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German Institute
for Human Rights

ANNUAL REPORT 2017



#ENFORCED DISAPPEARANCE

The disappeared
should have a voice:
YOU!

“In search of the disappeared”

Every year, people all over the world disappear, having been detained or abducted at the order of or with the acquiescence of their governments. Families are left in the dark about the fate of the disappeared, receiving no information about the whereabouts of their missing relatives. “Enforced disappearance is a strategy designed to confuse. Not only is the fate of the person arrested concealed, but even the very fact of his or her arrest. “Nowhere else does the truth become a point of contention in this way”, says the Basque doctor and psychologist Carlos Martín Beristain, describing the tragedy of the families of the disappeared.

The search for the disappeared and for the truth has a serious impact on the lives of their friends and families. The photography project “In search of the disappeared”, created during the expert discussion entitled “In search of the victims of enforced disappearance”, is a series of portraits of experts and relatives of disappeared persons and their messages. An English translation of these messages is provided on page 81, along with information about the people portrayed.

Amélie Losier

Photojournalist Amélie Losier was born in France in 1976. She studied German literature and history in Paris and Berlin, took drawing lessons at the École des Beaux Arts in Paris and later studied documentary photography under Professor Arno Fischer in Berlin. She has worked as a freelance photographer for German and international newspapers and magazines, for cultural institutions and for corporate publications since 2001. She also produces reportage and multi-media stories in her own projects. In addition, she teaches reportage and portrait photography to teenagers and adults for various cultural institutions.

Losier is a member of the photojournalism association FREELENS. She has been awarded numerous fellowships for her photography (Akademie der Künste Berlin, VG Bild-Kunst, Grenzgänger, Goethe Institute Amman). Her works have been shown in individual and group exhibitions and published in books: “Wenn die Stadt schläft” (2010) “Just like a Woman, New York City” (2014), “SAYEDA, Women in Egypt” (2017). www.amelielosier.com

Preface

Preface

The year 2017 was shaped by the federal parliamentary elections. Dramatic wording is not unusual during a campaign period. But when does the state have a duty to react to anti-Roma, anti-Semitic, anti-Muslim and other forms of hate speech, and how should it do so? These were the central questions at an event in the German Bundestag co-organised by the Institute, the Central Council of German Sinti and Roma and the Documentation and Cultural Centre for German Sinti and Roma. Discussion at the event focused chiefly on counter-strategies and the state's duty to act. Members of the Bundestag Cemile Giousouf (CDU) and Dr Karamba Diaby (SPD) were patrons of the event. The Institute will continue to criticise racist positions in political discourse, because freedom of expression does not amount to a free pass to engage in defamatory speech and spread hatred. Political parties, the Government and parliament all have a particular responsibility to take a stand against racist hate speech in public discourse.

The issue of refugees remained high on the political agenda last year in Germany and the EU. The EU still faces the challenge of constructing a well-functioning, solidarity-based system for the acceptance of people in need of protection. Such a system would require a departure from the Dublin Regulation principle that the state in which a person first enters EU territory should be responsible for examining that person's asylum request. As a result of this rule, some EU states take in more refugees than others do. Greece or Italy, for instance, are well justified in calling for a solidarity-based distribution of refugees within the EU. The Institute has therefore been urging a departure from the Dublin Regulation and recommending that the Federal Government vigorously promote a change in the rules.

Persons with disabilities have the right to live in the community and decide for themselves where and how they wish to live. Their right to do so is guaranteed in article 19 of the UN Convention on the Rights of Persons with Disabilities. Yet many persons with disabilities in Germany have been unable to exercise this right to any appreciable degree. Obtaining the assistance necessary to live in a home of one's own is very difficult, above all for those with more intensive support needs. Many people in this situation have no choice but to move into a residential facility, however unwillingly. The National CRPD Monitoring Mechanism has therefore been calling for the gradual replacement of residential facilities with flexible forms of living combined with support services in the local community. Its study on the implementation of the right to independent living in Berlin points the way forward for Berlin and other Länder as well.

The Institute continued its work on the prevention of gender-based violence in 2017 and described the steps required for implementation of the Istanbul Convention. This Council of Europe convention obliges Germany to use legislative and other means to protect victims from violence and to create a legal framework for the effective prosecution of perpetrators. The Institute's human rights expertise was in high demand among politicians at the federal and Länder level and among civil society organisations in 2017.

These areas of activity represent only a fraction of the Institute's work on the promotion and protection of human rights in and by Germany. This report provides an overview of the Institute's research, educational and advising activities.

Berlin, September 2018

Professor Dr Beate Rudolf, Director Michael Windfuhr, Deputy Director

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2017 IN REVIEW

January

Refugee children's access to education

On 12 January, the National CRC Monitoring Mechanism launched a website charting children's rights across Germany, www.landkarte-kinderrechte.de, with a map charting refugee children's access to schools. The map conveys an overview of the responses received from the ministries responsible for childcare facilities and schools in all 16 Federal States. The National CRC Monitoring Mechanism intends to keep adding new content to this digital "map" of Germany to depict the status of implementation of selected children's rights in a compact format.

February

Visit by the UN Working Group of Experts on People of African Descent

On the 20th of February, the UN Working Group of Experts on People of African Descent visited the Institute to discuss the situation in Germany. During the visit, the conversation centred on the role of the topic of racism in human rights education – in schools and in the justice system – as well as on police practices of "racial profiling". The UN Working Group conducted its fact-finding mission to Germany during the International Decade for People of African Descent, which began in June of 2016, in Germany and elsewhere. At the end of their visit, the UN Working Group made public their preliminary findings on the 27 February.

March

13th Human rights academy

From 12 to 16 March, participants from all over Germany and from Russia and Switzerland discussed topics relating to national and international human rights protection, human rights education and the UN Convention on the Rights of Persons with Disabilities. The International Forum of Liebenzell Castle cooperated with the Institute in organising the 13th Human Rights Academy.

April

National CRPD Monitoring Mechanism meets with disability commissioners

The federal and Länder disability commissioners gathered at the Institute on 27 April to exchange experiences. At this meeting, the seventh of its kind, the commissioners discussed the Länder action plans for UN CRPD implementation, as well as and current developments in psychiatry.

May

Expert discussion: Inter sexuality

On the 31 May, the Committee on Children of the German Bundestag hosted a public expert discussion on intersexuality. Petra Follmar-Otto, Head of the Institute's Human Rights Policy Germany/Europe Department, described areas where there is a need for regulation to strengthen and protect the rights of intersex children, which were identified in the Institute's assessment of gender diversity in law. The Institute sees a particularly urgent need for action to protect intersex infants and children from medically unnecessary surgical procedures to assign gender. It also sees a need to improve the civil status regulation introduced in 2013 under which the space in which a child's sex is entered is to be left blank in the case of intersex children.

June

Debate on racist propaganda in the election campaign

How can politicians and civil society react appropriately to anti-Rom, anti-Semitic, anti-Muslim and other contemptible slogans? When and how must the State act to protect the population from racist agitation? Politicians, researchers and civil society representatives discussed these questions on 27 June in the German Bundestag. The event was organised by the Institute, the Central Council of German Sinti and Roma and the Documentation and Cultural Centre for German Sinti and Roma.

July

2017 Margherita von Brentano Prize for Beate Rudolf

On 4 July, Beate Rudolf was awarded the 2017 Margherita von Brentano Prize. The Institute's Director received the prize for her outstanding and sustained academic and socio-political contributions in the field of human rights and of women's rights in particular. "I am a feminist because I am a supporter of human rights", said Beate Rudolf at the awards ceremony at the Freie Universität Berlin.

August

Strengthening the rights of young people worldwide

On International Youth Day, 12 August, the Institute released a summary of General Comment No. 20 of the UN Committee on the Rights of the Child, which calls on States to guarantee the rights of children during adolescence, including their rights to have access to secondary and tertiary education or vocational training, adequate health care, protection against violence and discrimination and the opportunity to participate in political and social life. The publication, released in German and English, describes ways that development cooperation can promote the rights of adolescents and constitutes a source of guidance for German and international development policy practitioners.

September

The use of weapons and the right to life

The situation of specific countries and issues concerning multiple countries were discussed and considered in relation to aspects of security policies, international law, state action and civil society at the expert workshop held on 18 September. The Institute for International Law of Peace and Armed Conflict at the Ruhr University Bochum and the Hertie School of Governance joined the Institute in organising the workshop, whose participants represented civil society, research and academia, the Bundestag and the Federal Government.

October

Family, parenthood and the UN CRPD

On 10 of October, Alexandra Lüthen read "Maras Baby" at the Institute's library. Her stories, written in simple language, address the right of persons with disabilities to found a family, have children and receive appropriate assistance in fulfilling of their parental responsibilities (article 23 of the UN CRPD). In a discussion that followed the reading, two mothers talked about their own experiences.

November

Annual meeting of the European Network of National Human Rights Institutions

The annual meeting of the European Network of National Human Rights Institutions (ENNHRI) took place in Brussels on 29 and 30 of November. At the end of the meeting, the network's members voted unanimously to adopt a joint statement on "Promoting and Protecting a Sustainable Human Rights Environment in Europe by Strengthening the Democratic Space and the Rule of Law", committing strongly support a free, open society and support the protection of human rights defenders in all their great diversity.

December

Institute presents second human rights report

On 6 December, the Institute presented its second annual report on developments in the human rights situation in Germany. The report covers the period from 1 January 2016 to 30 June 2017. "Human rights, democracy and the rule of law must be defended and strengthened on a daily basis. This is true for all states, including stable democratic constitutional states like Germany", said the Institute's director, Beate Rudolf, at the Federal Press Conference.

THE GERMAN INSTITUTE FOR HUMAN RIGHTS

Promoting and protecting human rights

The German Institute for Human Rights is Germany's independent National Human Rights Institution (section 1 of the Act on the German Institute for Human Rights (DIMRG)). It strives to ensure that Germany respects and promotes human rights domestically and in its international relations. 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 & advising

The Institute carries out interdisciplinary and application-oriented research on human rights issues and monitors the human rights situation in Germany. It advises political decision-makers at the federal and Länder levels, as well as courts, the legal profession, the business sector, and civil society, on matters relating to the implementation of international human rights conventions. The Institute reports to the German Bundestag and prepares submissions to international and domestic courts as well as international human rights bodies. It supports the efforts of stakeholders in the sphere of education to anchor human rights in 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, research, practice, 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 in the Global Alliance of National Human Rights Institutions (GANHRI), for which its Director is currently serving as chair, 2016–2019. It is also a member of the European Network of National Human Rights Institutions (ENNHRI).

Provision of information and documentation

The Institute's public library makes research literature and periodicals relating to human rights available to the public. The library's 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 on their implementation in Germany.

Politically independent

The Institute is 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 source funding for individual projects. The General Meeting, made up of representatives of human rights organisations and human rights, 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, set down guidelines for its work.

National Human Rights Institutions

National Human Rights Institutions have been established in over 120 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 this status have the right to speak before the UN Human Rights Council, for instance.

BOARD OF DIRECTORS

70th anniversary of the Universal Declaration of Human Rights

“Human rights cannot be taken for granted”

Every human being, everywhere, has human rights. Today this seems self-evident. After all, the Universal Declaration of Human Rights (Universal Declaration), numerous human rights treaties and Germany’s Basic Law (Grundgesetz) all attest to the validity of human rights. Yet in reality, human rights cannot be taken for granted. All around the world, human rights are being violated on a massive scale, and the voices rejecting human rights entirely are growing louder. On the 70th anniversary of the Universal Declaration, which we celebrate in 2018, it is more apparent than ever that human rights must be strengthened and defended again and again – everywhere in the world, including in Germany.

The Universal Declaration includes all categories of human rights. It proclaims civil and political human rights – such as the freedom of opinion and expression, the freedoms of assembly, religion and belief, citizens’ right to political participation in their state, the rights to marry, found a family and to own property, the right to asylum and also the right to have rights. Here in particular, the Universal Declaration reflects its origins in the wake of and in reaction to Nazi Germany’s crimes against humanity. The Universal Declaration also proclaims economic, social and cultural rights: the rights to education, to health, to housing and food, for instance, as well as the right to work and rights at work. It also prohibits unjust discrimination, particularly discrimination based on racial stereotyping, gender or religion.

The Universal Declaration was drafted by the UN Commission on Human Rights, by people from all over the world, who came from widely differing backgrounds, cultures, religions and philosophical traditions. To strengthen its claim to universal validity, the Declaration’s drafters intentionally avoided any explicit reference to religion, philosophy or tradition. The Universal Declaration affirms the universality of human rights: they are inherent to all human beings because they are human beings, and they apply all the time and everywhere. In the words of the first article of the Declaration: “All human beings are born free and equal in dignity and rights.”

[Human rights must be strengthened and defended again and again.](#)

The Universal Declaration was adopted as a resolution by the then 58 UN Member States at the UN General Assembly with no opposing votes; some States, including the socialist countries and South Africa, abstained. Large parts of the world’s population were not represented though, because much of the world remained under colonial rule at the time. However, in 1955, the delegates of 29 former colonies and 30 liberation movements declared their support for the universal human rights at the Bandung Conference, referring to the Universal Declaration as a common standard of achievement. The states of the world collectively reaffirmed their commitment to the human rights laid down in the Universal Declaration in 1993, at the World Conference on Human Rights held in Vienna.

For international law, the Universal Declaration of Human Rights is seen as a “Copernican revolution”: it places human beings at the centre of the international order, granting them rights vis-à-vis the state. For while there is no recognition of the equal human dignity and inalienable human rights of everyone, there can be no freedom, no justice and no peace in the world. The Basic Law emphasizes this as well.

[All human beings are born free and equal in dignity and rights.](#)
[Art. 1 of the Universal Declaration of Human Rights](#)

Progressive development of human rights

The Universal Declaration of Human Rights is not legally binding. This has in no way detracted from its impact though. The Universal Declaration constitutes an undisputed standard for human rights protection all over the world. It was a driving force for the incorporation of human rights within national constitutions, including the Basic Law, and has been laid down in binding provisions of international treaties. In addition to the nine UN human rights treaties, the Americas, Europe and Africa now have human rights treaties – and human rights courts to watch over compliance with them. In case of Europe, from Reykjavik to Vladivostok, these are the European Convention on Human Rights and the European Court of Human Rights in Strasbourg. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 1966 are key instruments for the international protection of human rights. These Covenants, together with the Universal Declaration, are often called the “International Bill of Human Rights”. The two Covenants guarantee the rights proclaimed in the Universal Declaration, with the exception of the right to asylum and the right to own property, and, importantly from a practical perspective, they provide specifics as to when restrictions can be imposed on them. That there are two separate Covenants rather than one is due to the political ideological divides associated at the time of the East-West confrontation.

