

ICESCR Submission

European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Germany

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References to Germany marked with **bold**

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Data Explorers, tools and themes

Out of sight: migrant women exploited in domestic work

http://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-migrant-women-labour-exploitation-domestic-work_en.pdf

Violence against women survey

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey?mdq1=country&mdq2=420>

LGBT Survey (2012)

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012?mdq1=country&mdq2=420>

Roma survey (2011)

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey>

Annual Reports

Fundamental Rights Report 2018

<http://fra.europa.eu/en/publications-and-resources/publications/annual-reports/fundamental-rights-2018>

1. EU Charter of fundamental rights and its use of the Member States

“In Germany, paragraph 28 (2) No. 4 of the Federal Criminal Police Office Law, which comes into force on 25 May 2018, clarifies that the transmission of data to Member States of the EU and non-EU countries is precluded in cases where it would amount to a violation of the principles contained in the Charter.” (p. 45)

2. Equality and non-discrimination

“Meanwhile, legislation banning face-covering in public spaces was adopted in Austria and Germany” (p. 56)

“Comparable legislation was adopted in Lower Saxony, Germany, in August. The relevant act provides that pupils must not make it significantly difficult to communicate with others at school because of their behaviour or dress. It was adopted in the wake of a case involving a Muslim pupil who refused to come to school without wearing a niqab.” (p. 57)

“EU Member States sometimes also adopt legislation banning religious symbols with the intention of preserving the neutrality of public authorities, as was the case in Baden-Wuerttemberg in Germany in May. The relevant act prohibits judges and state prosecutors from wearing religious headgear, such as the hijab or the kippah, to ensure that they are not seen as being religiously or politically biased. The law will come into force on 1 January 2018. In June 2017, similar national legislation took effect, prohibiting civil servants in Germany from covering their faces when completing their duties, except for health reasons.” (p. 57)

“Several EU Member States aligned the civil status of same-sex couples to that of married couples (Austria, Finland, Germany, Ireland, Malta), although sometimes with limitations regarding adoption or assisted procreation (Slovenia).” (p. 57)

“Marriage became gender neutral in Malta, with the amended marriage act coming into force in September. Similarly, an act took effect in Germany in October, allowing same-sex couples to marry.” (p. 57)

“Changing attitudes towards gender identity, gender expression and gender characteristics can also be observed in **Germany**, as evidenced in a position paper published by the Ministry for Family Affairs, Senior Citizens, Women and Youth in November. In this paper, the ministry called for the existing transsexual persons act to be replaced with an act on the protection and acceptance of gender diversity; banning sex reassignment surgery for intersex children; and introducing a third gender category in the civil status act. In addition, the National Action Plan to Fight Racism, which the German Cabinet passed in June 2017, includes measures to combat homophobia and transphobia.” (p. 58)

“Concerning gender markers, the **German Federal Constitutional Court** ruled, in October, that the civil status act is discriminatory towards intersex persons on the ground of their gender. The act will have to be revised by the end of 2018. This relates to a complaint lodged by an intersex person who wanted to be registered as ‘inter/diverse’ or ‘diverse’ rather than as ‘female’ or without any gender in the civil registry.” (p. 58)

“Other research conducted or published by public authorities 2017 sheds light on the social exclusion of people in situations of vulnerability (Latvia); limitations on the inclusion of foreigners in the labour market (Estonia); and unequal working and living conditions for persons with disabilities compared to persons without disabilities (Denmark, **Germany**, Ireland, Sweden).” (p. 61)

“Slightly under one in three people in **Germany** stated that they had experienced discrimination in the past two years. This is evidenced in findings of research published jointly, and for the third time, by the federal anti-discrimination agency and the commissioners of the Federal Government and the Federal Parliament. The most commonly experienced ground of discrimination was age, followed by sex, religion or belief, race/ethnicity, disability and then sexual orientation. The research further shows that women experience discrimination on the ground of sex five times more often than men, also frequently on a combination of grounds. This includes, for example, in combination with age, when women are not hired because they might become pregnant; in combination with sexual orientation, when lesbian women are predominantly exposed to homophobia or sexual assault; or in combination with religion, when Muslim women who wear different forms

of head-coverings are primarily affected by prohibitions of religious symbols.” (p. 61)

“An analogous pattern emerges from research published in Germany in 2017, which shows that the participation of people with disabilities is limited in many areas of life. For example, in 2014, only about a third of pupils with special educational needs attended a regular school. In 2013, 47 % of women and 52 % of men with disabilities went to work, compared to 64 % of women and 77 % of men without disabilities. This research drew on the official micro-census, the socio-economic panel and official statistics such as social security statistics, statistics of the Federal Employment Agency, care statistics, child care statistics, and statistics on child and youth welfare, as well as existing quantitative and qualitative research.” (p. 62)

3. Racism, xenophobia and related intolerance

“Refugees and asylum seekers continued to be violently attacked and harassed across the EU in 2017, but few EU Member States record or publish data on such hate crimes. Finland records data on attacks against accommodation centres for asylum seekers, while Germany also records and publishes data on attacks targeting refugees and asylum seekers themselves. In the first nine months of 2017, there were 243 attacks on refugee homes throughout the country, compared with 873 attacks in the first nine months of 2016, data from the German Federal Criminal Police Office show. More than 3,500 attacks against refugees and asylum shelters were recorded in 2016, according to data made available by the German Federal Government in 2017 in response to a parliamentary question. A total of 2,545 attacks against individual refugees were reported in 2016. These attacks left 560 people injured, including 43 children.” (p. 77)

“A number of national court rulings issued in various Member States in 2017 found unlawful discriminatory ethnic profiling. For example, in Germany, the Administrative Court of Dresden reviewed claims by a man alleging that he was chosen for a police check at the train station in Erfurt based on his skin colour. The defendants, two police officers, denied such claims and said that they based their decision to check the plaintiff on his suspicious behaviour. The court found that the two defendants could not sufficiently prove that the police check was based on lawful reasoning about suspicious activities by the plaintiff and that it was based on ethnic profiling, making it illegal.” (p. 85)

4. Roma integration

Promising Practice: Working with professionals to tackle anti-Gypsyism
“The federal programme “Live Democracy!” of the German Ministry of Family Affairs, Senior Citizens, Women and Youth funds a number of pilot projects and NGOs that address the issue of anti-Gypsyism – amongst other phenomena of group-focused enmity.” (p. 101)

5. Asylum, visas, migration, borders and integration

“EU law regulates family reunification for refugees – but not explicitly for beneficiaries of subsidiary protection – in the Family Reunification Directive (2003/86/EC). Many beneficiaries of international protection who reached the EU in 2015 and 2016 have family members abroad. Bringing them to the EU lawfully remains difficult. In 2016, Germany and Sweden adopted temporary measures excluding beneficiaries of subsidiary protection from applying for family reunification for a certain time period after being granted protection. These temporary measures remained in force throughout 2017.” (p. 131)

