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ANNUAL REPORT 2013



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“Bringing human rights home”, promoting the realization of human rights by their own state, is the task of the national human rights institution.

Preface

The 1993 World Conference on Human Rights in Vienna was a milestone for the protection of human rights around the world. The indivisibility and equal importance of all human rights were affirmed, and new institutions were created to protect them on the international and national levels – including the UN Office of the High Commissioner for Human Rights and national human rights institutions.

Twenty years after “Vienna”, the German Institute for Human Rights and Forum Menschenrechte, a network of more than 50 German non-governmental organisations, seized the occasion to spotlight, at their “Vienna+20” conference, the challenges for the realization of human rights that Germany faces today. The event brought together around 300 German and international guests to discuss effective approaches to combating racism, the topic of social human rights, the protection of refugees, the realization of women’s rights during and after violent conflicts, and human rights as a guiding principle for policy-making. Bacre Ndiaye, Director of the Human Rights Council and Special Procedures Division of the Office of the High Commissioner for Human Rights in Geneva, put it succinctly: “... translating States’ human rights commitments into reality is perhaps the single most important challenge of our time”.

“Bringing human rights home” – promoting the realization of human rights by their own state – is the task of national human rights institutions. This task forms the basis of the work of the German Institute for Human Rights: It ensures that the requirements imposed on state actions by human rights are incorporated into the German political process, because human rights can only be made “reality” if they are systematically used as a standard against which state actions are measured. There are many aspects to this: policy-making, legislative action, law enforcement, judicial protection against state institutions and the actions of private entities. Human rights set boundaries for the state, but at the same time, they have a creative potential. Policies geared towards human rights strengthen human beings in their freedom and self-determination, and they promote social cohesion. Human rights education plays an important role in this respect.

Preparation for and follow up on the assessment of Germany in the Universal Periodic Review (UPR) constituted a major focus of the Institute’s work in 2013. The UN Human Rights Council reviewed the human rights situation in Germany at a session held in Geneva on 25 April. As Germany’s national human rights institution, the Institute participated in the UPR process, for example by submitting its own report on the human rights situation in Germany. The UPR recommendations that have been accepted by Germany constitute an important standard for assessing German human rights policies in the new legislative term.

In 2013, the Institute's began to work on "Human Rights and Business" as a new thematic area. The Institute promoted the idea that Germany should develop and realize a national action plan to implement the UN Guiding Principles on Business and Human Rights, and the issue was incorporated into the coalition agreement.

As in previous years, the Institute took up new challenges in 2013. For example, the work of the Monitoring Body for the UN Convention on the Rights of Persons with Disabilities was marked, to a substantial degree, by a mandate from the Land of Berlin under which the CRPD Monitoring Body is reviewing selected legislative, executive and administrative acts of the Land of Berlin with respect to UN CRPD compliance. This is the first time a systematic, human rights-oriented approach of this kind has been taken to testing domestic legislation.

Our annual report reflects the Institute's work during the past year using illustrative examples to do so. Our website provides more in-depth information on the issues the Institute is working on, its participation in international networks and in bodies that protect human rights, and its partnerships with civil society organisations. For, as the Vienna World Conference made clear: realizing human rights requires everyone – the state, civil society and the national human rights institution.

Berlin, December 2014

Prof. Dr. Beate Rudolf
Director

Michael Windfuhr
Deputy Director

“...translating States' human rights commitments into reality is perhaps the single most important challenge of our time”

Bacre Ndiaye

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THE INSTITUTE

2013 in Review

JANUARY

Institute publications now “Open Access”

The Institute introduced a new policy of releasing its publications in the Social Science Open Access Repository (SSOAR) database of the Leibniz Institute for Social Sciences. Publications are now uploaded to the database at SSOAR, where they are described with metadata and provided with a user license. A permanent web address is assigned to them, making them available over the long term and displayable through open access search engines.

FEBRUARY

Parliamentary Breakfast on Access to Justice

The Institute invited members of the Bundestag to a Parliamentary Breakfast on “Access to justice for people affected by discrimination” in late February. The discussion was held as part of the Institute’s three-year project “Lawyers for Human Rights and Diversity”.

MARCH

Germany in the UPR process of the UN Human Rights Council

In late March, the non-governmental organisation *UPR Info* held a meeting in Geneva to prepare for the 16th UPR session of the UN Human Rights Council in April, at which the Council would conduct its second review of the human rights situation in Germany in the UPR process (universal periodic review). The Institute presented key assessments and recommendations from its UPR Report to the UN Human Rights Council. Participants from approximately 20 states attended, primarily from Europe but with all the world’s regions represented.

APRIL

Conference “Vienna+20“

The Institute and Forum Menschenrechte organised a major conference in Berlin to mark the occasion of the 20th anniversary of the 1993 World Conference on Human Rights in Vienna. Current challenges for the human rights protection in Germany in the following areas were discussed: racism, social human rights, protection of refugees, women’s rights and human rights as a guiding principle for policies.

MAY

Panel discussion on the use of drones

Are states entitled to use drones outside situations of armed conflict? If so, what restrictions are imposed by international law on the use of these deadly weapons? At the Institute’s invitation, these and other questions were discussed by the following panellists: Rainer Arnold, Defence Policy Spokesman of the SPD Parliamentary Group in the Federal Parliament (Deutscher Bundestag); Anthony Dworkin, Senior Policy Fellow of the European Council on Foreign Relations, Dr. Peter Rudolf, Senior Fellow of the German Institute for International and Security Affairs, and Prof. Dr. Andreas Zimmermann, who holds the Chair for Public International Law at the University of Potsdam. The event, attended by around 100 people, was moderated by Dr. Wolfgang Heinz, Senior Policy Advisor of the Institute.

JUNE

Institute calls for a stop to racist identity checks

Racist checks of identification documents on the part of the Federal Police violate the prohibition of discrimination in Germany’s Basic Law and also international human rights treaties. The Institute therefore used the publication of its study on racial profiling as an occasion to call for the elimination of such checks.

JULY

Rights of persons with disabilities

The CRPD Monitoring Body published a volume with contributions by several authors on the topic of equality before the law, and called on legislators to review the state of German law and legal practice with respect to the legal capacity of persons with disabilities.

AUGUST

Human Rights Academy on the topic of children's rights

The Institute held its 11th Human Rights Academy "National and International Human Rights Protection" at the centre Jugendbildungszentrum Blossin in mid-August. This summer, the focus was on children's rights. The 17 participants included personnel from NGOs, universities and federal ministries, and other interested individuals.

SEPTEMBER

Study on protection of the rights of older persons released

On the occasion of the International Day of Older Persons, the Institute presented its new study "Menschenrechte: Keine Frage des Alters?" ("Human Rights: Not a Question of Age?"). The study showed that the rights of older persons are frequently disregarded or violated in Germany, and pointed to a need to strengthen human rights protection for older persons that is due to the high risk of age-based discrimination, curtailment of self-determination, and poverty in old age for members of this group. The Institute therefore called for the expansion of human rights protection for older persons and advocated for the creation of a specific UN convention on the rights of older persons.

OCTOBER

"Disability is only a characteristic – like red hair" – Reading in the Institute

Lilian Masuhr and Ninia Binias of the project *Leidmedien.de* took visitors along on an exciting "foray through disabling language" (in German) and discussed a non-discriminatory approach to language with them. The reading took place within the framework of the Long Night of Libraries in Berlin.

NOVEMBER

1st Werner Lottje Lecture

In memory of Werner Lottje, a great German visionary for human rights work, the German Institute for Human Rights and Brot für die Welt hosted the first Werner Lottje Lecture in Berlin. Margaret Sekaggya, UN Special Rapporteur on the Situation of Human Rights Defenders, spoke on the topic "How can the work of human rights defenders be supported?"

DECEMBER

UN High Commissioner for Human Rights visits the Institute

Navanethem Pillay, the UN High Commissioner for Human Rights, paid a visit to the Institute. "I feel it is important to seek out the national human rights institution during my visits to a UN Member state" she said during a discussion with the Institute's Board of Directors, emphasizing that NHRIs are "a central structural component of the domestic human rights architecture".

The German Institute for Human Rights

The German Institute for Human Rights is Germany's independent national human rights institution (an A-status institution under the UN Paris Principles). As such it contributes to the promotion and protection of human rights in and by Germany.