[The Universal Declaration on Human Rights constitutes an undisputed standard for human rights protection all over the world](#)

This divide was not overcome until the UN Member States reaffirmed that all human rights are indivisible, interdependent and interrelated at the Vienna World Conference on Human Rights. Later UN human rights treaties address racial discrimination and discrimination against women; the human rights of children, of persons with disabilities and of migrant workers; as well as torture and enforced disappearance. They refer to the violations that persons have typically experienced as members of the relevant group or in specific situations, and they oblige states to prevent, stop and eliminate such violations and tell them how to do so. Thus, they concretise the human rights laid down in the International Bill of Human Rights in order to improve the protection of human rights. For this reason, a treaty on the rights of older persons is currently under discussion as is a treaty on the human rights responsibilities of business enterprises and the corresponding state duties to protect human rights and their legal enforcement. Germany should contribute to this in a constructive fashion.

Frontal assault on human rights

Respecting, protecting and upholding human rights is the central purpose and a binding responsibility of each and every state. After all, as the Herrenchiemsee draft constitution so aptly puts it, the “state exists for the people, not the people for the state”. State sovereignty, then, is not absolute but is always bound by human rights. Human rights are both a binding standard and a limitation on the state, because the state wields instruments of power that enable it both to violate human rights and to protect them. In practice, it has never been possible to take human rights for granted. The content and scope of these rights have been disputed in the bodies of the United Nations and within individual states since 1948. Massive and systematic violations of human rights have been common. But they have usually been accompanied by an acknowledgement, at least a verbal one, of human rights. What we are seeing now, in Germany and elsewhere, is something new: the idea and the foundation of human rights are coming under overt attack and governments or political movements are pushing other concepts. These include an understanding of the state’s sovereignty as absolute, under which any means of protecting the state (including its borders and its population, which is often understood in ethnic terms) are acceptable. Closely tied to this are ideas about an absolute democracy, unhindered by any human rights obligations. Opponents of human rights see themselves as the representatives of the “true people”, thus denying the equal rights to political participation of all citizens. Other approaches are culturalist concepts or nationalist, ethnic nationalist (*völkisch*) ideologies. Their proponents champion inequality among human beings by calling for unequal treatment or by conceiving of and disparaging and scapegoating groups based on attributes they

ascribe to them, and by fomenting hatred and violence in order to exclude, drive away or even kill people. Related to these are ideologies claiming that the state has a responsibility to protect “traditional values”.

[Human rights are the foundation for peaceful coexistence in a society.](#)

These are usually aimed against the human rights of women and lesbians, gay, bi*, trans*, inter* and queer persons (LGBTIQ). Crimes against humanity are downplayed or even denied in an attempt to undermine the foundation of human rights.

Strong institutions that take the state’s human rights obligations seriously are needed to repel such attacks. This will also require that human rights be the topic of nuanced discussion in the political debate and be strengthened by being exercised and upheld in society. Independent media are essential in this regard, as are an active civil society and critically-minded artists who stand up for the rights of others in a spirit of solidarity. It is no surprise, then, that these very individuals and organisations are targeted by autocrats and populists, who attack them and ignore their human rights. Thus, the Universal Declaration of Human Rights, the anniversary of which we celebrate in 2018, retains its importance 70 years later. It reminds us that human rights are the foundation for peaceful coexistence in a society. It strengthens our resolve to demand our human rights from all state bodies, from politicians and parties, and it lends strength to our efforts to incorporate human rights fully into our daily lives by taking a clear stand against disparagement, exclusion and hatred, by seeing people as individuals and by respecting the equal dignity and equal rights of all.

Interview with Michael Windfuhr, Deputy Director of the Institute

“Many modern constitutions now incorporate the rights embodied in the UN ICESCR.”

Interview with Michael Windfuhr, Deputy Director of the Institute, on the work in the UN Committee on Economic, Social and Cultural Rights.

You started to serve on the UN Committee on Economic, Social and Cultural Rights in 2017. Two or three times a year, you join the other 17 members of the Committee, who come from all over the world, to work on issues relating to employment, poverty, education, social security and sustainable development. What exactly is the function of this Committee?

The UN Committee oversees the implementation of the economic, social and cultural rights in the 71 States that have ratified the International Covenant on Economic, Social and Cultural Rights, the ICESCR. This involves the periodic review of reports submitted by these States. The Committee can also draw on materials and parallel reports from non-governmental organisations and National Human Rights Institutions when reviewing the State-party reports, and the UN provides a great deal of background information about the country as well. Some States have also ratified the Optional Protocol to the ICESCR, which establishes a mechanism for persons affected by human rights violations to lodge individual complaints with the Committee after having exhausted domestic remedies. Germany has not yet ratified the Optional Protocol, though the intent to do so is set down in the current coalition agreement. The Committee also draws up recommendations and suggestions as to how the economic, social and cultural (ESC) rights can best be implemented nationally and internationally. It prepares statements and General Comments, in which it interprets individual human rights or aspects of the ICESCR and renders the criteria for implementation more precise.

What impact can the Committee have?

The UN treaty bodies form the heart of the UN human rights protection system. They assess whether the individual States are implementing human rights. These results, combined with those from the Universal Periodic Review procedure of the UN Human Rights Council, yield a quite comprehensive picture of the human rights situation in a given country. The States are required to describe publicly how they plan to promote human rights and avoid human rights violations. This procedure permits independent scrutiny of States' actions, even those of States that are never called to account internally because their legislature, judiciary or media do not operate independently or have only limited independence.

The Committee's work on behalf of economic, social and cultural rights is an important source of assistance in the implementation of human rights. The results of the State reviews contribute to this, but so do the General Comments and the Views on individual cases issued by the Committee. The General Comments explain what States should do to implement, for instance, the right to food, the rights to education and health, to water, to fair and just working conditions; or what they should do in the area of business and human rights. Through its General Comments and its Views on individual cases, the Committee is making a major contribution to the modern understanding of economic, social and cultural rights as human rights. Experts from all regions of the world are represented on the Committee; together, they work on this kind of modern understanding of these rights, bringing their individual experiences to bear on this work.

What topic has taken up the most of your attention so far?

Well, I have not been on the Committee for very long. I, personally, have been working on the issues of poverty and hunger for many years. Children who are malnourished in the first years of life will feel the effects all through their lives; it robs them of some of their development potential. Forms of extreme

injustice and discrimination are often what puts people into situations like that, despite the fact that there are enough resources worldwide to go around. The quality and reliability of state action and the rule of law are deciding factors for the use of these potentials.

I also find the individual cases quite interesting: since the Optional Protocol to the ICESCR came into force in May of 2013, individuals whose governments have ratified the protocol can bring their cases to the Committee. The Committee has examined 16 individual complaints so far; in three cases it found that there had been a rights violation under the ICESCR. For instance, there was one case in which a court had ordered a forced eviction without any offer of a reasonable alternative having been made, with the result that a Madrid family with two minor children became homeless. The Committee saw this as a violation of the human right to adequate housing under article 11(1) of the ICESCR. The Committee took the view that Spain – which includes the regional Madrid authorities – failed to take measures to provide adequate alternative housing for the family to the maximum of available resources.

“The Committee contributes to the modern understanding of economic, social and cultural rights as human rights.”

Are there some problems that are the same in all countries? Where are the differences?

Many problems exhibit similar features from one country to the next: discrimination is still experienced by women in the areas of job hunting, remuneration or education at above average levels. There are many countries where the privatisation of what were once state functions has had a negative impact on the implementation of economic, social and cultural rights (ESC rights). For instance, more and more poor people have trouble accessing education, the health system, or water. Moreover, many countries are facing similar challenges in the area of business and human rights. They relate, for instance, to controlling the actions of private economic actors or acting to prevent the changes to framework conditions, which are resulting from climate change, from exacerbating existing problems or giving rise to new ones for the implementation of ESC rights. Corruption is a widespread problem. The question there is how to combat corruption in the context of state actions.

The size of the budget available to implement the ESC rights varies enormously from one country to the next. The questions of prioritizing and of the quality of policy measures are frequently comparable however. Policy debate about the selection of the most appropriate policy instruments helps promote effective implementation of the ESC rights, as is the case for other human rights as well. There are other things that are important too, like transparency and a functioning participation in political processes; legislatures that actually have a say in matters; and a civil society that can act openly and without restriction. For instance, there are some development-oriented authoritarian regimes that pay particular attention to topics like poverty and disadvantaged groups. They often face persisting problems, though, because critical analysis of the development path taken is not permitted, and the reversibility of political actions is limited.

When state representatives and staff of non-governmental organisations take equally constructive approaches to the search for the best solutions in the report review procedure, the procedure promotes good governance.

Are you seeing any developments that you welcome?

On the whole, awareness and significance of the ESC rights have increased since the World Conference on Human Rights in Vienna in 1993, which is good. Many modern constitutions now incorporate the rights from the International Covenant on Economic, Social and Cultural Rights. More and more non-governmental organisations and National Human Rights Institutions are working on ESC rights. One expression of the significance of the ICESCR is the 2030 Agenda, with its sustainable development goals (SDGs). All 17 of the SDGs relate to individual ESC rights. In my view, the goals cannot be achieved without implementing the ESC rights.

You also take part in drafting “General Comments”. These are documents in which the Committee interprets individual human rights. What topics are at the focus in this area?

The Committee is currently working on three General Comments. One, on science and human rights, concerns certain aspects of article 15 of the ICESCR. Article 15 anchors the right of everyone to enjoy the benefits of scientific progress, as well as the freedom that is indispensable for scientific research and States’ duty to conserve, develop and diffuse science. Barrier-free access to scientific knowledge, the freedom for research and manifold challenges of technology and science all play a role in this. The General Comment on the ICESCR commitments relating to the issue of land focuses largely on the increasingly numerous conflicts over land. In this context, access to land means access to land as a place to live and a place for agricultural production. The General Comment will bring together the relevant provisions – those on right to food, for instance, or the right to adequate housing – and apply them to the current problems relating to land rights. The third General Comment will address the linkages between ICESCR rights and sustainable development. The aim there is to clarify how ESC rights can best be implemented in a time of ever more restricted resources and changing environmental conditions.

What do you see as the take-away for your work in Germany from the discussions with representatives of the State Parties, the non-governmental organisations and your colleagues?

Quite a few State-party representatives get very touchy about their country being subject to review by the Committee and try to report as little as possible about problems in their countries. I have been impressed by the representatives who have spoken frankly about problems and actively sought input about what policy measures might be best suited to realising specific rights or what should be prioritized in the allocation of the available resources. When the State’s representatives and the staff of non-governmental organisations take equally constructive approaches to the search for the best solutions in the report review procedure, these procedures promote good governance. Unfortunately, though, even in Geneva one feels the effects of the shrinking space for civil society in a growing number of countries. Some civil society representatives put themselves at great personal risk when they talk about the situation in their countries in these report review procedures.

The UN Committee for Economic, Social and Cultural Rights

The function of the UN Committee for Economic, Social and Cultural Rights is to oversee the progressive realisation of the human rights set out in the ICESCR and review the Covenant’s implementation by UN member States. Made up of 18 members, it meets two to three times a year in Geneva for sessions lasting around three weeks.

Michael Windfuhr, Deputy Director of the Institute, was chosen by the UN Economic and Social Council on 5 April 2016 to serve a four-year term (2017–2020) on the Committee on Economic Social and Cultural Rights.

Further information on the ICESCR: <https://www.institut-fuer-menschenrechte.de/menschenrechtsinstrumente/vereinte-nationen/menschenrechtsabkommen/sozialpakt-icescr/>

THE INSTITUTE IN THE INTERNATIONAL CONTEXT

Although National Human Rights Institutions (NHRIs) like the German Institute of Human Rights are state-funded, they nonetheless act as independent central institutions for the promotion and protection of human rights on the part of their own State. They maintain ties with one another in the form of regional and global networks, and they work to cooperate on a range of topics of global significance, such as the human rights aspects of the 2030 Agenda. In line with the Paris Principles, the Institute collaborates with the human rights bodies of the United Nations, the Council of Europe, and the European Union. It is also a member in both the Global Alliance of National Human Rights Institutions (GANHRI) and the European NHRI alliance (ENNHRI). In this way, it fulfils its function of bridging the international and national levels.

Global Alliance of National Human Rights Institutions (GANHRI)

Professor Dr Beate Rudolf, Director of the Institute, has served as Chair of the Global Alliance of National Human Rights Institutions (GANHRI) since March of 2016. In 2017, strengthening the international alliance was once again a high priority. The alliance's substantive work, its organisational development and securing funding for the Geneva office into 2018 and beyond were key areas of activity. In 2017, GANHRI prepared a variety of statements on and contributions to human rights debates. Important topics were the protection of human rights defenders, human rights as a fundamental component of peace building efforts, and NHRI's role in preventing human rights abuses and serving as an early warning system for the United Nations. In addition, GANHRI drew up statements on General Comments issued by the UN treaty bodies and organised side events in connection with sessions of the Conference of States Parties to the UN CRPD and of the Open-ended Working Group on Ageing.

In 2017, the Institute also prepared a report on GANHRI's behalf for the High-level Political Forum (HLPF) on the 2030 Agenda, the central UN body charged with coordinating global sustainable development policy. This report addresses the shrinking space for civil society organisations and NHRIs in the States undergoing voluntary review by the HLPF of their implementation of the 2030 Agenda. It draws on information provided by the NHRIs of the States in question in order to do so.

Another focus of GANHRI's work in 2017 was on taking part in the negotiations for a Global Compact for Migration. For GANHRI and its members, respect for the human rights of migrants and independent monitoring of implementation at the national level were priorities here. A GANHRI task force, made up of the NHRIs of Mexico, the Philippines, Morocco and Germany, brought these positions, which are based on the findings of NHRIs around the world, to the negotiations. This was possible because GANHRI had successfully lobbied for independent participation rights to be granted to NHRIs and their networks within the procedural arrangements for the migration pact. Research support provided to the task force by the Institute was funded by the Federal Foreign Office and ensured that GANHRI was able to provide input on all important points in the negotiations.

[The Institute works with the human rights bodies of the United Nations, the EU and the Council of Europe. It is also a member in both the Global Alliance of National Human Rights Institutions \(GANHRI\) and the European Network of NHRIs \(ENNHRI\).](#)

The negotiations on the migration pact clearly illustrate the benefits of granting independent participation rights to NHRIs and their networks in human rights-relevant UN forums. Participation rights allow NHRI expertise on problems associated with the implementation of human rights and examples of good practice at the national level to flow into the development of standards at the international level and the shaping of a policy field by the international community. Therefore, the Institute, in its capacity as GANHRI's chair, also closely followed the progress of the biannual resolution on NHRIs submitted to the UN General Assembly, of which Germany is the main sponsor. Despite resistance, by working together, and with the support of many States and NHRIs, it was

possible to consolidate the progress achieved so far with respect to the award of participation rights and even to take another small step forward.

