



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

4 September 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the sixth periodic report Germany, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 66th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/DEU/CO/6, para. 59) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 14, 31 (d) and 55 (c) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 20 July 2020 providing your Government's response on the above-mentioned paragraphs (CAT/C/DEU/FCO/6) and to make the following comments:

National Agency for the Prevention of Torture (para. 14 of the Committee's concluding observations)

The Committee welcomes the budget increase of € 100,000 per year as of 2020 for the National Agency for the Prevention of Torture, which was approved in November 2019 by the Conference of Justice Ministers of the Länder. In this regard, the Committee calls on the State party to continue ensuring that this national preventive mechanism has the necessary resources to fully carry out its mandated effectively and independently, in conformity with the provisions of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (2/B1).

.../...

H. E. Mr. Michael Freiherr von Ungern-Sternberg
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to the United Nations Office at Geneva
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Detention and treatment of asylum seekers and migrants, and acts of racism (para. 31 (d) of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the issue of NGO access to detention facilities for asylum seekers and migrants. It also takes note of the information included in the State party's follow-up replies concerning the prosecution of 38 suspects and the conviction of at least 11 among them for abusing asylum seekers at a refugee centre in Burbach in 2014. However, the Committee regrets not having received complete information and detailed statistical data on the number of prosecutions, convictions and sentences handed down in cases of mistreatment of asylum seekers and migrants since the adoption of the concluding observations (2/B1).

Training and education (para. 55 (c) of the Committee's concluding observations)

The Committee appreciates the information provided by the State party with regard to the training of case-officers deployed by the Federal Office for Migration and Refugees (BAMF), including on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Nevertheless, the Committee reiterates the need for the State party to ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol (1/B2).

Implementation plans (para. 59 of the Committee's concluding observations)

The Committee regrets the lack of information about specific plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Germany is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the sixth periodic report of Germany or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Germany on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.



Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture