooperation around the world. In addition, it will undertake targeted assessments on how humanitarian assistance organisations can make people with disabilities and their particular needs a part of 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.

- At the end of the second Global Disability Summit in 2022, the German Government announced that Germany would host the next Global Disability Summit together with Jordan and the International Disability Alliance in 2025. This is the largest international conference on the inclusion of people with disabilities.

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 and peace activists

- 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, as well as in international forums, 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 players and in coordination with European partners.
- 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 as well as the work of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).
- 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 and access their human rights as well as supporting them by means of 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.
- As part of its efforts to advance human rights, the German Government will continue to support the Global Initiative against Transnational Organized Crime and the associated Resilience Fund. The fund supports human rights defenders working in violent and criminal contexts.
- Within the framework of the Elisabeth Selbert Initiative, the German Government will enable at-risk human rights defenders to stay temporarily in Germany or within their region of origin, where they can continue their activities at a host organisation. It will expand the initiative.



Anti-war protest in Naples, Italy. Demonstrators calling for an immediate end to the war in Ukraine (2022)

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21. Strengthening European and international instruments, bodies and monitoring agencies as well as 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. If Germany is re-elected, as it hopes to be, to the Human Rights Council for 2023-2025, it will use that position to pursue those objectives. The German Government involves itself comprehensively in the questioning of states as part of the Universal Periodic Review (UPR) process and will undergo the process itself in 2023.
- 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 consider proposing its own candidates for positions on those bodies.

- The German Government will counter the growing pressure on human rights worldwide through its resolute political support for the OHCHR and the independence of that body. It will shore up this independence by making substantial voluntary contributions.
- 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. To that end, it advocates for human rights obligations to be upheld by all member states of the Council of Europe, for the European Court of Human Rights to be strengthened and for its judgments to be implemented in all member states. The German Government is campaigning more strongly among the Council of Europe member states for ratification and implementation of the Istanbul Convention on preventing and combating violence against women and domestic violence. The German Government moreover expressly advocates for the EU to ratify the Istanbul Convention in the interests of strong and harmonised protection from violence across Europe.
- The German Government will continue to assume responsibility within the 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 protecting the independent institutions of the OSCE as well as several priority areas: defending media freedom and freedom of opinion, strengthening civil society and human rights defenders, strengthening tolerance and non-discrimination, and advancing democracy and the rule of law. It will furthermore continue to fund and support election-observation missions from the OSCE Office for Democratic Institutions and Human Rights.
- 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 rights-based approach in EU development policy. The German Government is pushing for the EU to accede to the European Convention on Human Rights as well as the Istanbul Convention. In addition, the German Government collaborates closely with the European Union Agency for Fundamental Rights to cement the implementation of the EU Charter of Fundamental Rights and make it more widely known.
- The German Government will continue to bolster the International Criminal Court (ICC) with funding and personnel, advocate both within the framework of the EU and at the bilateral level for the universality and integrity of the Rome Statute of the ICC, and campaign worldwide for accession to the statute. It will concern itself with the effective implementation of the recommendations made at the ICC's Review Conference in Kampala.
- The German Government will continue to support the work of the German Institute for Human Rights and ensure that the Institute is better equipped. It will also keep working to strengthen other independent national

human rights institutions and propose the relevant resolution to the Third Committee of the UN General Assembly.

- Within the UN system, the German Government will advocate for more detailed definition and practical implementation of the right

to development, not least in combination with the United Nations Development Programme (UNDP). 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.

Consolidating the rule of law

22. Combating impunity

- In its efforts to promote the rule of law at the international level, the German Government dedicates special attention to the fight against impunity for the most serious crimes and to the ongoing development and validity of international criminal law.
- It works to ensure that the most serious crimes against international law are brought to trial. This particularly includes comprehensive support for the International Criminal Court in The Hague, which is the most important international organisation dedicated to prosecutions for and judicial investigation of war crimes, genocide, crimes against humanity and the crime of aggression. The German Government also supports other international and hybrid courts set up to try criminal cases in a range of specific situations as well as international investigative mechanisms, which collect evidence for criminal prosecutions by domestic or international courts.
- The German Government has worked to ensure that the EU human rights sanctions regime is used consistently and in close liaison with our international partners.
- The German Government intends to expand the capacities available in Germany for proceedings under the Code of Crimes Against International Law (*Völkerstrafgesetzbuch*).

23. 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 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. This will be done 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.
- The German Government's bilateral and multilateral efforts to advance the rule of law and processes of confronting and 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 stipulations, the German Government is conducting a range of projects to advance the rule of law in partner countries through its implementing organisations. A focus will be placed in the coming years on projects that improve people's direct contact with the judiciary, such as measures to inform the public of their rights, better access to justice, or anti-corruption efforts in the justice sector.
- The German Government campaigns for security institutions in partner countries to have their capabilities and their legitimacy reinforced so that, in line with the guiding principle of human security, they can better and more independently fulfil their security function vis-à-vis the public. This also serves to ensure stronger guarantees for human rights. Over and above the training support it has to date provided to its partners to raise awareness among state security forces of human rights as well as sexual and gender-based violence, the German Government will support more measures from 2023 onwards to protect civilians in armed conflicts, e.g. in West Africa, and promote gender-sensitive approaches in the disarmament, demobilisation and reintegration of former combatants.
- 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 will set up a truth and reconciliation commission to address the persecution of Sinti and Roma in the Federal Republic. It will draw on the experience gained by partner countries like Norway,

Canada and South Africa from using truth commissions to work through injustices perpetrated by the state. The aim is to reestablish trust in the institutions of democracy

and the rule of law and put a stop to the discrimination and exclusion that persist to the present day.

24. 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 2022 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 updated in 2021, which is due to be reviewed again in 2023. The German Government will moreover maintain its support for the UN Special Rapporteur on counter-terrorism and human rights.

B

*Human rights in
Germany*

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. The “political and civil rights” they enshrine comprise 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. The key agreements on these rights are the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966 and the Convention against Torture (CAT) of 1984 at the UN level and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 4 November 1950 as well

as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 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; UNHCR and the UN Committee against Torture perform the same function for the ICCPR and the Torture Convention respectively.

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 2018. In view of the widespread interest in their implementation, this text is structured with reference to the accepted recommendations.²

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 (*Strafprozessordnung*) 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 further strengthened the National Agency for the Prevention of Torture during the reference

² An overview of those recommendations is available here: <https://www.ohchr.org/en/hr-bodies/upr/de-index> (10 October 2022).

period. For example, the federal and *Land* authorities raised the agency's budget by €100,000 from the 2020 financial year onwards. The current German Government has moreover pledged in its Coalition Agreement to enhance the funding and staffing levels of national human rights institutions, including the National Agency for the Prevention of Torture. Initial consultations on putting this point of the Coalition Agreement into practice have already taken place.

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 of the 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. 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.³ 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 (UNCRPD). A key point is to raise the status of patients' wishes and patients' autonomy – not least with explicit reference, in so far as is possible, to people who have psychological conditions.

Supervision of detention facilities (UPR recommendation 155.131)

Responsibility for supervising prisons and secure psychiatric facilities lies with the *Länder* and is assured by the *Land* ministries of justice and health or, in some *Länder*, by subordinate authorities attached to the relevant ministries. Within the framework of the Council of Europe's European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a committee is in place to scrutinise the treatment of individuals deprived of their liberty. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has the authority to visit all facilities – by appointment or unannounced – where such people are held and

to demand any information it requires to fulfil its functions. From 1 to 14 December 2020, a delegation from the CPT conducted its seventh periodic visit to the Federal Republic of Germany. The report will be published, alongside Germany's response, on the websites of the Federal Ministry of Justice and the CPT (<https://www.coe.int/en/web/cpt/germany>).

Cooperation with the National Agency for the Prevention of Torture and with the CPT has been established for some years, with the result that visits to prisons and secure psychiatric facilities can generally be conducted smoothly. However, the National Agency has expressed the

³ cf. chapter B 10 on UPR recommendations 155 and 183

complaint that the supervisory authorities are sometimes slow or reluctant to implement its recommendations.⁴

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 (UN Convention against Torture, CAT) of 10 December 1984 and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) of 20 December 2006.

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. The term of office of the German member of the committee, Professor Zimmermann from Potsdam, came to an end on 31 December 2020.

On 11 and 12 October 2021, the German Government presented its seventh periodic report under the ICCPR to the UN Human Rights Committee in Geneva. The committee not only commended the German Government for Germany's

treatment of people seeking protection as a result of the Syrian civil war but also highlighted the progress made in the area of business and human rights. The dialogue with the committee also covered a wide range of other topics.

One of these was the way the COVID-19 pandemic had been dealt with, especially in respect of people in custody, but also with regard to bans on gatherings. Additional focal points were displacement and migration and oversight of the intelligence services.

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. Since the sixth periodic report, Germany has been subject to a supplementary reporting mechanism in the form of a "list of issues prior to reporting" for the

CAT as for other instruments. This means that it provides answers to a list of questions drawn up by the Committee. The current list for Germany was adopted in the course of the 73rd meeting of the Committee against Torture. The Committee has requested that Germany respond to the list of issues by 17 May 2023.

⁴ National Agency for the Prevention of Torture, Annual Report 2021, pp. 10-11

3. *International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)*

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 Ms Lochbihler's candidacy and is in regular contact with her.

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 powers of the German state were bound by basic rights under Article 1 (3) of the Basic Law not only within German territory and that the legal basis authorising the surveillance of foreign-foreign signals in the Federal Intelligence Service Act (*BND-Gesetz*), as it currently stands, 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 stipulations that the Federal Constitutional Court set out in that decision were put into practice by the Act Amending the Federal

Intelligence Service Act to Implement the Stipulations of the Federal Constitutional Court and the Federal Administrative Court (*Gesetz zur Änderung des BND-Gesetzes zur Umsetzung der Vorgaben des Bundesverfassungsgerichts sowie des Bundesverwaltungsgerichts*) of 19 April 2021, the essential elements of which entered into force on 1 January 2022. The rules on strategic signals intelligence gathering in the Federal Intelligence Service Act were extensively overhauled, and a new supreme federal authority, the Independent Oversight Council, was created to exercise the independent legal oversight of the service's technical surveillance that the Federal Constitutional Court had called for.

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 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 subsection 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 (1a) to (1f) of the Residence Act provides for a series of measures designed to make it harder for foreigners who are enforceably required to leave the federal territory 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 62 (1), third sentence, of the Residence Act, minors and families with minors who are enforceably required to leave may be taken into custody awaiting deportation only in exceptional cases. Because of their special need for protection and the contrasting severity of the intervention, the detention of minors is as a rule disproportionate and therefore not permitted. In

its 2021-2025 Coalition Agreement, the German Government, with reference to its special humanitarian responsibility, emphatically commits itself to the principle that children and adolescents are not to be taken into custody awaiting deportation.

Only in the most extreme exceptions may minors or families with minors be taken into custody and, even then, only for the shortest time deemed appropriate with due prioritisation of children's well-being.

In such exceptional cases where it is permissible to detain minors awaiting deportation, section 62a (3) of the Residence Act stipulates that the needs of persons their age are to be taken into account and particular attention is to be paid to their situation. The separation of individual family members during detention is also to be avoided.

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

On 19 July 2022, the Act Amending the Criminal Code (Removal of Ban on Advertising Abortion) (*Gesetz zur Änderung des Strafgesetzbuches – Aufhebung des Verbots der Werbung für den Schwangerschaftsabbruch*) entered into force.⁵ The Act withdrew section 219a of the Criminal Code (*Strafgesetzbuch*), which prohibited the advertising of abortion. Concomitant amendments to the Health Products Advertising Act (*Heilmittelwerbegesetz*) ensure that advertising for abortions that are not medically indicated

will only be permitted under the strict conditions set out in that Act; misleading or repellent advertising for all kinds of abortion remains forbidden. An amendment to section 13a of the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy (*Schwangerschaftskonfliktgesetz*) expressly permits doctors, among others, to provide information on the methods, processes and costs of abortions and, in the case of medical abortions, on the medicines used.

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. More detail on this can be found in the Fourteenth Human Rights Report.

The Act on the Protection of Children with Differences in Sex Development (*Gesetz zum Schutz von Kindern mit Varianten der Geschlechtsentwicklung*) of 12 May 2021 banned the use of targeted gender-reassignment treatments on children with variants of sex development. The Act is intended to protect children's right to gender-related autonomy and simultaneously keep them from unnecessary treatments affecting their sex characteristics. The Act stipulates that parental consent for surgical interventions in their child's internal or external sex characteristics which

might result in the child's physical appearance being aligned with that of the male or female sex will suffice only if that intervention cannot be postponed until the child can make its own autonomous decision. As a matter of principle, consent for such an intervention requires authorisation from a family court. In criminal law, it is to be reaffirmed that offences should, as a matter of principle, attract more severe penalties if they are motivated by gender-related circumstances, such as transgender or intersex identity or the sexual orientation of the victim.

5 The same Act amended the Criminal Code to remove the ban on advertising abortion, the Health Products Advertising Act, the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy, the Introductory Act to the Civil Code and the Act Rehabilitating under Criminal Law Persons Convicted for Consensual Homosexual Acts after 8 May 1945 (full title in German: *Gesetz zur Änderung des Strafgesetzbuches – Aufhebung des Verbots der Werbung für den Schwangerschaftsabbruch (§ 219a StGB), zur Änderung des Heilmittelwerbegesetzes, zur Änderung des Schwangerschaftskonfliktgesetzes, zur Änderung des Einführungsgesetzes zum Strafgesetzbuch und zur Änderung des Gesetzes zur strafrechtlichen Rehabilitierung der nach dem 8. Mai 1945 wegen einvernehmlicher homosexueller Handlungen verurteilter Personen*).



Marchers in the Christopher Street Day parade in Cologne, Germany (2021)
© picture alliance / Geisler-Fotopress | Christoph Hardt/Geisler-Fotopress

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.

For people affected by extremist or terrorist attacks (those injured, victim's families, first responders, witnesses and shopkeepers whose premises became the crime scenes), Germany has a Federal Victims' Commissioner as a centralised and permanent point of contact to whom they can address their concerns at the national level.

The Commissioner assists them and, when needed, acts as a go-between in matters of practical, financial and psychosocial support.

At the European and international levels too, close dialogue and networks of ties with other countries are key to ensuring we can support people of all nationalities equally effectively in the event of a terrorist or extremist attack. The Federal Victims' Commissioner is actively involved in the EU network of centralised points of contact for victims of terrorism, which has its origins in an initiative of Germany's Presidency of the Council of the EU in the second half of 2020 and which the German side has continued to help set up and organise after the end of its Presidency. Participation in the network ensures

that those affected by an attack who are from other member states, and people from Germany affected by attacks abroad, can easily be put in touch with the short-term and long-term support available to them.

The Federal Victims' Commissioner also acts as a member of the Council of Europe Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism. The aim of the network is primarily to facilitate information-sharing about the legal standing of those affected by attacks in each of the participating countries.

Lowering the voting age to 16 years (UPR recommendation 147)

The German Government has undertaken to lower the voting age to 16 years for elections to the European Parliament and, with an amendment to the Basic Law, for elections to the German Bundestag. It has been public policy for many years that the specifics of suffrage are a matter for the Bundestag. The German Government does not introduce legislative proposals of its own in this field.

Basic Law, any amendment to it must be carried by two thirds of the Members of the Bundestag and two thirds of the votes of the Bundesrat.

The age threshold for elections to *Land* parliaments and local government is the responsibility of the *Länder*. Many *Länder* have introduced voting rights from 16 in such elections for themselves.

The question of having the right to vote from the age of 16 is currently being examined by the reform commission which was set up at the Bundestag under section 55 of the Federal Elections Act (*Bundeswahlgesetz*) and is continuing its work into the 20th electoral term. The commission adopted an interim report on 31 August 2022 and will present its findings by 30 June 2023 at the latest.

To flank the Voting Rights from 16 project and the associated public discourse, a legal expert opinion was commissioned on the subject of extending the right to vote and to stand in elections to 16 and 17-year-olds and a digital hearing with experts was held on reducing the voting age to 16 for Bundestag and European Parliament elections. Publication of the expert opinion and the records of the hearing is planned for the autumn of 2022.

To fulfil the coalition's intention, the European Elections Act (*Europawahlgesetz*) needs to be amended for the European Parliament elections, so that the estimated 1.4 million additional 16 and 17-year-old voters can already participate in the next European elections in the spring of 2024. For Bundestag elections, the Basic Law needs to be amended (Article 38 (2)), followed by the Federal Elections Act. Under Article 79 (2) of the

Transparency of the financing of political parties (UPR recommendation 148)

The German Government supports the numerous international initiatives to enhance the transparency of party financing, such as the Council of Europe's Group of States against Corruption (GRECO) and the Venice Commission run by the Council of Europe in collaboration with the OSCE. Those efforts must respect the competence of the member states and take account of the differences in their constitutions and their laws on political parties.

Germany's Basic Law obliges parties to publicly account for their assets and for the sources and use of their funds (Article 21 (1), fourth sentence, of the Basic Law). The details are governed by the Political Parties Act (*Parteiengesetz*). The President of the German Bundestag reports to the Bundestag every two years on the development of party finances and on the statements of accounts submitted by the parties. The statements of accounts can be accessed as Bundestag printed papers and on the Bundestag website. In addition, the President of the German Bundestag compiles brief annual reports on the parties' financial situations.

Under the Political Parties Act, the principle is that donations must be transparent and donors must be identifiable. Anonymous donations

are therefore only permitted up to the amount of €500 (section 25 (2) 6 of the Political Parties Act) and donations in cash or from abroad are limited to a maximum of €1000 (section 25 (1), second sentence, of the Political Parties Act). Donations within one calendar year of a total value higher than €10,000 must be recorded in the party's statement of accounts with the name and address of the donor and the total value of their donation (section 25 (3), first sentence, of the Political Parties Act). Individual donations in excess of €50,000 must in addition be separately and immediately reported to the President of the German Bundestag, who must publish the details (section 25 (3), second and third sentences, of the Political Parties Act).

The Coalition Agreement provides for a reduction to the threshold above which large individual donations to parties need to be immediately reported from €50,000 to €35,000, and to the threshold for regular reporting of donations and membership contributions from €10,000 to €7500. In addition, details of party sponsorships higher than a set threshold are to be made subject to mandatory publishing.

The environment and human rights

In its decision of 29 April 2021 (e.g. file no. BvR 2656/18), the Federal Constitutional Court ruled that the provisions of the Climate Change Act (*Klimaschutzgesetz*) of 12 December 2019 on the national climate targets and the annual emissions permissible until 2030 were incompatible with fundamental rights in that adequate

measures for the further reduction of emissions from 2031 onwards were lacking. With that judgment, the Federal Constitutional Court deemed the state's setting of targets under Article 20a of the Basic Law (protection of the natural

foundations of life) to be justiciable in principle but left the legislature with room for manoeuvre in deciding how to fulfil that protective duty.

The UN Committee on the Rights of the Child (CRC) ruled in its decision of 22 September 2021 that the Sacchi et al complaint submitted by 16 adolescents of various origins, accusing five opposing states (Argentina, Brazil, France, Germany and Turkey) of violating their rights under the Convention by failing to take adequate measures to combat climate change, was inadmissible. The committee did, in contrast to the position taken by Germany, hold that the states involved were responsible for the adverse effects of emissions originating in their territories on the children's rights – including those of children in other countries – and affirmed that the admission criteria of jurisdiction and victim status for the children were met. However, because the matter had not first been brought before the domestic courts, the committee rejected the complaint on the grounds of failure to exhaust domestic remedies.

In September 2020, six Portuguese adolescents/young adults submitted an application to the ECtHR against Germany and 32 other states Parties (all 27 member states of the EU plus Norway, Russia, Switzerland, Turkey, Ukraine and the UK). The authors of the complaint argued that their rights under the Convention were being violated by the effects of continuing climate change and that the climate policies of the states involved did not provide adequate protection. Since the authors submitted their application to the ECtHR directly without first making use of domestic legal remedies, the governments of the states against which it is directed, including the German Government, take the position in their responses that failure to exhaust domestic remedies, notwithstanding any other reasons,

already makes the application inadmissible. The ECtHR has prioritised the case, which has now been referred to the Grand Chamber.

Effects of climate change in Germany

The flood disaster in the Ahr valley in July 2021 was another clear reminder of the urgency of climate action and adaptation measures in Germany. It caused immense damage in Rhineland-Palatinate, North Rhine-Westphalia, Bavaria and Saxony. More than 180 people lost their lives, over 800 sustained injuries, many of them serious, and whole regions were destroyed. The increasing number and intensity of heatwaves likewise causes thousands of premature deaths each year in Germany: there were around 9000 in 2018, around 7000 in 2019 and around 4000 in 2020, while no significant increase in heat-related mortality was found in 2021. Added to this is the unknown number of cases of illness caused by the heat, such as dehydration, heat stroke and cardiovascular diseases. The successive extremely dry springs and summers have moreover led to vast damage to woodland and forests and major losses to harvests. In addition, such extreme weather events can result in social and psychological burdens and problems like stress, anxiety and depression.

Less obvious but no less dangerous is the climate-related increase in the danger to health caused by constant exposure to such factors as UV radiation, allergens and potentially harmful micro-organisms and algae or the spread of possible carriers of disease. In the last 20 years (2000-2020) in Germany, for example, the increased exposure to UV radiation has resulted in an 81% rise in the number of in-patient interventions for UV-related skin cancer and a 53% rise in deaths caused by skin cancer (Federal Statistical Office, April 2022).

The risks inherent in climate change especially affect vulnerable groups. The damage to health and the deaths caused by heatwaves, for instance, particularly affect elderly people and those with prior conditions. The health-related harm caused by UV radiation chiefly affects children and adolescents but also people with skin phototypes I and II, skin or eye diseases, frequent sunburn during childhood, large numbers of birthmarks, skin cancer or a family history of skin cancer, or immune systems weakened or repressed by illness or surgery, as well as people who have been taking medications that increase photosensitivity and those who regularly work outdoors.

The German Government is undertaking a large number of measures to keep the risks inherent in climate change as low as possible for people in Germany.

The German Government spreads information about the risks of climate change and publishes guidelines on, for example, dealing with hot days. It particularly targets this information towards vulnerable groups more than averagely affected by the risks of climate change and supports continuous-training measures in the social, health-care and care sectors on protecting people from the health-related effects of the climate crisis. The German Government has moreover established early-warning systems such as the heat health warning system and the UV Index.

The Federation-Länder working group on climate change and health, which facilitates regular dialogue and a coordinated approach among the various authorities, published its recommendations for heatwave action plans to protect health in 2017. The recommendations are a blueprint for local authorities to develop action plans tailored to their regions or local areas so that heat and UV-related illness and deaths can be avoided by

preventive measures. Additionally, considerations are ongoing as to whether it is necessary and possible to adopt legally binding regulations within the federal remit over and above the recommendations for action.

Building on a two-year national water dialogue among stakeholders, the German Government has drafted a National Water Strategy that is now to be coordinated and then implemented with the Länder and local authorities. The programme of action describes the measures intended to bring about security of water supplies and wastewater management as well as restoration of the natural hydrological system until 2050 and beyond.

Disaster prevention and civil-protection measures: with its Resilience Strategy, the German Government wants to strengthen the resilience and adaptability of society for dealing with disasters. The strategy contains measures to improve our understanding of disaster risks as well as the way we prevent and manage disasters.

Through its immediate-action programme for adaptation to climate change, the German Government has launched initial measures to create systematic, comprehensive and preventive adaptation policy in Germany composed of three pillars: support and skills-building, information and advice, and network-building. A key role is played here by the Zentrum KlimaAnpassung, a centre that supports local authorities and community services nationwide on the subject of adapting to the effects of climate change. The German Government also promotes the deployment of climate change adaptation managers at the local level, whose responsibilities include developing and implementing strategies for adapting to climate change. With its Climate Adaptation in Social Institutions funding programme, now established for the longer term, the German Government will

continue to support local authorities and charitable organisations in particular, as providers of funding for community services for especially vulnerable groups, in adapting to the effects of the climate crisis.

The German Government continues to update the German Adaptation Strategy, established in 2008, to reinforce preventive adaptation to climate change and develop measurable targets.

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.⁶ Professor Michael Windfuhr continues to serve as a German expert on the Committee on Economic, Social and Cultural Rights (CESCR).

Combating 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 Report on Poverty and Wealth, which was published in May 2021, confirmed that a high level of participation in the labour force makes it possible in the vast majority of cases to avoid a household income below the at-risk-of-poverty threshold. The German Government therefore sees measures of labour-market and employment policy as key building blocks of material security. 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.

To mitigate the social consequences of the COVID-19 pandemic and of the measures undertaken to combat it, the German Government simplified and expanded the claiming of basic

⁶ See also *chapter C5* below on economic, social and cultural rights in Germany's foreign and development policy.

income support and employment-promotion benefits, paid a supplementary child bonus and temporarily cut value-added tax. These steps curbed the rise in inequality. In view of the currently extreme price increases, the German Government has already agreed three comprehensive relief packages, giving households more financial leeway through tax and price-reducing measures as well as lump-sum energy subsidies. Recipients of needs-based transfer payments received relief from the German Government in the form of one-off payments and heating subsidies.

The German Government has further developed its anti-poverty policy in recent years by fostering employment opportunities in conjunction with supplementary social-security payments.

Germany continues to protect people from penury within the framework of a social-security safety net which ensures that people in need of assistance who meet the entitlement conditions receive payments to ensure their subsistence.

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 remains on families with children, especially single-parent families.

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

Following on from the child benefit, child supplement and education package in combination, where appropriate, with payments under the

safety-net systems – designed to guarantee children's minimum cost of living and enable them to participate in society – plans are being made to combine the chief part of these benefits into a basic child security benefit within the 20th legislative term, making them more easily accessible in order to reach more children.

Even before the basic child security benefit is introduced, a monthly emergency supplement paid since July 2022 is intended to improve opportunities to participate in society and prospects on the training and labour markets for children in receipt of income support or the child supplement (Emergency Subsidy and One-off Payments Act, *Sofortzuschlags- und Einmalzahlungsgesetz*).

Equality for women and men in the workplace

By means of cohesive labour-market, gender-equality and family policy, the German Government is striving for greater (near full-time) participation by women in the workforce. The German Government therefore places a focus in its work on labour-market incentives to advance the compatibility of paid work with family commitments in a way that supports the fair division of caring responsibilities between partners. These incentives include equality-oriented labour-market policy, promotion of flexible working hours and better labour-market integration for migrant women.

Nevertheless, various inequalities persist between women and men in professional life which disadvantage women and hamper their ability to secure their own livelihoods through employment. This is demonstrated not least by the wide gender pay gap that still exists. The gender pay gap denotes the discrepancy between women's and men's average gross hourly earnings. They differed by 18% in 2021.

The German Government is continuing with a holistic general 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 considered by boys and girls and encouraging a choice of career based on talent and inclination, unencumbered by gender stereotypes.

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 (*Führungspositionen-Gesetz*) has

been supplemented by the second Act of the same name (*Zweites Führungspositionen-Gesetz*), which entered into force on 12 August 2021. This corresponds to 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.

The Transparency in Wage Structures Act (*Entgelttransparenzgesetz*) prohibits direct and indirect gender-based discrimination in remuneration for equal work or work of equal value. In summer 2023, the German Government will for the second time present an evaluation of the impact achieved by the Act, which will also include recommendations for revising and updating it.

The criteria for updating the Transparency in Wage Structures Act will include the contents of the Pay Transparency Directive currently being negotiated at the EU level. Germany is campaigning for an ambitious Directive that covers the situations of as many women as possible while being low on red tape and SME-friendly.

Alongside these efforts, the German Government continues to support businesses, in line with the UPR recommendations issued by the UN Human Rights Council in 2018, in their implementation of the equal-pay rule, e.g. by providing a programme entitled *Entgeltgleichheit fördern. Unternehmen beraten, begleiten, stärken* ("Promoting equal pay – advising, supporting and strengthening businesses"). As part of the programme, the first German Equal Pay Awards were presented in March 2022 to businesses that had demonstrated special dedication to equality of pay between men and women.

It is still 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. In this context, developing nationwide daycare provision for children with opening hours aligned with parents' real needs is an essential prerequisite 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 (*Gute-KiTa-Gesetz*). More information about this assistance is provided in *chapter B 5* on the human rights of children and adolescents.

For fresh ideas on labour-market policy to advance gender equality, the German Government launched the programme of action *Gleichstellung am Arbeitsmarkt. Perspektiven schaffen* (GAPS – “Equality in the labour market. Creating prospects”) in 2022. In the fields of digitalisation in the world of work, genuine partnership in the

division of paid work and unpaid care, etc., pilot and development projects are intended to carve out innovative approaches to promote women's employment.

The German Government also supports women's entrepreneurship by, for example, raising the visibility of female-run business start-ups (e.g. through the role-model initiative of WOMEN Entrepreneurs and the *Chefin im Handwerk* road show showcasing female bosses in the skilled craft sector).

Additionally, the German Government brought about the adoption of Council Conclusions on combating the gender pay gap during its Presidency of the Council of the EU in the second half of 2020. The Council Conclusions contain various measures and policy recommendations for achieving a fair division of paid employment and unpaid care work between women and men.

Workers' rights and occupational health and safety

Within the framework of the Joint German Occupational Safety and Health Strategy, its enactors – the German Government, the *Länder* and accident-insurance funds – work to coordinate occupational health and safety goals and implement them through work programmes, continuously modernise the occupational health and safety system in Germany in line with the evolution of the world of work, and generate incentives for businesses to achieve practical improvements in protections for their employees and continue to enhance their safety and health. In the current, third, period of the strategy, there is a special focus on SMEs with up to 250 staff.

The German Government advocates that the *Länder* and accident-insurance providers inspect the implementation of health and safety regulations as intensely as possible.

With the Occupational Safety and Health Inspection Act (*Arbeitsschutzkontrollgesetz*), the Federal Ministry of Labour and Social Affairs has ensured that the *Länder* have harmonised and binding inspection quotas for the first time. The inspections are carried out by *Land* health and safety authorities. The Act stipulates that the *Länder* must fulfil the requirements by 2026. The newly established Federal Specialist Office for Occupational Safety and Health continuously observes and evaluates the minimum inspection rate enshrined in the Occupational Health and Safety

Act (*Arbeitsschutzgesetz*), thereby helping to reinforce health and safety at work. It moreover assists the German Government with its national and international reporting obligations.

Regarding the recommendation from the UN Committee on Economic, Social and Cultural Rights to review the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*), especially sections 8 and 9, please see the Fourteenth Human Rights Report, particularly in respect of the still pending decision by the Federal

Constitutional Court in the Egenberger case (file no. 2 BvR 934/19). It should also be noted that the coalition parties gave themselves the objective, in their Coalition Agreement for the 20th legislative term, both to consider alongside the churches to what extent ecclesiastical labour law can be harmonised with state labour law (preaching-related activities excepted) and to evaluate the General Equal Treatment Act, close gaps in protection, improve judicial redress and expand the scope of application.

Migration and integration on the labour market

The legal framework described in the Fourteenth Human Rights Report remains in place for the reference period: Skilled Immigration Act (*Fachkräfteeinwanderungsgesetz*), referral agreements for care workers, suspended-deportation status for training or employment. Additionally, the Cabinet adopted the draft for an Opportunity Residence Bill (*Gesetz zur Einführung eines Chancen-Aufenthaltsrechts*) on 6 July 2022 to put into practice the first of the provisions of the Coalition Agreement. Establishing the right to “opportunity residence” is intended to reduce the number of people with long-term suspended-deportation status and end the practice of successive suspensions of deportation. This one-year residence permit will give people whose deportation has been suspended an opportunity to fulfil the conditions necessary to earn the right to stay. These notably include ensuring their own subsistence and establishing their identity. To qualify for this permit, they need to have been in Germany for at least five years on 1 January 2022, declare their commitment to the liberal democratic order and have avoided committing any serious punishable offence. Alongside this, the existing regulations on the right to stay

will be adapted, tried and tested rules from the Skilled Immigration Act will be made permanent, and family reunification will be made easier for skilled workers from outside the EU in that spouses accompanying or following them will no longer be required to provide proof of language skills. People with permission to remain pending an asylum decision will in future have access to language courses straight away, depending on the availability of places.

The Integration through Qualification (IQ) programme already described in the Fourteenth Human Rights Report, under which almost 400 component projects are providing counselling, training and qualification measures to support labour-market integration for people with migrant backgrounds, remains in place. One of the programme’s priorities for action are training sessions and consultations on promoting the intercultural competence of labour-market stakeholders and SMEs in order to dismantle discrimination in the workplace (cf. UPR recommendation 155.92 from Romania and, at least in part, recommendations 155.217-220). Furthermore, the Federation is continuing until

30 September 2022 to support the labour-market integration of asylum seekers and refugees through 40 project networks under the IvAF stream of the Federal European Social Fund (ESF) Integration Directive. The IvAF networks help improve access to employment, education and training. This is achieved not only through measures targeting asylum seekers and refugees themselves (e.g. advice, qualifications, referrals to jobs or places in education or training) but also through structural measures (e.g. training sessions on the law governing the residence and employment of foreigners) for job centres and employment agencies in particular, as well as for other players who come into contact with the target group. As of October 2022, the WIR follow-up programme replaced the IvAF programme. The Fair Integration programme stream has provided all non-EU nationals with pre-emptive advice on their rights on the German labour market and on specific issues of employment law and social legislation, including how they relate to residence law, since 2018. Fair Integration thus pursues the parallel objective of protecting workers from non-EU countries from discrimination and exploitation on the labour market.

The fem.point pilot scheme, started on 15 July 2022, supports Ukrainian refugee women in Berlin with their integration into the labour market and wider society. The scheme comprises an easily accessible open point of contact/support café with childcare that offers the opportunity for individuals or groups to take advantage of advice and coaching provision.

The integration of migrant women with family responsibilities into gainful employment, particularly refugee women, remained a priority for the German Government during the reference period. The ESF-funded programme Strong in the Workplace – Migrant Mothers Get on Board (2015-2022) run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supplements the normal employment-promotion provision with advice for mothers on taking up jobs or seeking qualifications as well as supporting them on the road towards high-value occupations.

Through the Fem.OS digital pilot project (2020-2023), the Federal Government Commissioner for Migration, Refugees and Integration, simultaneously the Federal Government Commissioner for Anti-Racism, in collaboration with the Federal Employment Agency, assists women from non-EU countries with their individual, professional and social integration in Germany.⁷ The project comprises proactively providing easy-to-access advice on social media in twelve languages, not least for women who have fled Ukraine, and referring people to the advisory services of local employment agencies and job centres.

⁷ www.integrationsbeauftragte.de/ib-de/integrationsarbeit-in-den-bereichen/projektfoerderung/digitales-streetwork-von-frauen-fuer-frauen-1875976 (15 September 2022)

Care

In the course of the COVID-19 pandemic, extensive temporary measures were put in place from March 2020 onwards to safeguard care provision and protect the recipients of care services, as a particularly vulnerable group, from infection with the SARS-CoV-2 coronavirus. These measures were adapted or extended at various points as the pandemic progressed, in accordance with developments in the infection situation and the availability of tools to curb the pandemic, particularly tests and vaccines. Facilitating visits and participation in life for the residents of care facilities was and remains an important task in that context.

It simultaneously proved possible to implement or initiate important measures to improve care provision. These notably include the measures agreed under the Concerted Action for Long-term Care scheme to improve working, training and pay conditions in the care sector. Examples of these are the funding of 13,000 additional specialist jobs and 20,000 additional jobs for nursing assistants in care facilities, implementation of more than 100 measures under the *Ausbildungs-offensive Pflege* vocational training initiative for the care sector (2019-2023) to flank the new care-sector training courses introduced in 2020

and attract more trainees, the raising of existing national minimum rates of pay for care staff, payment of long-term-care staff according to collective agreements as of September 2022, and the introduction of national benchmark staffing levels for care and auxiliary staff from July 2023. 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.

In addition, there have been improvements and updates to the benefits provided to care patients under long-term-care insurance – including increases in the payments for professional support in cases of at-home care, the introduction of an entitlement to digital care applications including supplementary support provision, improvements in short-term care, and the payment of benefit increments tiered according to length of stay to limit care-related co-payments in full-time institutional care. Numerous measures were introduced to accelerate the establishment of digital technologies in long-term care.

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 to the statutory health insurance fund are based on ability to pay. Limits

on co-payments ensure that nobody is financially overwhelmed. Children and adolescents are covered without contributions and are largely exempt from co-payments.

Building on these foundations, numerous measures have further developed the healthcare system since the last Human Rights Report. Of

particular note are the Healthcare Development Act (*Gesetz zur Weiterentwicklung der Gesundheitsversorgung*), the Improvement of Healthcare and Care Provision Act (*Gesetz zur Verbesserung der Gesundheitsversorgung und Pflege*), the Digital Modernisation of Provision and Care Act (*Gesetz zur digitalen Modernisierung von Versorgung und Pflege*) and the Hospital Future Act (*Gesetz für ein Zukunftsprogramm Krankenhäuser*).

It remains the aim of these healthcare 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 continue to be important focuses of the German Government's healthcare policy.

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

If they need healthcare 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*). The rules cover the medical and dental interventions required to treat acute illness and pain, including the provision of medicines, dressings and other inputs necessary for recovery, improvement or alleviation of diseases or their effects.

For the prevention and early recognition of diseases, immunisations and medically necessary screenings are carried out. Additional services can be provided, particularly if essential to

ensure a person's health in an individual case. After the 18 months have elapsed, healthcare is normally provided in accordance with Book XII of the Social Code, which is 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, at the same level as under statutory health insurance, on a reimbursement basis (in which case mandatory participation in the statutory health insurance system is not triggered).

The Office for the Equal Treatment of EU Workers, part of the staff of the Federal Government Commissioner for Migration, Refugees and Integration and Commissioner for Anti-Racism, works alongside the Federal Association of Non-Statutory Welfare to make it easier for EU citizens to access health insurance in Germany. This is in recognition of the fact that, while EU citizens entitled to freedom of movement do have avenues open to them by which to access health insurance, those avenues sometimes are not or cannot be used. The reasons for this might lie, for example, in language barriers or ignorance of the insurance system.

Multilingual information flyers explaining six key healthcare topics in Germany in simple terms are available for EU citizens. People advising migrants from the EU are assisted by the practical *Zugang zum Gesundheitssystem* brochure on access to the healthcare system for EU citizens and nationals of other contracting parties to the EEA Agreement or Switzerland, which is currently being updated. Accompanying digital seminar series are provided for advisers.

Education (UPR recommendations 185, 186, 212, 213 and 221)

Access to education and inclusion of all in the education system are fundamental conditions for the development of our society. The right to education is enshrined in the UN Convention on the Rights of the Child, among other instruments, and is put into practice in Germany by means of free mandatory schooling. Various federal and *Land* measures help flesh out the range of childcare and education provision. The Federation and the *Länder* continue to invest substantial financial resources in improving the infrastructure for all-day education and childcare. In the 2020/2021 school year, 71% of schools providing general education already offered all-day services for pupils up to lower-secondary level. (The equivalent figure in 2002 was 16.3%.) From 2005 to 2019, this development was accompanied by StEG, a nationwide concomitant research programme with federal funding on the development of all-day schools which considers both German and international findings (www.projekt-steg.de). As of 2026, moreover, all children of primary-school age will have a legal right to all-day schooling and extracurricular provision. To translate that legal entitlement into reality, specific legal, financial and scheduling elements of implementation will be agreed with the *Länder* and local authorities. To foster high-quality cooperative all-day schooling for pupils at lower-secondary level, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany, in collaboration with the Conference of the Ministers of the *Länder* for Youth and Family Affairs, adopted recommendations in 2020 on the development and expansion of cooperative all-day schooling at lower-secondary level. Those recommendations address conceptual and structural aspects of cooperative all-day schooling, funding and the relevant legislation.

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 Ministers of Education and Cultural Affairs is in the process of compiling recommendations for schools on teaching the history and current situation of Sinti and Roma in Germany. In 2021, the Standing Conference joined the Central Council of Jews in Germany and the Joint Federal and State Commission to fight antisemitism and protect Jewish life in adopting their Joint Recommendation on Dealing with Antisemitism in Schools. The Standing Conference also updated its recommendations on teaching about Europe in schools in 2020. 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. The Federation and *Länder* also work to encourage the integration of refugee children and adolescents into schools and ensure that they are provided with schooling. As a result of Russia's war of aggression, for example, around 179,000 refugee children and adolescents from Ukraine had been found places at general and vocational schools in Germany as of 11 September 2022. There are cohesive strategies in place in the *Länder* to foster school-age refugees' integration into schools and their language learning, which are tailored to the specific local circumstances. Most *Länder* can look back on many years of experience with the initial integration in terms of school and language of immigrant children and adolescents. More recently, this refers not only to the large number of refugees but primarily to the strong influx caused by eastward enlargement of the EU. When it comes to organising schooling,

no differentiation is made between refugees and other migrant children and adolescents without German skills.

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. During the subsequent transfer stage, they will spread the initiative up to another 1000 schools that are new to the project. Over the course of ten years, a total of €125 million will be spent to augment individual successes in learning and education.

In order to safeguard educational opportunities for advancement, the Standing Conference of Ministers of Education and Cultural Affairs 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 2020, the proportion of pupils dropping out of school early fell from 8% to 5.9%.

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. The start of the initiative at the beginning of the 2021/2022 school year marked the beginning of co-constructive work with the 200 schools involved to develop strategies and concepts, with continuous formative evaluation,

until the end of the first phase in 2025. A total of €125 million is being made available for the lifetime of the project up to 2030.

To considerably help those who had fallen behind in their school work and mitigate the psychosocial effects of school closures caused by the COVID-19 pandemic, the Federation and *Länder* ran a post-COVID catch-up programme for children and young people in 2021 and 2022. The programme has a total budget of €2 billion.

In the course of the COVID-19 pandemic, the federal and *Land* levels also agreed to add to the Digital Pact for Schools, which, in line with the digitalisation strategies in place for the education sector, provides for investment in educational digital infrastructure and improvements to digital education. The three supplementary agreements will see pupils and teachers equipped with devices and technical administrators provided with support. The Digital Pact for Schools has federal funding of €6.5 billion. The *Länder* will add at least 10% of that sum to help finance the federal investments and will contribute further funds for measures of their own.

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. Extensive provision in federal-funded cultural institutions and project funding from the Federal Government Commissioner for Culture and the Media also serve to improve 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.

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. More detail on access to education for migrants can be found in *chapter B 8*.

While the proportion of Germans starting vocational training under Germany's dual system shrank by almost nine percentage points between 2011 and 2020, the 2022 Report on Vocational Education and Training found that the proportion of foreigners taking up vocational training courses remained almost unchanged over the same period. As a result of the COVID-19 pandemic, the proportions of both Germans and others starting vocational training fell significantly in 2020 compared to the previous year.

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 KAUSA Coordinating Offices for Vocational Training and Migration in the *Länder* inform young migrants and refugees and their parents

about Germany's dual system of vocational training and help them in their search for suitable apprenticeships.

One example of the assistance offered to immigrants who have passed the age of compulsory schooling and want to enter vocational training is the Career Orientation for Refugees (BOF) programme funded by the Federal Ministry of Education and Research, which makes it easier particularly for women with family commitments to take up vocational training by offering childcare and the option of going part-time.

Prospective students can access special help to learn 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 education in all *Länder* irrespective of their 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.

Housing

The availability of accommodation that is suitable for people's needs, accessible and affordable, as well as environmentally and climate friendly, is a pivotal social issue and a key challenge for social cohesion. The German Government has therefore undertaken to make housing affordable to build and live in.

To achieve the target enshrined in the Coalition Agreement of 400,000 new homes to be built each year, 100,000 of them with public subsidies, the German Government set up the Alliance for Affordable Housing, whose 35 members collaborate to that end. The aim of the alliance is to generate proposals for a package of measures to create the conditions for the required campaign of building, investment and innovation.

For investments in the field of social housing, the relevant *Länder* will receive a record €14.5 billion in federal financial assistance from 2022 to 2026. This reflects the recommendation in paragraph 55 (a) and (b) of the CESCR's Concluding Observations from 2018. Housing benefit has been enhanced in scope and amount by the most recent housing-benefit reform. The CO₂ housing-benefit component channels relief to lower-income households in the context of carbon pricing as heating costs rise. As of 2022, housing benefit is adjusted every two years in line with the general trend in rent and income levels.

Recipients of housing benefit have had support with the steep rises in energy prices in the form of two heating subsidies for 2021 and 2022. A major housing-benefit reform is planned for 2023 which will significantly expand the number of households eligible for it to two million and will comprise a permanent heating-costs element as well as the climate element set out in the Coalition Agreement.

For people in receipt of basic income support for jobseekers under Book II of the Social Code or of social welfare under Book XII of the Social Code, housing and heating costs are taken into account as needs. They are paid by the competent local provider at the level of the actual expenditure, if it is deemed reasonable. Whether the scale of expenditure is reasonable is determined according to the specificities of each individual case. For the purposes of overcoming the COVID-19 pandemic, it was initially ruled, as part of the arrangements for simplified access, that housing and heating costs would be recognised as needs at the level of the actual expenditure for authorisation periods beginning between 1 March 2020 and 30 June 2020. The rules for simplified access will remain in effect until 31 December 2022. After that, the citizen's income system is to enter into force.

Previously, no valid statistical data were available as to the number of homeless people in Germany. Under the Homelessness Reports Act (*Wohnungslosenberichterstattungsgesetz*), which came into force in April 2020, the Federal Statistical Office began in January 2022 to collate annual data on homeless people living in public or publicly funded accommodation. 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 assist the fight against homelessness.

Just Transition

Climate action means making changes. The way we do business, our consumption habits and many areas of private life are affected by these processes of change. This places great demands on everyone – on businesses, workers and civil society. It is important that this transition be guided by fairness. That is why the German Government is committed to actively shaping the effects on the labour market and the demands on businesses, workers and the wider public that this socio-environmental transition will entail.

The German Government also endorses the G7 Roadmap towards Safe and Healthy Work in a Green Economy and underscores the importance of close cooperation with representatives of management and labour. It moreover emphasises the value of social protection and reaffirms its eagerness to accelerate progress towards universal, adequate, adaptable, shock-absorbing and inclusive social security for all members of society by 2030.

To achieve the above objectives, the German Government is updating its Skilled Labour Strategy, particularly in respect of the increasingly necessary adaptation to advancing climate change. In so doing, the German Government

supports the efforts of businesses and labour-market players to remain able to cover their altered but still high staffing requirements in future and to foster employability even in times of structural change.

The German Government continues to implement its National Skills Strategy in order to make Germany truly a land of continuing education and training. This has meant a considerable expansion of support for mid-career training, especially for employees, and the introduction of a legal right for employees to go back and gain vocational qualifications they missed out on. Additionally, access to mid-career training is to be made more inclusive to facilitate a fairer transition.

Alongside this, the German Government is assuring that the phasing out of coal is flanked by the necessary social measures. Until 2038, financial assistance will go to the *Länder* and local authorities affected for particularly meaningful investment. The federal level is furthermore supporting the regions through such measures as expanding research and funding programmes, broadening transport-infrastructure projects and establishing federal institutions in various locations.

Greenhouse gases

The climate crisis is the greatest threat to humanity and to our planet. In signing up to the Paris Climate Change Agreement, Germany committed itself to ambitious climate action together with the international community. Germany has pledged to align its climate policy with the aim of meeting the 1.5-degree target.

After the Federal Constitutional Court published an order on climate action in March 2021, the German Bundestag revised the Federal Climate Change Act (*Bundes-Klimaschutzgesetz*) in June 2021. The Act now makes it a legally binding requirement to reduce greenhouse gas emissions by at least 65% (not 55%, as previously) compared to 1990 levels by 2030 and by at least 88% by

2040. The goal of net greenhouse gas neutrality is now to be reached by 2045 rather than 2050. Ambitious annual emission budgets for the various sectors of the economy were also set for the time until 2030. Given the targets set in the Federal Climate Change Act, the speed of emission reductions needs to be more than doubled in the coming years in relation to the status quo and then almost tripled by 2030. To close that gap, the German Government is currently drawing up an Immediate Climate Action Programme to be concluded in various stages, with all the requisite laws, ordinances and measures, by the end of 2022. The first measures and legislation, primarily to accelerate the expansion of renewable energy, have already been adopted by the legislature.



Walk of G!rls demonstration in Frankfurt, Germany, to mark the UN Day of the Girl Child (2022)
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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).

The 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.

Germany's current periodic report, in its German version, was adopted by the Federal Cabinet on 19 May 2021, and the English translation was

forwarded to the CEDAW Committee in Geneva. The basis of this ninth periodic report is the list of issues and questions prior to reporting transmitted by the CEDAW Committee in March 2020. As part of the process of creating the ninth periodic report, the dialogue with civil society has been continued. The presentation of the ninth periodic report before the CEDAW Committee in Geneva is planned for the second half of 2023. In 2022, on the basis of a procedure involving wide participation of civil society, Germany nominated a candidate for the elections to the CEDAW Committee. She narrowly missed being elected onto the Committee.

To further raise awareness in Germany of the Convention and of the CEDAW Committee's General Recommendations and to reinforce their direct relevance and application, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth updated and expanded its CEDAW brochure, publishing it as a handbook on

the Convention. The handbook provides German translations of all the more recent General Recommendations from the CEDAW Committee. The printed version and a fully accessible online version of the handbook are made available nationwide by the Ministry free of charge.

National policy mechanisms for gender equality: implementing UPR and CEDAW recommendations (UPR recommendations 35, 43, 48, 49 and 50)

In the reference period, the German Government further coordinated the structural instruments of gender equality policy into an effective mechanism, and it intends to reinforce this mechanism with additional elements.

As envisaged in the Action Plan for Human Rights, the German Government established a Federal Equality Foundation in June 2021. Its intended purpose is to lend sustained momentum to the national policy mechanism for gender equality and to accelerate progress towards gender equality. The Federal Foundation will provide information, develop ideas and empower citizens, local authorities, associations and businesses. It will become an open forum in which people can meet, share and network and so ensure that gender equality is jointly advanced by many committed individuals.

The Federal Equality Foundation will also provide the administrative centre for the German Government's gender equality reports. The Fourth Gender Equality Report will review the state of progress towards gender equality.

The focus of the Third Gender Equality Report, for its part, was the specific 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 opportunities to fulfil their potential. The report was adopted by the Federal Cabinet in June 2021 and provides inspiration for the gender dimension of the political effort to shape the digital transition of our economy and society.

The recommendations from the Gender Equality Report are taken into account whenever the interdepartmental gender equality strategy is updated. In the interdepartmental gender equality strategy, the German Government pools all the contributions of the individual federal ministries in the field of gender equality with a view to speeding up the removal of structural barriers to gender equality. The cooperation between government ministries ensures coverage of the entire thematic spectrum of gender equality policy. In 2020, the German Government presented its first strategy, and in July 2021 it surveyed the implementation status of the various measures. The fact that most of the measures set out in the strategy are being or have been implemented represents progress towards gender equality.

The federal ministries are required to promote gender equality "in all political, legislative and administrative measures taken by the federal ministries in their respective spheres of competence". Legislative bills must contain a

presentation of “the main effects of the act” – which include its impact on gender equality. To this end, the guide to equality-based legislative impact assessments in accordance with Rule 2 of the Joint Rules of Procedure of the Federal Ministries was updated during the reference period. The guide forms the nucleus of the gender equality check prescribed in the Coalition Agreement.

Combating sexism (UPR recommendations 36, 45 and 47)

One of the missions assigned by the Coalition Agreement is the creation of a strong, vibrant and effective alliance against sexism, to which end new partners from all spheres of business and society are to be encouraged to sign up to the joint declaration and existing partnerships are to be expanded.

Promotion of women in leading political positions

(UPR recommendations 37, 38, 39, 40, 41, 42, 46, 51, 68, 69, 70, 71, 74, 75 and 76)

With a project entitled *Aktionsprogramm Kommune – Frauen in die Politik!* (“Action programme for local government – women into politics!”), the German Government is taking practical steps to increase the percentage of women on municipal representative bodies and to increase the percentage of full-time and honorary mayoresses and female members of county councils. This aim is pursued through regional and nationwide activities designed to motivate and empower women and promote networking among them. Through specific advisory facilities and supraregional experience-sharing, the action programme is intended to improve the conditions for women’s involvement in local politics. The fact is that women are particularly under-represented in local politics, which is regarded as the bedrock of democracy. About

The foregoing instruments – the gender equality strategy, the gender equality reports, the Federal Equality Foundation and the gender equality check – collectively form a mechanism that may be described as a control cycle.

What is important is cooperation on equal terms with all partner organisations. The principle of intersectionality will be taken into account at all times.

27% of the members of municipal assemblies are women. Men are in the top post in more than 90% of town halls.

The body executing the project *Aktionsprogramm Kommune – Frauen in die Politik!* is EAF Berlin, working in cooperation with the German Countrywomen Association (*Deutscher LandFrauenverband*). It is supported with funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The Association of German Cities operates jointly with the other two national associations of local authorities and with the German Federation of Municipal Offices of Women’s Affairs and Gender Equality Agencies (*Bundesarbeitsgemeinschaft der kommunalen Frauenbüros und*

Gleichstellungsstellen). The action programme is being implemented in two rounds, each of them covering ten selected regions.

The same ministry is also supporting the Helene Weber College, the only nationwide non-partisan platform for women politicians in local government. In this support project, executed by EAF Berlin, modules and formats are developed to assist women in entering local politics and in their development as local politicians.