Human rights and climate change

The consequences of climate change have important impacts on human rights. In cooperation with GANHRI, the Institute organised multiple events on the topic for the 23rd UN World Climate Conference in Bonn. An expert discussion with the participation of over 20 institutions was held on “Law and Governance Day”. It focussed primarily on ways to foster awareness for the connection between human rights and climate change.

The Institute, GANHRI and the Office of the UN High Commissioner for Human Rights (OHCHR) jointly hosted a discussion event on 15 November. Conversation there focussed on roles NHRIs and other human rights actors can play to strengthen respect for human rights in the context of climate change policy implementation. Speakers included Kate Gilmore, Deputy High Commissioner for Human Rights; former High Commissioner for Human Rights Mary Robinson; Michael Windfuhr, Deputy Director of the Institute (on behalf of GANHRI); Roberto Cadiz (from the NHRI of the Philippines) and Jerald Joseph (from Malaysia’s NHRI).

European Network of National Human Rights Institutions (ENNHRI)

The Institute hosted a working session with representatives from 13 European NHRIs in early May. At this session, the Institute and its sister institutions discussed how poverty is measured in other countries and which aspects of poverty are considered in the national plan for implementation of the Sustainable Development Goals (SDGs) – in the countries that have them. The disappointing result: the processes for combatting poverty and national SDG implementation are running separately in other European countries too. The Institute will therefore continue to work on the topic of poverty and SDG implementation with its European sister institutions in the future.

German members in the UN treaty bodies

In 2018 as in the past, the Institute supported the work of Rainer Huhle, the German member on the Committee on Enforced Disappearances, by conducting research and holding events (see section on “Giving a voice to the disappeared”). It also supported the work of Deputy Director Michael Windfuhr in his capacity as the German member on the Committee on Economic, Social and Cultural Rights (UN ICESCR) with scientific expertise (see section on “Report of the Board”). The research support of for these two committee members was made possible by funding provided by the Federal Foreign Office.

European Committee for the Prevention of Torture

Dr Wolfgang Heinz’s twelve-year membership in the European Committee for the Prevention of Torture (CPT) came to an end at the end of 2017. The body of independent experts, established in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, is active in all 47 Council of Europe Member States, where it regularly visits facilities run by the police, justice system, psychiatric and other institutions. In 2017, Dr Wolfgang Heinz, who served as Vice President of the Committee until March, took part in country visits in Croatia, Russian and Turkey.

RESEARCH & ADVISING: TOPICS

Giving a voice to the disappeared

The “Night and Fog” decree of 7 December 1941 allowed the Nazi state apparatus to arrest political undesirables secretly and take them to concentration camps. Approximately 7000 persons subsequently disappeared, and the authorities would not release any information about their fate. Family members could not learn anything about the whereabouts of those arrested, and the prisoners themselves were not told the grounds for their arrest nor given due process in other respects. In this decree, the then Government of Germany explicitly formulates a mandate for the systematic use of enforced disappearance measure of repression against those who disagreed with it. Even today, there are several centres in Latin America devoted to documenting forced disappearance and torture whose names contain the words “noche y niebla” – “night and fog”.

[All over the world, there are people who disappear, having been detained or abducted at the order of a government, or with its acquiescence.](#)

All over the world, there are people who disappear, abducted and tortured at the order of a government or with its acquiescence. It happens every year, including 2017. Those in power erase the traces left by the perpetrators and conceal the whereabouts of the victims. Family members searching for disappeared relatives are placated, lied to or threatened by state institutions to stop them from searching. In almost every country where there have been forced disappearances, there have also been groups of relatives of persons who have disappeared who have joined forces to help one another in their searches. The UN’s working group on enforced disappearances started helping the relatives of the disappeared ascertain their fate and determine their whereabouts in 1980. By 2017, it had documented 56,363 cases of enforced disappearance in 112 countries.

In 2006, the United Nations adopted the International Convention for the Protection of All Persons from Enforced Disappearance. In 2009, Germany became one of the first countries to ratify this human rights treaty, and it has worked to encourage its implementation internationally. As a National Human Rights Institution, the Institute also works on human rights topics with global significance. Thus, the Institute is attempting to bring more attention to the human rights treaty, with Germany’s historical responsibility as a strong motivating factor. The Institute is currently working with international partner institutions on the development of international standards for the search for the disappeared.

The Institute also regularly organises international conferences on the issue of enforced disappearance. In 2017, it co-organised an international conference on the search for the disappeared with the Federal Foreign Office and the Heinrich Böll Stiftung. At this conference, leading experts, many of them from Latin America but some from Nigeria, Tunisia and Syria as well, exchanged information and experiences relating to the State’s duty to search for persons who have disappeared and the implementation thereof, as well as about the rights of family members who are searching for them. Afterwards, the UN Committee on Enforced Disappearances invited two conference participants to a closed-door session to report on the outcomes of the conference. The search for the disappeared is one of the central topics currently being addressed by the UN Committee. The Committee is planning to develop a set of guidelines for the search for disappeared persons.

In order to draw the attention of a wider public to the disappeared and the plight and sorrows of their relatives, the Institute brought the exhibition *Huellas de la Memoria* (Footprints of Memory) to Berlin. The exhibition, which had been shown previously in other European cities and in Mexico, was held in the rooms of the Heinrich Böll Stiftung and subsequently at Galerie Neurotitan in Berlin-Mitte. Created by the *Huellas de la Memoria* artistic collective, led by the Mexican sculptor Alfredo López Casanova, the installation shows 80 pairs of shoes worn by family members of disappeared persons as they searched for their lost relatives.

Every shoe tells a story. Stories of the search for lost relatives, stories of sorrow, hope and persistence: “I wore through the soles of my shoes on my search, my heart already constricted against the pain. But nothing came of all of my searching”, notes Maria Nubia, of Colombia, whose 18-year-old son Omar is missing. “Walking gives me a glimmer of hope that I will find you one day. I miss you so much”, Yolanda from Mexico writes to her missing son Roberto.

The artistic collective engraved a message onto the disappeared into the soles of one of the shoes that Maria, Yolanda or one of many others wore as they searched for a lost relative. The sole of the other shoe has information about the person who disappeared. The shoes symbolize the unflagging steps of those who have been searching for traces of their lost relatives, in some cases for decades. They give visible form to the suffering that enforced disappearances impose on friends and relatives.

“Through this installation, we want to give a voice to the disappeared and to their relatives”, López Casanova explained at the exhibition’s opening in the Heinrich Böll Stiftung on 4 July. Casanova explained that while enforced disappearances have become a fact of life in Mexico, the crimes are still not being prosecuted. This makes many people afraid. With their work, the artists of the collective hope to convey the horror of enforced disappearance, make people aware of the lack of justice and impunity and promote social change. “The cycle of violence, corruption and impunity must finally be brought to an end”, demands López Casanova. The artists hope for Europe’s support: “Europe must put pressure on the Mexican government and insist that Mexico abide by the human rights treaties it has signed.”

The exhibition was accompanied by several talks and discussions, on topics like combatting violence and strategies for recapturing public space; guided tours were also provided to school classes. One point came up again and again at these events: if there is no functioning legal system, enforced disappearance cannot be dealt with through criminal investigations and prosecutions. Yet it takes more than prosecutions for a society to come to terms with its past, there must be a search for truth, some form of reparation and, finally, there must be some guarantee that this particularly grave form of human rights violation will not be repeated.

[“Walking gives me a glimmer of hope that I will find you one day. I miss you so much”](#)

In 2017, the Institute addressed these issues – and the question of how National Human Rights Institutions can contribute to these processes – first and foremost in a publication on the topic of the role of National Human Rights Institutions in the wake of violent conflicts. The publication describes how National Human Rights Institutions are dealing with the human rights consequences of dictatorships and (civil) wars and points out ways they can contribute to their country’s efforts to come to terms with their pasts and to addressing human rights abuses and violations.

Children's rights in the Basic Law

“Children must be heard, be taken seriously and be able to participate in decisions that are going to affect them.”

Interview with Claudia Kittel, Head of the National CRC Monitoring Mechanism

The United Nations Convention on the Rights of the Child (UN CRC) has been in force in Germany for 25 years. You are advocating that the core content of the Convention also be incorporated into Germany's constitution, the Basic Law (*Grundgesetz*). Why is that necessary?

People have been calling for children's rights to be taken up into the constitution since the Convention first entered into force in Germany. So, this is not really a new idea. The UN Committee on the Rights of the Child has recommended on many occasions that Germany anchor the core contents of the UN CRC in the Basic Law, and thus meets its obligation to fulfil the terms of the treaty.

[“The UN Committee on the Rights of the Child has recommended on many occasions that Germany anchor the core contents of the UN CRC in the Basic Law.”](#)

In the Committee's view, children's status as the subject of rights is not sufficiently recognised or realised in German legal and administrative practice. And that is what makes the incorporation of children's rights into the Basic Law necessary: although it has the force of law, the UN CRC has not yet had a major influence on the practices of government authorities in Germany. References to the UN CRC in German jurisprudence also tend to be more the exception than the rule.

A constitutional amendment reflecting the recognition that children should be considered as rights holders and should be taken seriously could make a major contribution towards making this the case in jurisprudence and legal reality. At present, this basic attitude towards the child can be derived only from a careful reading of certain principle-setting judgements of the Federal Constitutional Court.

Don't the universal human rights apply to children too?

Yes, universal human rights do apply to children, just as they do to adults. But there is one key difference: children, meaning, all children as a group, without distinction, are often considered incapable of exercising their rights, for instance, due to an inability to fully grasp the consequences of a decision. No one even asks for their opinion. This means that children's access to their human rights is rendered more difficult just because they are children – as though children's nature required that that be the case.

There was broad consensus within the United Nations that a children's rights convention was needed to counter this disparity. It would serve Germany's Basic Law very well to reflect this “image of the child” explicitly and thus bring the country a step closer to fulfilling the Convention.

If children exercise their rights themselves, does that mean that parents are side-lined, so to speak?

A lot of people associate the “emancipatory” idea behind the CRC with a fear that it might jeopardise the primacy of parents' right to care for and bring up their children, a right which also enjoys the protection of the Basic Law. This argument fails to consider that the UN CRC, with its requirements under article 5, also recognises the primacy of parents' rights to care for and bring up their children. The aim here is really not to strengthen the State's ability to interfere in the family. Rather, the aim is to strengthen children as the subjects of rights vis-à-vis the State, in situations when a child wants to insist that the State respect the rights chartered in the UN CRC, which also serves the end of fulfilling the treaty on Germany's part. And for children to do so also together with their parents.

Which children's rights should be taken up into the Basic Law, in your opinion?

The Institute's view is that, at a minimum, the status of the child as a subject of rights and the basic principles of the UN CRC should be incorporated into the Basic Law. Thus the following core principles should be recognised – in line with the recommendations of the UN Committee – the right of the child to development (article 6), the right to protection from violence and dangers (article 2), the best interests of the child as a primary consideration (article 3), the right of the child to be heard and for due weight to be given to his or her views (article 12) and the inclusion of “age” as a prohibited ground for discrimination (in Article 3(3) of the Basic Law).

What specific benefits would children gain from the incorporation of children's rights into the Basic Law? What would be made better in their lives?

The incorporation of children's rights into the Basic Law would place every child, as an individual, at the centre of state action and thus make it easier for children and their parents to insist that children's rights be respected. A key element here arises from the combination of article 3 of the UN CRC, with the primary consideration of the best interests of the child, and article 12, with children's right to be heard and have due weight be given to their views. Taken together, these articles embody the central requirement that the determination of the child's best interest must be made on a case by case basis and that the views of the child have to be considered, always based on the specific circumstances and needs of the individual child.

“The incorporation of children's rights into the Basic Law would make it easier for children and their parents to insist that children's rights be respected.”

To put it in a nutshell: Children must be heard, taken seriously and able to participate in decision-making that will affect them. Were this to become standard practice in all matters affecting children – whether they be in the sphere of local governments, administrative decision-making or family court rulings, the development of standards for institutions in which children live or in decision-making about the selection of educational paths – then we would be a great deal closer to the full realisation of children's rights in Germany.

“Children, meaning all children, without distinction, are often considered incapable of exercising their own rights. No one even asks them for their opinion.”

Independent living

Deciding for oneself where and how to live

Persons with disabilities have the right to live in the community and to choose where and how they want to live. They are guaranteed the right to do so by article 9 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD). Yet many persons with disabilities in Germany have not yet been able to exercise this right to any appreciable degree. The ability to live in one's own home and structure one's daily life as one sees fit remains an unfulfilled dream for more than half of those who would need assistance in order to do so.

One reason for this is that outside of institutions, it is very difficult to obtain the necessary assistance, especially for people who need more intensive support. And even when there are, in principle, support programmes available, sometimes the competent authorities turn down the request for provision of personal assistance or other forms of support for cost reasons. In such cases, persons with disabilities, despite their own wishes to the contrary, have to move into a residential facility, which may or may not be in the area they would choose to live in.

[The Institute is actively working to see flexible forms of living combined with out-patient support gradually take the place of residential facilities.](#)

While it is true that the numbers of persons with disabilities receiving support allowing them to live in their own space have risen – the number of benefit recipients rose by 126% between 2008 and 2016, to 18,874 people – this does not mean that the number of persons living in residential facilities has declined. In fact, that number also rose in the same period, by 27%, bringing it to a total of 211,943 people.

Persons with psychological impairments are particularly benefiting from living supported by out-patient care. The situation for persons with intellectual impairments or with high support needs is very different: in their case, around two thirds of those receiving integration assistance benefits live in collective residential facilities, despite all the efforts of politicians to the contrary. They have only a very restricted scope within which to shape their own lives. That this is not in line with their wishes was clearly documented by a study conducted in Berlin in 2016, which is known as the “Client Study”. Almost half of the people surveyed in the study would rather be living on their own, with assistance, than in a group home, a residential facility or in their family of origin.

For this reason, the Institute's National CRPD Monitoring Mechanism is committed to ensuring that flexible forms of living combined with out-patient support gradually replace residential facilities throughout Germany. There are many examples of good practice showing that it is possible to support persons with disabilities while they live in homes of their own and to create an inclusive environment. In 2017, the National CRPD Monitoring Mechanism published a study on the implementation of the right to live independently in Berlin, i.e. analysing the status of implementation of article 19 of the UN CRPD (title: “Wohnen und Leben in der Gemeinschaft: Ein unerfüllter Auftrag der UN-BRK in Berlin?”). For the study, which was commissioned by the Berlin Senate Department for Integration, Labour and Social Services, the National CRPD Monitoring Mechanism evaluated statistics and documents and conducted interviews with key actors to gather background information. Based on its findings, we developed concrete recommendations concerning changes the Senate could make to better serve persons with disabilities.