The Institute strives to ensure that human rights are taken into account in both domestic and foreign policy decisions and that the international human rights conventions are implemented in Germany. Its task is to advise political actors, to perform application-oriented research on human rights issues, to promote human rights education, to further dialogue and cooperation with national and international organisations, as well as documentation and the provision of information.

In 2009, the Institute was mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities, and it set up the CRPD Monitoring Body, which protects and promotes the rights of persons with disabilities. The CRPD Monitoring Body takes a critical and constructive approach to watching over the process of CRPD implementation in Germany.

The Institute cooperates closely with the human rights bodies of the United Nations, with the Council of Europe and the EU Agency for Fundamental Rights. It is a member of the International Coordinating Committee of National Human Rights Institutions (ICC), in Geneva, and the European Network of National Human Rights Institutions (ENNHRI), in Brussels. The Institute is a member of the ENNHRI steering group and holds the chair of the ENNHRI Finance Committee. The Institute also conducts legal and qualitative studies in its role as the German "focal point" for reporting on issues relating to fundamental rights to the EU Agency for Fundamental Rights (FRA).

How is the Institute set up?

The Institute is a registered non-profit association. It is politically independent and decides on its own on the thematic focuses of its work. The guidelines for the substantive work are defined by an 18-member Board of Trustees made up of representatives of the political arena, academia, civil society and the media. Funding for the Institute's work comes from four German federal ministries – Justice and Consumer Protection, the Federal Foreign Office, Economic Cooperation and Development, Labour and Social Affairs – as well as from external sources.

How does the Institute carry out its work?

The Institute engages in range of activities: advising the Federal Parliament (Deutscher Bundestag), the government, and civil society on human rights topics; organising expert panels, seminars, conferences and other events; offering training for journalists, educators, and people who work for legislatures, government agencies, the judiciary, the police and the German Armed Forces; publishing studies, opinions, position papers and educational materials on human rights issues, and writing amicus curiae briefs for submission in selected court cases.

What thematic areas does the Institute work on?

Protection against torture and ill-treatment; protection against racism and other discrimination; national and international security policy and human rights; women's human rights; trafficking in human beings and modern forms of slavery; refugees, migration and integration; children's rights; rights of persons with disabilities; right to education; freedom of religion; rights to water, sanitation and food; human rights in development policy; business and human rights, and access to justice.

Library

The Institute's library, open to the public, provides access to recent human rights research literature and periodicals. The library's holdings include the largest collection of human rights educational materials in Germany. Online library offerings include electronic documents containing the major human rights treaties and reports about their implementation in Germany.

<http://www.institut-fuer-menschenrechte.de/menschenrechtsinstrumente.html>

The library is linked with national and international networks and is a member of the European Coordination Committee on Human Rights Documentation (ECCHRD).

Websites

Five largely barrier-free websites and the Institute's newsletter offer extensive information on human rights topics for a range of target groups.

- www.institut-fuer-menschenrechte.de
- <http://www.institut-fuer-menschenrechte.de/leichtesprache/>
- www.ich-kenne-meine-rechte.de
- www.inklusion-als-menschenrecht.de
- www.aktiv-gegen-diskriminierung.de

Twitter

@DIMR_Berlin

“Our expertise is in demand”

The Institute’s Board of Directors, Professor Dr Beate Rudolf and Michael Windfuhr, on current human rights challenges in Germany, the special role of the Institute and defining its priorities

How to achieve inclusion has become the subject of unceasing discussion at the national and federal-state level.

The German Institute for Human Rights was established as Germany's independent national human rights institution in 2001. Have the same human rights challenges remained over the past twelve years, or have others taken their place?

Beate Rudolf: Some challenges have remained the same, and new challenges have arisen. For instance, finding the right balance between freedom and security, particular in combating terrorism, is a challenge we are forced to grapple with again and again. We are now, not for the first time, called upon to argue against the utopian promise of absolute security, to uphold the importance of the freedoms guaranteed by human rights, and to advocate effective parliamentary and judicial oversight.

Defending the absolute nature of the ban on torture was a major focus of the Institute's work in its early years. Today, what stands at the forefront is to convey the great importance of the rights to privacy and to protection of personal data, and of the necessity of a human rights evaluation of security legislation.

Unfortunately, combating racist discrimination continues to remain right at the top of the human rights agenda. The findings and recommendations of the Federal Parliament's Commission of Inquiry into the National Socialist Underground have generated important new stimuli in this respect, in particular with respect to institutional racism.

In addition, there is much that remains to be done in the area of human rights education: human rights education needs to be systematically integrated into the education system – as, for instance, the debate surrounding the inclusion of the topic of sexual diversity to the curricula in the state of Baden-Württemberg made quite clear. Human rights education should also be incorporated systematically into the education and training for professions with human rights relevance. Protecting persons with disabilities against discrimination has increasingly been the focus of political attention since the UN adopted the CRPD in 2006. The question of how to achieve inclusion has become the subject of unceasing discussion at the national and federal-state level.

What challenges do German foreign and development policies face in the human rights area?

Michael Windfuhr: There are new challenges arising for foreign trade policies – think arms exports and export credits – and relating to the necessity that Germany be accountable for those of its actions that have effects beyond its own borders, particularly with respect to bilateral development cooperation.

Globally, the field of business and human rights is drawing increasing attention. One of the main questions there is how economic players could make a greater contribution to the protection of human rights; another is how to effectively prevent and sanction human rights violations on the part of business enterprises. An upcoming task for Germany, for instance, is that of implementing the UN Guiding Principles on Business and Human Rights through a national action plan.

What contribution can a national human rights institution like the Institute make towards the realization of human rights?

Beate Rudolf: In 1993, the United Nations recommended that all states establish an independent national human rights institution as defined in the “Paris Principles”. The purpose of these institutions is to “bring human rights home” – to contribute towards the realization of human rights by their states. Taking up this recommendation in 2000, the Bundestag chose to create an institution that would further the implementation of human rights within and by Germany by carrying out application-oriented research, monitoring the human rights situation, advising on policies, documentation activities and promoting human rights education. The Institute has expertise specifically on the issues associated with the international protection of human rights and the transfer of human rights standards to the national legal system. We can now say with some pride that our expertise is in demand – from the Bundestag, the ministries, the Federal Constitutional Court, the federal states (Länder), from civil society organisations, business enterprises and from European and international human rights bodies.

What sets the Institute apart from other human rights organisations?

Michael Windfuhr: The Institute is distinguished by its independence and the fact that its sole commitment is to human rights. We are not aligned with or dependent on a political party, nor do we represent people whose rights have been violated, like the classic non-governmental organisations do. This enables us to act as a bridge between the state and civil society, to good effect. Our participation in the monitoring process of the UN human rights bodies has allowed us to improve the interactions between the international and the national level. In this way we are contributing to the continuing evolution of human rights and towards strengthening the protection of human rights.

Beate Rudolf: Moreover, we see ourselves as a centre of expertise on the implementation of human rights in Germany. We detect and analyse human rights problems, identify precisely the human rights standards involved, and develop a sound understanding of the reality in which these standards apply, to enable us to propose practicable solutions and improvements. The guarantee of institutional funding is essential for this work. That stability is what allows us to work on human rights problems in depth and over a longer timeframe.

How independent can the work of the Institute really be, given that a large percentage of its funding comes from various federal ministries and that it seeks to raise third-party funds as well?

Michael Windfuhr: The Institute receives what is called “institutional funding”. This means that neither the legislature, which controls the budget, nor the four ministries that provide the funds can set requirements as to the substantive work of the Institute – a safeguard which also complies with the Paris Principles. Moreover, the Institute is also free to decide what topics it addresses in order to fulfil its purpose as Germany’s national human rights institution, and to choose which methods it employs to do so. According to the Paris Principles, the independence both of the institution as such and of its personnel is another element essential to safeguarding the independence of a national human rights institution. The Institute is therefore set up as an autonomous body, and could not, for example, be incorporated within the structure of a state institution. Furthermore, the directors of the institute cannot be appointed by the government, but are elected by the Board of Trustees in accordance with Institute’s statutes. Representatives of civil society organisations and the German Disability Council, the scientific community and the media sit on the Board of Trustees, alongside with two members of the German Bundestag.

What institutional challenges does the Institute face today?

Beate Rudolf: Expectations for the national human rights institutions are rising, both nationally and internationally. In Germany, we are witnessing an increasing demand from the federal states (Länder) for our advice. Thanks to the Institute's strong ties to civil society in Germany, we have been able to identify human rights problems that have gone unaddressed in the past. However this is accompanied by growing demands that we tackle all these problems. The experience of the CRPD Monitoring Body, established within our Institute, has been very similar in this respect.

