



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 111th session

Summary record of the 3027th meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 November 2023, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.m.

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

Combined twenty-third to twenty-sixth periodic reports of Germany (CERD/C/DEU/23-26; CERD/C/DEU/Q/23-26)

1. *At the invitation of the Chair, the delegation of Germany joined the meeting.*
2. **Ms. Stasch** (Germany) said that her Government had been shaken by the barbaric attacks and abductions committed by Hamas against civilians in Israel. At the same time, it recognized that the Palestinian civilian population was living in the midst of a battle zone and facing a humanitarian disaster. It sympathized with all civilian victims on both sides of the conflict. However, it strongly rejected any comparisons with the Holocaust, a singular crime for which Germany bore historic responsibility. The existence of Israel was non-negotiable. Israel had the right to defend itself – against Hamas and not against the Palestinian civilian population – within the framework of international law. Hamas was using Palestinian civilians and the hostages it had taken as human shields and trying to divide the international community. The announcement of a humanitarian pause and the release of some hostages was a breakthrough. It was crucial for all the other hostages to be released and for effective humanitarian assistance to reach all those in need.
3. **Ms. Jacoby** (Germany), introducing her country’s combined twenty-third to twenty-sixth periodic reports (CERD/C/DEU/23-26), said that the National Action Plan against Racism, adopted in 2017, contained measures relating to criminal sanctions, political education, democratic values and equality in society and politics, and diversity in the world of work. The Anti-Racism Commissioner, who had been appointed in 2022, would develop the Action Plan further; her other tasks included acting as the Government’s main point of contact for people affected by racism and providing them with support, developing initiatives and measures and investigating structural racism. The establishment of the Office of the Anti-Racism Commissioner placed the fight against racism firmly at the top of the Government’s agenda. The Government had also created commissioners to combat antisemitism and anti-Gypsyism.
4. In 2020, following a series of racially motivated attacks and murders that had brought the issue of racism to the forefront of the public debate, the Government had established the Cabinet Committee for the Fight against Racism and Right-Wing Extremism. The Cabinet Committee addressed racism in its violent, extreme forms and in terms of its structural, everyday effects, which could result in discrimination. The Cabinet had adopted an 89-point package of measures and had published its final report in 2021. The measures included providing more consistent support for victims and promoting civil society projects to prevent racism and empower those affected by it.
5. The effects of racism were widely felt in Germany. In a representative study, 22 per cent of respondents had said that they had personal experience of racism. Among people of African descent, 68 per cent of those surveyed by the European Union Agency for Fundamental Rights had reported discrimination on the basis of their skin colour in the five years preceding the survey, and 57 per cent had reported discrimination on the grounds of their ethnic origin.
6. The current situation in Israel had brought a painful reminder that antisemitic and racist ideas and behaviours continued to exist in German society. The country’s Jewish community was concerned about its safety, in the wake of some appalling antisemitic and violent incidents, including an attack on a synagogue. Growing hostility towards Muslims, including threats and attacks on mosques, was equally worrying.
7. In recent years, Germany had adapted its legal framework and established a sound basis for the criminal prosecution of hate speech and hate crime. Germany had been one of the first countries to take decisive action in that area by introducing a law prohibiting online hate speech. In 2021, broader definitions and, in some cases, tougher punishments had been introduced for certain offences, and the offence of hate-mongering insult had been added to the Criminal Code. However, criminal prosecution was not the only suitable response to

racism. It was also necessary to raise social awareness of racist and discriminatory behaviour. Political education was especially important for identifying racist ideas and preventing their taking root. In recent years, the federal Government, *Länder* and local authorities had intensified their exchanges with civil society organizations in order to benefit from their professional expertise in combating racism and to take account of victims' perspectives.

8. The Government provided financial and other forms of support to civil society. Through the "Living Democracy!" programme, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supported over 700 different measures at the local, regional and national levels aimed at promoting democracy, shaping diversity and preventing extremism. In 2023, the programme had received a budget of €182 million. Its goals included encouraging collaboration among experienced providers of preventive educational services to tackle different forms of hostility, including racism, towards particular groups.

9. In 2020, the Federal Ministry of the Interior and Community had appointed an Independent Expert Group on Anti-Muslim Sentiment, which was tasked with analysing Islamophobia and anti-Muslim racism and formulating recommendations for action. The German Islam Conference, which had engaged with the findings of the Independent Expert Group and was the Government's primary forum for dialogue and cooperation with Muslims and their representative groups, had contributed significantly to strengthening social cohesion.