The provision of out-patient support in a person's own home is far more common in some regions of Germany than it is in others: In Berlin, Hamburg and Rhineland, between 60 and 70 percent of persons with disabilities live in their homes, while in Lower Bavaria, the Upper Palatinate and Saxony-Anhalt, not even one in three receives the assistance they need at home. The explanation for these differences lies in structures that developed over time and in the influence of existing large-scale

institutions, which have only recently begun to open up and provide support to people with disabilities in their own living spaces, as well as to residents.

It has often been noted that far-reaching structural change will be required in most countries in order for persons with disabilities to live independently. The UN Committee for the Rights of Persons with Disabilities, for instance, clearly expressed this in August of 2017 in its General Comment on living independently and being included in the community. In this context, the Committee emphasised the importance of the right to choose and the right to be included in the community enshrined in the UN CRPD. In the Committee's view, the State must ensure that a diverse range of services and personal assistance appropriate to the needs of persons with disabilities are provided in the community. The State also has a responsibility, according to the Committee, to ensure that a barrier-free infrastructure exists: educational facilities, supermarkets and cinemas and other facilities should be accessible to persons with disabilities. This is vital in order for them to become part of society.

With the issue of this interpretive guidance regarding implementation of the Convention, the UN Committee clarified many questions that had arisen in the policy discussion in Germany. The Federal Government had previously taken the view that special institutions were consistent with the UN CRPD. The General Comment suggests that the Committee does not see this position as a tenable one.

[The State must ensure that a diverse range of services appropriate to the needs of persons with disabilities are provided in the community.](#)

In its policy advising and publications, the National CRPD Monitoring Mechanism also takes the position that life in the community should take the place of life in special institutions. It works to promote the recognition of that realising this shift is a task for social policy. The UN CRPD should prompt those responsible to (continue to) tackle the job of effecting the structural changes that are necessary to enable persons with disabilities to live independently – rather than be shuffled off into large, isolated institutions. Persons with disabilities are not the only ones who would ultimately benefit from accessible doctor's offices, sports facilities, cultural events, shopping opportunities and educational facilities and flexible support services: everyone who has to depend on support at some point in life would benefit as well.

[Persons with disabilities should be able to live independently, rather than be shuffled off into large, isolated institutions.](#)

Protection from racism

Human rights are rooted in the equal dignity and freedom of all human beings. Thus, protection from various forms of discrimination – racial discrimination, discrimination on the basis of gender, sexual orientation, a disability, age, religion or world view – is a core component of human rights protection. This is apparent both in the prohibitions of discrimination in the Basic Law and the universal human rights treaties and in the guarantees of specific human rights conventions, like the UN International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Elimination of Discrimination against Women and the UN CRPD. Accordingly, protection against racism and discrimination plays a key role in the work of many National Human Rights Institutions. Quite a few NHRIs double as independent State anti-discrimination bodies, though the German Institute for Human Rights does not have this function.

[Protection against discrimination is a core component of human rights protection.](#)

The right of all human beings to be considered equal derives from human dignity. Racism negates this right to respect and therefore stands in fundamental contradiction to the notion of human rights. Efforts to overcome racism must address the reality of inequalities that have deep roots in history and society. These kinds of inequalities and mechanisms of exclusion must be recognised and overcome through active measures. Unequal treatment is not always the result of intentional, deliberately discriminating actions by individuals but can also be produced by unintended factors anchored in the structures and logics of institutional action. The aim of human rights protection against discrimination is therefore both official, “on paper” equality and substantive equality.

A case in point: Article 3, paragraph 3 of the Basic Law bars authorities from engaging in racial discrimination, but that does not automatically mean that discriminatory racial profiling does not occur in the context of police stop-and-question practices. Eliminating the use of racial profiling in reality may require a full review of regulations and the practical routines of authorities, for instance, or training officials about what the implications of the prohibition of racial discrimination for their day to day work are or opening accessible complaint mechanisms to persons who believe they have been a victim of discrimination.

The human rights protection from racism and discrimination has been a key focus of the Institute's work since it was first established. Through its advising, research and educational activities, the Institute has been able to contribute to a rising awareness of the racism that exists in Germany in society. The Institute works in the Forum against Racism, which is based in the Federal Ministry of the Interior (BMI) and is also active with and within a range of civil society networks and forums. It trains a variety of target groups in the use and observance of international norms and procedures for protection against racism and raises awareness of discrimination in its human rights education.

The revelation of the series of murders committed by the right-wing terrorist “National Socialist Underground” (NSU) and the disclosure of glaring failures and mistakes by law enforcement and security agencies marked a turning point in discussion of racism in Germany. The public began to pay more attention to racist crimes and organizations and people came to recognise more clearly that combatting these effectively would require a change of mindset and structures within the authorities.

Much remains to be done, however, in order to bring about real change on the ground: the focus of the strategy to fight racism must be widened to encompass more than just organised right-wing violence. Institutional and procedural structures need to be examined with an eye to discriminatory practices and exclusion mechanisms, and steps be taken to encourage people working in authorities and the justice system to engage in greater self-reflection with respect to their routines, and their own “baggage” and preconceptions. The Committee of Inquiry of the Bundestag issued far-reaching recommendations in this respect in 2013, and these were reaffirmed by the Bundestag and the Federal Government in the 18th legislative period (2013-2017).

In the summer of 2017, the second NSU inquiry committee of the Bundestag presented its final report. The inquiry committees and commissions of the Bundestag and those in the Länder have done important work across party lines to bring the facts to light, pushed for the investigation of unanswered questions and recommended a series of structural reforms to the security and law enforcement agencies. The Institute has supported the parliamentary process to illuminate these issues in the context of its policy advising. Upon the release of the final report on the inquiry in the summer of 2017, the Institute issued a position paper recommending an investigation into the extent of implementation of the recommendations issued by the first inquiry committee in 2013 and into the degree to which actions taken are having a real impact on actual investigative work.

In addition, the Institute was able to launch the two-year project entitled “Racism and Human Rights – Strengthening the Criminal Justice System” in cooperation with the Federal Ministry of Justice and a group of four pilot Länder – Berlin, Brandenburg, Bavaria and Lower Saxony. This project was set up on the basis of the Final Declaration of the National Justice Summit of 17 March 2016 in response to the upsurge in racially motivated crime, primarily crime targeting refugees and refugee accommodation facilities, and to the increase in racist agitation on the Internet.

[The project “Racism and Human Rights – Strengthening the Criminal Justice System” will make training modules available and train disseminators.](#)

With this project, Germany is also following through on the recommendations of international and European human rights bodies. The Commissioner for Human Rights of the Council of Europe, for example, has called on Germany to provide systematic training to all persons involved in the criminal justice system on how to deal with racially motivated offences. The UN Committee on the Elimination of Racial Discrimination has also urged Germany to provide for the mandatory training of prosecutors and judges to improve their understanding of the phenomenon of racial discrimination and of how it can be combatted, and for Germany to ensure that it is combatted.

The main work of the project, though, will not consist of offering a multitude of training sessions: in a two-year project, the number of persons reached in this way would be too low. Instead, the aim of the project is to develop, test and make available training modules and to train people to act as disseminators to carry the modules further. Based on a needs analysis conducted with focus group interviews and one-on-one discussions with actors from the justice system, researchers, lawyers and civil society organisations, the main focus of activity within the project in 2017 was on developing training concepts, practical exercises and training materials. The first one-day training workshop was held in December of 2017 at the Judicial Academy of Berlin/Brandenburg, in cooperation with two justice system professionals. In 2018, the content is being developed further, adapted for various uses and tested in further pilot training workshops of various formats.

[The Institute has repeatedly made it clear that there are limits to the freedom of expression and that it does not, in any sense, give a “free pass” to those who engage in racist hate speech.](#)

In Germany, as in other countries, the increase in racist agitation in public spaces, the Internet and social media is correlated with a strengthening of nationalist and often overtly racist political parties. This agitation argues for a closed and homogeneous society and takes aim at refugees and people who are, or are perceived to be, Muslims, Sinti, Roma or Jewish. In the run-up to the 2017 Bundestag elections, civil society and political parties were therefore looking for ways to counter racist agitation in the campaign context and the trivialisation and legitimisation of racist positions in political discourse. The Institute has published several papers on this topic, clearly stating that there are limits to the freedom of expression and that it does not, in any sense, give a “free pass” those who engage in racist hate speech.

Human rights must be experienced and defended, for a diverse society to flourish and to safeguard the equal dignity and liberty of all people.

Politicians, researchers and civil society representatives discussed strategies for dealing with racist agitation in the campaign context as well as what responsibilities the State bears in this respect at an event held in Berlin on 27 June 2017, which was jointly organised by the Institute, the Central Council of German Sinti and Roma and the Documentation and Cultural Centre for German Sinti and Roma. Members of the Bundestag Cemile Giousouf (CDU) and Dr Karamba Diaby (SPD) agreed to grant their patronage to the event; representatives of the interior and justice ministries were also among those attending.

The impacts of racism on the lives of those it targets are profound. Its victims may experience discrimination at school, in the employment market, when apartment hunting or in dealings with government authorities, some are exposed to attacks ranging from disparaging remarks to physical assaults in public spaces. The coarsening of social discourse, intended to push the limits of what is regarded as acceptable speech ever further and keep widening the divisions in society, also constitutes an attack on the foundation of democratic society as a whole. Human rights must be experienced and defended to enable a diverse society to flourish and to safeguard the equal dignity and liberty of all people.

Early childhood human rights education

“Children need to experience their rights”

Interview with Kathrin Günnewig, researcher and policy adviser in the Human Rights Education Department.

Why is it important for young children to come into contact with human rights?

Childhood is an especially important stage of life. It is a stage in which children develop their personalities, as well as intellectual, communicative and social skills, by interacting with others and their environments. These processes create the foundation on which they build their daily lives and their relationships with others. Therefore, children should be respected, right from the beginning, as autonomous persons, rights-holders and actors. The UN CRC and the UN Committee on the Rights of the Child emphasise this. Aspects of inclusion and participation are central here. It is important for children to gain experiences of this kind in early childhood.

Isn't it asking too much of young children to confront them with human rights topics?

It is quite possible to make human rights topics accessible to children in the context of their daily lives. They can learn, for instance, what the right not to be discriminated against means, the right to express their own opinions and to participate, and the right to the provision of assistance in developing their personality, talents and abilities to their fullest potential. Children learn these things by experiencing that everyone has the same rights, but that people have their own strengths and may follow different paths to learning. If we associate human rights with these positive experiences in the minds of children and enable them to experience human rights at an emotional level, we are not overburdening them – on the contrary, we are strengthening their capacity for perception and intellectual reflection. Children need adults in order to experience themselves and others as people with rights and to learn to reflect this experience in their actions.

We ask a great deal of early childhood educators. They are supposed to care for children, promote their individual development and advise their parents or guardians. Why should they have to take on human rights too?

The United Nations Declaration on Human Rights Education and Training describes human rights education as a lifelong process encompassing all ages and all levels of society. Everyone has the right to access to human rights education, including young children. Early childhood educators and other childcare specialists have a responsibility to make this possible. Human rights education is incorporated within the right to education. It is part of the State's educational mandate, and it is included in education plans and programmes. One finds it there in a number of educational aims, such as education on values and democracy, inclusion and participation. When children's rights and human rights are an integral part of an organisation and of the daily teaching routine, they create a value and orientational framework that supports all of those involved – the educators, administrators, the children and their parents/guardians – to deal with issues that arise day to day. When the staff of a childcare facility adopts a mission statement saying that day-to-day life there should be structured in an inclusive way, that cultural diversity should be cherished and that no one should be discriminated against, they become more sensitive to these issues and their ability to act when needed is greater.

If children have more rights, does that mean that educators have fewer rights?

Children are dependent on adults. They need our protection and support. But that does not mean that the rights of the adults do not count for anything, far from it: when children engage with the topic of human rights they also find out about the rights of their educators and their parents. Transferring what they learn about these rights to their own lives and to the day-to-day existence at a childcare facility means becoming more sensitive to the rights of each person there and thinking about how to shape

the interactions within the group to ensure that everyone's rights are respected, protected and promoted and about how to shape the culture of the facility to support that. So, no, educators don't have fewer rights: everyone's rights are strengthened.

What are the challenges associated with integrating human rights in early childhood education?

Many childcare facilities are already working with concepts that address topics of human rights relevance, such as participation and inclusion. But if the link to children's and human rights is not articulated, or if it is not known or recognised, these references remain at the level of appeals to morality. Very few facilities have implemented explicit human rights education, which spells out the rights and clearly identifies and addresses injustice, at the early childhood level. The first step towards doing so is to become aware that one has a responsibility to do so. Children's rights and human rights form a respected orientational and value framework that is not just important for children, their families and the care facilities, but can support all of us in the context of our in day-to-day lives.

What conditions must be in place for human rights education to become an integral part of development processes in childcare facilities?

Aside from the acquisition of knowledge on the part of adults, which we just spoke of, integrating human rights in the day-to-day life at educational facilities will require an awareness-raising process. Educators have to have sufficient opportunities to reflect on, discuss and work on their own personal and professional attitudes and actions. Among other things, the facility staff needs to be able to discuss the relevant terms and concepts and arrive at a common understanding of them. They also need to think about the language and structures they will use to prevent discrimination, for instance. The parents/guardians should be included in this process, perhaps by holding an evening meeting with parents to discuss the topic or by making informational material available in different languages. Furthermore, explicit human rights education should be incorporated into initial and continuing teacher training. It is important that human rights education be considered an element of relevance for teaching quality and that it be taken up into the education plans and Länder legislation on provisions for early childhood. There is a need here for funding to support analytical studies on the implementation of human rights education.

What steps or projects are being planned to move forward on this issue?

We do not yet have a full picture of how explicit human rights education is being structured at the early childhood level. So, we are conducting a research project to ascertain what role human rights education currently plays in the training of educators. The analysis of the national standards and the framework curricula of the individual Länder is important in our view. We are also interested in the experiences of teachers and learners with human rights educational content in the training context, and in identifying good practices, for instance, as well as networking and advising opportunities.

“Experiencing human rights in day-to-day life at childcare facilities means becoming more aware of everyone's rights”

Aiding and assisting human rights violations

“Germany should thoroughly examine the risks of possible complicity”

Interview with Dr Anna Würth, Head of the Department of International Human Rights Policy

Aiding or assisting the commission of a violation of human rights – what does that mean?

Germany does not routinely engage in unilateral action in the international arena. Instead, Germany tends to provide aid or assistance within the framework of cooperation with partners in its foreign and development policies. If these partners violate human rights, though, German aid or assistance may contribute, directly or indirectly, to those violations. For example, according to unconfirmed media reports, a former school in which refugees had taken shelter, rather than a military target, was bombed in an airstrike conducted in Syria as part of Operation Inherent Resolve in March of 2017. It was reported that 33 civilians were killed. If this is true, then the Government and Bundestag should ask, and be asked, what responsibility Germany bears for this.

Are there other examples of German aid or assistance that might involve human rights risks?

It is possible that the approval of German arms exports to Saudi Arabia and Mexico aided or assisted activities in violation of international law in those countries. Moreover, there are some aspects of the cooperation with the United States in the area of security that involve a risk of aiding or assisting the commission of actions that violate human rights by the USA. For instance, German intelligence services provide information to the USA that could be used for the purpose of locating and killing specific individuals. Moreover, the USA conducts drone strikes from military bases that it maintains on German territory. Cooperation in the area of refugees and migration with transit countries like Libya also involves risks of human rights violations. Development policy can entail complicity risks as well, one case in point being the cooperation with Cambodia on the now discontinued land rights programme there: people were subjected to forced relocation ordered and carried out by the Cambodian Government in the context of that programme.

You are urging Germany to perform systematic assessments of complicity risks associated with its foreign and security policies. Why is it such scrutiny important?

With Germany’s international foreign policy engagement and international cooperation in contexts that are problematic from an international law and human rights perspective increase, the risk of aiding or assisting the commission of violations increases and with them the risk that Germany may be held responsible for such violations, including being held liable for them, under international law. Even when Germany neither desires nor intends that the supported State perform the actions violating international law, there are still risks. Because simply having been aware of and willingly facilitating a violation of international law by another party is enough to make a State incur responsibility, and that condition is met if the violation was foreseeable. Aiding or assisting the commission of illegal actions by other States, in this sense, is a violation of international law. If a State is aiding or assisting the commission of an internationally wrongful act on the part of another State, it must cease to do so. Whether or not Germany has performed its human rights due diligence is of relevance for Germany's responsibility for this kind of complicity, and by due diligence I mean the adequate assessment of the risks of complicity prior to and during the provision of aid or assistance.

[“Regular consultations with civil society can help minimise complicity risks.”](#)

Isn't the assessment of this kind of risk already standard practice?

Information on whether and how these risks are evaluated in practice is not publicly available, and this lack of transparency is one reason that the Institute is working on this topic. So, we can only infer from the outcome: if there have been violations of international law in which Germany was involved,

then either Germany did not perform its due diligence, or the results of its diligence were not taken properly into account. Hence, our analysis on complicity in human rights violations in foreign policy cooperation (title: “Beihilfe zu Menschenrechtsverstößen vermeiden – außenpolitische Zusammenarbeit kritisch prüfen”) concludes that Germany has not been doing enough to fulfil its obligation in key policy fields like foreign and security policy. This is particularly apparent in connection with the approvals for the export of armaments to the military coalition that has been intervening in the conflict in Yemen since 2015. Germany foreign policy actors need a viable framework they can use to guide their activities abroad and a set of principles to apply when assessing cooperation projects. This is what our analysis attempts to provide.

How can Germany avoid unintentionally aiding or abetting the commission of human rights violations? What can it do?

Germany should not rely only on statements and studies presented by its partners: it should rigorously evaluate the risks of aiding or assisting the commission of a possible violation both before and during cooperation activities. Germany should follow through on the voluntary commitments it has imposed upon itself in a more transparent and more consistent manner, such as those in its “Political Principles governing the Export of War Weapons and Other Military Equipment”, for instance. From a human rights perspective, though, these are matters that should be governed by legislation. There should be a statute that generally prohibits the authorisation to export weapons of war but provides for exceptions when the arms transfer is unobjectionable from the perspective of human rights and international law. Until legislation like this is in place, Germany should take its cue from the processes and assessment schemes developed within the Arms Trade Treaty and the peace missions of the United Nations.

What do those assessment schemes entail? What aspects do they address?

The Office of the High Commissioner for Human Rights released a study in 2017 on the human rights assessment of arms transfers that proposed a set of criteria to assess the risks of aiding or assisting violations by arms transports. These criteria spotlight the following areas: the recipient State's commitment and its capacity to comply with and implement its human rights obligations; its respect for human rights and, lastly, its capacity to control the use of transferred arms in accordance with international human rights. The sources from which the information is collected for this assessment must be specified in a binding manner. The people performing the assessments must have sufficient expertise to understand the human rights issues in the relevant situations in the country in question.

What other measures do you suggest should be taken to ensure that these kinds of complicity risks are recognised in time?

Regular consultations with civil society and the support of the groups being affected in the country in question could help the State to identify and minimise the risk of aiding or assisting the commission of violations. Setting up accessible complaint and remedy mechanisms would also be advisable.

RESEACH & ADVISING: DEPARTMENTS

Human Rights Policy Germany/Europe

Report on developments in the human rights situation in Germany

Section 2, subsection 5 of the Act on the Legal Status and Mandate of the German Institute for Human Rights (DIMRG) of 16 July 2015 provides for the Institute to present a report about developments in the human rights situation in Germany to the German Bundestag each year. The first such report was presented in December of 2016. The Institute presented its second report of this kind at the Federal Press Conference on 6 December 2017. The report covers the period from July 2016 through June 2017 and focusses primarily on three topics: structuring day to day life in collective accommodation facilities for refugees in conformity with human rights; the identification, accommodation and care of refugees with disabilities and children's right to contact with an incarcerated parent. The report also contains sections on recent developments relating to the topics discussed in the 2016 report and on the recommendations issued to Germany by international and European human rights bodies and the German role in intergovernmental human rights bodies and organisations. A summary of the report was also published in German, English and Simple German versions. The Department of Human Rights Policies of Germany/Europe coordinates the preparation of the report. Unlike the 2016 report, the 2017 report was not discussed on the floor of the Bundestag, due to the protracted negotiations required to form the Government.

Monitoring reports to the European Agency for Fundamental Rights

The Institute also prepared many other reports on the human rights situation in 2017 in its capacity as the German focal point of the research network of the EU Agency for Fundamental Rights (FRA). These were incorporated into FRA's annual report and into comparative reports on specific issues. They include the Institute's monthly reports on the refugee situation in Germany. For these reports, the Institute collects data and information from State bodies and civil society organisations, such as current statistics, the situation in reception centres and political and social reactions to the refugee situation in Germany. FRA's synthesising reports, which cover Austria, Bulgaria, Croatia, Greece, Hungary, Italy, Sweden and Slovenia, as well as Germany, are available for download from the Institute's website. Another report contained an extensive analysis of jurisprudence relating to the rights of EU citizens in Germany. Shorter reports were also prepared, one on legal changes relating to the powers and oversight of intelligence agencies and another on the legal and de facto scope for action by civil society organisations.

In the same timeframe, the Institute also conducted two larger-scale qualitative interview studies for FRA. One study, titled on access to justice for victims of criminal offences, looked at the ways in which the crime victims can actively participate in criminal proceedings and how they can obtain adequate protection against secondary victimisation. A total of 33 qualitative interviews – with victims of criminal offences, lawyers, judges, state prosecutors and police and victim aid organisation employees – were conducted between December 2016 and June 2017 for this study. From the viewpoint of the interview partners, the aims mentioned above, protection and participation, have not yet been sufficiently realised in practise. The interview subjects pointed to three barriers in particular: repeated questioning by criminal defence lawyers, which is sometimes felt to be unreasonable; restrictions on the joint plaintiff's right to inspect files; and a failure to provide sufficient information to victims of crime. The findings were published both in the country report prepared by the Institute and in a comparative report prepared by the European Union Agency for Fundamental Rights.

[The interview study “Access to justice for victims of criminal offences” looks at the ways in which crime victims can actively participate in criminal proceedings.](#)

The second interview study examined the situation of migrant workers who have been exploited in Germany (see the section under the heading “Human trafficking/Labour exploitation”).

Poverty and human rights

For a number of years now, the Institute has participated with guest-status in the National Conference on Poverty (nak). The nak is a confederation of organisations, welfare associations and action groups that advocate for an active policy to combat poverty. This confederation makes it possible for the Institute to work with associations of social service providers and with persons affected by poverty and organisations run by and for them, as well as grassroots initiatives. In 2017, the Institute and Diakonie jointly organised two expert discussions specifically for organisations run by and for people experiencing poverty and grassroots initiatives, whose representatives participated in the role of speakers and attendees. The aim was to promote exchange between theory and practice.

Practical barriers to the effective assertion of the right to a basic level of social security were the focus of the expert discussion held on 24 March 2017, in which representatives from advising centres, self-advocacy organisations and people experiencing poverty participated. A symposium on the right to housing and the “key concept” of how and where people should be able to live took place in Berlin on 9 November 2017. Participants discussed the how the costs of adequate housing are determined in the context of the basic social security provision and whether the latter suffices to meet basic legal and human rights requirements.

In debates within the nak context, the Institute has pointed out the potential for the use of human rights-based arguments by advocates for persons experiencing poverty and encouraged organisations and associations to take part in the human rights procedures of the United Nations.

Refugees

As the numbers of refugees entering Germany decreased in 2017, the focus, from the human rights perspective, shifted towards the reception of refugees in society. The Institute therefore made the right of refugees to family life a focus of its work in 2017. In this context, the Institute considered the suspension of applications for family reunification for people entitled to subsidiary protection, and advocated placing priority on safeguarding the family unit, i.e. the right to be able to live together as a family. This right is of outstanding significance within the national, European and international human rights protection regimes. In March of 2017, the Institute was invited to appear as an expert at a hearing on this matter before the Committee on Internal Affairs. The Institute also used publications in legal journals to draw attention to the legal practices in embassies/consulates in other countries and in the courts.

In addition to its work on the general suspension of the family reunification for those entitled to subsidiary protection, which triggered a great deal of controversy in policy circles and the media, the Institute also grappled with another situation that was drawing less attention: the practice of granting entry to Germany only to the parents of unaccompanied minors who have been granted asylum or been recognised as refugees under the Geneva Refugee Convention, i.e., their parents, but not their minor siblings.

The privacy rights of refugees were another focus of the Institute’s work in this area. The problem is that flawed or unlawful processing of personal data in large-scale IT systems, like Eurodac or the Central Register of Foreigners, for instance, can have grave consequences for refugees, as can errors or misuse in connection with the reading of electronic media in the context of asylum proceedings. A misspelled name, for instance, might result in someone being mistaken for a terror suspect, which would have legal consequences for their residence situation. Mistakes made in recording data about the number and age of family members can result in incorrectly calculated social benefits or the assignment of members of one family to different accommodation facilities. From the Institute's perspective, strengthening protection of the rights of the persons concerned is essential. The Institute discussed these issues and others with advisors from the German Red Cross in Berlin and at the Bundeskonferenz der Rechtsberaterinnen und Rechtsberater für Flüchtlinge und andere Ausländer, in Hohenheim, the annual congress for German lawyers specialising in asylum and refugee law.

The topics of refugees and integration are also being addressed in two research projects commissioned by the European Union Agency for Fundamental Rights (FRA) that started in late 2017. In these projects, using social science methodologies, total of 70 interviews and seven focus groups with experts and young refugees will be conducted in order to track the integration processes of young refugees in Berlin, Bremen and Lower Saxony and identify good practices and areas where improvement is needed with respect to integration in connection with of education, family reunification, access to the employment market and housing.

In addition, the Institute contributed to the preparation of a set of minimum standards for the protection against violence in refugee accommodation facilities and participated in the working group on monitoring/evaluation of the standards, as part of the initiative of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and UNICEF.

Human rights and internal security

For a number of years now, international human rights bodies have urged Germany to establish independent mechanisms to investigate complaints of alleged human rights violations by the police. In a constitutional state, the police have a mandate to uphold the law, using force if necessary, and thus to interfere with fundamental and human rights to a substantial extent. The legitimacy of the monopoly on the use of force requires that the public trust the police to act lawfully and that the police be subject to effective independent oversight. Independent mechanisms to handle complaints against the police are therefore not an expression of a structural lack of trust in the police but a hallmark of a strong and confident state governed by the rule of law.

[Independent mechanisms to handle complaints against the police are a hallmark of a strong and confident state governed by the rule of law.](#)

By establishing offices of commissioners for police conduct, three Länder have now created complaint mechanisms in their legislatures that are independent of their internal administration; the creation of similar complaint mechanisms is under discussion in other Länder. To inform these initiatives, the Institute presented a comparative study of a number of different independent police complaint mechanisms that operate in other European countries (title: “Unabhängige Polizeibeswerdestellen – Was kann Deutschland von anderen europäischen Staaten lernen?”) in May of 2017. By looking beyond Germany's borders at institutions that have already been operating for years, the Institute hoped to be able to provide stimuli encouraging the further development of independent police complaints mechanisms in Germany.

The Institute's Departments of Human Rights Education and Germany/Europe have been in dialogue with institutions of initial and continuing police training for several years and have at times participated in continuing training events. In May of 2017, the Institute organised its first working conference on measures to strengthen human rights protection in police stations in cooperation with the German Police University. The focus at this conference was on how to continue to develop a human rights-based organisational culture in the police force. The conference was aimed at police leaders and trainers at the national and Länder level.

The Institute also continued its work on respect for human rights in the context of combatting terrorism. For instance, it published a position paper on the detention of terror suspects (title: “Menschenrechtliche Grenzen des Freiheitsentzugs von Terrorverdächtigen”) against the backdrop of the legislative activities aimed at expanding preventative police detention powers and toughening the rules for detention pending expulsion. It also discussed the challenges associated with effective oversight of the intensifying international cooperation among intelligence and security agencies in various forums, including that of a transatlantic dialogue organised by the thinktank Stiftung Neue Verantwortung and with representatives of a delegation of the UN Security Council Counter-Terrorism Committee Executive Directorate, which visited Germany in November.

Human trafficking/Labour exploitation

The Institute is a member of the joint Federal Government and Länder Working Group on Human Trafficking of the BMFSFJ due to the substantial expertise on the topic of human trafficking it has acquired during its many years of working on the issue. It regularly contributes input to and assists in the preparation of strategy papers there.

Thanks to a commission from the European Union Agency for Fundamental Rights, the Institute also had the opportunity to take a closer look at the situation of immigrants who have experienced serious forms of labour exploitation in Germany. Between February and July of 2017, the Institute conducted 23 interviews with individuals and two focus groups with a total of 31 persons affected by labour exploitation. The insights gained allowed the Institute to identify areas where there is a need for preventative action or action to support and safeguard access to justice. The findings will be published in 2019, both in the country report prepared by the Institute and in a comparative report produced by the European Union Agency for Fundamental Rights.

