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**Committee on the Elimination of Racial Discrimination****Concluding observations on the combined 23<sup>rd</sup> to 26<sup>th</sup> reports of Germany\***

1. The Committee considered the combined 23<sup>rd</sup> to 26<sup>th</sup> reports of Germany<sup>1</sup> submitted in one document, at its 3027<sup>th</sup> and 3028<sup>th</sup> meetings<sup>2</sup>, held on 23 and 24 November 2023. At its 3042<sup>nd</sup> meeting, held on 5 December 2023, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the 23<sup>rd</sup> to 26<sup>th</sup> periodic reports of the State party and commends it for its regularity in reporting. The Committee also welcomes the open and constructive dialogue with the State party's delegation. The Committee thanks the State party for the updated information provided during and after the dialogue.

**B. Positive aspects**

3. The Committee welcomes the State party's accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 20 April 2023.

4. The Committee also welcomes the following legislative, institutional, and policy measures taken by the State party:

(a) The amendment to the General Equal Treatment Act in 2022 to establish an Independent Federal Anti-Discrimination Commissioner as head of the Federal Anti-Discrimination Agency and its appointment in 2023;

(b) The appointment of a Council of Experts on Anti-Racism by the Anti-racism Commissioner of the Federal Government, in 2023;

(c) The establishment of an office of the Federal Government Commissioner against Anti-gypsyism and for the Life of Sinti and Roma in Germany, in 2022;

(d) The establishment of the Cabinet Committee on Combating Right-Wing Extremism and Racism, in 2020;

(e) The establishment of the Office of the Federal Government Commissioner for Jewish Life and for the fight against Antisemitism, in 2018;

(f) The adoption of the Network Enforcement Act, in 2017 and its amendment in 2021;

(g) The adoption of the National Action Plan Against Racism, in 2017.

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\* Adopted by the Committee at its 111th session (November 20 - December 8, 2023).

<sup>1</sup> [CERD/C/DEU/23-26](#).

<sup>2</sup> CERD/C/SR.3027 and 3028.

## C. Concerns and recommendations

### Statistics

5. While taking note of the tools that are being developed by the State party to gather information on discrimination, such as the racial discrimination and racism monitoring within the Centre for Integration and Migration Research, and some studies carried out based on self-identification, the Committee notes with concern that data collection tools remain limited and do not allow for a comprehensive overview of the specific situation and racial discrimination faced by the various ethnic groups throughout the State party's territory. The Committee also remains concerned that, despite the introduction of a new category to differentiate between first- and second-generation migrants, the term "persons with immigrant background" continues to be used as a criterion for data collection, which continues to exclude persons belonging to ethnic minorities that have lived in Germany for centuries. The Committee notes with concern that the lack of data disaggregated by ethnicity is a barrier to the formulation and implementation of effective public policies that take into account the specific needs of the various groups.

**6. Recalling its previous recommendation<sup>3</sup> and general recommendations No. 4 (1973), No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention and No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party redouble its efforts to develop effective tools in close cooperation with affected communities, based on the principles of self-identification and anonymity, to collect data and information on the demographic composition of the population throughout its territory and on its socio-economic status disaggregated by ethnic groups, gender, age and regions. The Committee requests the State party to provide this information in its next periodic report. The Committee also recommends that the State party use the collected data to evaluate and develop its policies to combat racial discrimination and inequalities in the enjoyment of rights under the Convention.**

### Applicability of the Convention

7. The Committee takes note of the direct applicability of the Convention in the State party's legal order. However, the Committee regrets the lack of information on the number of cases and on concrete case-law in which the provisions of the Convention have been invoked before domestic courts or applied by them (art. 2).

**8. The Committee recommends that the State party redouble its efforts to raise awareness and knowledge of the provisions of the Convention and its justiciability among judges, lawyers and public officials, enabling them to apply the Convention in relevant cases and to extend these efforts to the members of the parliament (*Bundestag*), as well as the authorities in the *Länder* and the general public. The Committee also requests the State party to include, in its next periodic report, specific examples of the application of the Convention by domestic courts, including lower courts and administrative bodies, and detailed information on the impact of the training and awareness-raising efforts delivered to members of the judiciary, lawyers and the members of the parliament on the provisions of the Convention.**

### Individual communications

9. The Committee regrets that the State party has not fully implemented the recommendations made by the Committee in its communication No 48/2010, *TBB-Turkish Union in Berlin/Brandenburg v. Germany* (the Sarrazin case).