10. Further action was needed to ensure diversity in the workplace. Although people from families with a migrant background made up 27 per cent of the population, the average share of employees in the federal administration who were immigrants or descendants of immigrants was just 12 per cent. The Government was committed to increasing that percentage. The Integration Commissioner was working with the Federal Ministry of the Interior and Community and other ministries to coordinate a comprehensive diversity strategy.

11. After decades of neglecting the issue, Germany had begun to take steps to face up to its colonial past. Acknowledging its historical responsibility, the Government sought to collaborate with the Governments and societies of former colonies, tailoring its approach to each specific context and actively involving the affected communities and individuals. A key element of the Government's approach was support for independent academic research into the country's colonial past. In 2019, the federal Government, *Länder* and local authorities had adopted a set of "framework principles for dealing with items from colonial contexts", which formed the basis for the return of cultural objects and ancestral remains. The first such items had been returned to Nigeria in 2022. Moreover, in 2015, the Government had entered into reconciliation negotiations with Namibia in order to address the colonial atrocities committed in the former German South West Africa. The Foreign Minister's acknowledgement of the genocide against the Herero and Nama peoples had been an important step. The recent visit of the federal President to Tanzania had marked the first time that a German Head of State had asked for forgiveness for the violence inflicted under colonial rule in the former German East Africa.

12. **Mr. Yeung Sik Yuen** (Country Rapporteur) said that since Germany did not gather data or statistics relating to ethnicity, race or colour, he wondered how the State party ensured it had information on the full scope of racist discrimination within its borders. As the State party already collected data in related areas, such as on the percentage of the population with a migrant background and on hate crimes committed against certain groups, he asked whether the State party might change its approach to gathering data on ethnicity, race and colour, perhaps on the basis of self-identification.

13. It would be useful to learn more about the day-to-day implementation of domestic legislative provisions on racial discrimination. In particular, he would be interested to know whether the courts directly applied the definition of racial discrimination set forth under article 1 of the Convention. Noting that the Federal Ministry of Justice had requested an expert opinion on whether article 4 of the Convention could be applied to prohibit racist election advertising, and that the expert had found that the application of article 4 was not only possible but imperative, he wished to know whether the Ministry had tested that expert legal opinion in court, whether it could provide information on cases brought under article 4

of the Convention and, if not, whether the Government would consider incorporating provisions akin to article 4 in domestic law.

14. As the Committee had been informed that many stakeholders in Germany had a narrow understanding of racism and racial discrimination, it would be useful to know how widely the Convention was disseminated; what measures had been taken to raise awareness of it; how the Government ensured that all stakeholders received proper education and training on the Convention; and how often the courts invoked the Convention. Information on the proposed replacement of the word “race” with “racial attributes” in the legislation of the *Länder*, and on the impact of that change, would be appreciated.

15. Noting that the General Equal Treatment Act did not cover cases of discrimination perpetrated by State institutions, including the police, and that racial profiling as a form of racial discrimination performed by State actors could not be litigated under the Act, he requested information about the reforms to the Act that had been proposed in 2023. He wondered whether the existing procedures for bringing a case against the authorities, namely the requirement to institute separate administrative and civil proceedings, hindered the effective administration of justice or could undermine the legal process if the administrative and civil courts reached contradictory decisions. He would like to know whether administrative courts, when hearing complaints of discrimination committed by public officials, could decide to award compensation or damages to the victims. It would be useful to know whether the State party planned to take steps to extend the scope of the Act to cover State institutions so that victims of discrimination could obtain full, effective and timely vindication of their rights.

16. Observing that sections 86 and 86 (a) of the Criminal Code outlawed the dissemination of propaganda materials and symbols of “unconstitutional organizations”, he asked whether those organizations were defined in the law, whether there was a list of them, and whether new organizations could be declared unconstitutional. Moreover, he would be grateful for data on the number of complaints, prosecutions and convictions for racial discrimination-related offences since 2018, the number of referrals to mediation and the number of civil cases, including those brought against the State or State officials, for discrimination and abusive conduct. He also wished to know whether there was a limitation period for bringing a racial discrimination complaint against the police.

17. Furthermore, he would be interested to know whether the fines imposed for the offences set forth under section 130 (1)–(4) of the Criminal Code were an effective deterrent and whether the Government had any figures on the number of repeat offenders. Did all convictions under section 130 – even when the offender was only sentenced to a fine – appear on his or her criminal record, and was recidivism treated as an aggravating circumstance?