Michael Windfuhr: We have to cope with the tensions created by the fact that our financial resources are limited while the number of human rights problems either detected by us or brought to our attention is high. This led us to carry out a strategic planning process last year, in which we set institutional priorities with respect to our core functions of promoting, protecting and monitoring.

Beate Rudolf: International expectations come into play as well: the independent status of the Institute underwent scrutiny in 2013, as part of the periodic international review. We were very gratified by the favourable evaluations of the Institute's work that civil society organisations submitted in this process. The Sub-Committee on Accreditation of the International Coordinating Committee of National Human Rights Institutions also expressed appreciation for our work. However, it also – unsurprisingly – requested in strong language that legislation putting the Institute on a clear legal basis finally be enacted, as the Paris Principles require. The governing parties have undertaken to do so in their coalition agreement. We feel confident that this institutional challenge will soon be overcome.

Looking back on 2013, which human rights issues took centre stage in your work?

Beate Rudolf: We have already touched on several of these issues. We advocated for the elimination of identity checks of persons who are not suspected of an offence, which result in racist discrimination, so-called racial profiling. In connection with the UN Anti-racism Committee's decision in the "Sarrazin Case", we have advocated for raising awareness within the judicial system of the fact that racist ideas exist in all layers of society rather than being limited to the spectrum of the extreme right. In the area of security policy, our focus was on the separation of police work from that of intelligence services in connection with joint databases like the counter-terrorism database.

In addition, we developed an action plan for measures combating human trafficking and the exploitation of labour for the coming legislative period. We put the human rights of older persons on the national agenda with a ground-breaking study. We also tried to convince policy makers to further develop the National Agency for the Prevention of Torture in order to strengthen the prevention of ill-treatment in, for instance, prisons and care homes as well as psychiatric and child custody facilities. The CRPD Monitoring Body was very active to help realize the rights of persons with disabilities at the level of the federal states: it reviewed the legislation of the Land of Berlin for its conformity with the requirements of the UN CRPD, it evaluated the Hessian Action Plan for CRPD implementation, and it supported implementation of a set of disability policy measures in Brandenburg.

The Institute continued to strongly support the establishment of a Brussels office for the European Network of National Human Rights Institutions (ENNHRI), with the aim of increasing the influence that the Institute and its sister institutions are able to exert on EU and Council of Europe activities that are of great relevance to human rights in Germany.

Michael Windfuhr: We joined forces with Forum Menschenrechte to use the 20-year anniversary of the Vienna World Conference on Human Rights as an occasion to meet with guests from within and outside of Germany to discuss the deficits in the realization of human rights still existing in this country. Together with the European Network of National Human Rights Institutions (ENNHRI) we examined the impact of the austerity measures imposed by European institutions on the populations in Greece, Spain and Ireland at two symposia, held in Berlin and Brussels. The next step will be to advocate at the EU Commission and at the European Parliament that the austerity measures be designed to avoid harmful impact on human rights.

In 2013, the Institute also began to work on “Human Rights and Business” as a new thematic area. There are two major centres of activity in this area: addressing practices in the promotion of foreign trade and urging Germany to draft and realize a national action plan to implement the UN Guiding Principles on Business and Human Rights. The latter issue was incorporated into the coalition agreement. In addition, international cooperation with other national human rights institutions in the business and human rights field was the main focus of the NHRI presentation at the UN Working Group on the issue of human rights and transnational corporations and other business enterprises in Geneva in December 2013.

In 2013 the Institute also began to work on “Human Rights and Business” as a new thematic area.

RESEARCH & ADVISING

“Effective protection of human rights requires access to justice”

Dr Petra Follmar-Otto, Head of the Department Human Rights Policies Germany/Europe, on barriers to access to justice in Germany and ways to overcome them

Effective protection of human rights requires access to justice because human rights, as individual rights, are designed to be claimed by their holders and enforced by the courts.

There are many national human rights institutions around the world that have an explicit mandate to take action in individual cases in which people report a violation of their human rights – through advising, arbitration, support in court proceedings, or by making quasi-judicial rulings. This is one possible embodiment of the protective function of these institutions. In the past years, the Institute, as Germany's national human rights institution, has placed its priority on strengthening its protective function through structural measures and projects, and on contributing in this way to improving the ability of individuals in Germany to claim their human rights and have them enforced in court. To that same end, in 2013 the Department for Human Rights Policies Germany/Europe linked its research and policy advising on human rights issues in Germany with work on individual court cases of human rights relevance and with activities designed to improve the qualifications of the legal professions in Germany in the field of human rights.

Strengthening the legal profession

Enforcing rights and rendering human rights accessible in Germany require skilled legal professionals. The objectives of the three-year project “Lawyers for Human Rights and Diversity” are three-fold: strengthening the legal profession's capacities to protect human rights in practice, raising awareness of human-rights based protection against discrimination, and diversity competence building. The project is funded under the XENOS Integration and Diversity programme by the Federal Ministry for Labour and Social Affairs and by the European Social Fund. Numerous seminars and lecture events held in the project's second year targeted a variety of groups: lawyers specialising in labour and social law, lawyers in general, lawyers still in training, and the legal counsel of trade unions. In total, over 600 persons took part. Publications in specialized journals and the development of online resources for legal professionals reached a far broader audience. In addition, the project succeeded in recruiting a high-ranking advisory board, which will contribute to the development and sustainable incorporation of the topics of human rights and diversity in the institutions of the legal profession. This project also brings the Institute deeper insight into the barriers to access to justice in Germany, some of which manifest themselves in the judicial system and the legal profession.

Amicus curiae statements

On its own initiative or at the invitation of a court, the department intervenes in legal proceedings centring on human rights issues in Germany, by submitting amicus curiae briefs. The aim of submitting these briefs as an independent party is to promote the fulfilment of Germany's international human rights obligations by courts of various legal branches and levels. By electing to intervene in cases that serve as illustrative examples, the department can help draw attention to structural human rights problems that exist in Germany. Such cases offer an opportunity to change not just the situation of the individuals involved in the proceedings, but also that of many people similarly affected.

The ability to react when exemplary individual cases arise requires great flexibility. The strategic focus of the department would suffer were the department to attempt to respond to every set of proceedings. For that reason, the department takes up only cases that fall within its lines of work, and the briefs it submits in these exemplary proceedings tie in closely with other, structure-oriented working methods of the Institute.

The project yields deeper insight into barriers in the judicial system and the legal profession in access to justice.

This is well illustrated by the amicus curiae brief submitted in 2013 to proceedings before a higher administrative court on “racial profiling” the Federal Police. This brief was linked to a study addressing the legal basis in the Federal Police Act granting police the authorities upon which the practice of racial profiling is based, and makes recommendations to policy makers, the courts, and for police practice. Another example is the submission of a brief to the Federal Constitutional Court on the human rights requirements relating to the Asylum Seekers Benefits Act. After the court issued its ruling on that case, the Institute advised the Federal Government on drafting the bill for new planned legislation. In a policy paper, the Institute analysed the Federal Constitutional Court’s requirements with respect to the amended version of the Counter Terrorism Database Act – the Institute was also invited to make a statement during the oral proceedings – and the need to amend other national and federal state legislation.

Thematic area of gender-specific violence

In developing the practice of submitting amicus curiae briefs on human rights issues to courts of various levels, the Institute entered uncharted territory in Germany. Having expanded the set of instruments available to achieve the strategic objectives in the department’s lines of work to include the submission of these briefs, we intend to develop a systematic practise of issuing such briefs in the field of gender-specific violence in order to strengthen the access to justice of persons affected. To this end, human rights issues in the field of gender-specific violence are being verified in workshops with non-governmental organizations and lawyers, and a search is underway to identify proceedings touching on those issues for which amicus curiae statements can be submitted. In addition, we intend to gather experience with strategies that could later be transferred to other thematic areas of the Institute’s work.

Research on barriers to access to justice

In its role as the German “focal point” for reporting on issues relating to fundamental rights to the EU Agency for Fundamental Rights (FRA), the department also conducted several extensive legal and qualitative studies that shed light on barriers to access to justice in Germany – for persons affected by data protection violations, with respect to child-friendliness of the judicial system in the context of criminal and family-law proceedings, and for persons affected by severe labour exploitation. The department can benefit further in its own thematic work from the findings generated by this research.