**10. The Committee recommends that the State party assume its responsibilities in line with Art. 14 of the Convention by complying with the decisions of the Committee on individual communications.**

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<sup>3</sup> CERD/C/DEU/CO/19-22, para 6

### Definition of racial discrimination

11. The Committee remains concerned that a statutory definition of racial discrimination in line with article 1 of the Convention in the domestic legislation has not yet been incorporated in the legal framework to combat discrimination, which results in the State party's failure to adequately address racial discrimination (art. 1).

12. **The Committee reiterates its previous recommendation<sup>4</sup> and urges the State party to include in its anti-discrimination legal framework a clear definition of racial discrimination which explicitly includes all grounds specified in Article 1 of the Convention and prohibits direct, indirect and intersecting forms of discrimination in both the public and private spheres.**

### The General Equal Treatment Act

13. The Committee takes note of measures adopted to evaluate the General Equal Treatment Act. The Committee, however, remains concerned that the General Equal Treatment Act still does not address racial discrimination by public authorities, and it does not apply to all areas of life. The Committee is therefore concerned that the existing gaps in the General Equal Treatment Act continue to undermine the efforts to combat racism and racial discrimination. Furthermore, the Committee notes with concern that, despite the efforts of the State party to expand the establishment of anti-discrimination bodies in all *Länder*, a wide anti-discrimination infrastructure throughout the State party has not yet been established (art. 2).

14. **The Committee recommends that the State party:**

(a) **Expedite the amendment of the General Equal Treatment Act ensuring its full compliance with the Convention, as well as other human rights instruments:**

(b) **Expand the scope of application of the General Equal Treatment Act to encompass all areas of life and, in particular, discrimination by public authorities.**

(c) **Consult with civil society organizations in the amendment process, as well as relevant bodies such as the German Institute for Human Rights and the Federal Anti-Discrimination Agency, to take into account the proposals already made by various actors, as well as the recommendations made by this Committee and other treaty bodies;**

(d) **Continue expanding the visibility and accessibility of the anti-discrimination bodies throughout the State party and providing them with adequate human, technical and financial resources to ensure that victims of racial discrimination can access adequate legal counselling and support.**

### Racist hate speech and hate crimes

15. While the Committee takes note of the measures adopted to combat racist hate speech, the Committee is concerned about the increase of racist hate speech and incitement to racial discrimination, including in public and political discourse, as well as on the Internet and social media. The Committee is also concerned about the lack of an adequate legal framework that prohibits racist hate speech and incitement to hatred, and that provides access to effective legal remedies for victims. Despite the measures adopted by the State party, the Committee notes with concern the increasing number of extremist organizations and groups, including right-wing extremist political parties, such as the Alternative for Germany (AfD) whose programme is reportedly based on a national-ethnic concept leading to a denial of basic legal equality. The Committee is concerned about the increasing number of racially-based violence including violent attacks against persons belonging to ethnic minorities and non-nationals, in which sometimes, right-wing extremist groups are involved (art. 4).

16. **Recalling its general recommendation No. 35 (2013), the Committee recommends that the State party:**

<sup>4</sup> CERD/C/DEU/CO/19-22 para 7 (b)