18. The Committee would be interested to know more about the objectives and challenges faced by the Anti-Racism Commissioner and the commissioners tasked with combating antisemitism and anti-Gypsyism. It would also welcome information on progress made in implementing the National Action Plan against Racism.

19. Recalling that the Committee had urged the State party to amend its laws to prohibit racial profiling, he wondered whether the State party could provide information on the current status of the bill amending the Federal Police Act and indicate whether the bill incorporated the proposals that a receipt should be issued following each identity check, indicating the legal ground for the check; that such checks should be based on the behaviour and not the identity of the person concerned; and that racial profiling should be defined in law and the burden of proof shifted once a *prima facie* case of profiling had been established.

20. The Committee would be interested to know whether victims of police misconduct were obliged to file a complaint with the Federal Police before their case could be referred to the administrative courts. It would be useful to know whether the Federal Police was bound by a deadline for reaching its decisions regarding complaints, and how long it took on average for complaints to be resolved.

21. **Ms. Stavrinaki** (Country Task Force) said she was concerned that the State party’s current legislation did not address racial discrimination as a structural issue. She would be

interested to know whether the Government intended to submit any legislative proposals to address gaps in legislation in order to uphold victims' right to an effective remedy.

22. In the light of reports that the State party had yet to establish a comprehensive policy on the restitution of ancestral remains and items from colonial contexts, she would be grateful for further information on measures to monitor the progress of restitution claims and to provide relevant information to affected communities and descendants. Information might also be provided on measures to improve access to effective remedies in cases of human rights abuses committed by German companies operating abroad, including abuses by their suppliers.

23. She would be grateful if the delegation could explain the State party's approach to reparations for the genocide of the Ovaherero and Nama peoples. In particular, she wished to know whether Germany acknowledged its legal obligation to provide reparatory justice, whether the proposed reparations were distinct from development aid, what steps had been taken to consult the representatives of the Ovaherero and Nama peoples and what measures had been taken to raise public awareness in Germany of the genocide and its impact.

24. **Ms. Chung** (Country Task Force), referring to the findings of a study published in 2022 by the German Centre for Integration and Migration Research, said that she would be grateful if the State party could explain why racism was still so prevalent in German society. She would be interested to know what effective measures the State party had taken to combat systemic racism and structural discrimination. In particular, she wished to know what specific measures the State party had taken to combat racial discrimination in the enjoyment of the right to adequate housing and to assist those in vulnerable situations.

25. According to a 2022 survey conducted by the European Union Agency for Fundamental Rights, more people from ethnic minorities in Germany perceived discrimination in the area of education than had been the case in 2016. She wondered why that was so, and why more respondents perceived such discrimination in Germany than in the other countries surveyed. It would be interesting to know what measures had been taken to combat racial discrimination in the education system and what results those measures had produced. The delegation might explain why schoolchildren from ethnic or immigrant backgrounds reportedly endured a higher rate of bullying than their counterparts in other European countries. She wished to know what measures, such as teacher training, had been taken in that regard, and what results had been achieved. She wondered what steps had been taken to improve educational attainment and reduce the dropout rate among those children, and thus prevent their marginalization and de facto segregation.

26. She would be grateful if the delegation could explain reports indicating that people from ethnic minorities working in Germany were more likely to be overqualified for their jobs than their counterparts in other countries, and indicate what measures had been taken to improve the situation. She would also welcome an explanation of why the labour market integration projects described in annex 15 to the State party's report focused mainly on recent immigrants and refugees, rather than ethnic minorities who had been living in Germany for many generations.

27. Furthermore, in the light of survey findings that people from ethnic minorities in Germany perceived that they were racially discriminated against when accessing health-care services, she would be grateful if the State party could provide disaggregated statistics on access to health care. She would also appreciate information on the meaningful participation and representation of ethnic minorities in the public sphere, measures taken to improve their participation and representation, and the impact of those measures.

28. **Mr. Kut** (Follow-up Coordinator) said that Germany had submitted its follow-up report ([CERD/C/DEU/CO/19-22/Add.1](#)) on time in 2016. The report addressed two issues identified in the concluding observations. The first was that of institutional shortcomings in the investigation of racially motivated acts. In that regard, the State party had categorically rejected a blanket accusation of institutional racism – an accusation that the Committee had not made. However, the issue was covered extensively in the periodic report and had been addressed more positively by the head of delegation in her opening remarks.

