

## Annual Report 2019

Veröffentlichungsversion / Published Version  
Tätigkeitsbericht, Jahresbericht / annual report

**Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:**  
Deutsches Institut für Menschenrechte

### Empfohlene Zitierung / Suggested Citation:

Deutsches Institut für Menschenrechte. (2020). *Annual Report 2019*. (Jahresbericht / Deutsches Institut für Menschenrechte). Berlin. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-85298-9>

### Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

### Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

<https://creativecommons.org/licenses/by-nc-nd/4.0>



Deutsches Institut  
für Menschenrechte

# ANNUAL REPORT 2019



The most oppressive thing about these photographs is that they depict neither the murderers nor their victims. It is their inconspicuousness, the trivial and ordinary that make Schmeken's pictures so eerie.

Hans Magnus Enzensberger

It was only when Regina Schmeken began photographing the scenes of the National Socialist Underground's crimes in early 2013 that she became aware of the extent of far-right terrorist crimes in German cities. Her exhibition, "Bloody Ground: Scenes of NSU Crimes", deals with how we remember victims and artistic encounters with places which, at first sight, give no hint of acts of violence. Between 2013 and 2016, the artist visited the twelve crime scenes on several occasions.

National Socialist Underground (NSU) was the name used by a far-right terrorist organisation whose members killed ten people in seven cities between 2000 and 2007. Nine men and one woman lost their lives. A large number of people were seriously injured by an NSU bomb attack in Cologne. The group was uncovered on 4 November 2011. It was only then that relatives of those who had been murdered, victims of the attacks and the wider public learned of the existence of the NSU. The trial of the group's surviving member, Beate Zschäpe, began on 06 May 2013 and ended on 11 July 2018 when she was convicted of complicity in and membership of the NSU terrorist organisation and serious arson. She was sentenced to life imprisonment. An appeal was lodged against the judgement.

Regina Schmeken's large-format black and white images take us to the crime scenes. They present the disturbing normality of the scenes of hatred and violence in the heart of German cities. The title of the exhibition refers not only to these places, but also to the Nazi propaganda slogan "Blood and Soil", recalling the Nazis' belief that a "healthy state" must be based on the unity of the people and the soil. The NSU criminals invoked this ideology, believing they were justified in killing people.

Almost all the victims were people from migrant backgrounds. They were found brutally executed, lying in their own blood on the ground. The exhibition seeks to reflect the monstrosity of these crimes, making it plain that these murders were not only attacks on our fellow citizens, but also on our universal human rights and hence on our democratic society.

In the exhibition catalogue, Feridun Zaimoglu describes the story of the NSU as a "story of great damage". Annette Ramelsberger writes, "The journey to the scenes of these crimes was a journey to a land of pain and tears, of indifference and callousness, and of secret gloating over what happened. When the NSU was brought to light after ten murders, two bomb attacks and 15 robberies, everyone was certain a series of terrorist attacks like that would never happen again in Germany. But if you have been following the NSU trial you know there is no guarantee of this." The anti-Semitic and racist attacks in Hanau and Halle are terrible confirmation of her assessment.

Regina Schmeken has been taking photographs since the mid-1970s and her work was first exhibited in 1980. She is the recipient of national and international accolades, including the Dr. Erich Salomon Prize from the German Photographic Association and the Prix de la Critique at the Recontres d'Arles international festival of photography.

All quotations are taken from the exhibition catalogue (Hatje Cantz 2016):  
<http://reginaschmeken.com/publikationen/blutiger-boden-die-tatorte-des-nsu>

# Foreword

On 23 May 2019, the German constitution turned 70. It requires the state use its full authority to respect, protect and uphold fundamental and human rights. The central position of fundamental and human rights is a response to the crimes of Nazi Germany. It is also a key reason for the constitution's successful track record. Fundamental and human rights direct and define the scope of democratically legitimated state authority. In a constitutional democracy, restrictions of human rights must be the subject of nuanced debate and carefully weighed against the desired outcome. It is of particular importance that marginalised people should be given space to speak and be taken seriously in this process.

If effective protection is to be afforded to fundamental and human rights, we need people who demand that they be observed and who adhere to them in their daily lives. The fundamental requirement for this is mutual respect for others as people of equal dignity and equal rights. Yet we are now observing the rule of law being challenged even here in Germany. The tone of public discourse is coarsening and reports are multiplying of attacks on politicians and people who campaign for their own or others' rights. Watchfulness and systematic engagement for human rights and the recognition of the equal human dignity of all people are imperative.

The German Institute for Human Rights seeks to promote respect for human rights and a culture of human rights in politics and society, through research, policy advice and human rights education. This report provides insights into the diversity of our work, through which we aim to contribute to making the human rights of everyone in Germany a reality.

The 2011 revelations of the racist murders carried out by the far-right National Socialist Underground brought to light the failings of law enforcement and security authorities. It was a turning-point in how racism is talked about in Germany. There was an increase of awareness of racist crime and groups, and the need for transformation in the structures and ideas about how we fight racism is increasingly widely recognised.

Between 2013 and 2016, years after the NSU's murders and attempted murders, the photographic artist Regina Schmeken visited the scenes of the crimes. You can see twelve black and white images from her project, "Bloody Ground: Scenes of NSU Crimes" on pages 31-55. They reflect not only the horrific crimes, but also the disturbing normality of these scenes of hatred and violence. They remind us of the injured and the ten people murdered at these locations.

The hope that racist terror would never be repeated proved deceptive. The anti-Semitic and racist attacks in Halle and Hanau, along with the murder of the politician Dr Walter Lübcke, illustrate the vigour with which state and society must combat racism.

Berlin, September 2020

**Professor Dr Beate Rudolf**  
Director

**Michael Windfuhr**  
Deputy Director

# Contents

<b>2019 - An Overview</b> .....	4
<b>The Institute</b> .....	6
<b>Board of Directors</b> .....	8
<b>The Institute in an International Context</b> .....	15
<b>Research &amp; Advising: Topics</b> .....	18
<b>10 years of the UN CRPD in Germany</b> .....	18
<b>Implementing the UNCRC: Germany's Country Review</b> .....	20
<b>Homeless People in Germany</b> .....	22
<b>The Power of Civil Society</b> .....	24
<b>Business and human rights</b> .....	26
<b>Bloody Ground: Scenes of NSU Crimes</b> .....	28
<b>Research &amp; Advising: Departments</b> .....	53
<b>Human Rights Policy in Germany and Europe</b> .....	53
<b>International Human Rights Policy</b> .....	58
<b>Human Rights Education</b> .....	62
<b>The National CRPD Monitoring Mechanism</b> .....	64
<b>The National CRC Monitoring Mechanism</b> .....	67
<b>Library</b> .....	69
<b>Communications</b> .....	71
<b>Administration</b> .....	73
<b>Facts &amp; Figures</b> .....	74
<b>Annual Financial Report</b> .....	74
<b>Events</b> .....	77
<b>Publications</b> .....	84
<b>Board of Trustees</b> .....	90
<b>Members of the German Institute for Human Rights e.V</b> .....	93
<b>Staff</b> .....	95

# 2019 - An Overview

## JANUARY

### **Confronting marginalisation**

On 27 January, the Day of Remembrance for the Victims of National Socialism, the Director of the Institute, Beate Rudolf, says: "This day reminds us of Nazi Germany's unimaginable crimes against humanity. These crimes show us how important human rights are. It is the responsibility of all later generations to play their part in making sure these crimes against humanity are never repeated. We must never again allow racism and discrimination to become majority views in Germany."

## FEBRUARY

### **Civil society under pressure in Hungary**

"Hungary is a prime example of the retrogression of democracy," stresses Márta Pardavi of the Hungarian Helsinki Committee, a human rights organisation, speaking at the 6th Werner Lottje Lecture on 21 February. The Hungarian government is restricting freedoms of speech and assembly, weakening the constitutional court and putting pressure on anti-government media, NGOs and research bodies. To preserve Hungary's culture of democracy, Pardavi is calling for more EU funds to strengthen work to support civil society in the long term.

## MARCH

### **10 years of the UN CRPD in Germany**

The Institute publishes a report examining nine areas in which the UN Convention on the Rights of Persons with Disabilities has been implemented, such as education, housing and mobility. "The key task of the next few years will be to dismantle the structural marginalisation of people with disabilities. Inclusion can only be achieved if, right from the outset, every person, regardless of the nature and severity of their impairment, can take part in society on an equal footing," states Valentin Aichele, head of the National CRPD Monitoring Mechanism.

## APRIL

### **Neutrality and Controversy in Schools**

How far can teachers take political positions without infringing the principle of neutrality? Should they tolerate discriminatory statements made in the classroom? Or should they step in? These questions are the subject of intense debate in schools and society. The Institute's publication on the human rights challenges for neutrality and controversy in schools engages with these issues and shows that human rights education and protection against discrimination are essential elements of school life and all teachers must take a clear stand in support of fundamental and human rights.

## MAY

### **The Constitution, a model of success**

On 23 May, the German constitution turns 70. Director of the Institute, Beate Rudolf states, "A key reason for the constitution's successful track record is the central place which fundamental and human rights occupy within it. Whoever wants to continue that success must therefore make respect for fundamental and human rights their primary concern. Draft laws that clearly go beyond the limits of human rights, only later to be rowed back, insidiously undermine human rights."

## JUNE

### **The Orderly Return Law**

The Institute calls for a more in-depth discussion of the planned Orderly Return Law (Geordnete-Rückkehr-Gesetz), which allows for swathes of cuts to the fundamental and human rights of refugees and migrants. "It behoves us to find a solution which is supportive and in conformity with human rights when it comes to the distribution of refugees in the European Union and to put an end to the catastrophic state of affairs in the

refugee camps on the Greek islands as well as safeguarding rescues at sea in the Mediterranean. The Federal Government should focus its efforts on this in negotiations.”

## JULY

### Arms exports controls - the need for reform

The Institute welcomes the Federal Government's decision to no longer approve exports of small arms to third countries. “Small arms are often the cause of particularly serious harm in armed conflicts. States cannot control the illegal trade in them and their proliferation,” says Beate Rudolf, Director of the Institute. The government plans to ban exports of small arms to countries who are not members of NATO or the EU. There are also plans to better monitor the whereabouts of exported arms.

## AUGUST

### The genocide of Sinti and Romani peoples

On 2 August, Roma Holocaust Memorial Day, the Institute states that, “Hundreds of thousands of people in Europe fell victim to the porajmos, the genocide of Sinti and Romani peoples. The fight for full recognition of this racist crime against humanity has been arduous, lasting decades for the Sinti and Romani. The commemoration of the victims of horrific Nazi persecution must be combined with efforts to achieve equal rights and protection from persecution, discrimination and racist slurs.”

## SEPTEMBER

### The “radix blätter” – windows on freedom

The fall of the Berlin Wall would not have been possible without the courageous efforts made by East Germans to obtain their rights. The *radix blätter*, an underground resistance magazine, reveal how much of this work had to be done in secret. On 23 September, Peter Wensierski presented his book in the Institute library. *Windows on Freedom* [Fenster zur Freiheit] is the gripping tale of the *radix blätter* and the part it played in the Peaceful Revolution. Stephan Bickhardt, one of the book's protagonists, gives an eye-witness account of his activities as an underground publisher.

## OCTOBER

### Coercion, violence and exploitation

To mark European Anti-trafficking Day on 18 October, the Institute declares that, “Human trafficking happens every day in Germany and in many sectors, including the sex industry, care, cleaning, meat processing and construction. Slavery, coercion, violence and massive financial exploitation are the hallmarks of human trafficking. After the important legislative undertakings of recent years, such as the reforms to criminal statutes and the introduction of legislation to protect prostitutes, the fight against human trafficking deserves greater political attention once again.”

## NOVEMBER

### The UN Convention on the Rights of the Child 30 years on

The Institute calls for more support to secure children's rights, including in the constitution. “Making children's rights part of the constitution must not be done half-heartedly,” says Claudia Kittel, head of the National CRC Monitoring Mechanism. “The CRC's core principles must be included in full in the constitution. There can be no scope for negotiations around participation rights. The fundamental principle that the best interests of the child should be promoted cannot be separated from the right of the child to be heard and for their opinion to be considered.”

## DECEMBER

### Handbook - The Human Rights Yardstick

How can education contribute to a society which recognises the rights of people from refugee backgrounds? How can we address the issue of racism? The Institute publishes the handbook *The Human Rights Yardstick - issues of flight, asylum and racist discrimination in educational practice*. It is aimed at all people, groups and institutions working in educational contexts around human rights, flight, asylum and / or racist discrimination.

# The Institute

## **Promoting and protecting human rights**

The German Institute for Human Rights is Germany's independent national human rights institution (article 1 of the Act regarding the Legal Status and Mandate of the German Institute for Human Rights (DIMRG)). It strives to ensure that Germany respects and promotes human rights domestically and abroad. The Institute also supports and monitors the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and has established monitoring mechanisms for these purposes.

## **Research and advice**

The Institute conducts interdisciplinary and application-oriented research on human rights issues and monitors the human rights situation in Germany. It advises political decision-makers at federal and state (Länder) levels, as well as courts, the legal profession, businesses and civil society on matters relating to the implementation of international human rights treaties. The Institute reports to the German Bundestag and prepares submissions to national and international courts as well as to international human rights bodies. It supports the efforts of stakeholders in the sphere of education to incorporate human rights in initial and continuing education and training programmes for human rights-sensitive occupations and to design human rights education for use in and outside of schools.

The Institute sees itself as a forum for exchange among government, civil society, researchers, professionals, and both national and international actors. It collaborates closely with the human rights bodies of the United Nations, the Council of Europe, and the European Union. The Institute is a member of the Global Alliance of National Human Rights Institutions (GANHRI), of which the Institute's director served as chair 2016–2019, and is a member of the European Network of National Human Rights Institutions (ENNHRI).

## **Information and documentation**

The Institute's public library makes research literature and periodicals relating to human rights available to the public. Its holdings include the largest collection of human rights educational materials in Germany. Through a multitude of Internet and social media offerings, the Institute provides information about human rights issues and documents the most important human rights treaties and reports relating to their implementation in Germany.

## **Politically independent**

The Institute is a politically independent body committed solely to human rights. As a national human rights institution, its work is based on the Paris Principles of the United Nations. The Act on the Legal Status and Mandate of the German Institute for Human Rights (DIMRG) of 2015 governs the Institute's legal status, mandate, and funding. The Institute is structured as a non-profit association and obtains its funding from the German Bundestag. It also receives external funding for individual projects. The General Meeting, made up of representatives of human rights organisations and human rights experts, makes recommendations concerning the principles of the work of the Institute; the Board of Trustees, whose members are drawn from civil society, academia, and the political arena, define the guidelines for its work.



## **National Human Rights Institutions**

National human rights institutions have been established in some 110 countries to promote and protect human rights. Their work is based on the Paris Principles. These principles, proclaimed by the United Nations in 1993, constitute the international standard for the role and the functioning of national human rights institutions. Institutional independence is a central principle. The German Institute for Human Rights is in full compliance with this standard and has therefore been accredited with “A” status. Only national human rights institutions that have been accorded this status have the right to speak before the UN Human Rights Council in Geneva.

# BOARD OF DIRECTORS

## “This calls for alertness” - 70 years of the constitution

Professor Dr Beate Rudolf, Director

The constitution is turning 70. What started out as a stopgap has proved to be a stable and long-lasting foundation for the peaceful coexistence of people in Germany. Moreover, who would have thought that a constitution drawn up at the behest of occupying powers would one day be taken as an example in Europe and around the world? One reason – perhaps the most important reason of all – for this success is the central position held by fundamental and human rights within the constitution. Therefore, anyone who wants to ensure the continued success of this model must make respect for fundamental and human rights their primary concern.

The affirmation of human dignity and the guarantee of fundamental rights is made right at the opening of the constitution’s text. In this way, the constitution takes on board the lessons of Germany’s history. People shall never again be deprived of their humanity. People shall never again be deprived of their right to life and to belong to society. Human dignity means equal dignity for all people. Human dignity is at the heart of the ban on discrimination of any kind. To trivialise the history of the Nazis is to attack the very foundations of our constitution.

By guaranteeing their human rights, the constitution focuses on people in what makes them individuals. Accordingly, it falls to the constitution to ensure that people can live alongside each other in a pluralistic society. The constitution flatly rejects any collectivist or ethnic conception of society.

It also makes explicit the obligation on all three branches of state to protect fundamental rights, an obligation which was still disputed under the Weimar Republic. Above all, the obligation upon lawmakers to protect fundamental rights expresses beyond doubt that democracy is not just the rule of the majority; rather, it also includes protecting minorities, those who have little hope of achieving political power through contesting elections. Democracy and human rights are bound together inseparably in the constitution. An “illiberal democracy” is no democracy at all.

The executive and legislature's respect for fundamental rights is overseen by the courts. Every citizen can appeal to the courts for protection from state intrusions into his individual fundamental rights. The Federal Constitutional Court has played an outstanding role in this. Yet the constitution also calls upon all courts to uphold fundamental rights. A state founded on the rule of law as described in the constitution is inconceivable without human rights.

Accordingly, it falls to the constitution to ensure that people  
can live alongside each other in a pluralistic society.

The United Nations Universal Declaration of Human Rights, drafted in 1948, was an important frame of reference for the wording of the fundamental rights. The German constitution had to be no less far-reaching. The reference to human rights affirms that these fundamental rights are antecedent to the state: they do not flow from the state, but rather apply to all people by simple virtue of their humanity. It follows, then, that the

sovereignty of the state, seen from a constitutional perspective, may never be separated from human rights. Neither the lawmakers who amend the constitution nor the sovereign people of the country may sever the bond that ties state powers to human rights.

You cannot remain faithful to the spirit of the constitution if you seek to hollow out its bedrock of human rights.

Ultimately, because fundamental rights are ingrained internationally, upholding them becomes the subject of international monitoring, a last resort if domestic protections fail. The European Convention on Human Rights and the European Court of Human Rights (ECHR) have reinforced protections for basic rights in Germany, such as in criminal proceedings, parental rights of access and the conflict between press freedoms and privacy protections. ECHR case law must be consulted when interpreting the fundamental rights anchored in the constitution. And without the UN Convention on the Rights of Persons with Disabilities, inclusion for people with disabilities in education, the workplace and politics would never have made it onto the political agenda.

So are we constitutionally sound? On paper, yes. Yet a constitution is something that must be put into practice in our lives. Its success is measured not by ceremonial occasions but in our everyday political life. How seriously do we take the idea that human rights set the standard for state actions and define how far the state may go? Do politicians, scientists, business leaders, civil society and other actors in society take a firm and unambiguous stand against attempts to undermine human rights? Using human rights as a measure of and limit to what the state may do are permanent fixtures of political debate in Germany. But that is not enough. Human rights must be a serious consideration when drafting and enacting legislation. That means not drafting legislation which obviously infringes human rights only to row back on it later, a process which insidiously undermines human rights.

Take, for example, proposals to prosecute refugee aid workers if they tell people the date they are to be deported: such proposals send a message that it is illegal to help refugees seek legal protection. This undermines the protection under the law guaranteed by human rights and at the very heart of the rule of law. Nor are human rights taken seriously when they are the subject of highly dubious compromises reached in the knowledge that, in only a few years, the Constitutional Court will adjudicate on the law's compatibility with human rights. Those who would fix legal limits on the number of family members – including children – permitted come to join those who have already migrated to Germany are prepared to accept harming the right to family life for years to come for the sake of exploiting a political opportunity. Behaviour like this sends a horrifying message about the extent to which human rights are recognised in society. We should all be aware of the fact that while this is all permissible in purely legal terms, for the culture of human rights in our country, it is poison. You cannot remain faithful to the spirit of the constitution if you seek to hollow out its bedrock of human rights.

Taking human rights seriously in the everyday business of politics also means never participating in the marginalisation of others, thereby denying them equal rights as people. This happens when asylum seekers are sweepingly decried as liars or violent criminals and when their recourse to the legal system is disparaged. It also happens when Muslims are flatly accused of denying women's equality, when Black people and People of Colour are stopped by the police solely because of their skin colour or when people living in poverty are vilified for being lazy. All of us in Germany should take an unequivocal stand against this. It is an expression of a culture of human rights, without which there can be no functioning constitutional order.

The European Court of Human Rights was right to emphasise repeatedly that politicians bear a special responsibility not to foment hatred and to oppose it. Our leaders must remain faithful to our laws and principles and stand up to the populist temptation to scapegoat people and to invent imaginary threats.

This calls for alertness, not alarmism. Here in Germany we are a long way from what is happening in Italy, Poland or especially Hungary. Nevertheless, they show us how important it is to respond promptly to attacks on democracy, human rights and the rule of law. One thing we know for sure is that these attacks target the independent judiciary with a strong constitutional court, a free and diverse media, a critical civil society and scientists at liberty to pursue knowledge guided only by scientific method. All these are protected by human rights.

Weimar taught us that a democracy needs people who act democratically. The lesson for today is that these democrats must become the defenders of human rights.