Gender diversity

In February of 2017, the Institute presented its expert report on ways to improve protection and recognition of gender diversity in German law (“Geschlechtervielfalt im Recht – Status quo & Entwicklung von Regelungsmodellen zur Anerkennung und zum Schutz von Geschlechtervielfalt”) and comprehensive draft legislation on gender diversity at a large conference organised by the BMFSFJ for the Federal Government's Interministerial Working Group on Trans- and Intersexuality. The BMFSFJ had commissioned the report.

In October of 2017, the Institute published a study presenting views of intersexual persons, their parents and staff of counselling services on the new rule on the civil status gender entry (“Kein Geschlecht bin ich ja auch nicht – Sichtweisen intergeschlechtlicher Menschen und ihrer Eltern zur Neuregelung des Geschlechtseintrags”) to depict the situation in which they are living and where they see a need for reform.

Prior to that, the Institute had submitted an opinion in proceedings about a third, non-binary gender category in civil status law before the Federal Constitutional Court. In October, the Federal Constitutional Court released its decision, which classified the approach of leaving the civil registry's gender entry blank as unconstitutional and ordered the legislature to enact new provisions by the end of 2018. The Institute's studies can now make an important contribution to this process.

[The Institute's human rights expertise on the Istanbul Convention was sought by policy makers at the federal and Länder level and by civil society organisations on a number of occasions.](#)

Gender-based violence

The Institute continued its work on gender-based violence in 2017, again with a focus on following and supporting the entry into force of the Istanbul Convention. The Convention's aims include protecting women against all forms of violence, contributing to the elimination of all forms of discrimination against women, and establishing a comprehensive framework with comprehensive policies and measures designed to ensure that all victims of violence against women and domestic violence receive protection and assistance and that those who commit it are prosecuted. Due to the Institute's human rights expertise, the Institute received a number of requests to act as a speaker or consultant from policy makers at the federal and Länder level and from civil society organisations. The Institute also began engaging in initial reflections about a concept for monitoring the Convention's implementation. An extensive publication was prepared to accompany the Convention's entry into force on 1 February 2018.

Human rights of older persons

In 2017 as in previous years, the Institute advocated strengthening the rights of older persons at the national, regional and international levels. The UN Open-ended Working Group on Ageing was set up

to strengthen the rights of older persons in 2010. This group is trying to determine which human rights instruments would be best suited to securing the rights of older persons and whether a new convention on the rights of older persons would be able to achieve that end. The Institute has been active within this working group since it was set up. It also speaks there on behalf of the European Network of National Human Rights Institutions, ENNHRI, and, since it took over the chairmanship of the Global Network of National Human Rights Institutions, GANHRI, on its behalf as well. The Institute took an active part in the discussions at the eighth session of the working group in New York in July of 2017. This marked a first, because National Human Rights Institutions had only recently been granted formal status as participants in the working group, thanks in part to the engagement of Germany in this regard.

The Institute advocates a separate convention for the rights of older persons because a human rights treaty would provide the strongest protection for the growing groups of older persons.

The Institute advocates a separate convention for the rights of older persons because a human rights treaty would provide the strongest protection for the growing group of older persons, arguing on behalf of this position in lectures given at many events in Germany and abroad. In its role as a bridge between the international and national human rights protection regime, the Institute also seeks to channel this international process into the national discussion about the rights of older persons in policy, research and civil society circles. In 2017, the BMFSFJ agreed to intensify its cooperation in this area and fund a series of national expert discussions to contribute to the preparation for and follow up on the sessions of the UN Open-ended Working Group on Ageing. The results of the expert discussions were documented in a publication entitled "Altersdiskriminierung und das Recht Älterer auf Freiheit von Gewalt, Misshandlung und Vernachlässigung – Fachgespräche zur Vorbereitung der 8. Sitzung der UN Open Ended Working Group on Ageing".

Human Rights Policy International

Development policy

Increasing temperatures, extreme weather events and rising sea levels are affecting a growing number of people. The human rights to life, education, food, housing, water and health are already seriously threatened in many regions of the world as a consequence of climate change. Especially affected are populations groups who were already greatly disadvantaged, such as persons living in poverty, indigenous peoples, women and children. In view of the dimensions of the problem, increasing the level of consideration given to human rights protection within the context of climate change is a German development policy aim. In 2017, the Institute advised on the impacts of climate change on human rights, primarily for the Federal Ministry for Economic Cooperation and Development (BMZ). In this context, measures mitigating the impact of climate change and/or encouraging adaptation to climate change were at the focus. Even these measures must meet human rights standards.

Accountability is a major focus of the Institute's work in the area of development cooperation. The Institute therefore continued its research on complaint mechanisms, analysing that of the Green Climate Fund. In August, Institute staff attended the annual meeting between complaint mechanisms and the development banks, and it was also represented at the meeting of the network of civil society organisations. Dingding Tang, Head of the CRP, the complaint mechanism of the Asian Development Bank, and Arna Hartmann, the German representative on the CRP visited Berlin in November of 2017.

[Accountability is a focus of the Institute's work in the area of development cooperation.](#)

Both agreed to the Institute's request to take part in a public, informal discussion round with civil society.

Cooperation in this area with the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH), Germany's state-owned development cooperation services provider, was extended for another three-year period in November of 2017. The Institute and GIZ issued two joint publications on the human rights protection regimes in Asia and the Arabic countries, thereby completing their series on regional human rights protection systems.

The Institute carried out intensive discussions with VENRO, an umbrella organisation of NGOs working on development policy issues in Germany. At a continuing training event offered by VENRO's member organisations in May, the Institute presented a two-day introduction to theory and practice of the human rights-based approach.

Children's rights

The cooperation with GIZ in the area of children's rights in development policy came to an end in 2017. Most of the work in this area in 2017 took the form of consulting on an assessment of a child protection policy that the BMZ had announced in its Action Plan on Children's Rights (April 2017). In addition, the Institute was able to initiate a cooperation with UNICEF. The Institute partnered with GANHRI, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR), to organise a conference held in Geneva in March at which representatives of National Human Rights Institutions (NHRI) discussed the role of NHRIs in promoting and protecting the rights of children. Cooperation partners released a joint publication highlighting the children's rights-related capacities and activities of NHRIs in May of 2018. The GIZ also supported this study.

The Institute continued its publication series presenting summaries of the General Comments of the UN Committee on the Rights of the Child: summaries of three General Comments were issued in both German and English language versions. The aim of the series is to increase the visibility of the General Comments. An application-oriented publication aimed at development cooperation professionals that explains the instruments for monitoring implementation of the UN CRC and relates them to development cooperation practises was also completed.

Business and human rights

The Institute has been very active in the area of business and human rights since 2012. Its work in this area centres on structures of the globalised economy which lead to gaps in human rights protection.

The BMZ-funded research project on the potential role of NHRIs as partners in the implementation of the UN Guiding Principles on Business and Human Rights in the context of development policy ended in 2017. The human rights impacts of actions by businesses, and particularly on transnational supply chains in the energy, textile and agricultural sector was the main focus of this research. Human rights and their enforcement are anchored nationally, in the laws of the individual countries, whereas businesses operate in a transnational context. This gives rise to gaps in the protection of human rights. Closing these gaps will require the efforts of a great many actors: first and foremost, the States and businesses who are required to conduct human rights due diligence under the UN Guiding Principles on Business and Human Rights.

The Institute's work on these issues is conducted primarily within the framework of partnerships with its sister institutions. Through these partnerships, the Institute seeks to make it possible to watch over business activities at both ends of the value production chain so that actors on both ends can work together to promote respect for human rights. In January of 2017, a workshop was held with the Asia Pacific Forum (APF) which is the NHRI network in Asia. The NHRIs from the region and the Institute discussed how the NHRI in each country was addressing human rights abuses in the textile sector and what difficulties they were encountering in this work.

In previous years, the Institute had cooperated particularly intensively with its sister institution in Colombia and been able to take its work on the raw materials sector further, particularly in the area of coal extraction in that context. During a visit to the Institute in June of 2017, the Colombian Ombudsman emphasised that the cooperation had also been very beneficial for the Colombian NHRI, the Ombudsman's Office, and had inspired numerous changes there. Subsequently, in September, the Institute presented its recommendations for improving human rights due diligence assessments in the coal extraction sector at an expert discussion attended by representatives of German civil society and the energy industry.

In November, the project team published an analysis on ways to help close gaps in protection through transnational human rights cooperation in Colombia (title: "Schutzlücken schließen: Transnationale Zusammenarbeit zu Menschenrechten am Beispiel Kohleabbau in Kolumbien") and another on the economic and human rights requirements for corporate risk analysis ("Das kalkulierte Risiko: Ökonomische versus menschenrechtliche Anforderungen an eine unternehmerische Risikoanalyse"). The project team also presented the successful German-Colombian cooperation at the UN Forum on Business and Human Rights in Geneva. A very well attended debate on the effectiveness of non-judicial remedy at the Forum was also organised as part of the project. At the event, Justine Nolan (Australia), Prabindra Shakya (Nepal), Fernanda Hopenhaym (Mexico), Mark Taylor (Sweden) and Gwendolyn Remmert (Germany) engaged in verbal sparring in Oxford Union style debate supplemented by spontaneous contributions by audience members.

[The study "The Calculated Risk" describes the economic and human rights requirements for corporate risk analysis.](#)

In addition to the coal extraction and textile sectors, the Institute engaged in extensive work on the land sector, for instance, moderating a working group on the "right to (defend) land" during Global Soil Week. Research findings on the situation of land rights defenders and investments affecting land rights were presented by the Institute's directors in July to the High-level Political Forum in New York. Within the framework of the advisory circle for strategic planning of the BMZ's special initiative ONE WORLD - No Hunger (SEWOH), the Institute focussed on governance of land tenure, the monitoring of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) and human rights due

diligence in the agricultural supply chain. Accompanied by a consultant in the field of land rights, the Institute undertook an investigatory mission to Kenya and Cote d'Ivoire to explore the possibility of cooperation in VGGT monitoring with the NHRIs of those countries.

In addition, the Institute, convinced that real change will not happen in this area unless economists get behind attempts to change the way that businesses approach human rights, intensified its research on economics aspects of human rights. The study "Das kalkulierte Risiko" ("The calculated risk", full German title above), published in November of 2017, describes the economic and human rights requirements for corporate risk analysis and constitutes an important foundation for work within the dialogue between the Institute and businesses. The findings of the study were also discussed at an expert discussion on the topic of behavioural economics and human rights. At that event, selected economists gathered to discuss the core instruments of behavioural economics and their applicability to implementation of the UN Guiding Principles on Business and Human Rights.

On 16 December 2016, the Federal Cabinet adopted the National Action Plan (NAP): Implementation of the UN Guiding Principles on Business and Human Rights through 2016-2020. The Federal Ministry of Labour and Social Affairs has been funding an advising and research project at the Institute since the summer of 2017. The project supports the Federal Ministry of Labour and Social Affairs (BMAS) with its expertise in this area. In 2017, the project team advised BMAS on methods of monitoring business due diligence within the framework of the NAP and on high-risk sectors and sectoral dialogue.

In May of 2017, the Working Group on Business and Human Rights of the Federal Government's CSR Forum elected Michael Windfuhr, deputy director of the German Institute for Human Rights, to serve as its chair. This working group advises the Federal Government on the strategic orientation of the NAP and the execution of its implementation. The recommendations of the working group, which are reached through consensus, are presented to an interministerial committee that makes the decisions on NAP implementation and takes responsibility for them.

Security policies

In September, the Institute joined with the Institute for International Law of Peace and Armed Conflict at the Ruhr University Bochum and the Hertie School of Governance to host an expert discussion entitled "Use of weapons, arms limitations and the right to life: Challenges for international humanitarian law and human rights protection". The results of the intensive discussion will be published in a dedicated issue of the journal of the Bochum-based Institute.

In October, the Institute and three partners – Forum Menschenrechte, the Friedrich Ebert Foundation of Geneva and the Geneva Academy of International Humanitarian Law – held the conference "Approaching new realities: Human rights in conflict situations". The specialists participating discussed ways to enable the UN Human Rights Council to react more swiftly and more creatively when violent situations arise inside the borders of an individual country, in view of the upsurge in violent conflicts of this kind. Papers from the fields of peace-building and international humanitarian law contributed to a broader understanding of the complex nature of the problems facing the UN Security Council and the UN Human Rights Council.

Human Rights Education

What is human rights education?

Human rights education means making people aware of human rights, promoting them and empowering people to uphold and protect them. It is an important prerequisite for making human rights a reality. Human rights education contributes towards the elimination of all forms of discrimination and towards the recognition and prevention of human rights abuses.

Human rights education is a lifelong process that is aimed at all age groups. It plays a role in all educational contexts and is of relevance for a wide variety of occupational fields, such as social work, nursing, public administration, justice system, law enforcement and the military. In 2017, the focus of the Human Rights Education department was on early childhood education (see section under “Early childhood human rights education”), on the links between human rights education and education for sustainable development and on strengthening educational practices in areas relating to refugees, asylum and racial discrimination.

The “Maßstab Menschenrechte” project

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth approved the proposal for the project “Maßstab Menschenrechte” (Yardstick of human rights) with the object of strengthening educational practices in the thematic areas of refugees/flight, asylum and racial discrimination (project term: May 2017–October 2019). The project is aimed at disseminators in the field of education, e.g. teachers at primary and secondary schools, head teachers and teachers and educators involved in youth work or early childhood education outside of schools. Workshops will help these professionals improve their abilities to cover topics relating to refugees/flight, asylum and racial discrimination by giving them a solid grounding in the relevant specialist, methodological and human rights knowledge. The content and methods used in the training were developed in consultation with organisations run by and for persons with experience of refugee flight, migration or racial discrimination; these organisations will continue to support the project in an advisory capacity as well as provide speakers to take part in the workshops.

In addition to conveying knowledge, the workshop also deliberately leaves space open for exchange among colleagues own educational practices: participants are asked to reflect on their own patterns of thought and behaviour and heighten their awareness of forms of discrimination and the mechanisms that lie behind them. By the end of the project, a total of ten workshops will have been held in a variety of educational institutions throughout Germany. A handbook and a concluding event are planned in order to document the results and secure their long-term accessibility to the target groups.

Human rights education is of relevance for a wide variety of occupational fields, such as social work, nursing, public administration, justice system, law enforcement and the military.

At an expert meeting held in 2017, the project team consulted organisations run by and for persons with experience of dislocation and racial discrimination. In addition, the project's advisory board also met for the first time. This board is made up of representatives of school and non-school education, researchers, human rights education practitioners, practitioners in the fields of anti-discrimination/educational practices, refugee/flight/asylum and anti-racism work. Both meetings produced helpful suggestions regarding the design of the workshops, with regard, e.g., to methods and target groups. On this basis, the initial basic concept for the workshop was developed; this concept will be adjusted to reflect the target audience and workshop length. During the planning of the workshop, the project staff made contact or intensified contact with educational institutions.