29. The second issue concerned individual communication No. 48/2010, *TBB-Turkish Union in Berlin/Brandenburg v. Germany*. In a letter of May 2017, the Committee had regretted that the State party had not fully implemented the Committee's recommendations concerning the communication. The periodic report did not substantively address the issue. He therefore reiterated the Committee's call for the State party to act upon its recommendations.

30. **Mr. Diaby** said that he would be interested to know how school textbooks reflected the historic responsibility of Germany, so that future generations would be aware of colonial crimes, including slavery. In the light of several incidents in which racist abuse had been directed at professional footballers, he wondered whether the State party had enacted legislation to combat racism in sport and had adopted measures to identify and prosecute those responsible. He would also be interested to know whether an investigation had been conducted into the 2022 incident in which the police had fatally shot a Senegalese youth, and whether the perpetrators had been identified and prosecuted. It would be useful to know what mechanisms had been put in place to investigate police abuses committed against groups protected by the Convention. Furthermore, he wished to know to what extent the State party had consulted civil society organizations in preparation for the current dialogue, and whether any laws had been passed to protect human rights defenders.

31. **Ms. Tlakula** said that she would be interested to know whether the State party was aware of recommendations made by the Global Alliance of National Human Rights Institutions to strengthen the mandate of the German Institute for Human Rights, including in respect of the selection and appointment of its members and directors. Did the State party envisage the amendment of its laws in order to implement those recommendations? Noting that the Federal Ministry of Health was supporting research on the use of digital technology and artificial intelligence to improve medical services, she asked what measures had been put in place to identify and mitigate racial biases that could arise from the introduction of those technologies and to ensure that they did not have a negative impact on patients.

32. **Mr. Balcerzak** said that he would be interested to know whether the Durban Declaration and Programme of Action had been a contributing factor in the State party's decision to grant reparations to the Ovaherero and Nama peoples, and whether the State party used the term "reparations" in that context. He wondered whether the State party planned to expand the number of officially recognized national minorities, and what special rights or status such minorities enjoyed.

33. **Ms. Esseneme** said that the delegation might comment on allegations that people of African descent were racially profiled by the police, who considered them to be potential criminals and subjected them to heavy-handed checks.

34. **Ms. Tebie** said that she would be interested to know whether the Office of the Anti-Racism Commissioner and the mechanisms put in place to combat antisemitism and anti-Gypsyism were mandated to receive complaints. If so, how many complaints had each mechanism received and how had they acted upon them?

35. **Mr. Amir** said that, in her opening statement, the head of delegation had forgotten to mention the many crimes committed in the 75 years since the creation of the State of Israel, including massacres, bombings and the expulsion of Palestinian people from their land. It appeared that the world had chosen to ignore those crimes and focus only on the events of 7 October 2023. While he, too, condemned the crimes of 7 October, he did not believe that they would have occurred had the rights of Palestinians to freedom, independence and a homeland been duly recognized.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

36. **A representative of Germany** said that, in January 2023, the Anti-Racism Commissioner had issued a situation report on racism in Germany which examined the issue of data collection and gaps in statistics. The Government did not collect data on ethnicity, as some communities had expressed concerns that they could be misused and lead to stigmatization. However, there had been calls for more data to be gathered in the interest of anti-discrimination and equality; to that end, the Government was seeking alternative sources of data. Before 2005, the census had only yielded data on whether respondents were German

or foreign nationals. To improve the disaggregation of data, new parameters had been introduced under the 2016 Microcensus Act. In 2023, a new concept, that of “immigrants and their direct descendants”, had been devised in order to supplement that of “persons with a migrant background”. The new concept would allow the authorities to make the distinction between first- and second-generation immigrants, to separate the concepts of migrant background and nationality and to detect and address discrimination and structural barriers that had their roots in immigration. The matter would be studied further in the biennial report of the Integration Commissioner, which would in future contain a chapter on racism and racial discrimination. Nevertheless, given the breadth and complexity of the subject of immigration, the new category had certain limitations.

37. **A representative of Germany** said that the Government, recognizing the need for more data on experiences of racial discrimination, had established the National Discrimination and Racism Monitor in 2020. The Monitor was based at the German Centre for Integration and Migration Research and had been set up in close consultation with various communities and in consideration of their needs. One of its tasks was to commission studies to examine racism and discrimination through a multidimensional approach, which involved conducting interviews with racialized and non-racialized persons on their subjective experiences of racism. Reports informed by those studies were published regularly, the most recent of which had focused on health.

38. **A representative of Germany** said that the Cabinet Committee for the Fight against Right-Wing Extremism and Racism had explored the possibility of collecting data on the basis of self-identification.