In developing the practice of submitting amicus curiae statements on human rights issues to courts of various levels, the Institute entered uncharted territory in Germany.

“Human rights education is aimed at promoting a culture of human rights”

Dr Sandra Reitz, Head of the Human Rights Education Department, on true educational justice and incorporating human rights in education legislation

Sandra Reitz, you became the head of the Institute’s Human Rights Education Department last year. What are your plans? What accents do you intend to set in the coming years?

First, we need to more precisely define our strategic focus. We will start from the overarching strategy of the Institute, in which human rights education plays a prominent role, and build on that. One thing is already clear: we will continue to provide venues for networks to meet, to facilitate exchange between various individuals and organisations active in human rights education, and to promote professionalisation in that sphere. The Human Rights Academy, an educational opportunity open to anyone interested in human rights issue, also remains in the programme. It is unique in this form.

The professionalisation of human rights education also entails the development of quality criteria, hence addressing that task will be a priority. Inclusion and human diversity will be the themes on which we will focus in the near future. Here again, one of our aims will be to critically examine what we offer in human rights education with a view to inclusivity and diversity. We also plan to intensify our activities in the area of policy advising.

Human rights education and policy advising – is that a good match?

Policy advising is an instrument necessary to the achievement of our aim to ensure human rights education as widely as possible throughout Germany. Human rights have to be incorporated both as content in educational curricula and as an educational objective in education legislation. Teachers need appropriate initial and continuing training, and so do people engaged in non-school educational work or working in other relevant occupational fields, such as the police force, the judicial system, in the health sector, or in social work.

The fact that committed individuals are out there doing great work in human rights education is a source of inspiration, but in order to place that work on a sustainable basis we need appropriate structures and resources, and we need governments to define binding requirements.

The right to education encompasses the right to human rights education. What connects these two rights, and what are the distinctions between them?

The right to education is seen as an “empowerment right”. Education is intended to give people the ability to participate in economic, societal and political life. That is why it is so important that access to education, and by the same token educational content and methods, are designed to ensure the greatest possible freedom from barriers and discrimination. Only then can one speak of true educational justice.

Human rights education is aimed at promoting a culture of human rights. That wording is also found in the Declaration on Human Rights Education and Training, adopted by the UN General Assembly in 2011. The Declaration particularly affirms the right to access to human rights education and emphasizes the fact that the UN member states bear the primary responsibility for promoting and ensuring human rights education “developed and implemented in a spirit of participation, inclusion and responsibility” (Article 7).

Human rights education includes providing persons with knowledge and understanding both of human rights and of the mechanisms for their protection. Human rights education also involves awareness, reflection and discussion of attitudes and behaviours. Thirdly, the “action level” plays an important role: people are to learn skills and abilities that ensure their capacity for action and emancipatory thought, with the aim of taking action to support their own rights and the rights of others.

Human rights have to be incorporated both as content in educational curricula and as an educational objective in education legislation.

Your department, Human Rights Education, developed the online manual “Inklusion als Menschenrecht” (Inclusion as a Human Right) and has trained disseminators to use this educational material over the last few years. The project is set to run through mid-2015. What have been your experiences with the project so far?

The term “inclusion” has taken an increasing significance within the professional discourse on education and at the level of international human rights protection system in recent years. The online manual “Inklusion als Menschenrecht”, www.inklusion-als-menschenrecht.de, which was funded by the Foundation Remembrance, Responsibility and Future, is the first comprehensive educational material of its kind aimed at general education. It can be used by people who are interested in the topics of inclusion, disability, and human rights.

Our workshops and networking activities have allowed us to reach a great many people, who have picked up on different aspects of the manual in their daily work. Many of them use the biographies, which show that people with disabilities can serve as powerful role models. Other methods increase people’s awareness of barriers in everyday life. This has made it possible to strengthen the human rights perspectives on inclusion.

You have also been actively engaged in the field of children’s rights. Are people who work on education inevitably channelled towards children’s rights? What is the primary focus of your work?

For those working with children or young people, children’s rights offer an obvious approach. This gives learners the opportunity to clearly perceive themselves as the holders of rights, and concept of “empowerment” can unfold. We do policy advising on children’s rights in Germany and we also offer relevant material, like “Compassito”, a manual for school and non-school education work.

Moreover, in the area of children’s rights, we are developing training programmes about how to implement the rights of children and young people in the context of development cooperation. This takes place within the framework of a partnership with the German development cooperation agency Gesellschaft für Internationale Zusammenarbeit (GIZ). We took material from the German-speaking region and adapted it for use in training in Kyrgyzstan, Guatemala und Burkina Faso. Conversely, the project adds to our own pool of material and experiences for providing people with knowledge and understanding about children’s rights in Germany. Thus the two fields of work are cross-fertilizing each other.

Over the medium and long term we plan to examine more closely how the children’s rights convention is implemented in the German education sector. Are children’s rights taught, and if so, how? To what extent are children and young people able to exercise their right to participation in the education sector, what model projects are carried out, and what barriers exist?

Naturally, we are not starting from scratch, but can draw on the experience gathered in connection with projects such as “Demokratie Lernen und Leben” (Learning and Living Democracy). In our view, the question of how education and processes of co-determination can be structured to be even more inclusive and even more aware of diversity is where the primary need for investigation lies.

The online manual “Inklusion als Menschenrecht” is the first comprehensive educational material on the topic aimed at general education.

“How to assess development cooperation projects from the human rights perspective – experience with that in Germany has been almost nil”

Dr Anna Würth, Head of the International Human Rights Policy Department, on policy advising for human-rights oriented German development policy

Human rights treaties require that the actions of the German state in the sphere of foreign and development policy be geared towards human rights.

Why is the German Institute for Human Rights involved in development policy?

As Germany's national human rights institution, our primary interest, of course, is in how human rights are implemented in Germany. However, human rights treaties also require that the actions of the German state in the sphere of foreign and development policy be geared towards human rights.

These "extra-territorial obligations" mean that Germany must not violate human rights through its external actions and must ensure that third parties, e.g. businesses based in Germany, do not do so either. Lastly, they require that Germany's development cooperation activities contribute to improving human rights implementation in its partner countries. These obligations underlie the Institute's work in the development policy field.

What does a human rights orientation in development cooperation mean in practical terms?

The best way to answer that is with an example: a development policy project to improve the drinking water supply in a partner country has failed. One reason for the failure: very few people could afford to put in the equipment foreseen by the project to connect their homes to the supply of good quality drinking water. How could something like this happen? What went wrong in the planning? And what advantage does human rights oriented planning offer?

Development policy with a human rights based approach starts with those least able to exercise their right to access to safe drinking water and analyses the situation to determine why that is so. Populations groups of this kind are often marginalized more generally, whether due to their health situation, e.g. a disability, their social status, or other factors.

When planning fails to incorporate such factors, development policy projects risk being "captured" by the middle classes or elites in the populations, because only those groups are in a position to reap the benefits – in this example the supply of drinking water to households. A development policy that seeks to combat poverty effectively and sustainably should avoid this type of effect; a human rights orientation can help.

How does the Institute contribute towards ensuring human-rights based approach to foreign and development policy?

Many development professionals work in countries where grave violations of human rights occur regularly; they are in contact with non-governmental organisations that engage in systematically lobbying activities, both in Germany and the partner country, aimed at improving the human rights situation, and which call on donor countries to insist upon human rights in the same spirit. These contacts do not automatically give development cooperation a human rights orientation, but they do make those who are engaged in such work more aware of human rights issues than people engaged, say, in the areas of domestic policy, pension, education, or migration policy.

This awareness provides the departure point for our work. It is an awareness that reveals itself in many areas, for instance, in the increased demand for advice on how development professionals can implement their work with a human rights orientation. Thus, in the development cooperation area, the Institute's activities are primarily of a policy advising nature and are focused very tightly on the needs of the professionals.

In your view, where has this policy advice been successful?

It is difficult to point to individual successes in policy advising: as with lobbying work, there are always many people involved in a policy change and multiple factors are at play. That said, we are seeing a shift in development policy; it is only since 2011 that there has been an explicit human rights strategy in place that must be applied in all development cooperation projects. That is a great step forward. We helped to shape the contents of this strategy considerably.