Human rights education and sustainable development

The 2017 annual meeting of the Network for Human Rights Education focussed on the linkages between human rights education and education for sustainable development. Among the group of around 30 attendees were researchers, policy-makers and representatives of civil society, among the institutions represented were the German UNESCO Commission, Leuphana University of Luneburg and the University of Teacher Education Lucerne (PH Luzern). Topics discussed included the complexity of the relationship and connections between sustainable development and human rights, strengthening post-colonial perspectives and the collective efforts in policy advising aimed at establishing a permanent basis for the concepts. Some of the network members presented their projects, such as one on sustainable consumption through mindfulness training and one on deforestation as a human rights issue in the context of a Cameroonian-Swiss cooperation project. The excerpt from the documentary theatrical work “Asyl-Monologe” shown by Actors for Human Rights Germany was a meeting highlight of an unusual kind.

Educational materials and events

Materials development, the annual human rights academy and the broad field of policy advising are among the primary focuses of work in this area. For example, the Institute has been advocating the incorporation of human rights education into education legislation, into education and into training plans and in curricula, advising policy makers and institutions in this regard. The Department published a position paper on the topic of early childhood human rights education (“Bewusstsein wecken, Haltung stärken, Verantwortung übernehmen. Menschenrechtsbildung in der frühen Kindheit”), which is a thematic focus of the Institute's work in this area. The Department engages in exchange with a diverse set of discussion partners, with whom it pursues the aim of securing a permanent basis for the topic in education and in some cases also the aim of preparing appropriate concepts for initial and continuing training or supplementary material. The Institute is also working on a revised and updated German translation of the 2nd edition of “Compass”, the manual for human rights education in and outside of schools published by the Council of Europe. “*Kompass*” will be published in late 2018, thanks to cooperation with the Federal Agency for Civil Education, Zentrum Menschenrechtsbildung, the University of Teacher Education Lucerne, Amnesty International and the Council of Europe. To support sustained dissemination of “*Kompass*”, workshops for disseminators are planned to accompany its publication.

The seminar we call the Academy of National and International Human Rights Protection, or just the Human Rights Academy, has established itself as a tradition at the German Institute for Human Rights. The one-week seminar is aimed at individuals and organisations who are either interested in human rights issues or already engage in human rights work. In 2017, the Human Rights Academy took place in Baden-Württemberg in mid-March, as a joint event of the Institute and the International Forum of Liebenzell Castle. In addition to general principles of the national and international human rights protection regimes, the seminar primarily addressed the topics of refugees and asylum, the meaning of inclusion and discrimination. An excursion to the European Court of Human Rights in Strasbourg to learn more about the workings of the court and its relevance was certainly among the high points of the week-long academy.

In late May, the Department and the German Police University held a two-day joint event under the title “Human rights education for leaders”. Topics discussed included racial profiling and expulsion, but also how mistakes are dealt with in organisational cultures and scope for action by police leadership. Another aspect of the department's work is its active participation at a variety of conferences, including the annual conference of the German Association of Social Work (DGSA), the International Human Rights Forum of PH Lucerne, the Council of Europe Conference on the Future of Citizenship and Human Rights Education, held in Strasbourg, and the 8th International Conference on Human Rights Education in Montreal.

National CRPD Monitoring Mechanism

The UN Committee on the Rights of Persons with Disabilities conducted its first review of the extent and nature of Germany's progress on the implementation of the rights of persons with disabilities in 2015. At that time, the Committee pointed out certain problems, urging Germany to address them. One of these problems was the segregation of persons with disabilities in the areas of housing, employment and education, which continues to this day. At the end of the State-party review, the Committee issued cogent recommendations as to how the State, i.e. the federal, Länder and local governments, could gradually eliminate this segregation.

In accordance with its mandate, the Institute's National CRPD Monitoring Mechanism advocates the practical implementation of these recommendations and assesses action taken by Germany in this regard.

The National CRPD Monitoring Mechanism regularly raises individual points mentioned in the UN Committee's recommendations in the context of its advising activities on policy, legislative and judicial decision-making by state bodies. Concretising the treaty body's relatively abstract recommendations helps identify solution-oriented courses of action. The National CRPD Monitoring Mechanism performs this work systematically, relating abstract recommendations to concrete situations in a variety of formats, including policy advising, relevant events and position papers.

Inclusive education is a human right

Inclusion in schools has become a sensitive issue for many teachers and parents due to problems encountered with its implementation. In this context, we must not forget that inclusive education is a human right, one that Germany has a duty to realise under international law. When implemented well, inclusive education means that all students receive optimal individual support, as numerous model projects have shown. Most of the Länder are pursuing the basic aim of offering inclusive education to all children in the future, and have made progress in this respect, in terms of both practice and legislation. However, none of the Länder has yet developed the framework that will be necessary to establish and operate inclusive schools throughout its territory.

Within the context of its (policy) advising, the National CRPD Monitoring Mechanism encourages all actors involved to take up the challenges and vigorously and systematically tackle the work of developing an inclusive school system. In publications like the position paper "Inklusive Bildung ist ein Menschenrecht" and in its media relations work, the National CRPD Monitoring Mechanism argues in favour of establishing a more objective footing for the debate and for placing the human rights perspective (back) at the centre of a fact-based discussion of this issue. It also points out the advantages of inclusive education for all and offers practical recommendations for an effective implementation of inclusive schooling. One such recommendation is to scale down the special schools (Sonderschulen/Förderschulen), which, due to their segregating character, are not compatible with the UN Convention on the Rights of Persons with Disabilities (UN CRPD).

Sport as an engine for inclusion

Persons with disabilities participate in fewer sporting activities and visit sports events less often than others. This is primarily due to a shortage of inclusive sporting activities and barrier-free sports venues. It is true that many associations and federations have intensified their efforts to offer inclusive sporting activities. However, the full requirements of the UN CRPD for participation in sporting activities on an equal basis with others have not yet been met. The UN CRPD lays an obligation on Germany to promote the participation of persons with disabilities in mainstream sports associations and to ensure that persons with disabilities can freely choose the sports associations and the environments in which they wish to participate.

[None of the Länder has yet developed the framework necessary to establish and operate inclusive schools throughout its territory.](#)

The National CRPD Monitoring Mechanism is actively committed to ensuring that German development cooperation genuinely reaches persons with disabilities in the Global South.

Popular sports, in particular, offer an opportunity for persons with and without disabilities to come into contact with one another in a recreational context. Participation in sporting activities on an equal basis can have positive impacts in other areas of social and private life. The National CRPD Monitoring Mechanism promoted sport as an engine for inclusion in its position paper on the subject, published in both difficult and simple-language versions. It put forth recommendations on how the right to participate in sports can be consistently implemented in Germany and discusses these issues with sports federations and policy-makers.

Making development cooperation more inclusive

According to the World Health Organisation and the World Bank, there are over one billion persons with disabilities in the world, which is 15 percent of the global population. Around 80 percent of them live in developing countries. They have above average rates of poverty and experience greater barriers in accessing medical services. Germany is one of the world's major donor countries in the area of development cooperation. This gives Germany the potential to bring about significant improvements in the lives of persons with disabilities through its partnerships with other countries. The German development cooperation community is actively attempting to recast their strategies and programmes to be more inclusive and to improve coordination among the state bodies responsible for development cooperation.

The National CRPD Monitoring Mechanism advises the Federal Government on this process, and in late 2016, it launched a project to strengthen the monitoring of inclusion in the context of the German international cooperation funded by GIZ, Germany's state-owned development cooperation services provider. The aim of this project is to strengthen implementation of the rights of persons with disabilities in German development cooperation and humanitarian aid. One of the principal tasks of the project in 2017 was contributing to the evaluation of the Action Plan on Inclusion of the Federal Ministry for Economic Cooperation and Development. Within the context of a consultation, the National CRPD Monitoring Mechanism discussed expectations for inclusive development cooperation with civil society organisations active on disability issues. Through its advising activities and publications, it also advocated ensuring that contributions by and measures of German development cooperation in the Global South genuinely reach persons with disabilities, strengthen their local self-advocacy organisations and include them in the planning, implementation and evaluation of development cooperation projects. In addition, the National CRPD Monitoring Mechanism prepared a publication providing information on inclusive disaster relief, based on recommendations issued by the United Nations Office of the High Commissioner for Human Rights on safeguarding the rights of persons with disabilities in high-risk situations and humanitarian emergencies.

Supporting refugees with disabilities

Refugees with physical, intellectual, psychological or sensory impairments are often particularly vulnerable. This includes women, men and children suffering from chronic illness or trauma. Under the UN CRPD, these refugees have a right to be treated in a manner responsive to their needs in the context to their admission to Germany. This does not always happen, as a National CRPD Monitoring Mechanism study on the identification, accommodation and care of refugees with disabilities has shown. The study analysed legislation, printed materials and studies as well as a public hearing of organisations that had, collectively, advised and supported a total of 2000 asylum seekers with disabilities in 2016. The result: there were no national procedures in place for the identification of particularly vulnerable refugees. Thus, the support needs associated with a disability of refugees arriving in Germany are neither systematically registered nor addressed. Collective accommodation facilities are seldom barrier-free, and they are not well connected with local assistance systems. Refugees with disabilities therefore remain systematically underserved under the Asylum Seekers Benefits Act (AsylbLG) during their first fifteen months of their residence in Germany. The restrictive

practices with respect to approving benefits on the part of the authorities have resulted in irreversible deterioration in the health of refugees with disabilities, many of whom are children. Despite the decrease in the number of people seeking refuge in Germany, these problems continue to exist. The National CRPD Monitoring Mechanism is therefore actively committed to ensuring that the federal, Länder and local governments take the needs of persons with disabilities systematically into account in their refugee policies.

Advising Länder on UN CRPD implementation

Within the framework of third-party funded projects, the National CRPD Monitoring Mechanism is supporting CRPD implementation in a number of Länder (Federal States), among them Berlin, Hessen, Saxony-Anhalt and Thuringia. Depending on the project, this work consists of the review of legislation, empirical baseline studies or advising in the context of legislative process. The National CRPD Monitoring Mechanism intensified its support and monitoring of the implementation of the UN CRPD in North Rhine-Westphalia in March of 2017. In 2016, North Rhine Westphalia became the first Land to adopt legislation strengthening inclusion and thus create an overarching legal framework for the implementation of the UN CRPD in Länder law. It is the basis for a longer-term and independent support of the realisation of the rights of persons with disabilities in North Rhine-Westphalia. The National CRPD Monitoring Mechanism's responsibilities in this context will include advising the Land's Government in connection with legislative processes that will affect persons with disabilities. The National CRPD Monitoring Mechanism also advises authorities and other bodies involved in creating the conditions for the inclusion of persons with disabilities, including associations of local councils (Kommunale Spitzenverbände) and regional associations, the Länder Commissioners for Matters Relating to Disabled Persons and the Inclusion Advisory Council. In 2017, work on this project focussed primarily on the analysis of the legislation strengthening inclusion and its significance for UN CRPD implementation and developments in the area of inclusive education in North Rhine-Westphalia.

National and international cooperation

Thanks to its integration in national networks and discourse with key institutions and organisations working on issues relating to persons with disabilities, the National CRPD Monitoring Mechanism regularly receives information about the status of the implementation of the UN CRPD in Germany. Of central importance for this are the Civil Society Consultations that the National CRPD Monitoring Mechanism holds three times each year, also important are the meetings with the Commissioners for Matters Relating to Disabled Persons. The basis for cooperation with the federal and Länder commissioners was further consolidated at a structural level in 2017 when the commissioners, acting as the Conference of Federal and Länder Commissioners for Matters Relating to Disabled Persons (KBB), adopted new rules of procedures under which the National CRPD Monitoring Mechanism is granted guest status. This Conference meets biannually. These sessions are supplemented by an annual meeting hosted by the Institute in Berlin, to which all of the relevant actors are invited by the National CRPD Monitoring Mechanism.

At the international level, the National CRPD Monitoring Mechanism engages in continuing exchange with other monitoring mechanisms within Europe within the framework of the European Network of National Human Rights Institutions (ENNHRI). At the ENNHRI meeting held in Brussels in 2017, "living independently and being included in the community" (article 19 of the UN CRPD) and "equality and non-discrimination" (article 5 of the UN CRPD) were two of the main topics of discussion. With regard to the latter, the National CRPD Monitoring Mechanism, in its role as a member of the relevant ENNHRI working group, participated in the preparation of a joint statement to the UN Committee on the Rights of Persons with Disabilities regarding the draft of a General Comment on the topic.

National CRC Monitoring Mechanism

25 years of children's rights in Germany

By ratifying the UN Convention on the Rights of the Child (UN CRC, the Convention) in 1992, Germany committed itself to respect, protect and fulfil children's rights. The Convention is one of the most widely recognised human rights treaties of the United Nations. It enshrines children's rights to protection, provision and participation. The recognition of children as the subjects of human rights is at the core of the Convention. The State must take the best interests of the child into account in all of its actions.

To mark the occasion of the 25th anniversary of the Convention's entry into force in Germany, the National CRC Monitoring Mechanism initiated a large event to celebrate the anniversary. Under the slogan "Strengthening children's rights", an official celebration was held on 4 April 2017 by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Justice and Consumer Protection, followed by a conference organised by the National CRC Monitoring Mechanism and the German civil society children's rights network "National Coalition Deutschland". At the event, Federal Ministers Heiko Maas and Manuela Schwesig spoke in favour of taking children's rights up into the Basic Law (Grundgesetz), Germany's constitution. The conference that followed provided an opportunity for the exchange of ideas among the approximately 150 participants, who were drawn from advocacy organisations and information and advising services and complaint handling bodies active in the field of children's rights at the Länder and local level, including child and adolescent activists.

Transition to normal operations

In June of 2017, the National CRC Monitoring Mechanism brought its development phase to a successful close and began working on a normal operational basis with a new project funded under the Federal Child and Youth Plan (project term: July 2017–December 2019). Within this project, the National CRC Monitoring Mechanism assess the compatibility of federal and in some cases Länder legislation with UN CRC requirements. It provides information to a variety of actors at the federal and Länder level (in some cases also at the local level) about the Convention's requirements and about General Comments issued by the UN Committee on Children's Rights, in which the Committee sets forth its interpretation of the various articles of the Convention.

The National CRC Monitoring Mechanism also examines the lived reality of children and adolescents and follows up on deficits in implementation which are brought to its attention in the context of consultations with civil society or with children and adolescents. It initiates research projects on specific aspects of children's lives in Germany (the "Lebenslagenanalysen") and develops – always with the participation of children and young people – recommendations aimed at policy-makers as well as at civil society, associated with the aim of making progress towards fulfilling the UN CRC's normative standards. The Monitoring Mechanism also shares the results of its research, analysis and consultations with the various treaty bodies of the United Nations and the Global Alliance of National Human Rights Institutions (GANHRI).