39. **A representative of Germany** said that, as part of an ongoing study, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had surveyed its employees about their experiences of discrimination. The results of the survey would inform recommendations for action.

40. **A representative of Germany** said that the Convention had been cited in judgments handed down by the German courts, although it was not possible to give the precise number of such judgments. As fundamental rights such as protection from discrimination were enshrined in the Basic Law, the courts usually referred to constitutional provisions rather than international human rights treaties. The Government was working to raise awareness of the Convention among the judiciary. It had produced a brochure on the content and application of the Convention and had published a German-language commentary on the Convention for judges and lawyers. The German Judicial Academy offered a general course on international human rights law, which covered all international human rights treaties including the Convention, and a week-long course on combating racism, which had been launched in 2022 and was aimed particularly at judges and public prosecutors. The Government had also worked with the German Institute for Human Rights to develop continuing education materials for judges and public prosecutors.

41. **A representative of Germany** said that the Government had taken several steps to broaden its understanding of racism and its impact on people’s daily lives, including the adoption of the National Action Plan against Racism and the establishment of the Cabinet Committee for the Fight against Right-Wing Extremism and Racism. One of the tasks of the Office of the Anti-Racism Commissioner was to increase understanding of structural racism and its impact on various areas of public life.

42. **Ms. Jacoby** (Germany) said that while the possibility of removing the word “race” from the Basic Law had been discussed, no decision had yet been taken because the proposed change formed part of a broader constitutional reform process and any amendment would require the support of a two-thirds majority in the federal legislature. The word “race” had been deliberately chosen by the authors of the Basic Law to recall and condemn the racist laws that had been applied by the Nazis and which had resulted in the horrors of the Holocaust. While some communities wished to retain the word for that reason, others took the view that it was outdated and should be replaced.

43. **A representative of Germany** said that, although the General Equal Treatment Act did not cover discrimination by the public authorities, the Government had decided that the Act should be reformed during the current legislative term with a view to closing gaps in

protection and expanding its scope. Discussions on the reform of the Act were still ongoing and had been informed by input from civil society and the European Commission against Racism and Intolerance, as well as the Committee's concluding observations. In July 2023, the Independent Federal Anti-Discrimination Commissioner had published a position paper in favour of expanding the scope of the Act to include the public authorities.

44. **A representative of Germany** said that, in 2021, there had been 831 convictions under section 86 of the Criminal Code, on the dissemination of propaganda materials of unconstitutional and terrorist organizations; 2,323 convictions under section 86 (a), on the use of symbols of such organizations; and 624 convictions under section 130 (1), on incitement to hatred. Sections 86 and 86 (a) referred to organizations that had been banned by the Federal Ministry of the Interior and Community. Convictions, including those resulting in fines, were recorded in the Federal Central Criminal Register. Longer sentences were handed down for repeat offences.

45. **A representative of Germany** said that the prohibition of organizations was regulated by the Associations Act and the Basic Act and was in line with the concept of defensive democracy. Prohibition proceedings could be instituted at the *Land* or federal level, depending on the activities of the organization in question. The Federal Ministry of the Interior and Community was responsible for determining whether certain organizations were unconstitutional. Organizations could be banned on the grounds that their aims or activities contravened the criminal laws or were directed against the constitutional order or the concept of international understanding. In recent months, the Ministry had banned Hamas and the *Artgemeinschaft* far-right group.

46. **A representative of Germany** said that terrorist organizations did not necessarily have to be banned in order for criminal proceedings to be brought against them. In recent years, investigations into certain groups had not found sufficient evidence for charges to be brought; however, the information gathered had led to their prohibition, as had occurred with the far-right group *Nordadler*. Anyone who carried out activities on behalf of a proscribed organization faced criminal prosecution; several members of well-known organizations had been convicted.

47. **A representative of Germany** said that the Federal Police was just one of 19 law enforcement agencies in Germany. General police activities were carried out by the decentralized police forces of the *Länder*. The Federal Police was responsible for protecting the country's borders, restricting immigration and preventing trafficking in persons. It was a criminal offence to enter or stay in Germany illegally, and trafficking in persons was classed as a serious offence. In 2023, around 113,000 people had entered Germany illegally. Police checks were regulated by sections 22 and 23 of the Federal Police Act. The Federal Police carried out identity checks on the basis of objective criteria, which did not include skin colour, and racial profiling was not tolerated. Identity checks under the Federal Police Act were not conducted only in the event of suspicion of criminal activity, but also in cases where an individual was a potential witness to a crime and could provide useful information. The Federal Police was aware of the risks and sensitivities involved in identity checks and provided its officers with training and guidance in the use of such powers. As Germany did not have stationary border controls under the Schengen Agreement, identity checks were a necessary tool for upholding the law. The bill amending the Federal Police Act was still being debated. The new law would reflect input received from civil society organizations and through processes such as the current dialogue, including on the matter of the issuance of receipts for identity checks.

48. Individuals who wished to complain about being stopped by the police could turn to one of 12 internal complaint management bodies or the petitions committee of the German Parliament. According to Federal Police statistics, approximately 50 complaints were lodged for around 2 million identity checks carried out annually; seven cases had been referred to the national courts. It seemed that individuals were more likely to contact the police or prosecution service of their *Land* than the Federal Police. The Federal Police never investigated complaints against its own officers; such complaints would be referred to another police organization or body. Federal Police officers who witnessed misconduct by a colleague could report it to the office of the President of the Federal Police.

49. **A representative of Germany** said that the Federal Police had turned to civil society organizations such as the Diaspora Policy Institute and the Association of the Central Council of German Sinti and Roma to provide training for police officers. Visits to synagogues and mosques were regularly conducted as part of initial and in-service training.

50. **A representative of Germany** said that the coronavirus disease (COVID-19) pandemic had affected the learning outcomes and the psychosocial health of all children. The Government had provided equipment for remote learning and had devised teaching methods that promoted inclusion and integration. Special measures had been taken help children from migrant backgrounds and asylum-seeker and refugee children.

51. Many measures had been taken at the *Land* level focusing on ethnic minorities. For example, in 2019, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* had examined the issue of German language learning in schools and had produced a document that proposed a series of measures. All children had the right and the obligation to attend school. Understanding the history of ethnic minorities was important for fostering non-discriminatory attitudes in education. In December 2022, the Standing Conference had worked with the relevant commissioners to adopt a training and education plan on the history of Sinti and Roma – a subject that would be more widely introduced into curricula.

52. **A representative of Germany** said that during the pandemic, the Federal Ministry of Health had developed an awareness-raising programme for people of African descent in schools. The Ministry maintained an online health portal that provided information about COVID-19 vaccinations. Data on discrimination within health services were collected and used to develop measures to address it, including the training of health personnel. Civil society organizations offered counselling to those affected by discrimination in access to health. The Ministry was working on an action plan to promote equal access to health services.

53. **A representative of Germany** said that both the State and the private sector played a significant role in the labour market integration of persons with a migrant background, who needed time to learn the language, acquire the relevant qualifications and adapt to their new situation in general. The Government had established accessible support mechanisms for women with migrant backgrounds who wished to enter the labour market, given that they faced significant obstacles.

54. **Ms. Chung** said that she would appreciate clarification of whether the statistical category of “persons with a migrant background” referred to German citizens and did not include foreign nationals. She would be interested to know whether the category was based on self-identification and what criteria the authorities used to determine that a person had a migrant background. She wondered whether the Government maintained any statistics on the countries of origin of persons with a migrant background.

55. **Mr. Yeung Sik Yuen** said that he would like to know whether the statistics were available for the years 2018 to 2020 on convictions under section 86 of the Criminal Code and proceedings for right-wing extremist or xenophobic offences.

56. **A representative of Germany** said that the determination of migrant background was not based on self-identification; it depended on the person’s country and region of origin and other information provided in the microcensus questionnaire. Previously, the category had referred to individuals who had not, or whose parents had not, been born with German nationality. It had thus failed to differentiate between first- and second-generation immigrants. For that reason, the category had been supplemented by the concept of “immigrants and their direct descendants”.

57. **A representative of Germany** said that the number of convictions under section 86 of the Criminal Code had stood at 850 in 2019 and 820 in 2020. Additional figures, including on convictions for incitement to hatred, would be provided in writing.

58. **Ms. Stavrinaki** said that she wished to know whether the State party planned to enact legislation to improve access to remedies for victims of discrimination, and whether such legislation would take into account new challenges, such as potential violations as a result of automated decision-making and artificial intelligence. She would like to know what

reparation had been granted following a landmark ruling by the Berlin Administrative Court, which had decided that extracting data from asylum-seekers' mobile telephones was illegal. It would be useful to know more about the national framework for providing reparations and guarantees of non-repetition in such cases.

The meeting rose at 6 p.m.