- (a) **Adopt an effective legal framework to combat all forms of racist hate speech and hate crimes directed towards ethnic minority groups, including Roma and Sinti, people of African descent, as well as ethno- religious minorities and non-nationals, and to adopt effective measures to ensure its implementation;**
- (b) **Provide training to strengthen the investigative and appraisal capacities, in relation to cases of hate speech and hate crimes, of law enforcement officials, prosecutors and the judiciary and conduct awareness-raising campaigns on the importance of cultural diversity and inter-ethnic understanding among the general public;**
- (c) **Effectively investigate and, as appropriate, prosecute and punish all acts of racist hate speech and hate crimes, including those committed by political and public figures, and encourages the State party's authorities to actively distance themselves from expressions of racist hate speech by public and political figures;**
- (d) **Continue to implement measures to combat the proliferation of racist hate speech on the Internet and social media, including by ensuring the effective implementation of the Network Enforcement Act;**
- (e) **Encourage the reporting of racist hate speech and hate crimes by strengthening communities' trust in the authorities and ensure that such crimes are identified and recorded, including through the establishment of an official and comprehensive data collection system, and provide such statistics in its next periodic report;**
- (f) **Prevent the creation and prohibit the registration of organizations or groups, including political parties that promote and incite racial hatred;**
- (g) **Ensure that organisations or groups, including political parties that promote ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form are not tolerated in electoral processes, in accordance with article 4 of the Convention and the State party's Basic Law.**

#### **Racial profiling and excessive use of force by law enforcement officials**

17. The Committee takes note of the current discussion to reform the Federal Police Act in relation to racial profiling. The Committee, however, regrets that according to information received, prohibition of racial profiling is not included in the amendment of the Federal Police Act. The Committee is also concerned about allegations of racial profiling and excessive use of force and ill-treatment by law enforcement officers against persons belonging to ethnic minorities. The Committee is further concerned about the lack of an independent complaint mechanism to carry out investigations into crimes involving police officers (art. 4 and 6).

18. **Recalling its previous recommendation<sup>5</sup> and its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 36 (2020) on combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

- (a) **Include in its legislation, including in the Federal Police Act, an absolute prohibition of racial profiling, in line with General Recommendation No. 36, and ensure that all provisions of the Act are in accordance with the Convention and the State party's Basic Law;**
- (b) **Ensure that the police and other law enforcement officials are provided with clear guidelines aimed at preventing racial profiling during police checks, identity checks and other police measures;**
- (c) **Establish at federal and at state level an effective mechanism to regularly collect and monitor disaggregated data on the number of police checks, including**

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<sup>5</sup> CERD/C/DEU/CO/19-22 para 11

identity checks and complaints relating to racial profiling, racial discrimination and instances of racist violence by law enforcement officials, including in the context of identity checks, traffic stops, border searches;

(d) Establish an independent complaint mechanism to carry out investigations into crimes involving law enforcement officers, in particular to effectively and timely investigate all complaints of racial profiling, racist abuses, ill-treatment and excessive use of force and ensure that those responsible are prosecuted and, if convicted, punished;

(e) Ensure that members of groups targeted by racism and racial discrimination, who are victims of excessive use of force or racial profiling have access to effective remedies and do not face retaliation for reporting such acts;

(f) Promote ethnic diversity within the police and ensure that police officers belonging to targeted minority groups can work at relevant levels in order to help reduce racism and discriminatory practices, including racial profiling;

(g) Take effective measures to prevent excessive use of force, ill-treatment and abuse of authority by the police against members of minority groups, including by ensuring that appropriate human rights training is provided to law enforcement officials throughout the country, in accordance with the Committee's general recommendation No. 13 (1993) concerning the training of law enforcement officials in the protection of human rights.

#### **Structural discrimination**

19. The Committee notes with concern the persistent systemic racism in the State party and regrets the insufficient information received on the implementation of the National Action Plan against Racism, as well as the lack of information on special measures and their admissibility in the German legal order. The Committee is concerned that persons belonging to ethnic minorities and other groups protected by the Convention continue to face barriers in the enjoyment of their rights under the Convention, in particular with regard to access to employment, to adequate housing, health care services. The Committee regrets the lack of information on political representation of minorities, in parliament, in government and state institutions in general. The Committee also notes with concern that the State party's colonial past and role in slavery continue to fuel racial discrimination and racial inequalities in the State party (art. 2 and 5).

