German Institute for Human Rights

Third Review of Germany under the Universal Periodic Review (UPR) of the UN Human Rights Council

Annex to the written contribution by the German Institute for Human Rights

Recommendations of the German Institute for Human Rights on the occasion of the Third Review of Germany under the Universal Periodic Review (UPR) of the UN Human Rights Council 2018

(The numbering of the recommendations follows the section numbers used in the report. Reference is made in the endnotes to recommendations made by States during the second UPR cycle that relate to the recommendations made below by the Institute.)

On the occasion of the third review of Germany under the UPR, the German Institute for Human Rights makes the following recommendations:

I. Human rights in the context of displacement and migration

1. Ensure immediate family reunification for persons granted subsidiary protection status;[1]

3. Ensure without delay mandatory school attendance for children living in reception facilities;[2]

4. Further reduce discrimination against people with a migration background in the school system;[3]

II. Prohibition of discrimination

6. Ensure effective legal protection for people who have suffered discrimination, in particular by means of adequate time limits for bringing actions and granting associations and the Federal Anti-Discrimination Agency the right of action;[4]

7. Conduct an independent study into whether and how police work has changed at the national and federal state levels to ensure that the police acknowledges and appropriately investigates racially motivated crimes;[5]

8. Abolish or amend laws that foster the practice of racial profiling by the police and make the ban on racial discrimination a fixed component of basic training as well as further training for the police;[6]

III. Human rights and law enforcement bodies

11. Make it mandatory for police officers to wear badges enabling identification and establish independent police complaints bodies at the national and federal state levels;[7]

12. Conduct a human rights evaluation of the new powers allowing the preventive detention or restriction of liberty of people who are deemed “potential threats”;[8]

13. Reinforce and enhance instruments and methods for the effective monitoring of international forms of security cooperation;[9]

IV. Human rights education

14. Make explicit human rights education pursuant to the UN Declaration on Human Rights Education and Training a mandatory part of school curricula as well as basic and further training for teachers, and ensure its implementation;[10]

V. Rights of persons with disabilities

15. Conduct a fundamental review of the psychiatric system from a human rights perspective and in particular ensure the system is geared towards psychiatry without coercion;

16. Take effective measures to make it mandatory for private companies and institutions providing goods and services to the public to be accessible for persons with disabilities;[11]

17. Step up efforts to reduce unemployment among persons with disabilities and to make the labour market inclusive, including in particular an ongoing review of the effectiveness of the legal framework and relevant practices with respect to equal treatment and inclusion and making any necessary changes;[12]

VI. Business and human rights

18. Take ambitious measures towards the implementation of the first pillar (state duty to protect human rights) of the UN Guiding Principles on Business and Human Rights and apply human rights due diligence, first and foremost, in the State’s own economic activities, e.g. in the field of public procurement or with regard to state-owned/state-controlled enterprises;

VII. Rights of the child

19. Establish a statutory obligation for the nationwide establishment of external, independent complaints bodies for children and adolescents living in child and youth welfare institutions;

VIII. Gender-related violence

20. Ensure that the measures set out in the Federal Government's strategy for protecting women against violence in refugee accommodation facilities are enshrined in law and that sufficient financing is provided;

21. Swiftly develop an integrated human rights-based data collection and monitoring system on gender-based violence;

22. Implement the recommendation of the UN Committee on the Rights of Persons with Disabilities to develop a comprehensive and effective strategy to protect women and girls with disabilities against violence and to ensure that complaints about incidences of violence within institutions are processed by an independent body;[13]

IX. Human rights and Sustainable Development Goals

23. Systematically integrate human rights into Germany's National Sustainability Strategy and use the recommendations of UN human rights bodies as key indicators;

Annex: Recognition of international norm-setting[14]

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;[15]
- Ratify the Revised European Social Charter and its Additional Protocols;
- Ratify Additional Protocol No. 12 to the European Convention on Human Rights.[16]

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[1] Recommendation No. 197 (France)

[2] Recommendation No. 170 (Chile)

[3] Recommendation No. 116 (Djibouti)

[4] Recommendation No. 45 (Finland)

[5] Recommendations No. 33 (Tunisia) and No. 41 (Iran)

[6] Recommendations No. 77 (Ecuador), No. 110 (Malaysia) and No. 111 (India)

[7] Recommendations No. 127 (Botswana), No. 128 (Hungary) and No. 130 (Netherlands)

[8] Recommendations No. 198 (Mexico) and No. 199 (Pakistan)

[9] Ibid.

[10] Recommendation No. 169 (United Kingdom of Great Britain and Northern Ireland)

[11] Recommendation No. 175 (United States of America)

[12] Recommendation No. 173 (Peru)

[13] Recommendations No. 177 (Austria)

[14] The following recommendations relate to the background note (Annex 1).

[15] Recommendations No. 11 (Ecuador), No. 12 (Sierra Leone), No. 13 (Portugal), No. 18 (Spain), No. 20 (Bosnia and Herzegovina) and No. 21 (France)

[16] Recommendation No. 12 (Sierra Leone)