# Human Rights and the Climate

**“The effects of climate change will be a key issue in human rights for decades to come.”**

**Interview with Michael Windfuhr, Deputy Director**

Global warming is causing an increase in torrential rain, storms and heatwaves. Climate change poses a threat to human rights to life, food, health, water, housing and education in many regions around the world. The UN has passed a number of resolutions since 2008 which make urgent calls for a rights-based approach to international climate protection and adapting to climate change. According to these resolutions, states should protect their populations from harm, such as by reducing greenhouse gas emissions and putting in place measures to limit the effects of climate change. These measures must be assessed for their impact on human rights alongside their environmental sustainability, as well as making it possible for those affected to participate and access legal assistance.

## **How will climate change impact human rights?**

Climate change is dramatically transforming our environment. In some regions around the world, air temperatures may stay so high for months on end that it is almost impossible to continue living a normal life. Sickness and deaths due to heat are increasing in many countries. Higher temperatures will promote the spread of new diseases, such as tropical diseases in moderate zones and allergies. The German Environment Agency (Umweltbundesamt) documented this in a study for Germany.

Climate change will also bring about serious changes to the water supply in most countries. Extreme weather events such as torrential rain and droughts are on the increase. Water shortages can lead to serious restrictions to supply, such as in the Indian metropolis of Chennai, where empty reservoirs meant drinking water almost ran out for weeks in 2019. According to researchers at the World Resources Institute in Bengaluru, 21 Indian cities of over one million inhabitants may be affected by similar shortages in future. As rainfall, water supplies and temperatures change, there will be huge consequences for agriculture, as well as the income, health and life expectancy of the more than 500 million smallholder families which make up around a third of the world's population.

The impact of water shortages can be mitigated through effective water management systems and careful planning for its sharing and use. The degree of effectiveness of the state response will be of critical importance to the impact of climate change on human rights. This concerns not only the measures to mitigate the effects of climate change, but also the steps taken to adapt to it.

## **Who will be most severely affected?**

In the end, it is contingent on geography. Some regions will see more intense droughts, while others will be subjected to cyclones with the associated flooding, while elsewhere, temperatures will rise. Everyone living in those regions will be affected by these impacts. Yet the opportunity to keep global temperature increases down to 1.5°-2°C through states acting in co-operation is disappearing before our eyes.

In many countries, climate change will not affect everyone equally. The effects of climate change will be most keenly felt by those sections of the population which are already strongly disadvantaged, whose health is at risk or who have limited means with which to adapt to new circumstances. This will be particularly relevant to people in rural areas, whose income depends on the use of natural resources: smallholders who can scarcely adapt to the expected rise in temperatures, changing rainfall

The effects of climate change will be felt most keenly by those already at the greatest disadvantage.

patterns, extended dry periods and the increase in extreme weather events, or shepherds, whose grazing grounds are becoming too dry. All states must identify what their populations need in order to adapt and develop appropriate responses.

According to estimates from the World Bank, climate change may pull 100 million more people into poverty by 2030. Estimates by the Intergovernmental Panel on Climate Change and the UN Environment Programme suggest climate change will cause more than 150 million people to leave their home regions by 2050. This affects poor countries in particular, who have themselves done little to contribute to climate change and cannot fund appropriate measures to help them adapt.

### **How can human rights help mitigate the impact of climate change?**

When it comes to human rights, states have a duty to protect the people living in their territories from the effects of climate changes as best they can, and to make ambitious reductions to their greenhouse gas emissions. Internationally agreed climate targets and the commitments of the individual states serve as a guide here. If we are to keep to the 1.5° target set in Paris and thereby limit the impact of climate change, all states must forge ahead with the highest possible level of commitment. The effectiveness of the steps that states take to help adapt will be key as to whether and to what extent the impact of climate change leads to violations of human rights.

Principles of human rights such as participation, transparency and non-discrimination dictate that all those affected should be involved in the development and implementation of these measures. This is necessary, since the measures themselves may violate human rights, such as when the construction of a dam or the establishment of large wind farms make relocations necessary.

States also bear responsibility for the impact on human rights beyond their own borders as a result of the steps they take. Historically, a large proportion of anthropogenic emissions came from old industrial countries, while emissions from new industrial countries such as South Korea and China have been increasing for years. Yet the countries most affected by climate change are chiefly those which have contributed least to its causes. The inequality of responsibility has long been the subject of debate in climate negotiations, addressing the question of compensatory measures for particularly severely affected countries.

In poor countries especially, certain population groups are disproportionately affected by the effects of climate change. This makes it important to support poor countries as they deal with the effects of climate change so they can adopt a human rights-based approach by giving priority to those who are particularly affected. All countries around the world must ensure that they do not contribute to violations of human rights. This applies as much to preventative as to adaptive measures.

### **How far does climate policy already take these measures into account?**

Human rights-related matters have long been a side-issue in climate negotiations. That changed with the Paris Agreement of December 2015, which stipulated that states must consider and promote human rights in the steps they take against climate change. According to article 7, states' adaptation actions should be gender-responsive, participatory and transparent, taking into particular consideration disadvantaged and vulnerable groups: indigenous peoples, women, migrants, smallholders, children, young people and people with disabilities. The 2019 implementation guidelines for the operationalisation of the Paris Agreement include references to human rights principles and standards which are key to climate policies based on support for human rights, such as access to information, participation, transparency and accountability, along with risk

and impact assessments focusing on human rights.

It is essential that poor countries be supported in dealing with the consequences of climate change.

Many climate negotiators were and still are concerned that explicitly including human rights could only increase the complexity of this already difficult task. However, the people and groups who are particularly affected by climate change cannot be overlooked when it comes to climate policy, as the quality and efficacy of the adaptation actions are in no small measure dependent on the observance of human rights standards. States must recognise that the overall impact of emissions contributes to human rights violations. Yet they should also note that human rights can contribute to developing effective and non-discriminatory responses and ensure that no-one is overlooked.

### **What can national human rights institutions do?**

The impact of climate change is a key human rights issue around the globe. The discussions in the context of an informal working group at the Global Alliance of National Human Rights Institutions (GANHRI) quickly made it clear to all participating national human rights institutions (NHRI) that they must identify what climate change means for human rights so they can make a meaningful and substantial contribution to the political approach to countermeasures.

Climate change is becoming a critical challenge. The National Human Rights Commission of the Philippines is facing an increase in dangerous tropical storms. Over 10,000 died in Typhoon Haiyan alone in 2013. More than 4 million were left homeless. In other countries, rising temperatures are negatively impacting health and agriculture, with relatively far-reaching consequences in some cases.

NHRIs' initial priority is to increase their capacity for problem analysis. They ought to monitor the effect of climate change on human rights and encourage politicians to give due consideration to human rights when implementing national climate measures. This way, NHRIs can become a forum for discussion between politicians, civil servants and the groups most strongly affected, as well as using instruments for the protection of human rights and reports to human rights treaty bodies or the Human Rights Council's general review mechanism to draw attention to issues and affected groups.

### **What has the Institute done already?**

During its presidency of GANHRI, the Institute started driving forward national institutions' work on climate and human rights. In collaboration with the Organisation Center for Environmental Law, the Institute produced publications advising NHRIs on how to be active in the context of climate negotiations. It also took part in several high-level panel discussions at the climate negotiations in Bonn and Katowice, in which we drew attention to the connection between climate change and human rights, as well as the importance of analysis capacities. The Institute has advised ministries on how the Paris Agreement implementation guidelines can be designed to better reflect human rights concerns. This is a key strategic issue for the Institute's future plans.

### **What should happen now?**

NHRIs will become more engaged with climate and human rights over the next few years. The issue was to be taken up at the 2020 GANHRI conference, cancelled due to COVID-19, to support NHRIs as they develop their own agendas. The conference is due to take place in 2021, with a common declaration on the role of NHRIs around climate issues. NHRIs have undertaken to investigate the wider implementation of the Paris Agreement with regard to human rights and to produce regular monitoring reports concerning human rights in national and international climate policies. They are also to increase capacities for analysis and evaluation of measures in coming years.

States have a duty to protect people from the effects of climate change.

NHRIs intend to support stronger collaboration between the climate change and human rights communities for the negotiations still pending on the Paris Agreement implementation guidelines, particularly those for article 6 on emissions trading mechanisms and guarantees for protective measures related to human rights and environmental protections. The Institute will drive this process forward in Germany.

German Institute for Human Rights (2019): Menschenrechtsbasierte Klimapolitik. Empfehlungen für die Umsetzung des Pariser Klimaabkommens. Berlin

German Institute for Human Rights (2018): National Human Rights Institutions and the 2018 Talanoa Dialogue. Showcasing that climate action should be human rights-based. Berlin

German Institute for Human Rights (2018): National Human Rights Institutions and the 2018 UN Climate Conference. Incorporating human rights in the implementation guidelines of the Paris Agreement. Berlin

Michael Windfuhr (2014): Water for food. A human rights obligation. How states can manage conflicts between the human right to water and the human right to adequate food. Berlin: German Institute for Human Rights



# The Institute in an International Context

In line with the Paris Principles of the United Nations, the German Institute for Human Rights, Germany's national human rights institution (NHRI), collaborates with the human rights bodies of the United Nations, the Council of Europe, and the European Union. The Institute is active in the procedures for reviewing Germany's human rights record and in processes intended to strengthen human rights. In this latter capacity, the Institute is a member of the Global Alliance of National Human Rights Institutions (GANHRI) and of the European NHRI alliance (ENNHRI), working with other NHRIs. It serves as a bridge between the international and national levels, channelling its experience in realising human rights in Germany into the efforts to improve the international system for the protection of human rights and contributing information on international developments to legal and policy debates in Germany.

## **The Global Alliance of National Human Rights Institutions**

The Director of the Institute held the presidency of the GANHRI global network of NHRIs from March 2016 to March 2019. The presidency passed by rotation to the Columbian ombudsman, who was elected to the leadership of the network at the GANHRI General Assembly in March 2019.

The Institute supported GANHRI in several projects in 2019. It supported work on a report on work by NHRIs on preventing and eliminating violence against women, prepared by a group of researchers at the Clinique internationale de défense des droits humains de l'UQAM (Université du Québec à Montréal), led by Professor Dr Mirja Trilsch.

The Institute also continued its work on the Global Compact for Migration (GCM). A key focus was presenting a concept for a monitoring tool at the NHRI regional conferences in Cairo (NANHRI - Network of African National Human Rights Institutions) and Kathmandu (APF - Asia Pacific Forum of National Human Rights Institutions). It is hoped that this tool will allow NHRIs around the world to report on the GCM and thereby to promote its implementation at national, regional and international levels.

The Institute presented its study, published in 2017 by UNICEF and GANHRI, on work by NHRIs on children's rights with reference to Agenda 2030, as part of a series of webinars entitled Independent Human Rights Institutions for Children.

In 2019, the UN General Assembly agreed its biennial resolution on NHRIs. Germany is the main sponsor of this resolution, so the Institute supported GANHRI in coordinating with the Federal Foreign Office and Germany's permanent delegation in New York.

The Institute took part in a series of workshops organised by the UN High Commissioner for Human Rights and the Center for International Environmental Law on Building Capacity for Integrating Human Rights into Climate Action (see the chapter on International Human Rights Policy). In addition to this, the Institute also prepared the GANHRI Annual Conference on human rights and climate change which was to be held in March 2020.

## **The European Network of National Human Rights Institutions**

The Institute continues its active role in the European Network of National Human Rights Institutions (ENNHRI). It left the ENNHRI Steering Committee in March after two terms of office. Following a three-year break, the Deputy Director was re-elected to the ENNHRI finance committee in November.

The Institute was represented at the annual meeting of the ENNHRI Legal Working Group in February. It contributed to discussions on strengthening the European system for protecting human rights and combating

terrorism and took the lead in an *amicus curiae* intervention in the Big Brother Watch against the United Kingdom *et al.*

In the framework of the ENNHRI Steering Committee, the Institute's Board of Directors participated in preparing a shared ENNHRI/GANHRI position supporting the Polish NHRI. Attacks on this recognised and independent institution – which have been ongoing for a long time – assumed worrying dimensions, such as when a Polish public service broadcaster began a civil suit against the human rights commissioner, Adam Bodnar, as a private individual, demanding exorbitant damages for views he had expressed in his capacity as the human rights commissioner.

In 2019, ENNHRI made economic, social and cultural rights a key priority. As a result, the working groups on these rights became a particular focus of the Institute's activities. Taking as its basis the 2018 study commissioned by the working group on using human rights based poverty measurement, the Institute supported the development of practical guidelines for NHRIs. The ENNHRI sub-working group on climate change and human rights, set up at the Institute's instigation, was another key area of activity.

As part of European national human rights institutions' ongoing reciprocal support and training, the Institute hosted Haris Sahbaz, Head of Cabinet at the Bosnian NHRI for a week during August. The week centred around sharing experiences of different institutional models in NHRIs, working practices and a range of other issues.

On 12 November, the Director of the Institute represented ENNHRI on a panel at the European Commission Conference to mark the tenth anniversary of the European Charter of Fundamental Rights becoming legally binding. Discussions on the role of NHRIs in the realisation of economic and social rights in Europe were the focus of the ENNHRI General Assembly and Annual Conference on 13/14 November.

### **UN Committee on Economic, Social and Cultural Rights**

The Federal Foreign Office continued to provide research support to the Deputy Director in his capacity as a member of the Committee for Economic, Social and Cultural Rights. He took responsibility for articles 6 to 9 of the UN ICESCR in four country reporting processes. He also assisted with the Committee's statements on the relationship between economic, social and cultural rights and the Sustainable Development Goals (SDGs).

The "UN Committee on Economic, Social and Cultural Rights" project supported the creation of a background paper for a consultation on states' obligations around land rights, hosted by the UN Committee on 14 October. Work also began on a general comment by the Committee on this issue.

In his capacity as a member of the Committee, the Deputy Director also served on the working group handling individual case submissions to the Committee. The project undertook legal background research in its work on these submissions.

Early in 2019, the Institute published a briefing paper on decision-making in the UN Committee for Economic, Social and Cultural Rights, which the Deputy Director presented to the Committee for Human Rights and Humanitarian Aid of the German Bundestag on 16 January. While there, he also addressed the ratification of the ICESCR optional protocol. A meeting of international experts was held in Geneva on 23 February under the aegis of the Institute to consult on a general comment on sustainable development.

### **UN Committee on Enforced Disappearances**

The Institute continued its research support for Dr Rainer Huhle, member of the Committee on Enforced Disappearances. The research was funded by the Federal Foreign Office.

In April the Committee adopted guiding principles for the search for disappeared persons. These were the outcome of a number of international conferences and consultation processes. Prior to that, the "Protection

against Enforced Disappearances" project had collated and processed the numerous responses for Dr Huhle's draft. The guidelines were presented at an event on 8 May entitled "Seeking and Finding the Disappeared: Learnings from practice for practitioners" at the Federal Foreign Office. The Institute also presented its briefing paper on the guiding principles .

In October, the Institute began a collaboration with Berlin's Universität der Künste to produce audio-visual materials on the topic of enforced disappearance.

### **UN Committee on the Elimination of Discrimination against Women**

2019 marked the 40th anniversary of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) being adopted. In collaboration with the Humboldt University in Berlin, the Institute organised an event in May to discuss women's rights in UN human rights treaties. The Director of the Institute gave a keynote address at the formal event held by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) on 27 November. A publication on the importance of CEDAW in Germany has been prepared, to be released in 2020. Preparations for a submission to inform the preparation by the CEDAW Committee of a list of issues prior to reporting by Germany began in 2019 and was submitted in March 2020.

### **The open-ended intergovernmental working group on transnational corporations and other business enterprises**

The Institute submitted its view on the first draft legally binding instrument on business activities and human rights in October 2018, and subsequently participated in the development of the ENNHRI (European Network of Human Rights Institutions) position and the negotiations in Geneva. In the run-up to the fifth round of negotiations in October 2019, the Institute jointly with the Chairperson of the Institute's Board of Trustees organised a discussion where the current draft was subjected to critical analysis by a several international and civil law experts.

### **UN Open-Ended Working Group on Ageing**

The Institute held discussions as part of a project promoted by the BMFSFJ to support strengthening human rights for older people, the outcomes of which were fed via GANHRI and ENNHRI into the meeting of the UN Open-Ended Working Group on Ageing in New York. In a series of workshops entitled "Towards a Convention on the Rights of Older Persons", focusing on topics such as long-term and palliative care, autonomy, self-determination and life-long learning, the Institute collaborated with the Polish NHRI to develop contributions to the international discussions around normative elements of the human rights of older people.

### **Monitoring Reports to the European Union Agency for Fundamental Rights**

In 2019, the Institute fulfilled its role as national focal point for reporting to the European Union Agency for Fundamental Rights (FRA) within the Agency's research network (FRANET). As in the previous year, the Institute prepared a detailed contribution in German for the FRA's annual report, along with quarterly reports on the fundamental rights situation for migrants and refugees. A range of secondary research was undertaken on topics such as fundamental rights in connection with deportations, financial aid for legal costs in deportation procedures, islamophobic hate crime, integrating young refugees and a smaller research study on business and human rights.

German Institute for Human Rights (2019): Gewaltsam Verschwundene besser suchen und finden: UN-Ausschuss verabschiedet neue Leitlinien. Berlin

German Institute for Human Rights (2018): Die Spruchpraxis des UN-Ausschusses für wirtschaftliche, soziale und kulturelle Rechte. Das Individualbeschwerdeverfahren nach dem Fakultativprotokoll zum UN-Sozialpakt. Berlin

Stamm, Lena / Würth, Anna (2018): Children's rights in National Human Rights Institutions. A mapping exercise. Geneva: GANHRI, New York: UNICEF

# RESEARCH & ADVISING: TOPICS

## 10 years of the UN CRPD in Germany

**“People with disabilities have a right to a self-determined life like everyone else.”**

**Interview with Dr Valentin Aichele, head of the National CRPD Monitoring Mechanism**

According to the Federal Statistical Office, some 7.8 million people – approximately 9.4% of the population – are officially recognised as having a severe disability. However, the term has a much broader meaning in the UN Convention on the Rights of Persons with Disabilities, covering people with long-term chronic diseases, psychosocial or age-related limitations or other limitations where social barriers cause varying degrees of restriction to their opportunities to participate. Taking this conception of disability as a basis, according to figures from the first federal government participation report, the number of people with disabilities as a proportion of the population as a whole rises to 25%.

**26 March 2019 marked the tenth anniversary of the UN Convention on the Rights of Persons with Disabilities coming into force into Germany. Where are we now when it comes to implementing the rights of people with disabilities?**

Overall, implementing the UN Convention on the Rights of Persons with Disabilities (CRPD) has changed Germany for the better. Since the CRPD came into force, there is greater public awareness of disabled people's rights to determine their lives for themselves and to be an equal part of society and many people with disabilities have drawn a fair degree of confidence from it. Inclusion has become a permanent feature of political considerations in that the Convention has boosted innovation in how we implement rights and opportunities for people with disabilities. Nevertheless, it remains true that at federal, Länder and municipal levels, much more could and should have been achieved in ten years.

**Where do you see the greatest unmet need?**

People with disabilities still encounter significant barriers in the core aspects of life such as work, housing, education, mobility and health. It remains the exception, not the rule, that disabled and able-bodied people can live and work together. There are still separate facilities such as special schools, workshops and separate accommodation – in some ways, we are even seeing a worrying trend towards exclusion. For example, there are more people working in workshops for disabled people or living in full-time residential care accommodation than in 2009. This trend runs counter to the CRPD, which calls for an inclusive job market and self-determination in choices around living and housing. The number of students studying at special needs schools has also only dropped very slightly in the ten years since the convention was implemented.

When it comes to education, the Länder have failed to dismantle divisive structures on a large scale or to replace them with inclusive ones. This is an area where we would have liked to see more progress and more consistent political resolve. It is also high time we made progress on accessibility. Accessibility needs to be enshrined more strongly in legislation and also to be made a reality in everyday life. Politicians responsible for inclusion are still counting on private actors making it happen of their own accord when building flats, for example, and they are shying away from putting binding legal obligations in place.

**What needs to happen for it to become a normal part of everyday life that people with and without disabilities live and work side by side?**

Inclusion can only happen when actors at federal, Länder and municipal levels take action and there is effective interaction between the various responsible bodies. That's why we have put forward our "Pact for Inclusion" in the area of education. It is similar to the Digital Pact for Schools, but is more ambitious, calling on the Federal Government to provide long-term support to the Länder to expand inclusive education so that in future, students with and without disabilities can learn together.

For us to make progress in enabling people with and without disabilities to work together, the incentive structure will need adjustment, and the compensatory levy on firms which employ no people with disabilities will need to be increased. The minimum wage should also apply in workshops for disabled people. At the moment, those working there get little more than pocket money.

**The National CRPD Monitoring Mechanism was set up as part of the Institute in 2009. What has it achieved and where can you see the potential for development?**

Other people are certainly in a better position to judge the success of our work, but I think we have been able to use our expertise in international human rights protection to contribute to the correct implementation of the CRPD in political decisions affecting people with disabilities. At first, many were unaware of the CRPD's close association with other human rights treaties such as the ICESCR or CEDAW.

We see ourselves as a forum for expert discussion, a mediator between competing interests and that means we can help keep objective decision-making the focus when discussions get caught up in political conflicts. In addition, we see it as our task to draw attention to issues which have received too little exposure in socio-political debates. I see most potential for development in the expansion our work into new areas and more in depth engagement in those on which we are already working. We would like to study the conditions for people with complex support needs in greater depth, and to take a wider range of actors in society into consideration.

However, limited capacity means we can only provide limited advice and support to Länder and municipalities when it comes to implementing the CRPD. In 2017, North Rhine-Westphalia commissioned us to provide long-term support for implementation, and we have also started supporting Saarland in April 2020. It is to be hoped that we can enter into long-term collaborations with other Länder as well.

**Next year or the year after, the UN Committee on the Rights of Persons with Disabilities will undertake its second review of Germany's implementation of the CRPD. What do you expect from the country reporting process?**

International review procedures provide an important impetus to expand implementation of human rights. In the last country report, the Committee unambiguously called for workshops for disabled people to be abolished and challenged Germany to do more to integrate people with disabilities into the ordinary job market. They criticised the inability of the German job market to provide appropriate jobs for all people with disabilities.

The United Nations report prompted important debates here about how that can be achieved. The report also prompted positive changes in areas such as guardianship laws, electoral law and the issue of how compulsion can be eliminated from the psychiatric care system.

German Institute for Human Rights (2019): Wer Inklusion will, sucht Wege. Zehn Jahre UN-Behindertenrechtskonvention in Deutschland. Berlin

# Implementing the UNCRC: Germany's Country Review

**“We are hoping for a stronger commitment to implementing the UNCRC by federal and Länder governments.”**

**Interview with Judith Feige, Senior Researcher and Policy Adviser at the National CRC Monitoring Mechanism**

The UN Convention on the Rights of the Child (UNCRC) came into force in Germany in 1992. The Convention considers children as individual subjects with their own rights and gives particular consideration to their rights to protection, provision and participation. The UN Committee on the Rights of the Child is currently undertaking its fourth review of Germany's implementation of the UNCRC. In October 2019, the National CRC Monitoring Mechanism published a report in parallel to the country report by the federal government for the first time.

**The fourth country review of Germany's implementation of the UNCRC got underway in 2019. What do you expect from this round of the country review process?**

The country reporting process brings children's rights into focus, as it requires responsible bodies at national and Länder level to engage in detail with the state of implementation of the UNCRC here in Germany. Civil society organisations and the Institute in its function as the national human rights institution supplement the federal government's country report with parallel reports. This brings to light what we have achieved, but also the gaps and failings, too. The United Nations review of Germany's implementation of the UNCRC also brings progress here to international attention.

Implementing children's rights means entrenching their rights to protection, provision, and participation in a comprehensive way. All states which have ratified the UNCRC have committed to this. In an age when human rights are under pressure around the globe, formal procedures such as the country reporting process are especially important. They keep the dialogue around human rights running and pave the way for concrete measures to make human rights a reality.

**The Monitoring Mechanism presented its report in parallel to the federal government's report to the Committee in October. Where do you see particular areas of unmet need?**

28 years after the UNCRC came into force in Germany, we still have no data which allow us to measure the implementation of individual rights for children. We need quality data on which to base our analysis of the extent of gaps in implementation and to introduce targeted measures to protect children, advance their opportunities and enable them to participate. We also lack a dedicated office to co-ordinate government activities around the UNCRC, such as a government commissioner for children's rights. Corresponding structures are also missing at Länder level.

There is a significant backlog when it comes to children's right to be heard, which is only partially respected. We also need child-friendly complaints mechanisms in all institutions where children receive care or education from the state. Children must have easy access to these mechanisms, which should deal with their complaints in an effective way.

### **What else needs to be done?**

We see significant need for political action for children with respect to protection from violence, child poverty, protecting child refugees and codetermination and participating in society. Article 2 of the UNCRC emphasises children's rights to non-discrimination and access to their rights. It therefore falls to the state to make the necessary arrangements. The right to non-discrimination is also one of the four fundamental principles of the Convention. These principles serve as the basis for implementing all the substantive rights set down in the UNCRC. The other three fundamental principles are the overriding consideration of the child's well-being, the rights to life, survival and development, and the right to be heard (articles 3, 6 and 12).

In our parallel report, we call for resolute political action to include children's rights in the constitution and to support children as bearers of their rights. By doing this, we will help children have their rights and interests considered when dealing with the judicial system and administrative bodies. Here in Germany, we are long overdue a clear policy for children's rights, linked to measures which demonstrate governmental determination to realise the UNCRC at all levels.

### **In what areas are children's rights already being implemented effectively in Germany?**

Since ratification of the UNCRC in 1992, the law has moved on in many ways, such as stating the equality of children born in and out of wedlock (1998), prohibiting violence in the raising of children (2000) and a federal law for the protection of children (2012). Compared to other countries around the world, Germany is relatively far advanced, with low levels of child mortality and a well-developed education system. However, signatories to the Convention have to measure themselves against what they are capable of doing; hence Germany is criticised for its implementation of the UNCRC, such as in fighting child poverty or discrimination in education.

### **Do UN country review processes advance children's rights in Germany?**

The country reporting process raises awareness and reinforces the efforts of civil society organisations, associations and initiatives to realise children's rights through federal and Länder governments. The country reports from 1995, 2004 and 2014 show how our perception of children is changing. In line with the spirit of the UNCRC, children are increasingly seen as individual holders of their own rights, not just as mere objects to be raised by adults. In the many discussions we hold in our work as the Monitoring Mechanism, we see that political decision-makers and their advisors are actively engaging with the requirements of the UNCRC and the rights for protection, provision and participation it entails. We would like to see these requirements shared more widely, as even today, too few people know enough about children's rights. There is a clear mandate for education which we also fulfil in our role as the National CRC Monitoring Mechanism.

### **What happens next?**

The country reporting process is a long-term job for us. The recommendations made by the Committee at the end of the constructive dialogue have to be implemented and the federal government has to report on them as part of their follow-up. The Monitoring Mechanism, which must be constituted as an independent body, will contribute critical support to the process. We hope the outcome of the current reporting cycle will be a strengthened commitment at federal and Länder levels to implement the UNCRC – and that the necessary measures and resources will be provided.

Parallel report to the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of the Federal Republic of Germany. Berlin

# Homeless People in Germany

## Law and Practice in Municipal Accommodation

The right to housing is a human right, formally laid down in the ICESCR. We lack accurate figures, but according to two estimates, on a given day in 2018, between 337,000 and 542,000 people in Germany were homeless. Homelessness affects people of all genders, ages and nationalities and often impacts people with disabilities. They are living on the streets, in makeshift accommodation or are being put up temporarily by friends or relatives. Many tens of thousands of homeless people are given temporary accommodation in facilities provided by municipalities or charitable organisations. The Institute addressed the issue of municipal accommodation for homeless people in Germany as part of its 2019 report to the Bundestag.

If a person has nowhere to stay and does not want to live on the streets, police and public order laws oblige municipal authorities to accommodate them (“accommodation provided under law on police and public order” (ordnungsrechtliche Unterbringung)). This legal obligation affected tens of thousands of homeless people in 2018 and the numbers are increasing. Statistics from the Länder make it clear that what was originally thought of as a temporary emergency solution to house people for a few days or weeks increasingly extends to months and even years. Approximately a third of the people housed in these facilities have been living there for more than two years.

For this reason, the German Institute for Human Rights included a discussion of municipal accommodation for homeless people in Germany in its fourth report to the Bundestag. The report addressed the legal implications arising from protections of fundamental and human rights for accommodation under police/public-order law. An empirical analysis considered accommodation of this type in practical terms. For this, the Institute carried out qualitative interviews with 28 experts, including homeless people, public authorities, and charitable organisations, and also evaluated studies and information from state governments and municipalities.

The analysis shows clearly that the human right to housing as stated in the ICESCR is aimed at states making it possible for all people in their territories to be housed adequately. This could be ensured through policies for building social housing, legal protections for renters, social services, or short-term emergency accommodation. Case law in Germany currently holds that very simple, minimal standards for housing and care are sufficient for accommodation under police/public-order law. However, when the accommodation is for longer periods of time, these minimal standards conflict with the adequate housing required by human rights. Minimal standards then cease to fulfil fundamental and human rights.

It is obvious from the empirical analysis in the report to the Bundestag that there are significant differences in legally mandated accommodation from one municipality to the next. Access to accommodation depends greatly on whether the municipality has sufficient capacity available and how it interprets its obligation to provide accommodation. The range of types of accommodation is broad, from “normal living spaces” (i.e. flats) to multi-bed rooms in shared accommodation, from the immaculately hygienic to near-dilapidation. There is a lack of adequate, qualified social workers to provide advice and help those affected find a home, as well as helping them overcome the problems associated with homelessness such as accessing treatment for alcohol or drug addictions, escaping from debt and attending official appointments. Certain groups, such as addicts, people with learning difficulties or those who require care find it difficult to access help which meets their needs.

With some stays in accommodation for homeless people lasting years, the standards that apply to accommodation under police/public-order law change. Federal and state governments should begin discussions about minimum requirements for accommodation under police/public-order law, giving consideration to minimum standards proposed by advocacy groups for homeless people. Moreover, in



addition to standards for space and personal requirements, a more far-reaching discussion is needed about how to ensure safe coexistence for people living in such accommodation. What can victims do when their rights are infringed? What form of monitoring should be put in place, and what kind of role should the supervisory authorities play? How can people with ongoing protection needs be identified? It would be worth examining other regulatory systems in place for the accommodation of multiple persons in small spaces, such as accommodation for refugees. The strategies developed for protection from violence, complaints and the identification of protection needs should be included in the discussion of standards for accommodation under police/public-order law.

Municipalities require legal clarification that the requirement to provide accommodation under police/public-order law is independent of the residency status or nationality of affected persons. There is also a need for better communication and closer integration between services for homeless people and other support systems such as psychiatric care, treatment for addictions, care, or young people's services.

Making improvements to accommodation under police/public-order law is, however, only one of the many elements required to ensure that the living conditions of homeless conform to human rights standards. The goal of all state activity, whether at federal, state, or municipal level, should principally be to avoid homelessness or to resolve the problem entirely. This depends to a large degree on whether there is sufficient capacity at the municipal level, particularly for households where there is little or no income, and whether homeless people are given preference when it comes to accessing the housing.

The Institute plans to make social inequality and exclusion a key focus in coming years. The right to housing is a major concern here, as is the question of how it is constituted for people in particularly vulnerable life situations. Homelessness requires more comprehensive consideration, although without overlooking other aspects of the right to housing, such as access to affordable housing.

Engelmann, Claudia / Mahler, Claudia / Follmar-Otto, Petra (2020): Von der Notlösung zum Dauerzustand. Recht und Praxis der kommunalen Unterbringung Wohnungsloser in Deutschland. Berlin. German Institute for Human Rights

German Institute for Human Rights (2019): Development of the human rights situation in Germany July 2018 – June 2019. Report to the German Federal Parliament in accordance with section 2 (5) of the Act on the Legal Status and Mandate of the German Institute for Human Rights. Berlin

Rabe, Heike / Engelmann, Claudia (2019): Umsetzung der Istanbul-Konvention – Gewaltschutz in der Wohnungslosenhilfe. In: Wohnungslos 61 (3), pp. 94-98

# The Power of Civil Society

## Human rights were a source of inspiration for the Peaceful Revolution

Germany is one of the few countries around the world where civil society can function unhindered. A thriving democracy needs a strong and active civil society which examines conditions within its borders in critical and fact-based way, calls for human rights and promotes transparency in political decision-making through critical scrutiny. The Institute aims to help ensure that people and organisations working for human rights and a society free of discrimination can act freely and thereby strengthen a culture of human rights.

In the 30th anniversary year of the Peaceful Revolution, the Institute investigated the printing presses and free spaces of the former GDR. How was the civil rights movement able to create and even expand free spaces within a persecuted civil society? What was its point of reference? Can the experiences and ideas from that time inspire civil society now in order to overcome the challenges facing society today? Working in partnership with the Federal Commissioner for the Records of the Stasi and the Berlin-Hohenschönhausen Memorial, the Institute held round-table discussions, readings and interviews with contemporary witnesses to examine the key role played by civil society groups.

“An open country with free people”, “Freedom to travel, freedom of opinion, freedom of the press”, “Free elections” were the demands the people of the GDR took onto the streets in Autumn 1989. That the mass protests happened at all is due in part to the civil rights activists in the 1980s, who with increasing vociferousness demanded that civil rights be respected in the GDR. The people fighting for an open society and a democratic voice in decisions about the future of the GDR were inspired by the international human rights agreements, the Helsinki Accords, the Czechoslovakian democracy movement's Charter 77 and the Polish trade union, Solidarity. Their calls for human rights, such as the right to vote and to assemble, played a decisive role within the GDR opposition movement and the Peaceful Revolution of 1989.

“At some point, I started to realise that as a citizen, I had certain rights which were in the constitution but the state was not upholding them,” recounted Ulrike Poppe, member of the Peace and Human Rights Initiative and founder member of the Democracy Now citizens movement, at an interview contemporary witnesses on October 24 in Berlin's Haus der Demokratie.

### The Legacy of the Peaceful Revolution

In this series of the events, the Institute played its part in recognising the achievements of the citizens of the GDR, all under the central question of how the experiences and ideas of the East German civil rights movement could contribute to overcoming the social challenges of today. The values of the citizens who fought for civil rights, such as the struggle for freedom, democracy and the realisation of human rights, as well as the exchanges between human rights activists in other countries, are no less relevant today.

“Many people think that nothing changes. But we saw how conditions really can change for the better and that human rights are a decisive moment,” Stephan Bickhart, GDR civil rights activist, now head of the Meissen Evangelical Academy explained, as he related his experiences at a reading in the Institute on 23 September. For him, these experiences compel him to play his part and help shape the future.

“In 1989, we saw that human rights are inalienable. Even today, this experience should encourage us all to take responsibility for shaping the democratic existence we share and for peaceful coexistence in our country, in politics and the civil service just as much as by taking an active part in civil society,” was the call from Institute Director Beate Rudolf on the 30th anniversary of the great Monday demonstration in Leipzig on 9

October 1989.

An interview with the contemporary witnesses Ulrike Poppe and Thomas Krüger made it clear how anti-democratic ideas still linger today, and that democracy, human rights and peaceful coexistence are only possible if people actively work to uphold them. Krüger, who was part of the “Kirche von Unten” (Church from Below) movement in the 1980s, and is now president of the Federal Agency for Civic Education, criticised efforts by right-wing populist movements to use the Peaceful Revolution and its successes for their own ends. He drew comparisons between the attitude of communist East Germany towards its citizens and the ideas of present-day right-wing extremist movements. “When I think about the *völkisch* fortress mentality of right-wing populism, it is just the GDR revisited. They dictate how you should live and the position you have to occupy merely in order to present a homogeneous concept of humanity.”

Ulrike Poppe also called for resolute opposition to the far-right populist attempts at usurpation, yet she also added a note of self-criticism: “We managed to achieve free elections and through that to create a democratic structure. Yet we still have to learn how to handle that freedom. That process has not yet reached its conclusion.”

The challenges posed by this undertaking, given ever-stronger political currents which threaten to overturn democratic processes and constitutional institutions, were brought into sharp relief by a debate on human rights in an age of right-wing populism on 11 April in the Stasi Headquarters. Campus for Democracy in Berlin. The key issues of the debate were: what must politicians and society do to protect people and their human rights? What can be done to safeguard the scope of action for politics and (civil) society? Is controversial debate possible in a free society without vilifying others?

Roland Jahn, Federal Commissioner for the Records of the Stasi and trustee of the Institute, succinctly encapsulated the broad but not unlimited scope for what can be spoken of and negotiated when he said, “What matters is human rights. We can argue about all the rest!”

Panel discussion, 11 April: Menschenrechte in Zeiten des Rechtspopulismus, in partnership with the Federal Commissioner for the Records of the Stasi and RBB Inforadio

Panel discussion, 5 June: „Wenn Fremde mitlesen. Privates im Visier der Geheimdienste“, in partnership with the Federal Commissioner for the Records of the Stasi and the Berlin-Hohenschönhausen Memorial.

Reading and discussion, 23 September: Das Fenster zur Freiheit, with the civil rights campaigner Stephan Bickhardt and Peter Wensierski, author of Fenster zur Freiheit

Interview with contemporary witnesses, 24 October: Für ein offenes Land mit freien Menschen, with the civil rights activists Ulrike Poppe and Thomas Krüger

# Business and human rights

## Negotiations towards an international agreement

In the trial of KiK, a discount clothing store, a survivor and the dependants of some of the victims of the fire at a Pakistani supplier filed for compensation on the grounds of inadequate fire protection measures. Citing the statute of limitations, the Dortmund regional court refused to hear the case in 2019, leaving the question of the German firm's responsibility in the case unresolved. In 2019, the state appeals court in Hamm rejected an application for legal aid for the appeal.

Legal hurdles often bring down cases brought by victims. So how can we make it possible to investigate and punish human rights abuses by businesses? Until now, there have been no globally binding rules for transnational businesses activities with their often complex supply and value chains. Instead, all businesses are subject only to the voluntary UN guidelines for business and human rights. An international agreement is designed to change this situation.

### What has happened already

In June 2014, the UN Human Rights Council resolved to establish the open-ended intergovernmental working group on transnational corporations and other business enterprises (OEIGWG) to elaborate an internationally legally-binding instrument to govern the activities of transnational corporations and other business enterprises with respect to human rights. The fifth round of OEIGWG negotiations took place in October 2019, with representatives of 89 nations taking part. Discussions focused on the revised draft legally binding instrument prepared by the Ecuadorian president of the working group.

The Institute had already given its views on the 2018 key points and draft instruments and continued its engagement in 2019. It participated in the fifth round of negotiations in Geneva and represented the European Network of National Human Rights Institutions (ENNHRI) in discussions at the opening session. The Institute also held intensive discussions, mainly with the Federal Foreign Office as the lead agency, giving its views on the revised draft in English and in German.

### Improvements to the new draft

The draft discussed in October 2019 showed significant improvements over the previous version. Where only transnational corporate activities had been regulated before now, Article 3.1 states that the instrument "shall apply ... to all business activities, including particularly but not limited to those of a transnational character." State-owned businesses, as well as small and medium-sized enterprises whose business activities carry heightened risks should also fall within the scope of the instrument. From the perspective of rights holders, this is to be welcomed, as the improved protection provides safeguards against their human rights being harmed by business activities of any kind.

To resolve the outstanding points of difference, the Institute recommends that the OEIGWG clarify the dual purpose of the instrument. Firstly, that human rights infringements caused by economic activities of all kinds should be prevented, investigated, punished, and compensated for. Secondly, that legal loopholes be closed, as transnational corporate activities are often only inadequately regulated by national laws.

### A legally binding instrument

The 2011 UN Guiding Principles on Business and Human Rights represented the consensus of the international community at the time but were not legally binding for states. A proposed instrument must build on this consensus so that sufficient states sign the treaty.

The new draft has been largely successful in coming into alignment with the UN Guiding Principles. It puts states' obligations in specific terms by taking into account the human rights due diligence states must make mandatory for businesses. It also refuses to raise businesses to the status of subjects of civil law. Article 5.1 affirms states' obligations to regulate the activities of business enterprises effectively. Article 5.2 requires states to fulfil this obligation by requiring that businesses undertake human rights due diligence. Articles 5.1 and 5.2 thereby clearly follow the standards of human rights due diligence, the core concept of the UN Guiding Principles.

The obligations to be imposed on businesses are now in compliance with the Guiding Principles and focus more on activities than outcomes, taking up the core principles of due diligence with greater clarity. States should introduce measures so that businesses are availed of processes to determine actual and potential harmful consequences for human rights, as well as measures to avert potentially harmful effects, to review the efficacy of these measures and to give account thereof in reports. It is particularly to be welcomed that businesses must base their due diligence processes on consultations with rights holders (article 5.3b).

Nevertheless, some points still remain to be addressed in the draft. Complaints mechanisms at the level of individual businesses – a key element of human rights due diligence as per the Guiding Principles – have not yet been included. This is regrettable, as these help identify the harmful effects of business activities at the level of individual businesses, recognise systemic issues and adapt business practices accordingly. In certain places the draft could draw more strongly the terminology of the Guiding Principles. For example, the latter brings business relationships of all kind to the fore, even those not governed by direct contracts.

