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HUMAN RIGHTS COUNCIL  
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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Germany**

The present report is a summary of 10 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

society as well as promote civil society activities against anti-democratic tendencies.<sup>48</sup> It also recommended continued financing of victim support organisations, mobile advisory teams and other grass-root initiatives which identify and respond to xenophobic and racist tendencies in local communities; consideration be given to the establishment of a centralised database on qualitative and quantitative data provided by victims or witnesses of racist or xenophobic incidents that have been reported to counselling institutions.<sup>49</sup>

19. JS2 and AI indicated having received credible complaints by non-German citizens that they were treated in a discriminatory and humiliating way by German federal police officers at the border between Germany and Poland.<sup>50</sup>

20. JS2 stated that despite the introduction of the Act to Revise the Registered Partnership Act (*Gesetz zur Überarbeitung des Lebenspartnerschaftsrechts*) in 2004, same-sex partnerships still face discrimination in many essential respects compared to heterosexual partnerships.<sup>51</sup> GIHR and Campaign Transsexuality and Human Rights (JS3)<sup>52</sup> expressed concern about still widespread stereotypes and discriminatory attitudes towards lesbian, gay, bisexual and transgender (LGBT) people in all parts of the German society.<sup>53</sup> JS2 reported violent attacks and desecration or damage of memorials as the memorial for lesbian and gay victims of the Nazi regime in Berlin's district Tiergarten in August 2008.<sup>54</sup>

## 2. Right to life, liberty and security of the person

21. AI and JS2 both indicated having received credible reports that individuals have been subjected to ill-treatment by law-enforcement officials.<sup>55</sup> According to AI and JS2, 70 of 82 criminal investigations against police officers were terminated,<sup>56</sup> AI considering that in some cases this was premature.<sup>57</sup> Furthermore, AI is concerned that some victims of excessive use of force and ill-treatment by law-enforcement officers are not willing to file a complaint because they are afraid to go to the police.<sup>58</sup> AI and JS2 noted that to date, there is no nationwide statistical data available on alleged cases of ill-treatment by law enforcement officials,<sup>59</sup> and that cases where complaints against police for ill-treatment are countered with charges by the police against the person who alleged ill-treatment, still exist.<sup>60</sup>

22. The League for Children's Rights (LCR) indicated that the legal construction of an authority called *Jugendamt* has not served to guarantee children's rights and protect them from physical and psychological damage.<sup>61</sup> According to LRC, the *Jugendamt* is not subject to any efficient supervision,<sup>62</sup> and frequently oversteps its competences without being sanctioned.<sup>63</sup> LCR also reported deficits in the system of child's attorney, psychiatric and psychological experts, and legal tutors.<sup>64</sup> LCR recommended that the legal position of the *Jugendamt* and its agents be profoundly modified,<sup>65</sup> and concrete remedial actions be elaborated in detail by a group of independent experts, with the execution of remedial actions reported to the European Commissioner for Human Rights at least once a year until full approval is obtained.<sup>66</sup>

23. JS2 reported that meaningful data on the extent of domestic and sexual violence such as homicide, forced marriage, and violence in institutions (as psychiatric institutes), is not available.<sup>67</sup> JS2 urged that Germany seek better protection and relief for the victims of domestic and sexual violence under the civil and criminal law.<sup>68</sup> JS2 believes that adequate training for relevant professionals (law enforcement, judiciary, medical and care personnel) should be ensured, paying special attention to cultural issues, disabilities, and victims of trafficking.<sup>69</sup> It also believes that better provisions are needed (e.g. in Immigration and Residence Law) to protect and counsel victims of forced marriages and victims of human trafficking.<sup>70</sup> COE recommended that Germany develop policy strategies to offer more effective protection to

## 2. Diritto alla vita, libertà e sicurezza della persona

[...]

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La Lega per i Diritti dei Bambini (LCR) ha evidenziato che l'istituzione legale di una autorità chiamata *Jugendamt* **non** ha lo scopo di garantire i diritti dei bambini e proteggerli da danni di tipo fisico e psicologico.

Secondo la LCR lo *Jugendamt* non è soggetto a nessuna idonea supervisione e con frequenza va oltre le proprie competenze, senza essere peraltro sanzionato.

LCR ha altresì evidenziato carenze nel sistema di difesa dei bambini, nei consulenti psichiatrici e psicologici e nei tutori legali.

LCR ha raccomandato che la posizione giuridica dello *Jugendamt* e dei suoi collaboratori sia totalmente modificata e che siano elaborati concreti rimedi specifici da un gruppo di esperti indipendenti, con messa in atto di interventi di correzione, i quali andranno trasmessi alla Commissione Europea per i Diritti Umani almeno una volta all'anno fino all'ottenimento di una piena approvazione.