“In Germany, removals increased from 10,884 in 2014 to 23,966 in 2017” (p. 137)

“In Germany, pre-return procedures are only occasionally monitored by charity organisations at Länder level.” (p. 140)

“[...] Germany and Sweden, were taking steps to have effective monitoring systems by 2018.” (p. 140)

“As it lacked a national return monitoring system, upon request, Frontex supported Germany with a monitor from the pool in 48 national return operations.” (p. 140)

6. Information society, privacy and data protection

“The substantial changes introduced by the GDPR and the Data Protection Directive for Police and Criminal Justice Authorities justified the long implementation period of two years. Austria and Germany already have in place the implementing legislation for the regulation and the directive” (p. 157)

“At the end of 2017, significant disparities remained between EU Member States’ progress in setting up their national PNR systems: Belgium, Germany

and Hungary have transposed the PNR Directive, while the other Member States are preparing the ground for its transposition with relevant legislation.” (p. 159)

7. Rights of the child

“Given the temporary reintroduction of border controls, the EU–Turkey statement and changing migration routes, there were drastically fewer applications in some Member States, such as Austria, Bulgaria and Germany.” (p. 182)

Promising Practice: Developing counter-narratives in Germany “Germany has set up an umbrella programme to prevent extremism and radicalisation, with children and young persons a key target group. ‘Demokratie leben!’ (Live Democracy!) began in 2015; the German Government gave it € 104.5 million in funding in 2017. Most of its initiatives focus on raising awareness regarding racism, antisemitism, homophobia and online hate.” (p. 187)

8. Access to Justice including the rights of the child

“In Germany, as of January 2017, children who have been victims of serious sexual or violent acts are now entitled to professional psychosocial support and care free of charge before, during and after criminal proceedings. This also applies to adult victims or witnesses of serious crimes deemed to be particularly vulnerable.” (p. 208)

“In 2017, several EU Member States, such as Estonia, Germany and Latvia, also introduced or improved legislative measures to combat stalking by criminalising stalking and adopting protection measures for victims of stalking.” (p. 210)

9. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

“France and Germany both adopted measures related to the accessibility of telephone services. [...]The German reforms relate to contacting emergency services, with an amendment requiring that people with hearing impairments can make emergency calls via text messages or in sign language at any time. Previously, this was only possible between 8 am and 11 pm.” (p. 229)

Fundamental Rights Report 2017

<http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>

1. EU Charter of Fundamental Rights and its use by Member States

“In other constellations, the Charter is mentioned as the guideline that should inform the national legislature how best to incorporate EU legislation into national law. This was the case in Germany, for instance, where the Bundestag held that, in the context of incorporating Directive 2014/1545 into national law, punishing people by prohibiting their employment in certain occupations is a serious interference with Article 15 of the Charter (freedom to choose an occupation and right to work) and that such bans would be legitimate only in extreme cases.” (p. 47)

“The Charter was often invoked to argue for amendments to bills, as in Germany, where a member of parliament stated that a total ban of contact on arrested persons suspected of terrorism violates Articles 47 and 48 of the Charter” (p. 49)

2. Equality & non-discrimination

“Germany maintained its general reservation towards the [Equal Treatment Directive] proposal, which it introduced in 2010. In July 2016, a number of parliamentarians asked the federal government to stop blocking the directive. They contended that, since existing national legislation goes beyond the provisions of the proposed directive, there is no reason for the federal government to refuse to adopt it. The federal government had not dealt with this request by the end of 2016.” (p. 64)

“Notably, Germany and Malta in 2016 introduced national legislation on disability that mentions multiple discrimination. [...] The German Act on the Further Development of the Right to Equality of People with Disabilities recognises that they can experience multiple discrimination on all protected grounds.” (p. 69)

3. Racism, xenophobia and related intolerance

“For example, vigilante groups with ties to right-wing extremist groups violently attacked and harassed asylum seekers and migrants in Bulgaria, Finland, Germany, Greece, Hungary and Sweden.” (p. 79)

“Germany remains the EU Member State that collects the most comprehensive data on hate crime targeting asylum seekers, their accommodation centres or organisations that work for their benefit. The authorities recorded 2,545 hate crimes targeting asylum seekers and refugees between 1 January and 31 December 2016, with another 988 targeting asylum seekers’ accommodation and 217 targeting help organisations or volunteers. Nearly all of the identified perpetrators were right-wing extremists.” (p. 79)

“In Germany and Portugal, attention was directed at empowering young people to recognise and act against online hate speech.” (p. 82)

4. Asylum, visas, migration, borders and integration

“Germany introduced cuts in social benefits where asylum seekers refuse, without good cause, to take part in integration measures assigned to them, such as attending German language classes or work opportunities.” (p. 127)

“Germany’s Federal Minister of the Interior proposed that asylum seekers and migrants rescued at sea be disembarked in North African countries. Their asylum applications would be examined in facilities supported by the EU and run in collaboration with the host country and the UNHCR.” (p. 128)

“At the end of 2015, border controls within the Schengen area were in place at some sections of the borders of four EU Member States (Austria, France, Germany and Sweden)” (p. 128)

“[...] countries with the highest arrivals of Syrians in 2015 as well as 2016, according to Eurostat: Germany (158,655 in 2015 and 266,250 in 2016)” (p. 134)

“[...] excluding beneficiaries of subsidiary protection from applying for family reunification for a certain time period after being granted protection (Austria, Denmark, Germany, Sweden)” (p. 134)

“Practical obstacles to family reunification also created additional hardships. The jump in the number of applications for family reunification created significant delays. For example, at German consulates in Jordan, Lebanon and Turkey, the waiting times for an appointment to file an application ranged from several months up to a year. [...] provision of limited information on the possibility of and procedure for family reunification, and limited access to legal assistance (Germany).” (p. 135)

“In other Member States, either no specific maximum duration is nationally determined or there is a case-by case assessment of the migrant and refugee children’s individual progress in linguistic capacity before they join regular classes – as in Germany.” (p. 137)

5. Information society, privacy and data protection

“[...] in Germany, a law regulating the German intelligence service’s (BND) gathering of intelligence on foreigners abroad came into force – a substantial step towards transparency.” (p. 157)

“In August, the interior ministers of Germany and France identified encrypted communication as a major challenge for investigations. They underlined the need to identify solutions that permit both effective investigations and the protection of privacy and the rule of law. To that end, they called on the Commission to consider putting forward legislation imposing uniform obligations on internet and electronic communication providers in terms of cooperation with authorities and, in particular, law enforcement agencies.” (p. 159)

“In most Member States, such as Belgium, Finland, Germany, Greece and Sweden, governments have set up working groups tasked with assessing whether or not new legislation will be needed.” (p. 161)