## **The Outlook**

The negotiations in Geneva will not reach an agreement in 2020; drafting an instrument of this kind is a marathon, not a sprint. For the instrument to have the desired effect – i.e. the closing of protection and accountability loopholes in transnational business activities – at least some of the countries where major transnational businesses are domiciled must be won over. This is where the EU can play a key role. It holds sway over its 27 member states and can achieve a critical mass of support by joining the negotiations and thereby providing constructive assistance to the process. This is all the more important as some member states, such as France and the Netherlands, already have laws on this subject, while others, such as Finland, are debating their introduction.

In Germany, many large corporations stepped up alongside civil society groups in 2019, lending their voices to calls for national legislation on this issue. The long-term goal would be to achieve effective regulation through EU-wide rules and an overarching international legal framework. EU member states, and Germany above all, should make timely efforts to ensure the EU has a mandate to participate in the Geneva negotiations.

German Institute for Human Rights (2019): Getting to critical mass – will the EU now provide the necessary traction? Statement on the revised draft for a legally binding human rights instrument of the United Nation's OpenEnded Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights. Berlin

# BLOODY GROUND: SCENES OF NSU CRIMES

## Photographs from Regina Schmecken's exhibition

“What is missing here are the people who matter most, the murdered man, the murdered woman. The photographer has captured this terrible emptiness. For that, my thanks are due. The godless murderers lived for the notion of extermination and annihilation. They cannot extinguish the lights of the souls of the innocent. We shall not forget. We shall not forgive. And we will remember the people whose lives members of the NSU took away. Their names are: Enver Şimşek. Abdurrahim Özüdoğru. Süleyman Taşköprü. Habil Kılıç. Mehmet Turgut. İsmail Yaşar. Theodoros Boulgarides. Mehmet Kubaşık. Halit Yozgat. Michèle Kiesewetter.”

Feridun Zaimoglu, writing in the catalogue of Regina Schmecken's 2016 exhibition, Bloody Ground. Scenes of NSU Crimes. Berlin: Hatje Cantz, p. 13

**ENVER ŐIMŐEK (38)**

09.09.2000 N¼rnberg Liegnitzer StraŐe





**EINE SCHWERVERLETZTE (19)**  
19.01.2001 Köln Probsteingasse



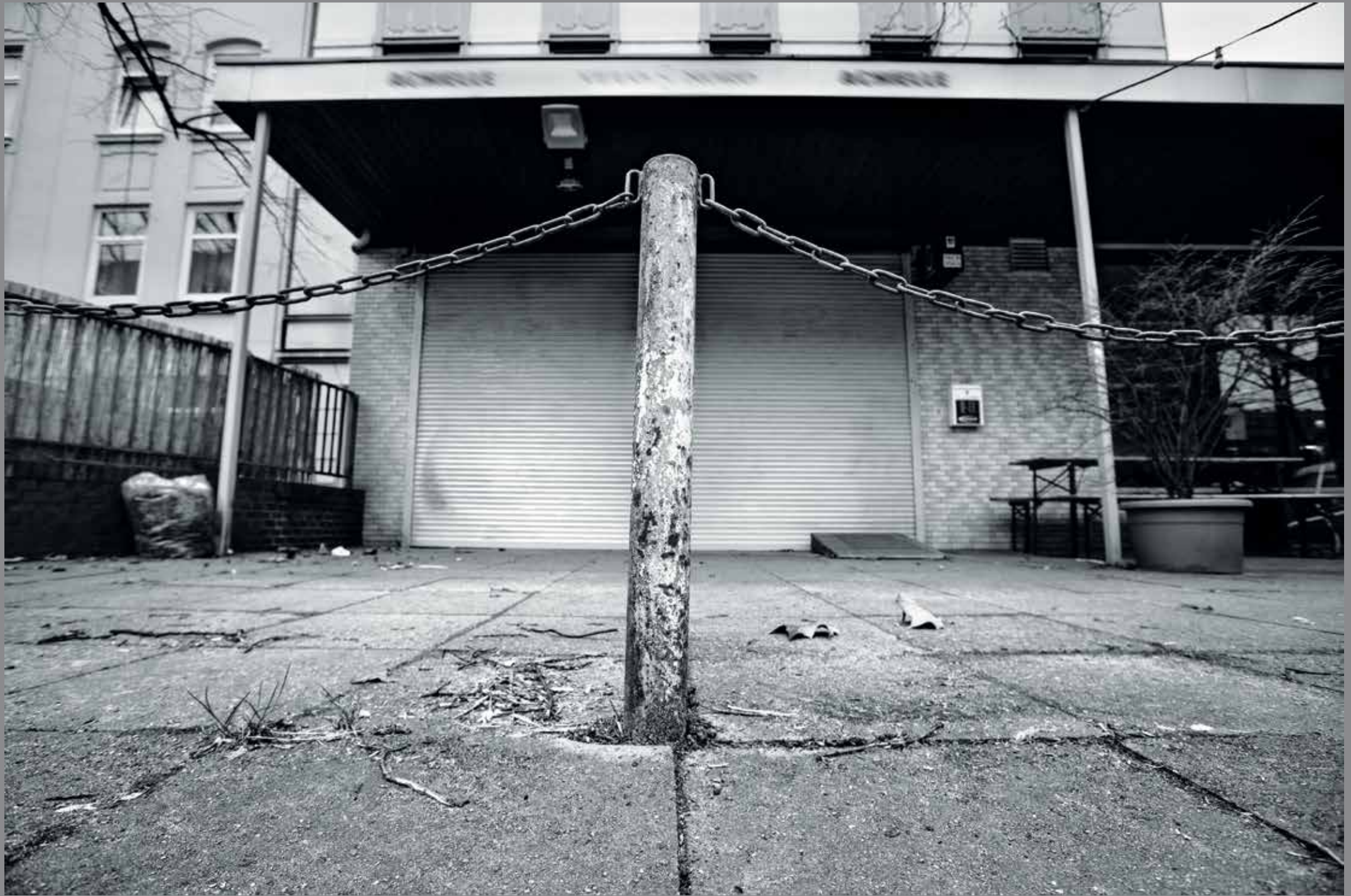
**ABDURRAHIM ÖZÜDOĞRU (49)**

13.06.2001 Nürnberg Gyulaer Straße



**SÜLEYMAN TAŞKÖPRÜ (31)**

27.06.2001 Hamburg Schützenstraße



**HABIL KILIÇ (38)**

29.08.2001 München Bad-Schachener-Straße





**MEHMET TURGUT (25)**

25.02.2004 Rostock Neudierkower Weg



**22 VERLETZTE UND SCHWERVERLETZTE**

09.06.2004 Köln Keupstraße



**ISMAIL YAŞAR (50)**

09.06.2005 Nürnberg Scharrerstraße



**THEODOROS BOULGARIDES (41)**

15.06.2005 München TrappentreustraÙe





**MEHMET KUBAŞIK (39)**

04.04.2006 Dortmund Mallinckrodtstraße



**HALIT YOZGAT (21)**

06.04.2006 Kassel Holländische Straße



**MICHÈLE KIESEWETTER (22)**

25.04.2007 Heilbronn Theresienwiese



# RESEARCH & ADVISING: DEPARTMENTS

## Human Rights Policy in Germany and Europe

### **The human rights situation in Germany**

One important role of national human rights institutions is to report on the human situations at home. The law governing the German Institute for Human Rights' legal status and mandate requires the Institute to present an annual report to the Bundestag on the development of the human rights situation in Germany. The Institute has also been the German research partner for the European Union Agency for Fundamental Rights and reports on their behalf on the human rights situation in Germany.

#### **Report to the Bundestag on the development of the human rights situation**

In December 2019 the Institute presented its fourth report on the development of the human rights situation in Germany to the Bundestag. It covers the period from June 2018 to June 2019.

The report takes up three key areas from the many human rights issues brought to Germany's attention by the UN Human Rights Committee and the Council of Europe, among others. These areas are: municipal accommodation for homeless people, human rights education for trainee nursery teachers and non-judicial remedy for persons affected by human rights abuses by German businesses abroad. The report also discusses recent developments in issues covered in previous reports, along with recommendations to Germany from international and European human rights bodies. The Department for Human Rights Policies in Germany/Europe coordinated the report, which was presented at a press conference in December 2019.

#### **Monitoring reports to the European Union Agency for Fundamental Rights**

In 2019, the Institute fulfilled its role as national focal point for reporting to the European Union Agency for Fundamental Rights (FRA), within the Agency's research network (FRANET).

### **Flight and asylum**

While the number of people seeking asylum in Germany fell further in 2019, the number of asylum applications within the EU again increased. The political debates at national and European levels were marked by discussions of stricter controls on migration and a more effective deportation policy. This led to a comprehensive raft of legislation being passed in Germany over the Summer, including powers to expand measures for the deprivation of liberty in the repatriation process.

Upcoming reforms to European asylum policies throw up a range of human rights issues with regards to access to asylum, fair distribution of asylum seekers within the EU, border protection and rescues at sea. The Institute is observing and supporting these discussions. In conjunction with the new EU Commission taking office in October 2019, the Institute published a fact sheet about the human rights challenges for European asylum policy.

Domestically, the Institute continued to contribute lectures and publications on the issue of beneficiaries of

subsidiary protection coming to Germany to join family members already in the country. The continuation of the quota system leads to long-term family separations and makes it more difficult to integrate people into German society. A great many reports by the European Union Agency for Fundamental Rights also address the human rights situation for refugees and migrants in Germany.

## **Human rights and internal security**

How can the state fulfil its human rights obligations in the fight against crime and terrorism without infringing its duty to observe rights to liberty and protection from discrimination? Effective, independent oversight of the police and security services is an important precondition for the population to trust that the authorities are behaving legally and is also the sign of a strong and confident state built on the rule of law. To this end, the Institute supported discussions and developments at European and national levels, as well as in some federal states.

The Institute took the lead in submitting an amicus curiae from the European Network of National Human Rights Institutions (ENNHRI) to the Grand Chamber of the European Court of Human Rights. The case concerned the supervision of international data transfers by British security services. In Saxony, the Institute gave its opinion on a proposed change to the law governing intelligence agencies which threatens to weaken data protection oversight of the protection of the constitution.

Following the terror attack on Berlin's Breitscheidplatz, federal and Länder lawmakers made fundamental changes to criminal laws and strengthened measures against so-called "Gefährder" – suspected radicals and potential terrorists. The human rights problems associated with these changes have been discussed at a number of events and in specialist literature.

The EU's plans for interoperability between its big IT systems for asylum, migration and security, as well as the federal government's toughening of its central register of foreigners present significant intrusions into the private sphere and the right to data protection of asylum seekers and other third country nationals. These issues were discussed at a lecture for an audience of interested professionals and at an expert discussion organised in collaboration with Caritas.

Working with the Federal Anti-Discrimination Agency, the Institute organised a discussion on the issue of racial profiling, asking if independent police complaints offices are an effective tool against racist discrimination. A contribution for the European Network Against Racism explored the question of how people designated as Sinti and Romani have become the focus of the European police collaboration against "transient criminals".

## **Human trafficking and exploitation**

Human trafficking is an abuse of human rights, both in Germany and around the world. It can only be combated by an approach that is comprehensive and based on human rights. This includes measures to identify those affected, punish offenders and raise official awareness, as well as counselling victims and ensuring their rights are upheld. Developments in human trafficking and forms of exploitation require ongoing observation and the efficacy of official measures must be evaluated.

In June, the Council of Europe's GRETA group of experts presented its report on the implementation in Germany of the Convention on Action against Trafficking in Human Beings. Based on the GRETA group's findings, the Institute identified areas for action at federal and Länder levels and prepared a summary in a document on combating human trafficking, giving particular attention to victims' rights such as compensation, deliberation periods and psychosocial support. The document also drew comparisons with the recommendations from the most recent monitoring report. GRETA urges Germany to improve the basic framework for combating human trafficking, such as how it captures statistical data, and to draw up a



comprehensive political strategy.

In late 2019, the Institute began a project working on exploitative working conditions for (Eastern) European migrants working in home care in Germany. The goal is to shed light on seriously exploitative working practices in the care sector and to draw up recommendations for action, using model cases jointly developed with experts from counselling services. The Institute is also a member of the federal and Länder working groups on human trafficking run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the Federal Ministry of Labour and Social Affairs (BMAS).

## **Gender-specific violence**

Gender-specific violence and abuse are widespread in Germany and are a “normalised scandal”. The victims are often women. The European Union Agency for Fundamental Rights found in a 2014 study that 35% of female respondents in Germany had experienced at least once incident of sexual or physical violence from the age of 15. Three in five women described sexual abuse such as unwanted touching, hugging, or kissing. The Council of Europe Convention on preventing and combating violence against women (or Istanbul Convention) explicitly defines gender-specific violence against women as discrimination and an infringement of human rights.

To support the ongoing implementation of the Istanbul Convention in Germany, in 2019 the Institute accepted a large number of invitations at federal and Länder levels to update officials, politicians and civil society groups on the convention, its potential and gaps in implementation in the fight against gender-specific violence.

A project funded by the BMFSFJ began in February 2019, focusing on Article 25 of the Convention and acute care in the aftermath of sexual violence. The Institute is running the project in partnership with The Federal Association of Rape Crisis Centres and Women’s Counselling Centres. The goal is to draw up specific recommendations for action to improve acute (forensic) medical care following sexual and/or domestic violence in Germany.

In 2019, the project's activities emphasised understanding care structures in a number of different regions in Germany, along with their strengths and weaknesses from the perspectives of those working within these structures. Interviews were conducted with almost 100 experts, both individually and in focus groups, including employees of specialist advice centres and women’s refuges, the criminal justice system, Länder governments and health insurers, forensic scientists, gynaecologists and other medical care staff, as well as lawyers and representatives from regional politics. The final report, which contains specific recommendations for action on how to implement Article 25 of the Istanbul Convention more effectively in Germany, will be published in Summer 2020.

In late 2019, the Institute's application to the BMFSFJ to develop plans for independent monitoring of the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) received a favourable assessment. The project is getting underway in 2020.

## **The human rights of older people**

The proportion of older people among the population is increasing around the world. Their human rights are at particular risk of being infringed if they need care, are disadvantaged at work or in other areas of life due to discriminatory perceptions of older people, or if they are not fully aware of their rights as a result of a lack of support or information. The Institute is working to protect the human rights of older people at national, European, and international levels.

The Institute is providing substantive support to the international process to reinforce the human rights of older people by sharing the outcomes of discussions held in Germany in the context of a project supported by the BMFSFJ in collaboration with the Polish national human rights institution at a sitting of the UN Open Ended Working Group on Ageing in New York (see The Institute in an International Context). In collaboration with the office of the Polish Ombudsman, the Institute developed contributions for the international discussions around normative elements of the human rights of older people.

In addition to this, the Institute brought the international discussion back to national forums, such as a workshop at the Anti-Discrimination Agency's Anti-Discrimination Days, which was designed to challenge notions that human rights have an expiry date when it comes to age and self-determination. To mark the International Day of Human Rights, the Institute held a conference on the human rights and ethical perspectives on the opportunities and risks of the digitalisation of care, in collaboration with the Josef und Luise Kraft Foundation, the University of Erlangen Nuremberg and the Catholic University of Applied Sciences Munich.

A research project into complaints mechanisms in geriatric care concluded its data collection phase in 2019. Interviews were held with care home residents, their relatives and 38 experts with the aim of drawing up recommendations for action to develop, design and implement effective complaints mechanisms in geriatric care. The project will run until mid-2020 and is made possible by funding from the Josef und Luise Kraft Foundation.

## **Racism**

The scale of racist and degrading crime and violence in Germany has reached shocking proportions. Racist crimes have a profoundly destabilising effect on victims' lives and sense of security, as well as being attacks on human dignity and the fabric of our society. Human rights demand that we openly identify racist crimes for what they are, prosecute them effectively, and ensure that victims can access justice without discrimination.

The Independent Antiziganism Commission has dedicated itself to the issue of racism against Sinti and Romany people in Germany since March 2019. Dr Hendrik Cremer, a member of the Institute's staff, was appointed to the Commission. The Commission's co-ordinating office is based in the Institute's Germany/Europe Department. Antiziganism as a specific form of racism has been the subject of work by the Institute. This form of discrimination is a widespread structural issue which affects Germans, other EU citizens and other people who have fled to Germany due to discrimination in their home countries. Victims experience discrimination in many aspects of their lives in Germany. They are often the target of racist hate speech.

A study published in August 2019, which analysed the principle of neutrality in education and the issue of whether teachers should be neutral towards racist and far-right political positions, met with great interest from education authorities and non-governmental education providers, and led to a number of requests for further contributions, lectures and interviews. Given the uncertainty felt by teachers and professionals working in extracurricular education with regard to critical discussions of racist and far-right political positions, the Institute intends to spend more time working on the issue.

A project on strengthening criminal justice around racism and human rights (July - December 2019) followed on from the 2017/18 pilot project and served to secure the sustainability and further development of project's outcomes. By providing support, advice and qualifications to those already brought on board to disseminate ideas and lead training within the criminal justice system, the project ensures the continuance of training programmes for the criminal justice system and inter-regional exchange of experiences from training and structural changes. To this end, the project held a two-day qualification seminar. Trainers helped revise the support materials from the pilot project, drawing on their

experience of using them in the field.

For an overview of how sentencing rules under section 46 paragraph 2 of the German Criminal Code are applied in practice for racially motivated crimes, example judgements from German courts were collated based on a large-scale review of decisions. This collection could be used for CPD purposes and in future meetings where views and experiences are shared. The project also provided an advice and a discussion forum for actors from the fields of justice, victim counselling and politics who are interested in developing shared structures for prosecuting racist crimes and strengthening victims' rights.

## **Sexual orientation and sexual identity**

Human rights protect lesbian, gay, bisexual, transgender, transsexual and intersex people (LGBTTI) from discrimination and violence. Following the change to German civil status law for intersex people in accordance with the Federal Constitutional Court's decision in late 2018, 2019 was shaped the debate around replacing the Transsexual Law. The Federal Government's intention to follow the recommendations of a number of international human rights committees and ban medically non-essential operations on intersex babies and children has not yet been implemented. Nevertheless, legislation was rapidly enacted to ban so-called "conversion therapy" on the basis of sexual orientation and gender identity.

In 2019, the Institute continued its advisory role for politicians and civil society groups on human rights for LGBTTI people. In April, it was appointed to the expert commission set up by Federal Health Minister Spahn to outlaw "conversion therapy". Conversion therapies are ostensibly therapeutic measures intended to change a person's sexual orientation or gender identity. They have lasting negative effects on victims' mental and physical health. The Institute participated in commission hearings, gave input on human rights requirements and made a written contribution to the commission's final report.

As part of consultations with advocacy groups, the Institute submitted a statement on the draft of a law governing changes to gender recorded on birth certificates which was intended to replace the Transsexual Law in force at the time. The Institute was also involved in further parliamentary activities in this area, such as providing expert advice in the Bundestag's Committee on Family Affairs hearings on a nationwide action plan for sexual and gender diversity.

# International Human Rights Policy

## Climate change and human rights

Extreme weather events such as torrential rain, storms and heatwaves have increased in frequency and intensity. They destroy people's goods and property and affect their health, both in Germany and around the world. Germany has seen a measurable increase in days on which the temperature exceeds 30°C, with negative consequences for the heart and circulation, as well as an associated increase in heat-related deaths. Particulate pollution remains too high, especially in cities, and can cause irritation of mucous membranes, pharyngitis and tracheitis, asthma and even premature death.

In May 2019, the Institute published its position paper on human rights-based climate policy and recommendations for the implementation of the Paris Agreement. Climate policy is not something to be made over the heads of those affected. Access to information about planned climate protection and adaptation measures must be ensured, along with appropriate opportunities for affected people and civil society actors to participate so that climate policies do not infringe human rights. The Institute advised the Federal Ministry for Economic Cooperation and Development (BMZ), the largest provider of German climate financing, on how a human-rights based approach can also be enshrined in the initiatives of German development partnerships.

In order to meet the climate targets enshrined in the Paris Agreement, many countries will have to review their nationally determined contributions (NDCs) by the end of 2020, and thereby show how they intend to contribute to reducing emissions. The Institute therefore took part in a series of workshops organised by the Office of the UN High Commissioner for Human Rights and the Center for International Environmental Law on building capacity for integrating human rights into climate action. A corresponding handout on how human rights can be the basis for the design and implementation of NDCs is to be published in Autumn 2020.

Climate change is a global challenge and demands cooperation between a range of actors, both in regional and international networks. The Institute is therefore taking an active part in the newly-founded sub working group at the European Network of National Human Rights Institutions (ENNHRI) and has prepared the annual conference of the global association of NHRIs (GANHRI) planned for March 2020 (see The Institute in an International Context).

## Nature conservation and human rights

Can we protect the natural world without infringing the rights of people who live with or from it? In 2019, there were frequent reports of serious human rights violations occurring in nature reserves abroad, some of which were funded by Germany. These reserves are often located in conflict zones. Nature conservation is supposed to prevent animal and plant diversity from suffering further harm. However, this leads to conflicts, chiefly with the people who live in or beside the reserves and for whom the reserves are sources of food. They assert that the injustices they suffered in the past are still present today in the form of economic deprivation. Indeed, many nature reserves were created without providing a comparable livelihood elsewhere for the people who were driven from their lands in the process.