The Helene Weber Prize honours voluntary elected female politicians in local government who have distinguished themselves through outstanding commitment. Since the prize was first awarded in 2009, it has been presented to a total of 65 women in local politics for their efforts in the political arena, in civil society, in promoting women's causes and gender equality, in encouraging newcomers to engage in local politics and in fostering diversity within that sphere as well as for their example as role models for prospective local female politicians. The network of Helene Weber prizewinners is another important component of the Helene Weber College.

Integration and protection of immigrant women and girls (UPR recommendations 223, 224, 234, 239 and 248)

In the reference period of the present report, the German Government continued to provide many kinds of support for easy-access measures to boost the empowerment and integration of women and girls with migrant backgrounds not only in the labour market but in society more generally.

The beginning of 2019 saw the start of the second funding phase of the programme Strong in the Workplace – Migrant Mothers Get on Board (2015 to 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. A total of 18,000 mothers with migrant backgrounds have taken part in the programme – one in four of them refugees. The Strong in the

Workplace programme is being continued with federal funding until the end of 2022; see www.starkimberuf.de and *chapter B 8*.

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.

The German Government also supports projects to empower women refugees and other particularly vulnerable groups nationwide. As well as providing information and a source of psychosocial stability, these projects are focused on boosting the women's self-confidence.

For example, the aim of *MUT II – informiert. digital.vernetzt* (“informed.digital.networked”), a project supported by the Integration Commissioner and implemented by DaMigra, the umbrella association of migrant women’s organisations, is to smooth the path to training and vocational integration for women and girls with refugee and migrant backgrounds.

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. An additional priority is to propagate an outlook that values gender justice 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.

As indicated in the Fourteenth Human Rights Report, measures to foster integration and gender equality also include the continued funding of DaMigra, the umbrella association with over 70 member organisations for women migrants. One of the umbrella organisation’s chief aims is to advance the legal, political and social equality of female migrants and refugees. The German Government-supported DaMigra project *Frauen* mit Migrations- und Fluchtgeschichte zwischen Mehrfachdiskriminierung und Selbstbestimmungsrecht #selbstbestimmt!* (“Women with migrant and refugee backgrounds between multiple discrimination and autonomy”), running from 2019 to 2022, has three main focal points: multiple discrimination and public relations activity,

women’s right to autonomy, and multiple discrimination and autonomy – empowerment of women with migrant and refugee backgrounds and professionalisation of women migrants’ self-help organisations.

In the reference period, the German Government continued to strengthen the protection of women, children and other vulnerable people in reception facilities and communal accommodation; to this end, it continued to pursue the Federal Initiative to Protect Refugees and Migrants in Refugee Accommodation Centres, which it has been implementing jointly with UNICEF and a broad alliance of partners since 2016 (see *chapters B 5 and B 8* below). Since 2019, as part of this initiative, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been supporting disseminators specialising in protection against violence in a project entitled *Dezentrale Beratungs- und Unterstützungsstrukturen für Gewaltschutz in Flüchtlingsunterkünften* (“Decentralised advisory and support structures for protection against violence in refugee accommodation centres”). These multipliers assist *Länder* and local authorities as well as operators of reception facilities and communal accommodation centres nationwide in developing and implementing strategies for protection against violence locally. They help with the establishment of local network structures and organise awareness-raising and continuing training measures for staff.

In addition, a *Servicestelle Gewaltschutz* (“Service centre for protection against violence”) assists the *Länder* and local authorities responsible for migrant reception and accommodation as well as other bodies by coordinating training courses on the implementation of the Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres (fourth edition, 2021) on the basis of the Global

Education Strategy developed by UNICEF. These minimum standards serve as guidelines for the development, implementation and monitoring of protection strategies for specific accommodation facilities.

Until the end of 2022, moreover, funding is being provided for a project implemented by the German Centre for Integration and Migration

Research (DeZIM) to equip up to eight *Länder* with a developed digital monitoring tool for protection from violence. With the aid of the monitor, bodies responsible for accommodation centres will be able to keep a constant watch on safety measures against violence and so fully assess and continually improve those measures.

Violence against women and girls (UPR recommendations 123, 127, 192, 193, 195 and 197)

By ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as the Istanbul Convention), Germany has incurred an obligation to do everything possible, at every tier of government, to combat violence against women and domestic violence, to protect and support victims and to prevent violence. This obligation is equally binding on the Federation, the *Länder* and local authorities. Under the federal system, the *Länder* are responsible in principle for establishing, developing and funding the aid and support system for women affected by violence. The Federation can only act within the limits of its constitutional powers.

In the present legislative term, the new Federal Government has also set itself the ambitious aim of achieving breakthroughs in the protection of women against violence and in the national implementation of the Istanbul Convention.

One part of this effort will be the establishment of an independent reporting agency. To this end, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has, since February 2020, been supporting a project at the German Institute for Human Rights (DIMR), that aims to devise a blueprint for independent reporting

agencies on gender-based violence and human trafficking. There are also projects for the creation of a governmental coordinating agency for the prevention and suppression of gender-based violence against women and domestic violence as well as for the development of an interdepartmental general anti-violence policy strategy centred on the prevention of violence and on victims' rights. These projects take account of the needs of vulnerable groups, such as women with disabilities, women migrants and refugees and LGBTIQ+ people. Consultations on details of the implementation and timing of the two projects are still ongoing. The first task of the coordinating agency will be to develop the general strategy. In addition, an undertaking was made in the Coalition Agreement to introduce a uniform nationwide legal framework for protection against violence. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently formulating core principles for intragovernmental coordination of the next moves.

One of the measures taken to provide the *Länder* with even more effective support in the establishment of a network of aid services covering as much of their territory as possible has been the creation of the federal funding programme *Gemeinsam gegen Gewalt an Frauen* ("Ending

Violence against Women Together”). To achieve this goal, the programme is based on two strands. The first is the federal innovation programme, to which funds are allocated for innovative projects with a view to reaching all women affected by violence and their children and providing appropriate support for each target group. The second is the federal investment programme, which funds building work to increase capacity and to improve access to women’s refuges and specialised counselling centres. A total of €150 million is earmarked for the investment strand for the period up to 2024. The 2022 budget makes a final allocation of €5 million to the non-investment strand of the programme, the same amount having been allocated in each of the years from 2019 to 2021. The German Government, however, will continue in future, as it has done in the past, to initiate and fund measures relating to the issue of violence against women within the scope of federal funding powers. One of its priorities in this respect will be the continued effective implementation of the Istanbul Convention.

To this end, important working groups and other discussion formats will also be maintained. The Federation-*Länder* working group on domestic violence facilitates interdisciplinary dialogue among specialists and assists in managing and coordinating measures within Germany’s federal system.

The Ending Violence against Women Together roundtable, along with its workshops, has proved to be an important forum for constructive deliberations and is continuing its activity in the present legislative term. At the roundtable, the federal, *Land* 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 that they have financial security for their work.

Female genital mutilation (UPR recommendations 193 and 194)

The working group on eradicating female genital mutilation (FGM) in Germany comprises 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. Its aim is to develop measures designed to eradicate FGM.

Together with the members of the working group, the German Government has drafted and published a Letter of Protection as a measure against FGM. It serves as a means of education and as protection against FGM for women and girls travelling to their countries of origin. It has been translated into 16 languages and can be ordered free of charge.⁸ From September to December 2021, the German Government supported a project for the nationwide training of

8 <https://www.bmfsfj.de/resource/blob/182502/1b76ca756eb504fa49d4f2bdcfcee46e/schutzbrief-gegen-weibliche-genitalverstuemmelung-englisch-data.pdf> (29 November 2022)

interdisciplinary experts on the Letter of Protection on raising awareness of and utilising the Letter of Protection.

From April 2021 to December 2022, the German Government is supporting the project *Prävention und Hilfen bei weiblicher Genitalverstümmelung in Mitteldeutschland* (“FGM prevention and aid in FGM cases in Central Germany”), implemented by the SAIDA association as part of the Ending Violence against Women Together federal innovation programme. The measure is an innovative pilot project designed to ensure better and

comprehensive care of victims of FGM and protection of endangered girls in areas that do not yet have specialised counselling and care structures with the aid of a new counselling approach, namely the use of a mobile counselling team. The objective of the federal innovation programme, which will run until the end of 2022, is to develop and implement, by means of innovative practice-based models and upskilling measures, new strategies to close gaps in the support system. In this way it helps to implement the Istanbul Convention of the Council of Europe.

Protection for people engaged in prostitution

For information on the Prostitute Protection Act (*Prostituiertenschutzgesetz*), which entered into force on 1 July 2017, please see the Fourteenth Human Rights Report. The statutory evaluation of the effects of the Act began on 1 July 2022. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has commissioned the Lower Saxony Criminological Research Institute to evaluate the Act on a scientific basis. As prescribed, the Ministry will present the evaluation report to the Bundestag by 1 July 2025.

To assist the *Länder* in implementing the Prostitute Protection Act, the Ministry has, since 1 August 2021, invested some €3 million in a total of five projects focused on the provision of counselling on exiting prostitution. All of the projects have a term of three years. Their aim is to open up realistic and sustainable prospects for people to earn their living independently away from prostitution.

At various locations in Germany, the five federal pilot projects are testing new ways in which better and sustained assistance can be given

to people engaged in prostitution to switch to a different occupation. In these five projects, individuals who want to quit prostitution receive individual and continuous counselling and support services. Most of the projects offer vocational training measures, and all of them provide contextualised assistance with the aim of removing obstacles to employment in the mainstream labour market. The aim is to develop, test, review and hone methods and frameworks for exit counselling that can be used nationwide by the *Länder* to establish and promote counselling centres for people wishing to switch away from prostitution.

Sexual and reproductive health and rights (UPR recommendation 81)

The German Government attaches great importance to the enforcement of sexual and reproductive rights. For this reason, the Coalition Agreement enshrines measures to promote sexual rights and reproductive health which the German Government will pursue vigorously. It is planned to appoint a commission on reproductive autonomy and reproductive medicine that will examine regulations on pregnancy termination outside the German Criminal Code as well as options for the legalisation of egg donation and altruistic surrogate maternity.

On 24 June 2022, the Bundestag adopted the Act Amending the Criminal Code (Removal of Ban on Advertising Abortion) (*Gesetz zur Änderung des Strafgesetzbuches – Aufhebung des Verbots der Werbung für den Schwangerschaftsabbruch*). The Act entered into force on 19 July 2022. The removal of the advertising ban from section 219a of the Criminal Code lifted the previous restriction on women's right to sexual and reproductive autonomy imposed by that provision.

Improvement of the care situation for expectant mothers is another aim to which the German Government attaches great importance. Under the Coalition Agreement, an action plan focused on the national health target of perinatal wellness is intended to improve the care situation in hospitals and childbirth facilities significantly. In addition to the statutory provisions relating to the development of midwife-led delivery rooms, for which the Federal Ministry of Health is responsible, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supported, from October 2021 to February 2022, a project implemented by the AKF Working Group on Women's Health in Medicine, Psychotherapy and Society and entitled *Gewalt unter der Geburt – wie*

werden Betroffene und die Öffentlichkeit dazu sinnvoll informiert? Ergebnisse einer Expert/innenbefragung, which presents findings of a survey of experts concerning disrespectful and abusive treatment during childbirth and the ways in which interested parties and the general public can best be informed about the issue.

At that first stage, the knowledge of experts was initially pooled, knowledge that furnished the necessary information on the root causes of disrespectful and abusive treatment during childbirth and on aid structures, highlighted infrastructural measures that were lacking and described the accessibility of aid structures for various target groups – young families, migrant and refugee women, professional social workers and family counselling centres. The final report completed in June 2022 concluded that abuse and disrespect during childbirth is a major social issue as well as a health and women's policy issue and that there is an urgent need for information from public institutions to reach broad sections of the population and specific target groups. In a subsequent stage, appropriate information for those target groups is to be developed and made available.

B4 Spotlight: The German Government's fight at the national, European and international levels against human trafficking for the purpose of sexual exploitation or labour exploitation

Combating human trafficking is a priority for the German Government. It pursues this goal by means of a holistic, human rights-based approach, continuously refining its strategies.

Its main international obligations arise from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the Palermo Protocol), dating from the year 2000, from the Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force in Germany in 2013, and from EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, which was fully transposed into German law in 2016 by the Act of 11 October 2016 to Improve the Fight against Human Trafficking and to Amend the Federal Central Register Act 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*); that Act entered into force on 15 October 2016.

The summer of 2022 saw the start of the third evaluation round of the Convention, conducted by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) and focusing primarily on access to justice and effective judicial remedies in Germany. In addition, the first UNTOC (United Nations Convention against Transnational Organised

Crime) review process has been taking place since 2021. As part of the review mechanism, from November 2022 until at least November 2028, Germany will be reviewing Djibouti, Luxembourg and the United States and will itself be reviewed over the same period by Canada and Suriname.

The Coalition Agreement covering the period from 2021 to 2025 provides for intensification and interdepartmental coordination of the fight against human trafficking as well as for the establishment of an independent monitoring body ("reporting agency") on the implementation of the Council of Europe Convention. Support systems for victims are to be improved and their rights reinforced. Provision is made for the production of a national action plan to combat the trafficking of human beings for the purpose of sexual exploitation. The action plan will address all forms of human trafficking – trafficking for sexual exploitation, for labour exploitation and for the exploitation of criminal activities, organ trafficking, trafficking for forced begging and child trafficking. The federal ministries concerned are currently planning and coordinating the necessary steps.

In many respects the reference period marked a very important stage in the fight against human trafficking. The COVID-19 pandemic, for example, and its effects on the phenomenon of human trafficking continued to confront the German Government, the *Länder* and civil society with formidable challenges. The situation worsened from February 2022 following the Russian

invasion of Ukraine, most of the Ukrainians who were forced to leave their homeland and flee to other countries, including Germany, being women and children. As an especially vulnerable group, they are more exposed to the danger of human trafficking.

A selection of the German Government's measures in the reference period is presented below. Further measures to prevent and combat human trafficking in Germany as well as more examples of cooperation involving the Federation, *Länder* and non-governmental organisations in this field are described in the current report on Germany from the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) and in the German Government's report to GRETA.⁹

The criminal provisions for fighting human trafficking were fundamentally reshaped and expanded by the Act to Improve the Fight against Human Trafficking and to Amend the Federal Central Register Act as well as Book VIII of the Social Code. The new versions of the provisions pertaining to the relevant offences – sections 232 to 233a of the Criminal Code – were evaluated from November 2020 to September 2021. In the course of this process, it was found that the aim of improving the suppression of human trafficking by means of criminal law had not been achieved, although it was also acknowledged that a relatively short time had passed since the reform of the provisions in question. The conclusion to be drawn from the evaluation is that the assessment of legislative measures should be underpinned by the broadest possible database. In the realm of sexual exploitation and

forced prostitution in particular, there is a need to wait for the findings of the evaluation of the Prostitute Protection Act, which are expected to become available in 2025 (see also *chapter B 3*). In view of the complexity of the material, however, criminal provisions alone will not be enough to bring about further improvements in the suppression of human trafficking. What is needed is a holistic approach that involves all stakeholders and aims for a coordinated strategy including prevention and victim protection. As indicated above, such measures are to be found in the Coalition Agreement; in particular, these include the drafting and implementation of a national action plan, interdepartmental coordination and the establishment of an independent reporting agency which, on the basis of the collected data, will issue recommendations for further measures.

Since 2 January 2020, the German Institute for Human Rights (DIMR), in cooperation with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, has been devising a concept for two reporting agencies – one on human trafficking and one on gender-based violence. In November 2021, the initial work of the DIMR culminated in a template for a reporting agency on human trafficking and one for a reporting agency on gender-based violence.¹⁰ The DIMR is currently implementing a planning and testing phase, lasting from May 2021 to October 2022. It is the German Government's intention that the reporting agency on human trafficking should take up its full range of duties on 1 November 2022.

9 The current GRETA report on Germany is available at <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>, and the current German Government report to GRETA is available at <https://rm.coe.int/cp-2020-10-germany/1680a09ae3>. (29 November 2022)

10 Accessible in German at www.institut-fuer-menschenrechte.de (29 November 2022)

The special role of data collection and analysis in the fight against human trafficking was also underlined in the reference period in connection with the publication by the German NGO Network against Trafficking in Human Beings (KOK) of the Second Report on Data Collection in the Context of Trafficking in Human Beings and Exploitation in Germany in October 2021. The report contains first results of analysis using the KOK data tool with its database covering more than 700 cases of human trafficking and exploitation that were registered in the specialised counselling centres. The report and the divergences between it and the national situation assessment on human trafficking and exploitation published by the Federal Criminal Police Office highlight the important role played by civil-society organisations in charting the phenomenon of human trafficking in Germany.

The German Government, through the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, continues to provide KOK with strong support. The NGO network pools the competence and expertise of the specialised counselling centres for trafficked persons in Germany and channels it into federal legislation as well as national and international debate and public discourse.

Under its agenda for the 20th legislative term, the National Council on Combating Sexual Violence Against Children and Young People will deal with the following topics: identifying minors who have been victims of human trafficking and providing them with specific assistance, protection from sexual exploitation via digital media and education and support in cases of organised and ritualised violence. Guidelines on digital safety approaches with a focus on protection from sexual violence and exploitation are to be drawn up and used as media safety standards

for children and young people to complement the work of the *Bundeszentrale für Kinder- und Jugendmedienschutz*, the federal media safety centre for children and young people. Existing accommodation strategies for minors affected by human trafficking and examples of good practice in Germany are also to be examined with a view to supporting the development of models and specialised services.

To improve the identification of child-trafficking cases and the referral of affected minors to the support system, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is funding ECPAT Germany. In June 2018, ECPAT published the federal cooperation blueprint entitled *Schutz und Hilfen bei Handel mit und Ausbeutung von Kindern* ("Protection and help against the trafficking in and exploitation of children"). The blueprint sets out recommendations for cooperation involving child and youth welfare services, the police, specialised counselling centres and other sectors for the purpose of quickly identifying human-trafficking cases and initiating effective assistance. Since 2019, ECPAT has been conducting workshops with experts from child and youth welfare services, the police and counselling centres on the implementation of the blueprint. In the course of this funding programme, ECPAT has also held training courses for asylum procedure advisers and special representatives for combating human trafficking.

Since 2018, the Federal Criminal Police Office has been implementing the THB Liberi project, which is funded by the European Internal Security Fund (ISF) and is dedicated to combating human trafficking and exploitation of children, juveniles and adolescents in Germany and Europe. The objective of this project is to combat and prevent the exploitation of persons of these age groups by organised criminal groups

as sustainably as possible at inter-agency level and through close national and international cooperation. For the current project term – 2018-2022 – the main focal points are online exploitation of minors and youths, exploitation by family structures and person-related evidence. As well as assisting investigations and operational measures nationwide, the project also involves taking preventive action and adopting innovative approaches. In this way, for instance, the project is being used to test and deploy cutting-edge technical examination tools such as the Web crawler, an instrument that is currently being used successfully to detect potential child-trafficking victims on websites. Workshops are conducted too, with the aim of providing the relevant players, particularly in the police and the justice system, with a platform for the necessary specialised exchanges and extended networking.

The Service Centre against Labour Exploitation, Forced Labour and Human Trafficking, set up under the aegis of civic-education provider *Arbeit und Leben Berlin-Brandenburg DGB/VHS* on the basis of a joint strategy devised by the Federation-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, *Land* and local levels about situations of coercion and exploitative labour conditions.

To step up the fight against human trafficking in the form of exploitative working conditions, the Customs Administration's Monitoring Unit for Undeclared Work has been empowered, since the entry into force of the Illegal Employment and Benefit Fraud Act (*Gesetz gegen illegale Beschäftigung und Sozialleistungsmissbrauch*) on 18 July 2019, to examine all terms of employment

with a view to ascertaining whether there is a manifest disparity between the terms on which workers are employed and the terms of other workers in the same or comparable jobs. The assignment of this new task is the basis for involvement of the Monitoring Unit in the accompanying protection of victims of human trafficking in connection with labour exploitation. Several employees of the Monitoring Unit have been appointed to serve as victim protection coordinators. The Service Centre runs training courses for these coordinators on combating labour exploitation, forced labour and human trafficking, with the emphasis on victim protection.

In order to harness the full potential of victim protection, the Monitoring Unit cooperates closely with the specialised counselling centres that are funded from the federal and *Land* budgets. To reinforce this cooperation, the Federal Ministry of Finance, the Federal Ministry of Labour and Social Affairs and the German Trade Union Confederation (DGB) concluded a national framework agreement on cooperation involving the Monitoring Unit for Undeclared Work, the Fair Mobility and Fair Integration counselling centres for foreign employees and the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking, which entered into force on 1 July 2021. The aim of the framework agreement is the continuous development and sustained improvement of cooperation on the ground with a view to making a decisive joint contribution to enabling the people affected to find a way out of illegal structures and/or precarious personal circumstances.

With the participation of the Service Centre, network meetings have also been held at regular intervals since 2018 with representatives of various public prosecutors' offices. The substance of these meetings has been the presentation of

investigation procedures into offences involving labour exploitation, forced labour and human trafficking, followed by discussions and accounts of practical counselling experience, for the purpose of in-service training and awareness-raising. The most recent meeting took place in June 2022.

A sectoral analysis by the Service Centre published in July 2020 examines indicators of exploitation and forced labour in the meat industry and the parcels sector and makes recommendations addressed to various players and relating to awareness-raising, accountability, support and consequences. The analysis addresses the subjects of prevention, victim protection and criminal prosecution. An analysis of seasonal work in agriculture and home care, based on the same indicators, is at the planning stage.

In addition, with the Supply Chain Due Diligence Act (*Lieferkettensorgfaltspflichtengesetz*) and the obligation it imposes on businesses to exercise due diligence with regard to compliance with human rights and certain environmental obligations, Germany has begun to make a major contribution to the suppression of human trafficking in national and international supply chains.

The fight against human trafficking for exploitation purposes and the protection of victims are priority areas in the work of the Task Force against Trafficking in Human Beings of the Council of the Baltic Sea States, of which Germany took over the presidency for one year in July 2022. In 2021, Germany signed the member states' Joint Statement of Commitment to work against human trafficking for labour exploitation in the Baltic Sea Region, which had been developed in the course of the work of the Task Force.

Since the start of the war, the German Government, together with the *Länder* and civil society and in close cooperation with its European partners, has been taking vigorous action to ensure the protection of people fleeing Ukraine from exploitative acts, human trafficking, forced prostitution and sexual violence. The Federal Ministry of the Interior and Community and the federal security authorities are observing very closely the whole area of human trafficking, exploitation, forced prostitution and sexual violence in connection with the situation in Ukraine and maintain close consultation with the *Länder* in this regard. The Federal Police, the Federal Criminal Police Office and the competent police authorities of the *Länder* are well briefed and follow up relevant intelligence within the scope of their statutory remits. Voluntary helpers in the field also continue to be briefed and report suspicious observations to the security authorities.

The Federal Ministry of the Interior and Community, the Federal Police and the Federal Criminal Police Office have produced various information resources and issued warnings at very short notice to protect refugees from the dangers of human trafficking. These include warning notices in Ukrainian on display boards at destination railway stations and on social media. The Federal Police, for example, in collaboration with the Federal Ministry of the Interior and Community, Deutsche Bahn, UNHCR, the IOM and UNICEF, have produced a flyer alerting refugees to various dangers, which is available from sources such as the [Germany4Ukraine.de](https://www.germany4ukraine.de) information and help portal launched by the Interior Ministry. The portal also contains information in Ukrainian and Russian warning refugees about suspect offers of overnight accommodation. [Germany4Ukraine.de](https://www.germany4ukraine.de) is also available as an app. The

Interior Ministry is in close consultation with civil society and volunteers, including operators of accommodation referral platforms.

Since the start of the mass exodus from Ukraine, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has stepped up its exchanges with the NGO network KOK. The KOK website contains a nationwide list of Germany's specialised counselling centres for victims of human trafficking. The site also contains information in a number of languages, including German, English and Ukrainian, with advice about the dangers of human trafficking and about support facilities for people of all ethnic groups fleeing Ukraine (<https://www.kok-gegen-menschenhandel.de/en/human-trafficking/support>). The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will earmark additional funds for 2022 to enable KOK to assist the specialised counselling centres in handling their increased workload while continuing to engage in prevention and networking activity.

The counselling services provided by the Violence against women support hotline, relating to all forms of violence against women, including trafficking, sexual and domestic violence and forced prostitution, are also advertised in Ukrainian, for example on social media and through a joint action with the Independent Commissioner for Child Sexual Abuse Issues. The counselling services are available round the clock, 365 days a year, in German and 18 other languages, including English, Russian and Polish; they are provided anonymously and free of charge for women affected by violence, people in those women's social environment and specialists. Since 1 May 2022 the hotline services have also been available in Ukrainian.

Against the backdrop of the Russian invasion of Ukraine, the Federal Ministry of Labour and Social Affairs arranged a special meeting with the *Länder* in March 2022 to foster discussions on the prevention of exploitation and human trafficking. Representatives of 12 *Länder* attended the meeting and reported on the situation and the measures that had been taken in their respective federal states. With a view to preventing precarious and undocumented employment and exploitative working conditions, the Service Centre developed flyers for refugees from Ukraine in several languages as well as a flyer for support organisations.

In the course of efforts to prevent and combat human trafficking in the context of the mass exodus from Ukraine, it has become very clear once again that prime importance attaches both to national structures for cooperation between governmental and non-governmental bodies and to European and international cooperation on this issue. Particularly through the EU Network of National Rapporteurs or Equivalent Mechanisms (NREM), with the EU Anti-Trafficking Coordinator (ATC), and through the OSCE with its Special Representative for Combating Trafficking in Human Beings, Germany has been a staunch advocate of regular dialogue, including discussions with Ukraine and its neighbours, and will continue to make ample use of these networks.

B5 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 that the German Government has pledged to uphold, alongside its EU partners, within the framework of international and European agreements, in particular 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 protection, advancement and inclusion of children. It contains four especially important principles: 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 ensuring that these principles, along with all other provisions of the Convention, are recognised and effectively put into practice around the world.

The German Government is supported in this by organisations such as the National Coalition, the Monitoring Body at the German Institute

for Human Rights, the German Children's Fund, the Child-Friendly Communities initiative and UNICEF.¹¹ The Coalition Agreement between the SPD, Alliance 90/The Greens and the FDP for the 20th legislative term states that the German Government intends to explicitly enshrine children's rights in the Basic Law and, in so doing, to be guided primarily by the provisions of the UN Convention on the Rights of the Child.

In April 2019, the German Government submitted Germany's combined fifth and sixth periodic reports 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 (2014-2019).

As a follow-up to the fifth and sixth periodic reports, the UN Committee on the Rights of the Child addressed a comprehensive list of issues to the German Government. Spearheaded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the responses were coordinated between the ministries, the *Länder* and the national associations of local authorities. Germany's public hearing before the UN Committee on the Rights of the Child took place in Geneva on 5 and 6 September 2022 with a delegation headed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The UN Committee on the Rights of the Child published its Concluding Observations on 29 September 2022.

11 For more information on cooperation with UNICEF and on the German Government's international commitment, see *chapter C6* on women's and children's rights.

The Monitoring Body at the German Institute for Human Rights, which is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, monitors the

implementation of the UN Convention on the Rights of the Child in Germany as an independent body and reports to the UN Committee on the Rights of the Child.

Inclusion of children and adolescents (UPR recommendations 143, 144 and 145)

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). The inclusion of children and young people is a guiding principle for the German Government. The German Government has therefore undertaken to promote the inclusion of children and adolescents to a greater extent. A key element of this is the German Government's Youth Strategy, which was developed and is being implemented in an interministerial and inclusion-oriented manner. On the basis of the Coalition Agreement for the 20th legislative term, the Youth Strategy will be taken to the next level in the form of a National Action Plan (NAP) for Child and Youth Participation. This places a special focus on expanding the involvement of young people at all political levels.

The NAP for Child and Youth Participation is being developed as part of a broad-based dialogue process with the German Government, the *Länder*, local authorities and civil society, and with children and young people in particular. At its heart, it seeks to develop recommendations for enhancing the opportunities for involvement available to young people. A first step will be to publish up-to-date quality standards for the inclusion of children and young people as a basis for the dialogue process.

An Advisory Council on youth policy chaired by Parliamentary State Secretary Sven Lehmann will advise the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on the evolution of the Youth Strategy into the NAP. Representatives of youth interest groups, professional associations, the *Länder* and local authorities will be part of this body. In addition, it is envisaged that young people under 27 years of age who are involved in youth participation formats at the federal level will be involved.

Other central components include annual nationwide participation events, such as the politics days for young people *JugendPolitikTage*, last held in May 2021 and due to take place again in 2023, and the 2022 Federal Youth Conference (2-4 September), which bring young people into direct dialogue with federal policy and at which participants can contribute their perspectives to youth policy at the federal level.

Effective and direct youth involvement is also actively supported and promoted by the German Government at the European level within the framework of the EU Youth Strategy, and in particular through the EU Youth Dialogue. The aim is to promote dialogue between young people and those exercising political responsibility and to involve young people in the implementation and further development of European youth policy.

Early-years education and all-day care for primary school children for equal opportunities

With the introduction of the legal entitlement to early-years support for children from the age of one in 2013, a wide range of measures were taken to enhance early-years education and childcare.

Since 2008, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has launched a total of five investment programmes to finance childcare to the tune of over €5.4 billion, which have been used to create more than 750,000 additional places for children until they start school. Currently, the fifth investment programme is making available a total of €1 billion for a needs-based expansion of an additional 90,000 childcare places. The fifth investment programme was extended by one year in the summer of 2021 in light of the challenges caused by the pandemic.

Through the Good Daycare Act, the federal level supports the *Länder* in their endeavour to further enhance the quality of daycare and improve the uptake of early-years education and childcare services. The Daycare Quality Act (*KiTa-Qualitätsgesetz*) is intended to take the previous Good Daycare Act beyond 2022 on the basis of the findings of the associated monitoring and evaluation.

With the All-Day Support for Children of Primary-School Age Act (*Ganztagsförderungsgesetz*), a legal entitlement to all-day care for all children

of primary-school age will be introduced incrementally from 1 August 2026 (see *chapter B 2*). With this Act, the German Government supports the *Länder* in the necessary expansion of their infrastructure.

In order to facilitate participation in integration courses for people looking after children who are not of school age, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, together with the Federal Ministry of the Interior, promotes the federal programme *Integrationskurs mit Kind: Bausteine für die Zukunft* (“Integration courses with children: building blocks for the future”). This programme is aimed at participants attending integration courses whose children do not yet have childcare places in the regular system. The individuals who look after the children can gain qualifications as daycare workers during the course of the programme. New skilled workers can thus be recruited – even from among those completing the course.

With the federal programme *ProKindertagespflege: Wo Bildung für die Kleinsten beginnt* (“Promoting daycare: where education begins for the smallest children”), the German Government supports locations at the local level in the implementation and promotion of daycare for children.

Federal Foundation for Early Childhood Intervention

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 German Government equips the Foundation with an annual budget of €51 million. 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 aimed in particular 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 the strengthening of families' social networks. The focus is on successful parent-child bonding, healthy childhoods and protection from violence.

As part of the post-COVID catch-up programme for children and young people, the funds of the Federal Foundation for Early Childhood Intervention were increased by a further €50 million and additional services were created to support families who have suffered particularly greatly from the restrictions imposed during the pandemic.

Early childhood intervention also specifically addresses refugee families and is currently targeted more intensively to support families who have fled Ukraine.

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

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 built a communication and knowledge-sharing platform to help professionals organise support services for children and young people during the COVID-19 pandemic (www.forum-transfer.de) and funded it from the beginning of April 2020 to July 2021. Since April 2020, it has provided the latest information, recommendations and thematically structured examples of good practice showing how those

working in child and youth support services can manage the unusual situation. Online seminars for professionals are also provided.

Easy-to-access counselling services for children and adolescents in stressful situations were of particular importance during the restrictions imposed to curb infections. Existing services for children and adolescents, and also for parents, were therefore expanded at short notice and their counselling capacities stepped up. Examples include the *Nummer gegen Kummer* hotlines for children and adolescents (tel. 116 111) as well as for parents (tel. 0800 111 0550), the online counselling service of the Federal Conference for Child Guidance Counselling, which

is aimed at parents and adolescents from the age of 14,¹² and also the online crisis advice service *JugendNotmail*, which offers support to children and adolescents in situations of emotional distress. The sexual abuse helpline for victims, relatives, professionals and others seeking advice was also further developed, the counselling capacity of the helpline (tel. 0800 22 55 530) was increased and online counselling was set up.¹³ Another source of help that was created during the COVID-19 pandemic is the *Kein Kind alleine lassen* (“Leave no child alone”) initiative of the Independent Commissioner for Child Sexual Abuse Issues.¹⁴ This initiative is aimed at adults as well as children and adolescents and provides target group-specific assistance and counselling services in cases of sexual violence against children and adolescents.

In order to ascertain whether children and adolescents were exposed to an increased risk of domestic violence during the far-reaching closure of childcare facilities and schools, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, with expert support from the child and youth welfare statistics unit at the TU Dortmund University, conducted an online survey of youth welfare offices from 29 May 2020 to 31 October 2021 on the risk assessments they carried out from 1 May 2020 to 31 August 2021 under section 8a (1) of Book VIII of the Social Code. In the period from May 2020 to March 2021, the youth welfare offices processed a total of 9% more cases under section 8a than in the corresponding months in 2019. This means that the trend of increasing case numbers, which had already been under way for a number of years, has continued and remains in the same

order of magnitude as prior to the COVID-19 pandemic. With regard to the characteristics of the cases processed, the aggregated findings also display a considerable degree of constancy vis-à-vis what was observed in previous years. The majority of the key data have barely changed, even during the pandemic. These findings indicate that the structures of communication and cooperation as well as the operating procedures of child protection have been maintained overall. The German Government is 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, is committed to ensuring that counselling services are funded 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 funded until June 2022 to boost the provision of specialist counselling in rural areas. The goal was 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.

12 www.bke.de (29 November 2022)

13 www.hilfe-telefon-missbrauch.online (29 November 2022)

14 www.kein-kind-alleine-lassen.de (29 November 2022)

Protection and help against the trafficking in and exploitation of children (UPR recommendations 155 and 157)

Children being adopted are now even more strongly protected from child trafficking and exploitation. To ensure the best interests of the child (Article 3 of the UN Convention on the Rights of the Child), unaccompanied intercountry adoptions have been expressly prohibited since 1 April 2021 and better standards of protection must be observed in each and every intercountry adoption. This ensures that, for example, the assessment of the child's need for adoption and the assessment of the aptitude of the adopters are properly carried out.

In order to enhance identification of child trafficking and referral of children into the support system, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth funds ECPAT Germany, the working group for the protection of children against sexual exploitation. In the course of this support, ECPAT has conducted workshops on the implementation of the federal cooperation concept since 2019. This concept

provides recommendations for cooperation between child and youth welfare services, the police, specialised counselling centres and other sectors on recognising human trafficking and initiating effective assistance.¹⁵ ECPAT also implements the Don't look away! campaign and operates a platform on which suspected cases of trafficking in children can be reported.

A knowledge-sharing portal is currently being set up to raise awareness and provide support with regard to sexual violence in organised and ritualised power structures. The *berta* helpline, a point of contact for victims of organised sexual and ritual violence, has been expanded (tel. 0800 30 50 750).

See *chapter B6* for more information about the German Government's commitment at the national and European levels to combating child sexual abuse, especially on the internet.

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. The aim of the project is to expand initial and further training opportunities for family court judges as well as professionals working in child and youth welfare. An interdisciplinary e-learning range on the

topic of child protection is being developed to this end. In addition, a pilot project for a blended-learning further training course on the topic of the developmentally appropriate, complete and non-leading questioning of children, initiated by the Federal Ministry of Justice and supported by the departments of justice of the *Länder*, was successfully developed and made available to the German Judicial Academy for further use.

¹⁵ <https://ecpat.de/wp-content/uploads/2020/11/BKK-englisch.pdf>

The Sexual Violence against Children Act (*Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder*) of 16 June 2021 further strengthened the legal position of children and adolescents in family court proceedings. The obligation to hear the child in child custody proceedings was made age-independent and extended to include the obligation to form a personal impression of the child. Furthermore, qualification requirements for family court judges and

aptitude requirements for guardians *ad litem* were enshrined in law, according to which verifiable knowledge of children's developmental psychology and communication with children are required for such employment. In addition, the Federal Ministry of Justice plans to provide age-appropriate information material on proceedings in parent and child matters for children and adolescents between the ages of 6 and 18.

Protection of refugee children

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

The evaluation of the Better Accommodation, Provision and Care for Foreign Children and Adolescents Act (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*) has shown that the legal amendments were worthwhile and that the initial reception and care of unaccompanied minors provisionally taken into care has largely been achieved in a manner that is legally secure and in the best interests of the child.

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. In addition to the aforementioned projects (see *chapters B 3 and B 8*), the project *Gemeinsam für mehr Teilhabe geflüchteter Kinder und Familien am Kinder- und*

Jugendhilfesystem. Zugänge schaffen und Kooperationen fördern! ("Together for more involvement of refugee children and families in the child and youth support system. Creating access and promoting collaborations!"), run by Save the Children in cooperation with Plan International, is being supported in 2021/2022 with the aim of lasting improvements in access to the child and youth support system for refugee children and their families in initial reception facilities in two *Länder*.

Plan International's six-month Kits for Kids project will be implemented in 2022 to strengthen the UN rights of the child to protection, play and participation for children in initial reception facilities and subsequent shelters. The provision of needs-based play and development materials in the context of easy-access opportunities for play is intended to protect and support refugee children in situations of crisis and distress. During the same period, as part of a pilot project, Save the Children will train professionals and volunteers throughout Germany in psychological first aid as well as trauma-sensitive work with children, self-care and stress management.

Under sections 44 (2a) and 53 (3) of the Asylum Act (*Asylgesetz*), the *Länder* are 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 include minors in particular.

From 2016 to March 2022, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth funded a project to encourage 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. The relevant brochure on host families, sponsorships and guardianships for young refugees is available in German.

Since 2019, the chief focus of the project has been recruiting and assisting volunteers to become guardians and putting together the requisite guidelines (2019-2020 German Government Action Plan for Human Rights, No. 12: Championing the rights of migrants, asylum seekers and refugees). Among other things, the brochure *Migration in der Pflegekinderhilfe* (“Migration in foster care”) was published.¹⁶

B6 Spotlight: The German Government’s commitment at the national and European levels to combating child sexual abuse, especially on the internet

The fight against child abuse is one of the most urgent crime-policy priorities of the German Government in this legislative term. The tasks that this involves are manifold, ranging from targeted prevention to effective investigation of crimes, swift prosecution and support for victims. In this context, the vital importance of investigating past offences is not to be underestimated, especially for those affected.

The German Government is concerned about the sharp rise in the number of cases of sexual violence against children and about the dissemination of child pornography in cyberspace.¹⁷

Statistics from law enforcement agencies and organisations in other countries also point to a considerable increase in sexual violence and sexual exploitation of children, including in the digital arena. Experience shows that unreported crime, i.e. the proportion of offences which do not come to the attention of the police, is many times greater in this area.

In the 19th legislative term (2017-2021), the fight against this phenomenon was strengthened by the legislative amendments passed by the German Bundestag to improve the protection of children.

¹⁶ https://kompetenzzentrum-pflegekinder.de/wp-content/uploads/2021/08/Praxisheft_Migration-in-der-Pflegekinderhilfe_2021.pdf (29 November 2022)

¹⁷ According to the Police Crime Statistics (*Polizeiliche Kriminalstatistik*), cases of child sexual abuse increased by 6.3% to over 15,500 cases in 2021. There was an increase of 108.8% to over 39,000 offences in connection with child pornographic content.

In the course of technological change, the nature of offences targeting children has changed. Through social networks and the chat functions of online games, it is easier than ever to establish contact with minors for sexual motives. The internet, particularly the dark web, offers a great deal of scope for gaining access to or disseminating child pornographic content. However, this new technological scope has heightened the potential risk for children not only in the virtual realm but in the real world as well.

The legislative amendments that have been adopted include

- the introduction of criminal liability for attempted cybergrooming as well as the offence of operating criminal trading platforms
- the reclassification of sexual abuse of children as well as the dissemination, procurement and possession of child pornographic content as a criminal offence
- the prohibition of childlike sex dolls
- the extension of the time limits for the inclusion of convictions that are particularly relevant to the protection of children and adolescents in extended criminal record certificates and the time limits for the erasure of such convictions from the Federal Central Criminal Register
- the extension of investigative powers in connection with criminal proceedings in the area of online searches and telecommunications

surveillance, in the collection of traffic data, and with the introduction of a regulation allowing investigating authorities to gain access to relevant forums by using purely digitally generated child pornographic content¹⁸

To continue the fight against sexual violence against children in the 20th legislative term (from 2021), the German Government aims to increase staffing levels at the Federal Criminal Police Office and to intensify the use of technical investigative support (including the use of artificial intelligence).¹⁹

The increasing number of tip-offs is generating enormous amounts of digital data that need to be analysed by the police. The German law enforcement authorities are going to great lengths to expand their technical and human resources and to further improve procedures within the police network. The investigators' most important objective is to identify potentially ongoing abuse at an early stage and to prevent or end it as well as to delete images of abuse on the internet as quickly as possible in order to reduce their availability and thereby address the ongoing revictimisation of those affected.

Due to federal structures, these measures must be part of a comprehensive strategy for tackling abuse. This is assured by the police bodies connecting the Federation and the *Länder*, which have already addressed this issue and reached agreement on a coordinated reporting and deletion process.²⁰

18 Section 184b (6) of the German Criminal Code

19 2021-2025 Coalition Agreement between the Social Democratic Party of Germany (SPD), Alliance 90/The Greens and the Free Democratic Party (FDP)

20 The Federal and *Land* Ministers and Senators of the Interior at their 217th session in Würzburg on 3 June 2022

Furthermore, the police crime prevention programme of the *Länder* and the Federation, ProPK, addressed the dissemination of depictions of sexual violence against children, especially by children and adolescents via chats, messengers and social networks, as a priority project in 2021. With the short films “#denkenstattsenden” (“Think before you send”) and “sounds wrong”, the police are working to raise awareness about the criminal offence of disseminating child pornography in chats and messenger programs. The target audience of the campaign are children, adolescents and the adults responsible for them. In addition to raising awareness of the criminal offence of possessing, procuring and disseminating depictions of abuse, the campaign aims to inform the target audience about how depictions of abuse can be systematically reported and their dissemination thus prevented.

Combating child sexual abuse offences on the internet is a very complex task and an immense challenge that can only be effectively tackled with a multidisciplinary and global approach. We therefore welcome the EU strategy for a more effective fight against child sexual abuse (COM(2020) 607 final), which calls for binding obligations on online service providers to prevent and combat images of abuse in cyberspace and for the establishment of an EU centre to prevent and more effectively combat child sexual abuse. Furthermore, the German Government made combating sexual violence against children a priority of Germany’s G7 Presidency.

In its efforts to tackle sexual violence against children and adolescents, the German Government has created measures and instruments that operate at very different levels. It is committed to effective prevention and intervention

while at the same time providing assistance for people affected by sexual violence in childhood and adolescence.

To this end, the German Government will put the office of the Independent Commissioner for Child Sexual Abuse Issues on a legal footing during this legislative term and introduce regular reporting obligations to the German Bundestag. The Independent Inquiry into Child Sexual Abuse, which is attached to the Independent Commissioner for Child Sexual Abuse Issues, will continue its work beyond 2023, and a legal basis will be established for its work. To date, more than 3100 victims and eyewitnesses have already contacted the Independent Inquiry and reported cases of sexual abuse of children in various contexts.

Since its formation in December 2019, the National Council against Sexual Violence Committed against Children and Adolescents has worked to effectively improve prevention and assistance as well as to promote a child-friendly justice system and to advance research on sexual violence against children and adolescents. In July 2021, the National Council recorded the results of its work to date in its Common Understanding and in June 2022, on the basis of that document, drew up an agenda for its work up to 2023.

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 the end of 2022 (see the Thirteenth Human Rights Report). The initiative has been implemented in 11 *Länder* so far, and six *Länder* have adopted it on a permanent basis. Since 2016, the Independent Commissioner for Child Sexual Abuse Issues has been implementing the

Schools against Sexual Violence initiative together with the *Länder*, with a view to ensuring that all of Germany's approximately 30,000 schools develop strategies for protection against sexual violence. As part of this initiative, a half-day online training course called "What's wrong with Jaron?" has been offered since the end of 2021 to provide school staff with basic knowledge about child sexual abuse.

Regarding the prevention of online violence, the Independent Commissioner for Child Sexual Abuse Issues provides professionals with a specialist information portal and advises providers of internet services on digital protection strategies. Information is also provided on aspects relating to online sexual violence in protection strategies for institutions.

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. It supplements the social welfare system and provides survivors with assistance that is suited to their needs and easy to access.

To date, more than 18,850 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. Another focus is the media safety of children and adolescents. The Second Act Amending the Protection of Young Persons Act (*Zweites Gesetz zur Änderung des Jugendschutzgesetzes*), which entered into force in May 2021, adapts the media safety protections for minors to the realities of present-day media usage.

This legislation seeks to facilitate the protection, empowerment and participation of children and adolescents.

Interactive internet services are required to set up precautionary measures such as help and complaints systems that are easy to find. The federal media safety centre for children and young people, *Bundeszentrale für Kinder- und Jugendmedienschutz*, is tasked with developing binding rules and enforcing the law. Furthermore, within the Centre, the Federal Review Board for Media Harmful to Minors is responsible for conducting proceedings to register websites on its index of harmful media. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth continues to support cooperation with the internet sector to combat the sexual exploitation of children and adolescents online and, as part of this endeavour, funds *jugendschutz.net*, a centre of excellence for the protection of minors online operated by the Federation and the *Länder*, as well as the complaints offices of eco – Association of the Internet Industry and the Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM e. V.). These bodies work closely with law enforcement authorities in deleting child pornographic content on the internet. Deletion statistics are recorded in the annual German Government report, compiled chiefly by the Federal Ministry of Justice and Consumer Protection and the Federal Ministry of the Interior and Community, on measures for the deletion of telemedia containing child pornographic content as defined by section 184b of the German Criminal Code.



Alexander Kosenkow and Marcel Böttger (l.) running the 100 metres at the *Integratives Sportfest* inclusive sports event in Leverkusen, Germany (2022) © picture alliance / pressefoto Mika Volkmann | MIKA VOLKMANN

B7 Human rights of people with disabilities

Implementing the UNCRPD: NAP 2.0 and other developments

The entry into force of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in Germany on 26 March 2009 was an important milestone with respect to a human rights-based approach to policy for people with disabilities. Since then, policy for people with disabilities has been mainstreamed across all areas of life.

In terms of the implementation of the UNCRPD, a general strategy was adopted for the first time in June 2011 in the form of the National Action Plan (NAP), which brings together the

disability policy objectives and measures of all government departments. The NAP was recast as NAP 2.0 in 2016.

On 4 May 2021, the Federal Ministry of Labour and Social Affairs, in its capacity as the focal point within government for the implementation of the UNCRPD (Article 33 (1) of the UNCRPD), published its update of the NAP 2.0 as a Status Report. Almost all departments of government participated in the update, in a spirit of disability mainstreaming, by adding

to their measures and providing information on their current implementation status. Since 2016, 122 new measures have been added to the catalogue. Privacy and awareness-raising are the areas that have witnessed the greatest growth. A focus of the update is on measures relating to the COVID-19 pandemic and the subject of the digital transition and inclusion.

The NAP 2.0 currently comprises 350 measures in 13 areas. In order to create the greatest possible transparency, the NAP 2.0 catalogue of measures can be accessed online at www.gemeinsam-einfach-machen.de and can be updated and supplemented by all government departments on an ongoing basis. 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.

Monitoring of the domestic implementation of the UNCRPD is carried out by the independent monitoring body based at the German Institute for Human Rights (Article 33 (2) of the UNCRPD).

Labour market access

The COVID-19 pandemic has had a much smaller impact on the unemployment of people with severe disabilities than on unemployment in general. One of the main reasons for this is that the special protection against dismissal of employees with severe disabilities has proven effective. To prevent people with disabilities in particular suffering a wave of redundancies as a result of the pandemic, the Federal Ministry of Labour and Social Affairs set up its Corona Participation Fund endowed with €100 million.

Civil society is involved through bodies such as the NAP Committee and the Advisory Council on Inclusion – which falls under the remit of the Federal Government Commissioner for Matters relating to Persons with Disabilities as a focal point within government in accordance with Article 33 (1) of the UNCRPD – as well as events on matters of disability policy such as inclusion days (Article 33 (3) of the UNCRPD).

As a state party to the UNCRPD, Germany has also undertaken to report at regular intervals on the implementation of the UNCRPD. The combined second and third report was submitted to the UN Committee on the Rights of Persons with Disabilities at the end of September 2019 and will be examined by the Committee in Geneva between 14 August and 8 September 2023 as part of a constructive dialogue with Germany.

By continuously updating the NAP and enacting the measures for the inclusion of people with disabilities agreed in the Coalition Agreement for the 20th legislative term, the German Government will continue to drive forward the rigorous implementation of the UNCRPD, especially with a focus on accessibility.

Since 1 January 2021, institutions for people with disabilities, inclusive businesses, social retail outlets and non-profit social enterprises have received grants of up to €800,000 per enterprise for the months of September 2020 to May 2021 to cover their fixed operating costs.

A broad range of statutory funding instruments is available to promote the participation of people with disabilities in working life and is being developed on an ongoing basis. Most recently,

the Participation Strengthening Act (*Teilhabe-stärkungsgesetz*) established single points of contact for employers, which supply independent and non-provider-specific information and advice on the training, recruitment and employment of people with severe disabilities and provide support for the application process (section 185a of Book IX of the Social Code, in force since 1 January 2022). This reduces administrative obstacles and makes it easier for SMEs in particular to fulfil their employment obligations.

Around a quarter of all companies that are legally obliged to do so do not employ a single person with severe disabilities. The Coalition Agreement therefore provides for the introduction of a fourth level to the compensatory levy for employers with an employment rate of zero percent

Education (UPR recommendations 188 and 191)

Article 24 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) obliges states parties to create an inclusive education system at all levels. The main responsibility for implementing inclusive education lies with the *Länder*. In order to advance the goal of inclusive education, the German Government, within the scope of its competence, undertakes measures to raise awareness, improve the availability of reliable data and build networks between various players (cf. the sections on education in the Status Report on the NAP).

The *Länder* are pursuing the objective of guaranteeing inclusive schooling – children, adolescents and young adults with and without disabilities

in order to further reinforce its incentivising impact. Legislative processes to this end are due to be initiated.

The Coalition Agreement also provides for gearing the services offered by workshops for people with disabilities more strongly towards accompanying their transition to the mainstream labour market. In addition, the remuneration system in such workshops is to be further developed into a transparent and sustainable payment system that is fit for the future. Both of these issues have been under consideration as part of an interdisciplinary research project since August 2020, the results of which will be presented in mid-2023. The second interim report was published in September 2022.²¹

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. Against this backdrop, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany is successively revising its recommendations on the various focus areas relating to special-needs education, starting with the recommendations on school education, counselling and support for children and adolescents in the focus areas of learning (2019) and mental development (2021). The Standing Conference is moreover creating the necessary framework for teaching staff to acquire

21 Available at www.bmas.de/DE/Service/Publikationen/Forschungsberichte/fb-607-studie-entgeltssystem-fuer-menschen-mit-behinderungen.html (29 November 2022)

additional skills. At the beginning of 2015, the Standing Conference and the German Rectors' Conference adopted their joint recommendation *Lehrerbildung für eine Schule der Vielfalt* ("Teacher training for diverse schools"), which provides concrete guidance on how the expectations associated with teacher training for the inclusive classroom can be put into practice at universities. In 2020, the two Conferences adopted an interim report on the implementation of their joint declaration. The *Länder* provide regular updates regarding the progress made in putting inclusive education into practice, both in the bodies of the Standing Conference and in an overview that is reissued on a regular basis. While only 31.4% of all pupils receiving special-needs support attended general schools in 2013-2014, that figure had risen to 44.5% by the 2020-2021 school year.

Many daycare facilities have since drawn up inclusive pedagogical concepts, thereby reflecting their long-standing vision of kindergartens as places for all children. With its materials, which are always geared towards inclusiveness, the WiFF continuous-development initiative for early-education professionals (*Weiterbildungsinitiative frühpädagogische Fachkräfte*) supports providers, trainers and management in shaping these processes to a high professional standard.²²

The Federal Ministry of Education and Research contributes to the implementation of the UN-CRPD and NAP 2.0 via the research focus on inclusive education within its Framework Programme for Empirical Educational Research.

In 2021, all projects under the funding guideline *Förderungsbezogene Diagnostik in der inklusiven Bildung* ("Support-related diagnostics

in inclusive education") commenced work. The aim here is to increase the quality of diagnostics in heterogeneous systems and thereby also to improve the learning processes and results of all learners. In terms of content, it thus follows on from the funding guideline *Qualifizierung des pädagogischen Personals für inklusive Bildung* ("Qualification of teaching staff for inclusive education", 2017-2021), which came to an end in 2021. The Federal Ministry of Education and Research and the *Länder* continue to fund and support the European Agency for Special Needs and Inclusive Education.

Furthermore, almost one in every two projects under the *Qualitätsoffensive Lehrerbildung*, the national programme to improve the quality of teacher training, aims to further adapt teacher training to the demands of heterogeneity and inclusion.

