

GERMANY
Advance written questions to States under Review (SuR)
Session 2: 5 – 19 May 2008

SuR	ISSUES	QUESTIONS
Gabon	Women's rights	It appears from para 13 of the compilation prepared by OHCHR (A/HRC/WG.6/2/GAB/2) that the Human Rights Committee and CEDAW recommended that Gabon review its legislation to modify or eliminate customs and cultural and traditional practices that discriminate women. An area of particular concern related to this issue is the ongoing practice of polygamy in Gabon, para 14. Which concrete legislative and other measures does the Gabon Government envisage to take fight discrimination of women and to put an end to the practice of polygamy?
	Freedom of opinion and expression	It appears from paras 27 and 28 of the compilation prepared by OHCHR (A/HRC/WG.6/2/GAB/2) that the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Arbitrary Detention sent communications to the Gabon Government concerning the arrest and detention of journalists in Gabon. Which concrete measures is the Gabon Government taking to guarantee the right of freedom of opinion and expression?
Ghana	Trafficking in persons	It appears from the compilation prepared by OHCHR (A/HRC/WG.6/2/GHA/2), para. 18, as well as from the submissions made by stakeholders, paras.16-17, that trafficking in persons, in particular child trafficking remains a serious issue of concern. The necessary legislation has been provided with the "Human Trafficking Act" of 2005. How can the implementation of the Human Trafficking Act be improved in order to better address and fight the issue of human trafficking?
	Natural Resources	The stakeholders' submission provides the information that human rights are severely affected by large-scale mining operations, paras. 33-37, especially as among the consequences of those operations were forced evictions, loss of access to safe drinking water or access to farm land. What measures is the Ghanese Government prepared to take to protect the rights, including the Economic, social and cultural rights, of those affected by large scale mining?
Peru	NONE	
Guatemala	Cooperation with the OHCHR	The Office of the High Commissioner in Guatemala has been reopened in October 2005. How does your Government evaluate the results of its activities? What are the achievements and where do you see necessity for improvements in cooperation between the Office and the institutions of Guatemala?
	Human Rights Defenders	The Special Representative of the United Nations for the Situation of Human Rights Defenders, Mr. Hina Jilana, visited Guatemala on 18-20 February 2008 and held talks with your Government, the judiciary, parliamentary institutions and non-governmental organisations. Mrs. Jilani concluded that your country is facing important challenges in the field of combating poverty, violence, organised crime, impunity and that the overall situation has contributed dramatically to the worsening of the situation of human rights defenders. She addressed a list of recommendations to your authorities. Could you specify if your government has already put in practice some of the Special Representative's recommendations and/or

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	Women's rights	On 8 March 2005, a Special Commission for the Investigation on Femicide in Guatemala was established, chaired by the Minister of Women's Affairs, in order to face the dramatically growing fate of more and more women in Guatemala who become victims of sexual abuse and homicide. Could you inform the Council on any concrete results of the Commission's activities including recommendations which have been taken up by your government? Based on the fact, that domestic violence is responsible for many of the crimes committed against women, and that the penal code in Guatemala does not define violence against women in the family, including marital rape, and sexual harassment as a criminal offence, does your Government intend to propose modifying legislation in order to offer efficient protection to women? Moreover, does the Government intend to initiate the collection of data on the indigenous (ethnic) status for investigation purposes, as it appears that a considerable number of indigenous women are affected by this phenomenon? Does your Government intend to launch special programs to assist and support indigenous women who are especially threatened to become victims of sexual violence?
Benin		NONE
South Korea		NONE
Switzerland	Suicide	Para. 29 of the OHCHR's compilation (A/HRC/WG.6/2/CHE/2), referring to concerns of CRC, and para. 24 of the summary of stakeholder's submissions (A/HRC/WG.6/2/CHE/3), referring to information provided by the NGO "Stop Suicide", point to the relatively high number of juvenile suicides in Switzerland. According to "Stop Suicide", « il n'existe en Suisse ni programme ni objectif fédéral de prévention de suicide ». What measures is the Swiss government taking at both federal and local level to address this problem ?
Pakistan	Women's rights	With regard to part B 1 and 2 of the OHCHR's compilation (A/HRC/WG.6/2/PAK/2) Germany notes the concerns expressed by CEDAW, but also by CERD, on the discrimination against women which still persists in a number of Pakistani laws. It also notes the various cases reported on violence against women inter alia by the Special Rapporteur on extra-judicial, summary or arbitrary executions. CEDAW also called for prompt action to counteract the influence of non-State actors which undermine women's enjoyment of their human rights. Which measures does the Pakistani government envisage to protect women from all sorts of violence and to fully implement its obligations under CEDAW and CERD with

