

Report on visit to Germany

24th April and 4 to 8 May 2015

Positives



Institutional and legal framework for the protection and promotion of human rights

- » Most international treaties on human rights ratified
- » Legal basis given to the German Institute for Human Rights (GIHR)
- » General framework for the democratic oversight of intelligence and security services

Human rights of immigrants, asylum seekers and refugees

- » Very considerable efforts made in the field of asylum in recent years
- » Measures taken since 2013 to help refugees from Syria
- » Increased resources to the Federal Office for Migration and Refugees
- » Speedy procedures for prioritised asylum seekers
- » Improved access to job market and free movement for refugees
- » Overall good living conditions in reception centres; professional staff and supportive population
- » Persons awaiting expulsion no longer detained in prisons

The fight against racism and intolerance

- » Racist motivation added to the Criminal Code as an aggravating circumstance
- » Improved response to right-wing extremism

Concerns



Institutional and legal framework for the protection and promotion of human rights

- » Weak Federal Anti-Discrimination Agency
- » Under-resourced and under-staffed National Agency for the Prevention of Torture
- » Lack of independent police complaints mechanism
- » Fragmented oversight of security activities
- » Lack of resources and technical expertise of the oversight bodies
- » Absence of effective remedies to challenge surveillance measures

Human rights of immigrants, asylum seekers and refugees

- » Long delays in registering and processing asylum applications
- » Difficult access to health care in a number of Länder
- » Inadequate support of vulnerable asylum-seekers
- » Cases of ill-treatment in reception centres
- » Resettled people lack full-fledged refugee status
- » Difficult access to family reunification

The fight against racism and intolerance

- » Racism & intolerance on the rise
- » Narrow approach to combating racism
- » Structural bias towards minorities among the police and prosecuting authorities

Recommendations

Institutional and legal framework for the protection and promotion of human rights

- » Ratify the Revised European Social Charter; the Convention on Preventing and Combating Violence against Women and Domestic violence; Protocol No. 12 to the European Convention on Human Rights on the general prohibition of discrimination; the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Optional Protocol to the international Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- » Increase the powers of the GIHR
- » Extend the mandate of the Federal Anti-Discrimination Agency
- » Increase the financial & human resources of the National Agency for the Prevention of Torture
- » Establish a fully independent mechanism able to process complaints against law enforcement officials
- » Ensure that surveillance activities comply with human rights
- » Strengthen legal framework and oversight of all surveillance activities, including those carried out in co-operation with foreign services
- » Strengthen support staff and technical expertise of the oversight bodies
- » Clarify surveillance over non-German citizens abroad

Human rights of immigrants, asylum seekers and refugees

- » Increase support for the efforts of Länder & municipalities in receiving asylum seekers & refugees
- » Develop nationwide obligatory minimum standards for reception
- » Ease requirement to allow family reunification & increase legal avenues to find protection
- » Investigate all allegations of ill-treatment of asylum seekers
- » Increase refugee resettlement quota
- » Improve asylum seekers' access to health care and integration of refugees & beneficiaries of international protection
- » Promote an overhaul of the Dublin Regulation

The fight against racism and intolerance

- » Broaden approach to combating racism by not limiting it to extremist groups
- » Condemn firmly & unequivocally all instances of hate speech & hate crime
- » Abstain from using rhetoric that stigmatises particular groups of the population
- » Address the issue of racial profiling by the police and ensure effective legal protection for victims of discrimination by public authorities
- » Provide formal guidance and training to police, prosecutors & judges on hate crimes
- » Improve recording of hate crimes