20. **The Committee recommends that the State party take adequate measures to combat structural discrimination and the persisting structures of racial inequalities and to acknowledge the root causes of racial discrimination, including colonialism and slavery. The Committee also recommends that the State party ensure the effective implementation of the National Action Plan against racism, including by developing impact-oriented benchmarks, targets and indicators, allocating the adequate resources for its implementation and regularly evaluating its impact. The Committee recommends that the State party adopt adequate measures to remove all obstacles that prevent persons belonging to ethnic minorities from enjoying all their rights under the Convention, in particular with regard to access to employment, to adequate housing, health care services.**

#### **Right to adequate housing**

21. While noting the explanation provided by the State party in its report, the Committee remains concerned about the possible indirect discrimination on the grounds of ethnic origin arising from section 19 (3) of the General Equal Treatment Act (arts 2 and 5).

22. **The Committee reiterates its previous recommendations<sup>6</sup> and reminds the State party that discrimination under the Convention encompasses both direct and indirect discrimination, meaning purposive or intentional discrimination and discrimination**

<sup>6</sup> CERD/C/DEU/CO/19-22 para 12

**unintentionally created, as an effect of an action. In this regard, the Committee urges the State party to ensure that all the provisions of General Equal Treatment Act are in accordance with the State party's obligations under the Convention.**

#### **Right to education**

23. The Committee is concerned about the information indicating that, in practice, children from ethnic minorities and from migrant background face discrimination in the education system. The Committee notes with concern the information received that children from ethnic minorities are more affected by incidents of bullying at school and higher rates of school dropout, as well as lower enrolment in pre-school education (art. 2 and 5).

**24. The Committee recommends that the State party enhance its efforts to ensure access to education, without discrimination to all children, in particular those belonging to ethnic minorities. The Committee also recommends that the State party take adequate measures to increase the accessibility to pre-school education for children of ethnic minorities and with migrant background; to address school dropouts that disproportionately affect children of ethnic minorities and with migrant background, and to combat bullying of children of ethnic minorities and migrant background that may lead to their marginalization and de facto segregation.**

#### **Racial discrimination in sports**

25. The Committee is concerned about the numerous cases of racial discrimination and racist acts against athletes belonging to ethnic minorities, in particular football players. The Committee is also concerned about the lack of effective measures adopted to combat such acts (art. 4).

**26. The Committee recommends that the State party adopt adequate measures to prevent and combat all manifestations of racism in sports, including racist hate speech and violence and ensure that all cases of racist violence and abuse in sports are investigated and that those responsible are sanctioned. The Committee also recommends that the State party develop robust and meaningful awareness raising programmes to tackle racial stereotyping and discrimination in sports, with the participation of the concerned communities.**

#### **Roma and Sinti**

27. While taking note of the National Strategic Framework to Implement the European Union Roma Strategic Framework in Germany, the Committee reiterates its concern about the persistent discrimination faced by members of the Roma and Sinti communities. It also notes with concern that negative stereotypes, prejudices and intolerance against these communities remain widespread. The Committee regrets the lack of comprehensive statistics on Roma and Sinti, and it is concerned about information on the low level of education among Sinti and Roma children, as well as the high level of discrimination and segregation they face at school (art. 5).

**28. Recalling its previous recommendation<sup>7</sup> and its general recommendations No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

**(a) Elaborate and adopt a comprehensive national strategy for Sinti and Roma, ensuring the inclusion of impact-oriented benchmarks, targets and indicators and the collection of statistics in the fields of education, employment, poverty, health, housing, social security and social benefits and participation in public life by Roma and Sinti;**

**(b) Ensure that such a strategy is developed in consultation with the Roma and Sinti communities, both German Sinti and Roma communities and recently arrived Roma and ensure that it is adequately funded;**

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<sup>7</sup> CERD/C/DEU/CO/19-22 para 17

**(c) Combat the dissemination of negative stereotypes and stigmatization of Roma and Sinti;**

**(d) Redouble its efforts, including the development of special measures, to continue to improve the enjoyment of economic, social and cultural rights, in particular their access to education, housing, employment and health care without discrimination.**

#### **People of African descent**

29. While welcoming the efforts made by the State party to combat racial discrimination against people of African descent, the Committee is concerned about the structural discrimination and stigmatization against people of African descent which is reflected in the deep inequalities in the enjoyment of their rights under the Convention (art. 2 and 5).