At the request of the Kreditanstalt für Wiederaufbau (KfW), since the late Autumn of 2019, the Institute has provided advice on human rights questions concerning nature conservation and human rights in nature reserves supported by Germany. It commented on the reports by an investigation team commissioned by KfW and advised Zukunft – Umwelt – Gesellschaft (ZUG) gGmbH, which supports the Federal Ministry for the Environment (BMU) in the implementation of funding programmes and projects, as well as the

Frankfurt Zoological Society, which is commissioned by the Federal Government and other donors to implement conservation plans abroad.

The essence of the Institute's advice is: doing nothing to protect nature is not a solution. However, politicians concerned with development must review the risks which may arise from their conservation plans, especially in regions with high levels of violence. Decisions on this kind of activity, as well as dialogues with partner countries, should include considerations as to whether and how these risks can be mitigated, how the contemporary effects of historic injustices can be addressed, and whether people in affected areas have the opportunity to gain redress.

## **Business and human rights**

From low pay and compulsory overtime to inadequate protection from health and safety risks: human rights violations occur at every stage along global production and value chains, as manufacturers do not comply with social and environmental standards. Hundreds of workers have been killed or seriously injured in factory collapses and fires in recent years in Bangladesh, India and Pakistan alone. In 2016, the Federal Government passed the National Action Plan for Business and Human Rights (NAP), which enshrined for the first time the responsibilities of German businesses to respect human rights. The first report from 2019, shows that less than 20% of the 465 businesses surveyed implement NAP standards to comply with human rights standards throughout their global supply and value chains.

Businesses are responsible for observing compliance with human rights when purchasing products, not only in Germany, but also in the countries where the purchases occur. How can businesses ensure that their suppliers' production facilities comply with working, social and human rights standards and that they do not harm the environment? How can the state promote a socially and ecologically sustainable economy through regulation, legislation, and its own actions? These questions are at the focus of the Institute's work on business and human rights. The Federal Ministry of Labour and Social Affairs (BMAS) has funded an advice and research project at the Institute that began in the summer of 2017 and will run until 2020. The project consists of applied research to advise policy and support for BMAS and its bodies in coordinating the implementation of the NAP across multiple stakeholders.

### **Working Group on Business and Human Rights**

The Institute's deputy director, Michael Windfuhr, has moderated six sessions of the working group on business and human rights within the German corporate social responsibility (CSR) forum of the Federal Ministry of Labour and Social Affairs (BMAS). A key element in NAP implementation is the effective participation of stakeholders from trade associations and civil society within the working group. The working group considered matters such as the role of cross-sector dialogue and the current state of implementation of further NAP measures, and also supported the NAP monitoring process. Michael Windfuhr is also a member of the jury for the next German CSR awards, and since 2019 has sat on the advisory board for the National Contact Point for the OECD Guidelines for Multinational Enterprises within the Federal Ministry for Economic Affairs and Energy (BMWi).

### **International Activities**

Following the implementation in 2019 of national action plans for business and human rights in 24 countries, the Institute published a comparison of 17 European action plans in December. The comparison compared and evaluated how the NAPs were prepared, the compatibility of their content with the UN Guiding Principles on Business and Human Rights, and also the structures for implementing the plans. While numerous points of weakness were identified, there were also successful examples of implementation in the countries considered. In its recommendations, the Institute calls for more quality standards for the upcoming NAP reviews in many countries and for the EU to be more active in this area. NAPs are voluntary instruments, but as part of the smart mix required to implement the UN Guiding Principles, they must also be good, in the sense of being ambitious and verifiable.

At the same time, during 2019, negotiations took place through the UN towards an international legally binding instrument on business and human rights, with the Institute taking part.

### **Risks of human rights abuses caused by business**

The risks of human rights abuses caused by business vary from sector to sector. The Institute focused on two sectors in 2019: the production and processing of palm oil (principally in Asian countries) and large-scale land investments in Ethiopia. Both projects were commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ).

For palm oil, the Institute sought to establish whether the sustainability standards in place in the industry satisfy the requirements of the UN Guiding Principles on Business and Human Rights and also the German NAP. The Institute met businesses from the Forum for Sustainable Palm Oil (FONAP) to discuss the associated questions. It also interviewed experts and businesses. The results will be presented and published at the FONAP 2020 general assembly.

In Ethiopia, government initiatives have meant that, over the past 15 years, large parts of the country have gone to foreign and local investors for use in export agriculture. These investments have not yet increased food security for those affected by them. On the contrary, many communities have less food security than before, particularly when investors have carried out resettlements in breach of their human rights. Many of these investments also have negative consequences for the environment, such as deforestation.

The Institute's brief included the question of how German development policy supporting the agricultural sector can be grounded in human rights. How do we ensure that investors provide communities with adequate information and obtain their free consent? How can NGOs, which have been suppressed in Ethiopia for many years, bring their expertise to this process and support communities? And how can risks to the environment be avoided? The Institute recommended that Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security be applied consistently, and that a land usage planning process for land investments be created, as the Guidelines suggest. In this way, conflicts of use between rights owners, communities and investors can be identified and avoided.

### **Children's rights in development policy**

Children and young people rarely play an active role in development collaborations, despite making up the majority of the population in countries in the Global South and having a right to participation according to the UN Convention on the Rights of the Child (UNCRC). Children and young people have innovative ideas about how to combat future issues and challenges facing the world such as poverty, conflict, violence, hunger, environmental pollution and climate catastrophes. The Fridays for Future movement has shown that children and young people should be listened to in debates about the climate, a principle which not only applies to climate policy, but to all areas affecting children and young people.

How can children and young people participate in international politics and ensure their voice is heard? The participants of the youth consultation which the Institute ran in 2016 called for mechanisms which allow young people to participate. The Federal Ministry for Economic Cooperation and Development (BMZ) took up this suggestion and has announced it is planning to set up a youth council.

In October, in collaboration with experts in children's rights from the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), the Institute organised and moderated a workshop on the creation of a BMZ youth council of this kind, with young people from across Germany taking part. On the 30th anniversary of the UNCRC in November, the Institute participated in an international workshop in Berlin with young people from Germany and eight German development partner countries, organised by GIZ and the BMZ. The focus was on discussions on equal terms and the right to participation and co-

determination, with an eye to the future youth council.

The consultation process for young people which the Institute carried out on the BMZ's "Agents of Change" action plan for children and young people's rights in development work, 2017-2019, was met with great interest around the world. The European Commission's children's rights team invited the Institute to present its findings from the consultation as good practice for implementing participation rights. The Institute translated a summary of its publication discussing children and young people's publication as an example of development policy in practice into English as part of its contribution to the EU Child Rights Forum in Brussels in April.

If they are to participate more, children and young people need a safe space where it can happen. To this end, the Institute continues to advise the GIZ and BMZ on developing child-protection guidelines and held a discussion on this topic in August.

# Human Rights Education

## The Human Rights Yardstick Project

Human rights set the standard for respectful and supportive coexistence. Here, the fundamental aim is the equal recognition of the rights and dignity of all, including people whose life stories include experiences as refugees. The goal of the Human Rights Yardstick project is to support education practitioners in approaching issues of flight, asylum and racist discrimination so that their teaching is objective, methodical and rooted in human rights. The project was supported by the federal “Live democracy” programme and ended in October 2019.

How can education contribute to a society which recognises the rights and dignity of all? How can structural and institutional racism be discussed and dismantled? How can human rights reinforce a culture of discussion which promotes the open exchange of views and which protects against discriminatory statements at the same time? Getting to the bottom of these questions and finding possible answers to them was a central concern of the project. Nationwide workshops shared knowledge about the (human) rights situation of refugees living in Germany, discriminatory mechanisms, and the theoretical and practical foundations of human rights education. The aim was to strengthen participants’ teaching practices and to encourage reflection about their own ways of thinking. The workshops were delivered in co-operation with various educational institutions and in collaboration with activists and grass-roots organisations.

The project concept was developed by a team of education experts, representatives of grass-roots organisations and activists from the fields of flight, asylum, migration, and racism, who also supported the project throughout its duration. The workshop concepts and outcomes were included alongside (academic) articles, interviews, field reports and illustrations in the final publication of the same name. The handbook was presented at the project's concluding event in Autumn 2019. It is available in print and as an accessible PDF, and has since been translated into English.

## Neutrality and Controversy in Schools

Controversial debates in the Bundestag or upcoming elections can be occasions for picking up on political processes in lessons. However, many teachers are unsure how to approach political parties and positions. How far can they take political positions without infringing the principle of neutrality? What do concepts such as the the Beutelsbach Consensus's controversy imperative, according to which all sides to the argument must be discussed when presenting controversial topics, mean? How should teachers deal with discriminatory statements made in lessons?

Human rights belong to the very core of a school's role in educating and nurturing young people. Students should therefore engage with the substance of human rights and the mechanisms of discrimination in their lessons. The way a school's day-to-day life is organised should also take human rights into account, such as in eliminating barriers to participation, making the learning environment as inclusive as possible and valuing diversity. Schools should also promote a culture of constructive debate which enables learners to engage critically with other points of view and to form their own opinions. It therefore makes sense to touch on political parties and their positions in lessons. However, this does not mean that views which are discriminatory or run contrary to basic and human rights or statements from party members or manifestos, for example, should be ignored; rather, they should be investigated critically and held up against human rights. This applies regardless of a party's current prominence on the political stage. It is vitally important that discussions of political parties in lessons should be objective.



Teachers bear a special responsibility to stand up for the liberal democratic basic order (freiheitlich demokratische Grundordnung). That includes justified criticism of racist or otherwise discriminatory comments and to take a resolute stand against them. This applies to discrimination in all forms, such as discrimination based on racist assumptions, religion, gender identity, sexual orientation, and disability.

More information can be found in the Institute's April 2019 publication on the human rights challenges for neutrality and controversy in schools. It prompted a large number of requests for advice. This issue is the subject of ongoing development across a range of formats, in close collaboration with the Germany/Europe Department.

## **Early Years Education**

All people, including children, should be aware of themselves as persons before the law and have access to human rights education. Early years childcare and education establishments are required by law to give regard to the implementation of children's and human rights in the development of their institutional structures and their regular teaching. What sets high-quality educational practice apart is its support for and promotion of human rights principles such as inclusion, participation, equality of opportunity and valuing diversity, thereby making children's and human rights a tangible reality every day. Teaching staff need appropriate training and ongoing professional development, as well as resources and support to develop their own practices.

A research project into human rights education as a quality standard for training nursery and early years teachers gathered data on how firmly human rights education is rooted in training institutions and contexts in Germany. The project reviewed guidance documentation for nursery teacher training from across Germany in order to identify whether explicit reference is made to children's and human rights, how the duty to provide human rights education is presented, and how the associated teaching contents and methods are described. The outcome: the documentation pays only inadequate attention to the duty to provide human rights education, though there are many points of contact, such as in discussions of inclusion and participation, reflection on methods and the development of trainees' own professionalism.

Alongside the review of documentation, interviews were held with teachers and learners at higher education institutions and also with those involved in developing and implementing the standards documentation at the level of individual Länder. The interviews show how the curricula are being implemented in terms of subject content and teaching methods.

Bringing these investigations together provides insights into which issues are framed in human rights terms in teacher training, how methods and teaching practices can be reflected upon from a human rights perspective and which points of contact can be used for further development. The responses of interviewees regarding their challenges, needs and examples of successful practice were an important source of information. The key findings of the investigation were published in the 2019 Human Rights Report.

# The National CRPD Monitoring Mechanism

## Advising on action plans

Since its inception in 2009, the National CRPD (UN Convention on the Rights of Persons with Disabilities) CRPD Monitoring Mechanism has promoted the creation and implementation of action plans. Since then, the federal government and all Länder governments have passed action plans. If done well, plans of this kind can be an impetus for the implementation of the CRPD, as they contain specific measures to reinforce the rights of people with disabilities. The Monitoring Mechanism supports the use of action plans as a means of implementing the Convention in a coordinated way and promoting the equal participation of people with disabilities.

In 2019, the Monitoring Mechanism helped several Länder create and update action plans. The Monitoring Mechanism prepared a human rights evaluation of the state of Bremen's first action plan, which was published in February 2020. The review principally addressed the question of the extent to which human rights issues such as participation, groups whose circumstances put them in particular need of protection or the recommendations of the UN Committee on the Rights of People with Disabilities are considered in the plan. The Monitoring Mechanism also took part in a meeting of federal and Länder governments to discuss action plans, at which it campaigned for their retention and further development.

In its report on unleashing the potential of states' action plans for implementing the CRPD, the Monitoring Mechanism presents examples of good practice from the states and makes recommendations which should be considered when further developing and updating action plans in the future. The analysis shows that there is no practical alternative to action plans when it comes to the continued and thorough implementation of the CRPD.

## Legal support for adults with disabilities

Article 12 of the CRPD establishes that people with disabilities have equal right to recognition as persons before the law and enjoy equal legal capacity. In Germany, the court may provide legal support for adults requiring assistance in legal matters. When this support is put in place, the supporting person is given powers to make legally binding decisions which may conflict with the will of the person receiving support, or could even be made without consulting the recipient at all. According to the CRPD, the will and preferences of the person requiring support should always be considered. Supported decision-making should be open to all, regardless of how much effort it takes.

A project examining how the UN Convention on the Rights of Persons with Disabilities functions in practice with regard to legal support began in August 2019 and is due to end in 2021. Technical seminars are being offered across Germany for judges and legal officials who work in support law and, as the project continues, training for practitioners as multipliers. Here, the Monitoring Mechanism is building on the experiences of its project in 2017-18 on human rights in social law practice in relation to the UN Convention on the Rights of Persons with Disabilities.

An expert panel advises the Monitoring Mechanism on technical aspects of support law. The experts, together with a researcher from the Monitoring Mechanism, act as speakers at the technical seminars. The expert panel met once in 2019 to determine the essential form of the seminars. Two such seminars subsequently took place in 2019 alone, with others scheduled in locations across Germany. The Monitoring Mechanism also took part in the structured consultation process on self-determination and the quality of

support law run by the Federal Ministry of Justice and Consumer Protection, and was also active in promoting self-determination in matters of law for adults with disabilities.

## **Poverty and people with disabilities**

According to the Federal Government's fifth report on poverty and wealth, some 13 million people in Germany are living in poverty or on the poverty line. Data from the Socio-Economic Panel (SOEP) show that people with a disability are at significantly higher risk of income poverty than those without a disability. In 2017 the poverty risk for people under 65 without disabilities stood at 12.5%, but was 23.1% for people with disabilities. This demands special political attention. According to the CRPD, all people have the right to an appropriate standard of living, and the United Nation's Agenda 2030 puts fighting poverty at the top of its list of priorities.

Yet income poverty is but one dimension of poverty for people with disabilities. What does poverty mean from the perspective of human rights? Is there a connection between having a disability and poverty in Germany? Do general considerations about fighting poverty also make a difference for people with disabilities? The Monitoring Mechanism joined the advisory panel for the sixth federal poverty and wealth report in 2019. It is demanding that official reporting and accompanying research systematically turn their attention to investigating and explaining the connection between poverty and people with disabilities.

## **Political participation**

People with disabilities have the same right to political participation as people without disabilities (CRPD article 29). Yet in Germany, it is often difficult for people with disabilities to be active in party politics and to participate in shaping political opinions, particularly at election time. If parties engage systematically with issues of representation and opportunities for people with disabilities to get involved, they can promote participation and involvement for their members with disabilities, even going as far as putting them forward as candidates for election.

Four Länder held state parliament elections in 2019. In the run-up to these election, the Monitoring Mechanism sent letters to the leaders of the parties represented in each parliament, drawing attention to the persistent difficulties for people with disabilities when it comes to political participation and called on the parties to strengthen their political work to overcome these barriers to access and involvement.

The letters emphasised full participation for people with disabilities in party activities, shaping internal party opinions and developing manifestos, as well as inclusion in elections and accessibility in how elections are organised and held. For example, it is often the case that buildings used for important committee meetings are not accessible. Internal communications may also not be adequately adapted to the various needs of people with disabilities. Essentially, it seems both necessary and desirable to continue raising awareness, increase flexibility when dealing with stated needs and, in certain circumstances, employ more resources on the part of the parties.

The responses to these letters show that regional political parties increasingly understand the importance of this issue. It is to be hoped that all parties take up the impetus of the CRPD and review the inclusivity of their own organisations, communication and working practices and then develop them further.

## Translating United Nations documents

United Nations documents are not available in German as standard. As part of its mandate to bring international developments to domestic attention, the Monitoring Mechanism is therefore promoting the translation into German of documents from the UN Committee on the Rights of People with Disabilities, the Office of the UN High Commissioner for Human Rights and the UN Special Rapporteur for the Rights of Persons with Disabilities.

The United Nations' expert committees on human rights regularly make important statements on the interpretation and implementation of human rights treaties. These documents are known as General Comments.

In 2019, the Monitoring Mechanism collaborated on the German translations of two General Comments from the UN Committee on the Rights of People with Disabilities. The Monitoring Mechanism reviewed the translation provided by the translation service of the Federal Ministry of Labour and Social Affairs (BMAS) of General Comment no. 6 on article 5 of the CRPD, equality and non-discrimination, and on General Comment no. 7 on the topic of participation as per article 4 paragraph 3 and article 33 paragraph 3 of the CRPD. As part of the translation of General Comment no. 7, the Monitoring Mechanism held a consultation process to bring in groups working in disability policy and incorporated their suggestions into the translation.

The Monitoring Mechanism also issued shorter information publications to bring the Committees' authoritative interpretations to the German public, summarising the content of the General Comments and describing their implications for law and policy in Germany.

# The National CRC Monitoring Mechanism

## Reporting to the United Nations

The Federal Government submitted its combined 5th/6th country report to the UN Committee on the Rights of the Child in April 2019. That started the current country review process, at the end of which the United Nations makes recommendations on the more effective implementation of the UN Convention on the Rights of the Child (UNCRC) in Germany. In 2021, the Monitoring Mechanism will discuss its parallel report with the UN Committee for the Rights of the Child.

In October 2019, the National CRC (UN Convention on the Rights of the Child) Monitoring Mechanism submitted its report on the implementation of the UNCRC in Germany in parallel to the Federal Government's combined 5th and 6th country report to the UN Committee for the Rights of the Child. The Monitoring Mechanism expects to discuss its report with the UN Committee on the Rights of the Child in Geneva in February 2021, along with other civil society organisations and within the UN. The preliminary session allows the Committee to form a complete picture of how implementation of the UNCRC is progressing in Germany.

Since in 2017, the Monitoring Mechanism has organised regular discussions with all actors involved in the country report process, such as the German civil society group National Coalition (for children's rights) and the unit responsible for reporting within the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The fourth meeting of the network took place in May 2019. The aim of the network meetings is to facilitate discussions about planned processes and activities connected to the upcoming report.

With its submission of its parallel report, the Monitoring Mechanism also expanded its online resources for the UN review process in Germany, entitled "Kinderrechtskonvention – UN prüfen Deutschland". Along with comprehensive information and an explanatory film about the country report process, there is also a guide to explain the current stage of the report process.

## Measuring implementation of the UNCRC

Until now, it has been almost impossible to draw statistically supported conclusions about the implementation of children's rights in Germany. The UN Committee on the Rights of the Child has therefore repeatedly called on Germany to create a system for comprehensive data collection. In a process which began in 2017, the Monitoring Mechanism has been leading the development of initial pilot indicators for children's rights to enable the measurement of the implementation status of the UNCRC in Germany in future.

For 2019, the Monitoring Mechanism focused on developing indicators for the rights of children to be heard and to have their opinions considered in family court proceedings (UNCRC article 12). It developed an indicator matrix and collaborated in a workshop with judges, guardians ad litem, lawyers and academics to draw up children's rights-based criteria for family court proceedings. These were based on the Committee of Ministers of the Council of Europe's guidelines for child-friendly justice and related materials from the European Union Agency for Fundamental Rights.

The next step is to recruit courts or individual family law judges to use the criteria in their work so that

project partners can support and evaluate them. The Monitoring Mechanism reported on the process for developing pilot indicators for children's rights in the Zeitschrift für Menschenrechte 1/2019.

Research into children of prisoners reached its conclusion with the publication of a study into children's access to parents in prison within the German criminal justice system in July 2019. Information on how to arrange children's visits to parents in prison was successfully integrated into the implementation process of the Council of Europe's recommendations on children with parents in prison, which resulted in a resolution at the federal conference of justice ministers in 2019. The Monitoring Mechanism also published contributions in the Forum Strafvollzug journal and the leadership academy at the criminal justice training institute of Lower Saxony (Bildungsinstitut des niedersächsischen Justizvollzuges).

In December 2019, the online map of children's rights was given a new options menu and two new maps, one showing voting rights for under-18s and the other illustrating children's commissioners within the individual Länder.