“In Germany, the Federal Constitutional Court rejected several expedited actions brought by lawyers, doctors, journalists, members of parliament and media associations – i.e. professionals bound by professional secrecy – as users of telecommunication services for private or business purposes. The applicants were seeking to annul the new provisions on the retention of telecommunication metadata introduced by a 2015 law.” (p. 163)

6. Rights of the child

“In January 2016, 4,749 unaccompanied child and adolescent refugees in Germany were considered to be missing, 108 of whom 431 were younger than 13.” (p. 183)

“In the 12 countries that provide foster care, practices are either diverse or uniform. Having diverse practices means that they may vary at regional, local or municipal level, because they are not harmonised nationally. This is the case in Austria, Belgium, Denmark, Estonia, France, Germany and Poland.” (p. 185)

Promising Practice: Promoting alternative care solutions for unaccompanied children “Under the Rights, Equality and Citizenship Programme, the EU co-funded a follow-up action project whereby Nidos (the Netherlands), in cooperation with Minor N’dako (Belgium), Jugendhilfe Süd Niedersachsen (Germany), OPU (Czech Republic), the Danish Red Cross and KIJA (Austria), has developed a training programme with supportive and online materials for professionals working with host families who take care of unaccompanied children.” (p. 185)

“In Germany, in July 2016, the Federal Association for Unaccompanied Minor Refugees published a first evaluation of the implications of a law adopted in October 2015, based on an online survey of 1,400 professionals working with unaccompanied children. The findings show that the appointments of guardians in many cases exceeded the legal time limits provided for by law.” (p. 186)

6. Access to Justice including rights of victims

“Draft legislative measures to transpose the directive [2013/48/EU (right to access a lawyer)] are currently pending before the national parliaments of several other Member States: Cyprus, the Czech Republic, Germany, Greece, Luxembourg and Lithuania.” (p. 206)

Promising Practices: Providing online support for crime victims “Germany’s largest victim support organisation, Weisser Ring, launched an online helpdesk in August 2016. A total of 17 trained support workers advise and assist crime victims who email them seeking help. They provide online advice in writing – currently in German only. Victims can remain anonymous if they wish.” (p. 207)

“Awareness of support services listed in the survey ranged from close to 100 % of respondents in Germany, Malta, and Sweden to under 30 % in the Czech Republic and Romania.” (p. 209)

“In Germany, as of November 2016, any significant sexual act undertaken against the apparent will of an affected person is treated as a crime. In addition, an offence of ‘sexual harassment’ was introduced, criminalising bodily contacts for sexual purposes that are unwanted by the affected person. The new provision aims to criminalise, for instance, groping women in public transport.” (p. 210)

“The time span covered by police barring orders ranges from 72 hours in Hungary up to several weeks (for example, in Austria, Denmark, Germany and Slovakia).” (p. 210)

“Responding to recommendations from the CRPD Committee, states in Austria and Germany established their own monitoring bodies in 2016 to complement those already in place at the national level. [...] Some German federal states concluded contracts with the German Institute of Human Rights – the national Article 33 (2) body – to establish monitoring mechanisms at the state level. The creation of a body in North Rhine-Westphalia was highlighted as a model for other German federal states.” (p. 233)

“Monitoring frameworks in a number of Member States – such as Germany, Hungary and Italy – are not able to receive complaints themselves, and others lack a mandate to participate in judicial proceedings.” (p. 234)

Fundamental Rights Report 2016

<http://fra.europa.eu/en/publications-and-resources/publications/annual-reports/fundamental-rights-2016>

1. Asylum and migration into the EU in 2015

“With no trains available, in early September, over 1,000 people set off on foot along the highway to Vienna in Austria. An agreement was made to allow them to enter Austria and transit to Germany.” (p. 8)

“An average of between 2,000 and 5,000 people reached Germany every day.” (p. 8)

“Germany registered over one million arrivals, the majority of whom remained in the country, although some moved on – primarily to northern Europe.” (p. 8)

“Some of the most affected destination countries, including Austria, Denmark, Finland, Germany and Sweden, announced changes to their national laws that would delay family reunification or make it more difficult for refugees and/or people granted subsidiary protection. [...] the German parliament approved the so-called asylum package II (Asylpaket II) on 25 February 2016.” (p. 12)

“In Germany, a number of Syrians who picked up relatives and friends in Austria and brought them to Germany had to pay fines for assisting unauthorised entry (on the basis of Sections 14 and 95 of the German Residence Act (Aufenthaltsgesetz)).” (p. 13)

“EU Member States took several measures to ensure that those who cross their borders are registered and move onwards in an organised manner. Along the main route in Croatia, Slovenia, Hungary, Austria, Germany and Sweden, they set up transit or distribution facilities from which people moved onwards to the neighbouring Member State or to a reception facility by bus or train.” (p. 13)

“In last year’s Annual report, FRA already noted the unequal distribution of asylum seekers in the EU, with about half of the applications being lodged in Germany and Sweden.” (p. 17)

“One of the largest temporary accommodation facilities was set up in the former Berlin Tempelhof airport (Germany): over 2,000 people were staying in the three hangars in December 2015, and there were plans to double or triple its capacity.” (p. 19)

Promising Practice: Hosting refugees at home *“In a year that saw large numbers of asylum seekers struggling to find emergency accommodation, local initiatives such as Flüchtlinge Willkommen (Refugees Welcome) helped match asylum seekers with host families. In 2015, 251 asylum seekers were welcomed into homes in Germany and 240 into homes in Austria.” (p. 20)*

“Delays in appointing guardians – as FRA’s regular updates documented in some parts of Germany, for example – meant delaying the asylum procedures and thus durable solutions for the children.” (p. 21)

“[Repeat applications] contributed to the congestion of national asylum systems, resulting in longer procedures for all asylum applicants. For example, more than 470,000 asylum applications were pending in Germany at the end of December 2015, around 144,000 of which were from western Balkan countries, including over 23,000 repeat applications.” (p. 23)

“In Germany, in principle, migrants in an irregular situation are entitled to healthcare beyond emergency services, but social welfare staff have a duty to report such migrants to the police if they receive non-emergency

care. Given the risk of being reported, the right to primary and secondary healthcare remains only on paper.” (p. 26)

“In Germany, no mechanism exists at the federal level and the scope of existing partial monitoring activities at individual airports is limited.” (p. 27)

2. EU Charter of Fundamental Rights and its use by Member States

“By interpreting EU directives the national courts are bound to ensure a fair balance of fundamental rights, protected by the Union’s legal order, as well as of general principles of Union law.” Source: Germany, Federal Court of Justice, Decision No. I ZR 240/12, 5 February 2015 (p. 44)