30. **Recalling its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party adopt concrete measures to combat discrimination against Africans and people of African descent, including measures to combat the dissemination of negative stereotypes and stigmatization of people of African descent. The Committee also recommends that the State party develop and implement educational and media campaigns to educate the public about people of African descent, their history and their culture, and the importance of building an inclusive society, while respecting the human rights of people of African descent. The Committee encourages the State party to implement the recommendations of the Working Group of People of African descent made following its visit to Germany from 20 to 27 February 2017<sup>8</sup>.**

#### **Intersectionality**

31. The Committee is concerned about lack of adequate identification, adoption and implementation of measures eliminating discrimination based on race, colour, descent, national or ethnic origin intersecting with other grounds, such as age, language, religion, sex, gender, sexual orientation, gender identity or other status, which have not been adequately considered by the State party (art. 2).

32. **The Committee recommends that the State party take legislative, administrative and policy measures to combat intersectional discrimination and to ensure the mainstreaming of gender, age, disability, sexual orientation and gender identity into all its measures, aimed at combating multiple and intersectional forms of discrimination, including racial discrimination.**

#### **Antisemitism**

33. The Committee is concerned about the increasing anti-Semitic sentiment, hate crimes and hate speech, in particular after the outbreak of the armed conflict in Gaza, despite the measures adopted to counter them (art. 2).

34. **The Committee recommends that the State party increase its vigilance and reinforce measures to combat anti-Semitism and continue raising awareness on anti-Semitism to promote tolerance among the various ethnic groups of its population.**

#### **Discrimination against ethnic Muslim communities**

35. The Committee reiterates its concern<sup>9</sup> that the State party has not adequately addressed structural racism against ethnic Muslim communities. The Committee notes with concern the information received that Muslims are often confronted with general suspicion from public authorities, which fuels prejudice and negative stereotypes against ethnic Muslim communities. In this regard, the Committee notes with concern the bans against peaceful demonstrations commemorating the Naqba and more recently those in support of Palestinians in Gaza. The Committee is also concerned about the chilling effect reported by ethnic Muslim communities on their exercise to freedom of expression with regard to the current situation

<sup>8</sup> [A/HRC/36/60/Add.2](#), paras 61 to 93

<sup>9</sup> [CERD/C/DEU/CO/19-22](#) para 16

in Palestine. The Committee is furthermore concerned about the intersectional forms of discrimination against women belonging to ethnic Muslim communities, based on ethnicity, gender and religion, affecting the enjoyment of their rights enshrined in the Convention, in particular their access to employment and education. The Committee is concerned about the disproportionate discriminatory effect of the amendment to the Law on Federal Civil Servants adopted in May 2021 on women belonging to ethnic Muslim communities and other “neutrality laws” which may infringe the freedom of employment of women who wear headscarves.

**36. The Committee recalls its previous recommendation<sup>10</sup> and its general recommendation 32 (2009) on special measures and refers to the recommendations of the Committee on the Elimination of Discrimination against Women<sup>11</sup>, in particular in relation to the notion of intersectionality, and urges the State party to:**

**(a) Adopt adequate measures to combat discrimination against ethnic Muslim communities, including awareness-raising campaigns among public authorities, civil servants, law enforcement officials and the public at large on the negative effects of discrimination against ethnic Muslim communities;**

**(b) Consider the establishment of a Federal Commissioner to combat discrimination against ethnic Muslim communities, following the practice of the Land of Berlin;**

**(c) Ensure that measures to monitor and combat hate speech should not be used as a pretext to curtail expressions of protest at injustice, social discontent or opposition, especially with regard to certain ethnic religious minorities;**

**(d) Adopt effective measures to combat intersectional discrimination against women belonging to ethnic Muslim communities, including the adoption of special measures to achieve their equal participation in education and employment, as well as in public life and decision-making positions;**

**(e) Ensure that women belonging to ethnic Muslim communities in the public sector are not penalized for wearing headscarves and consider the revision and amendment of the Law on Federal Civil Servants, as well as respective State laws and regulations.**