## **Bringing the UNCRC to a wider audience**

20 November 2019 marked the 30th anniversary of the adoption of the UN Convention on the Rights of the Child by the General Assembly of the United Nations. At its heart is the recognition of children as independent holders of fundamental and human rights vis-à-vis the state. The Monitoring Mechanism shares the UNCRC guidelines with civil society actors and in advice to policy makers.

The UNCRC's 30th anniversary was an opportunity to make the guidelines on considering the best interests of the child more widely known (UNCRC article 3, para. 1). These guidelines can only be properly carried out if children are listened to and their perspectives are considered. The Monitoring Mechanism therefore translated the UN Committee on the Rights of the Child's General Comments no. 12 and 14 into German and presented them alongside its publication on identifying and determining the best interests of a child in a human rights-based way. This information was also published in civil society journals and the Monitoring Mechanism was invited to give lectures to the national chapters of several civil society groups. A nationwide consultation into new ways of thinking about the best interests of children was planned for 1 April 2020, but had to be cancelled due to the COVID-19 pandemic.

The guidelines in article 3 paragraph 1 of the UNCRC on the best interests of the child and their interaction with children's right to be heard and their opinions to be considered under UNCRC article 12 are a central point of contention in the debates around including children's rights in the constitution. Critics explicitly oppose strengthening participation rights for children in all matters affecting them, as stipulated by UNCRC article 12, and thereby oppose children's right to participate in societal decision-making. Even a proposal from the Federal Government to include children's rights in the constitution limits this central right in the UNCRC to no more than the right to be heard in legal proceedings.

The UNCRC guidelines are much more extensive than this, and the Monitoring Mechanism presented them in an April 2019 discussion with representatives of the Länder at the federal Länder working group, which had been instructed to draw up a proposed wording. The Monitoring Mechanism also explained them in a position paper, published in December 2019, responding to draft legislation to amend the constitution for the purpose of expressly enshrining children's rights within it. Unfortunately, it proved impossible to coordinate the activities of government departments, so draft legislation has not yet been timetabled for parliamentary scrutiny. The coalition government's promise to include children's rights in the constitution is at risk of foundering.

# Library

The Institute library, Ih is open to the public, makes available printed and electronic literature on human rights, ling a collection of materials on human rights education and the UN Convention on the Rights of Persons with Disabilities Ih is unique in Germany.

At the end of 2019, the Library's online catalogue and other associated German catalogues listed 40,750 references to human rights issues. Research training courses were again offered in 2019 for relevant degree programmes.

## Readings

Readings in the library are aimed at a wide audience. Authors read from their latest books and have discussions with their audiences.

As part of the ceremonies marking 30 years since the Peaceful Revolution, on 23 September, Peter Wensierski read from his book *Fenster zur Freiheit* [Windows on Freedom] on the radix blätter underground publisher and printing press in the East German lion movement. The founder of the printing press, Stephan Bickhardt, contributed his les as a contemporary witness.

On 12 November, the library hosted Matthias Meisner and Heike Kleffner. Along with the lawyer, Kristin Pietrzyk, and journalist Jost Müller-Neuhof, they presented the volume they have edited on far-right radicalism in the police, the office for the protection of the constitution, the Bundeswehr and the justice system: *Extreme Sicherheit* (Extreme Security).

## Open access publications

A partnership between the Institute and SSOAR, the open access repository run by GESIS – Leibniz Institute for the Social Sciences, has been ongoing since 2013. The goal is to make the results of publicly funded research available for free.

SSOAR recorded 31,000 downloads of Institute publications in 2019, some 10,000 more than in the previous year. Ir partnership was agreed in November with the peDOCS repository of the Leibniz Institute for Research and Information in Education.

## Inclusive libraries

Libraries contribute to making rights to education, information, and cultural participation a reality. The Institute library is therefore ld to ensuring that libraries make their services even more accessible and inclusive in future.

The working group on accessibility in (digital) libraries, Ih the Institute library has been running in partnership with the German Central Library for the Blind (DZB) since 2018, was represented at the German libraries conference in Leipzig.

On November 7-8, the Institute library delivered training on discrimination aware language in libraries with speakers from the Humboldt University in Berlin, Neue Deutsche Medienmacher\*innen and the Leidmedien.de Social Heroes Project. The workshop aimed to develop greater awareness about the use of language in a professional context.

## **International library activities**

The library has been an active member of the International Federation of Library Associations and Institutions (IFLA) since 2013. It is a member of a le lh works to promote accessibility and inclusion in libraries internationally.

The Institute library was represented at a conference in August 2019 in the Bibliotheca Alexandrina in Egypt, giving a lecture on the UN Convention on the Rights of People with Disabilities. It was also a co-founder of a working group on library services in the context of flight and migration at the 2019 IFLA world conference in Athens.



# Communications

## The Peaceful Revolution 30 years on - Events

What was the role of human rights for civil society in East Germany before its collapse in 1989? Do lessons from that time have anything to teach us today? A four-part series of events explored the conditions that led to the Peaceful Revolution of 1989 and the scope of action available to politicians and civil society then and now.

### Human rights in an age of far-right populism

The tone of public discourse in Germany is growing coarser. Open slurs against those considered “different” are on the increase. People who stand up for their rights are attacked, verbally as well as physically. What must politicians and society do to protect people and their human rights? Does Germany's constitutional democracy provide adequate limits?

These were the topics of a discussion between Florian Bublys, teacher and Chair of the *Bildet Berlin* education initiative; Roland Jahn, Federal Commissioner for the Records of the Stasi; Markus Nierth, theologian and former mayor of Tröglitz in Saxony-Anhalt; and Beate Rudolf, Director of the Institute, in Berlin on 11 April 2019. The panel discussion on human rights in an age of far-right populism was held with in collaboration with the Federal Commissioner for the Records of the Stasi. Inforadio/RBB were the media partners.

### When strangers read over your shoulder - private life in the sights of the intelligence agencies

From indiscriminate surveillance of homes and interference in postal secrecy to destroying reputations: the communist state found many ways of keeping its population under control. In the young West Germany, too, the intelligence services also played a questionable role up to the end of the 1960s. How should a constitutional democracy act when faced with the increasing digitalisation and globalisation of surveillance by intelligence agencies?

Professor Daniela Münkel from the office of the Federal Commissioner for the Records of the Stasi, Dr Jens Gieseke from the Leibniz Centre for Contemporary History Potsdam, Frank Rieger from the Chaos Computer Club and Institute staff member Eric Töpfer discussed historical and contemporary issues on 5 June. The event was held in collaboration with the Federal Commissioner for the Records of the Stasi and the Berlin-Hohenschönhausen Memorial.

### “Openly standing up for civil rights matters today, too”

The GDR civil rights activist Stephan Bickhardt and Peter Wensierski, who writes for *Der Spiegel*, presented *Fenster zur Freiheit*, a book on the underground publisher *radix blätter*, in the Institute library. Bickhardt noted that looking for legal ways of expressing their views was a key element in guaranteeing the success of the *radix blätter* collective's activities. It was a matter, he said, of claiming and exercising existing rights. Wensierski called for more public awareness of the activities of the East German civil rights movement.

### “An open country with free people”

“An open country with free people”, “Freedom to travel, freedom of opinion, freedom of the press”, “Free elections”. These were the demands that East German citizens took onto the streets in Autumn 1989. That the mass protests happened at all is due in part to civil rights activists in the 1980s, who demanded with increasing vociferousness that civil rights be respected in the GDR.

In a discussion with contemporary witnesses, the civil rights activists Ulrike Poppe and Thomas Krüger talked about the role of human rights for the civil rights movement, as well as what the values of the Peaceful Revolution mean today. Sabine Adler from Deutschlandfunk moderated the event at the Haus der Demokratie und Menschenrechte in Berlin on 24 October.

# Administration

## Interview with intern Max Jaroschowitz on accessibility in the workplace

People with disabilities have a right to participation, but obstacles often make their everyday lives difficult. Under the UN Convention on the Rights of Persons with Disabilities, Germany has a duty to eliminate barriers, like those in the world of work. Working in partnership with the Union Sozialer Einrichtungen gGmbH, the Institute's administration department offers four internships for vocational assessments each year and endeavours to make them as accessible as possible.

### **You have been working on reception part time since October 2019. How are you enjoying your internship?**

I am enjoying my internship, because I get to deal with many different people on reception. My colleagues give me constructive feedback that makes me feel valued and like I belong here. My support worker has also been accepted positively in the Institute. My colleagues accept that I have another person around me; it's no big deal.

### **What exactly are your duties?**

I deal with inquiries, forward calls and provide information about internal room bookings. I also look after the online publications shop with my colleagues, fetch the orders from the publications archive, prepare them for dispatch, give them to the courier and update our inventory database. I also add new addresses to our CAS address database, accept letters, parcels and packages and look after franking outgoing mail. If anything is broken, I inform the maintenance team.

### **You use a wheelchair and require a support worker.**

#### **What does that mean for you in your working life?**

During my training to work in office communications,

I was already dependent on aids such as a mobile hoist in order to move from the wheelchair to the toilet with the help of my support worker. I also need a support worker to pass me a pen in class, to hold worksheets down for me, give me a drink or my packed lunch. On one previous internship the toilet was far too small. Going to the disabled-friendly toilet in a neighbouring company was an adventure – setting up ramps so I could get into the stairwell. Then in the lift down to the cellar, across the underground garage and into the stairwell, then take the next lift to the ground floor. When I left the office at the end of the day, I had to take the goods lift from that same underground garage. I even got to share it with a Porsche once.

### **How do you rate the Institute when it comes to accessibility?**

I have not come up against any really big barriers at the Institute. I have a step-free route to my workplace and I can use the lift to get to reception on the 8th floor. It is a bit cramped there with my support worker, but the furniture is being moved around to give me more room to manoeuvre in. I have all the assistive devices I need: a mobile hoist, mini keyboard, trackball mouse. My rehabilitation service funded a headset and a variable-height desk has been ordered. The automatic doors to the disabled toilet mean my support worker, the hoist and I can get in, but it is cramped. Early on, the summary list in the publications archive was hung up too high for me as a wheelchair user. I had to stretch my head right back to read it all, I was not comfortable.

### **Would you like to stay at the Institute?**

Yes, I am pleased to be joining the administration team in 2020.

# FACTS & FIGURES

## Annual Financial Report

### Income

Institutional allocation from federal government	3.068.000 €
Income from projects with third-party federal funding	1.557.148 €
Income from projects with third-party Länder funding	115.900 €
Mixed income (third-party mandates, fees, misc. earnings)	1.271.862 €
<b>Total income</b>	<b>6.012.910 €</b>

### Expenditures

Human rights policy Germany/Europe	574.929 €
Third-party mandates/projects funded by third parties, Human Rights Policy Germany/Europe	437.418 €
Human Rights Policy International	244.952 €
Third-party mandates/projects funded by third parties, International human rights policy	887.428 €
Human Rights Education	200.049 €
Third-party mandates/projects funded by third parties, Human Rights Education	166.627 €
Communications	506.426 €
Third-party mandates/projects funded by third parties, Communications	0 €
Library	206.546 €
Administration (overhead)	1.151.254 €
Board of Directors/Management	430.090 €
Third-party mandates /projects funded by third parties, Board of Directors/Management	0 €
National CRPD Monitoring Mechanism	387.121 €
Third-party mandates /projects funded by third parties, National CRPD Monitoring	378.968 €
Third-party mandates /projects funded by third parties, National CRC Monitoring	441.101 €
<b>Total Expenditures</b>	<b>6.012.910 €</b>

### 2019 Result

**0,00 €**

# Comments on the annual financial report

The German Institute for Human Rights received an institutional allocation of €3,068,000 in 2019. The Institute receives this **institutional allocation**, which constitutes its core funding, from the German Bundestag annually. It is intended to ensure that the Institute has adequate financial resources, as required by the Paris Principles of the United Nations for an independent national human rights institution. In 2019, a €297,000 increase to the allocation was included to develop Institute's central services to ensure its infrastructure is fit for purpose, as well as €78,000 of funds for adjusting increases linked to tariffs.

In addition to the institutional funding, the income section includes three additional positions used to record **third-party funding**; funding is classified according to its purpose and payment terms.

(1) A total of €1,557,148 was received from projects with **third-party federal funding**. Projects with third-party funding are reported separately in the annual financial report, as they are recorded individually for each funding body. These expenditures, like the institutional allocation, are subject to the Federal Budget Code.

(2) The projects with **third-party Länder funding** are also reported separately, again due to the separate accounting. These expenditures are subject to the budget codes of the relevant German Länder. In 2019, €115,900 came in from German Länder by way of third-party funded projects. Other funds received by the Institute from the Länder are accounted for along with the Institute's funds and are therefore included under mixed income.

(3) The **mixed income** item is made up of income from 11 contracts with third parties, which are accounted for with the institutional allocation. This includes fees for lectures by employees of the Institute. The mixed income item is also used to record income from lump-sum administrative fees charged to third-party funded projects and (1) and (2), which flow into the institutional allocation. Mixed income for 2019 comprised a total of €1,271,862.

The income derived from **third-party federal funding (1)** funded the research performed to support the work of the German member of the UN Committee on Enforced Disappearances and of the German member of the UN Committee on Economic, Social and Cultural Rights. This position also contains third-party funding for administrative support for the German chairperson of the Global Association of National Human Rights Institutions (GANHRI). The Federal Foreign Office was the source of funding for these projects.

The Institute also received funds from the Federal Ministry for Economic Cooperation and Development (BMZ) for two research projects in support for the GANHRI chairmanship.

Funds also came from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) to support the UN Open Ended Working Group on Ageing and for the National CRC Monitoring Mechanism and a project for acute care following sexual violence.

The Federal Ministry of Justice and Consumer Protection (BMJV) supported a project on the qualification of judges.

The Federal Ministry of Labour and Social Affairs (BMAS) funded the research and advisory project for a national action plan on business and human rights, along with a project to raise awareness of the CRPD

within the social courts system.

The Federal Office of Family Affairs and Civil Society Functions (BAFzA) funded a human rights education department project Maßstab Menschenrechte as part of the “Live democracy!” programme.

The Federal Ministry of the Interior, Building and Community (BMI) supported the Institute with two projects in 2019: the co-ordination office for the Independent Antiziganism Commission; and a project addressing antiziganistic profiling associated with combating “transient criminals”.

### **Projects with third-party Länder funding (2).**

This item includes the allocation from the Land of Berlin to fund the Berlin project of the National CRPD Monitoring Mechanism. Other projects funded by the Länder are accounted for together with institutional funding and are therefore listed under mixed income (3).

**Mixed income (3)** includes income from contracts with third parties which is accounted for as part of institutional funding. They comprise funds from the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) for a project on implementing human rights in development policy and a project on the UN Convention on the Rights of Persons with Disabilities in development collaborations, as well as for research contracts with the Institute on land rights in Ethiopia and human rights due diligence in the palm oil industry; funds also came from the European Union Agency for Fundamental Rights (FRA) for FRANET reporting which the Institute took over for the FRA in 2019.

In addition to this, the Josef und Luise Kraft Foundation commissioned the Institute to investigate complaints mechanisms in geriatric care. North Rhein-Westphalia supported state-specific work in North Rhine-Westphalia by the National CRPD Monitoring Mechanism, and the Land of Bremen commissioned an evaluation of its CRPD action plan.

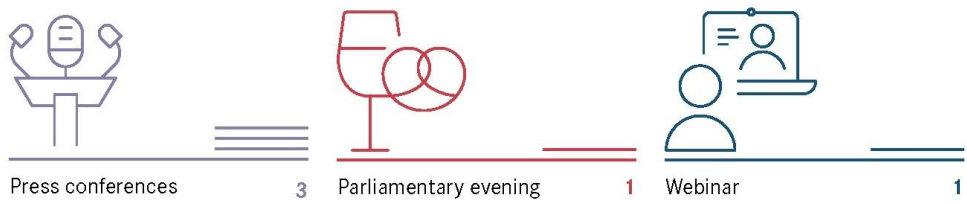
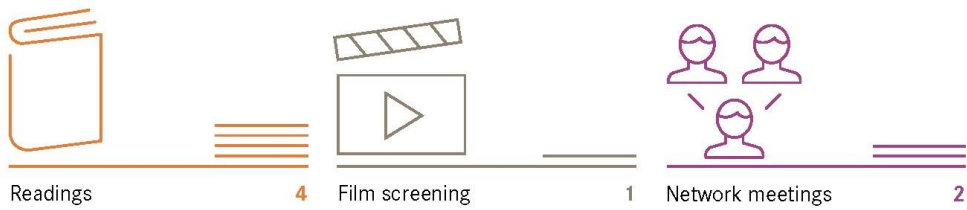
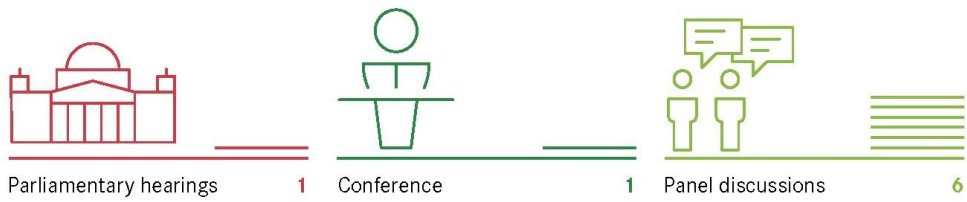
The Kreditanstalt für Wiederaufbau (KfW) supported projects on parks management in the Democratic Republic of Congo; the Swiss Federal Department of Foreign Affairs supported the publication of a commentary on CEDAW; and the Minor Project Office for Education and Research on behalf of the Federal Government Commissioner for Migration, Refugees and Integration supported the preparation of a study of exploitation of Eastern European workers in Germany.

The Paris Principles of the United Nations call for national human rights institutions to be financed primarily through institutional funding, to ensure that they can freely choose the topics and areas of their activity. Third party funding for specific purposes should play a subordinate role vis-à-vis the institutional funding. This requirement was narrowly met in 2019. Funding for specific projects across all three categories amounted to 49% of the Institute's income in 2019. In 2019, the Institute also only raised funding targeted at supporting the strengthening and implementation of work on independently chosen and pre-existing areas of activity. The Institute wishes to thank all its sponsors for their support for its work.

The summary of expenditure shows the funding available for the work of each of the Institute's departments. The item “administration (overhead)” includes the Institute's running costs – e.g. rent and related ancillary payments, IT services and miscellaneous administrative expenses (experts, bank fees, etc.) – and also membership dues for GANHRI and ENNHRI, as well as expenditures associated with all departments.

The financial report of the German Institute for Human Rights is examined by two auditors appointed by the General Meeting. The annual General Meeting is responsible for formal approval of the actions of the Board of Directors. The General Meeting has issued its approval and confirmed that all allocations were used efficiently and economically.

# Events



# Events partners

Federal Anti-Discrimination Agency

Federal Foreign Office

Bread for the World

Federal Commissioner for the Records of the State Security Service of the Former German Democratic Republic (BStU)

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Deutscher Caritasverband

German Women Lawyers Association e. V. (djb)

German Institute for Development Evaluation (DEval)

German Children's Fund e. V.

ECPAT Deutschland e. V.

European Youth Education Centre, Weimar (EJBW)

Friedrich Alexander University, Erlangen-Nuremberg

Berlin-Hohenschönhausen Memorial

Heinrich Böll Foundation

Josef and Luise Kraft Foundation

Catholic University of Applied Sciences Munich

Chair for public law and gender studies at Humboldt-University Berlin

Office of the Polish Commissioner for Human Rights

Friedrich-Ebert-Stiftung UN Liason Office, Geneva

VENRO (Association of German Development and Humanitarian Aid Non-Governmental Organisations e. V.)



# Overview of Events

Open-door Institute events and other events that drew the attention of a broader public are listed below in chronological order. Other internal events also took place, but are not listed here.