In the area of vocational training, digital tools for facilitating inclusiveness in initial and further vocational training were created in projects covered by the funding guideline of the Federal Ministry of Education and Research *Inklusion durch digitale Medien in der beruflichen Bildung* ("Inclusion via digital media in vocational education and training"). For example, the project *Inklusion in der Produktion* ("Inclusion in production") developed tools to support simple language and target group-adapted virtual learning based on social virtual learning (SVL).

In addition, there is consensus within the German Government and with the *Länder* that it must, as a matter of principle, be possible to enable more young people with disabilities to access the primary labour market through

²² Available at www.weiterbildungsinitiative.de/publikationen/detail/inklusion-in-kindertageseinrichtungen (29 November 2022)

training. For this reason, the measures of the Federal Ministry of Education and Research to promote career guidance for young people – under the Vocational Orientation Programme – also and particularly target people with disabilities. This also applies to the dedicated funding from the Federal Ministry of Education and Research for Career Orientation for Refugees (BOF), which provides career guidance for refugees and young migrants. There are good opportunities for young people with disabilities to enter the primary labour market through training either for a regulated occupation (section 64 of the Vocational Training Act (*Berufsbildungsgesetz*) / section 42p of the Crafts Code (*Handwerksordnung*)) or as a practical trainee (section 66 of the Vocational Training Act / section 42r of the Crafts Code). For success on that path, there are various support options both for young people with disabilities and for companies, which are implemented via local employment agencies. The careers-guidance measures provided by the *Länder* are also designed to be inclusive.

Healthcare benefits

The UN Committee on the Rights of Persons with Disabilities recommended improvements in access to healthcare for persons with disabilities in its Concluding Observations on the initial report of Germany of 13 May 2015 (see paragraph 47/48).

For scenarios in which people with disabilities (recipients of integration assistance) are dependent on the support of caregivers with whom they are familiar to ensure that hospital treatment is carried out or for medical reasons, new regulations in Book V of the Social Code (legislation on statutory health insurance) and Book IX of the Social Code (legislation on integration

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

The new catalogue of benefits in the law on integration assistance for people with or facing the threat of significant disabilities, which entered into force on 1 January 2020, also restructured and fleshed out the benefits supporting participation in education. Various forms of assistance facilitate the inclusive school attendance of children with disabilities, especially within the framework of compulsory schooling, such as classroom assistants and funding to support all-day schooling. The assistance provided in the benefits catalogue for school or higher education or vocational training, further training or master's degrees also helps to increase inclusion opportunities for people with disabilities and to grant them the highest possible level of education.

assistance) will clarify with effect from 1 November 2022 who is liable for the costs incurred by those caregivers.

Access to justice

In light of the Concluding Observations on the initial report of Germany (2015), the German Government included measures to improve access to justice for people with disabilities and expand training in the Second Action Plan (NAP 2.0) to implement the UNCRPD of 28 June 2016 and its 2021 update.

Information is made available in a largely accessible manner, e.g. via the Accessibility of Documents for Blind and Visually Impaired People in Court Proceedings Ordinance (*Zugänglichkeitsverordnung*) and various statutory instruments on the keeping and inspection of records.

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.

With the Reform of Custodianship and Care Law Act of 4 May 2021 (*Gesetz zur Reform des Vormundschafts- und Betreuungsrecht*, Federal Law Gazette I, p. 882), which is to enter into force on 1 January 2023, the legislature has, among other things, improved access to custodianship proceedings for the individuals concerned and

comprehensively modernised care law with a view to better implementing the requirements set out in Article 12 of the UNCRPD. As a result of the reform, the individuals concerned are better informed and more involved in all stages of custodianship proceedings, in particular in the judicial decision on whether and how to appoint a custodian, in the selection of the specific custodian, and also in their oversight by the custodianship court. In particular, section 275 (2) of the Act on Proceedings in Family Matters and in Matters of non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*) as most recently amended now stipulates that, when proceedings are initiated, the individuals concerned must be informed about the tasks of a custodian, the possible course of the proceedings and about possible costs, in a manner that is tailored as well as possible to their capacities. This means not only the use of language that can be understood by laypersons but also the provision of information in simple language and other accessible information material (cf. Bundestag printed paper 19/24445, pp. 329, 491).

From 2019 to 2021, the Federal Ministry of Labour and Social Affairs funded a project to raise awareness among judges and judicial officials of the applicability of the UNCRPD in custodianship practice.

Accessibility

Germany has implemented the European Accessibility Act by means of its Accessibility Reinforcement Act and the accompanying statutory instrument. For the first time, the Act obliges private business stakeholders to manufacture and

provide their products and services in an accessible manner. In so doing, it promotes equal and non-discriminatory access to information and communication materials, including information and communication technologies and systems,

thereby implementing an important part of the UNCRPD. For Germany, this represents an important step towards achieving full accessibility.

The adoption of the Participation Strengthening Act also added new statutory rules on assistance dogs in Germany to the Equality for Persons with Disabilities Act; these came into force on 1 July 2021. The Act stipulates that public authorities as well as owners, proprietors and operators of movable or immovable facilities and installations must not refuse people with disabilities access to their facilities and installations that the general public can enter and use on the grounds that they are accompanied by an assistance dog (which includes guide dogs for the blind); they have an obligation to tolerate the animals' presence. The scope of the Equality for Persons with Disabilities Act has been extended in this regulatory area to include the private sector for the first time. The additional rules chiefly pertain to the following:

- the definition of assistance dogs
- the training of assistance dogs
- the assessment of assistance dogs
- the authorisation of training centres for assistance dogs
- the accreditation of examiners
- the conduct of a study to investigate the impact of the new rules

Moreover, many of these provisions are to be elaborated on in a statutory instrument that has yet to be drafted. That ordinance is expected to be completed by the end of 2022.

Women and protection against violence

Women with disabilities experience sexual violence two to three times more frequently and physical violence twice as often as the average among the female population.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD), which entered into force in Germany on 26 March 2009, assures women and girls with disabilities in particular, in Articles 6 and 16, that they will be protected from all forms of violence and abuse, taking gender-specific aspects into account. In addition

to the provisions of the UNCRPD, Article 4 (3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention, which entered into force on 1 February 2018, requires that the convention be applied without discrimination to women with disabilities. In light of paragraph 36 of the Concluding Observations on Germany's initial report on the implementation of the UNCRPD, the issue of protection against violence has been included in the NAP 2.0 of 2016²³ and its 2021 update.²⁴

23 www.gemeinsam-einfach-machen.de/GEM/DE/AS/NAP/NAP_20/nap_20_node.html (29 November 2022)

24 https://www.gemeinsam-einfach-machen.de/GEM/DE/AS/NAP/Statusbericht_NAP/statusbericht_nap_node.html (29 November 2022)

In connection with this, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is funding, for a three-year period, starting in March 2021, a project on political representation for women with disabilities run by Weibernetz e. V. In addition to promoting equality and equal rights, it also covers the aforementioned focal areas. Weibernetz e. V. is the only organisation run for women with disabilities by women with disabilities that operates nationwide.

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

Thanks to the Participation Strengthening Act, service providers have been obliged since 1 June 2021 to provide suitable protections from violence, especially for women and girls with

disabilities, under section 37a of Book IX of the Social Code.

In line with the Coalition Agreement, the German Government plans to develop an interministerial general policy strategy to tackle violence, with the prevention of violence as well as the rights of those affected at its heart. The needs of vulnerable groups, such as women with disabilities and refugee women as well as LGBTIQ+ people, will be taken into account in this strategy. The basis for this will include a study published by the Federal Ministry of Labour and Social Affairs in September 2021 entitled *Gewaltschutzstrukturen für Menschen mit Behinderungen – Bestandsaufnahme und Empfehlungen* ("Structures for the protection against violence of people with disabilities – taking stock and recommendations")²⁵ and a study commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Labour and Social Affairs in 2021 entitled *Gewalt gegen Frauen und Männer mit Behinderungen in Einrichtungen* ("Violence against women and men with disabilities in institutions").²⁶

Right to participate in public life

Implementing the realignment of integration assistance to reflect the UNCRPD, which was adopted with the Federal Participation Act (*Bundesteilhabegesetz*) at the end of 2016, continued to be a major priority for all stakeholders during the reference period.

The implementation of the reform has been delayed, among other things, owing to the

COVID-19 pandemic. To date, predominantly *Land*-specific transitional regulations are in force, which only partially do justice to the intended sea change in integration assistance. Against this backdrop, support for implementation of the Federal Participation Act by the German Association for Public and Private Welfare as well as elements of the accompanying financial-investigation and impact-assessment

25 https://www.bmas.de/SharedDocs/Downloads/DE/Publikationen/Forschungsberichte/fb-584-gewaltschutzstrukturen-fuer-menschen-mit-behinderungen.pdf?__blob=publicationFile&v=4 (29 November 2022)

26 https://www.ifes.fau.de/referenzen/projekte/gender-gewalt-und-menschenrechte/#collapse_0 (29 November 2022)

research projects will each be extended by two years until the end of 2024. The Federal Ministry of Labour and Social Affairs will report to the German Bundestag and Bundesrat by the end of 2022 on the status and interim findings of the accompanying projects.

Under the constitutional principle of universal suffrage, all Germans 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.

One of the effects of the Reform of Custodianship and Care Law Act of 4 May 2021, the provisions of which enter into force on 1 January 2023,

is to comprehensively revise the central norms of care law. The primacy of the wishes of persons under custodianship is now the central benchmark of care law. The new regulations stipulate more clearly that the provisions of Article 12 of the UNCRPD also apply to care law, that legal custodianship primarily ensures support for the affected person in exercising their legal capacity to act through their own autonomous action, and that custodians may only resort to acting as proxies if this is necessary to protect the person under custodianship. People under custodianship are more involved than before in the judicial decision on whether and how to appoint a custodian, in the selection of their specific custodian, and in the oversight of custodians by the custodianship court. With a view to ensuring the uniform quality of professional custodianship, there is now a formal registration procedure for professional custodians. They must demonstrate that they fulfil certain minimum criteria of personal and professional aptitude in order to be registered.

B8 Human rights in migration, integration and the protection of refugees and national minorities

Taking non-refoulement into account (UPR recommendation 121)

The prohibition of refoulement in Article 33 of the Convention relating to the Status of Refugees is enshrined in law. When carrying out checks on deportation bans in accordance with section 60 (5) and (7) of the Residence Act, the Federal Office for Migration and Refugees verifies in particular whether the non-EU 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 (section 60 (7), first sentence, of the Residence Act) or be at risk of torture or other cruel, inhuman or degrading treatment or punishment (section 60 (5) of the Residence Act). The provisions of section 60 (5) and (7) of the Residence Act are likewise taken into account when carrying out checks on deportations pursuant to section 57 (3) of the Residence Act.



“Refugees welcome” at the German-Polish border (2021) © picture alliance/dpa/dpa-Zentralbild | Patrick Pleul

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 – unless they have been recognised as refugees.

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-mentioned 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 deportation, which is the responsibility of the relevant foreigners authority. This also applies when no appeal is

lodged. If forced return is not possible, the foreigners authority can grant suspended-deportation status or even a residence permit.

Measures to combat human trafficking

(UPR recommendations 149, 150, 151, 152, 156, 158, 159 and 161);

measures to combat trafficking in minors and child prostitution

(UPR recommendations 152, 153, 155, 157, 160 and 162)

Detailed information is provided in *chapters B4*, a spotlight on the German Government's fight at the national, European and international levels against human trafficking for the purpose of sexual exploitation or labour exploitation, and

B6, a spotlight on the German Government's commitment at the national and European levels to combating child sexual abuse, especially on the internet.

Access to education for migrants (UPR recommendations 190, 201, 207, 225, 227, 228, 229 and 230)

In Germany, every child has a right to education and non-discriminatory access to educational measures. This applies both to children with migrant backgrounds and to children of people seeking international protection or whose parents do not have residence permits. In the schools sector, the *Länder* implement a wide range of measures to nurture and integrate children with migrant backgrounds as well as the children of people seeking protection.

Language support is of vital importance here, to avoid them suffering long-term disadvantages in the further course of their education due to a lack of language skills. Language checks before children start school, in combination with special support measures, are to ensure better support for children who need it. Children of new arrivals – irrespective of their parents' residence status – usually acquire initial German language skills in special language learning classes (*Sprachlernklassen*) or are taught in regular classes with supplementary language support. In

both cases, however, the aim is to ensure rapid integration into the regular school system. In addition, the initiative of the Federation and the *Länder* to support language promotion, language diagnostics and reading skills *Bildung durch Sprache und Schrift* (BiSS) helps to improve children's skills in German as a language of education, as does the expansion of all-day schooling.

Alongside promotion of German language skills, the *Länder* are also working in a wide range of ways to encourage a greater focus on migrants' languages in the school context, not least with a view to promoting multilingualism. This is taking place, for example, within the framework of lessons held in children's native languages, corresponding provision of foreign language teaching, and various formats and projects in the area of intercultural awareness at schools. In addition, efforts are being made to increase the number of teachers with migrant backgrounds.

To promote the education of children with migrant backgrounds, the *Länder* have underscored the importance of parents' involvement in school bodies to protect the interests of children with migrant backgrounds, not least through a joint declaration on the educational partnership between schools and parents issued in 2013 by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany in collaboration with the organisations of people with migrant backgrounds. Representatives of those organisations and the Standing Conference exchange views on an annual basis in joint talks on the implementation of the joint declaration and on other aspects of education policy. In accordance with the recommendations on teacher training for diverse schools drawn up by the Standing Conference and the German Rectors' Conference in 2015, teachers are already introduced to the topic of teaching in an intercultural and diverse environment during their studies. In 2020, an interim report on the implementation of the joint recommendations was published that demonstrates the positive developments achieved over the last five years. Continuous professional development programmes for teachers are also geared towards promoting intercultural skills.

Registered refugees in Germany have access to higher education studies, regardless of their residence status, provided that they meet the formal requirements (recognised university-entrance qualifications and German language skills at, usually, C1 level or above). The higher education programmes for refugees Integra, Welcome and Profi, which the German Academic Exchange Service has been implementing since 2016 with funding from the Federal Ministry of Education and Research, have created efficient and equal-opportunity avenues for people with refugee backgrounds to access higher education. As

a result of this funding, the necessary knowledge as well as corresponding structures and courses have been established at the universities. Thanks to needs-based support in the programmes, refugees are offered academic prospects that, taking into account their individual starting positions, assist their personal progression and career paths (empowerment) by making up for disadvantageous conditions hampering their take-up and completion of courses of study with appropriate support measures. The Integra, Welcome and Profi funding programmes set different priorities that are of crucial importance for the successful academic and social integration of refugees: (1) social integration through the building of social relationships and social engagement, (2) professional and academic integration through university enrolment and success, and (3) integration into the German labour market in line with their level of education through additional academic or access-relevant qualifications. During the reference period (1 October 2020 to 30 September 2022), 273 projects (134 for Integra, 122 for Welcome, 17 for Profi) will be implemented at some 170 higher education institutions. The programmes focus on both prospective students with no previous experience of studying and young people forced to interrupt their studies as a result of displacement, and offer flexible entry options and levels. They also offer programmes specifically for refugee graduates who already have higher education degrees and, in some cases, relevant professional experience and are aiming to enter the German labour market as soon as possible (Profi).

On 11 March 2022, in its joint declaration on the war in Ukraine and its impacts adopted in Lübeck (*Lübecker Erklärung zum Krieg in der Ukraine und seinen Auswirkungen*), the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal

Republic of Germany decided to welcome refugee students to schools and ensure their schooling with a minimum of red tape and to build an academic bridge to Germany for academics and students.²⁷ According to the declaration, there is to be a central point of contact for students and researchers where information on specific support measures offered by the German Government, the *Länder*, universities, academic organisations, student services organisations and foundations is pooled and made accessible. The platform will be administered by the German Academic Exchange Service.

With its resolution of 5 April 2022²⁸, the Standing Conference sets out the rules for access to higher education for refugee pupils and students from Ukraine who have not been able to complete their school or university year in the usual way. It states that those affected should not suffer any disadvantage on account of their displacement. The current recommendations for access to higher education with Ukrainian secondary school leaving certificates are being applied.

In the event of a lack of proof of university-entrance qualifications acquired in a person's country of origin due to their displacement, recourse can be made to the tried and tested procedures

agreed upon by the Standing Conference on 3 December 2015²⁹ in line with Article 7 of the Lisbon Convention.

Foreigners who have prospects of remaining in Germany and who are integrated into society, such as those with a right of permanent residence under the Freedom of Movement Act/EU (*Freizügigkeitsgesetz/EU*), a long-term residence permit (EC) or a settlement permit, can receive support in the form of a grant from the German Government (BAföG) to fund their education. This also applies to people recognised as entitled to asylum, recognised refugees under the Convention relating to the Status of Refugees, people eligible for subsidiary protection and, as of 1 June 2022, to holders of residence permits under section 24 of the Residence Act or corresponding provisional residence documents under section 81 (5), read in conjunction with section 81 (3) or (4), of the Residence Act. People who have been granted suspended-deportation status must already have been resident in Germany legally, on a permit or with suspended-deportation status, for an uninterrupted period of 15 months before they are eligible for a BAföG grant.

The COVID-19 pandemic posed financial challenges for students, especially those from abroad. The German Government responded swiftly with interim aid for students suffering

27 Lübeck declaration on the war in Ukraine and its impacts (*Lübecker Erklärung zum Krieg in der Ukraine und seinen Auswirkungen*, resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany of 10 March 2022)

28 Access to higher education with Ukrainian education certificates – application of the resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany in the Ukraine crisis to persons granted residence for temporary protection under section 24 of the Residence Act (*Hochschulzugang mit ukrainischen Bildungsnachweisen - Anwendung der Beschlüsse der Kultusministerkonferenz in der Ukraine-Krise auf Personen mit Aufenthaltsgewährung zum vorübergehenden Schutz nach § 24 Aufenthaltsgesetz*, resolution of the Standing Conference of 5 April 2022)

29 University entrance and admission for applicants unable to produce evidence of university-entrance qualifications as a result of displacement (*Hochschulzugang und Hochschulzulassung für Studienbewerberinnen bzw. Studienbewerber, die fluchtbedingt den Nachweis der im Heimatland erworbenen Hochschulzugangsberechtigung nicht erbringen können*, resolution of the Standing Conference of 3 December 2015)

pandemic-related financial difficulties. This aid consisted of two elements, a KfW student loan and a grant. The KfW student loan was provided to students interest-free from May 2020 to September 2022, and applications for it were temporarily opened up to international students (irrespective of their residence status). Over 57,000 applications have been approved since the loans were made interest-free. Among those who thus received long-term funding are more than 20,000 international students (as of 1 December 2021).

In addition, students in acute financial difficulty owing to the pandemic had the opportunity to apply monthly for a non-repayable grant of up to €500. Students were able to apply for this grant from June to September 2020 and from November 2020 to September 2021. The grant helped

to make up for shortfalls in income due to the pandemic. In total, about 619,200 applications were received by student services organisations over this 15-month period. Those organisations were able to approve almost 433,000, or about 69.9%, of the applications received. Around one in three of all the applications submitted over the entire period came from students who do not have German nationality. Sixty percent of all applicants, i.e. just under 109,000 students, received financial support for at least one month. Around one in three of these students came from abroad, and almost three out of every four successful applicants received support for seven months or longer.

For more information, please see *chapter B 2* on education.

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 in the event of particular hardship. A case of hardship as referred to in section 31 (2), second sentence, of the Residence Act exists if, for example, the spouse cannot reasonably be expected to maintain marital cohabitation due to the impairment

of their legitimate interests, which can be assumed in particular where the spouse is a victim of domestic violence. In line with the plans set out in the Coalition Agreement, a more precise regulation is to be put in place for victims of domestic or intimate-partner violence who only have a derived right of residence. Additional protections for affected women, outside the realms of residence legislation, are also in place.

Promoting the integration of migrants (UPR recommendations 223, 224 and 234)

Integration policy in Germany is a key and dynamic policy area in which state and civil-society measures have sought to ensure equal opportunities for migrants in all aspects of society. Integration measures and regulations are subject to an ongoing review and adaptation process in this

context. This includes socio-political processes of change and consensus-seeking which underpin Germany's perception of itself as a country and society enriched by immigration. The major influx of refugees since 2015 has promoted a new understanding in society of displacement

and asylum; the latter is now no longer predominantly understood as a temporary stay (temporary protection) but as an active challenge in the area of integration.

With the change of government at the federal level in December 2021, Germany tightened its focus on “integration from the outset”, aiming to grant all new immigrants access to the federally funded basic provision of German language learning and migrant advice services. In particular, the modular comprehensive language programme *Gesamtprogramm Sprache*, which combines German language acquisition up to level B1 in the Common European Framework of Reference for Languages with a socio-political orientation course (a total of 700 class hours) and subsequent business German courses up to language levels B2 and C1 (university entrance), is held in high regard across the OECD. Numerous federal, *Land* and local authority funding programmes support arrival, initial (often easy-access) orientation, as well as dialogue and interaction with the host society. The *Länder* in particular support the establishment and expansion of local administrative structures and infrastructure that foster integration and are promoting naturalisation to an increasing extent. Migrant organisations are valued points of contact for policymakers at all federal levels; they receive funding and their federal umbrella organisations in particular receive structural support.

The integration of migrant women with family responsibilities into the labour market, especially women refugees, remains a priority for the German Government in the reference period. The ESF-funded programme Strong in the Workplace – Migrant Mothers Get on Board (2015-2022) run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supplements the normal

employment-promotion provision with advice for mothers on taking up jobs or seeking qualifications as well as supporting them on the road towards high-value occupations.

The umbrella organisation representing migrant women’s organisations *Dachverband der Migrantinnenorganisationen* (DaMigra) offered various empowerment programmes for migrant and refugee women during the reference period, partly with funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (see also *chapter B 3*).

The Office for the Equal Treatment of EU Workers, part of the staff of the Federal Government Commissioner for Migration, Refugees and Integration and Commissioner for Anti-Racism, is dedicated to promoting integration and equal treatment for EU citizens. It is intended to support EU citizens in exercising the rights to which they are entitled in Germany in the context of the free movement of labour. On its website, the Office for the Equal Treatment of EU Workers provides comprehensive information in 11 official EU languages on topics relating to living and working in Germany and tips on where to find further advice. The website also includes a multilingual guide to public authorities, a checklist for taking up employment in Germany and a comprehensive overview of other information and advice services offered by the federal authorities. EU citizens can also contact the help desk of the Office for the Equal Treatment of EU Workers directly with their specific queries.

Access of migrants to the health system (UPR recommendations 34, 201, 225, 232 and 233)

The German Government gears its health policy measures towards equal access to healthcare for all population groups. As a rule, there is sufficient and non-discriminatory access to healthcare for everyone residing in Germany, regardless of their origin. An essential prerequisite for the use of health services is the existence of health insurance coverage or mobilisation of one of the options available in Germany for access to coverage in the event of illness.

This can include entitlement to healthcare benefits under the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*). If they need healthcare during their first 18 months in Germany, the extent of their access is governed by sections 4 and 6 of that Act. The rules cover the medical and dental interventions required to treat acute illness and pain, including the provision of medicines, dressings and other inputs necessary for recovery, improvement or alleviation of diseases or their effects. For the prevention and

early recognition of diseases, immunisations and medically necessary screenings are carried out. Additional entitlements to care exist if a benefit is essential to ensure a person's health in an individual case. After the 18 months have elapsed, healthcare is normally provided in accordance with Book XII of the Social Code, which is 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, at the same level as under statutory health insurance, on a reimbursement basis (in which case mandatory participation in the statutory health insurance system is not triggered).

People seeking protection thus already have access to healthcare under current legislation.

Integration of young migrants (UPR recommendation 226)

The youth migration services in Germany support and assist all young people between the ages of 12 and 27 who either live in Germany as legal residents or on the basis of suspended-deportation status governed by the law on foreigners. This support ranges from short-term counselling on living in Germany to longer-term assistance during the transition from school to vocational training or employment and into the life of their communities and wider society. In accordance with the Action Plan for Human Rights, support from the youth migration services for young

people with migrant backgrounds and experience of displacement remains a focus of the German Government's migration advice services.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and *Nummer gegen Kummer e. V.*, with the support of Deutsche Telekom, have together set up Helpline Ukraine. The counsellors listen to and support displaced Ukrainian children, adolescents, their parents and other relatives with current concerns and issues that exercise them. Counselling is confidential and is provided in Ukrainian and Russian (see also *chapter B 5*).

The Federal Government Commissioner for Migration, Refugees and Integration and Commissioner for Anti-Racism promotes the involvement of young people with histories of immigration in migrant organisations in the project

Jugendstil funded by *Deutsche Jugend in Europa* (“German youth in Europe”), in order to increase levels of engagement among young people with migrant backgrounds.

Supporting the activities of UNHCR (UPR recommendation 235)

Germany is a close political partner for and the second-largest bilateral donor to the United Nations High Commissioner for Refugees (UNHCR). The German Government supports UNHCR’s work in areas such as the protection and humanitarian care of refugees and internally displaced persons, the inclusion of refugees in national systems, educational opportunities and resettlement. In terms of its financial contribution, the German Government supports UNHCR

both through continued payment of a voluntary untied contribution to the core budget (2020: €24 million; 2021: €22.25 million; projected for 2022: €21.69 million) and through further funding of UNHCR projects and programmes (2020: total payment to UNHCR €395.3 million; 2021: €434 million). The German Government will continue to promote close partnership with and support for UNHCR in the future.

UNO Flüchtlingshilfe, the UNHCR’s German partner, at the open day hosted by the Federal President at Villa Hammerschmidt, Bonn, Germany (2022)



Family reunification (UPR recommendation 237)

The principles governing the subsequent immigration of spouses and dependants to re-join non-EU nationals, including those eligible for protection, are set out in sections 27 to 36a of the Residence Act. In line with the plans set out

in the Coalition Agreement, family reunification for individuals eligible for subsidiary protection is to be put on an equal footing with people covered by the Convention relating to the Status of Refugees.

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 seekers falls 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 reception centres and collective 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 enhance the protection of women and vulnerable groups in reception centres and collective accommodation and will continue its Federal Initiative to Protect Refugees and Migrants in Refugee Accommodation Centres, which has been implemented by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with UNICEF and a broad alliance of partners. The fourth, updated edition of

the Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres, published as part of the initiative as a set of guidelines with annexes on LGBTIQ+ refugees, refugees with disabilities and refugees suffering post-traumatic stress disorders, has been available since April 2021.

Since 2021, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has also funded the model project BeSAFE – *Besondere Schutzbedarfe bei der Aufnahme von Geflüchteten erkennen* (“Identifying special protection needs when taking in refugees”) as part of the aforementioned Federal Initiative to Protect Refugees and Migrants in Refugee Accommodation Centres with the aim of developing a tried and tested concept for identifying protection needs in the context of accommodation. For further information on the Federal Initiative to Protect Refugees and Migrants in Refugee Accommodation Centres and projects receiving funding, please see *chapters B 3 and B 5*.

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, who are entitled to special guarantees. Extensive training and awareness-raising measures have been provided for the staff involved in asylum procedure. The focus of these measures was

primarily on identifying special requirements calling for prompt responses and on responding appropriately to such requirements, which may entail 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 – thus 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 *Land* authorities) checks in particular whether

the foreigner would face a substantial concrete threat to life and limb or liberty if deported to the other country. Above and beyond this, the relevant *Land* ministries can suspend deportations of specified groups of foreigners with an enforceable obligation to leave for a certain period of time, 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.

Putting an end to restrictions of the rights of asylum seekers (UPR recommendation 241) and Measures to combat discrimination and violence against migrants and investigate such incidents (UPR recommendations 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 252 and 255)

In order to provide refugees with easily accessible information on protection against discrimination, the Federal Anti-Discrimination Agency published the brochure Protection against Discrimination in Germany. A Guide for Refugees and New Immigrants in ten different languages back in 2016. It sheds light on the prohibition of discrimination in key areas of life, addresses the risks of discrimination and signposts counselling and support services. The information is currently being translated into Ukrainian in light of people displaced by the war arriving in Germany from Ukraine. The translated texts are to be

published on the website of the Federal Anti-Discrimination Agency and advertised with flyers in Ukrainian and English. The translations are due to be completed in August 2022.

The independent Federal Anti-Discrimination Agency supports people who experience discrimination on racist grounds or on account of their ethnic origin, gender or gender identity, religion or belief, disability, age or sexual orientation. It advises those affected on their legal options for taking action under the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*).

Counselling is free of charge, unconditional and available in German, English and Arabic. In 2021, the counselling services of the Federal Anti-Discrimination Agency were expanded with the establishment of a service office.

The National Action Plan on Integration was updated and taken forward in 2020 and 2021. An important new departure was the focus on antidiscrimination and measures to combat group-based hostility in a separate forum spearheaded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Anti-Discrimination Agency. The aim was

to develop concrete projects that help to combat racism and discrimination and to promote social inclusion.

In addition, with the *Respekt Coaches* project, the German Government is helping schools across the country to promote tolerant and respectful behaviour in order to prevent hatred, racism and misanthropy from emerging in the first place.

For more information, please see *chapter B9* on combating racism and other forms of group-based hostility.

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

Pursuant to section 12a of the Asylum Act pertaining to asylum-procedure counselling, the national asylum authority, the Federal Office for Migration and Refugees, offers asylum seekers independent state counselling on asylum procedure. The counselling is free as well as voluntary for asylum seekers, and it is offered in two phases.

The first phase usually takes place before 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 for returning to their countries of origin. Building on this, the second phase gives all asylum seekers the opportunity to attend one-on-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.

Asylum-procedure counselling is to be made independent of the authorities in the future. The German Government is currently working to implement this.

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 informed 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/preventing the detention of 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 these vulnerabilities into account. If applicants have been identified as traumatised, or if torture, human trafficking or persecution on the grounds of gender or sexual orientation 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.

Custody awaiting deportation is not permitted in the Federal Republic of Germany if the purpose of the custody can be achieved by less severe means. Detention requires a judicial order

and must be restricted to the shortest possible duration. Minors, families with minor children or members 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.

Section 62a (3) of the Residence Act further stipulates that, in the case of minors in custody awaiting deportation, the needs of persons their age are to be taken into account in compliance with the provisions of Article 17 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals (OJ L 348, 24 December 2008, p. 98). Special attention must be paid to the situation of people in need of protection.

This ensures a comprehensive level of protection in custody awaiting deportation, especially for vulnerable groups.

Respect for the rights of people of African origin and asylum seekers (UPR recommendation 256)

In adopting the final report of the Cabinet Committee for the fight against racism and right-wing extremism on 12 May 2021, the German Government committed itself to establishing a coordination unit to implement the International

Decade for People of African Descent of the United Nations. The coordination unit will be overseen chiefly by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in collaboration with the Federal Ministry of the

Interior and Community and the Federal Government Commissioner for Migration, Refugees and Integration as well as for Anti-Racism. Over the next three years, it will organise events and expert discussions that draw attention to the perspectives and circumstances of people of African origin, address and tackle racism towards Black people and related discrimination in society and structures, and promote empowerment of and for the Black community. Its objective is also to contribute to improved awareness of and greater respect for the diversity of the heritage and culture of people of African descent, which are both prerequisite to successfully combating racism and discrimination against people of African origin. The coordination unit is also to work closely with people of African descent and

grassroots organisations, especially those in the Black community. The programme of activities of the International Decade for People of African Descent will inform the coordination unit's work.

The coordination unit comprises an advisory board which was constituted on 25 February 2022 and is made up of representatives of the German Government, the *Länder*, civil society and academia. A secretariat has also been set up, based at the Federal Office of Family Affairs and Civil Society Functions.

For more information, please see *chapter B9* on combating racism and other forms of group-based hostility.

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

The registration of a child born in Germany occurs irrespective of the residence status of their parents.

When the birth is reported to the registry office, the documentation pertaining to the birth and to the identity of the parents which is listed – not exhaustively – in section 33 of the Ordinance on implementation of the Civil Status Act (*Personenstandsverordnung*) must be submitted in order to enable verification of the child's parentage and the choice of name. Only if it can be expected that suitable documentation to prove the parents' identity will be submitted in the near future can certification by the registrar be postponed in accordance with section 7 (1) of the Ordinance. Otherwise, the personal details must be entered in the register of births, marriages and deaths as stated by the parents and it must be noted that no suitable proof of identity has

been provided. Until this proof has been provided, the parents are issued with a certified excerpt from the register of births, which is nonetheless a civil-registration document with the same evidentiary effect as other such documents. If the parents present further proof of identity at a later date, subsequent certification can be completed and a birth certificate issued without any difficulty.

Under Article 7 (1) of the UN Convention on the Rights of the Child, children have the right to be entered in a register of births. This right is granted under German civil status law.



Attendees at a memorial event on the market square in Hanau, Germany, with pictures and placards in memory of the victims of the racially motivated attacks that shook the town in 2020 (2022) © picture alliance/dpa | Boris Roessler

B9 Combating racism and other forms of group-based hostility

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)

With the Act to Combat Right-wing Extremism and Hate Crime (*Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität*), which was passed by the Bundestag in the summer of 2020, amendments were made to the Criminal Code (e.g. expansion of the catalogue of offences under section 126 of the Criminal Code (Disturbing public peace by threatening to commit offences) to include dangerous bodily harm (section 224 of the Criminal Code) and certain offences against sexual self-determination (sections 177 (4) to (8); section 178 of the Criminal Code)).

Approving of certain offences not yet committed is now also punishable, under section 140 of the Criminal Code. Moreover, it has now been explicitly clarified that, when fixing the penalty for an offence, antisemitic motives must be particularly taken into consideration (section 46 (2) of the Criminal Code).

The Act entered into force on 3 April 2021 and is part of a package of measures for tackling 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 tackling right-wing extremism, creating more jobs within these authorities and stepping up prevention efforts. In addition, a Cabinet Committee for the fight against racism and right-wing extremism was established.

Comprehensively combating hate speech and incitement on the internet is also part of the *Aktionsplan gegen Rechtsextremismus* (“Action plan to combat right-wing extremism”), which was presented in March 2022.

Publishing statistics on extremist crimes (UPR recommendation 63)

Within the framework of the Criminal Police Reporting Service for Politically Motivated Crime (KPMd-PMK), politically motivated offences have been transmitted to the Federal Criminal Police Office by the competent *Land* Criminal Police Offices and recorded in a central statistical file since 2001. Based on the motives and circumstances of each offence, the *Länder* record politically motivated crimes according to categories (such as the sub-category “antisemitic” within the “hate crime” category) and targets (such as “the state” or “infrastructure”), as well as locating the identifiable ideological context and causes behind the offence among areas of relevance to state security: right-wing, left-wing, foreign ideology-driven, religious ideology-driven and uncategorised. These statistics are based on incoming reports. The offences are recorded and sent to the Federal Criminal Police Office at the beginning of the investigations.

Extremist offences are one subset of politically motivated offences. Criminal offences are classified as extremist offences if, over and above a low-threshold political motivation, there are actual indications that their target is the liberal democratic order of the state, i.e. they seek to nullify or suspend one of the following constitutional principles:

- the right of the people to exercise the power of the state in elections and referendums and through special legislative, executive and judicial bodies, and to elect representatives of the people by universal, direct, free, equal and secret ballot
- the obligation of the legislature to adhere to the constitutional order and the obligation of executive authority and jurisprudence to respect law and justice
- the right to form and exercise a parliamentary opposition
- the replaceability of the government and its accountability vis-à-vis the representatives of the people
- the independence of the courts
- the preclusion of any rule by force or tyranny
- the human rights enshrined in the Basic Law

Offences that endanger the foreign interests of the Federal Republic of Germany or target international understanding either by violence or actions preparatory to violence are also included.

Both the total number of politically motivated offences and the number of extremist offences are communicated transparently to the public. The politically motivated offences are published on an annual basis by the Federal Ministry of the Interior and Community at a press conference and subsequently published on the ministry's website.³⁰

Since the Federal Office for the Protection of the Constitution is responsible for combating extremist activities, the statistics on extremist offences are presented in the annual Report

on the Protection of the Constitution, which is available to the public on the websites of the Federal Ministry of the Interior and Community and the Federal Office for the Protection of the Constitution.³¹

The Action Plan for 2020 to 2022, the recommendations of the UN treaty bodies and decisions of other institutions, as well as the recommendations from the Universal Periodic Review of the UN Human Rights Council, have thus already been taken into account.

Promoting the integration of employees with a migrant background into the criminal police (UPR recommendation 33)

Initial training in the federal police forces (Federal Criminal Police Office, Federal Police) and appointments to jobs in criminal-investigations units are based on aptitude, performance and qualifications. While place of birth is irrelevant, German citizenship is a prerequisite for joining the criminal police service. People can also be recruited if they have the nationality of an EU member state, an EEA member country or another country whose professional qualifications Germany has agreed to recognise by treaty. Nationals of other countries may be recruited via recourse to a derogation. In recent years, the Federal Criminal Police Office and the Federal Police have stepped up the measures they take to increase the number of staff with migrant backgrounds in their ranks. For example, the recruitment and selection processes in the Federal Criminal Police

Office are being steadily optimised through the introduction of the new Federal Criminal Police Office careers portal and target group-oriented advertising for different occupational categories on digital channels. The Federal Police's recruitment campaign is also being continued and developed on an ongoing basis. The target group is analysed at regular intervals with a view to targeting school leavers and young people seeking to change careers and showcasing the Federal Police as a reliable and varied job that plays an important role in society.

When performing their statutory duties, police officers come into contact with many people from different cultures. The federal police forces therefore set great store by the linguistic and intercultural skills of applicants when recruiting.

30 Available at www.bmi.bund.de/DE/themen/sicherheit/kriminalitaetsbekaempfung-und-gefahrenabwehr/politisch-motivierte-kriminalitaet/politisch-motivierte-kriminalitaet-node.html (29 November 2022)

31 Available at www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/vsb-2021-gesamt.html and also at www.verfassungsschutz.de/SharedDocs/publikationen/DE/verfassungsschutzberichte/2022-06-07-verfassungsschutzbericht-2021.html (29 November 2022)

This means it is desirable to increase the proportion of police officers with migrant backgrounds. Recruitment adverts for the federal police forces therefore 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 this target group.

Measures to prevent racial profiling (UPR recommendations 78, 81, 82, 83, 84 and 136)

The federal and *Land* police forces are committed at all levels to ensuring that the issues of racism and extremism are and remain present in the minds of all employees on account of their special importance. The German Government is aware of its special responsibility and carefully monitors developments in this area.

Discriminatory ethnic or racial profiling violates applicable law, in particular the prohibitions of discrimination contained in Article 3 (3), first sentence, of the Basic Law. Neither the Federal Police Act (*Bundespolizeigesetz*) nor any of the other regulations and decrees governing the Federal Police permit discrimination on the basis of, for example, a person's ethnicity, origins or religion. The same applies to the legal provisions applicable to the police authorities of the *Länder*. This is what guides police officers' day-to-day conduct.

The relevant authorisation rules of the Federal Police apply without distinction to each and every person, have the same effect for everyone and are based on objective criteria. In the case of unauthorised entry into the country, for example, these may be information about the routes someone has used, locations, periods of time, luggage carried or clothing. Checks based exclusively on someone's external appearance without reference to the aforementioned criteria are unlawful.

Police officers have applied the authorisation rules of the Federal Police Act in a constitutional and responsible manner for many years.

This is ensured within the framework of initial and continuous training. The impact of stop and search, for example, enjoys high priority in the Federal Police – especially with regard to unintentional or unconscious discrimination – in multiple areas of initial and continuous training. Human rights, fundamental rights and non-discrimination are discussed continuously and regularly taught in centralised initial training for all career strands. In tandem with this, these topics are also addressed 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 alerted to the issue of unintentional or unconscious discrimination on an ongoing basis. Their training also takes in current cases and landmark court judgments as well as academic studies and relevant handbooks.

Police training (UPR recommendations 96, 97, 98 and 125)

In the Federal Police, comprehensive initial and continuous training measures are provided to empower officers to treat all people equally and to serve the common good. Various forms of knowledge transfer are deployed to raise awareness among Federal Police officers in order to enable them to perform their duties in an objective and unbiased manner. Complaints management is used to monitor progress made in this area.

The application of the Federal Police authorisation rules in accordance with the law is assured through practice-oriented initial and continuous training.

The Federal Police specifically address allegations of racial/ethnic profiling as part of their initial and continuous training. External speakers from the Diaspora Policy Institute are deployed in these training courses in order to achieve a better understanding of the perspective of those affected.

*General anti-racism/anti-discrimination measures (UPR recommendations 52, 59, 60, 64, 66, 72, 93, 99, 100, 101, 102, 103, 105 and 139) / Preventive anti-extremism/anti-racism measures (UPR recommendations 107 and 108)**Cabinet Committee for the fight against racism and right-wing extremism*

Against the backdrop of the murder of Dr Walter Lübcke and the attacks in Halle and Hanau, the German Government of the 19th legislative term established a Cabinet Committee for the fight against racism and right-wing extremism in March 2020. With this step, the German Government elevated the fight against right-wing extremism, racism, antisemitism and other forms of group-based hostility to the highest level of responsibility.

With this package, the German Government wants to learn to better understand the causes of right-wing extremism and racism in particular, to respond to the actions of right-wing extremists as a strong state and to foster democratic civil society. Among other things, the measures include intensifying research and prevention as well as strengthening cooperation between security authorities, the judiciary, and state and civil-society organisations.

Following a number of participation processes conducted within the framework of hearings with representatives of academia, civil society, migrant organisations and the *Länder*, the members of the Cabinet Committee adopted a package comprising 89 individual measures. The package of measures was approved by the Federal Cabinet on 2 December 2020.

The Cabinet Committee's final report of 12 May 2021 provides information on the methods, participation processes and state of progress of the individual measures.



Black Lives Still Matter demonstrators marching down *Unter den Linden* in Berlin, Germany (2021)
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Support for people affected by racism

It was agreed in the Coalition Agreement that an anti-racism commissioner would be appointed in the 20th legislative term. Minister of State Alabali-Radovan was appointed as the Federal Government Commissioner for Anti-Racism by Federal Cabinet decision on 23 February 2022, a role she performs in her capacity as Minister of State to the Federal Chancellor. In this office, she is, among other things, the German Government's central point of contact for those affected by racism. Her mandate is to coordinate the German Government's wide range of initiatives and measures to combat racism across all ministries, to develop new initiatives and measures, and to promote research into structural racism.

People affected by racism need support in dealing with racism in their everyday lives. This includes promoting individual strategies for action and argumentation aids along the lines of empowerment initiatives.

The Federal Government Commissioner for Anti-Racism therefore promotes pilot projects in which people affected by racism are strengthened in their capacity to tackle everyday racism and other manifestations of prejudice. One focus here is the endeavour to take into account the disparate needs of different target groups. In another focus, relevant pilot projects will concentrate on the problem of multiple discrimination or take intersectional approaches. The projects supported by the Commissioner also include measures that bolster grassroots migrant organisations and other civil-society stakeholders in their efforts to combat racism.

Furthermore, new pilot projects are being supported to channel help towards existing sources of assistance and advice (e.g. victim counselling and anti-discrimination counselling) and to expand easy-access counselling services for those affected by racism.

Expanding knowledge: research on racism

Researchers at the Research Institute Social Cohesion (FGZ) are addressing the issue of racism in community and state institutions within the framework of the broad-based multiannual research project on racism as a threat to social cohesion in the context of selected socio-institutional areas (2021-2024) as part of the package of measures compiled by the Cabinet Committee for combating racism and right-wing extremism. It is hoped that the research findings will provide insights into effective options for intervention with which institutional racism – embedded, for example, in modes of operation, rules of procedure, routines and processes – can be identified, dismantled and, above all, prevented. This broad-based study thus presents an opportunity to reappraise this complex issue and to signpost lessons to be learned for state institutions' future performance of their duties in strengthening social cohesion.

National Discrimination and Racism Monitor

The mandate for a National Discrimination and Racism Monitor (*Nationaler Diskriminierungs- und Rassismusmonitor*) and its subsequent establishment at the German Centre for Integration and Migration Research (DeZIM), decisions adopted by the Bundestag in 2020, laid the foundations for a permanent body to monitor discrimination and racism in Germany. The importance of monitoring racism is reflected by the reference to the National Discrimination and Racism Monitor made in the current Coalition Agreement.

The backdrop to this is the current lack of data on racism, which also manifests itself in the lack of regular, representative surveys on the extent of this issue and the consequences for people who are (potentially) affected by racism and

Furthermore, the Federal Government Commissioner for Anti-Racism seeks to close gaps in the field of racism research and, on the basis of the knowledge thus acquired, to identify further need for action on the part of policymakers. There are currently only very few evidence-based research findings in the various manifestations of the phenomenon (e.g. structural racism) in Germany.

There has been a lack of research in Germany into the important field that is the experience of people affected by racism. The planned expansion of this research is primarily intended to identify research objectives and close gaps thus ascertained. In addition, raising the profile of this research topic is of great importance to further establish this young research field in the academic landscape.

discrimination. The National Discrimination and Racism Monitor is intended to make reliable statements on the causes, extent and impacts of racism on the basis of different data sources so that effective measures for tackling racism can be developed.

Essential components of this monitoring strategy are surveys of the population as a whole and of (potential) victims of racism, as well as qualitative studies on institutional contexts. In order to flag up developments and trends on an ongoing basis, a report is to be published at regular intervals from 2023 onwards. Findings from topic-specific studies as well as from a representative

population survey on people's perception of and engagement with racism in Germany have already been published.

Civic education

In the context of efforts to deal with extremist and anti-democratic movements, it remains the goal of the Federal Agency for Civic Education to strengthen a resilient public that stands up to racism, right-wing extremism and anti-democratic speech by developing and promoting civic education formats. The Agency pursues this objective with a wide range of cross-media initiatives such as print and online publications, teaching materials, events and study trips, as well as with nationwide support for civil-society stakeholders. Accordingly, in the context of the Cabinet Committee for the fight against racism and right-wing extremism, it funds various measures to strengthen local and regional civil-society structures in the fight against these phenomena.

Federal Live Democracy! programme

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. The federal programme is currently in its second funding period, which is due to end in 2024. It makes an important contribution to preventing racism and other forms of group-based hostility, takes important recommendations from the Bundestag Committee of Inquiry on the NSU right-wing terrorist group into account, and is embedded in the National Action Plan Against

The multi-methodological and interdisciplinary research approach taken by the National Discrimination and Racism Monitor represents a new departure in the systematic monitoring of racism in Germany. Civil-society stakeholders are also involved in this process.

Within the framework of the new action plan to combat right-wing extremism presented in March 2022, the Federal Agency for Civic Education is implementing further projects to address right-wing extremism from a civic-education standpoint and pursuing important further developments and additions in order to cater to the needs of civic education organisations and other stakeholders. With the federal programme Cohesion through Participation, implemented by the Federal Agency for Civic Education, the Federal Ministry of the Interior and Community also promotes more broadly focused efforts to promote a sense of involvement in democracy and to combat extremism.

Racism. The funding volume for the federal programme has increased in recent years and currently stands at €165.5 million (2022).

At the local level, the federal programme continues to support more than 330 local partnerships for democracy in fostering numerous individual measures to promote democracy, shape diversity and prevent extremism. At the *Land* level, Democracy Centres are being funded in each of Germany's 16 *Länder*, to support, among other things, civil-society counselling facilities for people affected by far-right and racist violence or by other forms of group-based hostility. In addition,

at the federal level, funding is provided for a range of Competence Networks and Competence Centres with 14 thematic focuses (including antisemitism, Islamophobia, antigypsyism, racism, right-wing extremism and online hate speech). Furthermore, new and innovative approaches are being tested in around 160 pilot projects in the

Acceptance and protection of sexual and gender diversity

Gender identity and sexual orientation are another important strand of the fight against discrimination. Sexual orientation and gender identity are part of our human rights and constitute 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 has created a forum for dialogue on gender diversity in order to strengthen the counselling and support services available for matters of intersexuality and transgenderism. The aim is also to expand in scope and depth the provision of information for professionals 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 designed to help prevent homophobia and transphobia at the municipal, *Land* and federal levels. Since the beginning of the second funding period, support has also been provided for a dedicated competence network, *Selbst.verständlich Vielfalt*, which seeks to promote diversity by tackling homophobia and transphobia and consists of experienced

fields of promoting democracy, shaping diversity and preventing extremism. Other components of the federal programme include accompanying projects, an innovation fund and research projects, as well as academic assistance and programme evaluation.

organisations engaged in prevention work in this area. Nine pilot projects are also being funded to develop and trial different approaches to prevention and empowerment work in the same field. In addition, Democracy Centres are being funded in each of the *Länder*, supporting advisory services for people affected by far-right, racist, homophobic or transphobic violence. Furthermore, individual measures in the field of homophobia and transphobia are being promoted at local-authority level via the local Partnerships for Democracy.

Protection against discrimination on grounds of sexual orientation or gender identity is an important element of human rights protection in domestic and foreign policy and is enshrined in the Coalition Agreement and in the National Action Plan for Human Rights. Acts of violence, assaults and other criminal hostilities, and also marginalisation of LGBTIQ+ people, are not uncommon in either the public or the private sphere. In addition, LGBTIQ+ people are often affected by intersectional or multidimensional discrimination.

In order to enable all people to live autonomous lives in security, irrespective of their sexual or gender identity, the German Government will adopt a nationwide action plan to promote the acceptance and protection of sexual and gender diversity in addition to the measures that have

already been taken (such as the Rainbow Web Portal; the dialogue forum for gender diversity; the advisory services for trans* and inter* matters provided by the national workers' welfare association *Arbeiterwohlfahrt*; teaching of trans* and inter* competence in the counselling training of *Diakonie*, the social welfare organisation of Germany's Protestant churches; and target group-specific measures within the framework of the federal Live Democracy! programme).

The focus will be on six interministerial areas for action: inclusion, safety, education and counselling, health, equality before the law and international affairs. The planned recommendations for measures in each area aim, among other things, to create an environment free of discrimination (e.g. by adapting legal norms, in sports, youth work, culture/leisure, employment, medicine), to strengthen civil-society stakeholders with awareness-raising and empowerment work, to prevent violence against LGBTIQ+ people with and without disabilities, and to combat hate speech and incitement.

Combating and preventing extremism

Right-wing extremist ambitions and racist, antisemitic and other ideologies of inequality are not only an attack on our peaceful society, but also pose a substantial threat to democracy and cohesion. The greatest extremist threat in the Federal Republic of Germany is currently posed by right-wing extremism. In November 2020, the German Government therefore adopted a comprehensive catalogue of measures within the framework of the Cabinet Committee for the fight against racism and right-wing extremism, with which the German Government will, in an interministerial approach, work to prevent and combat right-wing extremism and racism.

The protection and promotion of human rights is an important cross-cutting task common to all areas of Germany's human rights policy, not only at the national level. Germany became one of the first countries in the world to adopt a strategy for the protection and the promotion of rights of LGBTIQ+ people when it published its Federal Government LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation in March 2021. This Strategy forms the conceptual basis for the German Government's international efforts to protect and promote human rights worldwide.

A Federal Government Commissioner for the Acceptance of Sexual and Gender Diversity, also known as the Commissioner for LGBTIQ+ Equality, was appointed by the German Government for the first time in January 2022 within the remit of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The office has been held by the Parliamentary State Secretary at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Sven Lehmann, since 5 January 2022.

As part of the catalogue of measures from the aforementioned Cabinet Committee, the German Bundestag in the 19th legislative term passed the Act Amending the Criminal Code (Criminal Protection against "Lists of Enemies", Criminalisation of Dissemination and Possession of Instructions for the Sexual Abuse of Children, and Improved Combating of Hate-mongering Content, Propaganda and Symbols of Unconstitutional and Terrorist Organisations) (*Gesetz zur Änderung des Strafgesetzbuches – Verbesserung des strafrechtlichen Schutzes gegen sogenannte Feindeslisten u.s.w.*), which entered into force on 22 September 2021. Among other things, the Act

added the criminal provisions of section 126a (Dangerous dissemination of personal data) and section 192a (Hate-mongering insult) to the Criminal Code. In addition, sections 86 and 86a of the Criminal Code were expanded to include the dissemination of propaganda materials by organisations that are listed as terrorist organisations at the EU level, without there already being a ban on these organisations in Germany. On 18 June 2020, the German Bundestag passed the Act to Combat Right-Wing Extremism and Hate Crime in order to improve the protection of victims of hate crime and hate speech. The law entered into force for the most part on 3 April 2021, with the amendments to the Act to Improve Enforcement of the Law in Social Networks (*Netzwerkdurchsetzungsgesetz*) following on 1 February 2022. Antisemitic motives are now explicitly cited as perpetrators' motives and objectives evidencing contempt for humanity that have been taken into account as an aggravating factor when sentencing (section 46 (2) of the Criminal Code). Furthermore, public insults and insults on the internet in particular can now be punished more severely (section 185 of the Criminal Code).

On 15 March 2022, the Federal Ministry of the Interior and Community presented its new action plan to combat right-wing extremism, *Aktionsplan gegen Rechtsextremismus*, which contains very tangible repressive and preventive measures. The repressive measures include enhanced measures to disarm right-wing extremists, more intensive investigation of financial activities in order to break up right-wing extremist networks, resolute and comprehensive action against criminal content on the internet, and swifter removal of extremists from public service. The preventive measures also envisage steps to strengthen civic education, especially in dealing with conspiracy ideologies on the ground and online, as well as fostering a democratic culture of debate. In

addition, programmes are being created to help people break free from extremist conspiracy ideologies. Measures have also been put in place to protect holders of municipal office and elected officials and to give proper consideration to the concerns of victims of right-wing extremism.