In 2013, we concentrated primarily on advising on the processes required to implement the strategy. This included, for instance, the development of guidelines for professionals for testing and setting up projects to ensure a human rights orientation and providing information to professionals about how to implement the human rights orientation in the various sectors in practical terms. In this area, we took the lead in a collaboration to develop an appropriate online course.

In 2013, we also began to work and advise on the question of how to assess development cooperation projects from a human rights perspective –experience with that in Germany has been almost nil.

What challenges remain?

Development projects should benefit the population in the partner countries. However, institutionalized opportunities for them to provide feedback about undesirable developments within or in the environment of projects are almost non-existent.

Our work in 2013 focused on determining how one could design a human-rights complaint mechanism for people in partner countries that would enable them to bring a complaint in Germany and to remedy the situation. In addition to the design of such a mechanism, we concentrated on advising policy-makers on how it might be implemented. The routes for bringing litigation in partner countries are frequently blocked, there are usually no arbitration bodies, and as a rule the path that must be followed to file a suit before a German court is prohibitively long.

In the absence of a complaint mechanism of this kind, the human rights orientation of development policy will remain incomplete: human rights require that German development policy be held accountable to the people it is supposed to benefit, and this is not the case.

What will be at the focus of your work going forward?

The strategic orientation of our work will continue to be directed towards advising on German development policy and the projects funded under it, with an increasing focus on linking that with the work on international standard-setting processes. It makes sense for us to contribute to the reformulation of the Millennium Development Goals, for example, and the adoption of the Right to Food Guidelines of the UN Food and Agriculture Organization, since these kinds of goals and guidelines on which states agree have the potential of making a crucial contribution to improving the human rights situation of millions of human beings.

“The success of implementation of the UN CRPD will be determined to a great degree at the level of the federal states”

A look into 16 orchestral pits: Dr Valentin Aichele, Head of the Monitoring Body for the UN Convention on the Rights of Persons with Disabilities, on the central importance of the federal state level for the convention's implementation

Whether the UN Convention on the Rights of Persons with Disabilities (CRPD) is successfully implemented in Germany will be determined to a great extent at the level of the federal states. Ensuring barrier-free buildings, common schooling, or freedom from violence in psychiatric care – all of these obligations touch on areas for which the federal states (Länder) bear responsibility.

The CRPD Monitoring Body, established within the German Institute for Human Rights in 2009, has therefore observed the Länder since its inception. It has done so because the Monitoring Body is the central entity responsible for monitoring the implementation of the CRPD at both the national and federal states level, and it is able to provide a coherent and comparative overview of developments for the federal authorities and the Länder. They all take the UN CRPD as the standard for their policy-making. So, figuratively speaking, the music sheet is the same everywhere, but the music is played differently in the 16 orchestral pits of the federal system.

Realigning standards set for inclusive education

Since the UN CRPD entered into force in March 2009, the public's perception of it has been dominated by the topic of inclusive education. Right from the start, the CRPD Monitoring Body helped inform state entities about the meaning of the right to inclusive education and the implications of the obligations stemming from the UN CRPD. It entered into advising processes with individual Länder, conducted school visits and played an active role in the Committee of Experts on Inclusive Education of the German UNESCO Commission.

The work of the Monitoring Body's in 2013 work built on its statement it issued in 2011, which concerned the special education guidelines of the Standing Conference of the Ministers of Education and Cultural Affairs. In this statement, the Monitoring Body formulated several key points relating to the construction of an inclusive education system in the area of primary and secondary education. Some of these key points formed the basis for a study commissioned by the Monitoring Body on the extent of compliance (as of 1 Dec. 2013) of the education statutes of the 16 Länder with the human rights requirements formulated in those key points.

A comparative perspective on the federal states

In addition to its activities in that area, the Monitoring Body intensified its work on Convention implementation in the federal states (Länder). With the aim of increasing the degree of coordination and efficiency of UN CRPD implementation, the Monitoring Body published information on its website enabling the comparison, for instance, of the action plans and sets of measures drawn up by individual Länder.

Over the years, the Monitoring Body's recommendations that the Länder prepare for implementation thoroughly by planning and coordinate the measures they used have resulted in many federal states' initiation of processes that have since culminated in policy action programmes. The new overview, in tabular form, provides information about the current status of these processes in the federal states. The regularly updated overview can be accessed at www.institut-fuer-menschenrechte.de/monitoring-stelle/monitoring.

The Monitoring Body also published an analogous overview on the subject of equality statutes. These special legislative frameworks, which can be found both at the national and federal state levels, are the core element for *de facto* equality of persons with disabilities. They are of great relevance for barrier-free access, particularly with respect to communication with administrative authorities. Moreover the equality statutes contain provisions for the appointment of commissioners and the establishment of disability advisory councils, in which people with disabilities take part. The UN CRPD provides important and even compelling stimulus for the continuing development of this legislation, with respect, for instance, to providing for reasonable accommodation or for the strengthening of structures for participation, advising and awareness-building. Corresponding changes are required in the Länder in these areas.

While the national Disability Equality Act is being evaluated by an independent body at the behest of the Federal Government, and while Saxony-Anhalt and Brandenburg have already passed amendments, reforming legislation remains on the agenda in the other federal states. Information about the status of each Land – whether reform has been planned or is being discussed, whether amendments are being drawn up or have been introduced in the legislature – is provided by the comparative overview on the website of the CRPD Monitoring Body.

First systematic information acquisition process

Conducting research is not the only way the CRPD Monitoring Body acquires information about the status of developments: in 2013 we also sent a request for information with a list of questions to the state chancelleries of each federal state. In addition to questions about reform plans and any action plans or measure planning, the question list included items ranging from the establishment of “focal points”, to steps paving the way for disability mainstreaming, awareness raising measures, the strengthening of the role of the disabilities representatives, on through to participation of persons with disabilities in political processes.

After critical review, this overview of the status of developments running in parallel in the Länder provides a good basis for the upcoming parallel reporting by the CRPD Monitoring Body for the first UN review procedure, which Germany must undergo in 2015.

The “Standards Testing” project

Normative guidelines advance and support the development of an inclusive society – or they do not, when the law impedes or even prevents inclusion. Whether people can enforce their human rights in the legal system in Germany if need arises depends on various factors, including whether the statutory requirements allowing them to do so have been created: Where there is no law, there can be no judge.

In this context, a mandate received from the Land of Berlin had a substantial influence on the Monitoring Body’s work in 2013. The Land of Berlin requested the Monitoring Body to draw up an expert opinion for an omnibus act to implement the UN CRPD in the Land of Berlin. To that end, the Monitoring Body is currently reviewing selected legislative, executive and administrative legal acts of the Land of Berlin for compliance with UN CRPD standards. The subjects of the review include the Act on Equality of Persons with Disabilities, and legal acts concerning primary and secondary education, tertiary education, building, monument preservation, public transport, the promotion of economic development and electoral law. The Joint Rules of Procedure of the Berlin administration will also be subjected to review. The Monitoring Body will determine whether changes are necessary and develop concrete proposals for formulations with which to amend the wording of the legal acts in question.

This systematic, human rights oriented approach to the topic of standards testing is unique in Germany. The review is performed by the CRPD Monitoring Body, the independent body established pursuant to the the UN CRPD. The Monitoring Body has specific scientific skills appropriate for the task of reviewing the existing legal acts with respect to compliance with human rights obligations. The other notable aspect of this task lies in the assistance, specifically in the formulation of amendments, which is intended to facilitate implementation by the Land. With this standards testing, the CRPD Monitoring Body is taking an innovative approach to territory that is uncharted in terms of legal theory.

The systematic, human rights oriented approach to the topic of standards testing is unique in Germany.

Interview with Daniel Scherr, Researcher at the CRPD Monitoring Body, responsible for the “Standards testing” project

Mr Scherr, you are conducting a systematic review of selected provisions of the law of the Land of Berlin. Is this type of standards testing something quite new for Germany?

Daniel Scherr: No. The need to measure laws against the standards of fundamental and human rights arises again and again. The Federal Constitutional Court, for instance, conducts such reviews, and so do the competent review bodies in the ministries. What is surprising, though, is the fact that once the UN CRPD entered into force in 2009, policy makers and administrative officials apparently assumed that there would be no need to measure German provisions against it and, thus that there would be no need to amend them.

Is Berlin the only German Land that is focussing on the level of legal provisions in its implementation? Or are compliance reviews taking place elsewhere as well?

