



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

22–26 November 2010

### Implementation of the International Covenant on Economic, Social and Cultural Rights

#### List of issues to be taken up in connection with the consideration of the fifth periodic report of Germany concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/DEU/5)

#### I. General information

1. Please provide recent data, disaggregated on the basis of the prohibited grounds of discrimination, on a yearly comparative basis, on the implementation of the rights enshrined in the Covenant.
2. Please indicate whether plans exist to broaden the mandate of the German Institute for Human Rights to include powers to conduct inquiries and investigations.
3. Please provide information on court decisions in which reference has been made to the Covenant and its provisions. Please also indicate whether the rights guaranteed in the Covenant are systematically included in training curricula for judges, lawyers and prosecutors.
4. Please provide information on the intermediary evaluation of the National Integration Plan, which was scheduled to be made public in August 2008. Please also provide information on the measures taken since 2006 aimed at the linguistic, professional and social integration of immigrants.

#### II. Issues relating to the general provisions of the Covenant (arts. 1-5)

##### Article. 2, paragraph 2 - Non-discrimination

5. Please clarify why the General Equal Treatment Law of 2006 does not include language, national or social origin, political or other opinion, property or birth as prohibited grounds of discrimination, in compliance with article 2, paragraph 2 of the Covenant.

6. Please provide information on steps taken to address the continued discrimination faced by Roma and Sinti in the areas of education, employment and housing.

### **Article 3 - Equal rights of men and women**

7. Please provide information on specific measures taken to improve equality between men and women, in particular measures to increase the representation of women in decision-making positions in the public and private sector.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 - The right to work**

8. Please provide up-to-date unemployment statistics in the different *Länder*, disaggregated by age and sex, since 2006, and clarify which steps have been taken to reduce unemployment, especially in the most affected regions. Please also provide information on the impact of the information and counselling network for the integration of migrants into the labor market, as mentioned in paragraph 114 of the periodic report.

9. Please describe the impact of the legislative steps taken to reduce the number of people working in the informal sector, as mentioned in paragraphs 130 and 131 of the periodic report. Please also provide information on steps taken to ensure that people working in the informal sector have access to their rights.

### **Article 7 - The right to just and favourable conditions of work**

10. Please provide information on measures taken to enable men and women to combine work and family responsibilities. Please also provide an update on the availability and accessibility of child day-care institutions since 2007.

11. Please indicate what measures have been taken to ensure equal pay for work of equal value, especially in the private sector.

### **Article 8 - Trade union rights**

12. Please comment on the non-compliance with article 8 of the Covenant and other regional and international human rights treaty standards, in particular due to the prohibition of the right to strike for established civil servants.

### **Article 9 - The right to social security**

13. Please explain how the State party ensures that the social benefits for children are sufficient for an adequate standard of living. Please also explain why the calculation of the subsistence level is based on a sample of the poorest 15 to 20 per cent of the population. Does the State party verify whether that segment earns wages that are sufficient to live on?

14. Please indicate whether steps have been taken to adjust the social benefits for asylum-seekers, which have remained static since 1993 and allegedly fall 38 per cent short of the standard social benefit rate.

15. Please indicate whether pension benefits are sufficient to ensure an adequate standard of living for recipients and their families, especially those belonging to disadvantaged and marginalized groups. Please comment on reports that, following the 2007 Pension Reform Act and the raising of the retirement age to 67 years, reportedly 97,52 per cent of women do not meet the requirement of 45 contributory years to the pension fund, and thus incur a loss in benefits. What measures are taken to compensate for these losses in benefits? Please also provide up-to-date information on pension levels in the new and the old *Länder* and indicate which urgent measures the State party has taken to address differences in levels.

16. Please indicate which criteria are applied for benefiting from the State assistance for the integration of persons with disabilities, as mentioned in paragraph 294 of the State party's report, and which disabilities are included?

### **Article 10 - Protection of the family, mothers and children**

17. Please provide information on the impact of the 2007 National Plan of Action to Combat Violence against Women on addressing the prevalence of violence against women and girls, especially migrant women. Please also indicate measures taken to ensure that shelters and non-residential counselling centres are accessible to all women and children who are victims of violence in all *Länder*.

### **Article 11 - The right to an adequate standard of living**

18. Please provide up-to-date information, since 2004, on the number of persons living below the poverty line, as defined in paragraph 255 of the periodic report. Please also provide information on the impact and effectiveness of measures taken to reduce poverty among disadvantaged and marginalized groups, in particular single parents, older persons, long-term unemployed, migrants (including migrant women), and persons with disabilities.

19. Please report on steps taken to improve the conditions in refugee centres and the so-called "Ausreisezentren". Please also indicate what measures have been taken to guarantee the provision of child welfare services to refugee children and unaccompanied foreign minors after they have turned 16 years of age.

20. Please provide up-to-date information on the evolution in the number of homeless persons since 2006. Please also provide information on the number of evictions carried out since 2006, if any, and whether those evicted were offered adequate alternative accommodation or other forms of compensation.

21. Please provide information on the measures taken to ensure that the implementation of paragraph 19, section III of the General Equal Treatment Act, does not adversely impact on the right to housing of disadvantaged and marginalized individuals and groups, in particular ethnic minorities.

### **Article 12 - The right to physical and mental health**

22. Please clarify whether the health insurance scheme in the State party ensures universal access to primary health care. Please also provide up-to-date information, since 2004, on the coverage rate of the health insurance scheme.

23. Please provide information on steps taken to ensure that children are separated from adults in psychiatric institutions. Please indicate what measures are taken to combat the

reportedly widespread abuse of drugs, alcohol and tobacco among children. Please also provide information on measures taken to address the increasing number of street children.

24. Please indicate what measures have been taken to address the increasing number of people with mental disorders. Please also indicate whether psychiatric medical staff members receive health-related human rights training.

25. Please provide information on medical services and prevention programmes for sexual and reproductive health, in particular for disadvantaged and marginalized groups.

### **Articles 13 and 14 - The right to education**

26. Please provide up-to-date information on primary and secondary school attendance, as well as school dropouts in the different *Länder*, disaggregated by sex and ethnic group, and clarify which measures have been taken to reduce the number of students who finish school without a diploma, especially those of migrant families. Please also indicate which steps are taken to stimulate the integration of children with disabilities into mainstream education.

27. Please provide information on the provision of human rights education throughout the school system at all levels.

28. Please comment on reports that children of asylum-seekers face difficulties attending schools, as certain reception centres are located in remote areas far away from schools. Please indicate the steps taken to facilitate access to schools for those children and to alleviate the financial burden for asylum-seeking parents of school materials costs.

29. Please indicate what measures have been taken to implement the recommendations contained in paragraph 92 of the report of the Special Rapporteur on the right to education (A/HRC/4/29/Add.3), in relation to the right to education of asylum-seeking children, refugee children or children without the proper papers.

30. Please indicate what measures are taken to ensure that the increasing cost of tuition fees for higher education in some *Länder* does not prevent disadvantaged or marginalized students from accessing higher education.

### **Article 15 - Cultural rights**

31. Please provide information on steps taken to encourage participation in and access to cultural goods, institutions and activities by the most vulnerable groups, including children from disadvantaged and marginalized segments of society. Please also provide information on measures taken to ensure respect for cultural diversity of ethnic groups.

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