The federal Live Democracy! programme of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also funds pilot projects throughout Germany in the area of interdisciplinary approaches to prevention, which develop and test concepts and methods for the prevention of conspiracy theories among adolescents and young adults.

In addition, in the area of prevention and deradicalisation among prisoners and people on probation, funding goes to one pilot project in the penal system and probation services of each *Land* to develop and support pedagogical strategies for preventing radicalisation and fostering processes of distancing in the areas of Islamist, right-wing and left-wing extremism. The projects pursue a two-track approach and offer not only prevention and deradicalisation programmes for detainees, but also further training for professionals to help them more reliably identify and correctly deal with extremist tendencies.

In order to resolutely counter all other anti-constitutional threats in the future and to strengthen democracy, the SPD, the Greens and the FDP agreed in the Coalition Agreement for the 20th legislative term to develop a general strategy to combat extremism, consisting of prevention, deradicalisation and effective threat aversion, as well as a strategy for social cohesion, promotion of democracy and prevention of extremism. These strategies are to be combined into a general strategy across all ministries. The general strategy will set out the German Government's

strategic goals and priorities for a strong, robust democracy, for an open and diverse society, and for the fight against extremism. It is intended to offer responses to the current challenges, elaborate instruments and approaches to solutions and spell out how these can be strengthened – not least in cooperation with the *Länder*, local authorities and civil society. The general strategy builds on the German Government's existing strategy for preventing extremism and promoting democracy and also takes into account the catalogue of measures compiled by the Cabinet Committee for the fight against racism and right-wing extremism, the action plan to combat right-wing extremism submitted by the Federal Ministry of the Interior and Community in March 2022, the National Action Plan Against Racism, and other existing German Government measures and programmes.

To promote engagement with the issue of racism in the justice system, the Federal Ministry of Justice 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*. With the aim of making prosecution for racist and antisemitic offences even more effective and, in particular, increasing the number of reported offences, the Federal Ministry of Justice has been funding a German Institute for Human Rights project since 2020 that aims to improve the structures for cooperation between the various stakeholders (judiciary, public prosecutor's office, police, victim protection associations) within the framework of pilot projects in three *Länder*. Further training for stakeholders is an important component. The project will run for three years.

In October 2022, at the German Judicial Academy in Trier, the Federal Ministry of Justice will, for the first time, hold its own training event on the issue of racism entitled *Rassismus – Eine Herausforderung für die Justiz* ("Racism – a challenge for the judicial system").

Since 1 January 2022, an amendment to the German Judiciary Act (*Deutsches Richtergesetz*) has made it compulsory for legal training to include a critical analysis of the injustices of the National Socialist regime and of the Communist dictatorship in Germany in the compulsory subjects – e.g. civil law and criminal law (section 5a (2), third sentence, of the German Judiciary Act). Knowledge of the systems of injustice that pertained on German soil in the last century is intended to give prospective lawyers the ability to engage in critical reflection on the law so that they are conscious of their responsibility to preserve and strengthen the democratic rule of law.

In October 2021, the Federal Victims' Commissioner hosted a workshop on victim protection and right-wing violence. The aim of the workshop was, above all, to strengthen ties between the victim (protection) commissioners and central points of contact of the *Länder* and their counselling centres for victims of far-right violence and Democracy Centres, as well as to expand cooperation.

Defining racial discrimination (UPR recommendation 77)

The Federal Republic of Germany has ratified the fundamental covenants for the protection of human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 21 December 1965. The foundation of the German Government's activities is a broad conception of racism, the same as that which underpins the ICERD. This covers "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition,

enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" (Article 1 of the ICERD). This definition of "racial discrimination" is directly applicable in German law and must be applied by the administration and the courts. The Federal Government Commissioner for Anti-Racism plans to convene a panel of anti-racism experts whose tasks will include developing a working definition of racism for administrative activities.

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 arenas. The German Government considers tackling racism, racist discrimination and ideologies of inequality to be an ongoing task at all levels of society in Germany's federal system, one that the executive, legislature and judiciary must keep on addressing in their respective remits and in dialogue with civil society.

On 13 February 2020, for example, a consultation conference on the NAP and other ideologies of inequality took place with representatives from civil-society organisations, academics, social work and education practitioners, and state institutions. Around 150 people took part altogether. In the form of chaired discussions, talks, workshops and debates, the event 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.

Moreover, the German Government established a Cabinet Committee for the fight against racism and right-wing extremism in March 2020. The Cabinet Committee drew up a comprehensive and diverse catalogue of measures, which was adopted on 25 November 2020 and approved by the Federal Cabinet on 2 December 2020. Establishing the Cabinet Committee for the fight against racism and right-wing extremism perpetuated and prioritised the goals of the NAP from 2017, which are now in the process of being fleshed out. The final report of the Cabinet Committee, which was adopted by the Cabinet on 12 May 2021, including the package of measures, is thus the explicit operational and technical point of reference for work at the highest political level at the present time.

The Coalition Agreement of the 20th legislative term states that the NAP will be adapted and further developed. Following her appointment as Federal Government Commissioner for

Anti-Racism, Minister of State Alabali-Radovan announced that she would get the revision of the NAP under way.

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 justice, the environment, the media, poverty and violence.

the Federal Ministry of Justice describes existing international human rights mechanisms and explains the circumstances under which private individuals can lodge complaints. Summaries are also drawn up of important judgments from the European Court of Human Rights and made accessible to the public in German. The Federal Ministry of Justice has also published an information brochure on access to justice and the courts in cases of human rights violations falling within the remit of business enterprises, which provides further information for those affected by human rights violations.

The German Government, too, is fulfilling its mandate to inform the public in matters of human rights policy. On its website, for example,

Combating antisemitism (UPR recommendations 86, 138)

The German Government continues to set great store by combating antisemitism. The Council Declaration on mainstreaming the fight against antisemitism across policy areas, adopted on 2 December 2020 under Germany's Presidency of the Council of the European Union, emphasises the fact that the fight against antisemitism is a cross-cutting issue involving various levels of government and policies at local, national and European level and that increased awareness of the issue is required.

The Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism is currently developing, in cooperation with the ministries and civil society and with the participation of the *Länder*, a national strategy to combat antisemitism and foster Jewish life. Furthermore, the Commissioner has initiated numerous statutory provisions in the fight against antisemitism. Since 2019, there has been ongoing dialogue with the Commissioners of the *Länder* within the framework of the Joint Federal and State Commission to fight antisemitism and protect Jewish life, particularly in the field of education. On 11 June 2021, the Joint Federal and

State Commission, the Central Council of Jews in Germany and the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany adopted their Joint Recommendation on Dealing with Antisemitism in Schools. Through the celebrations and events held for the 2021 jubilee year, which celebrated 1700 years of Jewish life in the German cultural sphere, the German Government provided more than €22 million to support a total of almost 500 projects and thereby further raise the visibility of the diversity, cultural richness and long tradition of Jewish life in Germany.

In addition, a dedicated Competence Network on Antisemitism (KOMPAS) has been funded since the beginning of 2020 within the framework of the federal Live Democracy! programme. Consisting of experienced organisations working to prevent antisemitism, the network pools information nationwide, provides expert advice and is intended to ensure that successful prevention approaches and federal, *Land* or local structures are replicated. Funding is also being provided

for 15 pilot projects in this area, which are intended to ensure the further development and dovetailing of approaches to the prevention of antisemitism, to focus on school and non-school contexts and to include Jewish perspectives and experiences in the development of education and prevention programmes. The Federal Ministry of Education and Research is currently funding ten research networks at universities and non-university institutions with around €12 million over a four-year period as part of the funding guideline *Aktuelle Dynamiken und Herausforderungen des Antisemitismus* (the dynamics and challenges of antisemitism). The funding guideline aims to give rise to insights into antisemitism in its various manifestations, which can be used in prevention work and in other contexts. 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.

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

Hostility towards Islam and Muslims is a challenge to society as a whole and one that all parts of society must tackle jointly and resolutely. There is an emphasis here on prevention. Based on existing findings and recommendations, the German Islam Conference, the central forum for dialogue between the German state and Muslims in Germany, has devoted itself to the analysis and prevention of Islamophobia in various event formats. Moreover, the German Government set up the *Unabhängiger Expertenkreis Muslimfeindlichkeit*, an independent panel of experts on Islamophobia, in autumn 2020 to investigate current

and evolving manifestations of Islamophobia and to present a report with recommendations for action in summer 2023.

The federal Live Democracy! programme funds numerous preventive educational measures to address Islamophobia at the local, *Land* and federal levels. In the current, second funding period of the federal programme (2020-2024), nine pilot projects are being funded that are firmly dedicated to preventing hostility towards Islam and Muslims. In addition, the first Competence Network on preventing Islamophobia was set up at the beginning 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. 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. Moreover, individual measures relating to Islamophobia are receiving support at the local level via the local Partnerships for Democracy.

Coming to grips with different aspects of group-based hostility is also a key element of the work of the Federal Agency for Civic Education. This explicitly includes addressing the issue of Islamophobia. Easy-to-access information services such as exhibitions, flyers, wall newspapers and explanatory films are used to reach broad sections of the population and to raise awareness of this issue and its social implications. In addition, disseminators are specifically targeted with expert conferences, methodological handouts and specialist information.

Ratification of ILO Convention No. 169 (UPR recommendation 8)

Germany ratified the International Labour Organization's Indigenous and Tribal Peoples Convention No. 169 on 23 June 2021, and it entered into force for Germany on 23 June 2022. The ratification of Convention No. 169 was carried out on the mandate of the 2018 Coalition Agreement, with the primary objective of sending a strong political message of support for the protection of indigenous peoples to the international community.

No indigenous peoples within the meaning of the Convention live in Germany. As set out in the explanatory memorandum to the ratification bill, the Convention does not apply to population groups in the territory of the Federal Republic of Germany and, in the view of the German Government, does not have any extraterritorial protective effect.

The Convention was ratified with the aim of strengthening Germany's foreign and development policy position with regard to the protection of the rights of indigenous peoples, to advance Germany's general human rights and climate policy goals, and to encourage other

nations to ratify the Convention as well. The aim is to strengthen the international protection of members of indigenous peoples whose existence is increasingly at risk.

Convention No. 169 was adopted in 1989 to overcome the assimilation-focused approach to indigenous peoples and to pursue a non-discriminatory, participatory approach. The Convention is primarily geared to former colonial countries in whose territories indigenous peoples reside. It enshrines comprehensive protective rights with regard to equality and non-discrimination as well as in terms of economic, social and cultural rights, while respecting cultural identity and strengthening the local autonomy of indigenous peoples. Representatives of indigenous peoples particularly emphasise the fundamental right to self-determination and participatory rights in relation to their own economic, social and cultural development enshrined in the Convention. The Convention is the most comprehensive and at the same time the only legally binding international norm for the protection of the rights of indigenous peoples.

The Convention's scope of protection includes more than 5000 indigenous peoples living in about 90 countries and comprising more than 470 million people. It has been ratified by 24 of the 187 ILO member countries to date,

predominantly by Latin American states, but also by countries such as Luxembourg, the Netherlands, Spain and Germany, which want to strengthen the Convention itself as well as the rights of indigenous peoples around the world.

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

The German Government continues to set 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 that 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 enjoy 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.

Furthermore, the German Government 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, 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 Seventh 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.

For example, in order to implement the EU Roma strategic framework for equality, inclusion and participation by 2030 (EU Roma Strategy), the German Government has developed the national implementation strategy Tackling Antigypsyism, Ensuring Participation, which continues and expands the efforts made to date to integrate Sinti and Roma in Germany. This strategy was adopted by the Cabinet on 23 February 2022 following a broad-based consultation process involving the ministries, *Länder*, national associations of local authorities and civil society. In addition to the goal of equal access to education, employment, healthcare and housing, the focus of the new implementation strategy is on tackling anti-gypsyism effectively and promoting the equal participation of Sinti and Roma in Germany as a cross-cutting objective.

In order to implement and further develop the national strategy, the Federal Cabinet appointed Dr Mehmet Daimagüler as the first Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in

Germany on 3 March 2022. The Commissioner is based at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and will coordinate the German Government's measures to tackle antigypsyism. In addition, the Commissioner is the German Government's central point of contact for the Sinti and Roma communities.

The broad-based strategy will be supplemented – especially as far as the implementation of the new cross-cutting objectives is concerned – by targeted measures and programmes for Sinti and Roma at the federal, *Land* and local levels.

The German Government will provide information on the implementation status of the national strategy Tackling Antigypsyism, Ensuring Participation in a progress report. This report must be submitted to the European Commission every two years.

B 10 Rights of older people

Implementing the 2021-2022 Action Plan for Human Rights

In line with its 2021-2022 Action Plan for Human Rights, the German Government has worked to promote the full and effective implementation of the aims of the Madrid International Plan of Action on Ageing (MIPAA) and its Regional Implementation Strategy (RIS). In so doing, it has worked in particular 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 SWGA), which convenes in Geneva on an annual basis. Previously a simple working group, the body was upgraded to a Standing Working Group and given a permanent mandate in 2020. Germany is a member of the Bureau of the UNECE SWGA. For the worldwide fourth review cycle of the implementation of MIPAA/RIS, the German Government prepared a report on implementation work

in Germany in 2021. The UNECE Ministerial Conference on Ageing of the 56 UNECE states took place in Rome in June 2022, at which a Ministerial Declaration was adopted that sets out the policy agenda of the UNECE SWGA's work for the next five years. This includes a mandate to revise the Regional Implementation Strategy for the UNECE region.

The German Government has been and continues to be involved in the further discussion of the Open Ended Working Group on Ageing (OEWGA) in New York and is an active member of the informal core group. This group is to identify possible shortcomings and challenges in the protection of the rights of older people by the 13th session of the OEWGA (3 to 6 April 2023) as a basis for an OEWGA decision on the establishment of a sub-working group of the OEWGA.

Restraint, solitary confinement and other harmful practices in respect of people with psychosocial disabilities in institutions and care facilities (UPR recommendations 155 and 183)

The use of measures involving deprivation of liberty under section 1906 (4) of the Civil Code is subject to strict conditions due to the considerable encroachment on fundamental rights they entail and is only permissible with the approval of the custodianship court. The approval required under section 1906 (4) of the Civil Code concerns deprivation of liberty that is applied "by mechanical devices, by medical drugs or in another way for a long period of time or regularly" and is limited to a stay in "an institution, a home or another establishment". The term "another establishment" is interpreted broadly in the interest of

protecting the individuals concerned. In addition to hospitals and all types of retirement and nursing homes, this also includes assisted-living complexes and similar facilities.

In exceptional cases, deprivation of liberty may be necessary to avert the threat of significant damage to health if alternative measures are not available. In such circumstances, assessments must be made on a case-by-case basis – irrespective of any requirement to seek judicial approval – as to whether the person concerned could also be protected by other means which would

restrict their physical freedom of movement less or not at all. For the duration of the deprivation of liberty, continuous observation by qualified individuals must be assured in order to avert potential dangers to health or to be able to counteract them in good time should they arise. In addition, assessments must be made on a regular basis to ascertain whether the measures are still required or justified.

In the field of in-patient and out-patient care, there is now an awareness that deprivation of liberty must be the last resort and that appropriate measures must therefore be taken to avoid it. These requirements have therefore been included in professional guidelines such as the evidence-based practice guidelines on avoiding deprivation of liberty in professional care for the elderly (*Praxisleitlinie zur Vermeidung von freiheitseinschränkenden Maßnahmen in der beruflichen Altenpflege*), which were developed as part of a project with federal funding, in procedural approaches such as the *Werdenfelser Weg* (which as of 2019 is used in more than 200 counties and county boroughs), and in the *Charta der Rechte hilfe- und pflegebedürftiger Menschen*, a charter of rights for people in need of assistance and care developed jointly by the German Government, the *Länder*, local authorities, associations and scientists.

Legislation on the enforcement of sentences does not contain any age-related provisions. In principle, final custodial sentences must be enforced for older people just as they are for younger people. However, section 455 (1) to (3) of the Code of Criminal Procedure stipulates that enforcement of a sentence of imprisonment be postponed (temporarily, if necessary) in the event of

unfitness to serve. If the person in question suffers serious mental or physical infirmities due to age, the custodial sentence will not be enforced on the grounds of unfitness to serve. However, the first resort must be to exhaust treatment options within the prison system. It is also possible to refrain from enforcing a custodial sentence for reasons of clemency.

In Germany, the *Länder* are responsible for the penal system. In most of the *Länder*, there are special prison wings for older prisoners that are equipped to cater for their special needs (medical care, accessible environment, etc.). The prison in Singen is exclusively for older inmates. A number of *Länder* are in the process of building special facilities for older prisoners. In Berlin, there is a special counselling service for prisoners over 50 years of age, called *Drehscheibe Alter*, which deals with questions of social security and reintegration after release.

With its decisions on coercive medical treatment (file no. 2 BvR 882/09, 2 BvR 2003/14 and 2 BvR 1866/17) and on the use of physical restraints (file no. 2 BvR 309/15, 2 BvR 502/16 and 2 BvR 1763/16), the Federal Constitutional Court has laid down requirements for the protection of the people concerned. The majority of the *Länder* have now transposed these into, for example, their legislation on the penal system and on psychiatric confinement.³²

Segregation and solitary confinement are also only permissible in the penal system and psychiatric confinement in the cases specified by the laws of the *Länder* and under the material and procedural conditions stipulated therein, namely

32 For more information on current legislation, see National Agency for the Prevention of Torture, Annual Report 2021, p. 56 et seq.

if such measures are unavoidable in order to avert a threat to self or others emanating from the person concerned.³³

People with dementia

The National Dementia Strategy was adopted by the Federal Cabinet on 1 July 2020. Over 160 measures are to be implemented by 2026 that will make a significant contribution to improving conditions for people with dementia and their relatives at all levels of society. Its focuses are the inclusion of people with dementia in society, support for them and their families, medical and nursing care, and basic as well as clinical and care-focused research into dementia.

On the website *Wegweiser Demenz* (“Guide to dementia”), the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides information about dementia, including content in simple language and tailored to children. Those affected and their relatives can share views about

the various facets of living with dementia in the forums. The newly launched federal programme Local Alliances for People with Dementia also started in 2020. In addition to the 500 Local Alliances already being supported, another 150 networks are to be funded in order to establish and expand structures to promote the inclusion and support of people with dementia and their relatives. This process enjoys expert assistance from the nationwide network office for the Local Alliances for People with Dementia under the auspices of BAGSO, Germany’s Federal Association of Senior Citizens Organisations. The objective is to promote networking to sustainably improve local structures for the long term so that people with dementia can live in their familiar social environments for as long as possible.

Support for family caregivers

To support family caregivers during the COVID-19 pandemic, a number of acute-assistance measures came into effect in May 2020, as set out in the Fourteenth Human Rights Report. The arrangements have been extended until 31 December 2022. For information about further measures, please see *chapter B 7*.

During the reference period, as an easy-access service for children and adolescents, the *Pausentaste* (“pause button”) project developed special programmes for students and trainees caring for relatives (www.pausentaste.de).

33 For more information on implementation in practice, see *ibid.*, pp. 61 et seq. and 89 et seq.

Measures for preventing social isolation and strengthening intergenerational cohesion

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is funding around 530 multigenerational centres across the country as part of the 2021-2028 federal programme *Mehrgenerationenhaus. Miteinander – Für-einander* (“Multigenerational centre. With each other - for each other”). The aim of the federal programme is to help create scope for development and fair opportunities for participation for all people living in Germany and thereby bring about the convergence and improvement of living standards across all regions of Germany. Four cross-cutting tasks must be taken into account by all multigenerational centres when implementing the federal programme: intergenerational work, social inclusion, voluntary work and holistic care in the community. With the help of around 30,000 volunteers and more than 25,000 services for over 46,000 users per year, multigenerational centres strengthen people’s participation in society and thus help to prevent involuntary loneliness.

Almost 93% of the multigenerational centres offer intergenerational leisure activities. In 2021, more than 4000 such activities were implemented nationwide. In the course of encounters between generations, people gain understanding for each other and progress is made towards dispelling stereotypical perceptions of age. In 2021, almost 84% of the centres had implemented around 2250 activities seeking to help people lead autonomous lives in old age. In so doing, the multigenerational centres also help enable older people with limitations to participate in society and counteract their social isolation. In 2021, almost 40% of these centres provided support for people in need of care. There were a total of 432 activities in this area.

The COVID-19 pandemic has posed immense challenges for multigenerational centres. The at times very strict contact restrictions meant that senior citizens had little to no contact with other people. For a time, visits from family, outings with friends and get-togethers at the multigenerational centres were no longer possible. Multigenerational centres provided a wide range of forms of support to address the loneliness felt by senior citizens. Numerous multigenerational centres organised balcony and window chats as well as postcard campaigns, passed on telephone numbers, set up digital guidance sessions to support senior citizens in their use of electronic media, and much more besides.

Loneliness is a social challenge, and several million people of all age groups feel lonely in Germany. Feelings of loneliness were heightened during the COVID-19 pandemic. Social loneliness in old age has been addressed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as a greater priority since 2018, initially at the level of fostering ties between stakeholders and holding conferences and workshops, and from 2019 also in the form of support measures for tackling loneliness in old age. In June 2022, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth began to develop a strategy for tackling loneliness together with the loneliness competence network *Kompetenznetz Einsamkeit*, which it funds. The goal is to shine a light on and tackle the issue of loneliness in Germany for all people, no matter their age or their particular circumstances, in a more strategic and scientific manner.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth funds around 140 projects tackling loneliness in old age that

are currently under way across the country. The pilot project *Miteinander – Füreinander: Kontakt und Gemeinschaft im Alter* promoting togetherness and community in old age, which is run by *Malteser Hilfsdienst e. V.* (the Health and First Aid Service of the German Association of the Order of Malta), has been reaching out mainly to senior citizens of a particularly advanced age at around 110 locations since July 2020 and will continue its activities until December 2024.

In the federal pilot programme *Stärkung der Teilhabe Älterer – Wege aus der Einsamkeit und sozialen Isolation im Alter*, which seeks to strengthen the participation of older people and promote strategies for combating loneliness and social isolation in old age, the 29 projects funded by the European Social Fund (ESF) from October 2020 to September 2022 also address recent retirees as they transition into their post-professional lives.

With a view to enabling older people to lead autonomous and active lives and to protect them from loneliness and isolation, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth launched the new ESF Plus programme *Stärkung der Teilhabe älterer Menschen – gegen Einsamkeit und soziale Isolation* to strengthen the participation of older people and tackle loneliness and social isolation. The ESF Plus programme will fund socially innovative measures for addressing loneliness in old age from October 2022 to the end of September 2027. The programme is geared towards older employees aged 60 plus. Its objective is to enhance their level of participation in society and stop them suffering from social isolation and loneliness.

The activities in the area of loneliness are supplemented by the loneliness competence network *Kompetenznetz Einsamkeit*, implemented by the

Institut für Sozialarbeit und Sozialpädagogik e. V. (“Institute for social work and social pedagogy”), which was launched in February 2022 and expands the target group for the issue of loneliness, taking all age groups and all particular circumstances into account.

An overview of the special support measures to tackle loneliness among older people can be found here (in German): <https://www.bmfsfj.de/bmfsfj/themen/aelteremenschen/aktiv-im-alter>.

Funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the pilot project *Workshop for the Future of Municipalities – Remaining Attractive through Change* also promotes the creation and maintenance of good living standards for all generations against the backdrop of demographic change. Forty local authorities are receiving support in developing tailor-made demographic strategies on the ground with the participation of citizens of all generations.

For an area to remain or become more attractive for all generations in all phases of life and also for business, innovative local solutions are required, especially in disadvantaged regions. The *Workshop for the Future of Municipalities* provides the participating local authorities with advisory teams to assist their efforts to find and implement these solutions. One focus of the pilot project is on integrating people with migrant backgrounds as an element of an attractive local area and of a diverse and intact community. The project also aims to develop tangible factors that will encourage people to stay and attract incomers and help strengthen the sense of local identity. Further information is available (mainly in German) at <https://www.zukunftswerkstatt-kommunen.de>.

Ageing at home

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides information on various aspects of living in old age and supports pilot projects implementing innovative and flagship strategies. For example, since October 2020, funding has gone to practical projects in the pilot programme *Leben wie gewohnt* (“Living as normal”) that demonstrate how people can manage to lead autonomous lives in old age and remain in their own homes and familiar environments. The construction and investment projects highlight different areas. In addition to promoting digital and technology-assisted living, the focus is on mobility and participation as well as on strengthening inclusive living within a

community. Community-based forms of housing facilitate care structures independent of the family and can thus support independent living in old age when assistance is needed. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also supports community living by funding the knowledge-sharing and network-building project *Wissen, Informationen, Netzwerke – WIN für Gemeinschaftliches Wohnen*. This support and information service, run by *FORUM Gemeinschaftliches Wohnen e. V.*, helps project-implementing organisations and initiatives to plan and develop community living projects.

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.

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 transformation, the impact of which is making itself felt in all aspects of our lives, affects older people just as it does the young.

In order to strengthen the participation and autonomy of older people, the Digital Pact for Old Age (*Digitalpakt Alter*) was launched as a joint initiative by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and BAGSO in 2021 and conceived as a longer-term initiative. In collaboration with partner

organisations from all areas of society, a wide range of measures to strengthen participation in the digital sphere are to be promoted in a cooperative and cross-sectoral manner. The focus here is on enjoyment of an autonomous and independent life in old age and encompasses all areas of life. The Digital Pact for Old Age consists of two components. Firstly, a networking platform is being set up via the BAGSO Secretariat with a view to creating a comprehensive social alliance over the next few years. Secondly, concrete measures are being promoted on the ground in local areas to support older people’s everyday participation in the digital domain and to offer suitable opportunities for learning.

The digital transition calls for the skills to navigate and shape a changing environment as well as a willingness to embrace lifelong learning. Participation in society by older people in particular must be the guiding principle here. Digital

skills will increasingly become a prerequisite for participation in society in the future. However, digital inclusion for older people means much more than simply the availability of technologies. Data literacy and data sovereignty are essential aspects when it comes to prospects of navigating, shaping and reflecting on the digital sphere. Examples include the following:

- the Digital Pact for Old Age with its sub-programmes *Digitaler Engel* (“Digital angel”), *Servicestelle Digitalisierung und Bildung für*

ältere Menschen, (“Service centre for digitalisation and education for older people”) and *Digitale Souveränität älterer Menschen mit KI-Technologien fördern* (“Promoting older people’s digital sovereignty using AI technologies”)

- the pilot programme *Digitalberatung für Pflegebedürftige und pflegende Angehörige* (“Digital advice for recipients of care and family caregivers”)

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. BAGSO representatives took part in international meetings of EU and UN bodies during the reference period in order to defend the interests of older people. At the UN level, the meetings of the OEWSA in New York, the SWGA in Geneva and the UNECE

Ministerial Conference marking the 20th anniversary of the International Plan of Action on Ageing are worthy of mention here. By supporting the Secretariat, the German Government is fulfilling its obligations under both the Second International Plan of Action on Ageing and the EU Council Conclusions of 9 October 2020 as they pertain to cooperation with civil society on policymaking for older people in the European and international context.

Measures during Germany’s Presidency of the Council of the EU and in the Trio

In the Trio Presidency Declaration on Ageing, the Trio set itself a human rights-based work programme for the period from 1 July 2020 to 31 December 2021. For the first time in ten years, Council Conclusions on older people were adopted under Germany’s Presidency. With the Council Conclusions of 9 October 2020 on the Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation, a human rights-based policy on ageing was agreed on as a fundamental principle. Further Council

Conclusions on Mainstreaming Ageing in Public Policies, various network meetings and the launch of a Green Paper on Ageing continued the pursuit of that commitment.

Older people in conflict situations

In light of Russia's illegal war of aggression against Ukraine, but also in fulfilment of Germany's historical responsibility for the crimes of National Socialism, the German Government is supporting the evacuation of Holocaust survivors from Ukraine to Germany.

In March 2022, the Jewish Claims Conference (JCC) and the Central Board of Jewish Welfare in Germany approached the German Government with a request for support for the evacuation of Holocaust survivors from Ukraine to Germany planned by the JCC.

The JCC has been looking after over 10,000 Holocaust survivors in Ukraine for the past 30 years. Among them are people in extreme need of long-term care (care level 4 and above). In view of the exacerbated situation caused by the war, the JCC launched a survey to ascertain whether people in this group want to be evacuated to Germany. The evacuation is being organised in Ukraine by the JCC.

The German Government as well as *Freie Wohlfahrtspflege*, an umbrella organisation of charitable organisations with the Central Board of Jewish Welfare in Germany and the German Red Cross front and centre, are supporting this initiative in close cooperation within the bounds of their respective remits, especially with regard to border crossings and transit through neighbouring countries, legal questions concerning accommodation, residence status and support services.

C

*Human rights in
German foreign and
development policy*

The German Government pursues values-led, human rights-based foreign and development policy.

Basis

Protecting and upholding human rights as the basis of every community, of peace and of justice in the world is enshrined in the Basic Law of the Federal Republic of Germany. 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 and protecting human rights worldwide. Human rights form the **core of values-led foreign and development 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 and the EU.

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 and from the subsequent 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.³⁴ The fact that there are no variations 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”.³⁵ The global framework of values also includes the Sustainable Development Goals (SDGs) from the UN’s 2030 Agenda for Sustainable Development, adopted in 2015. Human rights themselves, and particularly such human rights principles as inclusiveness, transparency and accessibility, are vitally important 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), the action of the EU on the international scene is

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

35 <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>

to be guided by the essence of these fundamental rights in conjunction with other principles.³⁶ The basic 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.

Interplays

Our commitment to human rights has impacts on several fronts. Firstly, it serves to realise human rights. But our human rights policy also contributes to security and crisis prevention. Peace and stability are a necessary condition for being able to guarantee human rights. Pursuing peace and stability helps enable individual people on the ground to live in freedom and dignity. And, conversely, working to protect human rights also serves to prevent conflict: where human rights are applied and protected, the chances of crisis and war are lower. Underlying this is a broad understanding of human security, according to which security is not limited solely to defence against military or terrorist violence. Rather, it takes account of all aspects of human security, from safeguarding human rights as an element of prevention and stabilisation to conserving the resources that are the foundation of human life.

Guiding us in these efforts is the **universality of human rights**, that is, their worldwide applicability for every individual human being. We reject all efforts to water down this principle. We oppose discrimination against any group. Those

who comprise the majority or hold the power in a country have an obligation to safeguard the rights of minorities. Fighting against antisemitism worldwide is a part of our identity and of our historical legacy. It fits into our commitment to combating every form of discrimination, including but not limited to racism, gender inequality and unequal treatment on the basis of sexual orientation or gender identity, and discrimination on the basis of ethnicity, religion or belief. Human rights violations and discrimination against minorities frequently lead to conflicts which pose a potential threat to international peace and security. Societies in which all groups are able to participate in shaping their country's future are more stable and are both politically and economically more successful.

One focus of the German Government in this area is **combating impunity** for crimes under international law such as war crimes, crimes against humanity and genocide. The German Government is making efforts for the perpetrators of such crimes to face prosecution both nationally and internationally. This includes strengthening international justice and

36 The following is an excerpt from Article 21 (1) of the 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."

advocating for court rulings to be carried out. When those guilty of such crimes are

consistently punished, this has a deterrent effect on potential perpetrators, making stability after a conflict more likely.



Annalena Baerbock, Federal Minister for Foreign Affairs, at the Shaping Feminist Foreign Policy conference at the Federal Foreign Office (2022) © picture alliance / photothek | Thomas Koehler

Feminist foreign and development policy of the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development

Feminist foreign policy is based on the recognition that gender justice and gender-equal participation are necessary conditions for realising our core interests of lasting peace and security. Like Sweden, a pioneer in this field, the Federal Foreign Office orients its feminist foreign policy to the three categories of rights, representation and resources, known as the three Rs. These

categories provide both a benchmark for comparing levels of gender equality and a starting point for measures to support women and marginalised groups.

Women's rights are laid down in human rights conventions, but in many cases they are not transposed into domestic law. One hundred and four

countries legally prohibit women from practising certain professions, 59 countries have no laws protecting women from workplace sexual harassment and 37 countries have no legal protections against dismissal due to pregnancy (World Bank 2018). According to a study conducted by UN Women, 600 million women live in countries where domestic violence is not criminalised. Feminist foreign policy is policy that recognises and tackles these inequalities. It aims to establish gender justice and in doing so it takes structural disadvantages faced by all genders and marginalised groups into account in all fields of foreign policy action. But feminist foreign policy is not policy “by women for women”. Rather, it considers the structural disadvantages faced by all marginalised groups and seeks to shape policy and decision-making processes in more inclusive ways.

Feminist foreign policy is an integral part of foreign and security policy. Security policy that is developed in a participatory way and implemented inclusively advances lasting peace and stability. We bear this in mind when shaping our own security and when formulating our foreign and security policy around the world. Human security is also a guiding principle for Germany’s development cooperation. Human rights and the prohibition of force under international law are no longer priorities for some countries. The Federal Foreign Office works to prevent the notion that might makes right from prevailing either in the international community or within our societies. This also applies to women’s rights, which are being eroded in many places, in some cases systematically, in a pushback against the progress that has been achieved in human rights.

The international conference Shaping Feminist Foreign Policy at the Federal Foreign Office on 12 September 2022 was an important step on the way to feminist German foreign policy. Federal

Foreign Minister Baerbock described feminist foreign policy in her keynote speech and discussed current issues in feminist foreign policy with her counterparts from Albania, Luxembourg, Norway, Rwanda and Sweden. Together with additional high-ranking representatives of Canada, Chile, Finland, Israel, the Netherlands and Mexico, they agreed to institutionalise the Berlin format at the ministerial level. The Netherlands pledged to host a follow-up conference in 2023. The conference was rounded out by workshops and panel discussions with nearly 500 experts and specialists from around the world.

The feminist **development policy** of the Federal Ministry for Economic Cooperation and Development is guided by the recognition that social inequalities – especially gender inequalities – are not a random outcome, but rather the result of discriminatory power structures. In Germany’s development cooperation, we address these structures and pursue a human rights-based, intersectional, inclusive and gender-transformative approach. The Ministry considers the three Rs (rights, representation, resources), as well as the ambition of transforming discriminatory societal and social norms and structures and of addressing critiques of power and racism within development cooperation, to be particularly relevant to the implementation of this policy. The aim is to work within the framework of the three Rs to realise the rights of women in particular, but also the rights of LGBTIQ+ people and other marginalised groups, and to ensure that all sections of the population take part on an equal footing in decisions at all levels (representation) and that people of all genders have equal access to and control over resources (e.g. land, financial systems).

By spring 2023, the Federal Ministry for Economic Cooperation and Development will complete the process of drafting a strategic framework for

feminist development policy, which will be followed by a gender action plan for implementing it. This strategy development process is being accompanied by a broad-based process of consultation, especially with civil-society organisations from Germany and the Global South.

The international conference Feminist Development Policy – Transforming International Cooperation on 27 September 2022 with participants from civil society, think tanks and the political sphere was a part of this consultation process. At the conference, Federal Development Minister Svenja Schulze announced concrete measures to reorient German development policy, including a measurable and ambitious quota for projects working towards gender justice. A target of devoting 93% of all new bilateral funding from the Federal Ministry for Economic Cooperation and Development to projects that contribute to gender equality in developing countries as a principal or significant objective (meeting at least the requirements for the “GG1” level) is to be achieved incrementally by 2025. Of these projects, 8% should pursue gender justice as their principal objective, meeting the requirements for the “GG2” level. Minister Schulze additionally

announced that she was taking on the role of a SheDecides champion and underscored the importance of bodily autonomy for all people, especially women and girls.

The Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development coordinate their feminist foreign and development policy closely with each other and strengthen the foundation of values for their commitment worldwide. This foundation also underpins their commitment to the UN’s 2030 Agenda and its Sustainable Development Goals. It also aligns with domestic policy, in which achieving gender justice is an important goal. Thus achieving consistency between national and international goals also strengthens Germany’s credibility.

Human rights policy lies in the Federal Republic of Germany’s own interest: as an integral part of foreign, security and development policy, it contributes to Germany’s national security. Human rights policy therefore also protects our freedom of personal choice in shaping our lives and our ability to live according to these principles as a society.

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

Due not least to its high level of development and of domestic protection of basic rights, the Federal Republic of Germany enjoys a great degree of international credibility; this credibility represents a mandate and an obligation for us. In

our bilateral relations, we pursue human rights policy as one of our core interests. Within the EU, we strive to strengthen our shared human rights acquis. In international bodies, especially the UN General Assembly, the UN Human Rights

Council, the OSCE and the Council of Europe, we speak in clear terms about human rights shortcomings and we strive to redress them. In view of new areas requiring regulation and the associated security challenges, such as climate change and the digital era, we are campaigning to develop the human rights acquis further.

In view of numerous developments of recent years, including the increasing engagement of the UN Security Council with human rights issues and the continuing development of the international system of criminal justice, the

development of concepts such as the international responsibility to protect³⁷ 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.

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.

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 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, the EU under Germany’s Council Presidency adopted a human rights sanctions regime which imposes sanctions on individuals and entities for serious human rights violations. The range of human rights policy instruments provides scope to adopt the most fitting and effective approach possible to a given situation.

37 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).

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. 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.

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 the 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 C8* below on business and human rights.

Humanitarian engagement and crisis instruments 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 2021, the German Government made a total of more than €2.6 billion available for humanitarian assistance, making it the world's second-largest donor, and so contributed significantly to the satisfaction of humanitarian needs.

The crisis instruments of transitional development assistance and the special initiative for displaced people serve to strengthen the resilience of individuals and groups in vulnerable

situations and of local structures as well as to create prospects for people in contexts of displacement. In line with the humanitarian-development-peace nexus (HDP nexus), they build bridges between humanitarian assistance and long-term development cooperation, between fragility and the establishment of resilient structures. In the medium to long term, this helps to reduce the need for humanitarian assistance. Since 2018, transitional development assistance has strengthened the resilience of more than 26 million people in 31 countries; the special initiative for displaced people improved the life prospects of more than 17.5 million people between 2014 and the end of 2021.

One of the main targets of German humanitarian assistance is Africa. Humanitarian crises in Africa, such as those in Ethiopia, the Democratic Republic of the Congo, Nigeria, the Sudan, South Sudan and Somalia, are among the crises that entail the greatest humanitarian need yet receive

the least donor money and media attention from the world. The aim of German humanitarian assistance in Africa is to ensure the survival and protection of people hit by humanitarian crises and catastrophes, especially refugees, internally displaced persons, returnees and host communities. To this end, the German Government supports projects in areas such as food security, healthcare, protection, and water, sanitation and hygiene. This work particularly emphasises forward-looking humanitarian assistance, for example to prepare for climate-induced extreme weather events. It also provides targeted support for projects that are compatible with ongoing work in the areas of stabilisation and development cooperation, especially with the Federal Ministry for Economic Cooperation and Development's crisis instruments (the special initiative for displaced people and transitional development assistance). This enables assistance measures in the context of African crises, such as those to strengthen sexual and reproductive rights, provide access to basic healthcare and treat acute and severe malnutrition, to have a greater impact. The crisis instruments of development cooperation, i.e. the special initiative for displaced people and transitional development assistance, serve to ensure complementarity with humanitarian assistance, support stabilisation and create compatibility with long-term development cooperation. Especially in Africa, but also in the Middle East, measures to build structures and strengthen resilience serve to supplement humanitarian assistance. Food security, health, water, sanitation and hygiene, reconstruction, disaster risk management and strengthening social cohesion are areas of particular focus.

In Afghanistan, 24.4 million of the total population of approx. 40 million people are dependent on humanitarian assistance. Since the Taliban assumed power, the total humanitarian need in

the country has tripled to US\$4.44 billion. In the areas of food, winter emergency aid, health, protection, WASH (water, sanitation and hygiene), housing and humanitarian mine clearance, the Federal Foreign Office funds humanitarian measures for groups including internally displaced persons, returnees and people affected by drought. In the neighbouring countries of Iran and Pakistan, support is provided for projects run by the UNHCR, the UN World Food Programme, the International Committee of the Red Cross (ICRC) and NGOs which aid Afghan refugees. Numerous measures of the Federal Ministry for Economic Cooperation and Development's crisis instruments (the special initiative for displaced people and transitional development assistance) in Afghanistan and neighbouring countries, in areas including but not limited to food security, health, empowerment of women and children, education, social security and social cohesion, help to cover basic needs beyond direct humanitarian assistance and thereby enhance resilience. Transitional development assistance, for example, provides funding for the World Food Programme's food security activities which particularly focus on participation by women and girls, disaster risk management and adaptation to climate change.

Eleven years after the start of the conflict in Syria, the level of humanitarian need arising from the regional crisis has reached a record high: for the year 2022, the United Nations estimates US\$10.5 billion in humanitarian need, of which US\$6.1 billion in Syria's neighbouring countries. Millions of people are suffering from food scarcity. The situation is compounded by massive price increases, due not least to Russia's war of aggression against Ukraine. The humanitarian situation in north-western Syria is particularly dire. The United Nations estimates that 4.1 million people there are in need of aid; some 2.8 million of them

are internally displaced. In Syria's neighbouring countries, the Federal Ministry for Economic Cooperation and Development's transitional development assistance and its special initiative for displaced people (especially the Partnership for Prospects) strengthen the resilience of Syrian refugees and bolster social cohesion.

Russia's war of aggression against Ukraine has triggered a massive refugee crisis. As of the end of June 2022, at least 12 million people – approximately a third of Ukraine's total population – were still considered to have been displaced. Currently, some 16 million people in Ukraine are in need of humanitarian assistance. The Federal Foreign Office has made available €430 million for humanitarian assistance and €10 million for international disaster relief on flexible terms. Its humanitarian partners can use this funding to implement measures in Ukraine and its neighbouring countries.

Building on humanitarian assistance, the Federal Ministry for Economic Cooperation and Development is also, through its crisis instruments,

actively engaged in Ukraine and to a more limited extent in the Republic of Moldova. In the context of transitional development assistance, through support including an additional €40 million, measures are currently being funded or planned in Ukraine to rehabilitate basic infrastructure, especially in the areas of medical equipment and drinking water, and to provide health, educational and social services. Through the special initiative for displaced people, the Ministry is also providing targeted support for the internally displaced and their host communities as well as to refugees in Moldova. These measures are part of the Ministry's emergency programme of €185 million provided as an immediate response to Russia's war of aggression and are also an initial contribution to the reconstruction of Ukraine. Furthermore, through its crisis instruments, the Ministry is engaging intensively with the global impacts of the war and supports numerous resilience-boosting measures in particularly affected countries in order to alleviate the effects of food scarcity and price increases.

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

The rule of law is a necessary and fundamental condition for protecting, respecting, guaranteeing and enforcing human rights and for the stable conditions within a country that go along with this. 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 therefore regards 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 levels. Consequently, promoting the rule of law is a priority of the German Government's 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 ensure the maintenance of a constitutional order. 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 transparent and accountable judicial, police and administrative 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.

Promoting the rule of law is also a strategic task of German development cooperation. It particularly concentrates on marginalised groups in vulnerable situations and is therefore one of the core elements of the Federal Ministry for Economic Cooperation and Development's feminist development policy in that it strengthens the rights of women, LGBTIQ+ people and other marginalised groups. The rule of law is both an

objective of and a prerequisite for development cooperation 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 as a binding objective in the international development agenda too. It establishes the rule of law and access to justice 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 rights of cultural identity and can defend themselves against violations of their human rights. Those rights 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 women, LGBTIQ+ people and other marginalised groups in vulnerable situations.

The Federal Ministry for Economic Cooperation and Development, besides promoting access to justice and lasting judicial reforms, also provides targeted support for national human rights institutions and regional 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 states.

In addition, the Federal Ministry of Justice assists reform-minded 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, commercial and administrative

law. The Federal Ministry of Justice also supports its partner countries in their implementation or transposition into national law of international conventions and treaties. 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 workshops, seminars and discussion events, some of which are in a virtual format. Especially in the case of partner countries whose understanding of the rule of law and human rights diverges from Western notions of these principles, the Federal Ministry of Justice constantly strives for a continuing values-oriented dialogue on an equal footing, in order to continue advocating for a Western understanding of the rule of law as a principle of thought and action.

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, it has numerous instruments to draw on. One particularly notable preventive instrument is the European Commission's annual Rule of Law Report, which provides the foundation for the Council to conduct a dialogue on the situation regarding the rule of law in the EU and its member states. The general regime of conditionality for the protection of the EU budget, which entered into force in 2020, makes it possible to suspend EU funds in cases of breaches to the rule of law that have negative effects on the EU budget. Two current proceedings under Article 7 of the Treaty on European Union are intended to ensure compliance with the EU's fundamental values. The Commission also consistently introduces infringement proceedings to remedy violations of these fundamental values. 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. The German Government advocates vigorously for the inclusion of a strong human rights component in peace missions. A year after leading a UN Security Council session on human rights in peacekeeping and announcing a future event on the topic, in July 2021 the German Minister of Defence opened a high-level virtual conference to address the topic in greater depth with the participation of civilian and military experts, UN Under-Secretary-General Lacroix and additional UN representatives. On the occasion of a high-level debate entitled Action for Peacekeeping (A4P), which took place at the UN Security Council in 2018, this issue was embedded as an element of the politics aspect of achieving political solutions to conflict. In this area, Germany is one of several "Champions". This approach was affirmed by the adoption of the A4P+ implementation strategy in March 2021. Alongside this, the German Government advocates for the implementation of the 2030 Agenda that was adopted in 2015 and its 17 Sustainable Development Goals (SDGs). Our efforts in this area include a focus on SDG 16 to establish peace, stability and security, which includes strengthening rule-of-law institutions and processes worldwide.

Since 2012, promotion of the rule of law has been visibly upgraded within these missions, being now usually part of the remit of the deputy head of any UN peace mission. In this context, Germany also supports training projects through national Enable and Enhance Initiative funding, both at the responsible United Nations unit and

at associated training facilities including the Kofi Annan International Peacekeeping Training Centre (KAIPTC). We thus ensure that competent

staff can be sent into mission contexts at an early stage to prepare the implementation of rule-of-law components of peace missions.

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. Germany is the second-largest contributor to the ICC budget after Japan (2022 contribution: €17.7 million). Beyond this, in view of the exceptional current strain on the court due to the ICC's investigations regarding Ukraine, the German Government is supporting the ICC by means of, among other things, an additional voluntary sum of €1 million and the secondment of experts. The German Government vigorously campaigns for international acceptance of the Rome Statute and the ICC and is also an active participant in the current expert review.

Germany also supports special criminal tribunals to undertake judicial investigation of heinous crimes in the former Yugoslavia and in Rwanda, Cambodia, Kosovo, Lebanon, Sierra Leone and the Central African Republic. Germany supports these tribunals and, where applicable, their successor mechanisms politically, financially,

through personnel and by means of judicial and enforcement assistance. As a result, several of those who have been convicted are serving their custodial sentences in Germany.

The task of international 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 the crime 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 Myanmar, Syria and by ISIS in Iraq. 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 national, regional or international courts 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. The tasks of the Bundeswehr comprise national

defence and defence of the Alliance, international crisis management, partnership and cooperation, homeland defence and host nation support, national risk and crisis management to protect German citizens abroad, defence-related aspects of national cybersecurity, national crisis

preparedness and risk prevention, humanitarian emergency and disaster relief and the maintenance of the home-based activities necessary to the fulfilment of these duties. 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 the German Government's Enable and Enhance Initiative, for which the Federal Foreign Office and the Federal Ministry of Defence are jointly responsible, the competent ministries help partners 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 the Enable and Enhance Initiative 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 International Organization for Migration (IOM), there are approximately 281 million migrants worldwide, corresponding to 3.6% of the global population. According to the UNHCR, the number of displaced people in the world sadly reached a new high of more than 100 million in June 2022; this figure soared again in 2022, primarily as a result of Russia's war of aggression against Ukraine, and now comprises more than one percent of the global population, having more than doubled in the past decade. In 2021, the number of displaced people was 89.3 million, in 2020 it was 82.4 million and in 2019 it was 79.5 million.³⁸ Reasons for displacement include violent conflict, 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 COVID-19 pandemic had and to a certain extent continues to have 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 people and migrants to particular risks. For example, in many cases, they have less access to healthcare systems and vaccination, and they are more often precariously or informally employed. Additionally, in various countries, xenophobia and discrimination against migrants and refugees increased as a consequence of COVID-19.

38 This figure includes asylum-seekers and the forcibly 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)

People fleeing their homes and irregular migrants are exposed to dangers on their journeys, for example when traversing deserts or crossing seas or borders, or at the hands of criminal people smugglers and human traffickers. Women, children, people with disabilities and minorities are especially vulnerable. This issue also informs the German Government's foreign and development policy. To reduce the risks of human rights violations during displacement and migration, there is a need for close international cooperation, 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.³⁹ It is consistent with the principle of responsibility-sharing among states to assist these countries in enabling refugees and internally displaced people to live in dignity and offering them decent prospects. This requires that they be taken into consideration in sustainable approaches to development policy.

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 use is being made of digital media, such as online higher education programmes for refugees, in this context for purposes of information, education and networking.

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, which approved funding of €4.8 billion for projects. Its resources have been used to create decent economic prospects in African countries of origin, to promote stability and development and to improve migration management. The EUTF expired on 31 December 2021, which means that no more new projects are planned with this instrument and projects which are currently being implemented under its aegis will be completed by the end of 2025. The EU intends to use roughly 12.3% (€9.753 billion) of its new Neighbourhood, Development and International Cooperation Instrument (NDICI) Global Europe (total funding for 2021-2027 of approx. €79.5 billion) to support migration management and to combat the causes of irregular migration.

In the implementation of the Global Compact on Refugees (GCR), Germany was, along with four other countries (Turkey, Pakistan, Ethiopia and Costa Rica) and together with the UNHCR, a co-convener of the first Global Refugee Forum (GRF), held in Geneva in December 2019. The GRF takes place once every four years and serves to review and renew the member states' voluntary commitments. The UNHCR has lead responsibility for coordinating the implementation process. A high-level follow-up meeting halfway between the first GRF and the second one in 2023 took place in December 2021. The meeting covered the entire range of subjects addressed by the GCR. Represented on two panels, Germany

39 including displaced Venezuelans (Source: UNHCR)

played a prominent role. The German Government pledged to implement its voluntary commitments and introduced a further voluntary commitment in the field of education.

The implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) is taking place at the global, regional, national and local levels. Germany supports the GCM's capacity-building mechanism through its Migration Multi Partner Trust Fund (MMPTF). By the end of 2021, the MMPTF had received approximately US\$28 million in funding (cumulative contributions). Germany has contributed approximately US\$14 million, making it the fund's leading donor (the second-largest donor is the UK; there are 14 donors in total). Germany's rotating

position on the steering committee ended in June 2022. The global International Migration Review Forum (IMRF) takes place once every four years, and was held for the first time in May 2022. Regional reviews of GCM implementation also take place every four years. For Europe/the UN-ECE region, the first regional review took place in 2020, with Germany's participation (the next review is scheduled for 2024).

The interpretation of the two compacts lies within the sovereign decision-making authority of the UN member states. The GCM and the GCR are political, legally non-binding framework documents for managing and shaping migration, improving international cooperation on refugee issues and distributing burdens more equitably.

C2 The human rights-based approach in German development policy

Human rights-based approach

Since the Federal Ministry for Economic Cooperation and Development issued its strategy paper on Human Rights in German Development Policy in 2011, implementing the human rights-based approach in Germany's development cooperation has been compulsory. Additionally, the human rights-based approach and its fundamental principles of intersectionality and attention to multiple discrimination are a core feature of the Ministry's feminist development policy (see also the introduction to part C). In its BMZ 2030 reform strategy, the Ministry further underscores the importance of human rights as one of the quality criteria of development cooperation. The quality criterion of "human rights, gender

equality and inclusion" encompasses requirements for policy and strategy as well as for the framing of 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.

German development cooperation pursues 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. In German development policy, the human rights-based approach means that people in need become legal subjects with rights, and the state and its institutions incur obligations.

The specific human rights projects address both subjects with legal rights and entities with legal obligations, as well as supporting key players in the lasting protection 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 Dialogue project.⁴⁰ Regionally, too, the Federal Ministry for Economic

Cooperation and Development, through a project entitled International Regional Law and Access to Justice in Latin America, has empowered 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.⁴¹ In the CEGGA project (Citizen Engagement for Good Governance, Accountability and the Rule of Law), 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.⁴² The Social Rights for Vulnerable Groups II project enables responsible stakeholders in south-east Europe to identify, prepare and apply approaches to protecting the economic, social and cultural rights of disadvantaged groups.⁴³

The COVID-19 pandemic and its effects

The COVID-19 pandemic has had far-reaching health, social and economic effects, which have set back progress on achieving the realisation of health as a human right for all, as well as on the entire 2030 Agenda for Sustainable Development, by years. According to the World Health Organization, 90% of countries surveyed were unable to guarantee access to essential health services.⁴⁴ Medical services for sexual and reproductive health, including rights-based family planning,

vaccination programmes, the fights against neglected tropical diseases, and programmes to combat HIV, tuberculosis and malaria have suffered serious setbacks during the pandemic, with devastating consequences. Particularly severe limitations have been evident in the field of sexual reproductive health and the realisation of the rights associated with it, especially for marginalised groups. In many places, maternal and newborn health have worsened and the rate

40 www.giz.de/en/worldwide/35093.html (29 November 2022)

41 www.giz.de/en/worldwide/25549.html (29 November 2022)

42 www.giz.de/en/worldwide/73603.html (29 November 2022)

43 www.giz.de/en/worldwide/80900.html (29 November 2022)

44 WHO (2021): *COVID-19 continues to disrupt essential health services in 90% of countries*. Available at www.who.int/news/item/23-04-2021-covid-19-continues-to-disrupt-essential-health-services-in-90-of-countries (29 November 2022)

of unintended pregnancy has increased. Three out of ten people worldwide lack access to soap and water to wash their hands.⁴⁵ Along with people affected by poverty, women, children, older people, people in irregular migration situations and people with disabilities have been particularly hard hit by the effects of the pandemic. In many cases, they lack access to online or offline information about health and hygiene, which exacerbates their exclusion.