[14/01/2019 | Berlin](#)

## **Introduction to a human rights-based approach: theory and practice**

Workshop in partnership with VENRO

[15/01/2019 | Berlin](#)

## **Human rights film night**

Screening of five award-winning films

[17/01/2019 | Berlin](#)

## **Sustainable supply chains: what can Germany and Europe do?**

Parliamentary evening

[22/01/2019 | Berlin](#)

## **Normative elements – Key elements on the topics of long term care, palliative care and autonomy and independence**

Workshop in partnership with the Office of the Polish Commissioner for Human Rights

[22/01/2019 | Düsseldorf](#)

## **10 Years of the UN Convention on the Rights of Persons with Disabilities – NRW must fulfil its obligations**

Press conference

[01/02/2019 | Berlin](#)

## **Implementing the Istanbul Convention in Germany**

Symposium in partnership with the German Institute for Human Rights and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the German Woman Lawyers Association (djB) and the Chair for public law and gender studies at Humboldt University Berlin (Professor Ulrike Lembke)

[04-06/02/2019 | Bad Liebenzell](#)

## **The Human Rights Yardstick Reinforcing education practice on the topics of flight, asylum and race-based discrimination**

Workshop as part of the project of the same name, in partnership with the European Youth Education Centre, Weimar, supported by the BMFSFJ's federal "Live democracy!" programme

[07/02/2019 | Berlin](#)

## **General comment no. 14 by the UN Committee on the Rights of the Child**

Expert discussion

[13/02/2019 | Berlin](#)

## **Presentation: A global mapping of the work of NHRIs with and for children**

Supporting NHRIs to advance accountability for children's rights webinar

[21/02/2019 | Berlin](#)

## **Werner Lottje Lecture: "Hungary – civil society and defenders of human rights under pressure"**

Lecture and panel discussion in partnership with Bread for the World

23/02/2019 | Geneva

**Second consultation on preparing a general comment on sustainable development**

In partnership with the Geneva UN office of the Friedrich-Ebert-Stiftung

27/02/2019 | Berlin

**30th Civil Society Consultations of the National CRPD Monitoring Mechanism**

Consultations with federations of disability organisations

09-10/03/2019 | Weimar

**The Human Rights Yardstick Reinforcing education practice on the topics of flight, asylum and race-based discrimination**

Workshop as part of the project of the same name, in partnership with the European Youth Education Centre, Weimar, supported by the BMFSFJ's federal "Live democracy!" programme

19/03/2019 | Berlin

**Preparations for the 10th session of the UN Open-Ended Working Group on Ageing**

Expert discussion on social protection and social security in partnership with the BMFSFJ

20/03/2019 | Berlin

**Ten Years of the UN Convention on the Rights of Persons with Disabilities Inclusion - where there's a will, there's a way**

Press briefing

28/03/2019 | Berlin

**Preparations for the 10th session of the UN Open-Ended Working Group on Ageing**

Expert discussion on education, lifelong learning and empowerment, in partnership with the BMFSFJ

20/03/2019 | Berlin

**Preparations for a reading from *Im Gefängnis: Ein Kinderbuch über das Leben hinter Gittern* (In Prison: A children's book about life behind bars)**

Workshop with children and young people

28/03/2019 | Berlin

**Reading: *Im Gefängnis: Ein Kinderbuch über das Leben hinter Gittern***

10/04/2019 | Berlin

**EU moves towards interoperable databases: perspectives on data protection and monitoring**

Expert discussion

11/04/2019 | Berlin

**Human rights in an age of far-right populism**

Panel discussion in partnership with the Federal Commissioner for the Records of the State Security Service of the Former German Democratic Republic

08/05/2019 | Berlin

**Seeking and Finding the Disappeared: lessons learned from practical experience, for practical use**

Expert discussion and debate in partnership the Federal Foreign Office and the Gesellschaft für Internationale Zusammenarbeit (GIZ)

[16-10/03/2019 | Berlin](#)

**The Human Rights Yardstick Reinforcing education practice on the topics of flight, asylum and race-based discrimination**

Train the trainer workshop as part of the project of the same name, supported by the BMFSFJ's "Live democracy!" programme

[20/05/2019 | Berlin](#)

**Fourth networking meeting for reporting to the UN Committee on the Rights of the Child**

[22/05/2019 | Berlin](#)

**Women's rights in UN human rights treaties**

Discussion on gender mainstreaming, intersectionality and women's rights – innovative thinking and current needs for action, in partnership with the Chair for public law and gender studies at Humboldt University Berlin (Professor Ulrike Lembke)

[24/05/2019 | Berlin](#)

**Protection Factor M: winning against populism with human rights**

Workshop discussion with Andrea Huber, initiator of the Swiss information campaign

[04/06/2019 | Berlin](#)

**"Glass refugees?" Data processing and the human right to a private life in asylum proceedings and integration programmes**

Expert discussion in partnership with the Deutscher Caritasverband

[05/06/2019 | Berlin](#)

**31st Civil Society Consultations of the National CRPD Monitoring Mechanism**

Consultations with federations of disability organisations

[05/06/2019 | Berlin](#)

**When strangers read over your shoulder - private life in the sights of the intelligence agencies**

Discussion event in partnership with the Berlin-Hohenschönhausen Memorial and the Federal Commissioner for the Records of the State Security Service of the Former German Democratic Republic

[27/06/2019 | Berlin](#)

**Debriefing on the 10th session of the UN Open-Ended Working Group on Ageing**

Expert discussion in partnership with the BMFSFJ

[12/07/2019 | Berlin](#)

**The Human Rights Yardstick Reinforcing education practice on the topics of flight, asylum and race-based discrimination**

Advisory board meeting for the project of the same name, supported by the BMFSFJ's "Live democracy!" programme

[04-08/08/2019 | Berlin](#)

**Introduction to a human rights-based approach: theory and practice**

Workshop for Oxfam

[03/09/2019 | Berlin](#)

**Human rights-based evaluation**

Expert discussion in partnership with DeVAL.

2nd workshop on human rights-based evaluation

[11/09/2019 | Berlin](#)

**Worldwide Reading for Freedom of Expression**

Reading as part of the international literature festival berlin

[23/09/2019 | Berlin](#)

**Reading: *Fenster zur Freiheit* (Windows on Freedom)**

The Peaceful Revolution 30 years on: reading and discussion with Peter Wensierski and Stephan Bickhardt

[26/09/2019 | Berlin](#)

**The treaty process for an international agreement on business and human rights**

Expert discussion on the strengths and weaknesses of the current draft

[26/09/2019 | Berlin](#)

**General comment no. 12 by the UN Committee on the Rights of the Child**

Expert discussion

[24/10/2019 | Berlin](#)

**“An open country with free people” - the Peaceful Revolution 30 years on**

Contemporary witness discussion with Ulrike Poppe and Thomas Krüger

[28/10/2019 | Berlin](#)

**The Human Rights Yardstick Reinforcing education practice on the topics of flight, asylum and race-based discrimination**

Conference and concluding event for the project of the same name, supported by the BMFSFJ's “Live democracy!” programme

[06/11/2019 | Berlin](#)

**32nd Civil Society Consultations of the National CRPD Monitoring Mechanism**

Consultations with federations of disability organisations

[07-08/11/2019 | Berlin](#)

**Discrimination aware language in libraries**

Workshop

[11-12/11/2019 | Berlin](#)

**Racism and human rights project dissemination workshop**

Information and preparatory event for current and future trainers from the criminal justice system

[12/11/2019 | Berlin](#)

**Extreme security: far-right radicalism in the police, the Office for the Protection of the Constitution, the Bundeswehr and the justice system**

Reading and discussion with Heike Kleffner, Matthias Meisner, Jost Müller-Neuhof und Kristin Pietrzyk

[19/11/2019 | Warsaw](#)

**Towards a Convention on the Rights of Older Persons**

Workshop in partnership with the Office of the Polish Commissioner for Human Rights

[21/11/2019 | Berlin](#)

**Human rights and infrastructure - presentation of OHCHR report**

Expert discussion in partnership with the Heinrich Böll Foundation

[26/11/2019 | Geneva](#)

**Working Group on Business and Human Rights for the Global Alliance of National Human Rights Institutions (GANHRI)**

Expert discussion

[27/11/2019 | Berlin](#)

**The UN Convention on the Rights of the Child 30 years on:**

**New approaches to the best interests of the child! General comments by the UN Committee on the Rights of the Child**

Expert discussion

[27/11/2019 | Berlin](#)

**Child protection policy development**

Workshop with ECPAT Deutschland e. V. (Working group for the protection of children from sexual exploitation)

[29/11/2019 | Berlin](#)

**Standards for child-friendly justice**

Expert discussion in partnership with the German Children's Fund

[03/12/2019 | Berlin](#)

**Police complaints offices as a tool to stop racial profiling?**

Workshop in partnership with the Federal Anti-Discrimination Agency

[04/12/2019 | Berlin](#)

**Press conference to present the Human Rights Report**

On the development of the human rights situation in Germany (July 2018 - June 2019)

[09/12/2019 | Berlin](#)

**Digitalisation in care - risks and opportunities from human rights and ethical perspectives**

Awards ceremony and panel discussion in partnership with the Josef and Luise Kraft Foundation, the University of Erlangen-Nuremberg and the Catholic University of Applied Sciences Munich

[19/12/2019 | Berlin](#)

**Preparations for the 11th session of the UN Open-Ended Working Group on Ageing**

Expert discussion on the right to work and rights at work in partnership with the BMFSFJ

# Publications

Bekämpfung des Menschenhandels. Empfehlungen an Deutschland von der Expert\_inengruppe GRETA. Berlin: Deutsches Institut für Menschenrechte, 2019, 5 pp. (Information no. 28)

Cremer, Hendrik: Das Neutralitätsgebot in der Bildung: Neutral gegenüber rassistischen und rechtsextremen Positionen von Parteien? Berlin: Deutsches Institut für Menschenrechte, 2019, 36 pp. (Analysis)

Das Kindeswohl neu denken. Kinderrechtsbasierte Ermittlung und Bestimmung des Kindeswohls. Berlin: Deutsches Institut für Menschenrechte, 2019, 6 pp. (Information no. 30)

Das Recht auf Leben – Artikel 6 des UN-Zivilpaktes. Allgemeine Bemerkung Nr. 36 des UN-Menschenrechtsausschusses. Berlin: Deutsches Institut für Menschenrechte, 2019, 6 pp. (Information no. 29)

Development of the human rights situation in Germany July 2018 - June 2019. Report to the German Federal Parliament in accordance with section 2 (5) of the act on the legal status and mandate of the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2019, 14 pp. (Analysis)

Die Religionsfreiheit von Kindern im schulischen Raum. Zur Diskussion über Kopftuchverbote für Schülerinnen. Berlin: Deutsches Institut für Menschenrechte, 2019, 6 pp. (Information no. 26)

Digitalisierung und Rechte Älterer. Die Unabhängige Expertin der UN berichtet über Potenziale und Risiken. Berlin: Deutsches Institut für Menschenrechte, 2019, 8 pp. (Information no. 31)

Development of the human rights situation in Germany July 2018 – June 2019. Report to the German Federal Parliament in accordance with section 2 (5) of the Act on the Legal Status and Mandate of the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2019, 146 pp.

Development of the human rights situation in Germany July 2018 – June 2019. Report to the German Federal Parliament in accordance with section 2 (5) of the Act on the Legal Status and Mandate of the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2019, 12 pp. (Summary)

Development of the human rights situation in Germany July 2018 – June 2019. Report to the German Federal Parliament in accordance with section) of the Act on the Legal Status and Mandate of the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2019, 24 pp. (Short report in easy language)

Europäische Asylpolitik. Fragen und Antworten zu aktuellen Entwicklungen – anlässlich der Anhörung des Kommissaranwärters Margaritis Schinas im Europäischen Parlament, 3 October 2019. Berlin: Deutsches Institut für Menschenrechte, 2019, 5 pp. (Fact sheet)

Feige, Judith: Kontakt von Kindern zu ihren inhaftierten Eltern. Einblicke in den deutschen Justizvollzug. Berlin: Deutsches Institut für Menschenrechte, 2019, 42 pp. (Analysis)

Gewalt gegen Frauen und Mädchen. Was Nationale Menschenrechtsinstitutionen dagegen tun. Berlin: Deutsches Institut für Menschenrechte, 2019, 6 pp.

Gewaltsam Verschwundene besser suchen und finden: UN-Ausschuss verabschiedet neue Leitlinien. Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp. (Information no. 24)

2018 Annual Report Berlin: Deutsches Institut für Menschenrechte, 2019, 69 pp.

Jugendhilfe inklusiv gestalten. Sitzung der Arbeitsgruppe SGB VIII: Mitreden – Mitgestalten zum Thema “Mehr Inklusion / Wirksames Hilfesystem / Weniger Schnittstellen” am 17-18/09/2019. Berlin: Deutsches Institut für Menschenrechte, 2019, 3 pp.

Kroworsch, Susann: Menschen mit Behinderungen in Nordrhein-Westfalen. Zur Umsetzung der UN-Behindertenrechtskonvention in den Bereichen Wohnen, Mobilität, Bildung und Arbeit. Berlin: Deutsches Institut für Menschenrechte, 2019, 56 pp. (Analysis)

Maßstab Menschenrechte. Bildungspraxis zu den Themen Flucht, Asyl und rassistische Diskriminierung. Berlin: Deutsches Institut für Menschenrechte, 2019, 106 pp. (Education)

Menschenrechtliche Aktions- und Maßnahmepläne. Berlin: Deutsches Institut für Menschenrechte, 2019, 7 pp. (Handbook for users from government and civil society)

Menschenrechtsbasierte Klimapolitik. Empfehlungen für die Umsetzung des Pariser Klima-abkommens. Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp. (Information no. 20)

Newiger-Addy, Griet: Child and youth participation. A practical example from German development policy. Berlin: Deutsches Institut für Menschenrechte, 2019, 32 pp. (Human rights in practice)

Niebank, Jan-Christian: Comparing National Action Plans implementing the UN Guiding Principles on Business and Human Rights. Comparison of European countries and the United States of America. Berlin: Deutsches Institut für Menschenrechte, 2019, 36 pp. (Analysis)

Niebank, Jan-Christian: Nationale Aktionspläne Wirtschaft und Menschenrechte. Europäische Staaten und USA im Vergleich. Berlin: Deutsches Institut für Menschenrechte, 2019, 39 pp. (Analysis)

No papers – no birth certificate? Recommendations for registering children of refugees born in Germany. Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp. (Position paper no. 18)

Parallelbericht an den UN-Ausschuss für die Rechte des Kindes zum 5./6. Staatenbericht Deutschlands. Berlin: Deutsches Institut für Menschenrechte, 2019, 44 pp.

Parallel report to the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of the Federal Republic of Germany. Berlin: Deutsches Institut für Menschenrechte, 2019, 44 pp.

Partizipation gewährleisten – eine Aufgabe für Staat und Politik. Allgemeine Bemerkung Nr. 7 des UN-Ausschusses für die Rechte von Menschen mit Behinderungen. Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp. (Information no. 27)

Prostitution und Sexkaufverbot. Berlin: Deutsches Institut für Menschenrechte, 2019, 7 pp.

Rechte älterer Menschen. Sozialer Schutz und lebenslanges Lernen. Fachgespräche zur 10. Sitzung der UN Open-Ended Working Group on Ageing (OEWG-A) 2019. Berlin: Deutsches Institut für Menschenrechte, 2019, 23 pp. (Documentation)

Schweigen ist nicht neutral. Menschenrechtliche Anforderungen an Neutralität und Kontroversität in der Schule. Berlin: Deutsches Institut für Menschenrechte, 2019, 7 pp. (Information no. 25)

Striek, Judith: Inklusion systematisch fördern.

Die OECD-Kennung zu Inklusion und Empowerment – ein neues Instrument für die Entwicklungszusammenarbeit. Berlin: Deutsches Institut für Menschenrechte, 2019, 26 pp. (Analysis)

Wer Inklusion will, sucht Wege. Zehn Jahre UN-Behindertenrechtskonvention in Deutschland.

Berlin: Deutsches Institut für Menschenrechte, 2019, 90 pp. (Analysis)

## Statements

Antrag der Fraktion BÜNDNIS 90/DIE GRÜNEN „Vielfalt leben – Bundesweiten Aktionsplan für sexuelle und geschlechtliche Vielfalt auflegen“ (BT-Drucksache 19/10224). Öffentliche Anhörung des Ausschusses für Familie, Senioren, Frauen und Jugend, 16 December 2019. Berlin:

Deutsches Institut für Menschenrechte, 2019, 7 pp.

Auf dem Weg zur kritischen Masse – sorgt die EU jetzt für die nötige Zugkraft? Stellungnahme zum überarbeiteten Entwurf für ein verbindliches Menschenrechtsabkommen der Offenen Zwischenstaatlichen UN-Arbeitsgruppe zu Transnationalen Konzernen und Sonstigen Unternehmen. Berlin: Deutsches Institut für Menschenrechte, 2019, 16 pp.

Ergänzungen für mehr Wirksamkeit und Transparenz. Stellungnahme zum Referentenentwurf des Bundesministeriums für Wirtschaft und Energie zum Gesetz zur Durchführung der Verordnung (EU) 2017/821 des europäischen Parlaments und des Rates. Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp.

Fachfremder Änderungsantrag 1 der Fraktionen der CDU/CSU und SPD zum Entwurf eines Gesetzes für den Schutz vor Masern und zur Stärkung der Impfprävention (Masernschutzgesetz) Bt-Drs. 19/13452.

Öffentliche Anhörung des Ausschusses für Gesundheit, 23/10/2019. Unaufgeforderte Stellungnahme.

Berlin: Deutsches Institut für Menschenrechte, 2019, 4 pp.

Gesetzesentwurf der Bundesregierung zur Änderung des Staatsangehörigkeitsgesetzes. Berlin: Deutsches Institut für Menschenrechte, 2019, 8 pp.

Getting to critical mass – will the EU now provide the necessary traction? Statement on the revised draft for a legally binding human rights instrument of the United Nation's Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2019, 16 pp.

Kinderrechte ins Grundgesetz. Zum Referentenentwurf eines Gesetzes zur Änderung des Grundgesetzes zur ausdrücklichen Verankerung der sKinderrechte. Berlin: Deutsches Institut für Menschenrechte, 2019, 12 pp.

Making the implementation of children's rights measurable Description of the process of developing children's rights indicators for the

German context. Berlin: Deutsches Institut für Menschenrechte, 2019, 12 pp.

Menschenrechtliche Verantwortungslücken in der Rohstoffbeschaffung schließen. Stellungnahme zur Novellierung der Rohstoffstrategie der Bundesregierung. Berlin: Deutsches Institut für Menschenrechte, 2019, 5 pp.



Stellungnahme in der schriftlichen Sachverständigenanhörung des Innenausschusses zum Gesetzentwurf zur Änderung des Nachrichtendienstrechts im Freistaat Sachsen (Drs. 6/16211). 15. März 2019, Sächsischer Landtag. Berlin:

Deutsches Institut für Menschenrechte, 2019, 4 pp.

Stellungnahme zu Artikel 1 Landesgleichberechtigungsgesetz (LGBG) des Referentenentwurfs eines Gesetzes zur Umsetzung des Übereinkommens der Vereinten Nationen über die Rechte von Menschen mit Behinderungen im Land Berlin der Senatsverwaltung für Integration, Arbeit und Soziales, 15/10/2019.

Berlin: Deutsches Institut für Menschenrechte, 2019, 20 pp.

Stellungnahme zum Referentenentwurf des Bundesministeriums der Justiz und für Verbraucherschutz zur Änderung des Strafgesetzbuches – Modernisierung des Schriftenbegriffs und anderer Begriffe sowie Erweiterung der Strafbarkeit nach den §§ 86, 86a, 111 und 130 des Strafgesetzbuches bei Handlungen im Ausland. Berlin:

Deutsches Institut für Menschenrechte, 2019, 6 pp.

Zum Entwurf eines Gesetzes zur Regelung der Änderung des Geschlechtseintrags. Bezug:

Referentenentwurf, 8. Mai 2019. Berlin: Deutsches Institut für Menschenrechte, 2019, 2 pp.

Zur Sachverständigen-Anhörung der Enquete-Kommission „Ursachen und Formen von Rassismus und Diskriminierungen in Thüringen sowie ihre Auswirkungen auf das gesellschaftliche Zusammenleben und die freiheitliche Demokratie“. 05. Februar 2019, Thüringer Landtag. Berlin:

Deutsches Institut für Menschenrechte, 2019, 10 pp.

### **In partnership with other institutions**

Das ABC der Menschenrechte für die Entwicklungszusammenarbeit. Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) / Deutsches Institut für Menschenrechte, 2019, 10 pp. (German, English, French)

Promising practice. The human rights-based approach (HRBA) in German development cooperation: Strengthening non-discrimination for LGBT in Uganda. Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) / Deutsches Institut für Menschenrechte, 2019, 4 pp.

Remedy in business and human rights cases. The role of National Human Rights Institutions. Report from the October 2018 Berlin NHRI workshop.

Berlin: Deutsches Institut für Menschenrechte; The Danish Institute for Human Rights, 2019, 41 pp. (Case studies and workshop report)

Sex, gender and sexuality. Human rights issues in development cooperation. Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) / Deutsches Institut für Menschenrechte, 2019, 10 pp.