“[...] in Germany, the opposition Left Party tabled a proposal to amend the Basic Law, with the aim of extending fundamental rights guaranteed to German citizens (the freedoms of assembly and association, free movement, and free choice of profession) to citizens of other states.” (p. 48)

“In Germany, a draft law on the mandatory retention of telecommunications metadata was accompanied by an assessment of whether the data retention was compatible with EU law. That analysis was based in large part on the Charter.” (p. 49)

3. Equality and non-discrimination

“The German Federal Anti-discrimination Agency, for example, published a report by an independent commission with recommendations for measures against gender discrimination. The commission supports the federal government’s plans for an equal pay act, but calls for businesses of all sizes to fall under the act. The government’s coalition agreement currently plans to require only companies with more than 500 employees to issue reports on pay gaps.” (p. 67)

“The German Act for the Equal Participation of Women and Men in Management Positions in the Private Sector and in Public Service came into force. The law aims to increase the ratio of women in higher management positions in the private and public sectors. For the private sector, all shareholder companies that fall under the Workers’ Participation Act are obliged to reach a 30 % ratio of women in their supervisory boards as of

1 January 2016. For the public sector, all layers of the federal administration have to define targets and implementation measures for equal gender representation in management positions.” (p. 67)

4. Racism, xenophobia and related intolerance

“[...] Germany, where the parliament published data on the number of incidents targeting accommodation centres for asylum seekers. These data show a dramatic increase in such incidents – from 203 recorded in 2014 to 1,031 in 2015, as Table 3.1 shows. Between 2012 and 2014, most violent incidents “in connection with the accommodation of asylum seekers” (see Table 3.2) were attributed to perpetrators with a left-wing background (politically motivated criminality – left, politisch motivierte Kriminalität – Links). The tendency reversed in 2015, with perpetrators of violent incidents mainly identified as having a right-wing background (politically motivated criminality – right, politisch motivierte Kriminalität – Rechts).” (p. 78)

“The recording system for politically motivated crimes in Germany is divided into various broad categories, such as ‘foreign/asylum’. The system also records four types of political motivations: right-wing, leftwing, foreign and others. Until 2014, crimes targeting asylum seeker accommodations were recorded under the broader category of ‘foreign/asylum’ – sub-topic “in connection with the accommodation of asylum seekers”. Examples of crimes recorded under this category include attacks against the police or violations of assembly laws in the context of pro-refugee demonstrations organised by members of left-wing groups. In 2014, a new sub-category was added to the classification system: politically motivated criminality – “right targeting asylum accommodations”. This category includes incidents targeting accommodation facilities as well as the people who reside in them. The focus on right-wing motivation in this category helps explain the increase in crimes attributed to perpetrators with a right-wing background.” (p. 78)

Promising Practice: Educating children about racism “Germany has implemented a programme that funds projects and initiatives that deal with racism and xenophobia and provide support for victims of racism and individuals who wish to exit racist and radical groups. The programme seeks to promote democracy in society by supporting initiatives that aim to prevent Islamist, leftwing, right-wing, and nationalist radicalization.” (p. 79)

“In Germany, an agreement was reached with social media companies. The agreement entails measures and practices for swiftly reviewing and removing illegal racist and xenophobic hate speech on social media platforms.” (p. 81)

“In Germany, the Federal Anti-Discrimination Agency published a legal opinion on the effective prosecution of hate crime, interpreting the terminology and existing legal provisions on hate crime in Germany and proposing relevant legislative amendments for prosecuting hate crime.” (p. 82)

“CERD also called on the German authorities to amend or repeal section 22 (1) of the Federal Police Act, which, for the purpose of controlling immigration, enables police to stop and question persons in railway stations, trains and airports; demand their identity documents; and inspect objects in their possession. Similarly, the Council of Europe Commissioner for Human Rights expressed concern regarding reports about ‘racial profiling practices among the German police’.” (pp. 83-84)

“The German Federal Anti-Discrimination Agency published a guide to assist work councils and labour unions in dealing with ethnic discrimination and racism at work, providing legal and practical advice on how to combat and prevent ethnic and religious discrimination. It also published a manual on legal discrimination protection that sets out the possible legal steps to be taken in discrimination cases. The manual provides legal guidance to lawyers, counsellors, advisers, and people who are victims of discrimination on various grounds, including race and ethnicity.” (p. 86)

5. Roma integration

“In other Member States, such as Germany, criticism targeted the placement of children whose mother tongue is not German into separate preparatory classes. CERD expressed concern that early selection for separate educational levels “leads to an overrepresentation of minority students in [the] lower school stratum” and, particularly for Sinti and Roma, ‘further creates segregation [...] with no real chances of enhancing their education and work.’” (p. 101)

“In other Member States, such as Denmark and Germany, Roma integration has been incorporated into general sets of policy measures and, at the local level, assistance measures may include Roma among the beneficiary groups. The German federal programme ‘Live Democracy! Active against

Right-wing Extremism, Violence and Hate', for instance, funds specific pilot projects dealing with anti-Gypsyism and supports the structural development of a nation-wide NGO, the Documentation and Cultural Centre of German Sinti and Roma (Dokumentations- und Kulturzentrum Deutscher Sinti und Roma)." (p. 106)

6. Information society, privacy and data protection

"Reacting to revelations regarding cooperation between different intelligence authorities, such as the German Bundesnachrichtendienst (BND) and the US National Security Agency (NSA), various Council of Europe (CoE) bodies called for stronger parliamentary oversight of secret services." (p. 118)

"In Germany, the Second Act amending the Federal Data Protection Act (Zweites Gesetz zur Änderung des Bundesdatenschutzgesetzes) was adopted on 25 February 2015." (p. 123)

"In Germany, the parliament adopted legislation to reintroduce it in 2015. However, the proposal includes several safeguards, including the obligation to encrypt and log file access. In addition, it requires applying the "four-eyes principle", which means two persons must always authorise technical access to the data. Moreover, the content of communications, websites accessed and metadata of email traffic are explicitly excluded from the scope of the retained data." (p. 126)

7. Rights of the Child

"[...] in Germany, the monthly child benefit increased by €4 – from €184 to €188 – in 2015. Some ministries and civil society criticised the increases as insufficient, such as in Austria and Germany." (p. 141)

"Germany also criminalised the unauthorised distribution of photos likely to significantly damage the reputation of the person shown, with the aim of combating cyberbullying." (p. 144)

8. Access to Justice, including rights of crime victims

"The German law on strengthening victims' rights in criminal proceedings came into force on 31 December 2015. Besides amending the Criminal Code, the act also established a new law: the Act on Psychosocial Assistance in Criminal Procedure (which FRA's 2014 Annual report addressed in Section 7.3.1). The court must assign psychosocial assistance to all victims of sexual abuse and victims of serious crime under the age of 18.