The measures to contain the COVID-19 pandemic have had numerous impacts on the human rights situation around the world. Lockdowns make it difficult for marginalised people to participate in society and the economy. They expose women and children in particular to a greater risk of domestic violence. Travel restrictions curtail displaced people's freedom of movement and their right to asylum. At all levels of education, the COVID-19 pandemic has disrupted the education of a record number of children, adolescents and adults. Progress made to date in the fight against child labour has been reversed by the pandemic in some cases and remains severely threatened.⁴⁶

In view of the severe impacts of the COVID-19 pandemic around the world, the German Government holds the view that COVID-19 vaccines constitute a global public good. As the second-largest donor, it supports the COVAX Facility as part of the Access to COVID-19 Tools Accelerator (ACT-A), which is administered by Gavi, the Vaccine Alliance. COVAX campaigns for the fair distribution of COVID-19 vaccines

worldwide, with the key goal of enabling people in low and middle-income countries to access effective vaccines.

Combating the effects of the COVID-19 pandemic is one of the four priority areas espoused by the leadership of the Federal Ministry for Economic Cooperation and Development. Since 2020, the Ministry has been implementing a global Emergency COVID-19 Support Programme with €4.7 billion in funding. One focus of the programme is on developing vaccine production in South Africa, Senegal and Ghana (approx. €500 million). The German Epidemic Preparedness Teams (SEEG teams) have provided support to 26 partner countries with measures including the provision of PCR tests.⁴⁷ To ensure the availability of essential sexual and reproductive health services during the pandemic, Germany has also increased its core contributions to the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF). Since 2020, Germany has also supported the UNFPA Supplies fund. This thematic fund promotes access to contraceptives and to other products for sexual and reproductive health.

Furthermore, the crisis instruments of the Federal Ministry for Economic Cooperation and Development provide support to countries and regions especially affected by fragility, crises and disasters in order to alleviate the socio-economic effects of the COVID-19 pandemic. Through transitional development assistance, which aims to strengthen the resilience of vulnerable people and local structures against the impacts of crises, the Federal Ministry for Economic Cooperation

45 washdata.org/monitoring/hygiene (29 November 2022)

46 ILO (2021): *Vulnerabilities to child labour*. Available at www.ilo.org/global/topics/child-labour/publications/WCMS_845129/lang--en/index.htm (29 November 2022)

47 www.giz.de/en/worldwide/40435.html (29 November 2022)

and Development funds projects including a joint WFP and UNICEF project in the Sahel. This has enabled the two UN organisations to strengthen the social security systems in Mali,

Mauritania and the Niger, and to connect this support with measures to improve community healthcare provision, food security and disaster risk management.

Combating poverty and hunger

Reducing poverty is one of the greatest challenges of our time. Because of its multidimensional nature, it is entwined with the realisation of numerous human rights, including the right to an adequate standard of living, the right to social security and the right to health. The right to adequate food is also a human right: every human being has the right to sufficient, affordable food of high quality which meets their individual age-related, medical or cultural nutritional needs and is accessible without discrimination. All countries have an obligation to realise their citizens' right to food, which is enshrined in international law.⁴⁸ In adopting the 2030 Agenda, the international community set the goal of ending hunger in all its forms by 2030 and achieving food security for all (SDG 2).

The COVID-19 pandemic poses a new challenge to the reduction of poverty and to the realisation of the right to adequate food. The effects of the pandemic have set back many regions to the poverty rates of 30 years ago and are jeopardising the achievement of SDG 1, ending poverty in all its forms everywhere.⁴⁹ During the COVID-19

pandemic, the number of people living on less than US\$1.90 per day increased dramatically. In 2022, up to 676 million people are still living in extreme poverty. When poverty is understood multidimensionally, this number increases to 1.3 billion people who lack sufficient access to essential resources, basic healthcare, education or food.⁵⁰ According to the UN report on food security and nutrition, in 2021 up to 828 million people around the world were undernourished, representing approximately 10% of the global population.⁵¹ This figure represents an increase of up to 63 million people compared to 2020. School closures due to the pandemic deprived 370 million children of access to meals and important health services.⁵²

German development cooperation strives to contribute to the effective reduction of poverty and inequality and to the worldwide implementation of the “leave no one behind” principle and the right to food. To combat poverty for the long term, German development cooperation supports, among other things, the development and expansion of social security systems

48 Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights

49 Public Health Insight (2021): *The Impact of COVID-19 on Global Poverty and SDGs*. Available at <https://thepublichealthinsight.com/the-impact-of-covid-19-on-global-poverty-and-sdgs/> (29 November 2022)

50 UNDP (2021): *Global Multidimensional Poverty Index 2021. Unmasking disparities by ethnicity, caste and gender*. Available at <https://hdr.undp.org/system/files/documents//2021mpireportenpdf.pdf> (29 November 2022)

51 WFP (2022): *State of Food Security and Nutrition in the World Report*. Available at www.fao.org/3/cc0639en/cc0639en.pdf (29 November 2022)

52 WFP (2021): *State of School Feeding Worldwide 2020 Report*. Available at www.wfp.org/publications/state-school-feeding-worldwide-2020 (29 November 2022)

as well as access to education, health services and energy. For example, the Sahel Adaptive Social Protection Programme (SASPP) aims to establish and develop social security systems in multiple African countries in order to strengthen the resilience of the population, not least in (climate-related) crises. German development cooperation also supports the development of national, multidimensional indicators of poverty in partner countries such as Burkina Faso and Ghana, which make it possible to develop targeted, needs-oriented strategies for reducing poverty. To support partner countries in the war on hunger and malnutrition, German development cooperation invests a total of some €2 billion per year in food security, agriculture and rural development. About a third of this amount is devoted to the special initiative ONE WORLD – No Hunger.⁵³ The global programme Food and Nutrition Security, Enhanced Resilience, for instance, uses multi-sectoral approaches to help enable women to provide themselves and their infants with a sufficient and balanced diet at all times.⁵⁴ 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.⁵⁵ The programme Soil Protection and Rehabilitation for Food Security promotes sustainable land use, especially through the participation of affected smallholders.⁵⁶ To support

the sharing of knowledge and experience, for example, the programme organises national and international forums that bring together the affected stakeholders.

As part of a comprehensive approach focused on strengthening resilience, the transitional development assistance of the Federal Ministry for Economic Cooperation and Development, which is used in crisis contexts, also contributes to improving food security. Food security is one of four areas of action here: crises worsen the food situation for the affected population, which in turn can stoke new conflicts or aggravate existing ones. Transitional development assistance helps to break this cycle as well as to improve the food security of especially vulnerable groups and the resilience of local structures. This is achieved, for example, through the Sahel Resilience Initiative of the WFP, which sustainably improves food security and access to the necessities of life for more than a million people by rehabilitating agricultural and pastoral land and irrigation infrastructure. These measures are supplemented by school meals and by Food Assistance for Assets programmes (FAA), in which participants are supported through food assistance in exchange for their developing sustainable infrastructure for long-term food security.

53 BMZ (2022): *Eine Welt ohne Hunger ist möglich*. Available (in German) at www.bmz.de/de/entwicklungspolitik/ernaehrungssicherung/einewelt-ohne-hunger (29 November 2022)

54 www.giz.de/en/worldwide/32194.html (29 November 2022)

55 www.giz.de/en/worldwide/39918.html (29 November 2022)

56 www.giz.de/en/worldwide/32181.html (29 November 2022)

Strengthening freedom of opinion and access to information

Freedom of opinion, media freedom and free access to information are inalienable human rights (Article 19 of the Universal Declaration of Human Rights) and part of the 2030 Agenda for Sustainable Development (SDG 16.10). They constitute the foundations of every free and democratic society and are a key condition for the progress of such a society and for the full development of the individual. Only when people can speak freely and inform themselves freely can they assert their rights and participate in shaping their society. Many other human rights, especially freedom of assembly and freedom of association, can only be fully realised on the basis of freedom of opinion, media freedom and freedom of information. At the same time, six out of every seven people in the world are living in countries where they cannot, or cannot fully, exercise their right to freedom of opinion. Promoting and supporting freedom of opinion and media freedom as well as free access to information is therefore a priority of German development policy.

The COVID-19 pandemic is a medical, economic, social, political and psychological stress test that is burdening societies around the world. Dealing with the pandemic has had massive impacts on freedom of opinion and media freedom throughout the world. The pandemic is a crisis of independent media: the WHO has described it as spurring an infodemic. In many places, measures to combat the pandemic have been used as a pretext to suppress undesired opinions. At the same time, trust in traditional media has declined. In this context, independent media and reliable information remain a key condition for successfully containing and overcoming the COVID-19 pandemic and its consequences.

That is why German development cooperation has started a global initiative to promote Transparency and Media Freedom – Crisis Resilience in the Pandemic, which aims to enhance the resilience of local media, media NGOs and international media development networks so that they can ensure that information services, access to information and the flow of information continue during the crisis. The initiative focuses on health reporting and health awareness-raising (including production support), fact-checking, support for local authorities' and aid organisations' (crisis) communication systems, strengthening of South-South exchange and analysis of the crisis resilience of media.

Through long-term cooperation partnerships, German development cooperation supports public and civil-society stakeholders in shaping the media landscape in such a way that as many people as possible can inform themselves freely and participate in social discourse. It funds measures to ensure protection of freedom of opinion and media freedom for media professionals and human rights activists, including in digital spaces. As the global infrastructure for sharing ideas and information, the internet plays an essential role. That is why the German Government advocates for basic rights such as privacy and freedom of opinion to be protected online. It also promotes these issues within its development projects, for example by developing further-training courses on digital security in East Africa.

The promotion of freedom of opinion focuses on disadvantaged groups with limited opportunities to participate in society, such as rural populations, minorities, women in all their diversity, and young people. Improving their access to information and their ability to participate in

society through a broad range of journalism and media, especially in remote regions, (for example, by developing community radio) is a goal of German media development cooperation. In 2021, almost 300 community media outlets in 22 countries were supported by DW Akademie projects with funding from the Federal Ministry for Economic Cooperation and Development, which trained some 3000 citizen journalists. These media outlets reach millions of people in countries including Ghana, Tunisia, Georgia, Kyrgyzstan and Ecuador.

Beyond this, an online training series to combat misinformation – known as the Digital Enquirer Kit – equips human rights defenders around the world with digital skills to protect themselves and their work. Additionally, a special module teaches children and adolescents how to identify misinformation. The course content is developed with civil-society organisations and is currently distributed in eleven countries via a large network of partners.

The ability of social media in particular to spread false or misleading information rapidly and without any checks is unprecedented. Targeted false information – that is, disinformation and propaganda – distorts people's opinions and aggravates tensions and conflicts within society. Unfortunately, this is a very current issue in the context of Russia's war of aggression against Ukraine. Dealing with media and information in a confident and human rights-based way is a key part of meeting this challenge. That is why the Federal Ministry for Economic Cooperation and Development is expanding its promotion of media and information literacy in a targeted way: after receiving special training, more than 500 teachers in Moldova, Cambodia, Burundi, Namibia and the Palestinian territories teach

media literacy to their pupils. E-learning courses which can be used around the world are also being developed.

Additional focal areas of development policy cooperation were improving political and legal conditions (for example, developing press councils in Mongolia) and fostering media viability through the professionalism and financial sustainability of media outlets (for example, 470 media outlets in 13 countries improved the financial viability of their business models). The digital transition was anchored in these programmes as a key unifying theme of media development (access to social media such as Facebook and the skills required to deal with them in a well-informed way).

DW Akademie, run by the public broadcaster Deutsche Welle, is the strategic partner of the Federal Ministry for Economic Cooperation and Development in its promotion of the right to freedom of opinion and access to information. The German Government also promotes projects by NGOs, political foundations and church-based relief organisations, as well as measures within the bilateral programmes of GIZ..

Disadvantaged people and groups

Children and young people

In many partner countries of German development cooperation, children and young people represent the majority of the population: around 3.2 billion people in the world are below the age of 25, and some 90% of them live in developing and newly industrialised countries.⁵⁷ Children and young people are critical agents of social transformation and sustainable development in line with the 2030 Agenda (agents of change). They are also to be included in development policy action as people with their own rights to protection, support and participation.

In 2020/2021, stock was taken of progress under the Federal Ministry for Economic Cooperation and Development's action plan entitled Agents of Change – Children's and Youth Rights in German Development Cooperation Activities (2017-2019) and published in the form of a final report. In the period covered by the action plan, 367 programmes in the realm of intergovernmental development cooperation, 228 projects run by central church bodies and welfare institutions, 447 projects run by private institutions and 65 projects run by *Länder* and local authorities helped strengthen children's and young people's rights across the world. The projects and programmes were focused on Africa and the MENA countries and on the fields of (basic) education and vocational training. Beyond the action plan, additional areas were identified in which

development cooperation action is needed: for example, expanding and focusing the portfolio, especially to protect children from violence and exploitative child labour, and strengthening Germany's international position regarding the protection of children's rights.⁵⁸ The efficacy of the action plan, the experience of implementing it, and the resulting recommendations are currently being examined in an external review that is to be completed by early 2023.

To address the rise in child labour in the agricultural sector due to the pandemic and the increase in the online sexual exploitation and abuse of children, in the reference period the Federal Ministry for Economic Cooperation and Development used special pandemic funds for publications to expand the knowledge base regarding violence, exploitation and abuse directed against children. This includes guidelines with minimum standards for legislation on the sexual exploitation and abuse of children online, created with UNICEF and the Global Partnership to End Violence Against Children,⁵⁹ as well as guidelines for children's rights and business practices, created in cooperation with the UNICEF Better Business for Children programme.⁶⁰ Beyond this, funding was provided for studies by the UN Food and Agriculture Organization (FAO) on the effects of the COVID-19 pandemic on child labour in

57 UN Department of Economic and Social Affairs Population Dynamics (2019): *World Population Prospects 2019*, <https://population.un.org/wpp/DataQuery/> (29 November 2022)

58 www.bmz.de/de/aktuelles/publikationen/publikationen-reihen/85300-85300 Endbericht zum Aktionsplan Agents of Change | BMZ (29 November 2022)

59 <https://www.unicef.org/reports/legislating-digital-age> (29 November 2022)

60 <https://www.unicef.org/reports/child-labour-and-responsible-business-conduct> (29 November 2022)

the agriculture sector as well as for a review of existing programmes and policy measures to combat child labour.

In cooperation with the ILO, the Federal Ministry for Economic Cooperation and Development has since 2021 supported the multi-partner fund Accelerator Lab 8.7. Funding from the Ministry contributes to fighting the causes of child labour in supply chains and preventing it in the future, both at the national level in the Democratic Republic of the Congo (especially in mining) and globally. This includes work done through the ILO's Child Labour Platform.

People with disabilities

Of the more than one billion people in the world with disabilities, about 80% live in countries with low or middle average incomes.⁶¹ 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.⁶² 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 helps to ensure the rights of people with disabilities are respected, protected and promoted. To this end, in December 2019 the Federal Ministry for Economic Cooperation and Development

To implement children's and young people's right to participation, the Federal Ministry for Economic Cooperation and Development has established and institutionalised the *Jugendbeirat*, a youth advisory council which began its work in May 2021. The council is currently made up of 15 young people aged 14 to 24, who advise the Ministry from a youth perspective, for example about creating new strategies or conducting events. The council is intended to give young people the opportunity to make their voices heard in German development policy and, by doing so, to actively contribute to sustainable changes that meet the needs of young people.

adopted an inclusiveness strategy that makes a tangible contribution to the implementation of Article 32 (International cooperation) of the UN Convention on the Rights of Persons with Disabilities and of the 2030 Agenda with its guiding principle of "leave no one behind".⁶³ It is consistent with the European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030.⁶⁴ The UN Convention on the Rights of Persons with Disabilities defines inclusion as a key element of social development processes and contains binding requirements to make development projects inclusive.⁶⁵ Also firmly anchored in this approach is the active involvement of

61 <https://apps.who.int/iris/handle/10665/44575> UN DESA: World report on disability 2011 (who.int) (29 November 2022)

62 <https://apps.who.int/iris/handle/10665/44575> UN DESA: World report on disability 2011 (who.int) (29 November 2022)

63 www.bmz.de/de/mediathek/publikationen/reihen/strategiepaepere/Strategiepapier495_12_2019.pdf (29 November 2022)

64 <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes> European Commission (2021): *Strategy for the Rights of Persons with disabilities 2021-2030* (29 November 2022)

65 <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-32-international-cooperation.html> United Nations (2006): *Convention on the Rights of Persons with Disabilities – Article 32 (International cooperation)* (29 November 2022)

experts with disabilities in the implementation of measures, in accordance with the principle “nothing about us without us”.⁶⁶

Since 2009, the number of projects with an inclusiveness dimension has risen steadily. In technical cooperation alone, more than 100 current projects incorporate an explicit focus on the diverse needs and capabilities of people with disabilities. In Lebanon, the strategic goal is to promote employment of people with disabilities in small and medium-sized enterprises. In Jordan, support is provided for high-quality inclusive education programmes and a clean, safe

and accessible environment in schools and for extracurricular activities. The measures benefit refugee children and their host communities.⁶⁷

In multilateral education cooperation, Germany campaigns in the context of the Global Partnership for Education (GPE) and the Education Cannot Wait (ECW) trust fund for greater emphasis to be placed on inclusion in education programmes in partner countries. At ECW, for example, Germany participated in creating a framework for inclusion of people with disabilities.

LGBTIQ+ people

German development cooperation is actively committed to protecting lesbian, gay, bisexual, transgender and intersex people (LGBTIQ+). To this end, in March 2021 Germany’s Federal Cabinet adopted the Federal Government LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation (LGBTI Inclusion Strategy). It was created in close cooperation with civil society. LGBTIQ+ people are affected disproportionately often by poverty, violence and discrimination. They are also denied equal access to education and healthcare as well as to the labour market.⁶⁸ Although the rights of LGBTIQ+ people are subject to international human rights protection, these rights are often violated. As of 2020, same-sex marriage is criminalised in 69 countries, and even carries the death penalty in five countries. At the same time, the increasingly active anti-gender movement seeks, by

means of violence and restrictions on the human rights of LGBTIQ+ people, to reverse progress that has been made on equality and diversity. The implementation of the LGBTI Inclusion Strategy is also a core concern of the feminist development policy of the Federal Ministry for Economic Cooperation and Development. The main goal of the Inclusion Strategy is to provide sustained support for civil-society human rights work for LGBTIQ+ people, taking into account their specific vulnerabilities and multiple discrimination. The Ministry is thereby taking on a pioneering role in international dialogue and promoting both specific measures to strengthen LGBTIQ+ rights and the mainstreaming of LGBTIQ+ people’s concerns in programmes of broader scope.

66 <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/guiding-principles-of-the-convention.html> United Nations (2006): *CRPD – Guiding Principles of the Convention* (29 November 2022)

67 <https://www.giz.de/en/worldwide/86767.html> (29 November 2022) *Die Qualität von inklusiver Bildung in Jordanien fördern (PRO-MISE)* (giz.de)

68 <https://www.ohchr.org/en/calls-for-input/report-socio-cultural-and-economic-inclusion-lgbt-people> (29 November 2022)

Starting in 2019, the Federal Ministry for Economic Cooperation and Development supported pilot projects in Bosnia and Herzegovina, Cameroon, South Africa and Guatemala. These projects tested innovative approaches with which German public development cooperation might contribute to avoidance of discrimination against LGBTIQ+ people in healthcare provision, in schools and in administrative reform processes and might improve protection of their rights through access to legal advice. The project Strengthening Good Governance and Civil Society in Uganda includes advising Uganda's Equal Opportunities Commission and police on the avoidance of discrimination against LGBTIQ+ people and supporting the work of LGBTIQ+ civil society through organisational development measures. In Colombia, the project ProPaz II – Consolidation of Peace in Colombia supports LGBTIQ+ organisations in dealing with the history of the conflict within civil society and strengthening their rights. The project *ALTERNATIVAS* on (Re-)Integration of Children and Youth Endangered of Displacement in Central America in Honduras, El Salvador and Guatemala works with LGBTIQ+ civil society to strengthen LGBTIQ+ young people's prospects of building a life without migrating.

Cooperation with and strengthening of LGBTIQ+ civil society is a core concern of German development policy, as is implementation of the “do no harm” principle in LGBTIQ+ human rights work. German development policy works in close cooperation with the civil-society organisations Outright Action International and ILGA World; the latter is an umbrella organisation for 1700 LGBTIQ+ organisations across the world. Cooperation with LGBTIQ+ organisations in partner countries of German development policy is also possible via these networks. Events that

help to raise awareness of LGBTIQ+ rights in the internal and external structures of German development cooperation are also regularly organised in cooperation with civil society.

Another area of focus is improving the availability of data and information about LGBTIQ+ people, their needs and their demands. Among other things, support was provided for a research project entitled *Taking Human Rights Beyond the Dominant Discourse: LGBTI Inclusion in Development Cooperation*, which documents core perspectives of LGBTIQ+ civil society in Peru, Ghana and Tunisia and derives recommendations for action for German development policy. In Ecuador, an academic study on problems of gender-based violence against LGBTIQ+ people is being conducted in cooperation with the national statistical authority.

In the international dialogue, the G7 meeting of development ministers under Germany's Presidency achieved, among other things, the G7 countries' endorsement of gender-inclusive data collection through the UNDP Inclusion Index and the inclusion in the Communiqué of support for the protection of LGBTIQ+ rights.

Indigenous peoples

Indigenous peoples represent some 6% of the global population, but account for almost 19% of all people living in extreme poverty.⁶⁹ Because they inhabit a large portion of the world's remaining intact ecosystems, they are especially affected by the effects of climate change and the global loss of biodiversity. Protecting their individual and collective human rights and implementing their rights of consultation and approval, such as 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.

As recommended in the UN Human Rights Council's Universal Periodic Review in 2018, Germany ratified ILO Convention No. 169 on 23 June 2021 and it entered into force on 23 June 2022. In foreign and development policy, the ratification sends a signal of commitment to advocating for the rights of indigenous peoples in the international arena and in partner countries and supporting indigenous peoples' crucial contribution to protecting biodiversity and the climate.

Internationally, German development cooperation campaigns for the active participation of indigenous peoples in political decision-making processes. With the Indigenous Peoples and Local Communities (IPLC) pledge of US\$1.7 billion (from 2021 to 2025) at the UN Climate Change Conference COP26 in 2021, Germany – together with 22 donor governments and philanthropic

foundations – recognised the important role of IPLCs in forest conservation and climate action, and committed to promoting the land and resource rights of IPLCs. The Federal Ministry for Economic Cooperation and Development also supported the Local Communities and Indigenous Peoples Platform (LCIPP) of the UN Framework Convention on Climate Change as a unique mechanism for including indigenous groups in climate negotiations. Through the World Bank's multi-donor trust fund Enhancing Access to Benefits while Lowering Emissions (EnABLE), the Federal Ministry for Economic Cooperation and Development contributes to strengthening the participation of indigenous peoples in results-based climate finance. Through the FAO Forest and Farm Facility, the Federal Ministry for Economic Cooperation and Development promotes indigenous peoples' contribution to the sustainable use of natural resources and to climate resilience.

In bilateral cooperation, the Federal Ministry for Economic Cooperation and Development supports indigenous people especially in the context of forest conservation and protecting biodiversity. In Colombia, the REDD Early Movers Programme (REM) supports indigenous communities in exercising their right of self-determination and sustainably managing their territories.⁷⁰ In the Brazilian states of Mato Grosso and Acre, REM is supporting the political participation of indigenous people and developing a benefit-sharing mechanism. In Honduras, through the project Sustainable Natural

69 ILO (2019): *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future*. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_735607.pdf (29 November 2022)

70 <https://www.kfw-entwicklungsbank.de/International-financing/KfW-Development-Bank/Topics/Climate/REDD/> (29 November 2022)

Resource Management under Climate Aspects in Indigenous Territories in La Mosquitia, the Federal Ministry for Economic Cooperation and Development is expanding the skills of indigenous territorial councils, especially in the use of democratic and gender-equality principles, constructive conflict resolution and effective forest monitoring and resource use.

The Federal Ministry for Economic Cooperation and Development also supports civil-society organisations and networks that advocate for the rights of indigenous peoples, including but not limited to Indigenous Peoples Rights International (IPRI) (see also *chapter C 4*), the International Work Group for Indigenous Affairs (IW-GIA), the International Land Coalition (ILC) and the Rights and Resources Initiative (RRI).



Federal Chancellor Olaf Scholz speaking during the General Debate of the 77th session of the UN General Assembly
©picture alliance/dpa | Michael Kappeler

C3 Cooperation with the United Nations, the G7, the Council of Europe, the OSCE and NATO

United Nations

Germany actively promotes human rights in all of the bodies and organs of the United Nations.

UN Human Rights Council

In the autumn of 2019, the General Assembly elected Germany to serve as a member of the UN Human Rights Council for a term of three years (2020-2022). As an extension of our commitment,

Germany has since campaigned wholeheartedly within the Council for the human rights priorities of the German Government. These include addressing critical situations in individual

countries and human rights issues at the three annual meetings of the Council, each lasting between four and five weeks, and actively contributing to the special and urgent sessions of the Council, such as those on Afghanistan, Ethiopia, the Middle East, Ukraine and the Sudan. The German Government 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 submitted resolutions in the Council relating to the right to adequate housing (with Finland, Brazil and Namibia), the rights to safe

drinking water and sanitation (with Spain), the right to privacy (with Brazil, Austria, Liechtenstein and Mexico), and on combating human trafficking (with the Philippines).

In 2022, Germany assumed the office of a Vice-President of the UN Human Rights Council in the person of Germany's Permanent Representative to the United Nations in Geneva. In October 2022, Germany was re-elected as a voting member of the Council for a further three-year term, from 2023 to 2025.

Office of the UN High Commissioner for Human Rights

During the reference period, Germany continued its close cooperation, based on mutual trust, with the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**. This included high-level bilateral consultations with High Commissioner Michelle Bachelet. This cooperation will continue with the new UN High Commissioner, Volker Türk, who was appointed by the UN General Assembly in August 2022.

With its voluntary contributions, the most recent amounting to €9.47 million, plus additional project funding, Germany is one of the largest donors to this key institution in the UN system

of human rights protection. In 2021, the OHCHR ranked Germany as its fifth-largest provider of financial support. Added to this are our donations through the EU. 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, the UN Voluntary Fund for Victims of Torture and the UN Voluntary Trust Fund for Victims of Human Trafficking, both of which are administered by the OHCHR. In 2022, a significant €1.5-million share was used to support the OHCHR's Human Rights Monitoring Mission in Ukraine.

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, like national human rights institutions, can also have their interests considered in the review process 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.

Germany is scheduled to take questions in summer 2023 as part of the fourth cycle of the UPR process. The German delegation will be led by Member of the German Bundestag and Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office Luise Amtsberg. The occasion will provide an opportunity to examine the state of play on the 259 recommendations made as part of the third cycle, and the 209 of those supported by Germany. In accordance with the widely expressed wish for a mid-term review of the implementation of the accepted recommendations, following on from the Fourteenth Human Rights Report, this Fifteenth 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.⁷¹

71 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. (29 November 2022).



Luise Amtsberg, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office
© picture alliance/dpa | Christoph Soeder

Special Procedures of the UN Human Rights Council, treaty bodies and national human rights institutions

Germany works 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 Rapporteurs on the rights to safe drinking water and sanitation, on the right to adequate housing, on trafficking in persons, on the right to privacy and on the right to a clean environment.

German representation in the **UN treaty bodies** by competent independent experts, thus having a voice in the setting of norms and standards, is

an important instrument of our human rights policy. Four German experts are serving as representatives at the close of the reference period: Barbara Lochbihler, Committee on Enforced Disappearances (CED), Professor Mehrdad Payandeh, Committee on the Elimination of Racial Discrimination (CERD), Professor Michael Windfuhr, Committee on Economic, Social and Cultural Rights (CESCR), and Dr Marina Langfeldt, Subcommittee on Prevention of Torture, established by the Optional Protocol to the Convention against Torture (SPT-OPCAT).

Germany supports the **Global Alliance of National Human Rights Institutions (GANHRI)** in its aim to enhance the connectivity of national human rights institutions (NHRIs) and to feed their expertise into the relevant human rights-related processes and mechanisms of the UN. The corresponding UN resolution that

Germany brought before the meeting of the Third Committee of the UN General Assembly in autumn 2021 succeeded in expanding participation rights for NHRIs. Adopted by consensus, the resolution again garnered the support of 88 UN member states.

UN General Assembly, specifically the Third Committee and the Commission on the Status of Women

Germany also campaigns for human rights in the context of the UN General Assembly.

For example, the joint statement on the human rights situation in China, which condemns serious human rights violations in the country, attracted a great deal of attention. The statement was read out by Germany in autumn 2020 on behalf of what was then a record number of 39 UN member states.

Germany also supports the resolution on the right to a clean environment that was passed by the UN General Assembly in summer 2022. It had been preceded by a preparatory resolution by the Human Rights Council, of which Germany had been a vocal advocate.

Other points of focus for our work in the Third Committee of the UN General Assembly are the resolutions on the rights to water and sanitation, and the right to privacy.

The resolution that Germany and Spain together brought before the **76th session of the UN General Assembly** in autumn 2021, on “The human rights to safe drinking water and sanitation”, achieved broad cross-regional support and was passed by consensus by 106 states from all regional groups. Despite the difficult negotiating

climate, it was able once again to ensure the use of progressive language in this important field. It covers, for example, sanitation for people with disabilities as well as better menstrual and reproductive rights and health, which were laid down for the first time in the resolution. In view of its highly relevant content, with priority themes such as the role of access to water in preventing infectious diseases, the fight against COVID-19, and a closer examination of the impacts of climate change, the resolution attracted considerable interest and once again underscored our commitment to an area that is of national importance to many countries.

In autumn 2020, Germany joined forces with Brazil to sponsor a resolution entitled “The right to privacy in the digital age” before the **75th session of the UN General Assembly**. The resolution successfully drew attention to the important relationship between human rights and artificial intelligence, and pointed out the danger of discrimination when developing and applying algorithms. It formulated recommendations on protecting children, preventing hate speech and stigmatisation on social media, and overcoming the “digital divide”, which generally places women at the greater disadvantage.

In 2022, as Co-Chair of the **66th session of the UN Commission on the Status of Women (CSW)**, Germany led the negotiations on the Agreed Conclusions document with great success. Here, for the first time, UN member states adopted specific measures to strengthen women's rights and consistently involve women and girls in tackling climate change. The Agreed Conclusions particularly acknowledge the role of young women as climate activists. They also recognise the negative impacts of climate change on the rights of women and girls worldwide. These include an increase in gender-based violence, a lack of access to sexual and reproductive health services, risks to maternal and neonatal health, the burden of additional domestic and care work, interruptions to (formal) education, the loss of resources with which to make a living and also the risks associated with climate-induced displacement and migration.

The previous year, the **65th session of the Commission on the Status of Women** had been held under the difficult circumstances of a fragile international consensus on women's rights, and a year into the COVID-19 pandemic. It still managed to send an important international message concerning the global impacts of the pandemic on women and girls, recording valuable successes not only with the fight against COVID-19 and "building back better", but also on the climate and the digital transition. Despite heavy resistance and difficult negotiations, the session even adopted strong new language with regard to participation, such as "equal participation", reference to the role of quotas, and changes to power structures. That said, in the absence of any clear condemnation of violence against women and girls, the 65th session of the CSW did not live up to expectations.

An unwavering commitment to women's rights, not least in the face of growing resistance, is another core element of feminist foreign policy. Alongside "resources" and "representation", "rights" are one of the three Rs, and thus at the heart of Germany's approach.

The remit of the **United Nations Open-ended Working Group on Ageing (OEWGA)** is to examine the existing international framework for the human rights of older persons and identify possible gaps. It is also to propose how these might be addressed, assessing the feasibility of potential instruments and measures. Germany is an active working member of the OEWGA. In spring 2022, Germany joined an informal cross-regional core group that, by April 2023, will draft a formal decision on a sub-working group tasked with identifying gaps in human rights protections for older persons, as a basis for adoption by the OEWGA. The priority issues for the 12th session of the Working Group in April 2022 were economic security, sustainable development and the impact of the COVID-19 pandemic on older people. 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 review and appraisal of the Madrid International Plan of Action on Ageing (MIPAA), the second global action plan on ageing, continues via the Regional Implementation Strategy (RIS), which is the responsibility of the UNECE Standing Working Group on Ageing (SWGGA). In 2022, the fourth review and appraisal cycle for the MIPAA was completed, and the OEWGA assessed the work conducted over the past 20 years. It was decided at the UNECE Ministerial Conference in Rome, titled MIPAA+20 – A Sustainable World for All Ages, to reformulate the RIS to build on the

progress of the past 20 years and incorporate new challenges such as those associated with digitalisation. The mandate of the former Working Group on Ageing (WGA) was upgraded in 2020 to that of a Standing Working Group, which means that its remit does not have to be renewed every

five years. In addition, the SWGA is intended to handle 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. This upgrade stems to a great extent from a German proposal.



Annalena Baerbock, Federal Minister for Foreign Affairs, speaking at a meeting of the United Nations Security Council (2022)
© picture alliance/dpa | Michael Kappeler

UN Security Council

As co-founder and Co-Chair (with Switzerland) of the Human Rights/Conflict Prevention Caucus, Germany has committed itself to mainstreaming human rights more effectively in the work of the UN Security Council and to emphasising the importance of human rights in conflict prevention and peace and security. For example, in addition to establishing an informal annual meeting between the Human Rights Council and the Security Council, Germany actively supported regular briefings by Geneva-based commissions of inquiry, such as that given on 3 December 2020 by the Group of Eminent Experts (GEE) on Yemen. Even after the end of its term as a non-permanent member of the UN Security Council, in 2020, as a UN member state Germany continues to push for human rights to

be a stronger element of the Security Council's work, particularly in connection with the Women, Peace and Security (WPS) Agenda, the issue of children and armed conflict, and the interplay between the UN's Human Rights pillar in Geneva and its Peace and Security pillar in New York.

Women, peace and security

One of the priorities of German work in international bodies between 2020 and 2022, including the United Nations, was to continue the process of embedding and implementing the UN's Women, Peace and Security (WPS) Agenda. To this end, the German Government adopted its third national Action Plan for the WPS Agenda in March 2021. Measures under this latest action plan included stepping up WPS-related activities around the world through our missions abroad, involving civil society even more fully in WPS implementation, and launching new funding initiatives. For example, in December 2021 the Federal Foreign Office appointed WPS officers at its permanent representations to drive the execution of the WPS Agenda on the ground.

Germany consistently campaigns within the United Nations for a stronger WPS Agenda backed by effective instruments for its realisation. Germany is the largest donor to the UN's Women's Peace and Humanitarian Fund (WPHF), which provides financial support to women's organisations and local WPS initiatives. In partnership with Norway, in January 2022

Germany also opened a WPHF funding strand for female human rights defenders. As a member of the Compact on Women, Peace and Security and Humanitarian Action (WPS-HA), Germany acts as a catalyst to drive and harmonise policy action alongside other "champions", international organisations (including UN Women and the OECD) and civil society. In 2019 and 2020, after the end of our term on the UN Security Council, we contributed national submissions to all of the Council's open debates; we remain in close dialogue with civil society and have organised numerous WPS-related events.

To provide lasting support to the African Women Leaders Network (AWLN), which Germany helped to establish, the German Government co-organised and funded events, joint statements and fact-finding trips during the reference period. The AWLN has developed into a vital platform for exchange and promoting equality, and now has a presence in 30 African countries. It is a core element of the German commitment to implement the Women, Peace and Security Agenda and thus of our feminist foreign policy.

Children and armed conflict

The German Government supports the work of the UN Special Representative of the Secretary-General for Children and Armed Conflict (CAAC). Since the mandate was created 25 years ago, it has played a decisive role in freeing tens of thousands of children from armed groups. The German Government is active in New York, Brussels, Geneva and with 12 countries in intergovernmental groups of friends to protect children against the consequences of armed conflict and against recruitment as child soldiers.

The German Government regularly provides funding to civil-society organisations that document human rights violations against children in armed conflicts, call political forces to account and strengthen protections for children with direct local action, e.g. in Colombia, Nepal and the Palestinian territories.

UN Security Council Group of Friends of Accountability Following the Aggression against Ukraine

As an advocate of accountability for all violations of human and other rights, Germany supports the UN Security Council Group of Friends of Accountability Following the Aggression against Ukraine. The group was founded on 25 March 2022 as an informal interregional forum for like-minded states. In this setting as in others, Germany has condemned Russia's war of aggression against Ukraine on multiple occasions as a flagrant breach of the rules-based international order and the UN Charter, and has called for accountability for the war crimes that have been committed.

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 Russia's illegal war of aggression against Ukraine, UNESCO provides protective equipment for journalists and organises training for them on working in war zones.

Complaints from individuals 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 UNESCO Executive Board Committee on Conventions and Recommendations. Germany was a member of the Committee in 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 at-risk academics and artists, and civic-education initiatives to combat antisemitism and promote 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, in addition to making its core contribution to the various UN bodies through the UN budget, the German Government supports the various entities through voluntary and project-related contributions, such as those made to UNICEF and UN Women.⁷²

G7

Germany also used its G7 Presidency in 2022 to discuss and advance human rights issues among those economically powerful democracies. Our shared commitment to a rules-based

international order and to universal human rights is reflected, for example, in the Resilient Democracies Statement 2022 negotiated jointly with G7 partner countries Indonesia, India,

⁷² See the German Government report on cooperation between the Federal Republic of Germany and the UN for 2018-2019 available (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. (29 November 2022)

Senegal, South Africa and Argentina, as well as in the condemnation of human rights violations in numerous national situations around the world that give cause for concern. This was expressed by the G7 in the Foreign Ministers' Communiqué in May 2022⁷³ and in the Leaders' Communiqué on the summit in June 2022.⁷⁴

Gender equality was another priority area for the G7. In line with its feminist foreign policy, Germany successfully advocated for it to be mainstreamed, i.e. integrated as a common goal across a range of fields such as climate, economy, the global health architecture and sustainable development. Furthermore, the G7 is actively working towards the unrestricted, equal and effective participation of women, girls and LGBTIQ+ people. It recognises that the impacts of the global challenges of our time are not gender-neutral. The aim is therefore to increase the share of bilateral ODA funding that is used to

support gender equality and to improve the status of women and girls. In the same way, the G7 has affirmed its commitment to advancing the goal of comprehensive sexual and reproductive health and rights for all.

As part of its G7 Presidency, Germany shone a spotlight on pressing and emerging human rights concerns. There was intense debate within the G7 on climate and human rights, the digital world and human rights, and the obligation to hold those responsible for human rights violations to account. In the latter case, Germany drove the discussion about strengthening international structures and processes to gather and process evidence for subsequent prosecutions. This drew in part on a study on the options for a permanent mechanism that could be activated at short notice. The debate on this will continue beyond the end of the reference period.

Council of Europe

The German Government continues to advocate 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 EU, 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 2021 period (Bundestag printed paper 20/3400).

The reference period saw a wide range of contacts at the political level. Federal Foreign Minister Annalena Baerbock attended the meeting of foreign affairs ministers in Turin on 20 May 2022. Minister of State Anna Lührmann met Secretary General Marija Pejčinović Burić in Strasbourg on 29 April 2022 and the President of the Parliamentary Assembly of the Council of Europe, Tiny Kox, in Berlin on 7 July 2022.

73 <https://www.auswaertiges-amt.de/en/newsroom/news/-/2531266> (29 November 2022)

74 www.g7germany.de/resource/blob/974430/2062292/9c213e6b4b36ed1bd687e82480040399/2022-07-14-leaders-communiqué-data.pdf?download=1 (29 November 2022)

The German Government emphatically supports the EU's accession to the European Convention on Human Rights and contributes accordingly to the ongoing negotiations in this regard.

The German Government supports the work of the institutions of the Council of Europe with responsibility for human rights, the rule of law and democracy. In particular, 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).

The German Government is working hard to ensure that the judgments of the ECtHR are enforced in full in all member states.

Since January 2020, Professor Anja Seibert-Fohr has been the German judge at the ECtHR. The German Government supports a special fund established by the Council of Europe to finance the appointment of additional legal experts.

The Federal Ministry of Justice publishes annual reports on the decisions of the ECtHR in cases against the Federal Republic of Germany, on the enforcement of those judgments, and on the decisions of the Court in cases against other states.⁷⁵

The German Government supports the European Roma Institute for Arts and Culture (ERAC), which receives some of its institutional assistance from the Council of Europe. The ERAC Board includes representatives of the German Government from the Federal Ministry of the Interior 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 this minority.

Germany is one of the Council of Europe's major funders, contributing over 11% of its budget (€477 million) in 2022. The German Government also provides the Council with voluntary contributions to finance project-related activities and pays into dedicated special funds. These include the Human Rights Trust Fund, which is designed to improve the enforcement of ECtHR judgments in member states and enhance skills development on human rights for members of the legal profession.

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

for 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 the promotion of tolerance and non-discrimination. Other

⁷⁵ Available (in German) at https://www.bmj.de/DE/Themen/Menschenrechte/EntscheidungenEGMR/EntscheidungenEGMR_node.html (29 November 2022)

priorities were the promotion of the rule of law, women's rights and gender equality, and respect for fundamental freedoms.

Along with its EU partners, Germany strove to ensure that all OSCE participating states were meeting their obligations in this human dimension and advancing human rights protections in their own countries and regionally. In that context, in the Permanent Council of the OSCE and other forums, the German Government and its EU partners regularly addressed violations of human rights and called for fundamental freedoms, the principles of the rule of law and democratic standards to be upheld. The main areas of concern in this respect were attitudes to freedom of assembly and freedom of association, promotion of an independent civil society, respect for freedom of opinion and media freedom, protection for journalists and human rights defenders, respect for freedom of religion or belief, protection of minorities, the need to combat 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 some €25 million in 2021. Of this, around €10 million went to the OSCE Special Monitoring Mission (SMM) to Ukraine, which ends on 31 October 2022 as a result of the Russian blockade. In 2021 and 2022, the German Government also supported 25 human rights projects per year, with a total funding volume of some €3 million. The projects focused on strengthening the rule of law and good governance, protecting human rights and fundamental freedoms, supporting civil society, protecting human rights defenders and observing elections, as well as on media freedom and freedom of opinion, national minorities, and tolerance and non-discrimination.

Germany also assisted the OSCE by sending experts to serve for long periods in OSCE institutions and field missions, 75 being seconded in 2020, 74 in 2021 and 43 as at 1 September 2022. The end of the SMM explains this recent fall in numbers. In addition, the German Government campaigned vigorously for the retention of the OSCE field missions and the full exercise of their mandates. Germany provided funding, personnel 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, in part to maintain the independence of these three OSCE institutions in the field of human rights.

Together with its partners, Germany moreover continued to press for unhindered access for NGOs and representatives of civil society to OSCE events.

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. It agreed to ODIHR's request for the short-term secondment of German election observers, and provided 10-15% of all members of its election observation missions in each case. This was made possible by a pool of specially trained volunteer experts selected and assigned by the Centre for International Peace Operations (ZIF). Through ZIF, the German Government

seconded more than 200 German observers to ODIHR election observation missions during the reference period.

The fight against antisemitism is a constant priority of Germany's human rights policy, including in the context of the OSCE. Specifically, the German Government continued to support ODIHR's Words into Action initiative. The purpose of this multiannual project is to improve the security 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 German Government also helped to fund a project to support the victims of hate crimes.

NATO

During the reference period, the German Government actively involved itself in NATO work strands to reinforce human rights in all operational fields, focusing both on protecting civilians and children and on armed conflict, as well as formulating NATO policy on preventing and responding to sexual exploitation and abuse.

Specifically, Germany joined with like-minded states to press successfully for the great importance of human security and the Women, Peace and Security Agenda to be mainstreamed across all of NATO's core tasks in its new Strategic Concept.

Furthermore, through declarations and project support, the German Government champions gender equality, human rights and protections for women.

In addition, Germany campaigned against torture and other cruel, inhuman and degrading treatment or punishment, as well as sexual and gender-based violence, including by providing support for a project to protect those in prison against such violence.

A further priority was to promote projects to strengthen civil society, support human rights defenders and uphold human rights in countries such as Ukraine. Russia's war of aggression in Ukraine prompted the German Government to boost its project support in this field. Since the end of February 2022, for example, it has backed an ODIHR project to document human rights violations.

NATO agreed on guiding principles on human security at its summit in June 2022. Here, too, the German Government had campaigned successfully to emphasise the crucial nature of this cross-cutting responsibility. This underscores the weight attached to our understanding of human security, which the German Government also uses as a basis for its National Security Strategy and its guidelines for feminist foreign policy. Indeed, NATO has defined human security as a priority for additional funding, thereby underlining its central role.

In October 2021, the NATO ministers of defence adopted the fifth Action Plan for the Implementation of the NATO/Euro-Atlantic Partnership

Council (EAPC) Policy on Women, Peace and Security 2021-2025. The German Government supports NATO's commitment to promoting gender equality and to integrating gender perspectives into all NATO activities, in political, civil and military structures ranging from policy and planning, through training and development to missions and operations.

Women nonetheless remain underrepresented within NATO, especially in leadership positions. The German Government is working within the organisation to reduce this imbalance. It attaches particular importance to implementing UN Security Council Resolution 1325. In its Strategic Concept, NATO undertakes to continue advancing gender equality as a reflection of its values.

Since October 2020, a German expert has been seconded to NATO LANDCOM to enhance the organisation's human security expertise. From the beginning of 2023, Germany will be seconding an expert to support the work of the Special Representative for Women, Peace and Security at NATO Headquarters. Germany also provides the Deputy Gender Advisor to the Director General of the International Military Staff.



A demonstration for democracy and freedom in Iran at the Brandenburg Gate, Berlin, Germany (2022) © picture alliance/dpa | Kay Nietfeld

C4 Civil and political rights

Germany advocates 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. The EU Guidelines to EU Policy towards third countries on the death penalty define the abolition of the death penalty as a key human rights goal of the Common Foreign and Security Policy (CFSP). Often with EU partners, the German Government makes diplomatic démarches 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 specific cases. During the reference period it made such démarches towards 45 partner governments to canvass support for complete abolition. The Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, in particular, made numerous statements in individual cases.

At the international level, a further resolution on the death penalty (A/HRC/RES/48/9) was pushed through with German support during the 48th session of the UN Human Rights Council in October 2021. It calls upon states to abolish the death penalty and to respect the rights of individuals who have been sentenced to death. In

Universal Periodic Reviews (UPRs), too, Germany recommends the abolition of the death penalty and ratification of the corresponding Second Optional Protocol to the International Covenant on Civil and Political Rights. Since 2017, Germany has been part of the Support Group of the Madrid-based International Commission against the Death Penalty (ICDP).

Moreover, the German Government supported the efforts of multiple abolition projects in pursuit of moratoria and prohibition.

Particularly worth mentioning is the 8th World Congress Against the Death Penalty, which is being held in Berlin from 15 to 18 November 2022 under the auspices of the Federal Foreign Minister. Preparatory work for the Congress fell within the reference period. The Congress brings together governments and civil-society players from more than 90 countries to launch new initiatives to abolish the death penalty worldwide.

As a state party to the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (UN Convention against Torture – 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 and partners from the EU sponsor a comprehensive anti-torture resolution every year in the General Assembly. These resolutions strongly urge all states to ratify the UN Convention against Torture. In addition, Germany promotes the development of **national preventive mechanisms** to assist the

OPCAT-created Subcommittee on Prevention of Torture (SPT), and supports the work of its independent German member, Dr Marina Langfeldt.

Germany regularly recommends ratification of the Convention against Torture and its Optional Protocol within the framework of the UPR procedure in the UN Human Rights Council. One country to which it has made the recommendation is Latvia, which acceded to the Optional Protocol during the reference period. The European Union, by adopting its **Guidelines to EU 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 human rights dialogues conducted with non-EU countries by the EU as a whole and to some extent bilaterally by its individual member states. The focus is often on interventions in individual cases. The EU and its member states are founding members of the Global Alliance for Torture-Free Trade, which was established in autumn 2017. The aim of the initiative is to establish a binding international legal instrument, modelled on the EU Anti-torture Regulation, to govern trade in goods that might be used for torture or capital punishment. The resolution initiated by the Alliance (A/73/L.94) was adopted by a large majority at the 73rd session of the UN General Assembly in June 2019. This was an important step on the way, but success is by no means certain in view of considerable opposition from some countries. In July 2020, the UN Secretary-General presented a report on common international standards. A UN Group of Governmental Experts, in which the German Government is also represented, started work in August 2021, and in May 2022 published a report on the scope of common international

standards. On 31 March 2021, the Council of Europe Committee of Ministers also adopted a recommendation on the subject drafted with the input of the German Government.

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 Committee made its seventh regular visit to Germany during the reference period. Its report and the response of the German Government are available on the Committee's website at www.coe.int/en/web/cpt.

During the reference period, the Federal Foreign Office helped to fund anti-torture projects in Rwanda, Kenya, Jordan, Israel, Syria, Egypt, Hungary, Moldova, Russia and the Democratic Republic of the Congo, as well as in the OSCE region. Germany is one of the largest 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 €560,000 in 2020 and €543,000 in 2021. It will make another substantial contribution to these funds in 2022.

Combating racism and all forms of group-based hostility is one of the cornerstones of our foreign policy engagement across the board, including the arts, education, science and research, and especially in our international cooperation.

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.

Within the **United Nations** we actively support the fight against racism in a variety of ways. For example, in 2021 Germany initiated an Anti-Racism Roundtable in New York. In March 2022, we used our Human Rights Council resolution on the right to adequate housing to particularly address the issues of racism and institutional discrimination.

In the **OSCE**, Germany supports the Personal Representatives of the OSCE Chairperson-in-Office tasked with addressing tolerance issues, namely the Personal Representative on Combating Anti-Semitism, the Personal Representative on Combating Intolerance and Discrimination against Muslims, and the Personal Representative on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions. Germany also provides funding for OSCE projects to improve tolerance, advance non-discrimination, and support victims of hate crimes. The latter endeavour is further supported by an expert from the Federal Ministry of Justice. 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 Hate Crimes in the OSCE Region: Incidents and Responses.

In the **Council of Europe**, the German Government plays an active part in the No Hate Speech movement and thereby contributes significantly to the fight against often racially motivated hate crime. It is also helping to develop 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.

Protection against violence and **discrimination on the grounds of sexual orientation and gender identity** is an important element of the German Government's human rights policy. It is formalised in the National Action Plan for Human Rights and LGBTI Inclusion Strategy which guide our foreign policy and development cooperation. The protection against violence and 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) specifically also applies to people whose human rights are violated on account of their sexual orientation or gender identity. As it pursues its feminist foreign policy, Germany is therefore committed to protecting and promoting the rights of LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex and queer) people worldwide.



Demonstrators waving rainbow flags during a demonstration for LGBTIQ+ rights in Bogotá, Colombia (2022)
© picture alliance / ZUMAPRESS.com | Cristian Bayona

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. The expert's regular reports have firmly established LGBTIQ+ rights on the Council's agenda. The independent expert's mandate was extended in June 2022. Germany co-sponsored the resolution in question, which had been initiated by a group of Latin American states, and made démarches to numerous governments to canvass support. In the G7 context, we explicitly emphasised the vital role that the UN's independent expert plays.

Furthermore, during the reference period Germany joined Mexico as State Co-Chair of the **Equal Rights Coalition**. The Coalition is an intergovernmental body of 42 states and more than 100 non-governmental organisations dedicated to protections against violence and discrimination on the grounds of sexual orientation and gender identity. Beyond this, the German Government continues to provide funding to

projects upholding the human rights of LGBTIQ+ individuals, backing initiatives in over 25 countries during the reference period. Promoting the rights of LGBTIQ+ people ranks highly in German development cooperation too. Please refer to *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**. The Government staunchly advocates for the ratification and implementation of the CRPD both within the European Union and the United Nations and in its bilateral relations. Germany also participates in the Global Action on Disability Network (GLAD), a body coordinating bilateral and multilateral donors. It was decided in 2022 that Germany and Jordan will co-host the third Global Disability Summit in 2025. The summit offers a platform for governments, international organisations and NGOs to discuss disability policy issues and to increase the global community's commitment to the concerns of people with disabilities. In addition to its extensive portfolio of development cooperation work, during the reference period the German Government also supported projects on the rights of people with disabilities in Russia, Ukraine, Iraq, Tajikistan and North Macedonia.

Protecting and championing **freedom of religion or belief** is a key component of the German Government's human rights policy. At international level, this freedom is guaranteed primarily by Article 18 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, Article 2 (1) of the ICCPR and Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) require states to guarantee the rights enshrined in the respective

Covenants without distinction of any kind, including on the basis of religion. Religious minorities are also protected by the UN General Assembly's 1992 Declaration 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 parts of the world. The effects of such restrictions are particularly felt by religious, ethnic and ideological minorities, displaced persons, women and LGBTIQ+ 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 desire to unequivocally condemn all forms of religious intolerance. Protection for freedom of religion or belief and for the rights of members of religious minorities is a regular subject of EU 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. Tensions came to light once again in the 8th Istanbul Process meeting, organised by Pakistan, and meant that the event was not fully able to echo the success of previous meetings. The point of reference here remains the reconciliatory Resolution A/HRC/RES/16/18, which was adopted in the UN Human Rights Council in 2011.