#### **Discrimination against non-citizens**

37. The Committee takes note of the adoption of social-integration programmes, such as the “Social City” and the “Social Integration in Neighbourhoods”. It is, however, concerned about discrimination faced by migrants, asylum-seekers, and refugees, including LGBTQI+ persons, regarding their access to employment, education, health and housing. The Committee also notes with concern that benefits provided under the Asylum Seekers Benefits Act are insufficient to guarantee an adequate standard of living and that access to health care for asylum seekers is restricted to instances of acute disease or pain, healthcare related to pregnancy and childbirth, vaccinations and medically required preventive check-ups for the first 18 months of their stay in Germany. The Committee also remains concerned about the increase of attacks on shelters nationwide and the obligation for asylum seekers and people who have been granted a temporary suspension of deportation to stay in state reception facilities, in some cases for the whole duration of the asylum procedure and about the restriction to not move outside of the area or district where they are accommodated (art. 5).

**38. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

**(a) Improve the implementation of social-integration programmes for migrants, asylum seekers and refugees, including LGBTQI+, in particular the Social City and the Social Integration in Neighbourhoods, in close collaboration with civil**

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<sup>10</sup> Ibid.

<sup>11</sup> CEDAW/C/DEU/CO/9, para 25 and 44 a)



society organizations, and include information on its implementation status and on results in the next periodic report;

(b) Take all the necessary measures to ensure that migrants and asylum seekers, including LGBTQI+ have adequate access to social protection enabling them to enjoy an adequate standard of living, including access to health care services and repeal the obligation of services responsible for the reimbursement of treatments to report undocumented migrants;

(c) Take adequate measures to respect the freedom of movement of asylum seekers by revoking the legislation compelling asylum seekers to live in determined reception centres and to stay within a specific geographical area.

#### **Migrant workers**

39. The Committee remains concerned that a significant number of migrant workers, particularly those in irregular situation are affected by precarious working conditions. The Committee is also concerned at reports that migrant workers, in particular women domestic and care workers are particularly exposed to abuses and labour exploitation (art 2 and 5).

40. **The Committee recommends that the State party:**

(a) Ensure the effective implementation of its legislation to protect labour and social rights of migrant workers;

(b) Strengthen the capacity of the labour inspectorate and ensure that all cases of labour exploitation of migrants are thoroughly investigated and those responsible punished;

(c) Ensure that all migrants have access to justice and effective remedies in cases of labour exploitation, without fear of arrest, detention or deportation.

(d) Take effective measures to regularize the legal status of migrant workers in irregular situation, and ensure birth registration of their children.

(e) Adopt adequate measures for combatting intersectional forms of exploitation against women domestic or care workers.

#### **Access to justice**

41. The Committee reiterates its previous concern<sup>12</sup> regarding the General Equal Treatment Act and regrets that the insufficient progress made on its amendment process continues to hinder the access to effective remedies for victims of racial discrimination. In particular, the Committee notes with concern that barriers to obtain compensation in cases of racial discrimination persist, as well as the lack of possibility for collective action, and that the timeframe to submit a complaint is limited to two months (art. 6).

42. **The Committee recommends that the State party ensure that the amendments to the General Equal Treatment Act include provisions to guarantee that victims of racial discrimination have adequate access to an effective remedy, whether acts of discrimination are committed by private individuals or State officials, and have the right to seek just and adequate reparation for the damage suffered. The Committee also recommends that the State party provide a sufficient timeframe for the submitting of complaints for acts of discrimination; allow for collective action; and make sure that rules concerning the shift of burden of proof in civil law cases enables victims of discrimination to make their claims in an effective manner.**

#### **Access to justice for human rights abuses by German companies**

43. While welcoming the adoption of the Act on Corporate Due Diligence Obligations for the Prevention of Human Rights Violations in Supply Chains, the Committee regrets that the Act does not provide adequate access to remedies for victims of human rights abuses that

<sup>12</sup> CERD/C/DEU/CO/19-22 para 8

occur abroad involving directly or indirectly German companies, which may adversely impact the human rights of people affected by racial discrimination (art. 2 and 6).