	Minorities	With regard to para 33 of the stakeholders submission (A/HRC/WG.6/2/PAK3), several non-governmental organizations express their concern with regard to situation of minorities in Pakistan. According to the Asian Centre for human rights (ACHR), quoted in this para 33, religious minorities face discrimination by the State and non-State actors. For the recent elections to the National and Provincial Assemblies, members of the Ahmadi community were obliged to register in a separate voter registry - singling them out from all other religious communities in Pakistan, which led to a boycott of elections by Ahmadis. How does Pakistan envisage to provide equal opportunity to all its citizens to exercise and enjoy their civil rights? Furthermore, which measures is the Pakistani Government taking to effectively protect minorities, including religious minorities, in the country, especially against all forms of violence and discrimination, and how are the Economic, Social and Cultural Rights of minorities guaranteed ?
	Prison conditions	Non-governmental organizations express their concern at the situation in Pakistani prisons, in particular regarding the lack of adequate facilities for female detainees (and their children) as well as juvenile detainees, the condition of "under-trial prisoners" (UTP), the quality of medical facilities and the problem of overcrowding (according to the Pakistani Ministry of Interior, overcrowding amounted to a country-wide average of 133% in June 2007). What measures is the government of Pakistan taking to protect the rights of prisoners?
	Incitation to hatred	Some observers have expressed concern at Jum'a (Friday) Sermons in some Pakistani mosques inciting to hatred and violence against various groups inside and outside of Pakistan. Which measures does the Government take to ensure Pakistani law banning this kind of incitement is effectively and universally respected in the country?
Zambia	International Instruments	There are still a number of core human rights treaties to which Zambia has not yet become party, in particular ICCPR-OP 2, OP-CEDAW, OP-CAT, OP-CRC-AC, OP-CRC-SC. It appears from the compilation prepared by OHCHR (A/HRC/WG.6/2/ZMB/2), para 34, that the Zambian Government is willing to accelerate the process of signing the two optional protocols to the CRC and OP-CEDAW -- which is to be welcomed. When exactly will signing and ratification take place and which concrete measures are envisaged to be taken to better incorporate the provisions of CEDAW, CAT and CERD into domestic legislation?
	Poverty	It also appears from the compilation prepared by OHCHR (A/HRC/WG.6/2/ZMB/2), para 25, that CESCR was deeply concerned that extreme poverty in Zambia has negatively affected the enjoyment of economic, social and cultural rights especially by the most disadvantaged and marginalized groups, including girl children and those affected by HIV. What measures envisages the Zambian Government to take to improve the situation of these most disadvantaged groups?
Japan	NONE	
Ukraine	Ombudsman	With regard to para. 5 of the OHCHR's compilation (A/HRC/WG.6/2/UKR//2) Germany notes the concerns expressed by the CESCR, but also by CAT and CERD, on the Ukrainian Parliament Commissioner for Human Rights' (National Ombudsman Institution) reported lack of independence and its ineffectiveness in defending economic, social and cultural rights. Which measures did Ukraine implement to ensure the independence of the Ombudsman? And which measures did Ukraine take to