The office of a Federal Government Commissioner for Freedom of Religion or Belief was established in 2018. The Commissioner is based at the Federal Ministry for Economic Cooperation and Development. It is intended that they will report to the German Government on the global situation concerning freedom of religion or belief at two-year intervals, following on from the previous two Federal Government Reports on the Global Situation of Freedom of Religion and Thought, published in 2016 and 2020 respectively. The country section 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-conversion laws, digital communication, and state education provision.

Germany works internationally to reinforce human rights both online and offline, because they apply equally to the virtual and real worlds. While digital technologies bring with them new opportunities to connect and collaborate, they also hold risks to respect for human rights around the world. Human rights defenders and media professionals are particularly affected. For more information, please see the spotlight on human rights and the digital revolution.

Enforcing the judgments of the **European Court of Human Rights** is one of the keystones of the system of protections established under the **European Convention on Human Rights**. When monitoring how member states implement those judgments, Germany demands, in close coordination with our like-minded partners on the Council of Europe Committee of Ministers, that the governments concerned actually take the necessary action. Toughening up the monitoring process was one of the priorities of Germany's

chairmanship of the Committee from November 2020 to May 2021. Germany has for years supported the work of the ECtHR with voluntary donations and by seconding judicial and public prosecution personnel to the Court.

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 be heard before a court, or serious disruptions of family life and invasions of privacy. The **International Convention for the Protection of All Persons from Enforced Disappearance** (CPED, also known as the UN Enforced Disappearances Convention) establishes, among other things, 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 effect on 23 December 2010 and has also been in force in domestic and international law in Germany since that date. Barbara Lochbihler serves as one of the independent experts on the Committee on Enforced Disappearances. The main tasks of the ten-member Committee are monitoring and promoting the UN Convention internationally.

Protecting human rights defenders (HRDs) has long been a key component of the German Government's human rights policy. The reference period saw further deterioration in the situation of human rights defenders around the world. The COVID-19 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 and working to address it as described below.

Shrinking spaces and the protection of human rights defenders

Human rights defenders (HRDs) 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 protect human rights and fundamental freedoms are HRDs, even if they do not consciously regard themselves as such. Many HRDs are women and may also belong to marginalised groups (such as LGBTIQ+ people, indigenous peoples or people with disabilities). In many countries, freedom of action for HRDs, journalists, media professionals 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 freedoms of assembly and association as well as of freedom of opinion and freedom of the press. Measures relating to the COVID-19 pandemic are often used as a pretext for unjustified controls. This is done, for example, by means of restrictive legislation on the funding and/or registration of NGOs, accusations of terrorism or terrorism financing, censorship of expressions of opinion, arbitrary detentions, public smear campaigns and defamation, and can even extend to kidnapping and murder. The main targets are civil-society actors or NGOs with international connections and/or funding, including German political foundations and their partner organisations.

The situation of HRDs in other countries, which is often perilous and sometimes even life-threatening, is a key issue in German human rights policy. Claiming rights for HRDs is of paramount importance to the German Government as part of its feminist foreign policy and the feminist development policy of the Federal Ministry for Economic Cooperation and Development, as well

as in the G7 context. To protect and extend their freedom of action and to make it possible for HRDs 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 numerous human rights projects each year, most of which are run by local NGOs. In this way it helps to reinforce civil society in those countries. The projects are closely monitored by the embassies there. In addition, the Federal Foreign Office supports OSCE projects designed to improve international human rights standards and to protect HRDs in the OSCE region.

Every year since 2016, 15 HRDs 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 prize-winners 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. She still strives untiringly from her prison cell to improve the human rights situation in Iran and even went on hunger strike to amplify her call for the release of political prisoners on humanitarian grounds.

Protecting HRDs is an important task of Germany's missions abroad, which must report on the situation in this regard. The missions also apply the European Union Guidelines on Human Rights Defenders worldwide. The German Government was involved in evaluating these guidelines. To this end, the missions abroad maintain frequent communication with HRDs locally, monitor legal proceedings and support at-risk HRDs. Conditions for HRDs and their increasingly shrinking space are regularly addressed in talks with representatives of other states. The Embassy in

Hanoi and the Consulate General in Ho Chi Minh City, for example, are in close contact with HRDs who are under pressure and with the families of HRDs in detention. During the reference period, the missions also visited activists in prison and monitored politically motivated trials. Furthermore, the Federal Foreign Office campaigns for imprisoned HRDs to be admitted to Germany on humanitarian grounds.

In 2020, the Federal Foreign Office launched the Elisabeth Selbert Initiative for the protection of HRDs. The Initiative enables HRDs at acute risk to stay for a period of up to six months in Germany or within their region of origin. The aim is to make arrangements with host organisations that will enable the HRDs 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 Universal Periodic Reviews (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. Moreover, Norway sponsored resolutions in the UN Human Rights Council and the UN General Assembly to protect human rights defenders. The German Government supported these resolutions and strove to ensure that they contained specific and strong wording which takes due account of the needs of human rights defenders. As a state party to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention),

the German Government supported the 2021 introduction of a rapid response mechanism to protect human rights defenders.

The **Franco-German Prize for Human Rights and the Rule of Law** has been awarded since 2016 to bolster the work of human rights defenders in their own countries and make it more widely known throughout the world. Each year, this prize is awarded to up to 15 figures worldwide who have displayed outstanding commitment to protecting human rights and promoting the rule of law in the most diverse areas, such as women's rights, the abolition of the death penalty or LGBTIQ+ rights. Each candidate 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 between France and Germany that also extends to the realm of human rights.

In the UN Human Rights Council, in the Third Committee of the UN General Assembly (which is responsible for human rights) and in other international forums such as the OSCE, the German Government champions the protection of human rights defenders and clearly condemns reprisals against them. It 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 that human rights defenders face. Mary Lawlor was appointed as the new Special Rapporteur in May 2020.

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. The Guidelines for eradicating impunity for serious human rights violations, which were adopted by the Committee of Ministers in 2011, provide one of

the foundations for these efforts. The Guidelines urge states to fight impunity as a matter of justice for the victims, as a deterrent to fresh violations, and to uphold public trust in the rule of law. The Council of Europe Commissioner for Human Rights is also deeply committed to these goals.

In numerous countries, **Germany's governmental development cooperation** supports the work of human rights defenders and human rights organisations in civil society. This is concentrated primarily on human rights and governance projects in countries such as Uganda, Mexico, Mauritania, Zambia and Brazil, in the Western Balkans and in the Palestinian territories.

In the field of non-governmental development cooperation, private and ecclesiastical aid agencies and political foundations support human rights defenders and human rights organisations in civil society worldwide, for example in Colombia, Mexico, Nicaragua, Uganda, India, Bangladesh, Cambodia and the Philippines.

The Civil Peace Service, supported by the Federal Ministry for Economic Cooperation and Development, works with the Peace Brigades International (PBI) organisation to run 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 Resilience Fund set up by the Global Initiative against Transnational Organized Crime to aid human rights defenders in settings characterised by violence and crime. The UN Special Rapporteur on the situation of human rights defenders

emphasised the particular risks that they face in conflict and post-conflict situations in her 2020 report to the UN Human Rights Council.

Since April 2022, the Federal Government Commissioner for Culture and the Media has supported the European Fund for Journalism in Exile (JX Fund), which helps **media professionals** to continue working immediately after fleeing war zones and crisis-torn regions. It bolsters independent media and the establishment of new and durable editorial structures in exile, so that their content continues to reach their audience in their home countries. Since 2019, the Commissioner has also supported the European Centre for Press and Media Freedom (ECPMF) in Leipzig, allowing it to pay stipends to media professionals seeking a safe haven under its Journalists-in-Residence programme. It is important to the German Government that financial aid under all support initiatives for media professionals in exile is organised and distributed independently of the administration. In practical terms, this means that the German Government has no influence whatsoever on the selection of the individuals and specific journalistic work that are to be supported.

The UN Declaration on the **Rights of Indigenous Peoples** (UNDRIP) forms the standard-setting international legal framework for the German Government's commitment to the rights of indigenous peoples in its foreign and development policy. In June 2021, Germany ratified the legally binding International Labour Organization Convention No. 169 on indigenous and tribal peoples, thereby setting an important marker for its development and foreign policy. Moreover, the German Government campaigned for the rights of indigenous peoples, particularly within multilateral forums such as the Human Rights Council in Geneva and the UN General Assembly. An area

of special focus during the reference period was the situation of human rights defenders and the need for representatives of indigenous peoples, and especially women and children, to have a proper say in all matters affecting them.

The German Government also supported the Global Initiative to Address and Prevent Criminalization, Violence, and Impunity Against Indigenous Peoples. The campaign was initiated in 2018 on the basis of the report entitled “Attacks and Criminalization of Indigenous Human Rights Defender. Availability of Prevention and Protection Measures” by the Special Rapporteur on the rights of indigenous peoples. Its mission is to strengthen indigenous human rights defenders and draw attention to violations of the collective rights of indigenous population groups. During the reference period, the German Government supported projects to advance the rights of indigenous peoples in Colombia, Guatemala, Chile and Mexico.

Historically, indigenous peoples have faced multiple discrimination and are affected to a greater degree by the negative impacts of globalisation and both climate change and climate action. They are also threatened more often than other population groups. According to NGO Frontline Defenders, over the past year 26% of murdered human rights defenders had been working on indigenous rights. Indigenous peoples were also particularly affected by COVID-19. They still are; existing inequalities have become heightened. To indigenous and smaller population groups living in voluntary isolation, COVID-19 presents an existential threat. As elders die, traditional knowledge may become lost. Another factor is that, in some countries, pandemic-related restrictions have been abused to press ahead with the extraction of valuable resources from indigenous territories with little, if any, consultation or consent, or even the opportunity to protest.

C5 Economic, social and cultural rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the most important international reference documents in its field. Observance of these rights is overseen by an independent body of experts, the Committee on Economic, Social and Cultural Rights (CESCR). 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.

An Optional Protocol was added to the ICESCR on 10 December 2008. It broadens the powers of the CESCR to include control procedures, in particular the complaints mechanism for individuals

and groups. The Federal Cabinet adopted the bill seeking parliamentary approval for ratification of the Optional Protocol on 13 July 2022 and submitted it for the Bundestag’s consideration.

In 2018, the CESCR concluded the sixth periodic state party report process by making recommendations to the Federal Republic of Germany. In October 2020, as requested by the CESCR, the German Government produced a follow-up report on its implementation of some of the recommendations. During the reference period, the Committee reported that it was satisfied with the progress that had been achieved on the selected recommendations.

In September 2015, the 193 member states of the UN agreed 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. Germany's feminist foreign policy reinforces its commitment to the UN's 2030 Agenda and SDGs.

In this context, the promotion of economic, social and cultural rights remains an important means of reducing poverty and inequality. In the UN Millennium Declaration of 2000, 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 and hunger within a generation, i.e. by 2030. At the same time, however, the 2030 Agenda is also the first instrument designed to drive forward a global and 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 has committed to taking the human rights-based approach to development cooperation, which means basing the aims and strategies of that 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 the right to bodily autonomy and to universal

non-discriminatory access to medical care

of good quality, has not yet been sufficiently realised.

This is particularly true of sexual and reproductive health and rights. Some 300,000 women and girls are still dying every year because of complications in pregnancy and childbirth. The great majority of these deaths would be completely avoidable with proper access to ante-natal and obstetric care. Equally, millions of women and girls in the Global South would like to avoid pregnancy, but are unable to do so, in part because they do not have sufficient access to contraceptives. Germany is active at both the bilateral and multilateral levels to help sexual and reproductive health and rights become a reality for more of them. With annual funding of at least €100 million, the Federal Ministry for Economic Cooperation and Development's initiative on Rights-based Family Planning and Maternal Health helps women and girls in partner countries to access sexual and reproductive health services, including contraception and obstetric care, and exercise their associated rights.

The right not to be discriminated against, in particular, is often violated in this context, 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 (LGBTIQ+) 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 an HIV prevention, treatment and

counselling project 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 to attain 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 adequate 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 the Committee on World Food Security (CFS).

As the lead department for FAO matters, the Federal Ministry of Food and Agriculture has supported the FAO since 2002 with resources from the Bilateral Trust Fund 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 promote the right legal and institutional conditions to advance the realisation of the right to food. The aim of the projects is to develop innovative strategies to foster sustainable food security and combat hunger and malnutrition, to apply these in pilot countries and to realise the right to food

in a real-world setting. Work in the multilateral context is also intended to drive international discourse on the necessary transformation of food systems, and to place fulfilling the right to food front and centre as a means of tackling multiple crises.

A further aim of the German Government is to strengthen the role of the Committee on World Food Security (CFS). The Federal Ministry of Food and Agriculture therefore provides ongoing political, substantive and financial support to the CFS. This includes drafting and implementing rights-based instruments relating to food security. During the reference period, work focused on developing voluntary guidelines and policy recommendations in the areas of food systems, agroecology, and young people. The CFS Voluntary Guidelines on Food Systems and Nutrition were particularly relevant to the 2021 UN Food Systems Summit (UN FSS), preparations for which began during the reference period. The German Government attached great political importance to this summit as a means of achieving sustainable food systems and driving progress on the 2030 Agenda. It therefore contributed to the process both financially and at the level of subject matter. The national dialogue process conducted by the Federal Ministry of Food and Agriculture provides important input here, as it takes up the baton from the UN FSS and brings together all food system players.

Beyond this, through the Bilateral Cooperation Programme within the Ministry's ambit, the German Government works primarily with newly industrialised countries in Europe, Asia, Africa and South America that are significant in agricultural policy terms to promote farming methods that are both sustainable and effective.

Cooperation projects are developed in close consultation with the partner country in question. They fall largely into one of the following three types:

- dialogue on agricultural policy and practice
- practical demonstration, training and educational projects
- promotion of cooperative ventures between associations

The projects are intended to advance central themes for a sustainable agricultural and food sector. These include food security, especially in an age of rapid population growth, and the study and testing of modern practices and techniques for arable and livestock farming with a view to a resource and climate-friendly future. They are designed to promote agricultural production systems that conserve the soil. In addition, partner countries receive help to develop and adapt their legal rules, standards and certification processes to gain better access to the international market and international trade in agricultural products. This then cultivates closer trade relations and mutual understanding on matters of agricultural policy.

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 – as part of the Food Quality topic cycle, each prioritising different parts of the agricultural value chain. In 2022, the Federal Ministry of Food and Agriculture published a new call on the subject of Innovative Sustainable Production Systems. It marks the start of a new topic cycle on Innovative Sustainable Food Systems. The funding package for each call for proposals amounts to some €9 million to €10 million. 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, interregional cooperation and international exchange foster the growth of research networks and establish long-term partnerships. 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 Food and Nutrition Security, Enhanced Resilience to Food Crises programme, 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.⁷⁶ 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.

⁷⁶ <https://www.giz.de/en/worldwide/32194.html> (29 November 2022)

The aim of the global Responsible Land Policy programme is to improve access to land, which is a major prerequisite for food security and rural development, for women and marginalised groups in particular.⁷⁷ In projects promoting the quality-assurance infrastructure, partner countries are advised on food safety rules and standards and helped to establish the requisite testing laboratories with a view to ensuring food safety along the entire production chain. In this way a contribution is made to better food quality.⁷⁸

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

As part of its humanitarian assistance, the Federal Foreign Office helps to fund 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 and malnutrition and to safeguard the availability of necessities in crisis situations. Innovative disaster prevention and precautionary humanitarian assistance measures are also supported.

Through the transitional development assistance it offers, the Federal Ministry for Economic Cooperation and Development supports the WFP's efforts to achieve lasting improvements

in food security and access to the necessities of life. This makes people more able to withstand outbreaks of hunger in countries with protracted, complex and recurring crises and conflicts, and in countries with stable conditions but volatile food situations. The thematic focus here is on strengthening resilience by means of multi-sectoral packages of measures with a geographical focus on the Sahel region, Central and East Africa, the Syrian Arc and Yemen. In addition, in line with UN reforms and the humanitarian-development-peace (HDP) nexus approach, the Federal Ministry for Economic Cooperation and Development is increasingly supporting joint UNICEF and WFP resilience programmes in which the UN agencies work towards common goals.

Since 2016, the Ministry, the Federal Foreign Office and the Bavarian State Government have been jointly funding the WFP Innovation Accelerator in Munich, which monitors and supports innovative ideas for combating hunger through to their practical application.

Through its focus on rural development and the empowerment of small-scale farmers, the International Fund for Agricultural Development (IFAD), a specialised UN agency, provides particular expertise that the projects and programmes of other financing institutions cannot offer. 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 ruled out 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

77 <https://www.kfw-entwicklungsbank.de/International-financing/KfW-Development-Bank/Local-presence/Subsahara-Africa/Mali/> (29 November 2022)

78 www.ptb.de/cms/en.html (29 November 2022)

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 actually been the Fund's largest donor during the current three-year financing period. The German contribution to IFAD11 (2019-2021) comes to more than €63 million. In addition, the Federal Ministry for Economic Cooperation and Development supports individual IFAD initiatives to the tune of about €20 million in total. Through the *Welthungerhilfe* German aid organisation, the Ministry promotes dialogue between the bearers of rights and the bearers of obligations to make the right to food a reality in those countries which are particularly affected by food insecurity.

The Global Forum for Food and Agriculture (GFFA) is an international conference on matters relating to food and agriculture policy. For 14 years now, it has taken place at the start of International Green Week Berlin. At the GFFA, an international gathering of some 2000 visitors from the realms of politics, business, research and civil society engages in discussion on a key topic. The final day of the conference sees the world's largest informal meeting of agriculture ministers. That is the climax of the GFFA. Some 70 ministers of agriculture from around 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 in question. Delegations from a total of 153 countries have attended previous GFFAs.

The themes of the past two forums have been *How to Feed the World in Times of Pandemics and Climate Change (2021)* and *Sustainable Land Use: Food Security Starts with the Soil (2022)*.

June 2021 saw the 13th Policies against Hunger conference, organised by the Federal Ministry of Food and Agriculture and titled *Joint Action for Healthy and Sustainable School Nutrition*. The participants formulated recommendations for the development of school food systems that contribute more effectively to fighting hunger around the world. An irregular series of conferences that have been held since 2001, *Policies against Hunger* focuses on making the human right to adequate food a reality and is intended to help place hunger and malnutrition at the centre of international discourse on food security.

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 of the ICESCR, and the right to health, enshrined in Article 12 of the ICESCR. According to UN Water's Summary Progress Update 2021 on SDG 6 indicators, 771 million people still have no access to basic water services, while two 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").⁷⁹ What is more, 3.6 billion people lack access to safely managed

79 <https://www.unwater.org/publications/summary-progress-update-2021-sdg-6-water-and-sanitation-all> (29 November 2022)

sanitation. “Safely managed” means that 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 special hygiene needs relating to pregnancy, childbirth and even menstruation. Where gender-appropriate 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 SDG 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, sexual and reproductive health, and climate change. The importance of water and sanitation in the context of the COVID-19 pandemic was also highlighted. Following its subsequent tabling by Kyrgyzstan, the resolution with these substantive additions has once again been adopted by consensus in the UN General Assembly since 2019 and in the Human Rights Council since 2020.

During the reference period, Germany continued to provide financial and substantive support for the mandate of the corresponding Special Rapporteur, which was established in 2008. This included events in Geneva and New York as well as associated resolutions. The office has been held since October 2020 by Professor Pedro Arrojo of Spain. At the 51st session of the UN Human Rights Council in September 2022, the mandate was extended for another three years until 2025. The UN Water Conference will be held from 22 to 24 March 2023 in New York as a midterm review of the Decade for Action on water for sustainable development. It will be only the second UN conference on the subject of water in almost 50 years.

To provide substantive input to the preparations for the UN Water Conference, and to create a clear focus on the water-related targets of the 2030 Agenda, on 1 July 2021 the Federal Environment Ministry organised the **Towards 2023**

Water Conference, a high-level meeting under the auspices of the Bonn Water Dialogues for Results. This was preceded by a broad process of dialogue involving UN member states from all regions, civil society and other stakeholder groups (the UN Major Groups), and relevant international organisations. This dialogue produced specific **policy messages and recommendations for action** to accelerate the implementation of the water-based targets of the 2030 Agenda. In the wake of the Bonn conference many governments explicitly declared their support for these targets. One of the key policy messages proposes that the UN Secretary General **appoint a UN special envoy on water**. The proposal featured, for example, in the 2021 EU Council Conclusions on water in the EU's external action, and in the EU's priorities in the run-up to the UN Water Conference. The role of the special envoy would include, in particular, mobilising resources to achieve the sustainability target for water at the policy level, and driving debate on water-related issues between UN member states.

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 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. While 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”.

The German Government's support for the work of the Special Rapporteur in this field includes financial input and assistance for advocacy projects for the right to adequate housing. The Human Rights Council extended the Special Rapporteur's mandate at its 43rd session. The post is currently held by American Balakrishnan Rajagopal.

The **human right to a clean, healthy and sustainable environment** was recognised by the UN Human Rights Council for the first time on 5 October 2021 and by the UN General Assembly on 28 July 2022. This sent a strong political message during the reference period in the fight against anthropogenic climate change and in favour of conserving a healthy and liveable environment. The right to a clean environment derives from the synthesis of many other human rights. It is the basis on which they exist, so to speak. Specifically, it derives from the right to an adequate standard of living that is enshrined in the International Covenant on Economic, Social and Cultural Rights.

The German Government supported and worked intensively on recognition for the right to a healthy environment and was one of the driving forces behind the successful adoption of the resolutions. In the years to come, more work must be done on the precise scope of the right and its application so that the close links between human rights and environmental conservation are enshrined in the normative framework.

Workers' rights and protections in the workplace, especially in newly industrialised and developing countries, remain inadequate. Their

right to freedom of association, for instance, is still too rarely respected around the world, and the same applies in many countries to their **right to social security**.

As the UN's first specialised agency, the International Labour Organization (ILO) develops procedures to establish, review and implement international labour and social standards in partnership with UN member states and employers' and workers' representatives. The ILO's primary aims are to promote decent work, social protections, and better social dialogue. It has adopted 190 conventions to date, the ten most important of which are referred to as the Core Conventions. They follow five fundamental principles: (1) freedom of association and the right of collective bargaining; (2) the elimination of forced labour; (3) the abolition of child labour; (4) the elimination of discrimination in respect of employment and occupation; and (5) a safe and healthy working environment. The latter was adopted as the fifth fundamental principle in June 2022, thereby expanding the canon of Core Conventions by ILO Conventions No. 155 and No. 187. This shows how the ILO continues to enhance human rights standards as they apply to the world of work. During the reference period, Germany ratified Convention No. 169 on indigenous and tribal peoples (June 2021) and Convention No. 183 on maternity protection (September 2021).

The mission of the ILO's Vision Zero Fund (VZF) is to motivate companies, governments, and employers' and workers' representatives to take shared responsibility for improving worker safety and health in the export-focused sectors of the world's poorer producing countries, and thus to cut the high number of fatal occupational accidents worldwide. The VZF was inaugurated in 2015 by the G7 heads of state and government, under Germany's G7 Presidency. It was part of

an initiative on sustainable global supply chains from the Federal Ministry of Labour and Social Affairs and the Federal Ministry for Economic Cooperation and Development. In the context of Germany's G7 Presidency of 2022, the G7 reaffirmed its commitment to the VZF in its Summit Declaration and in the Communiqué of Ministers of Labour, Employment and Social Affairs. Beyond this, the G7 labour ministers pushed for health and safety in the workplace to become part of the ILO's Core Conventions.

In 2017 the German Government joined Alliance 8.7, a global partnership co-initiated by the ILO. Alliance 8.7 is committed to achieving UN SDG Target 8.7, to eradicate child labour, forced labour and human trafficking worldwide. Germany has applied for Pathfinder Country status within Alliance 8.7 to step up its efforts in this field. In addition to hosting a strategic workshop, two of which have already been held in Germany in November 2021 and May 2022, the application process involves drawing up a national roadmap. At the first workshop, on what Germany needs to do by 2030 to combat human trafficking and forced labour (*Bekämpfung von Menschenhandel und Zwangsarbeit – Was muss Deutschland bis 2030 tun?*), experts from a range of perspectives and representatives of government parties, employers and employees discussed where action is most needed and what, specifically, can be done. They concentrated on an initial assessment as to the urgency of various measures.

Once it has completed the national roadmap and presented it to the next meeting of the Alliance 8.7 Global Coordination Group, Germany will become an official Pathfinder Country.

To improve working conditions in supply chains, the German Government is working to implement the UN Guiding Principles on Business and Human Rights through the corresponding National Action Plan. For details, see *chapter C 8*.

Realising the **right to education** empowers 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. Children from disadvantaged sections of the population are most affected. 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 each individual to understand the effects of their own actions on their fellow human beings and on the environment, and to make responsible decisions. This includes an understanding and appreciation of cultural diversity and of the contribution that the arts make to sustainable development. The Federal Ministry of Education and Research is the lead agency for the implementation of ESD in Germany. 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. They 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 players from civil society, politics, education and science, is regarded even internationally as a model. 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 evolution within the system and on any implementation problems. At the invitation of the German Government, the global launch of "ESD for 2030", UNESCO's new post-2020 implementation framework for ESD, will take place in Germany.

Education is also a priority of German development cooperation, in which lifelong learning is promoted from early childhood 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 COVID-19 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, alongside its annual core contribution of €50 million in 2020 and 2021, the German Government made an additional €50 million available for the Global Partnership for Education (GPE) COVID-19 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 135 German schools abroad are part of the PASCH network. In addition to its focus on learning German, as an international learning community, PASCH reinforces intercultural dialogue and encourages 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 help through joint

projects to share good educational practice globally. Other players 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 enhancing education systems themselves. 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 e-learning. 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. The DAAD has developed *Dhoch3*, a master's-level course to train 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 mitigate the causes of displacement and migration are important aims of the German Government in its efforts to prevent 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 is committed to ensuring 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. With the support of the Federal Foreign Office, UNHCR provided 8307 scholarships through DAFI in 2021. The majority of these were awarded to refugees studying in Turkey, Ethiopia, Pakistan and Kenya. 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 to accept and integrate at-risk academics into German universities and research institutions. Since the start of the initiative, more than 200 researchers have received two-year scholarships. In 2021, the Federal Foreign Office joined forces with the DAAD to launch the Hilde Domin programme, through which the DAAD awards bursaries to students and doctoral candidates who are denied the right to education in their home countries so that they can embark on or complete their studies in Germany. More than 130 people have been supported by the programme since it began.

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. Indeed, it increased its voluntary unearmarked core contributions from €15 million to €70 million between 2017 and 2021. Germany also finances UNICEF programmes worldwide, especially in crisis-torn regions. The Federal Ministry for Economic Cooperation and Development has disbursed some €550 million in programme support. UNICEF,

moreover, is one of Germany's main partners in the effort to manage the Syrian crisis. With the aim of strengthening resilience, the Ministry finances UNICEF action on issues such as education, vocational training and child protection. In total, just under €803 million was committed on behalf of the Federal Ministry for Economic Cooperation and Development to Syria and surrounding countries (Iraq, Jordan, Lebanon and Turkey) between 2015 and 2021 to implement education projects alone. This was done via KfW, with UNICEF. With financial assistance from the German Government, UNICEF enabled a total of 206,000 Syrian and Lebanese children to attend school in Lebanon in the 2019/2020 school year, for example.

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 as bridges between humanitarian assistance and long-term development cooperation in crisis and conflict situations. Germany has been supporting ECW since the end of 2017. So far its contribution has amounted to €328.8 million.



“Fearless Girl” statue in front of the New York Stock Exchange building in New York City, United States (2022)

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C6 Women's and children's rights

The reference period was marked by serious violations of the human rights of women and children, unprecedented challenges in the shape of political, security-policy and climate-related emergencies, and recurring waves of the COVID-19 pandemic. Violations of women's and children's human rights occurred most frequently in theatres of conflict. Women and children fleeing their homes have always felt the impacts of these armed conflicts most keenly, and have been exposed to great risks.

Negotiations in multilateral forums have also 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 increasingly being repudiated rather than advanced. In particular, these negotiations have been characterised by the questioning of sexual and reproductive rights and of sexual autonomy and identity – even by some member states of the European Union.

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. The German Government has been expending considerable energy merely to defend the status quo. It has also fought to strengthen existing rights through its foreign and development policy.

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.⁸⁰ Again during this reference

period, the target that all children should grow up and live in the conditions prescribed by the Convention is still some distance away. For example, during the COVID-19 pandemic the rights to education and to protection from exploitation (including child labour) were vastly curtailed around the world. Disinformation and hate speech are still on the rise, especially in the digital sphere.

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.⁸¹

Global commitment to the realisation of human rights for women

Framework and guidelines for the German Government's equality policy

The framework within which the German Government pursues its international equality policy comprises the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW; see also *chapter B 3*), which is 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 the 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). The German Government's policy is led by the Committee's recommendations, as well as by the reports and recommendations of the UN

Special Rapporteurs on the rights of women and children in all their diversity and on the rights of sexual minorities.

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. In 2022, as facilitator of the 66th session of the Commission on the Status of Women on women's rights and climate change, the Federal Republic was a significant factor in the achievement of a strong set of Agreed Conclusions.

The Universal Periodic Review conducted by the Human Rights Council is also an important mechanism by which to improve the realisation of the human rights of women in all their

80 Only the United States has yet to ratify the UN Convention on the Rights of the Child.

81 Some of these activities are covered by other German Government reports and by other chapters of the present report (see *chapter B 3* on the human rights of women and girls).

diversity. A host of international agreements and instruments set clear objectives and obligations for the international community, and thus also for the German Government. The same applies to the state party reporting procedure for the United Nations Convention on the Rights of the

Child (CRC). Germany most recently reported on its own implementation of the CRC to the UN Committee on the Rights of the Child in Geneva. The Committee's concluding remarks remain pending.

Global commitment to rights, resources and representation for all genders

The challenge here is consistently to fulfil these objectives in practice. To advance their realisation, 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 fully, equally and meaningfully
- an end to all forms of gender-based violence against women and girls, including harmful practices entailing human rights violations, such as female genital mutilation, forced marriage and the practice of marrying off under-age girls
- the realisation of sexual and reproductive health and rights
- implementation of the Women, Peace and Security (WPS) Agenda, which comprises UN Security Council Resolution 1325 and its nine related resolutions
- consistent embedding of the human rights-based approach – and the associated principle of the equality of all genders, irrespective of sexual orientation, gender identity, means of sexual expression or sexual characteristics – in international development cooperation
- the prevention and 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 and civil-society organisations.

The promotion and protection of the human rights of women in all their diversity are among Germany's priorities in a variety of bodies and organs of the UN, such as the Human Rights Council and the General Assembly, as well as in the OSCE and the Council of Europe. Within the UN the German Government has negotiated a number of resolutions on women's rights, in particular combating discrimination against women and protecting women and girls from violence. In the latter case particular attention was paid to sexual and gender-based violence in all its forms, including within the digital sphere. Moreover, the German Government sought to ensure that women's rights and equality issues were discussed at meetings even 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.

Negotiations within such bodies generally reveal the open chasm in the international community on matters such as sexual and reproductive health and rights, sex education, the role and status of the family, the participation of civil society

including the choice of wording on female human rights defenders, LGBTIQ+ rights, the active and independent participation of girls, and the language used in respect of discrimination. In common with other forums, during the reference period the EU saw a further increase in pushback against equality for all genders and the full and equal realisation of their human rights, including sexual and reproductive rights. With this in mind, in close consultation with like-minded states, the German Government was an active advocate of these issues, to prevent regression and to facilitate progress despite the difficult context. Vocal support for the EU's accession to the Istanbul Convention is one example here.



Lorna Merekaje campaigns against gender-based and sexual violence in South Sudan, and for women to take a greater role in the peace process there. In 2020 she was awarded the Franco-German Prize for Human Rights in recognition of her work for democracy, gender mainstreaming and reconciliation (2020).
© picture alliance / ZB | Matthias Tödt

As the United Nations entity for gender equality and stronger women's rights, UN Women takes a prominent role in Germany's cooperation at the multilateral level. The aim of the German Government is to consolidate the particular authority and leverage that UN Women holds in the multilateral system and to achieve greater

consideration of the rights of women and girls in all their diversity. The Federal Ministry for Economic Cooperation and Development pays Germany's voluntary core contribution, and the €18 million disbursed in 2022 means that we are currently the entity's largest donor. In fact, in light of the COVID-19 pandemic and the associated impacts on women and girls specifically, the German Government increased its annual contribution from €8 million in 2019 to €14 million in each of 2020 and 2021. To mobilise political and financial support and create synergies within the international community, in 2022 the Ministry hosted the annual UN Women donor roundtable event in Berlin.

These funds are accompanied by earmarked contributions to UN Women funds and programmes, such as the UN Women Trust Fund Afghanistan, measures to protect and advance the rights of female migrants in the Sahel, and UN Women activities in the field of women, peace and security in the MENA region, as well as, for example, measures under the Women's Peace and Humanitarian Fund (WPHF) and the African Women Leaders Network (AWLN).

As an independent committee, UN Women Deutschland e. V. supports the objectives and themes of UN Women in the public sphere in Germany. Its mandate is based on the corresponding recognition agreement with UN Women itself. It operates as a strategic partner to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and positions itself as a centre of expertise on international equality issues.

In addition to UN Women, during the reference period Germany supported a number of other UN bodies that are active in the promotion of women's rights. Special emphasis should be

placed on its support for the United Nations Population Fund (UNFPA), the aims of which – universal access to sexual and reproductive healthcare and realisation of reproductive rights for all – the German Government wholeheartedly endorses.

Germany supported the UNFPA with a core contribution of €40 million in 2021. Earmarked contributions were pledged that year, of €2.4 million to the Maternal and Newborn Health Thematic Fund (MHTF) and €2.3 million to the Supplies Partnership, in part to mitigate the impact of the COVID-19 crisis on healthcare systems and on sexual and reproductive health and rights in particular. A further €5 million in special funding was dedicated to sexual and reproductive health and rights services for women in all their diversity who are displaced or living in remote areas of Afghanistan. A core contribution of €57 million, including special funding for Ukraine, is planned for 2022. The Federal Foreign Office is currently evaluating new funding for the UNFPA for the 2022 budget year and is considering paying into the UNFPA Humanitarian Thematic Fund (HTF). It is also worth mentioning the International Planned Parenthood Federation (IPPF), which Germany supported in 2021 with a core contribution of €15 million, as well as €1.5 million in special funding to provide sexual and reproductive health and rights services to girls and women in Afghanistan and its border areas. The IPPF is the world's foremost non-governmental organisation in sexual and reproductive health and rights. It focuses specifically on vulnerable groups and on girls and women in humanitarian contexts. The core contribution for 2022 is €12 million, plus €5 million in special funding for Ukraine and refugees from Ukraine in neighbouring countries. In 2020 and 2021, Germany supported the Global Financing Facility (GFF) for the health of women, children and adolescents

with a contribution of €50 million. This support will be maintained at the same level for 2022 and 2023, thereby helping to secure long-term financing for mother and child health.

Gender equality also plays an important role in other UN organisations that receive support from the Federal Ministry for Economic Cooperation and Development. For instance, the World Food Programme (WFP) emphasises gender-transformative work in its new Gender Policy for 2022-2026. One example is Afghanistan, where Germany began supporting the WFP's country programme for the first time in November 2021, with €50 million. The money is being used for action that focuses especially on the participation of women and girls. Specifically, the WFP furthers the involvement of women in agricultural work and ensures that they have a say in where intervention takes place and that protected spaces are available, thereby enabling women to take part in the various schemes on offer.

The Federal Ministry for Economic Cooperation and Development also funds joint programmes run by the WFP and UNICEF. For example, the joint programme in Diffa, Niger, takes a gender-transformative approach that supports mainly young women and girls with a targeted cash transfer scheme. The money means that they can meet their food and dietary needs and encourages them to stay in school and complete their education.

Germany has committed to a **feminist foreign policy**. The promotion of gender equality and of the rights of women and girls in all their diversity is an explicit aim of this policy, as well as a cross-cutting task and hallmark of German foreign policy and the feminist development policy of the Federal Ministry for Economic Cooperation and Development. Engagement for

equality between all genders, both in law and in practice, has a variety of facets in the work of the German Government. Priorities during the reference period included overcoming sexual and gender-based violence (SGBV) and female genital mutilation (FGM), campaigning for sexual and reproductive health and rights (SRHR), and strengthening the rights of LGBTIQ+ people. Another was to support women in all their diversity and other marginalised groups, and enable their full and meaningful participation in a range of challenging contexts, whether conflict, displacement, or other crisis situations, including those caused by climate change. Furthermore, the collection, generation and use of evidence pertaining to gender equality is becoming increasingly important.⁸²

In 2020 the German Government set up the Action Network on Forced Displacement – Women as Agents of Change to give women in all their diversity visibility and voice as actors in displacement situations, and to boost their economic and political participation. A sum of €20.5 million has been made available via an associated WPHF funding window to sponsor local projects run by civil-society organisations for displaced women in ten countries to date.

Overcoming sexual and gender-based violence against all genders is one of the core threads of German human rights work. Its political importance grew still further during the reference period. In the context of the Generation Equality Forum established by France and Mexico in 2021, Germany, in its capacity as a Commitment

Maker, supports the Action Coalitions on Gender-based Violence and Bodily Autonomy and Sexual and Reproductive Health and Rights.

Furthermore, where gender-based violence in the form of FGM is concerned, Germany campaigned staunchly to help prevent all harmful practices with a holistic approach. Here, reinforcing governmental and civil-society organisations and providing policy advice at the national, regional and international levels go hand in hand with education, awareness-raising and dialogue events. Examples of the German Government's work on FGM during the reference period include projects in Mauritania, Ethiopia, the Sudan and Somalia. It also published a Letter of Protection on FGM which details the physical and psychological consequences of female genital mutilation and clearly states that it is a crime punishable by up to 15 years in prison.

82 Examples of such evidence can be found in the DEval evaluation entitled *Supporting Gender Equality in Post-conflict Contexts* as well as in the Systematic Review on *Strengthening women's empowerment and gender equality in fragile contexts towards peaceful and inclusive societies* commissioned from the International Initiative for Impact Evaluation (3ie) by KWI in Essen.



Annalena Baerbock, Federal Minister for Foreign Affairs, visiting a school at a settlement for refugees, internally displaced persons and local families in Ouallam, Niger (2022) © picture alliance / photothek | Florian Gaertner

Global commitment to the realisation of the human rights of children

In its work within and with the UN, in other international organisations and bilaterally, the German Government remains actively committed to enforcing **children's rights** worldwide, as set out as binding international law in the UN Convention of 1989 on the Rights of the Child. Together with other international and regional instruments on children's rights, including those of the European Union, the Council of Europe and the OSCE, the Convention forms 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. Germany is the second-largest governmental donor to UNICEF and has greatly increased its contributions over the past few years, from €40 million in 2013 to a total of €723 million in 2021. This includes a voluntary unearmarked core contribution of €70 million via the Federal Ministry for Economic Cooperation and Development, which allows UNICEF to respond flexibly to acute crises and to champion the enforcement of children's rights around the world. In addition to this contribution, the

Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office allocate funding specifically to development initiatives and humanitarian assistance. Particular importance is attached to ensuring that the new project-related funding commitments made 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.

Cooperation with UNICEF has also been further developed in the context of the global COVID-19 pandemic with a view to mitigating its health-related and socio-economic consequences. This cooperation continues to expand. UNICEF has taken on significant tasks within the global vaccination campaign and is supported in this by the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development. UNICEF is also a major partner in the implementation of projects in Ukraine and in support for displaced Ukrainians in neighbouring countries, some two-thirds of whom are children. The UNICEF projects supported by Germany also address the global impacts of Russia's war of aggression against Ukraine on food security, as well as secondary impacts such as those on education and healthcare systems.

In addition to its support for UNICEF, during the reference period the German Government funded many other projects to advance children's rights in cooperation with local NGOs. This included work in Honduras, India and Namibia to provide children with a formal education, in Ukraine and the Philippines to prevent child

abuse, in Jordan to combat child labour, and supraregionally in Africa to reintegrate former child soldiers into society.

The German Government continues to make great efforts to protect children from the consequences of armed conflict in particular and entirely to eliminate the forced recruitment of child soldiers. To achieve this, it supports the work of the UN Special Representative for Children and Armed Conflict. Since the mandate was created 25 years ago it has played a decisive role in freeing tens of thousands of children from armed groups. The German Government also regularly assists civil-society organisations that document human rights violations against children in armed conflicts and use this evidence to call political forces to account and strengthen protections for children with direct local action. Each year, the Permanent Representation in New York teams up with respected NGO Watchlist to run a workshop on this issue for (primarily new) members of the UN Security Council. In 2021, the German Government attended the Safe Schools conference in Abuja and called upon the international community and armed groups to give greater protection to schools and the right to education in conflict zones.

Global crises such as climate change, the COVID-19 pandemic and armed wars and conflicts have thrown into sharp relief how German development cooperation work centres around the rights to protection, support and participation enshrined in the UN Convention on the Rights of the Child. Social change and sustainable development must happen in the best interests of children and young people and with their participation. To this end, in 2021 the Federal Ministry for Economic Cooperation and Development convened a youth advisory council, its *Jugendbeirat*, to advise the Ministry and provide

development policy input from the younger generation's perspective. An external evaluation of experience with the action plan entitled Agents of Change – Children's and Youth Rights in German Development Cooperation Activities for the 2017-2019 period is currently examining how development cooperation can do more to strengthen the rights of children and young people (see *chapter C 2* on the human rights-based approach in German development policy).

The German Government remains strongly committed to the worldwide fight against child labour. In 1992, Germany, as the sole initial donor, kick-started the ILO's International Programme on the Elimination of Child Labour (IPEC, known since 2016 as IPEC+). Since then, IPEC+ has developed into the ILO's largest technical cooperation programme. In the period since the creation of IPEC, the German Government has provided some US\$73 million in funding for the programme. Federal Ministry for Economic Cooperation and Development funding for the current 2020-2022 period focused on combating child labour in the cotton supply chain in Burkina Faso (with the CLEAR Cotton project) and worldwide. Further action and projects in the fight against child labour are highlighted in *chapter C 2*. Since 2021, among other schemes, Germany has supported action to address the pandemic-related rise in child labour in the agricultural sector and the increase in child sexual exploitation and abuse (CSEA) online. Furthermore, in 2017 the German Government joined the international Alliance 8.7 to eradicate child labour, forced labour and human trafficking, applying for Pathfinder Country status in 2021. Pathfinder Countries are countries within Alliance 8.7 that aim to go further and faster both nationally and internationally to achieve Target 8.7. The Pathfinder Country application process is due to be completed before the end of 2022.

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. Azerbaijan ratified the Lanzarote Convention during the reference period; Tunisia acceded to the Convention 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 to be the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.

In February 2022 the Council of Europe adopted its new Strategy for the Rights of the Child for the 2022-2027 period. It contains six strategic objectives: (1) freedom from violence, (2) equal opportunities and social inclusion, (3) access to and safe use of technologies, (4) child-friendly justice, (5) a voice for every child, and (6) children's rights in crisis and emergency situations. The Strategy was developed by a committee of experts with the participation of governments, international organisations, civil-society stakeholders, and children themselves. It was presented at a conference in Rome on 7 and 8 April 2022.

In March 2021, the European Union adopted the first EU Strategy on the Rights of the Child, which is intended to consolidate and enhance measures to strengthen children's rights. The overarching aim is to enable children in the European Union and worldwide to live the best life possible. The German Government welcomes the Strategy and provides constructive support for it.

On 9 June 2022, the Council of the EU approved Council Conclusions on the EU Strategy on the Rights of the Child, with a particular emphasis on protecting the rights of the child in crisis and emergency situations. Furthermore, in the Conclusions the Council calls upon member states to develop comprehensive policies to fulfil the rights of all children without discrimination, to increase efforts to prevent and combat all forms of violence against children, to strengthen justice systems so that they are compliant with the rights of children, and to increase opportunities for children to be responsible and resilient members of the digital society.

In the OSCE, too, the German Government advocates for strengthening the rights of children and young people and protecting them more effectively. Participating states committed themselves in the Helsinki Final Act of 1975, which founded the OSCE, to include young people in their security agenda. Since then, the OSCE has recognised the rights and particular needs of children and young people in a series of declarations: Copenhagen (1990), Istanbul (1999), Basel (2014), Belgrade (2015) and Milan (2018). There are also Personal Representatives of the Chairperson-in-Office for Children and Security and for Youth and Security.

C7 Spotlight: Women and children in conflicts and crises – defending human rights and combating conflict-related sexual and gender-based violence

The Women, Peace and Security (WPS) Agenda is the UN Security Council's international framework for achieving the full, equal and meaningful participation of all genders in peace and security. Consisting of Resolution 1325, passed on 31 October 2000, and nine subsequent resolutions, it calls for all genders to be involved on an equal basis in all phases and at all levels of crisis prevention, conflict resolution, peacebuilding and reconstruction, to be accorded a greater role in peace processes and to be protected against conflict-related sexual violence.

Reinforcing, integrating and implementing the WPS Agenda remained a priority for the German Government during the reference period. It sets out its planned targets and measures in this area in its interdepartmental Third Action Plan for 2021 to 2024, which it adopted on 24 February 2021. The political importance accorded to the

WPS Agenda is reflected in the Coalition Agreement and other instruments and is emphasised by the German Government's commitment to feminist foreign policy and the feminist alignment of the Federal Ministry for Economic Cooperation and Development's development policy. The Coalition Agreement explicitly underlines the political will to aim high when implementing the national Action Plan on WPS, and to continue amending it in line with the times.

Since Resolution 1325 was passed, the German Government has worked towards its implementation on the ground in crisis zones, in multilateral organisations such as the United Nations, and at the regional level.

In fragile states, states in conflict and post-conflict states, it supported specific measures for the empowerment of women in peace processes

and for their protection from sexual and gender-based violence. For example, by supporting the African Women Leaders Network, Germany contributed to the growth 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, Jordan, Lebanon and the Palestinian territories, to promote the inclusion of women from civil society in the Libyan peace process, as well as to prevent extremism in the Philippines. It also supported the Gender Equality Network for Small Arms Control. In the same way, it advanced measures to protect people against sexual and gender-based violence, as well as support services and psychosocial assistance for survivors, in Afghanistan and Iraq, for example.

German engagement for UNFPA and the IPPF (see *chapter C 6*) was reflected in an increase in funding for Afghanistan in 2021 and for Ukraine in 2022. Both organisations prioritise improving the sexual and reproductive health and rights of girls and women in humanitarian contexts and conflicts, including preventing gender-based and sexual violence. To give women a greater role in crisis prevention and increase women's meaningful participation in both formal and informal peace negotiations, in 2021 the German Government gave a total of €18 million to further the work of the Women's Peace and Humanitarian Fund (WPHF), making it the Fund's largest donor. Of this, approximately €1.5 million was earmarked for the new Rapid Response Window, set up in 2021. This is a mechanism that allows the Fund to offer local organisations fast, straightforward support to ensure that women are substantially involved in peace processes, for example by assuming travel costs or assisting with visa applications. With the funding it provided, the

German Government helped to implement one of the UN Secretary-General's specific recommendations for action from the 2020 annual report on women, peace and security.

As part of its crisis prevention activities (priority area I of the third national Action Plan), Germany supports the African Union (AU) in preventing and resolving violent conflicts and helps it with peacebuilding in the context of the African Peace and Security Architecture (APSA). The initiative supports the FemWise network of female mediators with training and advice, thereby encouraging their active participation in peace processes. This has enabled FemWise mediators to quadruple the number of their deployments since 2018, from 8 to 32. Germany also supports the active involvement of women in implementing the stabilisation strategy for the Lake Chad basin, as well as two projects in Pakistan for example, to improve legal protections for women.

To drive the full, equal and meaningful participation of all genders in all phases of the conflict cycle (priority area II of the third AP), during the reference period the German Government advanced the participation of women in peace processes in the Middle East, focusing in particular on Iraq, Libya, Yemen and Syria. In Ukraine, too, it supported a project to involve Ukrainian and Russian women in the reconciliation process. The initiative improves not only women's technical expertise and negotiating skills, but also men's gender competence and their willingness to allow women a place at the negotiating table. Women also receive practical assistance to enable them to take part in political discussions. Experience from a total of 30 peace processes is analysed systematically thanks to the initiative's research component.

Furthermore, during the reference period the German Government promoted the conceptual dialogue on WPS, thereby emphasising its role as a thought leader in the field even beyond its two-year term as a member of the UN Security Council. In addition, a high-level hybrid workshop was organised in New York in June 2021, bringing together UN employees, NGO representatives and diplomats and focusing their discussions on the implementation of the WPS Agenda in the real world.

German Government efforts to combat sexual violence in conflict situations

Sexual and gender-based violence (SGBV) is a serious violation of human rights that primarily affects women and girls in all their diversity. In conflict contexts throughout the world and throughout history, conflict-related sexual violence (CRSV) is a widespread form of SGBV.

CRSV covers rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilisation, forced marriage and all other, similar forms of sexual violence against people of all genders and age groups that is directly or indirectly related to a conflict. These types of sexual violence become more frequent in conflict situations, because the usual social structures that offer security and protection are no longer in place, or even because sexual violence is used deliberately as a method of warfare (a weapon of war, so to speak), or for other reasons, such as to reward or distract the troops.

Under priority area III of the national Action Plan (protection and support) and as part of its feminist foreign policy, the German Government is active at the legal and political levels, and in project work, to bring perpetrators to justice and to provide meaningful support to the victims of

sexual violence. Examples of this are medical and psychosocial help, sexual and reproductive health services, and socio-economic assistance. Efforts to further the rights of survivors and their children and to support civil-society organisations that do important work in this field are further aspects of that engagement. We also collaborate specifically with organisations set up by and for survivors to help them assert their own interests. The German Government's approach here is essentially survivor-centred.

In the field of humanitarian assistance, Germany is one of the biggest donors globally in the fight against SGBV. In 2021, for example, we gave the largest sum, €7 million, to the SGBV Special Appeal run by the International Committee of the Red Cross. When we became Co-Chair of the States & Donors Working Group of the Call to Action (CtA) on Protection from Gender-Based Violence in Emergencies in November 2021, German humanitarian assistance also took a leading role in shaping policy for the fight against SGBV. By this means, Germany is also fulfilling its obligations under priority area IV of its national Action Plan on WPS.

In addition, the German Government works closely with the United Nations, especially the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, Pramila Patten, and the Team of Experts on the Rule of Law and Sexual Violence in Conflict. Ms Patten visited the Federal Foreign Office, the Federal Ministry of Justice and the Federal Ministry for Economic Cooperation and Development in June 2022 and signed a €1-million grant agreement with the German Government to support projects in Ukraine, among others. During the reference period, the German Government supported a range of further projects aimed at preventing and ending CRSV. Some of these are in the autonomous

Kurdistan Region in Iraq, or in Afghanistan, where we fund women's refuges and projects providing psychosocial support to survivors.

*Preventing CRSV is also an element of the **protection of civilians (PoC)** mandates of UN peace missions. For example, part of the UN Security Council mandate for the United Nations Multi-dimensional Integrated Stabilization Mission in Mali (MINUSMA), in which the Bundeswehr also participates, is to protect civilians. In addition to the UN's policy on protecting civilians, NATO has its own PoC Policy, which explicitly addresses CRSV as part of protecting the civilian population in the context of military operations. The UN and NATO also have their own guidelines on preventing and handling CRSV.*

*Furthermore, since 2021 German police officers have been deployed as part of the **Specialized Police Team of the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS)**. The Team is tasked with helping the Sudanese authorities to tackle SGBV. Germany has undertaken to second police officers to the Team on a permanent basis, and will also take over its leadership in 2022.*

In the field of reconstruction and crisis management, examples of German Government support include *Stärkung der Teilhabe von Frauen am Wiederaufbau- und Friedensprozess*, a transitional development assistance product to give women a stronger voice in the reconstruction and peace process in Iraq. The aim is to build and extend the capacities of governmental and non-governmental stakeholders specifically to advance women's active participation in this process. Dialogues and high-visibility campaigns are intended to dismantle gender stereotypes and reduce the tolerance of violence against women that still exists in some sections of society.

The final two priority areas of the current national Action Plan (V to strengthen the WPS Agenda and VI to increase its integration) are simultaneously inward and outward-facing. For example, during the reference period the German Government concentrated on embedding the Agenda within its own structures, and on mainstreaming and strengthening it, while also prominently championing the WPS Agenda in bilateral and multilateral contexts.

To drive the WPS Agenda according to context within its own structures and in its cooperation with other states and international organisations, in December 2021 the Federal Foreign Office appointed WPS officers at approximately 60 missions abroad. They began work in 2022, drawing up local action plans and executing them as appropriate to the context. The WPS officers also serve as local points of contact for governments, international partners and civil society.

Since the WPS Agenda can be advanced more rapidly by cooperation, the German Government works alongside like-minded partners. This includes close collaboration within permanent representations and missions abroad, to prepare and host conferences and side events on WPS topics, for example. At the invitation of the Swiss Government, in November/December 2021 Germany participated in a bilateral peer review in which the two countries' WPS action plans were compared. Switzerland wished to learn from German experience and models as it prepared the next iteration of its action plan. In addition, a format for exchange between WPS advisers from various like-minded countries was created in January 2022 at the joint initiative of Germany and the Netherlands.