Daniel Scherr: Through our advising activities, we have become aware that other German Länder have undertaken the review of legislation or are in the process of preparing such reviews. In most cases, the Länder attempt to do this on their own. Since this “exercise” requires in-depth human rights expertise, these projects, which are laudable and deserving of support, face particular challenges. The unusual aspect of the Berlin mandate, which we are carrying out independently, lies in the issue of a mandate to an external party. With that step Berlin has taken on a pioneering role.

What opportunities are associated with “standards testing”?

Daniel Scherr: We know now, through our work on school education for instance, that successful implementation of the Convention depends on many practical factors, such as the didactic skills of educators, but that the legal environment plays an important role as well. This is particularly evident in the context of equality legislation. The legislation of this type that picks up on the content of the UN Convention is far superior and better reflects the current discourse. I do not believe that it will be possible to safeguard the rights of persons with disabilities adequately without further changes to the current legal situation. The value of the findings emerging in our review lies in the fact that they further increase awareness in administrations and legislatures about the requirements entailed in implementation. These indispensable political processes harbour genuine opportunities with respect to the rights of persons with disabilities.

The Berlin Senate Department for Health and Social Affairs has been funding the “Standards Testing” project since 2012. In 2013 the funding amounted to slightly over 100,000 euros. Legal expert Daniel Scherr has worked on the project since it began.

Further information:

More detailed information on the CRPD Monitoring Body’s federal state projects, and on the “Standards testing” project in particular, is available at <http://www.institut-fuer-menschenrechte.de/en/monitoring-body/state-projects/>

Successful implementation of the Convention depends on many practical factors, such as the didactic skills of educators, but the legal environment plays an important role as well.

“We have gained recognition as a library specialising in human rights through our cooperation in national and international library associations”

Anne Sieberns, Head of the Library, on innovative ways of informing people about human rights

By the end of 2013, the Library's holdings had grown to include approximately 10,000 media.

Providing information about human rights and documenting developments in the field of human rights are two of the tasks of a national human rights institution. The Institute therefore has a specialised library that is open to the public. By the end of 2013, the Library's holdings had grown to include approximately 10,000 media and it also makes an extensive collection of electronic offers available.

National and international cooperation

The Library gained recognition as a library specialising in human rights primarily through its cooperation with national and international library associations. It has been a member of the GVB Common Library Network and in the KOBV Cooperative Library Network Berlin-Brandenburg since 2003. In 2013, it registered the bibliographic information for almost 3,000 new publications on human rights topics in the catalogues of those networks; of those, 694 are independent publications, 2,100 are articles and 182 are electronic publications.

All of the Library's holdings are also registered in WorldCat, the world's largest bibliographic database. Moreover, numerous e-books and electronic periodicals are accessible in the Library thanks to its participation in German national and alliance licences.

In order to increase the visibility of information on human rights, the Library began collaborating with the legal research portal VifaRecht (Staatsbibliothek Berlin), and the political research portal VifaPol (Staats- und Universitätsbibliothek Hamburg) in 2006. Approximately 200 sets of metadata describing online human rights resources have since been entered into the joint database of these research portals. These data sets were checked and updated in 2013.

Anne Sieberns, Head of the Library, regularly reports on new developments at the Institute at the annual meeting of the European Coordination Committee on Human Rights Documentation (held in Sarajevo in 2013). In August of 2013 she was also elected to serve as the German member in the Standing Committee of the Library Services to People with Special Needs section of IFLA, the International Federation of Library Associations and Institutions.

Deposit of the Institute's electronic publications

In connection with revision of the Legal Deposit Ordinance, the Institute's electronic publications are now also deposited at the German National Library (DNB). In general, this occurs via the Social Sciences Open Access Repository SSOAR, which automatically forwards publications uploaded to it on to the DNB.

Certain publications are sent directly to the DNB using an online procedure. By December 2013, Daniela Marquardt, a member of the Library staff, had retroactively deposited all of the Institute's past electronic publications, meaning that the Institute has now fulfilled its DNB deposit obligations. Starting in 2013, all of the Institute's electronic publications are also identified in Verzeichnis lieferbarer Bücher, the German Books in Print catalogue.

COMMUNICATION & ADMINISTRATION

“We tweet about human rights every day @DIMR_Berlin”

Bettina Hildebrand, Head of the Communications Department, on new communication channels

Communicative focus on “Access to Justice as a Human Right”

A great deal of the work of the Communications Department in 2013 was devoted to developing the concept of the communicative focus on “Access to Justice as a Human Right”. In Germany and elsewhere around the world, situations arise in which people have no means, or only restricted means with which to defend themselves against human rights violations. Therefore, the Institute has chosen to draw attention to gaps in protection and to barriers to access to justice in Germany, and stimulate discussion on these topics in political, judicial, expert and public circles, by focusing on this issue over a period of two years, starting in September 2014.

In the context of this upcoming focus, the Institute announced a journalist’s fellowship for research on the topic of access to justice in Germany – a joint project of the Communications Department and the Department Human Rights Policy Germany/Europe. The Institute hopes this will encourage journalists to work on current topics from a human rights perspective, and it will offer all winning journalists a human rights seminar before the production phase.

The research proposals submitted will be evaluated by a six-member jury: Dr Melanie Amann (*Der Spiegel*), Gudula Geuther (Deutschlandradio, Hauptstadtstudio Berlin), Dr Wolfgang Janisch (*Süddeutsche Zeitung*), Maximilian Steinbeis (Verfassungsblog), Dr Heinrich Wefing (Deputy Head of Political Department, *Die Zeit*), Professor Dr Beate Rudolf (Director, German Institute for Human Rights). Access to the winning journalists’ works will be available through the Institute’s website at the end of 2014.

Twitter – A success story

The Institute launched its Twitter account, @DIMR_Berlin, in December 2012. It sends out tweets every day, with current news, announcements of events, press releases, photographs, video and audio recordings, or job announcements, as well as relevant human rights information and online articles. The Institute also transmits tweets live during selected events. The Twitter project was very well received in 2013: we currently have 1,813 followers (as of 08 Aug. 2014), including politicians, larger and smaller NGOs, other national human rights institutions, UN staff, journalists, lawyer’s offices, and a great many private individuals who are interested in human rights and the Institute’s positions.

Human rights defenders in the spotlight: The first Werner Lottje Lecture

In memory of the great human rights visionary Werner Lottje (1946 – 2004), in 2013 the German Institute for Human Rights and Brot für die Welt, the development and relief agency of the Protestant Churches in Germany, instituted the Werner Lottje Lecture. The lecture, to be held annually, will address the work and the problems of human rights defenders.

Margaret Sekaggya, UN Special Rapporteur on the Situation of Human Rights Defenders, gave the first annual lecture on the topic “How can the work of human rights defenders be supported?” on 13 November 2013. In her lecture, she discussed the particularly grave risk run by human rights defenders in connection with large-scale international projects: “Human rights defenders are often branded enemies of the state, stigmatised and criminalised,” she stressed, pointing out that the problem was a global one and that states have an obligation to provide protection and support to those claiming their legitimate rights to participation.

Werner Lottje had a formative influence on human rights work in the area of church activity in Germany and around the world. He was a co-founder of Forum Menschenrechte, now a network of more than 50 German non-governmental organisations, and an active advocate for the establishment of the German Institute of Human Rights.

The format of the annual lecture was developed by the Communications Department in cooperation with the Board of Directors.

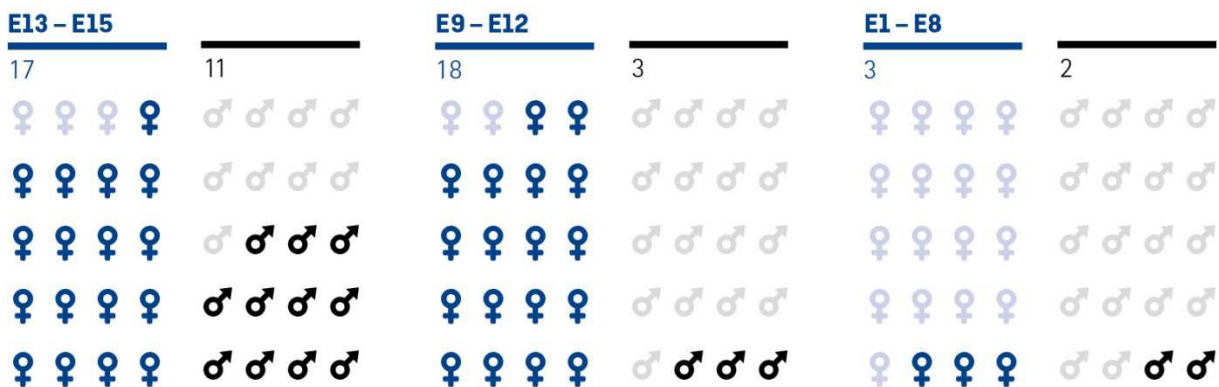
The 2014–2016 communicative focus
draws attention to barriers in the
“Access to Justice”.

