



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### 111th session

20 November–8 December 2023

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention**

## List of themes in relation to the combined twenty-third to twenty-sixth periodic reports of Germany

### Note by the Country Rapporteur\*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### Statistics

2. Collection of disaggregated data and statistics on the composition of the population of the State party and the development of socioeconomic indicators regarding the different racial and ethnic groups living in the State party. Information and impact of tools developed to collect information on the composition of its population.<sup>2</sup>

### Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 4)

3. Specific examples of cases where the Convention, in particular article 1 of the Convention, has been invoked before and/or applied by domestic courts,<sup>3</sup> as well as by other public authorities.<sup>4</sup> Information on training and awareness-raising campaigns on the Convention.

4. Updated information on the results of the assessment of the General Equal Treatment Act<sup>5</sup> and efforts to expand the legal protection against discrimination<sup>6</sup> at the länder and federal levels.<sup>7</sup> Information on additional anti-discrimination legislation in the private and public spheres, in particular by State actors, including with regard to remedies available to

\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> [A/65/18](#), para. 85.

<sup>2</sup> [CERD/C/DEU/CO/19-22](#), para 6; and [CERD/C/DEU/23-26](#), paras. 43 and 45.

<sup>3</sup> [CERD/C/DEU/CO/19-22](#), para. 7.

<sup>4</sup> [CERD/C/DEU/23-26](#), para 10.

<sup>5</sup> [CERD/C/DEU/CO/19-22](#), para. 8; and [CERD/C/DEU/23-26](#), para. 170.

<sup>6</sup> [CERD/C/DEU/23-26](#), paras. 9 and 17.

<sup>7</sup> *Ibid.*, para. 171.



victims. Number of cases on racial discrimination, including administrative proceedings initiated, as well as results of the investigations carried out in such cases, if appropriate, sanctions imposed on those responsible and remedies granted to victims. Application of article 46 of the Criminal Code that considers any racist, xenophobic or other inhuman motive as an aggravating circumstance.

5. Results achieved and evaluation of the implementation of the national action plan against racism of 2017,<sup>8</sup> including the resources allocated. Measures adopted for the dissemination of the plan and information on the participation of groups exposed to racial discrimination in its elaboration and implementation.

6. Measures to expand the competence, mandate and functions of the Federal Anti-Discrimination Agency to address racial discrimination in line with the Convention and to receive and address allegations of racial discrimination in the private and public spheres. Measures to establish independent equality bodies in the länder.

#### **Racist hate crimes, hate speech and freedom of expression (art. 4)**

7. Results of measures to combat racist hate speech and incitement to racial discrimination, including in public and political discourse, as well as on the Internet and social media. Implementation of the Network Enforcement Act, including information on access to the reporting mechanisms. Updated information on the number of complaints and investigations of, and convictions for, racist hate speech and incitement to racial discrimination.

8. Measures taken to prevent and combat racist hate crimes and instances of racist violence against persons belonging to ethnic minorities, in particular Roma and Sinti persons and people of African descent, and against migrants. Specific measures to prevent radicalization and the proliferation of extremist organizations, including the functions of the Joint Extremism and Counter-Terrorism Centre. Updated information on the number of complaints, investigations, trials and convictions and sanctions with regard to racist hate crimes, as well as the remedies provided to victims.<sup>9</sup>

9. Information on the implementation of the recommendations made by the investigations committees of cases concerning the National Socialist Underground.<sup>10</sup>

#### **Situation of ethnic minorities (arts. 2–7)**

10. Specific measures to combat racial discrimination in access to the right to adequate housing.<sup>11</sup> Information on the implementation of the Social City programme.<sup>12</sup>

11. Impact of the measures adopted to combat racial discrimination in the education system. Impact of measures adopted to increase the level of educational attainment of the children of ethnic minorities, including measures to increase the accessibility to preschool education for children of ethnic minorities, to reduce the dropout rate among those children and to prevent their marginalization and de facto segregation.<sup>13</sup>

12. Results of the measures adopted to improve the integration of ethnic minorities into the labour market.<sup>14</sup>

13. Measures taken to combat the intersecting forms of discrimination, in particular racial discrimination and discrimination based on sex, religion, gender and sexual orientation. Measures to address multiple forms of discrimination against women from ethnic minorities and migrant, asylum-seeking and refugee women.<sup>15</sup>

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<sup>8</sup> Ibid., para. 29.

<sup>9</sup> Ibid., para. 97.

<sup>10</sup> Ibid., paras. 115–120.

<sup>11</sup> CERD/C/DEU/CO/19-22, para. 12.

<sup>12</sup> CERD/C/DEU/23-26, para. 85.

<sup>13</sup> CERD/C/DEU/CO/19-22, para. 13.

<sup>14</sup> Ibid., para. 14.

<sup>15</sup> Ibid., para. 16.

14. Impact of measures to combat discrimination against Roma and Sinti persons, in particular regarding their access to employment, housing, health services and education.<sup>16</sup>

**Situation of non-citizens, including migrants, asylum-seekers, refugees, and stateless persons (arts. 5 and 7)**

15. Measures taken to promote the social integration of migrants, asylum-seekers, refugees and stateless persons, including through access to employment, education and an adequate standard of living.<sup>17</sup> Development of the new national action plan on integration. Specific measures adopted to provide migrants, including those in an irregular situation, with adequate protection of their rights, in particular their right to education and health, and access to basic social services.

**Access to justice (art. 6)**

16. Measures taken to facilitate access to justice and effective remedies for victims of racial discrimination. Measures taken to combat prejudices that lead to racial discrimination in the judicial system. Statistics on cases of racial discrimination, including results of investigations, convictions and sanctions, if appropriate, and information on reparation granted to victims.

17. Measures adopted to prevent and combat racial profiling, as well as discrimination and violence, against ethnic minorities by law enforcement officials.<sup>18</sup> Implementation of section 22 (1) (a) of the Federal Police Act and information on its amendment process. Number of complaints regarding cases of racist police violence, excessive use of force and racial profiling, the number of investigations, prosecutions and convictions and information on the reparations granted to victims.

18. Consideration of the adoption of a comprehensive approach to the recognition of and the provision of reparations for historic and contemporary racial discrimination associated with colonialism and slavery, including regarding the genocide of the Ovaherero and Nama peoples.

**Combating racist prejudice and stereotypes (arts. 2 and 7)**

19. Measures taken to combat prejudices and stereotypes that lead to racial discrimination against minorities. Measures taken to raise awareness among the public, civil servants and law enforcement officials of the importance of cultural diversity, tolerance and inter-ethnic understanding.

20. Measures to include in school curricula human rights education and the history of colonialism and slavery and their consequences. Measures to promote the knowledge and awareness of the cultural heritage and history of minority groups and their contribution to German society and culture.

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<sup>16</sup> Ibid., para. 17.

<sup>17</sup> Ibid., para. 18.

<sup>18</sup> Ibid., para. 11.