In multilateral forums too, the focus was on interaction between experts from government and civil society and on political support for strong wording on WPS:

- Germany is an active member of the EU Task Force on WPS and of the global WPS Focal Points Network. As a prominent member of the UN Compact on Women, Peace and Security and Humanitarian Action, Germany pushes for a greater effort to achieve the existing 1325 Agenda targets.
- During the reference period, Germany presented the findings of the scientific barrier study into the obstacles to greater participation by female Bundeswehr soldiers in United Nations missions to a UN audience. Working with Bangladesh, Canada, Indonesia, Ireland, Kenya, Namibia and South Africa, and in its capacity as an Action for Peacekeeping (A4P) Champion for WPS, Germany helped to organise a series of events entitled Breaking Barriers – Women in Peacekeeping. The outcomes of this format were published in July 2021 and submitted to the competent UN Under-Secretary-General. Further activity as an A4P Champion included the Permanent Representation of the Federal Republic of Germany to the United Nations joining forces with Sweden, South Africa and the UN to host a Senior Gender Adviser Retreat titled Translating UN Peacekeeping WPS Mandates into Reality in May 2022.
- Germany also funds action on women, peace and security in the context of extra-budgetary UN projects. For example, we worked with the UN to create a Women Peacekeepers Network, for which the pilot was scheduled for 2022 in selected UN missions.
- Within the OSCE, the German Government continued to advocate for the full, equal and meaningful participation of women and girls, for instance when negotiating documents. We provided funding for the related projects and seconded qualified women experts to field missions and OSCE institutions.
- Within NATO, the German Government campaigns for the organisation to integrate the gender perspective into its three core tasks (collective defence, crisis management and cooperative security), and into its political and military structures. Gender equality is a key point of focus in cooperation between NATO and other international organisations, specifically the United Nations (UN), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE) and the African Union (AU), as well as with civil society. NATO's Civil Society Advisory Panel offers a means for women's organisations from civil society that work with NATO to shape its policy and practice. The NATO Secretary General's Special Representative for Women, Peace and Security serves as the high-level focal point for NATO's work in this area. NATO has also undertaken to support UN Security Council Resolution 1820, which addresses sexual violence in conflict situations. The first NATO policy on women, peace and security was developed by the Allies in 2007 under the aegis of the Euro-Atlantic Partnership Council (EAPC).

NATO's Civil Society Advisory Panel offers a means for women's organisations from civil society that work with NATO to shape its policy and practice. Germany currently provides the Deputy Gender Advisor on the International Military Staff, and is thus involved in the subject matter at the highest level. We also support NATO's efforts

to integrate issues such as WPS and human security inclusively into all of the Alliance's work strands. The NATO Strategic Concept that was presented at the Madrid Summit underscores the relevance of the WPS Agenda across all of its core tasks.

The German Government continues to collaborate with German civil society on WPS. For example, the third national Action Plan for the WPS Agenda was produced in a consultative and inclusive process in close coordination with civil-society organisations. The Interministerial Working Group on Women, Peace and Security

meets with representatives of civil society at least twice a year to report on how the Action Plan is being implemented. Also at least twice annually, the German Government organises formats for exchange between practitioners to share information and inspiration regarding Germany's implementation of the global WPS Agenda. Access for 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.

C8 Business and human rights

Safeguarding 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 also calls on every individual and every organ of society to contribute to realising human rights. Human rights

must therefore be recognised as a fundamental yardstick for shaping international supply and value chains. This fosters government stability and is a prerequisite for economic growth. The sustainable protection of human rights is therefore in business enterprises' own interests.

National Action Plan for Business and Human Rights and the Supply Chain Due Diligence Act

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. They are complemented by the internationally accepted frameworks of the ILO and OECD.

The implementation of the UN Guiding Principles in Germany is rooted in the **National Action Plan for Business and Human Rights 2016-2020** (NAP), which is currently being updated, and the **Supply Chain Due Diligence Act of 16 July 2021**, which enters into force on 1 January 2023 for companies with 3000 employees and above and on 1 January 2024 for companies with 1000 employees and above.

The Interministerial Committee for Business and Human Rights, chaired by the Federal Foreign Office, meets every two months to coordinate the implementation of the NAP and to monitor the Supply Chain Due Diligence Act. The work of the Committee is supported by the Business and Human Rights Working Group, a broad-based body of stakeholders led by the German Institute for Human Rights. It presents the viewpoints of non-governmental players, also every two months.

As prescribed in the NAP 2016-2020, corporate compliance with the core obligations of due diligence was reviewed by means of an academic survey. It found that the present voluntary approach was proving to be inadequate. Considerably fewer than the required 50% of German-based companies with more than 500 employees were independently fulfilling the core human rights due diligence requirements set out in the NAP. As a result, the Supply Chain Due Diligence Act of 16 July 2021 was passed to establish binding regulations on companies' due diligence with regard to human rights and certain environmental concerns. Germany expressly welcomes the European Commission's draft Corporate Sustainability Due Diligence Directive. An EU-wide regulatory framework will be a major step in the transition to a green, socially responsible and climate-friendly way of doing business and will level the playing field. Germany would like to use the expertise it gained from the legislative process for the Supply Chain Due Diligence Act to help create clear rules at the EU level, while ensuring that businesses receive the support they need.

Indeed, in implementation of the NAP and to promote compliance with the Act, the German Government is expanding the assistance on offer to companies. The www.wirtschaft-menschenrechte.de

website is the German Government's central information platform on the NAP.

Following the pilot phase, since September 2021, the German Government has set up local **foreign support networks** based at Germany's missions abroad, which promote exchange between German companies and experts in the host country as well as dialogue on business and human rights with the host government. The networks include German Chambers of Commerce Abroad, Germany Trade & Invest, GIZ, KfW and non-governmental experts.

The Agency for Business & Economic Development (AWE), which is funded by the Federal Ministry for Economic Cooperation and Development, provides advice on development cooperation support and funding instruments that companies can use in their business activities in developing and newly industrialised countries. The **Business and Human Rights Helpdesk** at the AWE offers individual advice and implementation support, as well as training, online seminars and events for companies.

The **SME Compass website** assists small and medium-sized enterprises (SMEs) in particular with the gradual implementation of human rights due diligence. In future it will offer the facility to compare sustainability certification schemes. Its corporate social responsibility (CSR) risk-assessment tool will be a German version of the online service CSR Risk Check offered by Dutch trade support organisation MVO. The business and human rights navigator *Praxislotse Wirtschaft & Menschenrechte* offers information and examples of implementation in practice via a single portal.

The Coordination Office of the **Africa Business Network**, which is funded by the Federal Ministry for Economic Affairs and Climate Action, 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.

The aim of the **Initiative for Global Solidarity** (IGS), commissioned by the Federal Ministry for Economic Cooperation and Development, is for corporate buyers and suppliers to work in partnership in global supply chains and fulfil their shared responsibility for compliance with human rights and environmental due diligence obligations. The focus is on the textile and garment industry and the electronics and digital services sectors. Via disseminators from the business world and civil society, IGS puts foundations in place that make it easier for companies to fulfil their due diligence obligations, for example by standardising supply chain data and establishing internal and external grievance mechanisms. Local helpdesks in Bangladesh, Viet Nam,

Cambodia and Serbia raise supplier companies' awareness of human rights and environmental due diligence.

Business Scouts for Development (BSfD) offer a point of contact for the private sector at home and abroad. Development policy experts in around 40 countries provide advice on support, financing and cooperation opportunities, and initiate collaboration projects that centre on human rights issues. They provide needs-based assistance with implementing corporate due diligence to direct suppliers and companies affected indirectly in Germany and abroad.

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 and environmental challenges, are intended to identify risks and devise solutions. The first sectoral dialogue, with the German motor industry, began in February 2020 in a multi-stakeholder format. Exploratory talks are taking place with other sectors.

Shaping international policy on corporate responsibility for human rights

OECD Guidelines for Multinational Enterprises

Alongside the UN Guiding Principles, the OECD Guidelines for Multinational Enterprises are the main comprehensive international instrument promoting responsible corporate activity. They are supplemented by a publication entitled OECD Due Diligence Guidance for Responsible Business Conduct, as well as by guides for the commodities, textiles, agricultural and financial sectors. The National Contact Point for the OECD Guidelines in the Federal Ministry for Economic Affairs and Climate Action 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. The Contact Point reports annually to the Bundestag. The German Government is an active contributor to the selective update of the OECD Guidelines that was mandated by the OECD Ministerial Council in June 2022. Various ministerial declarations during Germany's G7 Presidency highlight the importance of this update on the basis of the status report.

Tripartite ILO Declaration of Principles concerning Multinational Enterprises and Social Policy

The MNE Declaration provides direct guidance to multinational enterprises (MNEs), governments and employer and employee associations on appropriate conduct with regard to employment, training, working and living conditions, and industrial relations. The guidance is founded substantially on principles contained

in international labour conventions and recommendations. It also draws on the ILO Declaration on Fundamental Principles and Rights at Work and its follow-up measures, which are recognised globally as imperative to achieving the goal of decent work for all.

International forums and political processes

Far-reaching agreements on sustainable supply chains were achieved under Germany's Presidency in the final declarations at the G7 summit at Schloss Elmau in 2015, the G20 summit in Hamburg in 2017, and the G7 summit again at Schloss Elmau in 2022. In their Leaders' Communiqué from the 2022 summit, the heads of state and government of the G7 affirmed the importance of sustainable supply chains that are geared towards climate neutrality, are climate-resilient, and limit environmental impacts. They also underscored their commitment to working towards an international consensus on business and human rights. This is intended to strengthen compliance with international standards, including through mandatory measures that, for example, protect rights-holders and provide for greater multilateral cooperation to address abuses.

Federal Foreign Office began in 2020 to support the UNGPs 10+ – Next Decade for Business & Human Rights project set up by the UN Working Group on Business and Human Rights. German funding helped both to produce the well-regarded Stocktaking Report on ten years' experience implementing the UNGPs and to define the themes for the coming decade in a comprehensive roadmap. These outcomes will be incorporated into the current revision of the NAP.

In accordance with the NAP objective to be a driving force behind the implementation of the UN Guiding Principles (UNGPs) worldwide, the

The German Government plays an active role in the coordination of EU position papers and queries on draft provisions for 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.

UN Global Compact

The UN Global Compact was created in 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 grew during the reference period to about 20,000 in more than 160 countries, comprising some 16,150 companies and 3850 organisations from civil society, the academic community and the public sector. They make a

voluntary undertaking in which they commit to implementing the Ten Principles, which include respect for human rights. Germany supported the work of the UN Global Compact during the reference period with voluntary contributions of around €280,000 per year to the UN Global Compact Trust Fund, and is also part of the initiative's Government Group.

At the national level, the German Government also helps to fund the **UN Global Compact Network Germany** (UN GCG). The Federal Ministry

for Economic Cooperation and Development and the Federal Foreign Office represent the German Government on the Steering Committee, and the former funds an office within GIZ. The UN GCG brings together what are now more than 870 German signatories to the Global Compact. With formats for learning and dialogue, the UN GCG promotes exchange between stakeholder groups and capacity-building for sustainable business, with a particular emphasis on fulfilling human rights due diligence obligations.

Support for EU policy for the protection of human rights in the business context

In accordance with Directive 2014/95/EU, the Non-Financial Reporting Directive, large undertakings in Germany which are public-interest entities with more than 500 employees have been reporting since the 2017 financial year on their policies for ensuring respect for human rights and the environment, as well as other topics. Political agreement was reached in June 2022 on the EU Commission's proposal for a Corporate Sustainability Reporting Directive. It is expected to enter into force before the end of 2022. This will expand the number of companies throughout the EU that are obliged to produce sustainability reports from approximately 11,000 at present to around 49,000. The Directive marks the first time that binding EU standards have been set for reporting on companies' impacts on certain aspects of sustainability and for a compulsory audit of the information they are to report.

Alongside the NAP process, the German Government made use of Germany's Presidency of the Council of the EU in the second half of 2020 actively to advance the consistent application of the UN Guiding Principles and the OECD Guidelines as well as to promote decent work in global

supply chains at the European level. The Council Conclusions on Human Rights and Decent Work in Global Supply Chains of 1 December 2020 call on the European Commission to submit a legal instrument to govern due diligence obligations and draw up an EU action plan to implement the UN Guiding Principles. On 10 March 2021, the European Parliament passed a resolution on a binding future EU Directive on corporate due diligence by a large majority. On 23 February 2022, the Commission submitted its draft Corporate Sustainability Due Diligence Directive (CSDDD). The German Government supports the Commission's initiative and is an active participant in the negotiating process.

It also encourages the work of the European External Action Service, which began in mid-2021 to draft an EU framework for business and human rights as the EU equivalent to an NAP.

To complement the CSDDD, in 2022 the European Commission, the Federal Ministry for Economic Cooperation and Development and GIZ set up a global Team Europe Initiative (TEI) on sustainability in global supply chains. Its aim,

alongside other EU member states, is to better coordinate, scale and expand the support available to companies and stakeholders along the value chain across the EU in anticipation of Article 14 of the draft Directive. The TEI Secretariat is being set up by GIZ in accordance with its remit from the lead agency, the Federal Ministry for Economic Cooperation and Development.

Bilateral EU trade agreements

The German Government supports the European Commission in its efforts to secure respect for human rights through trade policy. The protection of human rights, including the international labour standards enshrined in the ILO's Core Conventions, is embedded as an essential element of framework political agreements with non-EU states. Furthermore, the effective implementation of international labour, social and environmental standards is set down in the sustainability sections of EU trade agreements, with reference made to recognised legal instruments on corporate responsibility for human rights. The international treaties and conventions are to be integrated, with the threat of sanctions for non-compliance, into all future trade agreements

EU Generalised Scheme of Preferences

Under the Generalised Scheme of Preferences (GSP), the EU unilaterally grants some 70 developing countries preferential tariff treatment for imports to the EU 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 sustainable development and responsible governance to be used as criteria for the suspension of customs tariffs on other goods. GSP+ requires

Germany's Presidency of the G7 in 2022 was used to promote binding international standards on business and human rights to other G7 states, civil society, employers organisations and trade unions, and international organisations. In line with the Coalition Agreement, the German Government supports the European Commission in its efforts to establish rules banning the products of forced labour.

at the European level, including those that are currently under negotiation. The aim is that they be enforced effectively across the board, whether provisions concern trade benefits and freedoms or agreed sustainability standards. Incentives, as well as dialogue and arbitration mechanisms such as panels, are to be enshrined in the agreements to that end. The German Government supports trade sanctions as the last resort for dealing with serious violations of key trade and sustainable development (TSD) obligations, especially violations of the ILO's fundamental principles and rights at work, of the Paris Climate Change Agreement, or of the Convention on Biological Diversity in the version proposed by the Commission in the TSD process.

the ratification and implementation of 27 international conventions relating to human rights, labour and social standards, environmental conservation and good governance in the developing countries concerned and their participation in a continuous monitoring process.

Observance of fundamental human rights is a condition for duty-free and quota-free access to the EU market for the poorest countries in the world under the EBA ("everything but

arms”) initiative. The European Commission has launched a monitoring procedure for this initiative. The German Government welcomes the inclusion of 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.

Non-financial reporting and due diligence

The corporate social responsibility policy of the German Government

The German Government has been pursuing a systematic corporate social responsibility (CSR) policy since 2010. The primary objective is to drive CSR forward in Germany in step with international developments, to take on a trail-blazing role as an exporting nation, and to help make globalisation a green and social process.

Sustainable procurement objectives

It became clear in connection with the NAP that it may be useful to draw up model conditions of performance under procurement law, so as to require successful tenderers to practise human rights due diligence throughout their supply chains. The 2021 Supply Chain Due Diligence Act set out legal grounds essentially to exclude from tendering procedures any companies found, in final and binding legal rulings, to have failed in their corporate due diligence obligations.

Through its programme of sustainability measures the German Government has set itself the target of sourcing at least 50% of purchased textiles (excluding specialist textiles) according to social and environmental criteria. In line with the 2021 update to this programme, the Federal Ministry for Economic Cooperation and

Preferential tariffs for goods originating from Belarus and for certain goods of Cambodian origin have been suspended owing to violations of international human rights and labour law standards.

A coordinated national CSR strategy is being developed in a stakeholder dialogue under the auspices of the German Government’s National CSR Forum. The focus is on responsibility within supply and value chains, and the fulfilment by businesses of their human rights and environmental due diligence obligations.

Development is leading work to revise the step-by-step plan to reach that target. The Guide for Sustainable Textile Procurement by the Federal Administration, published in January 2021 and covering human rights due diligence, serves as practical support for procurement managers.

The programme also gave rise in 2022 to a new Interministerial Committee for Sustainable Public Procurement, chaired jointly by the Federal Ministry of the Interior and Community and the Federal Ministry for Economic Affairs and Climate Action. It collaborates with affected stakeholders to identify and implement suitable action to increase and strengthen sustainable public procurement. The new Competition Register, which became fully operational in June 2022, is a further instrument to help ensure

respect for human rights due diligence in public procurement. It provides public contracting authorities with information on any compelling reasons to exclude companies from procurement procedures, which will in future include contraventions of the Supply Chain Due Diligence Act that also justify exclusion.

The **Centre of Excellence for Sustainable Procurement** at the Procurement Agency of the Federal Ministry of the Interior and Community has been assisting contracting authorities in the field of sustainable public procurement since 2012 as the German Government's central advice and information service on procurement matters. With the *Länder*, it provides training courses, a telephone and email hotline, a central web platform and other services. If there is consistently high demand for training on human rights in procurement, it will be offered permanently to all public contracting authorities. Translated by the European Commission into all European languages, the sectoral agreement between the Centre of Excellence at the Procurement Office and the German Association for Information Technology, Telecommunications and New Media (Bitkom) to take account of social aspects in IT procurement processes was thoroughly revised with effect from May 2019. Since then it has also applied to

invitations to tender for framework contracts issued by the central office for federal IT procurement at the Procurement Office for IT and IT Services. The Centre of Excellence has drawn up a manual here. The Procurement Office of the Federal Ministry of the Interior and Community conducted a short-form study on social audits as a means of verifying working conditions in the context of public procurement.

The **Sustainability Compass**, an information platform funded by the German Government under the lead of the Federal Ministry for Economic Cooperation and Development, offers an overview and comparison of sustainability certification schemes, as well as numerous examples of local practice and information on legal requirements. In this way, the platform helps contracting authorities to integrate sustainability dimensions into their procurement procedures. Led by the Federal Ministry for Economic Cooperation and Development, the **Service Agency Communities in One World (SKEW)** provides local authorities with comprehensive assistance for professional capacity-building on fair procurement as well as strategy advice, process support and referrals to lawyers specialising in public procurement law.

Export credit and investment guarantees

The German Government does not grant export credit and investment guarantees to cover supplies, services or projects for which the environmental, social and human rights review reveals significant human rights-related risks. 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 protection for human rights was explicitly established as one of these principles. As part of the ongoing 2022/2023 update to the Common Approaches, the human rights aspects that must be checked will also be revised.

The German Government 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 and investments unless the underlying projects will respect global human rights standards.

The attention of potential warrantees is drawn to the UN Guiding Principles on Business and Human Rights from the very start, at the application stage. The test criteria (particularly those of the World Bank) used in the application process

Export controls

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 requirements are attached. At the international level, the Arms Trade Treaty (ATT) provides that arms exports must be assessed as to their potential use to commit or facilitate a violation of human rights or international humanitarian law. Respect for human rights in the recipient country is one of the principal factors in the decision on whether or not to export the arms. Approval will not be granted if there is sufficient reason to suspect that military equipment may be abused for domestic repression or other persistent and systematic human rights violations. The German Government takes a restrictive stance on arms

cover all of 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, 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 NAP have now been fully implemented.

exports and will draft an arms export control act in accordance with the parameters set out in the Coalition Agreement.

Under the Small Arms Principles of March 2015, exports of small arms are essentially to be handled in a restrictive manner. Under the 26 June 2019 version of the Political Principles referred to above, they will no longer be approved to states that are not members of the EU or NATO or deemed to be of equivalent status to NATO states. This restrictive position also applies to the supply of the corresponding ammunition and related production technology.

Human rights are also an important criterion in decisions on the export of dual-use items within the meaning of Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 (Dual-Use Regulation). The German Government has been committed for many years to more stringent export controls for telecommunications surveillance equipment. 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 entry into force of the updated Dual-Use Regulation on 9 September 2021 brought in authorisation requirements for digital-surveillance equipment not already listed in Annex I to the Dual-Use Regulation. This catch-all authorisation requirement comes into play where the digital-surveillance goods in question are intended for use in connection with domestic repression and/or to commit serious violations of human rights and international humanitarian law.

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. According to the

European Commission report of July 2020 on the implementation and review of the Anti-torture Regulation, it marks a considerable advancement in human rights-based trade policy. The German Government publishes annual activity reports detailing the decisions issued on the basis of that Regulation.

The EU and its member states are founding members of the Global Alliance for Torture-Free Trade, set up in the autumn of 2017. Its aim is to establish a binding international legal instrument to govern trade in goods used for torture or capital punishment. During the 73rd session of the UN General Assembly, in June 2019, the resolution initiated by the Alliance (A/73/L.94) was adopted by a large majority. A UN Group of Governmental Experts, including a representative of the German Government, started work in August 2021, and in May 2022 published a report on the scope of common international standards.

Multi-stakeholder partnerships

The German Government supports and is involved in a variety of multi-stakeholder partnerships (MSPs). In this way it joins forces with players from civil society, the academic community and the private sector to push for the implementation of social and environmental standards along global supply chains and to improve manufacturing conditions and living standards in partner countries.

Through its **Partnerships2030** platform for multi-stakeholder partnerships to drive the implementation of the 2030 Agenda, the Federal Ministry for Economic Cooperation and Development helps players in Germany and partner countries to come together to achieve their sector-specific targets. It provides information and advice on all topics relating to successful MSPs.

Via Engagement Global (bengo), the Ministry also helps to fund multi-stakeholder partnerships initiated by parties from civil society. In concert with other federal government ministries, funding is currently provided to 40 MSPs working on human rights standards in business in line with SDG 8, SDG 9 and SDG 12.

Sectoral issues

As a service hub for a network of approximately 100 players from business, civil society and politics, the **Initiative for Sustainable Agricultural Supply Chains** (INA) provides information on how social and environmental criteria can be integrated effectively into agricultural supply chains. It supports the development of specific projects, which are then realised in cooperation with businesses and civil society. The Due Diligence Fund was launched in May 2022 to identify and provide financial support for practicable approaches to corporate due diligence obligations, and to make these publicly accessible.

Within the **Digital Integration of Agricultural Supply Chains Alliance** (DIASCA), which was initiated by the INA, private-sector supply chain players, technology providers and international organisations seek agreement on common technological standards that will achieve interoperability between the various digital traceability systems in operation in the agricultural and food sector. In addition to formulating forecasts and guides, the Alliance tests these recommendations in reference projects to establish proof of concept.

The German Government, represented by the Federal Ministry for Economic Cooperation and Development and the Federal Ministry of Food and Agriculture, brings the German confectionery industry, the grocery trade and civil society together in the **German Initiative on Sustainable Cocoa**. Its aim is for all members to be observing human rights and environmental due diligence obligations by the end of 2025. In 2020 the Initiative set up a working group on human rights, which developed practical guidance for conducting risk analyses in cocoa-growing countries and is currently working on a possible pilot

grievance mechanism for the cocoa sector in Côte d'Ivoire that will be applicable to multiple companies or perhaps even sector-wide.

With over 50 members spanning German businesses, associations, NGOs, the Federal Ministry of Food and Agriculture and the Federal Ministry for Economic Cooperation and Development, the **Forum for Sustainable Palm Oil** (FONAP) pledges to use only palm oil that has been certified as sustainable. The certification schemes recognised by FONAP represent minimum standards that add certain criteria, including human rights due diligence, to members' own environmental and social commitments. To provide support for businesses, FONAP commissioned the 2020 *Human Rights in the Palm Oil Sector* study, which contains recommendations for action. Guidelines for risk analyses in the palm oil sector will be drawn up during 2022.

The **Partnership for Sustainable Orange Juice** (PANAJO) has been funded by the Federal Ministry for Economic Cooperation and Development since 2019, and GIZ has hosted its secretariat since 2020. Its aims are to ensure decent living and working conditions, living wages and incomes, and environmental protections in Brazilian orange juice production.

Bilateral **raw materials partnerships** with selected producer countries are part of the German Government's Raw Materials Strategy of October 2010 and its updated version of January 2020. International instruments for compliance with human rights, environmental and social standards are incorporated into these partnerships on a case-by-case basis. The aim 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. Raw materials partnerships established by agreements with Mongolia, Kazakhstan and Peru were followed by raw materials alliances with Australia, Chile and Canada.

The **Partnership for Sustainable Textiles** advocates for a social, environmental, and corruption-free textile and garment industry. As a multi-stakeholder initiative, to achieve its aims the Partnership places particular emphasis on the implementation of human rights and environmental due diligence and initiates joint projects in producing countries. To enable member companies to fulfil their due diligence obligations, as also required under the Supply Chain Due Diligence Act, the Partnership has developed a sector-specific implementation framework and a reporting format.

The government-run **Green Button** textiles seal was introduced in 2019 as the first certification scheme to translate corporate due diligence under the UN Guiding Principles into verifiable criteria. It is registered as a European certification

mark and is awarded by the Federal Ministry for Economic Cooperation and Development. It is designed to provide consumers as well as public and private-sector procurement offices with guidance for purchasing textiles. It is a visual marker of which companies assume responsibility for upholding human rights and environmental standards in their textile supply chains, and it highlights sustainably produced textiles.

Since January 2020, Germany has been a member of the **European Partnership for Responsible Minerals (EPRM)**. It is represented by the Federal Ministry for Economic Cooperation and Development. The EPRM provides development policy advice on the implementation of the EU Regulation on minerals from conflict-affected and high-risk areas (Conflict Minerals Regulation). To improve working and living conditions for workers and communities practising artisanal and small-scale mining, the EPRM leverages project funding to advance responsible business practices and access to global supply chains. It also helps companies to comply with due diligence obligations and puts players in contact with others along the supply chain.

Sport and human rights

Human rights occupy a prominent position in the political discourse surrounding sport. The human rights situation in countries hosting major international sporting events often comes in for particular media scrutiny. The 2022 Olympic and Paralympic Winter Games in China, and the 2022 men's FIFA World Cup in Qatar, for example, were in many forums the subject of extensive dialogue and discussion processes concerning the respective national human rights situations. The German Government was no exception here.

To heighten awareness of human rights in sport among the decision-makers in German sports policy and to advance the public debate, the Federal Ministry of the Interior and Community teamed up with the Federal Foreign Office to hold two events – one held on 25 June 2021 as a virtual meeting, the other held on 14 June 2022 with a much broader audience that included journalists from leading media organisations. The June 2022 conference created a basis of knowledge on the issue and led to Federal Minister of the Interior and Community Nancy Faeser

announcing the publication of guiding principles on human rights for major sporting events. These principles are to be applied in future to all major international sporting events that receive substantial funding from the German Government.

The Government's aim at both the national and international levels is for such events generally to be awarded and organised in accordance with

the UN Guiding Principles. It was the German Government that achieved the inclusion of a reference to respect for the UN Guiding Principles when delivering mega sports events in Resolution A/RES/76/259 on the 2022 International Federation of Association Football World Cup in Qatar, adopted by the UN General Assembly in April 2022.

Qatar and the 2022 men's FIFA World Cup

Governments and the public had kept a close eye on the human rights situation in Qatar ever since the country was awarded the World Cup in 2010. Particular attention was paid to the situation of foreign workers. This international pressure was a major factor in Qatar entering into a framework agreement with the International Labour Organization (ILO), to date the only state in the region to have done so. The legal status of foreign workers and the occupational health and safety and social standards that apply to them have since improved considerably. In September 2020, Qatar became a pioneer in the region by fully abolishing the traditional *kafala* system, under which workers cannot change job or leave the country without the permission of their employer (sponsor). A binding universal minimum wage came into force in March 2021. With these moves, attention shifted to meaningful compliance with applicable law and to information campaigns for foreign workers about their rights.

The German Government is working at the bilateral, European and international levels in dealings with Qatar to ensure that the new laws will

be applied consistently beyond the World Cup and brings the issues up regularly when opportunity for discussion arises.

C9 Spotlight: The challenges climate change poses to the defence of human rights and gender-sensitive strategies for tackling climate change

Climate change is exacerbating existing vulnerabilities and inequalities. Economic, political and socio-economic factors determine capacity to deal with its consequences. Indigenous peoples, people living below the poverty line, older people, children and people with disabilities are particularly hard hit by the effects of climate change. The same is true of women, girls and non-binary individuals in all their diversity.⁸³ They moreover often face social, economic and political obstacles that make it difficult for them to adapt. A lack of access to sustainable energy and mobility, a greater risk of gender-based violence, a lack of access to sexual and reproductive healthcare services, risks to maternal and neonatal health, the burden of additional domestic and care work, interruptions to (formal) education, the loss of resources with which to make a living, and the risks associated with climate-induced displacement and migration – these are just some of the factors that affect women and girls disproportionately and prevent them fully exercising their rights. This applies in particular to women from marginalised communities, owing to intersectional inequalities and discrimination.

The norms and gender roles produced by society also affect the way in which people use nature and resources, gain access to them, or even play their part in environmental destruction. Women and girls are important knowledge-carriers and decision-makers in areas such as agriculture, natural resource management and energy use.

They therefore hold special potential as agents of change in climate action and in adapting to our evolving climate and environment. It is therefore vital that the gender-specific dimension of climate change and the active participation of women are factored in for an effective, human rights-based and gender-sensitive climate policy.

Important progress in this respect was made at the close of the 66th session of the UN Commission on the Status of Women. With Germany leading the negotiations, the UN member states for the first time adopted specific measures to strengthen women's rights in the fight against climate change and agreed on ways in which women and girls can be consistently included in efforts to tackle the climate crisis. At the same time it was pointed out that action on the climate and action on equality reinforce each other, and the crucial role of women in climate negotiations was emphasised. Meeting in July 2022 as part of the UN General Assembly, the High-level Political Forum on Sustainable Development focused on issues including achieving SDG 5: gender equality.

The German Government campaigns vigorously in favour of proper consideration of the gender-specific dimension of climate change, also promoting equality in the context of climate and environmental action. Germany is an active participant in negotiations on gender and climate change in the international climate negotiation

⁸³ People of differing sexual orientation, gender identity and expression, and sexual characteristics. When we write in this report about women and girls, we are working on the basis of this comprehensive understanding.

process and at the UN Climate Change Conferences held under the United Nations Framework Convention on Climate Change (UNFCCC). Items on the agenda for the 27th UN Climate Change Conference in November 2022 include an initial stocktake of the Gender Action Plan under the UNFCCC, adopted in 2019, and an examination of how it can be enhanced and successfully fulfilled. Germany has set up a National Gender and Climate Change Focal Point at the UN Climate Change Secretariat that will coordinate the implementation of the Gender Action Plan and other activities at the national level.

For example, in the future the Federal Ministry for Economic Cooperation and Development will devote more resources to implementing the Paris Climate Change Agreement in a gender-equitable way. In doing so it will join forces with, for example, the Women Engage for a Common Future (WECF) women's rights organisation in selected partner countries. Training is encouraging

civil-society organisations to plan and execute gender-just programmes. The Federal Ministry for Economic Cooperation and Development already funds a WECF project highlighting climate solutions that help to reduce emissions effectively precisely because they take a gender-just and gender-transformative approach. The corresponding study, entitled Gender-Just Climate Solutions: Climate Change Mitigation Hand in Hand with Transformative Gender Goals, is due to be presented at COP 27. The major climate funds (GCF, GEF, CIFs) are also to support more gender-sensitive climate projects. The main concern in the replenishment negotiations for GEF 8 was to integrate the feminist development policy of the Federal Ministry for Economic Cooperation and Development more closely into the GEF, i.e. specifically to advance women, children, young people and indigenous groups by facilitating their participation in project planning and active input into how those projects are implemented.



European Union flag on a mobile phone screen
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C10 Spotlight: Human rights and the digital revolution

The digital revolution impacts on all aspects of human life, including human rights. While digital technologies bring with them new opportunities to connect and collaborate, and thus for social and political participation, they also hold risks to respect for human rights, their defence and their maintenance around the world. Human rights defenders, opposition activists, dissidents and media professionals are increasingly facing online censorship and surveillance as well as internet shutdowns. Restrictions on the free use of the internet are often introduced in the guise of necessary security measures and abused for political purposes. In this way they limit the rights to freedom of expression, access to information and freedom of assembly.

Further risks include cyberattacks and data misuse, the targeted spread of disinformation and hate speech online, cyberviolence against women, LGBTIQ+ individuals, religious and ideological minorities, and children, on social media in particular, gross invasions of privacy, and the discriminatory use of algorithms. The importance of digital technologies and the right to access to information take on a vital role in the context of the COVID-19 pandemic; only those who are informed can protect themselves and others. The pandemic has also raised levels of misinformation and hate speech online, while freedom of opinion has become increasingly restricted. At the same time, there has been a growing need for digital spaces in which civil society can converse and connect.

Germany works internationally to reinforce human rights both online and offline, because they apply equally to the virtual and real worlds. Since 2013, Germany, together with Brazil, has been sponsoring resolutions on the right to privacy in

the digital age in the UN General Assembly and Human Rights Council. These underscore the right to privacy, as laid down in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, and initiate a process of discussion about what challenges the digital age poses to this human right. In addition, in 2015 the mandate for a UN Special Rapporteur on the right to privacy was also adopted at the joint initiative of Germany and Brazil. Ana Brian Nougrerès from Uruguay took office as the new independent Rapporteur in 2021. Germany collaborates with her closely. With our continued commitment to protecting human rights in the digital arena, Germany is also responding to recommendations arising from the Universal Periodic Review (UPR).

German development cooperation increasingly incorporates digital solutions into its project work to help ensure that human rights are respected, protected and guaranteed. At the same time, development cooperation work in partner countries faces the challenge that the digital divide exacerbates global inequalities and limits the potential for development policy interventions to make a difference. This is because the very people in disadvantaged population groups that the intervention is intended to support may be excluded and patriarchal power structures may be reinforced. Despite growing internet coverage, only 35% of people in the least developed countries (LDCs) use the internet, although there is a marked gender gap here. Lack of access is an obstacle to potential success in school, in working life and in an increasingly digital world, especially for children and young people in crisis situations. Target 9c of the 2030 Agenda calls for a significant increase in universal and affordable access to the internet in the LDCs.

The German Government is therefore supporting the establishment and expansion of digital infrastructure and capacities in its development cooperation partner countries. Equally, it is promoting digital security measures to ensure that freedom of opinion and freedom of the press are protected online as elsewhere for media professionals and human rights activists and is developing and supporting measures to encourage media literacy and stem the tide of misinformation and hate speech online.

In addition, the German Government funded projects at the nexus of digital technologies and human rights, such as those of Global Partners Digital Limited and the International Commission of Jurists, which run national and international information and awareness-raising campaigns. Furthermore, with the present situation in mind the German Government is sponsoring a project to support civil society in Ukraine, Russia and Belarus. Its aims include better internet access for civil society and greater awareness among human rights activists of the dangers of espionage and cyberattacks.

Through its two representatives on the Council of Europe's Ad hoc Committee on Artificial Intelligence, which was set up in 2019, Germany is involved in constructing 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 34 states striving, in dialogue with civil society, for a free internet and the protection of human rights online. Joint statements on current issues and an annual conference are primary focal points of its work.

Taking the lead in 2022 in the FOC Task Force on Artificial Intelligence and Human Rights, Germany continues to campaign specifically in this forum, as in others, for a human rights-based perspective.

Germany is also a member of the Global Forum on Cyber Expertise, a platform to promote global capacity-building in cyber matters. Fellow members include governments, international organisations and private-sector enterprises.

In addition, the German Government organises roundtables 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.

Germany welcomes and supports the European Commission's initiative to issue a joint inter-institutional declaration by the European Parliament, the Council and the Commission: the European Declaration on Digital Rights and Principles for the Digital Decade. According to the Commission, the digital principles it contains are "intended as essential concepts, based on common European values, and serving as guidance for a human-centred, secure, inclusive, and open digital environment, where no one is left behind". The aim is to ensure that the values of the Union and the rights and freedoms of individuals as recognised by EU law are respected and reinforced both offline and online. The Declaration is non-binding in nature. It is scheduled for adoption in the autumn of 2022.

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*Human rights
around the world*

The following **country-by-country review for the Fifteenth Report by the German Government on its Human Rights Policy** contains a selection of countries with critical human rights situations. Chief among the criteria for a country's inclusion was whether the German Government or the EU had addressed it 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 has a proven track record; it is consistent with the previous report and the German Bundestag's recommendation for a decision. 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 the impact of German or European project work on the ground is outlined. The latter aspect addresses the concerns of the German Bundestag's recommendation for a decision. We have calibrated the level of detail with a view, among other things, to our duty of care towards our project partners. Information specifically about freedom of religion or belief can be found in the German Government report on that subject.

Afghanistan

Developments in the human rights situation during the reference period

The human rights situation in Afghanistan has further deteriorated since the Taliban took power. In the period since August 2021, the social and economic circumstances have profoundly worsened. 70% of Afghan households are incapable of meeting their basic needs. In light of the systematic violation of the rights of women and girls, this must be classified as one of the most grave developments worldwide. Secondary schools have been largely closed to girls since September 2021. In March 2022, the Taliban banned girls from attending school, specifically public secondary schools. The newly established

de facto Ministry for the Propagation of Virtue and the Prevention of Vice severely restricts human rights employing quasi-police powers. A climate of intimidation is being created through arrests of media professionals and critics of the de facto government, among others, along with credible reports of kidnappings and extralegal killings by the Taliban of former members of the government and security forces. Freedoms of the media, opinion and assembly have been considerably curtailed. A piecemeal restructuring of the judicial system is promoting the advent of parallel structures and legal uncertainties.

Implementation of human rights commitments and policy

Arbitrary restrictions on human rights have essentially frozen the implementation of human

rights obligations. Since coming to power, the de facto government has violated the International

Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. In the UN Human Rights Council, Germany has supported the mandate of the Special Rapporteur to monitor

the human rights situation in Afghanistan. At the 51st session of the Human Rights Council, the German Government successfully lobbied for the extension of the Special Rapporteur's mandate. In addition, the German Government has advocated for a strong human rights component in the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA).

Impacts of German and European project work

The German Government supports former local employees as well as particularly at-risk individuals in leaving the country, provided they have approval for admission and wish to use it. In these efforts, Germany is particularly committed to helping human rights defenders who are at risk.

The German Government supports efforts to protect and stabilise the remaining civil society in Afghanistan through advice, assistance and financial grants. This includes supporting women's refugees and women's counselling centres, for example. Furthermore, Germany promotes access to medical and psychosocial services for the survivors of sexual and gender-based violence.

To counter the humanitarian crisis after the Taliban came to power, Germany has greatly expanded its nationwide delivery of humanitarian assistance and pressing essentials to meet basic human needs. In these efforts, the German Government cooperates exclusively with the UN, the international development banks (the World Bank and the Asian Development Bank), the international Red Cross and Red Crescent movement and non-governmental organisations. This benefits internally displaced persons, refugees and returnees, especially women, children and people with disabilities.

Azerbaijan

Developments in the human rights situation during the reference period

The human rights situation in Azerbaijan continues to prompt criticism internationally. In Azerbaijan, there are prevailing structural restrictions on civil rights, political competition and freedom of expression and assembly. The judicial system does not act with political independence and

also avails itself of arbitrary arrests and police violence during investigations. A list of recognised human rights activists currently includes 100 names of political prisoners. Five of these were deported from Germany and subsequently arrested in Azerbaijan during the reference

period. According to their lawyers, they were mistreated at the beginning of their pre-trial custody to compel their cooperation. The embassy is observing their trials. In 2021, 38 detainees classified internationally as political prisoners were granted amnesty and released; in 2022, a further 20 were released. Officially, the existence of political prisoners in Azerbaijan is denied.

The most important recent development was the passage of the new Law on Media in late 2021. This law grants the state far-reaching means of

control. In the opinion of international observers such as the OSCE and the Council of Europe, it is likely to further permeate and “overregulate” the already highly restrictive environment for self-expression in the media (Venice Commission of the Council of Europe). There are also fears of negative effects on Azerbaijani opposition broadcasters operating from abroad, above all on Meydan TV in Berlin. The OSCE and the Council of Europe, both of which count Azerbaijan as a member, have sharply criticised the law.

Implementation of human rights commitments and policy

In April 2020, after a long delay, Azerbaijan complied with the 2014 ruling of the European Court of Human Rights (ECtHR) in the prominent case of opposition figure Ilgar Mammadov, but the country continues to lag behind in implementing other ECtHR rulings. In the case of a political

prisoner with ties to Germany, Huseyn Abdullayev, action has still not been taken to comply with a 2020 opinion from the UN Working Group Against Arbitrary Detention calling for his immediate release.

Impacts of German and European project work

Germany is focusing its project work on women’s rights. Accordingly, an annual Franco-German Gender Equality Prize was launched in 2021. The prize was awarded to the organisation AzerJorab, which facilitates women’s economic self-sufficiency. In addition, the first-ever school for women conflict mediators in Azerbaijan was inaugurated in 2022. Other focus areas are professionalisation in the media sector – in addition to journalism seminars, funding was granted for Azerbaijan’s first student newspaper – and the rights of children, internally displaced persons and people with disabilities. Each year, as part of the programme Expanding Cooperation with Civil Society in the Eastern Partnership Countries and Russia, the Federal Foreign Office funds

more than twenty projects to assist and connect civil-society players in Azerbaijan, achieving an indirect reach of several thousand people.

Belarus

Developments in the human rights situation during the reference period

Since the fraudulent presidential election in August 2020 and the suppression of peaceful protests, the human rights situation in the country has taken a dramatic turn for the worse. Despite allegations of torture and ill-treatment backed by a wealth of evidence, a culture of impunity prevails for members of the security forces.

Belarusian authorities are undertaking a systematic campaign against human rights organisations, independent media, civil society and opposition groups. Waves of repression, persecution

and suppression are facilitated by systematically tightened legislation and demonstrate extensive violations of freedom of expression, freedom of the media and freedom of association, among other principles. Human rights organisations list more than 1200 political prisoners. Digital communication channels are subject to state surveillance and censorship. In addition, the Belarusian regime is responsible for the strategic exploitation and smuggling of refugees and migrants at the EU's external borders.

Implementation of human rights commitments and policy

Belarus, which is not a member of the Council of Europe, remains the last European country to impose and carry out the death penalty. Belarus rejects resolutions by the UN Human Rights Council, and recommendations from the High Commissioner for Human Rights are not implemented. In addition, the mandate of the UN

Special Rapporteur is not recognised. Belarus only partly accepted the recommendations from the third cycle of the UN Human Rights Council's Universal Periodic Review. The EU-Belarus human rights dialogue, launched in 2015, was unilaterally suspended by Belarus in 2020.

Impacts of German and European project work

With the Action Plan for Civil Society in Belarus, the Federal Foreign Office is providing up to €21 million to support civil-society activities. The action plan's contribution includes providing support for victims of state violence, students, doctoral candidates and researchers, facilitating entry into Germany for politically persecuted individuals, and promoting independent media and civil-society project work, partly within the framework of the programme Expanding

Cooperation with Civil Society in the Eastern Partnership Countries and Russia.

A further component of the action plan is the documentation mechanism International Accountability Platform for Belarus, which the German Government co-initiated in March 2021 with Denmark and the United Kingdom as well as international partners. This mechanism is intended to enable future criminal prosecutions

for severe human rights violations in Belarus. Since the mechanism was established, more than 20,000 documents have been gathered, including victim and witness testimony, along with 500,000 pieces of information from public sources, which have been reviewed, consolidated and analysed. Additionally, the platform is supporting the OHCHR's review of the human rights situation in Belarus and aims to advance accountability and justice for victims and survivors

in the country. In parallel, Germany supports both the investigative mechanism mandated by the UN Human Rights Council and the UN Special Rapporteur on the situation of human rights in Belarus.

Project work in Belarus has been massively curtailed due to official restrictions, the liquidation of civil-society organisations and the persecution of independent project partners.

Burundi

Developments in the human rights situation during the reference period

The 2020 change in Burundi's head of state has not brought any structural improvements in the realm of human rights. Political freedoms continue to be severely restricted, and the boundaries between the state and the ruling party have de facto been largely dissolved. The opposition is subject to politically motivated violence, including from non-state actors. The Imbonerakure

youth militia (a wing of the ruling CNDD-FDD party), the secret service and the police can generally expect impunity. Civil society and the media are also forced to exercise considerable self-restraint. The justice system is not currently in a position to review violations of political and civil rights.

Implementation of human rights commitments and policy

The Burundian Government is focused on making improvements in the realm of social rights. Access to food, medical care, old-age provision and education are the subjects of corresponding legislative initiatives. However, no significant progress can be expected in the areas of political and civil human rights. As of August 2022, the government refuses to admit the United Nations Human Rights Council's Special Rapporteur for Burundi, who was appointed in 2022. Requests from United Nations thematic Special Rapporteurs (against torture, extra-judicial

executions, enforced disappearances, etc.) for permission to visit the country have not been answered for years.

Impacts of German and European project work

In various formats of dialogue with the Burundian Government, Germany pushes to improve the human rights situation, addressing both structural issues and individual cases of human rights defenders at a high level. Germany supports the National Independent Human Rights Commission (CNIDH) in its efforts to establish a national anti-torture centre. In regular talks with the National Council of Communication, Germany advocates for freedom of the press; for example, it has successfully campaigned for the reauthorisation of individual banned media outlets (most

recently the BBC). Within the framework of the political dialogue between the EU and Burundi, Germany advocates gender equity and the abolition of discriminatory legal provisions, such as those governing the inheritance of property. In project work, including women in the implementation of projects and in the enjoyment of their beneficial impacts, as well as strengthening women's position in their social environments, has regularly been an integral component of funding grants.

Cameroon

Developments in the human rights situation during the reference period

Human rights are disregarded in many ways in Cameroon, especially in conflict zones. In the North-West and South-West regions, security forces and separatist groups stand accused of major human rights violations such as killings and torture. Furthermore, the population are suffering from a sharp increase in criminal assaults such as protection rackets and kidnappings. Even members of aid organisations are not safe, and their access to people in need is not assured.

In the Far North region, severe human rights violations are perpetrated by Islamist terrorists; the only protection can be found in the areas guarded by state security forces. There is no prospect of an end to the conflicts or of an improvement to 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 by law, yet journalists and opposition politicians are harassed and arrested, especially if they call into question the unity of the state

or the power of the executive. Bans on demonstrations and violent treatment of protesters by security forces are not unusual.

The government only sporadically investigates allegations of misconduct by security forces.

Women are disadvantaged in daily life and in the statute books (e.g. in inheritance law). They earn less, and girls leave school considerably earlier than boys. In rural areas, girls are married off even before the age of 15. Polygamy is permitted and is practised by Muslims and adherents of traditional indigenous religions.

Impacts 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 and to fighting against hate speech. Specifically, support has been given to 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, among other projects. In cooperation with a women's rights

NGO, a film was produced advocating for girls' schooling. In several workshops, women learned craft skills as a means to secure financial independence. Germany is also working to ensure that identity papers are issued for refugees and members of minorities to enable their access to education and government support. The project DefyHateNow, for which the Federal Foreign Office has provided €1.2 million, supports the fight against hate speech, especially in social media.

Homosexuality is a punishable offence. Churches, the media and the general public respond to homosexuality with great hostility.

Central African Republic

Developments in the human rights situation during the reference period

The situation in the Central African Republic is volatile. Ongoing fighting is exacerbating the humanitarian, economic and financial crisis in the severely underdeveloped country. Although state security forces, with significant support from foreign forces, have largely pushed back the rebels, human rights violations by all parties to the conflict (extralegal killings, recruitment of child soldiers, sexual violence, attacks on humanitarian aid workers) remain numerous and ongoing.

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 exploited to exacerbate conflicts among the population. A fundamental problem, which also affects the human rights situation, is the widespread corruption at all levels.

Implementation of human rights commitments and policy

The Central African Republic does not ensure humanitarian aid workers' safety; on the contrary, some of these workers are targeted by the security forces and are suspected on the basis of their neutrality of supporting rebels. There are instances of people suspected of supporting rebels being arrested without a court order, as well as cases of abuse and torture in prisons.

The government is endeavouring to develop structures dedicated to the rule of law. In addition to the work of the ICC and the hybrid Special Criminal Court of the Central African Republic (CPS), national criminal courts are increasingly prosecuting human rights violations, but with mixed results: long prison sentences

have been imposed on militia members, while other proceedings have been significantly delayed. An inclusive reconciliation process remains imperative.

The government supports women's organisations with a view to creating gender equality in the long term. Women have equal rights under the law but are disadvantaged socially and economically. The situation of LGBTIQ+ people is characterised by discrimination on the part of the state and of society. Homosexual acts are punishable offences.

The death penalty was abolished in May 2022.

Impacts of German and European project work

As part of its human rights project work, the EU supports the development of the justice sector and the fight against impunity. In 2021, it funded legal consultations for 366 detainees, 45 of them women. The civilian EU Advisory Mission (EUAM RCA) is supporting the establishment of

two human rights departments within the Central African Republic's police and gendarmerie. Germany is supporting the fight against impunity by seconding a judge and the deputy administrative director to the CPS.

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, are shrinking 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 and face severe restrictions to their daily lives even after being released.

The human rights situations in the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region deserve special attention. The human rights situation – already precarious in recent years due to the proliferation of repression, surveillance and mass internments – has, according to reports of the most severe human rights violations, calcified. In particular, the widely regarded report issued in late August 2022 by the outgoing UN High Commissioner for Human Rights notes serious human rights violations. The decision to refer the report to the UN Human Rights Council founded in September 2022 due to Chinese resistance. Allegations of, for example, forced labour and state measures enforcing birth control, specifically targeting the Uyghur minority, have still not been investigated and addressed. The central government's overall policy is to "sinicise" the religious and cultural identities of the minorities in these regions. The government responds very harshly to any (even suspected) ambitions for autonomy or independence in minority regions, including with efforts at "re-education".

Key principles of the rule of law remain without guarantee in China despite individual efforts in limited areas. The judiciary is subject to party control and is seen by the party as a tool for exercising its authority.

Lack of transparency despite legal reforms is evident, for example, in the realm of organ trafficking, which has been prohibited since 2007; since 2011, forced organ donation, as wilful killing, has been punishable by death. Harvesting organs from executed prisoners has also been completely prohibited since 2015. For several years,

however, allegations of forcible organ removal have been circulating, for example in connection with adherents of Falun Gong or 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 in absolute figures.

In the Hong Kong Special Administrative Region, since the introduction of the Law on Safeguarding National Security in June 2020, the human rights situation has significantly worsened from what had been a comparatively good level. Important principles of the rule of law are curtailed as the new law is applied. Critical civil society and the political opposition have been largely silenced as a result. At least 70 NGOs and media outlets have been forcibly or voluntarily disbanded, including the most important independent media outlets. The number of prisoners detained on political grounds has risen sharply.

The fundamental amendments to electoral law in 2021 also severely restricted (already limited) political rights. For the first time, the region's governing Chief Executive was selected without opposing candidates; only candidates who are "patriotic" may run for political office. "National education" is being greatly expanded at schools and universities. Still, at the moment, Hong Kong's population have greater human rights protections than people on the mainland.

Implementation of human rights commitments and policy

China has ratified six of the nine key UN human rights agreements and is a member of the UN Human Rights Council for the 2021-2023 term. In 2022, China ratified ILO Core Labour Conventions No. 29 and No. 105, abolishing forced

labour. 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 interests above individual rights.

Impacts of German and European project work

Within the framework of various dialogues and formats (including the German-Chinese Rule of Law Dialogue and the German-Chinese Human Rights Dialogue), the German Government has in the past worked with Chinese partners on human rights and the development of structures dedicated to the rule of law. Due to the COVID-19 pandemic, little has been able to take place in this area since 2020. Access to China remains severely restricted in 2022. In line with the EU's current efforts, the German Government promotes projects and events in the field of human rights, including on topics such as gender equity, educational opportunities for women and girls, and the rights of migrant workers.

The German Government regularly addresses human rights violations in China, including in Xinjiang and Tibet, both bilaterally and in the context of EU and UN coordination. In 2020 and 2021, the Franco-German Prize for Human Rights and the Rule of Law was awarded in absentia to imprisoned human rights lawyers Li Yuhua and Chang Weiping.

The German Government also regularly raises the developments in Hong Kong, both in bilateral talks and in the framework of the EU, G7 and UN, addressing the implications of the Law on Safeguarding National Security for the rule of law and civil society. The German Government is implementing the EU Council Conclusions on Hong Kong of 28 July 2020.

Cuba

Developments in the human rights situation during the reference period

During the reference period, the human rights situation worsened, especially in the realm of political human rights. Despite being enshrined in the Cuban constitution of 2019, freedom of expression, the press and assembly are not granted or are undermined, in practice, by legal caveats.

Any public criticism of the system or political opposition is not tolerated and is, when possible, prevented at the outset. On 11-12 July 2021, the largest civilian demonstrations since 1959 were held nationwide, above all protesting against the precarious economic and social circumstances

in Cuba. The government responded by arresting more than 1000 protesters; around 400 of those detained were convicted in 2021 or 2022, with some receiving very long prison sentences (which were reduced on appeal in some cases). New leeway for civil society is arising from the

internet, which the state can only control to a limited extent. The social networks provide space for an active blog scene. The number of privately owned small businesses is growing after the legal framework was first adopted in 2021.