### **External publications**

Aichele, Valentin: 10 Jahre UN-Behindertenrechtskonvention in Deutschland. Stand der Umsetzung und Ansatzpunkte für die Teilhabe- und Bildungsforschung in der kommenden Dekade. In: *Gemeinsam leben* 27 (3), pp. 132-140

Aichele, Valentin: Eine Dekade der UN-Behindertenrechtskonvention in Deutschland. In: *Aus Politik und Zeitgeschichte* 69 (6-7), pp. 4-10

Cremer, Hendrik: Methode des Racial Profiling ist grund- und menschenrechtswidrig. In: Deutsches Polizeiblatt 37 (3), pp. 22-24

Cremer, Hendrik: Rassistische Hate Speech und Meinungsfreiheit. In: Bülent Uçar / Wassilis Kassis (Eds.): Antimuslimischer Rassismus und Islamfeindlichkeit. Göttingen: V&R Unipress, 2019, pp. 103-124

Cremer, Hendrik / Cobbinah, Beatrice: Rassistische Straftaten: Muss die Strafverfolgung und Ahndung effektiver werden? In: Strafverteidiger 39 (9), pp. 648-654

Cremer, Hendrik / Töpfer, Eric: Racial Profiling aus grund- und menschenrechtlicher Perspektive. In: Kugelmann, Dieter (Ed.): Polizei und Menschenrechte. Bonn: Bundeszentrale für politische Bildung, 2019, pp. 366-371

Feige, Judith / Gerbig, Stephan: Mit dem Kindeswillen zum Kindeswohl: Eine Perspektive der UN-Kinderrechtskonvention. In: Frühe Kindheit 22 (4), pp. 14-19

Gerbig, Stephan / Kittel, Claudia: Kinderrechte-Verwirklichung messbar machen: Prozess-beschreibung der Entwicklung von Kinderrechte-Indikatoren für den deutschen Kontext. In: Zeitschrift für Menschenrechte 13 (1), pp. 118-132

Gerbig, Stephan: Thank you, Greta & friends!

Procedural aspects on the climate crisis-related communication to the UN Committee on the Rights of the Child. Völkerrechtsblog (02/10/2019). [www.doi.org/10.17176/20191002-112302-0](http://www.doi.org/10.17176/20191002-112302-0) (accessed 05/05/2020)

Kittel, Claudia: Das Recht des Kindes auf Kontakt zum inhaftierten Elternteil. In: Justiz Newsletter - Führungsakademie im Bildungsinstitut des niedersächsischen Justizvollzuges 16 (30), pp. 31-35

Kroworsch, Susann: Inklusiv Schulbildung – NRW bleibt in der Pflicht! In: Schulverwaltung Nordrhein-Westfalen 30 (10), pp. 266-268

Kroworsch, Susann: Menschen mit Behinderungen in Nordrhein-Westfalen. Zur Umsetzung der UN-Behindertenrechtskonvention in den Bereichen Wohnen, Mobilität, Bildung und Arbeit. In: NDV 99 (5), pp. 212-216

Mahler, Claudia: Menschenrechte haben kein Ablaufdatum – Die Offene Arbeitsgruppe bei den Vereinten Nationen zu den Rechten Älterer. In: Stadler, Wolfgang (Ed.): Keine Zukunft ohne Soziale Arbeit. Zur Bedeutung von sozialer Arbeit für Demokratie und sozialen Zusammenhalt. Weinheim: Beltz Juventa, 2019, pp. 73-81

Mahler, Claudia *et al.* (Ed.): Menschenrechte und Ethik in der Medizin für Ältere. Beiträge des Preisträger-Forums in München mit Projekten aus Basel und Frankfurt/M. Würzburg: Königshausen & Neuhausen, 2019

Mahler, Claudia: Netzwerk Ethik in der Altenpflege: Laudatio Projekt Frankfurt. In: Mahler, Claudia *et al.* (Ed.): Menschenrechte und Ethik in der Medizin für Ältere. Beiträge des Preisträger-Forums in München mit Projekten aus Basel und Frankfurt/M. Würzburg: Königshausen & Neuhausen, 2019, pp. 63-66

Niebank, Jan-Christian: Menschenrechtliche Risiken als Ausschlusskriterium für Rüstungsexportgenehmigungen. In: Zeitschrift für das gesamte Sicherheitsrecht (GSZ) 2 (4), pp. 145-151

Rabe, Heike: Frauenrechtsausschuss, 69. bis 71. Tagung 2018. In: Vereinte Nationen 67 (6), pp. 276-278

Rabe, Heike / Engelmann, Claudia: Umsetzung der Istanbulkonvention – Gewaltschutz in der Wohnungslosenhilfe. In: Wohnungslos 61 (3), pp. 94-98

Rudolf, Beate: 40 Jahre CEDAW: Was die UN-Frauenrechtskonvention leisten kann.  
[www.boell.de/de/2019/12/10/was-die-un-frauenrechtskonvention-leisten-kann](http://www.boell.de/de/2019/12/10/was-die-un-frauenrechtskonvention-leisten-kann) (accessed 05/05/2020)

Rudolf, Beate: Wie Politik das Recht aushöhlt.

Die Würde des Menschen wird verletzt, wenn sie nicht für alle gilt. In: Frankfurter Rundschau: „Du gehörst zu mir! In Gesellschaft leben“.  
Sonderpublikation zum Grundgesetz, 2019, pp. 14

Sieberns, Anne: Die Umsetzung der Konvention über die Rechte von Menschen mit Behinderungen in Deutschland. Aufgaben und Chancen für Bibliotheken. In: Bibliotheksdienst 53 (10-11), pp. 676-685

Töpfer, Eric / Rudolf, Beate: Menschenrechte und Terrorismusbekämpfung. In: Rechtswissenschaft: Zeitschrift für rechtswissenschaftliche Forschung 10 (4), pp. 525-558

Töpfer, Eric: The EU's fight against "itinerant crime". Antigypsyist policing under a new name?

In: Cortés Gómez, Ismael / End, Markus (Eds.):

Dimensions of antigypsyism in Europe. Brüssel: European Network Against Racism / Zentralrat Deutscher Sinti und Roma, 2019, pp. 162-179

Utlu, Deniz: Towards a definition of effectiveness in HRIA. In: Götzmann, Nora (Ed.): Handbook on human rights impact assessment. Cheltenham, UK: Edward Elgar Publishing, 2019, pp. 354-372

Windfuhr, Michael: Bedeutungswandel der Menschenrechte. Anmerkungen und Beobachtungen zur Menschenrechtsarbeit angesichts aktueller Herausforderungen. In: Rektoratskommission Studium Generale (Ed.): Menschenrechte – für wen? Heidelberg: Heidelberg University Publishing, 2019, pp. 69-102

Windfuhr, Michael: Unverzichtbar im Menschenrechtsrat und uneins über neue Pflichten. In: Welternährung: Das Fachjournal der Welthungerhilfe 2019 (9).

[www.welthungerhilfe.de/welternaehrung/rubriken/wirtschaft-menschenrechte/menschenrechte-in-internationalen-beziehungen/](http://www.welthungerhilfe.de/welternaehrung/rubriken/wirtschaft-menschenrechte/menschenrechte-in-internationalen-beziehungen/) (accessed 05/05/2020)

Windfuhr, Michael: Vorwort. In: Reichenbach, Marie-Therese (ed.): Teilhabe exklusiv? Soziale Arbeit im Bereich diakonischer Wohnungsnotfallhilfe und Straffälligenhilfe. Freiburg: Lambertus, 2019, pp. 7-11

All Institute publications may be accessed at [www.institut-fuer-menschenrechte.de/publikationen](http://www.institut-fuer-menschenrechte.de/publikationen).

## Websites

[www.institut-fuer-menschenrechte.de](http://www.institut-fuer-menschenrechte.de)

[www.institut-fuer-menschenrechte.de/leichtesprache](http://www.institut-fuer-menschenrechte.de/leichtesprache)

[www.ich-kenne-meine-rechte.de](http://www.ich-kenne-meine-rechte.de)

[www.inklusion-als-menschenrecht.de](http://www.inklusion-als-menschenrecht.de)

[www.humanrights4dev.org](http://www.humanrights4dev.org)

[www.landkarte-kinderrechte.de](http://www.landkarte-kinderrechte.de)

## Twitter

@DIMR\_Berlin

# Board of Trustees

**Dr. Sigrid Arnade** from April 2016

Managing Director of Interessenvertretung Selbstbestimmt Leben in Deutschland e.V.

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Hans-Peter Baur** March 2016 to February 2019

Head of Directorate 30, Dir. Gen. 3 – Global Issues – Sectors, Federal Ministry for Economic Cooperation and Development

Member pursuant to DIMRG § 6(3)(6)/GIHR Statutes § 24(2)

**Markus N. Beeko** from December 2016

Secretary General of Amnesty International, German Section e. V.

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Dr. Mehmet Gürcan Daimagüler** from April 2016

Attorney

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Jürgen Dusel** from May 2018

Federal Government Commissioner for Matters relating to Disabled Persons

Member pursuant to DIMRG § 6(3)(5)/GIHR Statutes § 24(2)

**Dr. Julia Duchrow** from March 2016

[Deputy Chair of the Board of Trustees](#)

Evangelisches Werk für Diakonie und Entwicklung e.V. Bread for the World – Protestant Development Service from October 2019; Amnesty International, German Section e.V., Head of the Politics and Activism Department

Member pursuant to DIMRG § 6(2)(6)/GIHR Statutes § 24(1)(a)

**Henny Engels** from April 2016

LSVD executive committee member, Lesbian and Gay Federation in Germany

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Prof. Dr. Bernd Fabritius** from April 2018

Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities

Member pursuant to DIMRG § 6(3)(4)/GIHR Statutes § 24(2)

**Ute Granold** from March 2016

Attorney, Member of Parliament (2002-2013)

Member pursuant to DIMRG § 6(2)(5)/GIHR Statutes § 24(1)(c)

**Roland Jahn** from March 2016

Federal Commissioner for the Records of the State Security Service of the Former German Democratic Republic

Member pursuant to DIMRG § 6(2)(4)/GIHR Statutes § 24(1)(c)

**Dr. Bärbel Kofler, MdB** from March 2016

Federal Government Commissioner for Human Rights Policy and Humanitarian Aid in the Federal Foreign Office

Member pursuant to DIMRG § 6(3)(2)/GIHR Statutes § 24(2)

**Prof. Dr. Markus Krajewski** from March 2016

[Chair of the Board of Trustees](#)

Friedrich Alexander University Erlangen-Nuremberg, Chair for Public Law and International Law

Member pursuant to DIMRG § 6(2)(4)/GIHR Statutes § 24(1)(c)

**Prof. Dr. Michael Krennerich** from March 2016

University of Erlangen-Nuremberg, Institute for Political Science, Chair for Human Rights and Human Rights Policy

Member pursuant to DIMRG § 6(2)(6)/GIHR Statutes § 24(1)(a)

**Martin Lessenthin** from March 2016

Speaker for the Board of the International Society for Human Rights (IGFM)

Member pursuant to DIMRG § 6(2)(5)/GIHR Statutes § 24(1)(c)

**Markus Löning** from April 2016

Löning – Human Rights & Responsible Business, 2010–2013 Federal Government Commissioner for Human Rights Policy and Humanitarian Aid

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Dr. Michael Maier-Borst** from March 2016

Head of the Division for Flight and Asylum in the Office of the Federal Government Commissioner for Migrants, Refugees and Integration

Member pursuant to DIMRG § 6(3)(1)/GIHR Statutes § 24(2)

**Christian Mihr** from March 2016

Managing Director of the German Section of Reporters without Borders e.V.

Member pursuant to DIMRG § 6(2)(6)/GIHR Statutes § 24(1)(a)

**Fabian Müller-Zetzsche** from July 2016

Head of the Social Policy Department of the Social Association Germany (SOVD)

Member pursuant to DIMRG § 6(2)(2)/GIHR Statutes § 24(1)(d)

**Dr. Anja Nordmann** from March 2016

Managing Director of the National Council of German Women's Organisations (Deutscher Frauenrat e. V.)

Member pursuant to DIMRG § 6(2)(5)/GIHR Statutes § 24(1)(c)

**Dr. Miriam Saati** from March 2016

Head of Directorate at the Directorate-General for Children and Youth, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

Member pursuant to DIMRG § 6(3)(7)/GIHR Statutes § 24(2)

**Birgit Pickel** from November 2019

Head of Directorate 40, Democracy, Human Rights, Equality, Social Development, Federal Ministry for Economic Cooperation and Development

Member pursuant to DIMRG § 6(3)(6)/GIHR Statutes § 24(2)

**Prof. Dr. Christine Schirmacher** from March 2016

University of Bonn, Department of Islamic Studies and Near Eastern Languages, IOA

Member pursuant to DIMRG § 6(2)(4)/GIHR Statutes § 24(1)(c)

**Dr. Uwe Schmidt** February to September 2019

Head of Directorate 40, Democracy, Human Rights, Equality, Social Development, Federal Ministry for Economic Cooperation and Development

Member pursuant to DIMRG § 6(3)(6)/GIHR Statutes § 24(2)

**Frank Schwabe, MdB** from March 2016

Member of the Bundestag Committee on Human Rights and Humanitarian Aid

Member pursuant to DIMRG § 6(2)(3)/GIHR Statutes § 24(1)(c)

**Dr. Annette Tabbara** March - December 2019

Representative of the Senate of the Free and Hanseatic City of Hamburg at the Federal Government,

European Union and external affairs

Member pursuant to DIMRG § 6(3)(9)/GIHR Statutes § 24(2)

**Dr. Beate Wagner** from April 2016

[Deputy Chair of the Board of Trustees](#)

Managing Director Global Young Academy, 2002–2016 General Secretary of the DGVN – German Society for the United Nations

Member pursuant to DIMRG § 6(2)(1)/GIHR Statutes § 24(1)(e)

**Mareike Wittenberg** from July 2019

Head of the Division for Constitutional Law (Department R I 1), Federal Ministry of Defence

Member pursuant to DIMRG § 6(3)(8)/GIHR Statutes § 24(2)

**Dr. Almut Wittling-Vogel** from March 2016

Representative of the Federal Government for Matters Relating to Human Rights, Agent of the Federal Republic of Germany at the European Court of Human Rights, Head of Directorate IV C for Human Rights, EU Law and International Law, Federal Ministry of Justice and Consumer Protection

Member pursuant to DIMRG § 6(3)(3)/GIHR Statutes § 24(2)

**Prof. Matthias Zimmer, MdB** from April 2018

Member of the Bundestag Committee on Human Rights and Humanitarian Aid

Member pursuant to DIMRG § 6(2)(3)/GIHR Statutes § 24(1)(c)

# Members of the German Institute for Human Rights e.V

Aktion Courage e. V.

Aktion der Christen für die Abschaffung der Folter e. V.

Alevitische Gemeinde Deutschland e. V.

Amadeu Antonio Stiftung

Amnesty International Deutschland e. V.

Bahá'i-Gemeinde in Deutschland K.d.ö.R., Berlin Office

Friederike Bauer

Volker Beck

Rudolf Bindig

Prof. Dr. Daniel Bogner

Bürgerbüro e. V., Verein zur Aufarbeitung von Folgeschäden der SED-Diktatur

Bund der Vertriebenen

Bundesarbeitsgemeinschaft der Immigrantenverbände in der Bundesrepublik Deutschland e. V. (BAGIV)

Bundesarbeitsgemeinschaft der Senioren-Organisationen e. V. (BAGSO)

Bundesverband evangelische Behindertenhilfe e. V.

Caritas Behindertenhilfe und Psychiatrie e. V.

Dr. Mehmet Gürcan Daimagüler

Prof. Theresia Degener

Volkmar Deile (d. 2 April 2020)

Deutscher Caritasverband e. V.

United Nations Association of Germany e. V. (DGVN)

Deutscher Anwaltverein e. V.

Deutscher Frauenrat e. V.

German Trade Union Confederation - DGB

German Women Lawyers Association e. V. (djb)

German Commission Justitia et Pax

Dreilinden gGmbH

FIAN Deutschland e. V.

European Center for Constitutional and Human Rights e. V. (ECCHR)

Evangelisches Werk für Diakonie und Entwicklung e.V. Bread for the World – Protestant Development Service

Friedrich Naumann Foundation for Freedom

Prof. K.P. Fritzsche

Uta Gerlant

Wolfgang Grenz

Hermann Gröhe, MdB

Prof. Dirk Hanschel

Ute Hausmann

Heinrich Böll Foundation e. V.

Dr. Rainer Huhle

Human Rights Watch

Initiative Schwarze Menschen in Deutschland

International Society for Human Rights (IGFM), German Section e.V.  
Interessenvertretung Selbstbestimmt Leben in Deutschland e. V.  
International Campaign for Tibet Deutschland e. V.  
Prof. Markus Kaltenborn  
Kindernothilfe e. V.  
Prof. Eckart Klein  
Anja Klug  
KOK Bundesweiter Koordinierungskreis gegen Menschenhandel e. V.  
Konrad Adenauer Foundation e. V.  
Prof. Markus Krajewski  
Prof. Lothar Krappmann  
Prof. Manfred Liebel  
Barbara Lochbihler  
Markus Löning  
LSVD, Lesben- und Schwulenverband  
Ulrike Mast-Kirschning  
Memorial Deutschland e. V.  
Dr. Jens Meyer-Ladewig (honorary member)  
MISEREOR – Bischöfliches Hilfswerk e. V.  
National Coalition Germany – Network for the implementation of the UNCRC  
Netzwerk Artikel 3 – Verein für Menschenrechte und Gleichstellung Behinderter e. V.  
Dr. Helmut Nicolaus  
Nuremberg Human Rights Center (NMRZ)  
Ökumenische Bundesarbeitsgemeinschaft Asyl in der Kirche e. V.  
pax christi - International Catholic Peace Movement  
Prof. Herbert Petzold  
Prof. Nivedita Prasad  
Pro Asyl – Bundesweite Arbeitsgemeinschaft für Flüchtlinge e. V.  
Reporter Without Borders e. V.  
Prof. Eibe Riedel  
Heribert Scharrenbroich  
Prof. Axel Schulte  
Bertold Sommer  
Prof. Silvia Staub-Bernasconi  
Klaus Stoltenberg  
Terre des hommes Deutschland e. V. Hilfe für Kinder in Not  
Prof. Pierre Thielbörger  
UN Women's National Committee, Germany  
Union der Opferverbände Kommunistischer -Gewaltherrschaft (UOKG e. V.)  
Vereinte Evangelische Mission  
Dr. Silke Voß-Kyeck  
Dr. Beate Wagner  
World Vision Deutschland e. V.  
Central Council of German Sinti and Roma  
Zentralrat Orientalischer Christen in -Deutschland e. V. – ZOCD  
Beate Ziegler



# Staff

**Dr. Valentin Aichele** Ebru Apitz **Jan-Michael Arend** Grażyna Baranowska **Dr. Sabine Bernot** Lissa Bettzieche **Kirsten Bohnsack** Paola Carega **Beatrice Cobbinah** Dr. Hendrik Cremer **Chandra-Milena Danielzik** Isabel Daum **Dr. Claudia Engelmann** Nina Eschke **Judith Feige** Lisa Fischer **Dr. Petra Follmar-Otto** Nora Freitag **Sabine Froschmaier** Stephan Gerbig **Laura Geuter** Helga Gläser **Katrin Günnewig** Klaus-Dieter Haesler **Dr. Wolfgang S. Heinz** Bettina Hildebrand **Anne Hirschfelder** Catharina Hübner **Vera Ilic** Karin Jank **Dirk Joestel** Laura-Maria Jordan **Cathrin Kameni-Monkam** Andrea Kämpf **Folke Kayser** Jana Kind **Claudia Kittel** Sarah Kleinmann **Kerstin Krell** Dr. Susann Kroworsch **Jakob Krusche** Cornelia Kuntze **Dr. Britta Leisering** Peter Litschke **Dr. Claudia Mahler** Daniela Marquardt **Nerea González Méndez de Vigo** Roger Meyer **Simone Moeck** Jacob Müller **Thomas Müller** Jan-Christian Niebank **Mareike Niendorf** Rosa Öktem **Dr. Leander Palleit** Sara Phung **Kristin Pöllmann** Heike Rabe **Dr. Sandra Reitz** Dagmar Rother-Degen **Professorin Dr. Beate Rudolf** Najwa Saqal **Ingrid Scheffer** Gabriela Schlag **Dr. Miriam Schroer-Hippel** Christopher Schuller **Dr. Christiane Schulz** Annegret Seiffert **Anne Sieberns** Ute Sonnenberg **Lena Stamm** Tobias Stelzer **Dr. Judith Striek** Bianka Stuck **Anna Suerhoff** Eric Töpfer **Brigitta Ulrichs** Deniz Utlu **Dr. Silke Voß-Kyeck** Freda Wagner **Christine Weingarten** Michael Windfuhr **Christian Wolff** Dr. Anna Würth **Taner Mehmet Yilmaz** Franziska Ziegler

We wish to express our thanks to all of the staff members who supported our work over the course of 2019 in full-time or part-time capacities. Full-time and part-time positions corresponding to a total of 36 FTE were funded from the institutional allocation; 24 FTE were funded with project funds.

## Imprint

### Publisher

Deutsches Institut für Menschenrechte

Zimmerstraße 26/27 | 10969 Berlin

tel.: +49 (0)30 259 359 - 0 | fax: +49 (0)30 259 359 - 59

info@institut-fuer-menschenrechte.de

www.institut-fuer-menschenrechte.de

Twitter: @DIMR\_Berlin

ANNUAL REPORT I September 2020

### EDITORS

Bettina Hildebrand, Kerstin Krell

### PHOTOGRAPHY

© Regina Schmeken

### ICONS

WEBERSUPIRAN.berlin

### LICENCING