44. **The Committee recommends that the State party adopt the necessary measures to ensure that victims of racial discrimination affected by human rights abuses that occur abroad involving directly or indirectly German companies, have adequate access to effective remedies, including providing for civil liability. The Committee encourages the State party to advocate for a strong European Union regulation regarding access to justice for corporate human rights abuses.**

#### **Use of Artificial Intelligence**

45. The Committee notes with concern the information regarding lack of anti-discrimination guarantees in Artificial Intelligence used by Federal authorities, which may have a negative impact on ethnic and religious minorities. In this regard, the Committee is also concerned about the use of new technologies in the area of asylum, migration and border control regarding the extraction of personal information from mobile phones, which disproportionately affects the rights of migrants and asylum seekers coming from specific countries (art. 2 and 6).

46. **The Committee recommends that the State party adopt effective measures to ensure that the use of Artificial Intelligence does not undermine human rights, in particular the right not to be discriminated against, the right to equality before the law, the right to liberty and security of person, and the right to privacy. The Committee also recommends that the State party provides access to effective remedies against cases of racial discrimination and human rights abuses arising from the use of artificial intelligence and new technologies.**

#### **Reparation for colonialism and slavery**

47. The Committee welcomes the recognition by the Government of Germany of its colonial wrongful acts and acknowledges the apologies expressed for the genocide of the Ovaherero and Nama peoples in Namibia, including the Joint Declaration by the German and Namibian Government in May 2021 and the recent apology by the President of Germany for colonial wrongdoings in Tanzania. The Committee also welcomes the measures for the restitution of colonial items. While noting that colonial experiences may differ from one and other, the Committee is concerned about the lack of:

(a) A more comprehensive approach towards reparation for colonial wrongdoings, in terms of restitution, compensation and satisfaction, as appropriate;

(b) Meaningful participation of the representatives of the victims of the Ovaherero and Nama peoples genocide in the development and adoption of the Joint Declaration;

(c) A comprehensive policy for the restitution of colonial objects and cultural artifacts, in particular the restitution of human remains of ancestors (art. 6).

48. **The Committee recommends that the State party:**

(a) **Adopt a more comprehensive approach regarding reparation for colonial wrongdoings, in terms of restitution, compensation and satisfaction, as appropriate;**

(b) **Ensure meaningful participation of affected communities and individuals, as well as descendants of victims when deciding on reparation processes;**

(c) **Adopt a comprehensive policy for the restitution and repatriation of colonial objects and cultural artifacts, in particular the restitution and repatriation of human remains of ancestors:**

(d) **Take into consideration the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, which addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism<sup>13</sup>.**

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<sup>13</sup> [A/74/321](#)

### **Combatting racial stereotypes**

49. The Committee is concerned that racial and xenophobic, including Antisemitic and Islamophobic prejudices and stereotypes towards persons belonging to ethnic minorities are still prevalent in the State party. The Committee furthermore notes with regret that the history of the State party regarding colonialism and slavery is not included in the school curricula (art. 7).

50. **The Committee recommends that the State party:**

(a) **Increase its efforts to raise public awareness of the importance of ethnic and cultural diversity and the fight against racial discrimination;**

(b) **Take measures to ensure that human rights education programmes, including programmes concerning the fight against racial discrimination and racism, respect for diversity and the promotion of equal treatment, are included in school curricula at all levels;**

(c) **Include in these curricula the history of the State party with regard to colonialism and slavery and their lasting consequences;**

(d) **Ensure that all teachers are trained on these curricula.**

## **D. Other recommendations**

### **Ratification of other treaties**

51. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

### **Follow-up to the Durban Declaration and Programme of Action**

52. **In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

### **International Decade for People of African Descent**

53. **In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

### **Consultations with civil society**

54. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human**

rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

55. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including all Lander and municipalities and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

#### **Common core document**

56. The Committee encourages the State party to update its common core document which was submitted on 8 November 2016 in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### **Follow-up to the present concluding observations**

57. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 (a), (b) and (c) (The General Equal Treatment Act), 38 (b) and (c) (Discrimination against non-citizens).

#### **Paragraphs of particular importance**

58. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16 (Racist hate speech and crimes), 18 (Racial profiling and use of force by enforcement officials), 24 (Right to education), and 46 (Reparation for colonial past) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Preparation of the next periodic report**

59. The Committee recommends that the State party submit its combined 27<sup>th</sup> to 29<sup>th</sup> periodic reports, as a single document, by 15 June 2027, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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