Implementation of human rights commitments and policy

Cuba has signed 42 international human rights conventions but has failed to ratify some of them. A new family code, to be adopted by referendum in autumn 2022, aims to increase the protection of women's and children's rights, reflect the diversity of families, and strengthen LGBTIQI+ rights, including the right to adopt. Education and healthcare are free of charge but suffer from the effects of the prevailing shortage

economy and the continuing harsh US sanctions. Nevertheless, Cuba has successfully developed its own vaccines against COVID-19 and has triple-immunised more than 90% of the population, including children aged two and older. Although the death penalty has been suspended since 2003, a new penal code adopted in May 2022 still provides for it as an option.

Impacts of German and European project work

A formal annual human rights dialogue has been institutionalised under the EU-Cuba Partnership and Cooperation Agreement. The German Government and the EU raise human rights issues forcefully in all contacts with the Cuban Government. For the EU, High Representative Josep Borell has several times condemned the actions against participants in the protests of 11-12 July 2021 and the prison sentences imposed, including in public statements. In the EU community on the ground, parallel meetings were held with relatives of arrested and convicted individuals. Bilaterally and in the EU framework, there has been regular contact with critical representatives of Cuban civil society. Despite the narrow leeway in Cuba, cultural and educational projects in particular have been carried out to share expertise and bolster the self-confidence of civil society.



The Federal Foreign Office supports the Mukwege Foundation, an advocate for the survivors of conflict-related sexual violence (2021).
© Mukwege Foundation

Democratic Republic of the Congo

Developments in the human rights situation during the reference period

The overall human rights situation remains critical. Since President Tshisekedi took office in 2019, there has been a tangible, albeit fragile, easing of tensions in the realms of politics and civil society. However, this positive development contrasts with an escalating security situation in the east and domestic conflicts in which the basic freedoms of the people concerned are disregarded.

The people continue to suffer under the arbitrary whims of the security authorities and a largely inefficient, corrupt and selective judiciary. In the east, armed groups and martial law, which has

been in force in two provinces since May 2021, exacerbate the precarious situation. According to the UN, combatants and state actors are responsible in equal measure for human rights violations; militias perpetrate mass killings and recruit child soldiers. Human rights and democracy activists as well as critical media professionals fear arbitrary action on the part of the security authorities.

Implementation of human rights commitments and policy

The Democratic Republic of the Congo (DRC) is a member of the UN Human Rights Council and has both a National Human Rights Commission (CNDH) and a commission in parliament, both of which are underfunded and largely ineffective in their work.

The constitutional prohibition of discrimination against women is neither enforced in everyday life nor enacted in law. Although the DRC has signed the UN Convention on the Rights of the Child of 1989, the judiciary still scarcely distinguishes between juvenile and adult offenders. The problem of child soldiers and children as victims of military conflict remains acute. Although

the DRC has acceded to the 2006 Convention on the Rights of Persons with Disabilities, it has not subsequently adopted pertinent regulations. The weak state is not capable of guaranteeing economic, social and cultural rights – despite these rights being invoked in the constitution (Articles 34-39). Ethnic tensions are among the primary causes of conflict in the country. By contrast, the freedom of religion guaranteed by Article 22 of the constitution is largely respected. Although Congolese law provides for the death penalty, it has not been carried out since 2003. An institutionalisation of this moratorium has so far failed to materialise.

Impacts of German and European project work

Germany is focusing its human rights project work on women's rights, impunity, torture and the promotion of journalism. During the reference period, seven projects amounting to more than €400,000 were carried out. Twenty workshops or online training sessions were conducted, a mentorship programme for female graduates was founded, five anti-sexual violence cells

were supported, and 77 cases of sexual violence and torture were documented and brought to court, in some cases leading to guilty verdicts. In German development cooperation, respect for and protection of human rights are particularly relevant in the sectors of mining and protected area management.

Egypt

Developments in the human rights situation during the reference period

Although the status of human rights in Egypt has declaratively improved during the reference period, de facto it continues to give cause for concern. Despite the National Human Rights Strategy (NHRS) adopted in September 2021,

political rights in particular remain highly curtailed. Repressive measures against human rights defenders declined somewhat in the run-up to COP27; a series of political prisoners were released in the context of the National Dialogue.

Concurrently, however, new arrests were made and prominent cases resulted in convictions with maximum penalties.

Protecting human rights remains a key concern for Germany, both as a cornerstone of Egypt's stability and in the context of a human rights-based, values-oriented foreign policy. Politically, Egypt is largely peaceful and stable, although this is achieved primarily through large-scale

control and repression; much-needed reforms to strengthen the rule of law have hitherto failed to materialise. The mainly declarative concessions of recent years, such as the 2021 NHRS and the 2022 Year of Civil Society, demonstrate that Egypt is developing an awareness of problems when it comes to human rights issues. The National Dialogue initiated in July 2022 pledges broader inclusion in decision-making, but will have to measure up to the expectations for more political reform.

Implementation of human rights commitments and policy

From the Egyptian perspective, social and economic rights are the priority. In these areas, some reforms have been initiated and preliminary progress has been made. On the whole, however, lasting developments remain elusive in the absence of a genuinely free press, strong rule of law, separation of powers and scope for critical civil society.

In view of the widespread enforced conformity and censorship of the traditional media, social media and the internet have an important role to play as alternative information sources, but as a result these spaces are particular targets of government control.

Under the constitution, the state has a duty to bring about equality between men and women. Although legitimate political will exists in this area, the scope of the political leadership's efforts is confined by a narrow conservative image of women's roles that is shared by much of society. The focus is predominantly on women's socio-economic rights and not their political rights, however. LGBTIQ+ individuals are subject to massive harassment and discrimination in daily life.

Initial reform efforts are also visible in the realm of incarceration conditions, but the circumstances continue to give cause for concern. Torture and enforced disappearances are systematically employed by security forces for up to 24 months without trial.

Impacts of German and European project work

In its project support, Germany is concentrated on assisting reform-oriented players in the system and reinforcing what little remains of critical civil society with political and financial support.

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 is 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, though these reports cannot be verified.

There is no free press in Eritrea; neither is there freedom of opinion or assembly. All Eritrean media are state-owned. Internet access is possible at a low technological level, and foreign satellite television can be received. In the 2022 World Press Freedom Index published by Reporters Without Borders, Eritrea places second to 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. After Catholic medical institutions and schools were nationalised or closed in 2019, no other schools, such as Quranic schools, were newly authorised during the reference period.

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. In July 2022, the Human Rights Council extended the mandate of its Special Rapporteur on Eritrea by a year. Since the

beginning, the Eritrean Government has rejected any cooperation on principle, referring to the Human Rights Council's Universal Periodic Review procedure.

Impacts of German and European project work

Human rights projects are not carried out on the ground due to the difficult conditions. The Eritrean Government has placed restrictions on

foreign implementing and non-governmental organisations that have caused most of them to quit operating. Within the framework of

micro-projects, Germany has been able to make small contributions that have not yet been disallowed in areas such as basic food security and

support for the deaf. Charitable German associations have been active in Eritrea for years helping to establish medical services.

Ethiopia

Developments in the human rights situation during the reference period

The human rights situation in Ethiopia deteriorated significantly during the reference period. In connection with the military conflicts in northern Ethiopia (in the Tigray region and sporadically also in Amhara and Afar), which began in November 2020, there have been numerous reports of severe human rights violations by all sides. According to a joint investigation report by the Ethiopian Human Rights Commission (EHRC) and the Office of the United

Nations High Commissioner for Human Rights (OHCHR), there are justified grounds to believe that some may constitute war crimes and crimes against humanity.

Human rights violations have also taken place in other regions of the country in the context of armed fighting between local players as well as during military action by the state security apparatus against armed groups.

Implementation of human rights commitments and policy

In November 2021, the Ethiopian Government established an interministerial task force to address human rights crimes during the conflict in northern Ethiopia, which has launched criminal investigations. A commission of human rights experts mandated by the UN Human Rights Council in December 2021 was allowed to enter the country for the first time in July 2022, but has not yet been able to conduct any investigations.

Although civil society's scope for action improved significantly in the period shortly after Prime Minister Abiy Ahmed took office in 2018, the later waves of arrests in the context of the Tigray conflict saw opposition activists, human rights defenders and journalists detained and in some cases charged. Improvements to freedom

of the press and media were again considerably curtailed as a result of political and social tensions. Critical journalists were detained in greater numbers – in some cases without official charges. Some international correspondents were stripped of their accreditation.

Compared to Africa as a whole, women's political participation in parliament (41.3%) and the federal government (36.4%) is relatively high. However, considerable deficits remain in access to education and the labour market, the performance of unpaid work, age at marriage and protection against sexual violence. The scant availability of data is a serious problem: data broken down by gender do not exist for even half of the indicators of the UN development goals.



The Federal Foreign Office works with @icarda and @HiveTracks to promote female small-scale farmers and their economic independence, for example here in Ethiopia. They are receiving the equipment they need for beekeeping. © icipe

Impacts of German and European project work

German and European support for the Ethiopian Election Commission and the 2021 election process helped to facilitate elections that the African Union classified as free and fair with few caveats. The Ethiopian Human Rights Commission, which receives financial support from Germany, is increasingly developing into an independent and critical institution in line with the Paris Principles. Nearly 2000 influential figures have

been sensitised to the issues of female genital mutilation and sexual and gender-based violence. More than 100 women activists and 50 women's self-help groups have been supported in their dedicated efforts to combat sexual violence. Law enforcement and judicial officials have received training on the rights of survivors of sexual violence.

Iran

Developments in the human rights situation during the reference period

The human rights situation remained bleak during the reference period. The ultra-conservative government that took office under President Raisi in August 2021 has been deliberately and systematically further restricting personal and political freedoms in order to protect and preserve the system.

Measured in terms of the population, Iran executes the most people in the world, and the trend remains upward. In absolute figures, Iran ranks after China and before Egypt, Saudi Arabia and Syria. After two years without them, public executions were resumed in 2022. The death penalty is primarily handed down for murder, drug offences and rape, but also for political crimes.

In September 2022, for the first time, LGBTIQ+ activists were sentenced to death for “corruption on Earth”. In the last year, executions have once again included individuals who were minors at the time of the crimes. The judiciary is neither independent nor transparent. Arbitrary arrests, forced confessions and pressure exerted on family members are common occurrences. The penal system is characterised by overcrowded prisons and extremely precarious conditions.

Freedom of opinion is severely limited; access to free information on the internet is technologically restricted, with its content regulated; even peaceful protests are suppressed, at times violently. In mid-September 2022, after the violent death of Mahsa Amini, a series of protests began that have since expressed more extensive demands for women’s/human rights and criticism of the current system and the bleak human rights situation in the country; these protests are being violently suppressed. The German Government has criticised Mahsa Amini’s death and the crackdown on the protests by the Iranian security authorities at the national level and in international contexts, including the EU and the UN Human Rights Council. Within the EU framework, the German Government is campaigning for new sanctions against those responsible for the brutal crackdown on protests in Iran.

Implementation of human rights commitments and policy

Although Iran has ratified five of the nine key human rights instruments (not including the UN Convention on the Elimination of All Forms of Discrimination Against Women and the UN Convention against Torture), its obligations under them are not or only partially met. This is

For women, gender-based discrimination persists in the law, in its application and in socio-political reality. Women’s inclusion in the labour market, despite their high levels of education, is scant. Violence against women and girls remained a widespread problem during the reference period. Women’s rights activists and defenders of women’s rights are subject to extensive legal and de facto discrimination by the state, and they are threatened with politically motivated, arbitrary imprisonment.

Discrimination against ethnic and religious minorities varies; Baha’i have been tremendously persecuted since the emergence of their faith in the 19th century, while Arab minorities have been marginalised. Freedom of religion is constitutionally enshrined for Zoroastrians, Christians and Jews, but in practice the free exercise of their religions is sometimes severely curtailed.

The Iranian population as a whole is suffering in many ways from the consequences of years of mismanagement and corruption as well as international sanctions resulting from the expansion of Iran’s nuclear programme; during the reference period, Iran was again unwilling to enter into an agreement to reinstate the Joint Comprehensive Plan of Action (JCPOA), which would lead to the lifting of nuclear-related US secondary sanctions in return for the reinstatement of its nuclear JCPOA obligations.

precisely why the German Government supports the UN Special Rapporteur on the situation of human rights in Iran. During the reference period, he was denied entry into Iran.

Impacts of German and European project work

In the year of this report, the German Government continued to seek difficult dialogue with the Iranian Government on the issue of human rights. However, bilateral project work in the field of hu-

man rights is still subject to very severe restrictions. Imprisoned human rights activist Narges Mohammadi received the Franco-German Prize for Human Rights and the Rule of Law in December 2021.

Mali

Developments in the human rights situation during the reference period

The human rights situation in Mali worsened during the reference period, especially in the centre of the country. The main reason for this is the expansion of jihadist activities in the area. In the tri-border region between Mali, the Niger and Burkina Faso, where IS is particularly active, there are also recurrent attacks on the civilian population.

According to the annual report of the UN's MINUSMA mission, jihadist terrorist groups continue to be responsible for much of the violence against civilians. However, the number of cases attributed to the Malian armed forces has increased significantly. This is due to the military offensive against jihadist groups in the centre

of the country, which the Malian army has been conducting in tandem with Russian forces since the beginning of the year.

Large swathes of the country are not under effective state control. Human rights are restricted in non-government-controlled zones, while they remain largely assured in government-controlled zones. There was a slight deterioration with regard to freedom of the press and freedom of expression: since the beginning of the year, on principle, foreign journalists have no longer been granted accreditation. In individual cases, people who had made statements critical of the government have been arrested. Female genital mutilation is widespread and is not made subject to criminal prosecution.

Implementation of human rights commitments and policy

Mali has ratified all the principal agreements in international law for the protection of human rights. Mali is also a party to the Rome Statute of the International Criminal Court (ICC) and cooperates with the ICC. Mali has ratified the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions including

the two Additional Protocols. In addition, Mali has ratified the conventions of the Economic Community of West African States (ECOWAS) and all the conventions of the African Union (AU) for the protection of human rights. However, numerous reporting obligations under international conventions are many years overdue.

Impacts of German and European project work

With German support, the Truth Commission (CVJR), established in 2014, has been investigating and addressing human rights violations in the period since Mali's independence (1960). Three public hearings have been held so far; media interest has increased steadily over the years. Work on a reparation law, through which victims are to be compensated, is under way. Germany has also made important contributions to galvanise efforts in the criminal justice domain

to combat impunity in the armed forces and in civilian institutions.

Germany is committed to strengthening women's and children's rights, especially the right to education. The proportion of girls attending school has continually risen over the years; however, this remains a major challenge, in part due to the many schools closed as a result of the security situation.

Myanmar

Developments in the human rights situation during the reference period

The military coup of 1 February 2021 led to widespread violence, ongoing armed conflict and massive restrictions on elementary human rights. In their battle against members of the armed and civilian resistance, critical journalists and political activists alike, members of the regime (soldiers, militias and vigilantes) systematically destroy infrastructure and organisational structures that pro-democracy forces could put to use. Villages are razed, civilians killed and even children held to share liability for family members' perceived offences. With the execution of four opposition activists in late July 2022 – the first executions in decades – the junta has reached a new low in its disastrous human rights record.

In an increasingly polarised climate, extant conflicts between the military and armed groups of ethnic minorities had already reached new heights before the coup. The junta's current use of violence, especially in the centre and west of the country, even against its own (majority)

ethnic group, the Bamar, is a new development with further potential for escalation. Little has changed in the dire situation of the Rohingya. The return of the refugees, now numbering more than a million, who have fled to Bangladesh and other neighbouring countries is not in sight, while the number of people internally displaced has risen to 1.2 million, 860,000 of them displaced since the coup. In late July 2022, the International Court of Justice dismissed Myanmar's objections to a complaint by the Gambia regarding the attacks on the Rohingya, thus paving the way for a genocide trial.

Implementation of human rights commitments and policy

The human rights situation is the topic of resolutions in the UN General Assembly and the UN Human Rights Council. The junta does not abide by human rights obligations. According to the OHCHR, the people remain trapped in a cycle of

poverty, displacement, human rights violations and abuse. The UN Special Rapporteur on the situation of human rights in Myanmar also uses phrases such as “humanitarian catastrophe”, “mass killings” and “reign of terror”.

Impacts of German and European project work

The German Government consistently eschews interactions with government bodies that could give the appearance of recognising the military regime. The German Government’s channels of influence are focused on multilateral forums and mechanisms (UN, ASEAN, EU) and support for civil society. Contact with pro-democracy players from the National Unity Consultative Council or the National Unity Government presents opportunities to make our proposals heard. Support for NGOs operating in the country is becoming more difficult.

Germany and its partners have reoriented their work on Myanmar in the realm of human rights. A network of pro-democracy organisations and

human rights defenders relies on political, financial and humanitarian support. Meeting this need requires a flexible approach that evaluates risks and responds to changes in circumstances in the interest of civil-society stakeholders’ safety. Germany also supports the work of the International Investigative Mechanism for Myanmar (IIMM), established by the UN Human Rights Council, which documents serious human rights violations and other breaches of international law and collects evidence to hold those responsible to account. Germany also announced in August 2022 that it would join the Gambia’s genocide case against Myanmar before the International Court of Justice over the displacement of the Rohingya.

Nicaragua

Developments in the human rights situation during the reference period

The already precarious human rights situation in Nicaragua deteriorated dramatically before the 2021 election. Hopes that tensions would ease after the election were disappointed; on the contrary, repression has intensified even further since. Opponents of the regime are politically persecuted and detained in violation of principles underpinning the rule of law, and civil-society organisations are

banned. Freedom of assembly, association, media and expression has effectively been suspended. The leeway available to civil society has shrunk to a minimum. Attacks on the Catholic church are on the rise, most recently with the arrest of Bishop Rolando Álvarez, a critic of the regime. Independent observers estimate that there are currently around 200 political prisoners.

According to the UN, the political and economic circumstances as well as political persecution have led more than 200,000 Nicaraguans to emigrate since 2018.

Implementation of human rights commitments and policy

The country has achieved considerable progress in the past in education, healthcare and social policy but has again been suffering significant setbacks recently. 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 include the high incidence of violence against women and one of the strictest abortion bans in the world.

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.

Impacts of German and European project work

The German Embassy maintains ties with the most important human rights organisations. Two Nicaraguan human rights defenders were able to stay in Germany in 2021 and 2022 thanks to the Elisabeth Selbert Initiative, and another thanks to the Friedrich Ebert Foundation. Germany co-financed the group of experts from the

Organization of American States (OAS) to investigate the human rights violations that occurred during the 2018 crisis as well as the work of the OHCHR. 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 clearly committed at the political level to principles of human rights and international law. Overall, Nigeria has an open and pluralistic society, although there are also shortcomings. Human rights and the rule

of law are being undermined from various sides: attacks by armed groups (especially Boko Haram and ISWAP) restrict individual rights, as do human rights violations by state security forces. The deaths of protesters during the #EndSARS

protests at the end of 2020 remain unresolved, and there have been no political consequences.

The press and civil society are able to operate fairly freely in Nigeria. However, during the reference period, there were once again attempts to intimidate journalists and activists, as well as isolated accusations and arrests, especially when the journalists were reporting critically on security issues, corruption or pollution. The social-media platform Twitter was suspended for

several months in mid-2021 following the deletion of a tweet by President Buhari. Stakeholders in civil society describe themselves as operating in “shrinking spaces”.

Women and girls in Nigeria are disadvantaged in many legal and day-to-day domains, despite gender equality being guaranteed by the constitution. Homosexual acts are a punishable offence, and LGBTQI+ people face discrimination.

Implementation of human rights commitments and policy

Nigeria fulfils its reporting obligations under international law and declares itself fundamentally open to international investigations. The partly inadequate implementation of recommendations and obligations is regularly raised in

this context. Government efforts to ameliorate the human rights situation focus mainly on the areas of anti-corruption and health, but they are generally insufficient and scarcely sustainable.

Impacts of German and European project work

In Nigeria, the German Government is advocating for women’s rights and contributing to reform of the police apparatus. Specifically, in 2021, Germany supported a project by PLAC, a Nigerian NGO, to increase women’s participation in Nigeria’s political landscape. During meetings of the relevant parliamentary committees, Nigerian experts contributed ideas and introduced a bill to parliament that provides for the introduction of gender-based quotas for the first time. Since 2021, Germany has also been advocating for human rights to be respected as part of the police reforms under way in Nigeria. To this end, German experts worked together with representatives of the Nigerian police to develop a new curriculum that places awareness of and

compliance with human rights standards at the centre of police officers’ training in order to forestall police violence.

North Korea (Democratic People's Republic of Korea)

Developments in the human rights situation during the reference period

North Korea has sealed itself off almost completely since the COVID-19 pandemic began, and employees of international organisations have left the country. Reliable independent information about the situation in the country is therefore very difficult to obtain. According to the information available, severe and systematic human rights violations, among them politically motivated trials, arbitrary arrests, forced labour, extrajudicial killings and torture, remain widespread in North Korea. The number of internees in detention and re-education camps is likely still to be at least in the high tens of thousands and

probably much higher. The UN Special Rapporteur on the situation of human rights in North Korea, Tomás Ojea Quintana, was denied access to the country during his entire term (2016-2022). In his final report in March 2022, he noted a further deterioration of the human rights situation in North Korea during his time in the post. Since assuming the position of EU Special Representative for Human Rights in 2019, Eamon Gilmore has not been granted the opportunity to visit the country either. The number of North Korean defectors and refugees fell sharply during the reference period in light of the COVID-19 restrictions.

Implementation of human rights commitments and policy

Severe violations of civil, political and social rights are systemic in North Korea. Even though North Korea has ratified four of the nine key UN human rights agreements, human rights are systematically disregarded. The 2014 report of the

UN Commission of Inquiry considered it established that crimes against humanity were being committed in North Korea. There are no signs of this situation having improved.

Impacts of German and European project work

To date, the bilateral human rights dialogue agreed in 2001 has not materialised, as a result of North Korea's decisions. The German Government has provided around €9 million since 2012 to support humanitarian assistance projects in the country. After the German Embassy in Pyongyang was closed indefinitely on 9 March 2020, those commitments had to be suspended. In 2023, the German Government is supporting a project to document human rights violations in North Korean prisons.

The EU is actively committed to the cause of human rights in North Korea and since 2003 has repeatedly introduced resolutions on the human rights situation in North Korea in the Human Rights Council in Geneva and in the Third Committee of the General Assembly. This has led to the creation of the office of UN Special Rapporteur on the situation of human rights in North Korea, among other measures. Two individuals

and one entity have been listed under the EU human rights sanctions regime for their role in human rights violations in North Korea.

Philippines

Developments in the human rights situation during the reference period

The human rights situation deteriorated significantly during the tenure of President Rodrigo Duterte. Thousands of people lost their lives to extrajudicial killings in connection with the government's anti-drug campaign or following accusations of support for the Communist party, which is listed as a terrorist organisation. In 2021, the International Criminal Court opened investigations into possible crimes against humanity during the "war on drugs".

NGOs and critical media are vilified and threatened. Impunity is an additional problem, as the justice system is in need of reform.

Widespread poverty is undermining economic and social rights. The climate crisis has been encroaching upon the rights to food and clean drinking water, especially for indigenous peoples.

When President Ferdinand Marcos Jr. took office in late June 2022, it was announced that the fight against drug-related crime would focus more on prevention and prosecutions for organised crime, and that extrajudicial killings would be investigated more thoroughly.



Support from the Federal Foreign Office enables @ideals.org.ph to offer free education and legal advice to marginalised groups in the Philippines. © Miguel de Guzman, IDEALS

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, the government places pressure on its critics. On

paper, national human rights legislation is comprehensive, and the Philippines has ratified the most important human rights agreements.

In the context of new technologies, human rights are particularly compromised by restrictions on freedom of expression in the digital realm. The Cybercrime Prevention Act is applied to critical journalists.

Impacts of German and European project work

The German Government engages in active dialogue on human rights issues with government and civil society, participates in observation of legal proceedings and engages in shelter programmes on behalf of threatened human rights defenders. In 2021, for example, support was provided for the production of 18 radio programmes supplying information on legal assistance to victims of human rights violations as well as for legal advice services to over 500 individuals. As part of a children's rights project, 200 people were provided with training, and informational

The Philippines is considered a hub for the sexual exploitation of minors. Domestic violence against women and girls is widespread. Abortion is punishable by law.

materials were distributed to 1500 people. The activist Cristina Palabay was awarded the Franco-German Prize for Human Rights and the Rule of Law in 2021.

The German Government is currently funding projects with objectives such as offering shelter programmes to journalists under threat, improving prison conditions, and protecting women and girls from sexual exploitation through economic alternatives.

Russia

Developments in the human rights situation during the reference period

The human rights situation in Russia deteriorated drastically across the board during the reference period. The poisoning and politically motivated imprisonment of the opposition politician Alexei Navalny, as well as the bans on the prominent human rights organisations Memorial Human Rights Centre and Memorial International, were only preliminary peaks of state repression. During the illegal war of aggression against Ukraine that began on 24 February 2022, the Russian Government has systematically and vigorously expanded its repressive campaign against civil society and human rights defenders.

The aim of the renewed intensification was to make the public and private spheres entirely subject to state control and propaganda, from the acquisition to the dissemination of information, and to suppress dissenting opinions. Thus, 138,000 websites were blocked as a result of the far-reaching internet censorship according to official figures (independent sources cite considerably higher figures). The ban also extended to Twitter and Facebook, which was classified as "extremist". The last media outlets unaffiliated with the government had to cease their operations in Russia. These included the *Novaya*

Gazeta newspaper, published by Nobel Peace Prize laureate Dmitry Muratov, the radio station *Ekho Moskvy* and the TV station TV Rain.

Disseminating unwelcome information that departs from the state line (so-called “fake news”) regarding the war of aggression against Ukraine, which is downplayed in Russia as a “special operation”, is punishable by at times severe prison sentences (up to 15 years). These penalties also apply to use of the term “war” or “discrediting the Russian military” in general. Freedom to demonstrate has effectively been abolished. Anyone who publicly takes an antiwar position or protests against the war faces imprisonment; there have been more than 15,000 arrests since the war began. To further discipline Russian citizens, the

government has also toughened the law on “foreign agents”. In future, “foreign influence” alone will suffice to earn someone this designation. Legal terms are defined so vaguely that judges, who are subordinate to the executive, reach politically compliant verdicts. A list of “persons associated with foreign agents” will also be collated in the near future. The number of NGOs listed as “undesirable organisations” has been steadily rising. In April 2022, all German political foundations, the German Research Foundation and other NGOs (including Amnesty International and Human Rights Watch) were forced to close their offices in Russia. Overall, the systematic curtailment of civil society’s freedom of action has led to a mass exodus of anti-government activists and human rights defenders from Russia.

Implementation of human rights commitments and policy

Russia has ratified seven of the nine key UN human rights agreements. Russia’s membership of the UN Human Rights Council was suspended as a result of the war of aggression against Ukraine. Russia’s membership of the Council of Europe was also suspended on 25 February 2022, and Russia was expelled from the Council of Europe on 16 March 2022. This suspension involved a six-month transitional period that ended on 16 September 2022, until which time Russia

remained a party to the European Convention on Human Rights (ECHR). Russia sought to avoid expulsion by pre-emptively withdrawing from the Council of Europe on 15 March 2022; since then, the country has not implemented any judgements of the European Court of Human Rights (ECtHR), in contravention of the ECHR. The death penalty has been under a moratorium since 2006.

Impacts of German and European project work

Given the repressive measures by the Russian state, it was only possible to support a few human rights projects during the reference period, including some run by the NGOs Memorial, As-treya and the Civic Assistance Committee. Nevertheless, considerable successes were achieved before the war began. Thanks to our support,

several thousand legal consultations were carried out, more than 150 lawyers and members of the judiciary received training, a precedent decision before the ECtHR on gender-based discrimination in the North Caucasus was reached, and women’s rights activists were trained and introduced to each other to counteract the sharp

increase in domestic violence in the wake of the COVID-19 pandemic, to name just a few examples. However, since the dissolution of Memorial, the beginning of Russia's war of aggression

against Ukraine and the intensified persecution of critical civil society, it has grown yet more difficult or even impossible to realise these projects without endangering the NGOs.

Saudi Arabia

Developments in the human rights situation during the reference period

Despite progress in various areas, fundamental deficits persist in Saudi Arabia, including the lack of political rights (especially freedom of expression, of assembly and of religion). The number of executions dropped sharply but temporarily in 2020 (27) and 2021 (67) (down from 184 in 2019 and 149 in 2018), but has already reached 122 for 2022. On 12 March 2022 alone, 81 people were executed in Saudi Arabia. Corporal and "compensatory punishments" (stoning, amputation of limbs, lashes) with their roots in Sharia law were no longer employed during the reference period.

The national Human Rights Commission (HRC) has the task of aligning Saudi Arabia's human rights protections with "international standards for human rights". By the end of 2023, it is intended to fulfil the Paris Principles defining a human rights institution independent of the government.

The number of arrests of activists under the very vaguely worded anti-terrorism legislation fell further during the reference period.

As the country has opened up socially and culturally, significant progress has been achieved regarding women's rights in recent years. The principle of male guardianship has been further diminished, most recently in family law.

Accusations of sexual harassment are consistently investigated. Bringing women into the labour market and promoting them to senior positions is government policy and is strongly advocated. Equal pay for men and women is guaranteed by law. Dress codes for women in public have been liberalised considerably, which is particularly noticeable in the cities. A reform of the system known as *kafala*, which exposes foreign guest workers to the risk of abuse, was also initiated during the reference period.

The influence of clerics with a rigid interpretation of Islam has been further contained. For years now, the state has pushed for a tolerant Islam and dialogue with other religions, a position that is now reflected in school and university curricula.

Implementation of human rights commitments and policy

Saudi Arabia is an absolute monarchy, and Sharia takes precedence over human rights under its constitution. A general Sharia proviso is placed on each of the UN agreements it has ratified. 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). The country was a member of the UN Human Rights Council until the end of 2019. Its repeat candidacy for the 2021-2023 term was unsuccessful.

Impacts of German and European project work

The German Government regularly raises human rights concerns with Saudi Arabia and makes diplomatic démarches, including on individual human rights cases. In recent years, there has been a trend towards the early release (on parole) of women's and human rights activists; since the beginning of 2022, NGOs have reported more

releases than arrests. Regular contact is also maintained with the HRC. In September 2021, the EU embarked upon a structured human rights dialogue with Saudi Arabia, which includes open discussion on progress to date and on the remaining challenges. It is slated to be held regularly on an annual basis.

South Sudan

Developments in the human rights situation during the reference period

The human rights situation in South Sudan remains cause for concern. In March 2022, the UN Commission on Human Rights in South Sudan denounced the vast scale of gender-based violence and "near-universal impunity". The toll of victims of sub-national violent conflicts remains high. Adolescents and children continue to be recruited by the conflict parties. Implementation of the 2018 peace agreement is proceeding very slowly; the unity government has resolved to extend the transition process by two years. Elections are therefore scheduled for December 2024.

During the reference period, the scope for civil society and public debate remained limited. Press representatives complain of restrictions on reporting. Extralegal detentions, including of press representatives, are carried out in part by the secret services, which in practice are not subject to judicial control. A formalised legal system is hardly present outside urban areas. There are instances of extralegal executions and torture. The LGBTIQ+ community is exposed to discrimination and criminalisation; however, there were no known convictions of LGBTIQ+ people during the reference period.

Approximately 8.9 million of South Sudan's 12.4 million inhabitants are affected by extreme food insecurity and rely on humanitarian assistance. Attacks on humanitarian assistance

workers are a regular phenomenon. 4.5 million South Sudanese people have been internally displaced or have fled to neighbouring countries.

Implementation of human rights commitments and policy

The South Sudanese Government often fails to meet its human rights obligations and pledges. It refuses to abolish the death penalty. Nationwide consultations on the establishment of a Truth and Reconciliation Commission have now been completed. No progress has yet been

made towards the establishment of the Hybrid Court, which is also provided for in the peace agreement and is intended to deal with the most serious human rights violations via the judicial process. Religious freedom is guaranteed.

Impacts of German and European project work

The focal points of Germany's project work in the domain of human rights include

- supporting the implementation of the peace agreement, e.g. by providing advice on the constitutional process and participating in UNMISS, the UN peace mission, as well as in the UN-led fund supporting projects that combine peacebuilding, stabilisation and structural development cooperation
 - promoting efforts to combat gender-based violence and empower women in the peace process, e.g. by supporting projects that promote women's political inclusion (e.g. workshops for women parliamentarians and peace committees)
 - reinforcing civil society, for example with a photography workshop for women journalists and a panel discussion on gender-based violence with 80 activists
- providing humanitarian assistance (Germany is one of the largest donors in South Sudan) and support for the water sector as well as agriculture within the framework of development cooperation, thus contributing to the realisation of the human rights to water and food

Sudan

Developments in the human rights situation during the reference period

After the ousting of long-term ruler Omar al-Bashir in April 2019, the Sudan made ample progress in human rights under a civilian-led transitional government until 2021. Freedom of expression and a flourishing civil society were possible again to a degree unseen for many years. Female genital mutilation (FGM) was criminalised and forms of corporal punishment abolished, among other welcome developments.

However, during the reference period overall, there were areas of significant deterioration. On 25 October 2021, the military forcibly seized

power. Regular anti-military protests were dispersed, sometimes violently. Over 100 people were killed and thousands injured. There were a number of instances of sexual violence by the security forces. In the countryside too, especially in Darfur, many people were killed or displaced in outbreaks of violence. The central government is unable to provide the public with adequate protection. Violations of civil liberties and deficiencies in regard to participation rights and freedom of opinion pose major challenges.

Implementation of human rights commitments and policy

The Sudan made progress through international cooperation in the period before the military coup. However, legislative changes in the area of human rights were not systematically implemented.

The presence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) continues to be tolerated. The UN human rights expert appointed in November 2021, Adama Dieng, was received twice in the Sudan during

the reference period and was able to fulfil his mandate. A resolution on OHCHR reporting was adopted by consensus in June 2022 with the Sudan's consent.

The Sudan has not implemented a cabinet decision of April 2021 to accede to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Since the military coup, all reform initiatives have been suspended.

Impacts of German and European project work

Germany is committed to a civilian-led, democratic Sudan under the rule of law with a strong civil society. Together with its partners, the German Government has

→ supported the drafting of proposals for a new constitution through workshops for civil society in Khartoum and the periphery

- promoted democratic capacity-building during the transition, in part through a symposium on the inclusion of young people in political parties
- supported women's inclusion via the Women's, Peace and Humanitarian Fund with a contribution of €2 million
- supported two training courses for journalists in order to strengthen the role of journalism in the democratisation process
- contributed six police officers and approximately €5 million for "good offices" mediation to UNITAMS, the UN's political transition assistance mission, and provided over €1 million to the OHCHR office

Syria

Developments in the human rights situation during the reference period

The Syrian regime, backed by Russia and Iran, has retaken much of the country from the armed opposition after more than eleven years of armed conflict. Assad's stated objective remains securing control over the entire national territory. The security situation remains volatile nationwide and the humanitarian situation is catastrophic, with 14.6 million people in Syria currently reliant on humanitarian assistance according to the UN. Seven million people are internally displaced. Despite slight improvements, the Syrian regime, especially, continues to grant insufficient humanitarian access.

The human rights situation did not improve during the reference period. According to the UN, there were massive human rights violations by

various players throughout the country: primarily the regime and its supporters, but also others including IS and other armed militias, stand accused of serious human rights violations and war crimes, including attacks on civilians, sexual violence, arbitrary and unlawful detention, torture, ill-treatment, enforced disappearances and killings of detainees. Amnesty decrees issued by the regime have so far not led to any significant releases.

During the reference period, human rights defenders were subject to severe reprisals, primarily on the part of the regime. The freedom of action available to civil society is extremely restricted nationwide.

Implementation of human rights commitments and policy

The Syrian regime obstructs any attempt to address human rights violations and to gather evidence for future criminal proceedings. Now as before, 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.

So far, criminal prosecution has only taken place abroad, notably in Germany, on the basis of the principle of universal jurisdiction. During the

Impacts of German and European project work

Germany and the EU staunchly condemn violations of international humanitarian law and human rights in Syria, not least within the framework of the UN. The German Government campaigns internationally for the criminal justice process to be enacted within the framework of existing mechanisms. With German support, the UN General Assembly in November 2021 also

reference period, the Koblenz Higher Regional Court sentenced two former regime officials, one to life and the other to several years in prison, for crimes against humanity; the Frankfurt am Main Higher Regional Court sentenced an IS fighter to life imprisonment for crimes including genocide. Further court proceedings are pending.

mandated a study on the creation of an international mechanism to investigate the fate of missing persons. The study was published in late August 2022. These efforts are complemented by projects inside and outside Syria that aim to determine what happened to victims and bring those responsible to justice.

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 implemented in practice. The human rights situation in Tajikistan further deteriorated during the reference period. 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 being persecuted; its activists and their lawyers have been sentenced to many years in prison or forced into exile. The situation of women has deteriorated further on the back of a return to so-called traditional values that has taken hold in society.

In the Badakhshan Mountainous Autonomous Region, the situation of the Pamiri minority has worsened. In November 2021 and May 2022, dozens of people were killed during unrest that was violently put down by the government.

Implementation of human rights commitments and policy

Tajikistan has ratified seven of the nine key UN human rights agreements (excluding the Convention on the Rights of Persons with Disabilities and 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.

Impacts of German and European project work

Bilaterally, human rights issues are addressed in various contexts, including political consultations (most recently in May 2022). 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. In addition, since January 2020, the Federal Foreign Office has been supporting the development of regional resilience to the effects of global climate change. The EU conducts an annual

human rights dialogue with Tajikistan. Through various projects, it also supports the protection of human rights and the advancement of democratisation and civil society. A substantial share of the projects commissioned by the Federal Ministry for Economic Cooperation and Development in the area of improved electricity supply and sustainable economic development focus on the Badakhshan Mountainous Autonomous Region and on improving the living conditions of the structurally disadvantaged Pamiris.

Turkey

Developments in the human rights situation during the reference period

The human rights situation in Turkey remains problematic in many areas. Although freedom of the press and freedom of expression are fundamental rights enshrined in the constitution, a

broad interpretation of anti-terrorism and criminal laws severely restricts the exercise of those rights. Politically relevant investigations and trials reveal the limits of judicial independence

and have an intimidating effect on large swathes of civil society. Law enforcement agencies have legal scope for robust action against critical voices and supposedly “provocative” content, in the digital realm as elsewhere. In 2022, Reporters Without Borders ranks Turkey 149th out of 180 on its World Press Freedom Index.

For years, the insufficient implementation of rulings from the European Court of Human Rights (ECtHR) has drawn criticism. Since December 2021, the Council of Europe has been conducting infringement proceedings against Turkey for failing to abide by the relevant ECtHR judgement in the case of Osman Kavala. Other ECtHR rulings continue to be inadequately implemented by Turkey.

Implementation of human rights commitments and policy

Turkey has ratified eight of the nine key UN human rights agreements. With effect from 1 July 2021, Turkey withdrew from the Istanbul Convention on preventing and combating violence against women and domestic violence due to its alleged “normalisation of homosexuality”.

Impacts of German and European project work

Germany supports human rights projects in Turkey to promote freedom of the press, to strengthen the rule of law and to reinforce women’s rights and LGBTIQ+ rights, among other aims. During the reference period, more than 100 lawyers and more than ten NGOs took part in funded further-training courses. The missions abroad observe trials.

Women’s level of legal protection has hitherto remained unaffected by the withdrawal from the Istanbul Convention. To date, the national provisions for the protection of women have not been revised. However, women’s rights associations complain that impunity and insufficient implementation of the laws foster a social climate that tolerates domestic violence.

The free and open expression of sexual orientation and gender identity is not subject to any legal prohibitions in Turkey, but there is no legal protection against discrimination. Homophobic rhetoric in the media and politics is widespread. Demonstrations are banned.

Turkey has achieved a remarkable feat in admitting over four million refugees/migrants, although access to protection procedures should be further expanded.

A judicial reform which has been implemented in stages since October 2019 and the National Human Rights Action Plan presented in March 2021 have so far not contributed to redressing the fundamental injustices that exist.

Within the framework of development cooperation, Turkey receives support for the care of refugees. The EU also plays an active role, both in the realm of displacement and migration 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 continues to give cause for concern and deteriorated further, by and large, during the pandemic and after Serdar Berdimuhamedow took power in March 2022. Efforts to consolidate the legal and institutional framework since 2015 – including work towards gender equality, anti-human trafficking measures, the 2016 revision of the constitution and the creation of an ombudsperson position – have not brought improvements in practice. In recent years, state control in all areas of political, economic and social life has been further ramped up. Checks by security services are ubiquitous and prevent unwelcome activities. Independent civil-society activities do not take place. The fate of the now more than 160 people who have 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.

Economic hardship and a lack of prospects lead people to emigrate, primarily to Turkey and Russia. Forced labour occurs particularly in connection with the cotton harvest. In contradiction to the general principle of equality that applies according to the constitution, discrimination against women is further increasing amid invocations of "Turkmen tradition". Women are reduced to conservative gender roles, and this has escalated since the new president came to power. 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. Human rights are raised in the human rights dialogue with the EU and at other opportunities.

Impacts of German and European project work

The EU is supporting Turkmenistan through, for example, a project furthering the evolution of the administration in regard to human rights (2016-2021). Turkmenistan was also included in the new phase of the EU's Central Asia Rule of Law Programme, which supports participating

countries in reforming national legal systems, state institutions and justice systems. Among other accomplishments, more than 50 members of the judiciary have received training on combating economic crime.

Bilateral forums in which human rights are addressed include political consultations. Alongside like-minded partners, Germany is continuing to push for the implementation of the president's pledge to allow prison visits. Since January 2020, through the Green Central Asia Initiative, the Federal Foreign Office has been supporting the development of regional resilience to the

effects of global climate change. In the context of regional cooperation, the Federal Ministry for Economic Cooperation and Development involves Turkmenistan in projects to promote the rule of law and, in the field of climate action, to use Central Asia's land resources and develop a climate risk management system.

Ukraine, including territories controlled by Russia

Developments in the human rights situation during the reference period

In 2021, the human rights situation in Ukraine steadily improved; this included improvements in areas such as freedom of assembly, the protection of minorities (e.g. LGBTIQ+ people) and women's rights in the labour market. Welfare benefits also improved for people in those parts of the country not controlled by the Ukrainian Government.

The violence in the context of Russia's war of aggression may well comprise, next to the genocide in the Balkans, the worst human rights crimes in Europe since the collapse of the Soviet Union. During the failed Russian attack on Kyiv, for example, civilians were killed and tortured in temporarily occupied suburbs (including Bucha and Irpin). In Mariupol, several thousand civilians were killed. War crimes and human rights violations – including the existence of (mass) graves containing victims as well as torture facilities – were also reported from the areas recaptured during the Ukrainian counter-offensive in the Kharkiv region (including the town of Izyum). According to the UN High Commissioner for Human Rights, Ukrainian politicians and activists are being strategically abducted in the

newly occupied parts of the country. Ukrainians are prevented by Russia from fleeing to government-controlled parts of the country; large numbers of them pass through so-called “filtration camps”, where people are detained and sometimes mistreated according to eyewitness reports. Ukraine and many of its partners see signs that Ukrainians have been strategically deported to Russia; these deportees are alleged to include children. The frequency of conflict-related sexual violence has risen sharply.

Civilian infrastructure has been completely destroyed in many places, and the basic provision of water, food and healthcare is no longer guaranteed in some places. There are currently around 6.7 million internally displaced persons in Ukraine; since the beginning of the war, about 11.5 million people have crossed the border from Ukraine into neighbouring countries, and some 4.1 million have applied for temporary protection in EU member states, Switzerland, Iceland or Norway.



Annalena Baerbock, Federal Minister for Foreign Affairs, visits the city of Bucha, Ukraine. Baerbock was the first German Government representative to travel to Ukraine following Russia's illegal invasion of the country (2022). © picture alliance / phothothek | Florian Gaertner

Implementation of human rights commitments and policy

Ukraine is a party to core UN human rights agreements. Its institutions for protecting human rights, such as the ombudsperson, remain in operation. In June 2022, Ukraine ratified the Istanbul Convention on preventing and combating violence against women and domestic violence.

Freedom of the press has been restricted by martial law only in relation to military movements of the Ukrainian armed forces. In principle, as part of the general mobilisation, Ukrainian men over the age of majority and under 60 are no longer permitted to leave the country.

Impacts of German and European project work

Immediately after the Russian invasion of Ukraine, Germany quickly and flexibly provided up to €440 million for humanitarian assistance in Ukraine and neighbouring countries as well

as €26 million for international disaster relief, making it the second largest donor after the United States. The funds are deliberately paid to international organisations in order to achieve a

broader impact in conjunction with other donors and to enable aid to be implemented as quickly and effectively as possible. At the same time, numerous NGOs have also been granted funding. €370 million of the €440 million have already been largely disbursed (e.g. to the WFP, UNHCR, ICRC, IOM, UNICEF, the German Red Cross, several NGOs and the UN Ukraine Humanitarian Fund). Among other things, this money has been used to care for refugees and internally displaced persons, provide medical and psychosocial assistance, distribute food parcels, and build water and sanitation facilities. Germany is providing a further €60 million from this package for winter relief (including UNHCR, IOM, WFP, the German Red Cross and UNICEF). By the end of the year, the UN and its partners aim to provide 300,000 people with blankets and mattresses, distribute winter clothing, provide 75,000 households with heaters and 50,000 more households with solid fuels such as coal. In addition, communal accommodation centres for 40,000 people are to be winterised and 18,000 homes are to be insulated.

Prosecutions for the most grievous human rights violations are being supported by means of €1 million in voluntary additional contributions to the International Criminal Court, funding to the UN Human Rights Monitoring Mission (for 2022, the usual annual contribution is being tripled to €1.5 million) and the donation of forensic and forensic-medical equipment to Ukrainian investigative authorities. Germany supports the work of Pramila Patten, the UN Secretary-General's Special Representative on Sexual Violence in Conflict, both politically and financially (€500,000 earmarked for Ukraine). In addition, the Federal Foreign Office is supporting SEMA Ukraine, a network of survivors of conflict-related sexual violence, via the Mukwege Foundation, providing roughly €300,000 in 2022 alone.

In addition, Germany is using various instruments to support people in Ukraine as well as refugees in neighbouring countries, especially women, children and older people – for example through basic services, reconstruction of infrastructure, housing and psychosocial services.

Venezuela

Developments in the human rights situation

The human rights situation in Venezuela remains difficult. Malnutrition, insufficient water and electricity, poverty and inadequate healthcare are widespread issues. As well as social and economic human rights, political and civil rights are violated in Venezuela, especially through surveillance, political detention, human trafficking and extrajudicial executions. Geographically, there is a focus on the Arco Minero, the mining region in the south of the country, where exploitation in the

form of modern slavery (affecting approximately 174,000 people), murders by armed groups, environmental destruction and poverty run rampant. Freedom of expression is also severely impaired. In regard to women's rights, the high rate of teenage pregnancies and the very high maternal mortality in some regions must be emphasised.

Implementation of human rights commitments

The Maduro government commits and tolerates extensive human rights violations, but has been taking a less aggressive stance, especially since 2021, and is trying to cooperate in some areas, in part to improve its international reputation. In the south of the country, many violations are committed by armed groups, some of which are in cooperation with government security forces. In addition, some members of government circles are profiting from the exploitative conditions in the region's mines. Human rights violations also take place regularly along migration routes. The State Telecommunications

Commission continues to practise censorship, some opposition media are inaccessible online as well as offline, and television programming is subject to checks. The rights to basic services and housing cannot be satisfactorily guaranteed by the government, partly as a result of the economic emergency it has helped to create. Nevertheless, as a result of the above strategy, there has been a reduction in the number of documented violations of freedom of opinion, for example, alongside a moderate easing of the economic situation. These developments have, in part, tempered the deterioration in human rights.

Impacts of German and European project work

Germany's project work in the realm of human rights focuses on strengthening civil society, e.g. through civic education and formats for dialogue, with emphasis on the media, women's rights and anti-discrimination work. Germany is also funding the training of mediators and the documentation of human rights violations to support a potential democratic transition. Capacity-building for leaders in NGOs or social

organisations is also being provided in various states around the country. Funding has been provided, for example, for the preparation of quarterly reports on the situation of justice and freedom of opinion, and for certificated training on human rights for 350 participants. In 2021, 68 journalists were trained in three states. In 2022, prevention projects in the Arco Minero are a priority.

Yemen

Developments in the human rights situation during the reference period

The human rights situation in Yemen has been deteriorating continuously since the conflict between the Yemeni Government and the Huthi rebels began in 2015. All parties to the conflict stand accused of serious violations of international law and human rights: using cluster

munitions or anti-personnel mines (mainly the Huthis); destroying hospitals and schools; destroying economic infrastructure and cultural assets; recruiting child soldiers (mainly the Huthis); obstructing humanitarian access; detaining political opponents; restricting press freedom,

freedom of opinion and freedom of movement; persecuting religious minorities; killing civilians; and obstructing the work of human rights defenders. Due to a ceasefire in force since the beginning of April 2022 and extended several times, there have recently been significantly fewer violations of international humanitarian law. However, the overall situation remains critical due to the catastrophic humanitarian and economic situation. Currently, about 24 million people – more than 80% of the population – are in need of humanitarian assistance, and more than three million people have been internally displaced.

The legal and social situation of women in Yemen remains deeply unsatisfactory. Women's political representation varies. They are represented on many committees on the government side; no findings are available for the Huthi-controlled areas. The greatest problem is day-to-day discrimination within what is a religious tribal society in the north. Fewer than 60% of girls attend school, a contributing factor in one of the highest illiteracy rates in the world (about 70%). Female genital mutilation is outlawed, but remains widespread in parts of the country. Child marriage remains a problem. During the fighting, the number of instances of rape and violence against women and girls rose sharply.

Implementation of human rights commitments and policy

Yemen has pledged its commitment to the UN Charter and Universal Declaration of Human Rights; the country has ratified seven of the nine key UN human rights agreements. Implementation remains very inadequate, which is in part due to the government's lack of influence. Less than 30% of the population lives in areas outside Huthi control. Even in those areas, effective control by the internationally recognised government (IRG) is either non-existent or only partial.

The relationship between the IRG and the UN Human Rights Council is not free of conflict. The mandate of the UN Group of Eminent International and Regional Experts on Yemen (GEE), established in 2017, was not extended in 2021 because the IRG, Saudi Arabia and the United Arab Emirates accused the group of bias and the required majority could not be reached to extend the mandate.

Impacts of German and European project work

The German Government and the EU are committed to ending and redressing human rights violations as part of a political solution to the conflict in Yemen. This includes diplomatic efforts on the ground and vis-à-vis all parties to the conflict, as well as support through development cooperation and discussion of Yemen in UN bodies. The German Government is supporting a project by Mwatana, an NGO, to document

human rights violations against women. The project has trained 38 people in the country as human rights observers; in nine governorates, a total of 50 violations have been documented on both sides of the conflict. Germany regularly supports the OHCHR office in Yemen financially from its voluntary contribution to the OHCHR. The most recent support from project funds amounted to €1.2 million.

Zimbabwe

Developments in the human rights situation during the reference period

The human rights situation in Zimbabwe deteriorated further during the reference period in regard to the key parameters. The Zimbabwean Government initially used the COVID-19 pandemic as a pretext for introducing sweeping restrictions on civil liberties, such as freedom of assembly. For some time now, the government has also been pushing through bills aimed at restricting the activities of NGOs and the professional activities of media representatives, in light of the 2023 elections. A law authorising extensive monitoring of data traffic had already been passed by the end of the reference period.

The government's economic policy, which has been largely unsuccessful for years, prevents broad sections of the population from exercising their economic, social and cultural rights. According to the Zimbabwean Government, sanctions imposed by Western countries have prevented the country's economic recovery. Zimbabwean schools were closed for about half of the reference period, without compelling medical necessity always being apparent given COVID-19 case rates. State schools did not provide alternative schooling to a sufficient extent during this period.

Implementation of human rights commitments and policy

Zimbabwe underwent the UN Human Rights Council's Universal Periodic Review during the reference period. Germany's recommendations to Zimbabwe had included protecting civil and political liberties, passing legislation consistent with human rights and adequately funding the country's Human Rights Commission and other bodies. In this instance, Zimbabwe attributed the restrictions on civil liberties primarily to the pandemic-related restrictions required to protect public health. Like the National Peace and

Reconciliation Commission, the Human Rights Commission provided for in the constitution is considerably underfunded and suffers from organisational and conceptual shortcomings. Both Commissions have so far failed to make significant progress within their respective remits.

During the reference period, Zimbabwe ratified the African Charter on Democracy, Elections and Good Governance, which it had already signed in 2018.

Impacts of German and European project work

Bilateral development cooperation with Zimbabwe was put on ice in 2002. Germany's project work in the realm of human rights focuses on the issues of women's rights, municipal water supply and governance (anti-corruption efforts;

good financial governance). In the area of women's rights, one focus is on preventing violence against women. In addition, a workshop with international participation on the subject of combating corruption was held in partnership

with the U4 Anti-Corruption Centre. Since early 2022, Germany has been supporting a project to safeguard and strengthen democratic rights (such as voting rights) in light of next year's elections. European project work is also concentrating on gender, governance and democratic freedoms alongside a focus on health.

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