Older victims of serious crimes such as rape, human trafficking and attempted murder can also request free support.” (p. 167)

“The German Federal Ministry of Justice and Consumer Protection in July presented a draft law to adapt the criminal law on sexual abuse and rape (an issue addressed in Section 7.4.1 of FRA’s 2014 Annual report). This introduced legal changes to define as rape several acts that are not defined as such under current law. According to some human rights and women’s rights organisations, the changes still fall short of the requirements of the Istanbul Convention.” (p. 172)

Promising Practice: Financing efforts to support refugee women who are victims of violence “The Ministry for Health, Emancipation, Care and Old Age of the State of North Rhine-Westphalia, in Germany, in 2015 allocated €900,000 to counselling and support of refugee women who have been victims of violence and are traumatised. Organisations working in the field may apply for additional funding to increase their work or initiate particular projects. The money can also be used to finance urgent psychotherapeutic treatment of refugee women who have no possibility of receiving funding for the treatment under the Victims Compensation Act, or whose right to financing of treatment is uncertain under the Asylum Seeker’s Benefits Act. The organisations can also use the money to pay for refugee women to stay in women’s shelters.” (p. 173)

“Germany’s Federal Anti-Discrimination Agency published a report by an independent expert commission in December 2015, outlining recommendations for measures against gender discrimination. One of the three key issues identified in the report is better protection against sexual harassment at work. Findings show that at least 50 % of women in Germany encounter sexual harassment at work in all kinds of sectors. The report recommends strengthening employers’ efforts to combat sexual harassment by increasing training for higher management and workers’ councils, and establishing complaint mechanisms. The commission also suggests legal reforms – such as increasing the maximum period for taking legal action from two to six months, and allowing representative legal action by anti-discrimination organisations.” (p. 174)

9. Developments in the implementation on the Convention on the rights of persons with disabilities

“Taking a different approach, the German Federal Ministry of Labour and Social Affairs followed up the 2014 evaluation of the Federal Act on Disability Equality by inviting experts from political parties, federal ministries, commissioners for matters concerning persons with disabilities, and civil society to a forum to discuss possible revisions of the act. Drawing on this input, the revised draft bill to amend the act includes a proposal to promote participation by organisations representing the interests of people with disabilities.” (p. 191)

“The German Federal Government Commissioner for Matters of Persons with Disabilities, along with the German Institute for Human Rights, organised a major conference a month after the publication of the concluding observations. Participants from government, public administration, and civil society discussed implications for policy-making at federal, regional, and local levels, highlighting the situation of persons with psychosocial disabilities, supported decision-making, and healthcare for refugees with disabilities as particularly urgent issues.” (p. 192)

Thematic Reports

Challenges facing civil society organisations working on human rights in the EU (January 2018)

“[...] in Germany, a court restored the tax exempt status of an NGO (Attac Germany) after it had been revoked because some of its activities – such as promoting more effective taxation on financial incomes and large properties – were deemed ‘political’ in nature by the authorities. The Kassel Fiscal Court clarified that the term ‘political activities’ was to be understood as activities supporting political parties, not political activities in general.” (p. 23)

“Bulgaria, France, Germany, Italy, the Netherlands and Portugal have increased penalties for defamation where public officials are concerned.” (p. 24)

“Germany, Greece, Italy, Malta, Poland, Portugal and Slovenia have laws criminalising the insult and/or defamation of heads of state. Austria, Croatia, Germany, Italy, Poland, Portugal, Slovenia and Spain have criminal

laws prohibiting insults of the state. With the exception of Italy and Spain, imprisonment is a possible penalty in all cases. Criminal laws prohibiting the insult of state symbols exist in Bulgaria, Greece, Poland, Portugal and Spain. Austria, Belgium, Cyprus, Germany, Greece, Italy, Luxembourg, the Netherlands, Poland, Portugal and Spain criminalise defaming or disparaging various state institutions, such as governments, parliaments, courts, the armed forces and public bodies or authorities in general. Cyprus, Denmark, Estonia, Germany, Greece, the Netherlands, Poland, Portugal, Slovenia and Sweden criminalise defamation of foreign heads of state.” (p. 24)

“[...] in Germany, organisations were offered very short time periods – varying between ‘a few hours’, 30 hours and one week – to comment on ministerial draft bills, even though the bills had profound consequences for migrants and refugees.” (p. 43)

Second European Union Minorities and Discrimination Survey – Main results (December 2017)

“Among immigrants from Sub-Saharan Africa and descendants of such immigrants (SSAFR), the 5-year discrimination rate based on skin colour varies, ranging from 53 % in Luxembourg to 14 % in the United Kingdom. Higher rates of discrimination based on skin colour are also indicated by this group in Austria (45 %), Germany and Italy (37 % each).” (p. 26)

“Among immigrants and descendants of immigrants from Turkey, gender differences exist with regard to discrimination based on religion or religious belief in Austria, Belgium and Germany: female respondents indicate higher rates of religious discrimination than their male counterparts.” (p. 28)

“Immigrants and descendants of immigrants from Turkey feel most discriminated against in the Netherlands (39 %) and least discriminated against in Germany (18 %).” (p. 30)

“In Germany, women [with Turkish background] also experience higher levels of discrimination than men (21 % vs 16 %).” (p. 30)

“In some countries, women victims of discrimination report more often than men (Germany: male: 7 %, female: 17%)” (p. 44)

“Respondents with Turkish background mostly did not report incidents because they thought nothing would change in the Netherlands (64 %). In Germany, only 34 % of the respondents from this target group provided this reason. For respondents with Sub-Saharan African background, this was mostly a reason for not reporting in Austria (70 %), Ireland (56 %) and Germany (54 %).” (p. 49)

“In Denmark, Germany and Sweden, immigrants and descendants of immigrants from Sub-Saharan Africa indicated experiencing hate-motivated harassment 10-13 percentage points more often than immigrants and descendants of immigrants from Turkey interviewed in these three countries.” (p. 58)

“One third of respondents with Sub-Saharan African background in Germany (34 %) [...] were stopped in the five years before the survey.” (p. 69)

“The highest levels of trust in the police are observed among respondents with Sub-Saharan African background in Finland, Malta and Germany; with Turkish background in Germany, Austria and Denmark” (p. 75)

“in general, second-generation respondents have obtained higher education levels than first-generation respondents – except in Germany, where there is almost no difference between first- and second-generation respondents of Turkish descent.” (p. 76)

“In Germany, the countries of origin of immigrants from Sub-Saharan Africa are much more dispersed, with the most important being Eritrea (19 %), Ghana (18 %) and Togo (11 %).” (p. 78)

“[...] most immigrants from Turkey in Germany hold long-term residence permits (59 %). The requirement of having to give up previous citizenship is particularly relevant for this latter result.” (p. 86)

“Low levels of education – with no upper secondary education received – are also observed among respondents with Turkish background in Germany (42 %)” (p. 89)

