

violence in the media and the actual use of violence; and, the fact that in Germany there is a ban on censorship, so that media content cannot be checked in detail.

Religious intolerance, Special Rapporteur: (A/52/477, paras. 8, 21)

The Special Rapporteur's interim report to the General Assembly notes that a mission was conducted to Germany in September 1997.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, paras. 30, 56, 59)

The report notes that Germany has initiated an awareness-raising campaign, "*Keine Gewalt gegen Kinder*" (Stop violence against children), which has focused on child pornography and prostitution, the sexual abuse of children, and the neglect and maltreatment of children in the family. The report notes that trafficking in girls follows the same general pattern as trafficking in women, namely from the East to West, and that Germany is often the final destination for girls trafficked from, for example, Russia, Ukraine and Belarus. There is also reference to a case — the first of its kind in Germany — in which two German nationals were prosecuted and convicted for the commercial sexual exploitation of children in Thailand.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 168–171)

The reports notes that the Special Rapporteur (SR) has received information concerning cases of severe beatings and other ill-treatment of individuals belonging to ethnic or national minorities by police officers, particularly in Berlin. The injuries caused included fractures, bruises, abrasions, cuts. In one case, a racial epithet was used. The government's reply to the SR stated that: in some cases, the police maintained that the degree of force used was necessary to overcome resistance to arrest; in others, investigations had been conducted and concluded that excessive force had not been used by the police; and in still others, investigations had not yet been concluded. The government admitted that in one case, involving a police raid on a residence that resulted in injuries, the police action had been taken at the wrong house, and the victims had refused the medical treatment offered.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, paras. 27, 48–50)

The government informed the Special Rapporteur (SR) that in Germany, the federal law implementing the Basel Convention stresses the duty to reimport illegal/unauthorized or impracticable shipments of hazardous wastes. Waste exporters required must ensure financial security for their waste shipments and contribute to a solidarity fund which pays whenever a solvent operator with a duty to reimport cannot be found in time. The government also noted that a special unit, the Federal Environment Agency, has been set up in Germany to deal with transit permits and information exchange. Additionally, the government referred to the establishment of a special procedure to notify, which ensures that the responsible authorities are informed of the notifications made. Transactions arranging the movements of wastes require official authorization.

In the report, information is included on several cases and situations involving toxic wastes and products. The first relates to a case in 1993, in which 239 tons of hazardous pesticides from Germany, stored in leaking drums, were found at the northern Albanian border. The German government was requested to reimport the products. Then, in 1994, 450 tonnes of expired pesticides, originally sent to Albania as "humanitarian aid", were returned to Germany and either burned or consigned to a waste storage facility. In a second case, this one in 1992, Egyptian authorities refused to permit the unloading of 950 tonnes of plastic waste originating in Germany; the shipment was being sent to Egyptian cement kilns to be used as fuel. The third case concerned the Germany company Wilhelm Grillo, which exported metal wastes to Bharat Zinc Ltd. in India for zinc recovery processing. Germany, in its response: referred briefly to the measures taken to dispose of the expired pesticides found in Albania; it noted that the cargo that had been refused by the Egyptian authorities had been exported illegally from Germany and that, upon the return of this waste, it had been disposed of in an environmentally sound manner; and concerning the metal wastes to India, the government stated that the exports were legal and had been approved by competent German and Indian authorities, and that the company in India had the necessary permit to process the zinc powder imported from Germany. (This information was included in a photocopy of some governments' responses to the SR's report, generally available at the 1997 Commission.)

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Sections IV, IV.B)

In the section of the report dealing with trafficking in women and forced prostitution, the Special Rapporteur (SR) noted that Colombian women are trafficked into Germany. The report characterizes German national laws on trafficking in women as "regulationism" (i.e., attempts to control prostitution through government regulatory schemes), implying official state tolerance of what is understood to be a "necessary evil". As an illustration of regulationism, the report summarizes a German court case in which defendants were accused of recruiting and coercing Thai women into prostitution. After a trial which lasted 11 months, the defendants were acquitted on the charge of trafficking and only found guilty of promoting prostitution and procuring, offences that are considerably less heavily punished. The SR indicates that, throughout the trial, the judge showed himself reluctant to pursue the case, complained about the expected length of the trial, was friendly toward the defendant and the defence counsel, and showed skepticism towards the prosecutor and the plaintiffs' counsel. The judge shared the defendants' view and did not believe that the women had been forced, even though evidence indicated otherwise. The report notes that, in deciding whether the women could have been victims of trafficking, the judge took into account the past records of the women in Thailand and, on several occasions, equated their past status to that of prostitutes. The credibility of the women's testimony was undermined by the lack of knowledge that the officers of the court had of Thai culture and by translation difficulties. The report concludes by noting that the Thai government was not interested in the case, ignored successive calls for evidence, and refused to allow a Thai police officer to be questioned.