

The Basic Law includes provisions on: the free development of the personality, life and physical integrity, equal treatment, equality of women and men, religion and conscience, conscientious objection to military service, expression and opinion, press freedom, assembly and association, political parties, freedom of movement, choice of occupation and place of work, privacy, property, citizenship, asylum, participation in the electoral process, the right to a legal hearing, non-retroactive application of law and protections related to deprivation of liberty. In terms of economic, social and cultural rights the Basic Law contains provisions related to: entrepreneurship, ownership, sale and disposition of property, choice of residence, an adequate standard of living, assistance for those who are ill or unable to work or find work, marriage and family, children, non-discrimination on the basis of sex, parentage, race, language, homeland, religion or political opinions, and labour rights.

In Germany there is no state body for the protection of human rights on the bases that comprehensive judicial protection exists, assistance is provided through a highly developed network of legal professions and special interest groups, and the Basic Law provides for special procedures and institutions such as petition committees. There is, however, a Commissioner for Human Rights Questions in the Ministry of Justice who acts as agent for Germany to the human rights organs of the Council of Europe. The Commissioner also represents Germany at the Commission on Human Rights on those occasions when the CHR addresses issues related to Germany under the 1503 confidential procedure and represents Germany in cases of individual complaint brought before the Human Rights Committee under the Optional Protocol to the ICCPR.

#### **Economic, Social and Cultural Rights**

Signed: 9 October 1968; ratified: 17 December 1973.

Germany's third periodic report (E/1994/104/Add.14) is scheduled for consideration by the Committee at its November/December 1998 session; the fourth periodic report is due 30 June 2000.

#### **Civil and Political Rights**

Signed: 9 October 1968; ratified: 17 December 1973.

Germany's fifth periodic report is due 3 August 1998.

*Reservations and Declarations:* Articles 2 (1), 19, 21 and 22; paragraphs (3) (d) and (5) of article 14; article 15 (1); declaration under article 41.

**Optional Protocol:** Acceded: 25 August 1993.

*Reservations and Declarations:* Paragraph 2 (a) of article 5.

**Second Optional Protocol:** Signed: 13 February 1990; ratified: 18 August 1992.

#### **Racial Discrimination**

Signed: 10 February 1967; ratified: 16 May 1969.

Germany's 15<sup>th</sup> periodic report was due 15 June 1996.

The Committee considered Germany's 13th and 14th periodic reports which were submitted as a single document (CERD/C/299/Add.5) at its March 1997 session. The report prepared by the government includes information on, *inter alia:* protection of national minorities and other ethnic groups traditionally resident in Germany; protection of the Jewish community; criminal law and measures to combat

racist propaganda and organizations; foreign residents, asylum-seekers and refugees; the integration policy of the government; consideration of the interests of foreigners in legal decisions; compensation for racial discrimination; measures against discrimination in social sectors; xenophobic activities, incidents and causes; accusations directed at the German police authorities; and measures to combat racial prejudices at school.

The concluding observations and comments (CERD/C/304/Add.24) note that Germany has made no declaration in respect of article 14 of the Convention relating to the Committee's competence to receive complaints. The Committee noted that the lack of a national human rights institution or ombudsman, authorized to monitor and coordinate the government's efforts to eliminate racial discrimination, and the lack of a comprehensive anti-discrimination law remain obstacles to full implementation of the Convention.

The Committees acknowledged that, in the past few years, there has been a significant decrease in criminal offences against foreigners and asylum seekers and of other expressions of racial discrimination and violence. This decrease is attributed to the various legislative, administrative and judicial measures taken by federal and provincial authorities, including amendments to the criminal law, and enactment of additional legislation aimed at making the prohibition of racial discrimination and the protection of victims more effective. The government's decision to prohibit the production and distribution of neo-Nazi literature and to punish severely persons found guilty of incitement to racial hatred were also viewed as contributions to the improvement in the situation. The Committee recognized that attitudes based on xenophobia and racial discrimination are rejected by a broad section of the German public, as shown by anti-discrimination demonstrations, expressions of compassion for the victims of violence, and frequent condemnation of xenophobia and racial discrimination in the daily press and other media.

The information provided by the government indicated that some victims of discrimination have been successful in vindicating their rights in the German courts and referred to the guidelines on education which provide for the systematic teaching of human rights and the principles of tolerance and coexistence in a multicultural society. The Committee commended the authorities for the improved curricula at various levels of schooling which includes instruction about other cultures and religions, and aims to instil a feeling of respect for all human beings regardless of ethnic origin or religious affiliation.

The Committee expressed concern over a number of issues, including manifestations of xenophobia and racial discrimination, acts of anti-Semitism and hostility against certain ethnic groups, and the racial violence that still occurs on a substantial scale in Germany. The Committee noted that such manifestations appear to reflect deep-seated prejudices and latent fears that still prevail in certain sections of the population, particularly among the less educated and the unemployed, despite the government's efforts to prevent such actions and to punish the perpetrators. Concern is also expressed over the fact that while protections are provided for small ethnic groups that have traditionally resided in