“In Germany, almost no difference [in completion of at least upper secondary education] between first- and second-generation respondents with Turkish background was observed (40 % and 44 %, respectively) – by far

the smallest difference among the countries in which this target group was interviewed.” (p. 90)

“Levels of trust in the police are the same or higher than the general population’s in Belgium, Austria and **Germany**” (p. 100)

“Trust in the legal system is higher among immigrants and descendants of immigrants from Sub-Saharan Africa than among the general population in most countries covered, with stronger differences in Portugal, **Germany**, Ireland and Finland.” (p. 100)

“The six countries covered in EU-MIDIS II with respect to immigrants from Turkey, host 82 % of all immigrants from Turkey in the EU-28, with most settled in **Germany**.” (p. 115)

Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Muslims – Selected findings (September 2017)

<http://fra.europa.eu/en/publication/2017/eumidis-ii-muslims-selected-findings>

“The largest numbers of Muslims live in France and **Germany**, with around 4.7 million in each of the two countries making up for 46 % of all Muslims in the EU.” (p. 7)

“The most striking difference in the 12-month rate of perceived discrimination is observed in **Germany** between Muslims from Sub-Saharan Africa and from Turkey: 18 % of Muslim respondents from Turkey felt discriminated against in the preceding 12 months, in contrast to 50 % of those from Sub-Saharan Africa.” (p. 28)

“Muslims from South Asia in Italy and Greece, and Muslims from Turkey in Austria and **Germany**, also mention skin colour as the main reason they felt discriminated against when looking for work.” (p. 32)

“Muslims from Turkey in **Germany** who felt discriminated against at the work place [...] indicate their citizenship as the most important reason for discrimination.” (p. 33)

Promising Practices: Promoting social cohesion and migrant participation

“Intercultural Week: This annual nationwide public event celebrates diversity and encourages intercultural dialogue in more than 500 cities in

Germany, with events on issues such as solidarity, fundamental rights and diversity. Islamic communities as local actors: This project seeks to better integrate Islamic communities into *German* society. Through a combination of various types of support, the project intends to improve and facilitate collaboration between communities and voluntary organisations in *Germany*. With this goal in mind, the project works to strengthen networks of these actors. The project offers a wide array of language courses and seminars about local topics. The participants have the right to participate in the selection of topics for these seminars, thereby strengthening long-lasting ties with other participants. Participants from Islamic communities thus function as ‘multipliers’ by spreading the knowledge they gain and implementing the project in their communities. Young, Muslim, Active (YUMA): The YUMA project aims to strengthen the commitment of young Muslims and to improve the way they are perceived by the *German* public. Working closely with mosques and Islamic organisations, the project trained some 100 young people as multipliers and ‘bridge builders’ within their communities between April 2014 and April 2016. The project aims to strengthen both young Muslims and partnerships with mosque congregations, to help develop a more nuanced view of Islam. Alongside the content and methods imparted to the trainees in seminars, workshops and larger-scale conferences, the transfer of the YUMA concept to other states in *Germany* is a key component, starting by transferring YUMA to North Rhine-Westphalia, Hamburg and Baden-Württemberg.” (pp. 27-28)

“The research found that host society involvement is included in migrant integration indicator systems in six EU Member States (Austria, Belgium, Estonia, Finland, *Germany* and Portugal), which use indicators referring to various issues, including public opinion and attitudes, proportion of mixed marriages, and immigrants’ sense of belonging or trust in institutions.” (p. 35)

“Some Member States develop their own sets of indicators, going beyond the Zaragoza set – for example, *Germany*” (p. 37)

“*Germany* has a multi-level approach [to national integration indicators]. At federal level, a set of 64 indicators was presented in the Second Report on Integration Indicators, including legal status, early childhood education and language learning, education, training, labour market integration,

income, participation, housing, health, mainstreaming of schools, administration, services, business, politics, media, criminality, violence and xenophobia. These indicators are populated through microcensus and additional data sources, such as employment, naturalisation, income, child and youth welfare statistics and criminal prosecution data. At regional level, federal states (Bundesländer) can develop their own indicators; for example, the federal state of Hessen developed a list of indicators distinguishing between structural components (including access to education, labour market, and housing and healthcare systems), social components (including a person's social standing, international marriages and partnerships, and membership of associations), cultural components (including proficiency in the host country's language, religious practices and moral concepts) and identification issues (for example local, regional, national or bi-national sense of belonging). In addition, some cities also monitor integration – for example, Wiesbaden.” (p. 37)

Promising Practices: Diversity in school “In Germany, the Federal Government Commissioner for Migration, Integration and Refugees funded and, in cooperation with the Georg Eckert Institute – Leibniz Institute for International Textbook Research, carried out research on migration and integration in school textbooks in 2015. The results show that the educational material does not always reflect diversity in society and that migration issues are mostly addressed in a ‘conflictual’ and crisis-framed approach. The commissioner outlined recommendations for educational practice and policy in response to these findings.” (p. 42)

“[In] Germany, 5 % of elected positions are occupied by immigrants.” (p. 45)

“There are important differences between Member States: while ‘the proportion of native-born offspring of immigrants who work in the public services sector in Germany is less than one in ten, it is as high as one-third in countries like France, the Netherlands and Sweden.’” (p. 48)

“In Germany, federal states inform young people with immigrant backgrounds about job opportunities in the civil service, while some promote employment in the public sector, offering internships in cooperation with schools, job centres and migrant organisations.” (p. 48)

“[...] the research identified such consultative bodies [for migrant integration] operating at local or regional level in several Member States (the Czech Republic, Denmark, Germany, Greece, Finland, France, Ireland, Italy, Latvia, Luxembourg, Poland, Spain, Sweden and the United Kingdom).” (p. 58)

“Most Member States do not grant citizenship to children born to foreign citizens upon birth as a direct or automatic entitlement. In Belgium, Germany, Ireland, Portugal and the United Kingdom, this is possible with additional requirements, such as the length of parents’ legal residence in the country.” (p. 59)

Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States

<http://fra.europa.eu/en/publication/2017/child-friendly-justice-childrens-view>

“In three states – Bulgaria, Germany and the United Kingdom (England and Wales) – the right to be heard is not expressly enshrined in law. It remains at the police and prosecuting authorities’ discretion to call on a child to testify.” (p. 19)

“Most children interviewed in Estonia, Germany and the United Kingdom (England) tend to be positive about their experience. As the research with professionals showed, the officers in these countries are more likely to receive targeted training in working with children. Children often describe them as very kind, friendly, humorous and sympathetic. Children also noted that the police officers interviewed them in a “playful” way using clear, child-friendly language; that the officers took breaks when the topic became overwhelming, when they had to cry or when they were distracted; and that the children occasionally received a present after the hearings. Some of the children praised police officers for allowing them to hear the audio recording after the hearing. Children also spoke positively about police officers in direct comparison with other professionals” (p. 25)