“Women make up a 69% share in our personnel and are distributed nearly evenly across all income levels”

Brigitta Ulrichs, HR Officer in the Administration Department, on equality in the Institute

As a recipient of an institutional allocation, the Institute has to apply the basic features of the Federal Equality Act. How does this happen within the Institute?

Due to the Institute's thematic priorities, we are already very sensitive to the issue of gender equality. Hence, our job vacancy announcements are worded in a way that clearly communicates that female and male candidates are welcome to apply. Then, men and women are represented equally as a rule on the committee for selection interviews, which is made up of the Board of Directors, the works council and the human resources officer. Women make up a 69 per cent share of our personnel structure and are distributed nearly evenly across the income levels E9–E15 of the Collective Agreement for the Public Service (TVöD). A graphic can illustrate this very well.



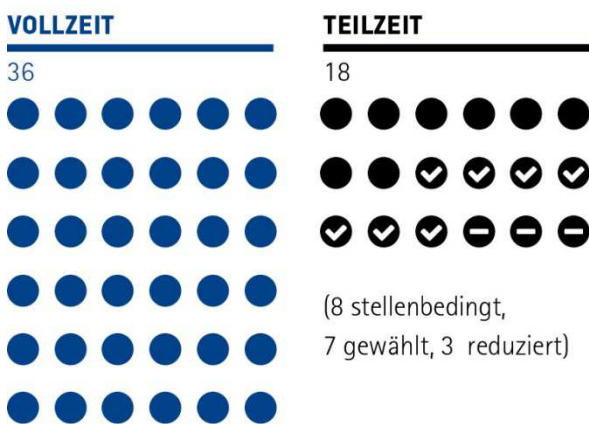
How is compatibility of family life and employment promoted in the Institute?

The use of flexible time accounts, combined with a core period from 10:00 to 15:00 hrs, during which staff presence is required, give our employees a lot of leeway to design their schedules to meet needs of family life. Furthermore, it has been agreed that meetings at the Institute generally should not be scheduled before 10 a.m., to allow staff members with longer commutes time to drop their children off at a day-care centre or kindergarten. I like to point out in this respect that our staff of 54 can boast an astonishing 30 children.

The use of flexible time accounts give staff a lot of leeway to shape their schedules so as to meet needs of family life.

The Institute offers the possibility of part-time work, how is this offer accepted?

Eighteen of our 54 staff members, or 33 per cent, are employed part-time. We need to draw some distinctions here, though, to yield meaningful figures. For instance, we now have three staff members who have actively reduced the number of hours they work in order to reconcile the demands of their family and professional lives. These employees could go back to working full time if they choose. Seven of our staff members deliberately elected to take positions that were advertised as part-time positions for the same reason. Full-time employment could not be offered to 8 of our part-time staff due to the nature of the position involved. Of course, some of those part time positions are there in order to cover the reduced hours of the three staff members I mentioned earlier.



("Vollzeit" = full time; "Teilzeit" = part-time
 "stellenbedingt" = due to specifications of the position; "gewählt" = choice of staff member upon entering the Institute; "reduziert" = reduced following a later request of staff member)

What else is the Institute doing to promote protection against discrimination?

The Institute launched a diversity process in May of 2014 that we expect to complete by the end of 2014. This process will certainly give rise to important new aspects with regard to promoting diversity in our staff. That also means that we communicate on the job market in a barrier-free way and keep under-represented target groups in mind when announcing vacancies.

We communicate on the job market
in a barrier-free way and keep
under-represented target groups in mind
when announcing vacancies.

FACTS & FIGURES

Annual Financial Statement

2013

INCOME

Miscellaneous Income	€1,715,286.87
Institutional Allocation from the Federal Government	€2,193,664.43
Income from Third-party Funding (earmarked for specific purposes)	€50,412.46
Total Income	€3,959,363.76

EXPENDITURES

1	Human Rights Policy Germany/Europe	€304,697.55
2	Third-party Funded Projects, International Human Rights Policy	€564,622.87
3	International Human Rights Policy	€229,210.12
4	Third-party Funded Projects, International Human Rights Policy	€689,561.17
5	Human Rights Education	€154,518.19
6	Third-party Funded Projects, Human Rights Education	€32,557.34
7	Library	€163,336.68
8	Communications	€257,479.61
9	CRPD Monitoring Body	€419,718.58
10	Third-party Funded Projects, CRPD Monitoring Body	€105,875.96
11	Administration (Overhead)	€655,145.41
12	Board of Directors	€382,640.28
	Total Expenditures	€3,959,363.76

2013 RESULT

€0.00

Notes to the Annual Financial Statement

The institutional allocation from the federal government to the German Institute for Human Rights in 2013 amounted to 2,193,664.43 euros. The Institute receives this basic funding every year. It is intended to secure the Institute's financial resources, as required for an independent national human rights institution under the Paris Principles of the United Nations. The Federal Ministry of Justice (BMJV) contributes 29 per cent of this funding, with the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Foreign Office and the Federal Ministry of Labour and Social Affairs (BMAS) contribute shares of 28, 22 and 21 per cent respectively. The grants from the BMAS relate to the financing for the Monitoring Body for the UN Convention on the Rights of Persons with Disabilities. These grants have formed part of the institutional allocation since 2012.

The miscellaneous income item in the annual financial statement, in the total of 1,715,286.87 euros, is made up of other income from federal grants, income derived from mandates from third parties and various other revenues. Funding from the Foundation Remembrance, Responsibility and Future was used to finance a legal aid fund. According to the standards set down in the Paris Principles, national human rights institutions should be financed primarily through institutional funding, to ensure that they can freely choose the themes and areas of their activity, which is, by definition, not the case with project-tied funding. In 2013 the Institute's project-tied funding accounted for approximately 45 per cent of the institutional income. In the past, the Institute has successfully acquired project funding that supports the previously defined focuses of its work. This constitutes an Institute policy that will continue to determine the direction of the Institute's grant acquisition activities.

The funding from federal grants relates to the scientific input produced, for instance, for UN Special Rapporteurs on the Human Right to Water and Sanitation (Catarina de Albuquerque) and on the Freedom of Religion or Belief (Heiner Bielefeldt). In 2013, the German Institute for Human Rights also received funds from the Federal Ministry for Economic Cooperation and Development for two research projects – one on children's rights and another on business and human rights – as well as funding for human rights and diversity competence building among legal professionals from the XENOS Integration and Diversity programme of the BMAS and the European Social Fund.

The income from third-party mandates is made up of project funds received from the German development cooperation agency Gesellschaft für Internationale Zusammenarbeit (GIZ) (project "Implementing a Human Rights Based Approach in Development Policy"), the EU Agency for Fundamental Rights (reporting to FRANET Network), the Foundation Remembrance, Responsibility and Future ("Inclusion as a Human Right" and "Forced Labour Today"), Dreilinden gGmbH ("LGBTI Rights in Development Cooperation"), the Federal Agency for Civic Education (BPB) (fellowship) and the human rights education project "Sheroes" in the EU's Daphne programme. The Institute would like to express its sincere gratitude to all of those who have granted funding to support its work.

The summary of expenditures indicates the amount of financial resources available for the work of each of the Institute's departments. The Human Rights Education Department's expenditures were unusually low in 2013 due to changes in management personnel and the fact that a few posts were vacant for several months. The item "Expenses not assignable to the individual departments" includes, among others, the Institute's running costs – e.g. rent, utilities, office supplies – as well as the costs of activities at the cross-institutional level, the work of the Board of Directors and the of the administration.

The Financial Report of the German Institute for Human Rights is examined by an auditor appointed by the Board of Trustees; the Annual General Meeting is responsible for formal approval of the actions of the Board of Directors.

