

ADVANCE QUESTIONS TO GERMANY

CZECH REPUBLIC

- How far is the process of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that Germany signed in 2006?
- What specific measures are available in Germany to protect the rights of children of detainees/prisoners? How is ensured consistency between policies towards babies/children accompanying their parents in prison on federal and state levels?

LIECHTENSTEIN

- In 2004, the United Nations Committee on the Rights of the Child (CRC) expressed concern at the increasing number of street children in Germany, as well as the high percentage of foreign children among them. CRC called upon Germany to ensure that street children are provided with adequate food, clothing, housing, health care and educational opportunities, including vocational and life-skill training, in order to support their full development, and to ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse as well as services for reconciliation with their families. How did Germany follow up on this recommendation?
- Also in 2004, the United Nations Human Rights Committee noted the vulnerable situation of elderly persons placed in long-term care homes and recommended that Germany pursue its efforts to improve the situation of elderly persons in nursing homes. What measures have been taken to address this concern of the Human Rights Committee?

NETHERLANDS

- In August 2007 the German migration law has undergone several changes. Certain parties in parliament and Turkish interest groups have objected to the stringent requirements, as they consider these legally difficult and even discriminatory.
- Could Germany briefly comment on the occurred objections against the tightening up of this immigration law?
- An area of concern is the excessive use of force by police officers, with two cases in 2005 and 2006 resulting in death. Germany has recently ratified the Additional Protocol to the UN Convention Against Torture.
- Could Germany indicate what kind of measures it is considering to prevent police officers of using excessive force?

- The German media often reports on violent cases concerning homophobia. In August 2008 the memorial for persecuted homosexuals during the Nazi-regime was severely damaged.
- What measures will Germany take against these forms of hatred?
- The human rights infrastructure in Germany functions well. Improvements can be made though with respect to the visibility of the institutions that need to protect and advise victims who are looking for help and protection.
- Could Germany comment on this?
- All the rulings on Germany in 2008 by the European Court of Human Rights concern the length of the judicial procedure or the absence of a legal remedy.
- Could Germany indicate what possible actions/measures it is considering?

SWEDEN

- In its national report to the 2009 Universal Periodic Review, Germany outlined legislative procedures and other safeguards it has put in place to ensure that the protection of human rights is ensured in the country's efforts to counter terrorism. At the same time, multilateral bodies such as the Human Rights Committee in its latest review of Germany in 2004 and the Council of Europe, as well as civil society organisations, have expressed human rights concerns with regard to individual measures. One issue has centered on uncertainties regarding criteria for entering persons into the national joint counter-terrorism database as well as criteria for government authorities' access to the database. Another issue has been the concern over intrusions into the right to privacy as a result of searches by the police in private computer equipment, so-called Online-Durchsuchungen, an issue the German parliament is currently deliberating legislation on. Could the government of Germany elaborate on how these and other counter-terrorism measures are applied in accordance with its human rights obligations?
- Following his visit to Germany in 2006, the Special Rapporteur on the Right to Education expressed concern at the negative correlation between educational achievements and persons' background as immigrants. In its national report to the 2009 Universal Periodic Review, Germany acknowledged that some challenges remained in the integration of immigrants into German society, including with regard to education. Could the government of Germany elaborate on what measures it is taking to ensure the full and equitable enjoyment of the right to education for all persons regardless of background?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role civil society in Germany played in the preparation of your national report for this process?

- We would be grateful for further information about the steps Germany is taking to ensure that migrants who are victims of forced marriages, forced prostitution or human trafficking receive advice and protection from the authorities, within the framework of the Second Action Plan to combat violence against women.
- What impact has resulted from the introduction into law of a respite period of at least one month's residence for victims of human trafficking to recover from the experience and give an incentive to cooperate with prosecutions against traffickers?
- Are there any plans to extend the right of residence for victims of human trafficking beyond the limited period permitted for cooperation with criminal proceedings?
- We would be grateful for information about the steps that Germany is taking to ensure that women and girls with German residency who are forced to marry abroad have a right to return.
- Could you please provide an update on provisions that Germany is putting in place to improve access to education and health care for illegal immigrants, the undocumented and their children.
- Could you please elaborate on the existence of a national human rights institution in Germany and if it is in full compliance with the Paris Principles?