“In Germany, children indicated that judges excessively use legal terminology, making it difficult for them to understand their role and what is

happening. Some interviewees stated that judges lack sensitivity and empathy. For example, children noted that judges asked inappropriate questions and insisted on them answering against their will, and ignored their requests, such as when they asked for “a moment to think about it” during a hearing.” (p. 26)

“In Germany, almost all interviewees who were heard in court in criminal proceedings were accompanied by a psychosocial assistant. It should be noted that these professionals served as one of the main recruitment channels for this research project, which may possibly bias the research. Children highly appreciate their support, and note that they were the only professionals to use child-friendly materials.” (p. 27)

“Even though German law provides for the possibility of excluding the public and the defendant, children report numerous people being present at hearings, including the defendant. They also stated that many hearings are conducted by several professionals, and that they are not allowed to choose someone to accompany them, which makes them feel outnumbered.” (p. 28)

“In Germany, some interviewees spoke of feeling uncomfortable during proceedings, as they found it hard to see their parents suffer and cry and did not want them to worry.” (p. 28)

“Children in Germany who were involved in serious criminal cases also described being interviewed in child-friendly settings at police stations. They indicated that the rooms have child-friendly decorations, furnishings and toys, as well as videorecording devices to record hearings for potential use in court, and supportive tools for interviews, including anatomical dolls for collecting evidence. Children who were heard in child-friendly rooms appreciated the child-specific equipment but generally found that the video cameras made them feel uncomfortable. Some children also stated that the recording equipment in the police hearing rooms malfunctioned, meaning they had to repeat their testimony to police officers. Children also felt uncomfortable if several people were present in the monitoring room and would appreciate more proactive advice or support from the police.” (p. 30)

“In Germany, the children positively assessed the child-friendly hearing and waiting rooms in some courts. These rooms are furnished with a table, chairs, a camera and a TV screen. Children noted that professionals conducting the hearings offered them anti-stress balls (Quetsch-Bälle) to use.” (p. 32)

“In Germany, for example, children criticised the fact that many people, even defendants in some cases, were present for most of the hearing.” (pp. 33-34)

“In Germany, nearly all interviewees perceived their hearings as influential on the proceedings – some because the sentence imposed was severe, others because a sentence was handed down at all.” (p. 31)

“In Germany, children involved in custody cases are usually heard by judges after an individual assessment by one or more professionals (often psychologists). The majority of those interviewed found professionals’ and judges’ attitude and communication skills poor. Children described judges’ attitudes as rather formal and unfriendly. They complained about the lack of interaction with, and feedback from, judges; their poor interpersonal skills; and the impression that judges lacked interest in the hearings and were not listening to them.” (p. 40)

“In Germany, children interact with a wide range of professionals throughout proceedings, including legal counsel, contact supervisors, psychologists, and Youth Welfare Office and protection services staff. These professionals can be instructed to conduct supportive interventions for children and can be heard as additional witnesses to help judges assess children’s best interests. Children assessed these professionals ambivalently, often depending on how genuinely supportive they found them.” (p. 43)

“In France and Germany, children spoke positively about being heard alone with professionals, without their parents present. Nevertheless, parents’ presence in court outside the hearing room can still be a source of stress.” (p. 44)

“In Germany and Bulgaria, children are assessed by several specialists and professionals outside court before being invited to court hearings. In Germany, children reported numerous interactions with a wide range of professionals, such as LCs, contact supervisors, psychologists and Youth Welfare

Office and protection services staff. Interviewees generally spoke positively about the offices where assessments are conducted, based on their child-friendly features and being separate from the intimidating court setting.” (pp. 46-47)

“In **Germany**, children are also heard in the judges’ offices or in small rooms. Like in France, children in **Germany** assessed these offices neutrally. One child reported being heard in a child-friendly room when she was eight years old.” (p. 47)

“In **Germany**, child-friendly waiting areas or ‘play-rooms’ (Spielzimmer) are available in only a few courts, such as the Higher Regional Court Berlin and the Higher Regional Court Bavaria. Interviewees described a play-room in which they could wait, which was furnished with books, toys, games and a hot drinks vending machine, although no food. Like hearing rooms, these waiting rooms were perceived as too childish by older children; two interviewees who used the place (11 and 15 years old) stated that they are for very young children. One of these interviewees was even critical of the shared children’s waiting room, as she found the other children’s crying stressful and confusing. One 12-year-old interviewee described a children’s corner at the District Court Baden-Württemberg, marked out with rugs and containing seating for children. However, they also found this area to be only for very young children.” (p. 48)

“In **Germany**, children reported receiving procedural support from legal counsels, but criticised their attitude, the lack of clarity over their role and the absence of follow-up to their wishes and opinions.” (p. 50)

“There are also clear country effects, with children from **Germany** and the United Kingdom being more likely to have understood proceedings. Some answers imply that this may be linked to them being more aware of their rights, e.g. via their school education.” (p. 61)

“In **Germany**, children involved in criminal proceedings generally considered themselves properly informed and prepared for criminal proceedings. These children reported receiving information and being prepared for trial hearings by psychosocial assistants, psychologists and the police. Children

who received information from counselling services before filing complaints with the police, and from psychosocial assistants before trial hearings, assessed the information positively.” (p. 62)

“However, children in **Germany** were more positive about information received before trial hearings than before police hearings.” (p. 63)

“Children in **Germany** highly appreciated receiving information before hearings. They particularly valued the psychological and legal support and explanations of proceedings provided by psychosocial assistants” (p. 63)

“In **Germany**, children indicated that police and judges informed them about proceedings during police and trial hearings. Some children spoke about receiving a ‘witness instruction’ (Zeugenbelehrung) before hearings in court started. Most children assessed this negatively; they indicated that judges read all the “legal issues” in an intimidating way and roughly reminded them about their duty to tell the truth, making them have doubts about their role in the proceedings.” (p. 66)

“Children heard in **Germany** mentioned that the judges usually greeted them before and after hearings and sometimes complimented them on their behaviour, which they highly appreciated. However, children also spoke about a lack of prior information and of being shocked by the defendant’s presence in the courtroom.” (p. 67)

“In **Germany**, children indicated that parents and lawyers usually informed them about proceedings’ outcomes. Usually, they were informed as sentences were announced in their presence. Other children said they were informed later, and a few children said they were not informed at all.” (p. 68)

“In **Germany**, children reported that psychosocial assistants were the only professionals who used child-friendly material.” (p. 69)

“In **Germany**, children in custody cases generally reported receiving information from their parents, primarily their mothers. Children who were involved in multiple proceedings considered the amount and quality of information received before court hearings in civil proceedings rather poor compared with that received before criminal hearings.” (p. 71)