Events in 2013

Full-day and multi-day conferences:	25
Expert discussions:	33
Panel discussions:	6
University lectures:	6
Seminars / Workshops:	34
Parliamentary hearings:	2
Parliamentary breakfasts:	2
Film screenings:	1
Summer Academies:	1
Civil Society Consultations by CRPD Monitoring Body:	3

In addition, Institute staff members have given numerous external presentations and advised policy makers and members of civil society at the federal and state level.

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 Universidad Rafael Landívar, Institute of
 Linguistics and Interculturality, Guatemala

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Publications in 2013

Valentin Aichele (ed.): Das Menschenrecht auf gleiche Anerkennung vor dem Recht. Artikel 12 der UN-Behindertenrechtskonvention. Mit herausgegeben vom Deutschen Institut für Menschenrechte. Baden-Baden: Nomos, 2013. 398 pp. ISBN 978-3-8329-7153-3 (available from booksellers only)

Nina Althoff; Sera Choi: Combating discrimination: How a National Human Rights Institution can strengthen civil society organisations. An example of good practice. Berlin: Deutsches Institut für Menschenrechte, 2013. 16 pp. ISBN 978-3-942315-63-0 (online only)

Aliyeh Yegane Arani: Diversity-Kompetenz: Chance und Herausforderung für Rechtsanwältinnen und Rechtsanwälte. Berlin: Deutsches Institut für Menschenrechte, 2013. 16 pp. ISBN 978-3-942315-89-0 (Handout: Anwaltschaft für Menschenrechte und Vielfalt, online only)

Viola Bölscher: Nationale Menschenrechtsinstitutionen als Akteure für Schutz und Förderung der Kinderrechte. 2nd edition with minor revisions. Berlin: Deutsches Institut für Menschenrechte, 2013. 43 pp. ISBN 978-3-942315-93-7

Viola Bölscher: Nationale Menschenrechtsinstitutionen als Akteure für Schutz und Förderung der Kinderrechte. Berlin: Deutsches Institut für Menschenrechte, 2013. 44 pp. ISBN 978-3-942315-60-9 (online only)

Hendrik Cremer: „Racial Profiling“ – Menschenrechtswidrige Personenkontrollen nach § 22 Abs. 1 a Bundespolizeigesetz. Empfehlungen an den Gesetzgeber, Gerichte und Polizei. Berlin: Deutsches Institut für Menschenrechte, 2013. 37 pp. ISBN 978-3-942315-69-2 (study)

Hendrik Cremer: Die Asyldebatte in Deutschland: 20 Jahre nach dem „Asylkompromiss“. Berlin: Deutsches Institut für Menschenrechte, 2013. 31 pp. ISBN 978-3-942315-74-6 (Essay No. 14)

Deutsches Institut für Menschenrechte: Annual report 2012. Berlin, 2013. 58 pp. ISBN 978-3-942315-92-2 (online only)

Deutsches Institut für Menschenrechte: Expertise für ein Artikelgesetz zur Umsetzung der UN-Behindertenrechtskonvention im Land Berlin. Kurzdarstellung der Normenprüfung: Grundlagen, Methodik, Leseproben. Durchgeführt im Rahmen des Projekts „Monitoring-Stelle Berlin“. Berlin, 2013. 96 pp. (online only)

Deutsches Institut für Menschenrechte: Jahresbericht 2012. Berlin, 2013. 55 pp. ISBN 978-3-942315-67-8

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Deutsches Institut für Menschenrechte: Was ist das Deutsche Institut für Menschen-Rechte? Berlin, 2013. 8 pp. (Easy to read, German lang. online only)

Judith Feige: „Barrieren in den Köpfen“ abbauen! Bewusstseinsbildung als Verpflichtung. (auch in Leichter Sprache). Berlin: Deutsches Institut für Menschenrechte, 2013. 8 pp. ISBN 978-3-942315-76-0 (Positionen: Monitoring-Stelle zur UN-Behindertenrechtskonvention No. 8)

Petra Follmar-Otto: Die Nationale Stelle zur Verhütung von Folter fortentwickeln! Zur völkerrechtskonformen Ausgestaltung und Ausstattung. Berlin: Deutsches Institut für Menschenrechte, 2013. 19 pp. ISBN 978-3-942315-65-4 (Policy Paper No. 20, online only)

Kathleen Jäger: Diversity-Kompetenz: Eine Schlüsselqualifikation für Rechtsreferendarinnen und Rechtsreferendare. Berlin: Deutsches Institut für Menschenrechte, 2013. 14 pp. ISBN 978-3-942315-79-1 (Handout: Anwaltschaft für Menschenrechte und Vielfalt, online only)

Andrea Kämpf: Mehr Menschenrechte durch Rechenschaftslegung. Warum die deutsche Entwicklungszusammenarbeit einen menschenrechtlichen Beschwerdemechanismus braucht. Berlin: Deutsches Institut für Menschenrechte, 2013. 31 pp. ISBN 978-3-942315-95-1 (Policy Paper No. 22)

Katrin Inga Kirstein: Entschädigung nach dem Opferentschädigungsgesetz und der gesetzlichen Unfallversicherung – Betroffenen von Ausbeutung und Gewalt zu ihren Rechten verhelfen. Eine Handreichung für Beratungsstellen. Berlin: Deutsches Institut für Menschenrechte, 2013. 91pp. ISBN 978-3-942315-61-6

Claudia Mahler: Menschenrechte: Keine Frage des Alters? Berlin: Deutsches Institut für Menschenrechte, 2013. 47 pp. ISBN 978-3-942315-81-4 (study)

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Eric Töpfer: Informationsaustausch zwischen Polizei und Nachrichtendiensten strikt begrenzen. Konsequenzen aus dem Urteil des Bundesverfassungsgerichts zur Antiterrordatei. Berlin: Deutsches Institut für Menschenrechte, 2013. 19 pp. ISBN 978-3-942315-71-5 (Policy Paper No. 21, online only)

Andreas Zimmermann; Janine Schütte; Meltem Sener: Deutsche zweiter Klasse? Eine verfassungs-, europa- und völkerrechtliche Analyse der Optionsregelung nach §§ 29/40b Staatsangehörigkeitsgesetz. Berlin: Deutsches Institut für Menschenrechte; - MenschenRechtsZentrum der Universität Potsdam, 2013. 63 pp. ISBN 978-3-942315-83-8 (study)

Statements submitted to Federal and State Parliaments, courts and international human rights bodies

Schriftliche Stellungnahme des Deutschen Instituts für Menschenrechte zur öffentlichen Anhörung zum Gesetzentwurf der Abgeordneten Rüdiger Veit, Gabriele Fograscher, Wolfgang Gunkel, weiterer Abgeordneter und der Fraktion der SPD. Entwurf eines Gesetzes zur Verbesserung der Situation Minderjähriger im Aufenthalts- und Asylverfahrensrecht am 15.04.2013, BT-Drucksache 17/9187. Author: Hendrik Cremer. Berlin: Deutsches Institut für Menschenrechte, 2013. 21 pp. (online only)

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Written Contribution of the German Institute for Human Rights to the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance's report on „Glorification of Nazism“. Berlin: Deutsches Institut für Menschenrechte, 2013. 2 pp. (online only)

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German Institute for Human Rights: Suggested topics to be taken into account for the - preparation of a list of issues by the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in Germany. Berlin: Deutsches Institut für Menschenrechte, 2013. 9 pp. (online only)

Amicus-Curiae-Stellungnahme der Monitoring-Stelle zur UN-Behindertenrechtskonvention in dem Verfahren 6 AZR 190/12 des Bundesarbeitsgerichts (submitted on 10 Sep. 2013). Berlin: Deutsches Institut für Menschenrechte, 2013. 37 pp. (online only)

Publications in cooperation with the German Institute for Human Rights

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): ABC of - Human Rights for Development Cooperation: European Human Rights System, 2013, 6 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Indigenous Peoples and Human Rights, 8 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Promising Practices: Health – Ensuring inclusion and access to quality health care in Kenya, 2013, 4 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Promising Practices: Justice Reform – Improving the Situation of Overcrowding in Prisons in Bangladesh, 2013, 4 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Promising Practices: Water and sanitation – Ensuring access for the urban poor in Kenya, 2013, 4 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH: Selected Resources on Indigenous Peoples and Human Rights, 2013, 10 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Selected Resources on Indigenous Peoples' Rights to Land, Forests and other Natural Resources, 2013, 5 pp.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (pub.): Sexual orientation and gender identity as human rights issues in development cooperation, 2013, 9 pp.

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