



UNITED NATIONS HUMAN RIGHTS TREATY BODIES

HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

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12 May 2025

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 115th session, considered the follow-up report submitted by the Government of Germany, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 14 (a), (b) and (c) (General Equal Treatment Act) and paragraphs 38 (b) and (c) (Discrimination against non-citizens) of the Concluding Observations [CERD/C/DEU/CO/23-26](#) adopted following the consideration of the State party's combined 23rd to 26th periodic reports at its 111th session, held in November and December 2023.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its next periodic report.

Paragraph 14 (a), (b) and (c) of the Concluding Observations

While taking note of the information provided by the State party that the recommendations made by the Committee are being taken into account in the reform process of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*), it regrets the continuous delays in reforming the Act, and that neither the specific content of the reform nor a concrete timetable has been determined. The Committee considers the response of the State party to this recommendation unsatisfactory.

H.E. Mrs. Nikola Gillhoff
Permanent Representative of the Federal Republic of
Germany to the United Nations Office
Geneva
e-mail: info@genf.diplo.de



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The Committee remains concerned that the existing gaps in the Act continue to undermine efforts to combat racial discrimination and racism in the State party. It reiterates its recommendations to expedite the amendment of the Act, ensuring its full compliance with the Convention and other human rights instruments; to expand its scope of application to encompass all areas of life, in particular discrimination by public authorities; and to consult with civil society organizations in the reform process, as well as other relevant bodies, such as the German Institute for Human Rights and the Federal Anti-Discrimination Agency, taking into account the proposals already made by various actors, and the recommendations made by the Committee and other treaty bodies. It requests the State party to provide, in its next periodic report, information on measures taken to fully implement these recommendations.

Paragraph 38 (b) of the Concluding Observations

The Committee takes note of the information provided by the State party regarding measures taken to ensure that migrants and asylum-seekers have adequate access to social protection and an adequate standard of living, including the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) as well as the implementation and funding of programmes and practice—oriented projects. It also takes note of the statutory provisions, in particular of the Asylum Seekers Benefits Act and the Social Code, to ensure access to healthcare for migrants and asylum-seekers, and the initiatives developed to improve non-discriminatory access to healthcare.

Nevertheless, the Committee remains concerned that the obligation of *Sozialämter* (authorities responsible for the reimbursement of health-related treatments) to report undocumented migrants to the migration authorities, is still in force under section 87 of the Residence Act (*Aufenthaltsgesetz*), since such provision restricts in practice their effective access to healthcare for fear of being reported and ultimately deported. It is also concerned at reports about the discriminatory impact on asylum seekers of new legislative measures, which further limit their effective access to benefits provided under the Asylum-Seekers' Benefits Act, such as the restrictions imposed through the amendment of 14 May 2024 introducing a pre-loaded payment or debit card (*Bezahlkarte*) for certain social assistance benefits. The Committee considers the response to this recommendation unsatisfactory.

The Committee reiterates its recommendation and requests the State party to provide, in its next periodic report, information on measures adopted to ensure that migrants and asylum-seekers, regardless of national origin and sexual orientation, have adequate access to social protections, enabling them to enjoy an adequate standard of living, including access to health-care services, without discrimination, and to repeal the provision that requires the services responsible for the reimbursement for health-related treatments to report undocumented migrants.

Paragraph 38 (c) of the Concluding Observations

The Committee regrets that the State party has no current plans to repeal the legal framework compelling asylum-seekers to live in designated locations and to stay within specific geographical areas. While noting the information provided on some statutory exceptions for asylum seekers obliged to live in a designated reception centre, it is concerned that these exceptions are limited to in-person proceedings before authorities or courts, and that any other



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exception requires a permit at the discretion of the competent authority, provided that there are compelling reasons. The Committee considers the response to this recommendation unsatisfactory.

The Committee reiterates its recommendation to the State party to take adequate measures to ensure respect for the right of asylum-seekers to freedom of movement and to revoke legislation compelling them to live in determined reception centres and to stay within specific geographical areas. It requests the State party to provide, in its next periodic report, information on measures taken to fully implement the recommendation.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Germany, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, reading "Balcerzak", followed by a horizontal line.

Michał Balcerzak
Chair

Committee on the Elimination of Racial Discrimination