		widen public access, including by minority groups, to the Commissioner's Office at the regional, district and municipal levels?
	Racism, Racial discrimination	With regard to para. 11 of the OHCHR's compilation (A/HRC/WG.6/2/UKR/2), several treaty bodies (HR Committee, CERD, CAT) as well as the Special Rapporteur on freedom of opinion and expression noted with concern racial and ethnic hatred, problems of anti-Semitism as well as violent acts of racial discrimination and xenophobia. Ukraine informed CERD and also in its national report about the implementation of systematic measures to promote tolerance and actively counteract any manifestation of racial or religious hatred. Apart from the creation of governmental structures to combat these phenomena, in what way does Ukraine ensure that these acts are investigated and prosecuted quickly and that also the General Prosecutor's Office is involved in these measures?
Sri Lanka		Germany deeply regrets the Sri Lankan Government's decision to abrogate the ceasefire agreement concluded with the LTTE in 2002 as well as the decision to terminate the Sri Lanka Monitoring Mission (IIGEP) by the end of March 2008. Which concrete measures does the Government of Sri Lanka intend to take to compensate for the void created by these developments in terms of monitoring and effectively addressing human rights violations committed in the wake of ongoing civil war hostilities and in anti-terror strategies ?
	National Human Rights Institution	With regard to chapter I, number 3 of the OHCHR's compilation (A/HRC/WG.6/2/LKA/2) Germany notes the regret expressed by the Special Rapporteur on torture on the decision by the sub-committee on accreditation of the International Coordinating Committee (ICC) of National Human Rights Institutions to downgrade the status of Sri Lanka's National Human Rights Commission NHRC (from "A" to "B" status) resulting inter alia in a loss of the right to participate in the Human Rights Council (HRC) and other HR fora: What is being done to restore the credibility of the Sri Lankan domestic institutions for the protection and enforcement of human rights ?
	Cooperation with the OHCHR	With regard to chapter II, number 3 of the OHCHR compilation (A/HRC/WG.6/2/LKA/2) Germany takes note of the ongoing efforts of the OHCHR to explore ways to reinforce its presence in the country. Is the Government of Sri Lanka prepared to reconsider its position to accept UN human rights monitors/ an independent office of the OHCHR on the ground as essential prerequisites to better address the deteriorating human rights situation and to support Sri Lanka in fulfilling its treaty obligations to protect the civilian population from human rights violations and to put an end to the culture of impunity for the perpetrators of HR violations?
France	Torture	With regard to para. 21 of the OHCHR's compilation (A/HRC/WG.6/1/FRA/1/2) Germany notes the concerns expressed by both CAT and the HR Committee in view of the system of discretionary prosecution for alleged acts of torture or ill-treatment in which police officers are implicated. Does France share the view of the HR Committee that this may result in virtual impunity? Which measures does France undertake in this regard in order to ensure full compatibility with its obligations under article 12 of the ICCPR?
	Minorities	It appears from para. 35 of the compilation that several treaty-based committees (HR Committee, CECSR, CRC and CERD) as well as the Independent Expert on minority issues have voiced concerns

	Minorities	It appears from para. 35 of the compilation that several treaty-based committees (HR Committee, CECSR, CRC and CERD) as well as the Independent Expert on minority issues have voiced concerns regarding both the French concept of minority rights and the related practice. In view of the fact that the French UPR report does not contain a section on minority rights, Germany would like to know how France is addressing the above concerns.
Tonga		NONE
Romania	Minorities	With regard to paras. 6 - 9 of the OHCHR's compilation (A/HRC/WG.6/2/ROU/2) Germany notes the concerns expressed by several treaty bodies (CRC, CEDAW, HRC) and Special Rapporteurs on the situation of Roma, especially women and children. Which measures did Romania implement or does Romania intend to implement to combat discrimination against Roma and to ensure the full enjoyment of rights of Roma people in Romania?
Mali	Women's rights	With regard to part 9, 1 of the compilation prepared by OHCHR (A/HRC/WG.6/2/MLI/2), Germany notes with concern that despite efforts made in strengthening the human rights protection for women according to UNICEF women continue to be the object of persistent discrimination, violence and marginalization. What measures are envisaged to be taken by the Mali Government to improve this situation ?
	National Human Rights Institution	Germany notes with appreciation the high number of human rights conventions ratified by Mali and the policy measures designed to improve the human rights situation in the country. Among them is the recent