“In Germany and Spain, even where children felt more comfortable when their parents informed them, most appreciated receiving further information from judges and legal counsel. However, some children described receiving insufficient, or even misleading, information from these professionals.” (p. 74)

“In Germany, lawyers as well as parents generally told children about the proceedings’ outcome.” (p. 76)

“[...] all Member States studied have statutory provisions on the right to privacy of children involved in judicial proceedings in family law. Except for Estonia and Germany, they also have laws prohibiting privacy violations by the media at all stages of proceedings. In Germany, a voluntary self-regulatory body has established media guidelines stating that the child’s identity must not be revealed.” (p. 84)

“In the majority of the countries, such as Croatia, Germany, Poland, Romania and Spain, children involved in criminal proceedings reported receiving support more often than those involved in civil proceedings” (p. 92)

“In Germany, children described receiving support before, during and after proceedings from psychosocial assistants, witness and victim support services, psychologists, counselling services, social workers and lawyers. Children particularly appreciated being prepared before hearings by counselling services before filing a complaint with the police and by psychosocial assistants before trial hearings. However, counselling services were less frequently reported than psychosocial assistants because, at this early stage of the proceedings, they are often still not involved.” (p. 93)

“In Germany, children generally received support from legal counsels, contact supervisors and, to a lesser extent, Youth Welfare Office staff. They regarded this support neutrally, particularly when they understood its main function as providing the judge with an expert’s opinion. Support provided by adults of trust, usually parents, foster parents and grandparents, was considered more positively.” (p. 96)

“For instance, Germany ensures the right to translation and interpretation only for those bringing a case (plaintiffs), not for witnesses and parties.” (p. 103)

Rights of suspected and accused persons across the EU: translation, interpretation and information (November 2016)

<http://fra.europa.eu/en/publication/2016/rights-suspected-and-accused-persons-across-eu-translation-interpretation-and>

“In **Germany**, a recognisable trend of not providing written translations of judgments when the accused has a defence counsel has emerged in recent case law. There are doubts as to the lawfulness of such a scheme, which has been criticised in the legal literature and by legal practitioners. When it is not possible for an accused to read the judgment to comprehend the reasons for their conviction, this arguably does not meet the requirements of the right to a fair trial.” (p. 40)

“In **Germany**, the right of the accused to communicate with their legal counsel was already previously stipulated by national jurisprudence, which deemed it necessary to safeguard the rights of the accused in criminal proceedings and the right to a fair trial enshrined in Article 6 of the ECHR.” (p. 41)

“[...] in **Germany**, criminal practitioners noted that in some courts, access to interpretation for purposes of communicating with one’s legal counsel is limited to several hours.” (p. 42)

“Legal practitioners from **Germany** confirmed that while such situations are relatively rare, courts have in the past approved the translation of, for example, detailed written instructions given by the accused for their legal counsel.” (p. 43)

“Laws in [...] **Germany** [...] allow the police and courts to use unregistered interpreters and translators.” (p. 47)

“[...] in some Member States, interpreters and translators are required to pass specialised exams, while in others, it can be sufficient to present other evidence of qualification, such as professional experience or education. In others still this may be combined with other requirements, such as undertaking specialised training or having a minimum level of language capability. The situation not only differs between EU Member States, but also within the states themselves. In **Germany**, due to its federal status, the situation is particularly complex, with minimum requirements varying among the Länder (States).” (p. 48)

“In Germany, where using the register is not mandatory, several professional associations of judges and prosecutors have noted that for cost reasons, it is not uncommon for courts and police to use interpreters and translators who are not sufficiently qualified.” (p. 50)

“In Germany, once the main proceedings have been opened, complaints against most decisions of the adjudicating court – including decisions about interpretation – are inadmissible prior to delivery of a judgment. The accused can only appeal against the judgment in accordance with the standard rules on appellate procedure. Thus, prior to the conclusion of the proceedings, there is no procedure for challenging refusals of interpretation.” (p. 57)

“[...] practitioners in Germany reported that, during preliminary proceedings, informing accused persons about changes in the details of accusations is not legally prescribed. After an accused’s examination, police and the public prosecution office undertake all investigations. They only inform the accused whether public charges are preferred or proceedings are terminated at the conclusion of investigations.” (p. 69)

“in Germany, there are a number of letters of rights, and which one is used depends on the basis of the arrest (e.g. to establish a person’s identity, or on the basis of a committal order or precautionary arrest warrant).” (p. 71)

“In Germany, the different letters used contain no clear information about the permissible length of an arrest, though the relevant authority informs detainees that they must be brought before a judge without delay – at the latest on the day after their arrest. A judge will then decide whether the detention can continue.” (p. 74)

“National legislation most commonly permits restricting access to case materials at the pre-trial stage when this could negatively affect ongoing investigations. Indeed, this is the only ground foreseen for refusing access in some Member States’ legislation, including Austria, Germany, Hungary, the Netherlands and Slovakia.” (p. 80)

“In Germany, on the other hand, access [to case materials at the pre-trial phase] is usually granted and the argument that it may “endanger the purpose of the investigation” is seldom used to deny it, according to the bar association of practitioners – although practice may vary among districts.” (pp. 80-81)

“German legislation foresees the possibility to access “information of relevance for the assessment of the lawfulness of such deprivation of liberty” and the right to access is not subject to the otherwise applicable refusal grounds protecting the interest of the investigation.” (p. 82)

“In Germany, depending on the specific circumstances, either review by a court or a disciplinary complaint procedure within the prosecutorial system may be available. In cases of detained or arrested persons, however, an application to the competent court is always possible.” (p. 84)

“In Germany, the court can take special measures if specific documents are subject to secrecy obligations, such as when the information is classified. In such situations, access can be refused or defence counsel can be obliged to maintain confidentiality.” (p. 86)

“Some countries do not require signatures to confirm receipt of the Letter of Rights; these include Germany (although such signature is often requested in practice)” (p. 88)

“Four of these 24 Member States – the Czech Republic, Germany, Latvia and the United Kingdom (Scotland and Northern Ireland) – additionally include provisions on interpretation or translation for persons with visual impairments. The laws in the Czech Republic and Germany explicitly provide persons with visual disabilities the right to demand the most suitable form of communication (including braille, large print, electronic, acoustic, oral, telephonic or other forms).” (p. 93)

“In Germany, suspects or accused persons with physical impairments can demand that an interpreter is called in or information is made accessible in other suitable ways (such as in writing).” (p. 94)

“In Germany, there are rules providing that written documents concerning persons with visual impairments should be made accessible to them – for example, by translating the information into braille or providing it in another format, such as in large-print or audio.” (p. 95)

“Legal acts in the Czech Republic, Germany, Greece, Estonia, Finland, Hungary, and Portugal stress the need to use age-appropriate language and consider the level of maturity when explaining procedural rights and the nature of an accusation to children.” (p. 98)

