

Germany, much larger ethnic groups remain without any specific protection. This pertains particularly to members of those ethnic groups who have long-term residence status or who have become German citizens. Reference is also made to: instances of police brutality against foreigners, particularly Africans and Turks; discrimination against certain ethnic groups by some private insurance carriers; the absence of comprehensive legislation to prohibit racial discrimination in the private sector; the fact that certain categories of foreigners, including those without legal status and temporary residents, are not entitled to redress for acts of racial discrimination committed against them; and, the failure of the government to provide information on the measures taken to eradicate de facto racial segregation.

The Committee recommended that the government:

- ▶ consider enactment of a comprehensive anti-discrimination law and the establishment of a national institution to facilitate the implementation of the Convention;
- ▶ continue to explore ways of providing specific protection to all ethnic groups living in Germany; and,
- ▶ in its next report, address: issues of racial discrimination in the private sector; access to employment by foreigners; post-employment contract equality; de facto racial segregation; prompt investigation and prosecution of xenophobic offences, in particular those committed by members of the police forces; legislation about foreigners and its implementation in the context of current asylum practices, in particular in relation to the list of so-called "safe countries"; compensation to all victims of acts of racial discrimination in Germany, and the respective competences of the federal and provincial (Lander) authorities.

#### **Discrimination against Women**

Signed: 17 July 1980; ratified: 10 July 1985.

Germany's fourth periodic report is due 9 August 1998.

*Reservations and Declarations:* Eleventh preambular paragraph and article 7 (b).

#### **Torture**

Signed: 13 October 1986; ratified: 1 October 1990.

Germany's second periodic report (CAT/C/29/Add.2) is scheduled for consideration at the Committee's May 1998 session; the third periodic report is due 30 October 1999.

*Reservations and Declarations:* Article 3.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 6 March 1992.

Germany's second periodic report is due 4 April 1999.

*Reservations and Declarations:* Article 18 (1); paragraphs (2) (b) (ii) and (v) of article 40; article 38 (2).

## **THEMATIC REPORTS**

### *Mechanisms of the Commission on Human Rights*

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60/Add.1, para. 182)

On a case that had previously been transmitted, the Special Rapporteur sent a follow-up letter requesting the government to provide additional information concerning the

investigations and proceedings in regard to the case of a Nigerian national, who reportedly died on 30 August 1994 in the aircraft which was to return him to Nigeria, after being injected with a sedative.

**Mercenaries, Special Rapporteur on:** (E/CN.4/1997/24, para. 21)

The information in the report provided by the government relates to a case dating from 1995 in which two mercenaries were given life sentences by a German court for murdering two Germans in Croatia, one a mercenary and one who had applied for recruitment into their mercenary unit. The government informed the Special Rapporteur that the convictions were primarily based on statements voluntarily given to police by one of the defendants, as well as corroborative evidence supporting the charge that both murders had been jointly committed.

**Racial discrimination, Special Rapporteur on:** (A/52/471, paras. 17, 29-31)

In his interim report to the General Assembly, the Special Rapporteur (SR) refers to the UN seminar on immigration, racism and racial discrimination (Geneva, May 1997) and cites comments on efforts by countries of the European Community to restrict immigration from outside the Community. The report notes that Germany gave preference to Turkish workers, then to Yugoslav workers, mainly Croats, and to asylum-seekers from the Eastern European countries, before finally adopting more restrictive legislation.

The report also refers to information provided by the government on: racially motivated violence against migrant workers and their families and other vulnerable social groups; the responsibility of the media (including the Internet) in inciting acts of racially motivated violence; social measures to eliminate all forms of racism, including the organization of the European Year against Racism and educating people to be tolerant; the legal situation in the area of racism and racial discrimination (status of criminal law); the policy for integrating foreigners; and compensation for victims of acts of violence in Germany.

With regard to new technologies, the SR notes that the law stipulates that anything which is harmful or even punishable in an "off-line" form must not be assessed or treated differently once it is presented "on-line". Referring specifically to the Internet, a new law came into force in Germany, 1 August 1997. The law: lays down the basic legal terms for the provision and use of the new information and communication services; defines the responsibility of the so-called providers; extends the Act Concerning the Distribution of Publications Harmful to Young Persons to the new information and communication services; is based on the principle of freedom of access; and, reflects the fact that the responsibility of those concerned needs to be regulated, with the providers' responsibility for their own content being governed by general statutes. The government's information also addressed issues such as: establishment of an unequivocal identification procedure for all Internet users world wide so as to ensure, both nationally and internationally, that information which is relevant from a criminal law point of view is not disseminated via the data networks; the need to harmonize the terms and systems of criminal law; the connection between the portrayal of