[By ratifying the UN CRC, Germany committed itself to respect, protect and fulfil the rights of the child.](#)

Communicating the substance of the UN CRC

The Institute first took a stance in support of incorporating children's rights into the Basic Law (Grundgesetz), Germany's constitution, in November of 2016, urging that the Basic Law take up both the protection rights and the Convention's other basic principles of protection: the right of children to participate in all matters affecting them and the primacy of the best interests of the child in line with the requirements in article 12 and article 13 of the UN CRC. The National CRC Monitoring Mechanism advocates a notion of the child's best interests in line with that in the Convention: under which the term is understood to mean the best interests of the child as determined with the participation of the

child according to the facts of each specific case. It discussed its position at an expert workshop in March of 2017 and put it forth in Dusseldorf at the 16th annual Deutsche Jugendhilfetag, a German child and youth welfare congress as well as at a hearing of the German Ethics Council in Berlin.

Children of prisoners

The National CRC Monitoring Mechanism conducts analyses of situations in which children live in Germany. We call these the Lebenslagenanalysen and use them to obtain information about the situations of children whose access to their human rights has been restricted or may even have had their rights violated. Preparations for the second such analysis began early on, in late 2016, with a conference. The focus was on the situation of children of persons imprisoned in Germany and the question of the extent to which children's right to maintain personal relations and direct contact with both parents under article 9 of the UN CRC can be guaranteed in the prison legislation (Justizvollzugsgesetze/Strafvollzugsgesetze) of Germany's Länder through the regulations governing prisoner visits. The results of the analysis of the Länder prison legislation were incorporated into the Institute's 2017 Human Rights Report. The differing visitation rules in the Länder also constitute the basis for a new map on the website www.landkarte-kinderrechte.de, which is a tool for visualising the status of implementation of the Convention across Germany that is continually being expanded.

Children's rights indicators

The UN Committee on the Rights of the Child has called for a comprehensive and integrated system to collect children's rights data. In cooperation with the German Youth Institute (DJI), the National CRC Monitoring Mechanism invited research institutions that regularly collect data on children to attend a consultation at the Federal Ministry for Family Affairs (BMFSFJ). The criteria of the Office of the High Commissioner for Human Rights for human rights indicators were explained and participants collectively considered how to launch a process for the development of children's rights indicators for Germany. It has been nearly impossible to make statements based on solid statistical data about the implementation of children's rights in Germany due to the absence of relevant indicators. Following the consultation in the autumn of 2017, the Monitoring Mechanism took on the task of coordinating a process to develop a set of pilot children's rights indicators. In this work, it will adhere closely to the specifications of the Office of the High Commissioner, taking the Concluding Observations of the last State-party report procedure, in 2014, as the basis for possible pilot indicators and developing these in consultation with civil society actors. The aim is to have the first pilot indicators ready by mid-2019; they should serve to clarify the benefits of having children's rights indicators for Germany.

[Under the UN CRC, the best interests of the child can be properly determined only with the child's participation.](#)

Report to the United Nations

The State-party reporting procedure for Germany before the UN Committee on the Rights of the Child will take place in April of 2019. The National CRC Monitoring Mechanism is helping to coordinate the activities of all the actors involved in this and has been hosting quarterly networking meetings for them since October of 2017. At these meetings, the National CRC Monitoring Mechanism presents information about the structure of the reporting procedure and offers participants the opportunity to clarify their roles within the procedure, to inform one another about their reporting activities and plans and to synchronise their activities. An informational publication ("Kinderrechte in Deutschland unter der Lupe. Berichtsverfahren zur UN-Kinderrechtskonvention") sets out the main steps in the reporting procedure and provides additional information. The Monitoring Mechanism plans to submit its own independent parallel report to the State-party report to the UN Committee on the Rights of the Child in 2019.

Library

The Institute's library, which is open to the public, further expanded its highly specialised holdings and offerings of electronic information in 2017. At the year's end, the library's online catalogue contained 36,750 bibliographic entries. Its printed and electronic holdings are also registered in German union catalogues. As a specialised library, one of its key functions is to facilitate the search for selected papers on human rights published in edited volumes or journals and freely accessible electronic publications. The library also posts information about recent journal articles on the Institute's website. New acquisitions are announced there and on Twitter @DIMR_Bibliothek. In 2017, as in the past, introductions to the library and multi-hour training sessions on human rights research were offered to students in human rights-related programmes.

Readings in the library

Twice a year, the library hosts a reading followed by discussion relating to a current human rights topic. On 8 February, Martin Klingst, political correspondent for the weekly DIE ZEIT, read from his book, *Menschenrechte* (Human Rights), published by Reclam in its *100 Seiten* series. A reading in simple language about "assisted parenthood" was held on 10 October with Berliner Lebenshilfe e.V. and the National CRPD Monitoring Mechanism. The author, Alexandra Lüthen, read a literary text ("Maras Baby") in simple language, after which two mothers with impairments shared some of their own experiences.

Open access publications

The library regularly uploads (and provides meta-data for) the Institute's own publications to SSOAR, the open-access repository maintained at GESIS – Leibniz Institute for the Social Sciences. The repository then assigns them a permanent web address (UNR) where they will be available over the long term. The publications can then be found by the commonly used open-access search engines. This makes it even easier to find the Institute's publications through Internet searches. Between January and December of 2017, SSOAR registered about 7,200 downloads of Institute publications.

Inclusive and barrier-free libraries

Once again, the library championed inclusive access to libraries and information in national and international forums in 2017. Among other activities in this area, the library initiated and moderated a panel on accessibility at the annual conference of the Working Community of German Special Libraries (ASpB). At the international level, the head of the library continued to be active in the International Federation of Library Associations and Institutions (IFLA). She brings a human rights perspective to the work of the IFLA's LSN section, the Section for Library Services to People with Special Needs, as the German member of the section's committee. Guidelines for library services to people experiencing homelessness prepared by the LSN section were officially adopted at the 2017 IFLA World Library and Information Congress, in Wrocław, Poland. In a new project, the committee is looking into library services for people who are deaf. A kick-off workshop for this project was held in March of 2017 in the library of Gallaudet University in Washington, D.C., the world's only university specifically for deaf students.

European network

The ECCHRD – European Coordination Committee on Human Rights Documentation – is a network of European human rights libraries that was founded in 1981, of which the Institute has been a member since 2003. In April of 2017, the library of the European Inter-University Centre for Human Rights and Democratisation (EIUC) hosted an annual conference in Venice. The Institute's library was represented with a talk on the human rights perspective in international library work.

Communications

In an era of visualisation, it is essential that the Institute communicate human rights in multimedia formats. It is impossible to imagine effectively presenting our work in social media without images and videos. As an institution whose primary activities are identifying systematic deficits in human rights realisation and promoting human rights-conform legislation and policy, we must ask ourselves: how can we visually communicate human rights problems accurately and use images and videos to disseminate good human rights practices to policy makers and society?

The Institute initiated two major visual projects in 2017: one addressed the question of how to strengthen children's rights, which was the central focus of two events held on 4 April in Berlin to mark the 25th anniversary of the entry into force of the UN Convention on the Rights of the Child in Germany. As promotional and informational material for the ceremony and for the children's rights conference that the Institute's National CRC Monitoring Mechanism held in conjunction with it, the Communications Department produced ten video interviews of children's rights experts. All ten of the short-format interviews were posted on Twitter and made available in Institute's media library and on Vimeo. In addition, we produced a trailer entitled "*Kinderrechte vor Ort umsetzen*" (Implementing children's rights locally), a montage of scenes from all of the interviews, which has been screened at a number of children's rights events.

The Communications Department realised the photography project "In Search of the Disappeared" in partnership with the photographer Amélie Loisier in 2017. The eleven subjects of the portraits are experts who attended a conference on enforced disappearance jointly held by the Institute and the Heinrich Böll Stiftung. Among those portrayed are Carlos Martin Beristain, a doctor and social psychologist who has helped victims of violence in many parts of the world over the past thirty years; Oula Ben Nejma, Chair of the Research and Investigation Committee of the Tunisia's Truth and Dignity Commission; Ibrahim Alkasem, a Syrian human rights lawyer; Adam Rosenblatt, a member of the international forensic team of Physicians for Human Rights and Mausi Segun, Executive Director of Human Rights Watch Africa. Each person wrote a personal message by the hashtag #enforceddisappearance on a piece of white card stock and was then photographed holding his or her message. The intent was to draw attention to the fate of the disappeared and their families. The impressive photographs can be viewed on the Institute's website and in this annual report.

The Communications Department is responsible for the Institute's media relations and activities, its social media activities, and for the Institute's website. It runs the Institute's internal publishing unit and designs and organises, independently or jointly with the Institute's policy advisers, barrier-free conferences, lectures, expert discussions, workshops and readings. It regularly offers a small fellowship program and hosts seminars on current issues relating to human rights, both aimed at journalists. The Communications Department is also involved in the German Human Rights Film Prize and presents film series on selected human rights topics. The Communications Department also works with the development and relief agency Bread for the World to prepare the programme for the Werner Lottje Lecture, at which current challenges for the protection of human rights defenders are discussed. Every two years it prepares the concept for and organises Berlin Human Rights Day, a forum used by the Institute to place current issues in human rights on the social and political agenda.

Administration

“An appreciation of diversity has to be anchored in the organisational structure.”

Interview with Brigitta Ulrichs, HR officer, on diversity in the Institute

When did the Institute start its diversity process?

Anti-discrimination has been part of the substantive work of the Institute since it was first founded. The internal diversity process was initiated in 2014, during an organisational development process. This process involved reviewing our application procedures, the implementation of accessibility in the Institute and a trans- and intersex policy.

“The Institute has received positive feedback for its partially anonymised application procedures on several occasions.”

The Institute started a diversity process in 2014 that is being supported by its administration. Where have the challenges arisen in implementation of this process?

Diversity management is a strategic task. This is because the recognition and appreciation of difference and individuality in an organisation has to be anchored in the structure of the organisation as well as be experienced by employees in their work lives. Simply appreciating the value of human diversity as a social potential is not enough, if you want diversity in an organisation, you have to deliberately foster it. So, the Institute's administration worked with the different departments to revise the entire personnel selection procedure. For instance, we now select candidates in a partially anonymised procedure. And we explicitly encourage persons with migration backgrounds, with experience of racism and/or with disabilities to apply. It can be challenging at times to structure an entire application process in a manner completely free of discrimination, but for us, the effort has paid off: management can now do more to make sure that the Institute is an attractive employer to a very wide array of applicants. The Institute has received positive feedback for its partially anonymised application procedures on several occasions.

Is implementing diversity in hiring practices a purely administrative matter?

Responsibility for implementing diversity in the application procedures lies with the head of the department involved. The HR officer participates in an advisory capacity. The Institute's diversity officer fulfils a coordinating function: she collects diversity activities and evaluates them once a year, particularly with respect to the degree of implementation in personnel recruitment. The individual diversity working groups are independently responsible for their own topics.

What concrete steps have you taken to become a more diversity-sensitive employer?

We attach particular importance to a respectful way of dealing with one another, and we have provided training to our staff in several different subjects. This ranges from workshops with Mensch zuerst – Netzwerk People First Deutschland e.V. an association run by and for persons with learning difficulties, aimed at conveying a better understanding of their perspective, to workshops on a wide variety of languages, through to classic diversity training. We have set up a guidance system for new staff members, which helps them find their place in the informal culture of the Institute.

FACTS & FIGURES

Annual Financial Report 2017

Income

Institutional allocation from the federal government	€2,657,000
Income from projects with third-party federal funding	€1,572,467
Income from projects with third-party Länder funding	€110,900
Mixed income (third-party mandates, fees, misc. earnings)	€1,280,130
Total income	€5,620,496

Expenditures

Human rights policy Germany/Europe	€486,663
Mandates of third-parties/ projects funded by third parties Human Rights Policy Germany/Europe	€374,618
Human Rights Policy International	€256,808
Mandates of third-parties/ projects funded by third parties Human Rights Policy International	€1,125,644
Human Rights Education	€158,378
Mandates of third-parties/ projects funded by third parties Human Rights Education	€64,810
Communications	€419,071
Mandates of third-parties/ projects funded by third parties Communications	€25
Library	€185,071
Administration (overhead)	€987,780
Board of Directors/Management	€390,668
National CRPD Monitoring Mechanism	€403,470
Mandates of third-parties/ projects funded by third parties National CRPD Monitoring Mechanism	€382,973
Mandates of third-parties/ projects funded by third parties National CRC Monitoring Mechanism	€384,517
Total expenditure	€5,620,496

2017 Result

€0

Notes to the annual financial statement

The German Institute for Human Rights received an **institutional allocation** of 2,657,000 euro in 2017. The German Bundestag provides this core funding to the Institute every year. It is intended to ensure that the Institute has adequate financial resources, as required for an independent national human rights institution under the Paris Principles of the United Nations.

In addition to the institutional funding, the income section includes three other positions used to record **third-party funding**.

- (1) A total of 1,572,467 euro were taken in by way of projects with **third-party federal funding**. The income and expenditure associate with these 12 third-party funded projects are reported separately in the annual financial statement, as separate accounting is done for this funding vis-à-vis the funding body for each of these projects. 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 2017, 110,900 euro came in from German Länder as third-party-funded projects.
- (3) The **mixed income** is made up of income derived from 10 mandates from third parties. Also included are fees for lectures given by members of the Institute's staff. The "miscellaneous earnings" item is used to record income such as lump sum administrative fees charged to third-party funded projects, which flow into the institutional allocation. Mixed income for 2017 comprised a total of 1,280,130 euro.

The income derived from **third-party federal funding** (1) funded the research input supporting 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 includes income derived from third-party funding for research relating to National Human Rights Institutions as actors in the Global Compact for Migration and for the secretarial support for the GANHRI chairpersonship. The Federal Foreign Office was the source of the funding for support of these projects.

The German Institute for Human Rights also received funds in 2017 from the Federal Ministry for Economic Cooperation and Development (BMZ) for two research projects, one for research in support for the GANHRI chairpersonship, and one on the role of National Human Rights Institutions in the area of business and human rights.

It also received funds 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 UN CRC Monitoring Mechanism.

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

The Federal Ministry of Labour and Social Affairs (BMAS) funded the research and advising project "National Action Plan on Business and Human Rights" and a project to raise awareness in the social courts about the UN CRPD.

The Federal Office of Family Affairs and Civil Society Functions (BAFzA) funded a human rights education department project within the framework of "Living Democracy".

Projects with third-party Länder funding were awarded by the Land of Berlin (in accordance with its Budget Code). Under mandates of third-parties are additional awards from Länder which, due to the type of funding involved, flow directly into the institutional allocation and are therefore not listed

separately (The Lands of Thuringia and North Rhine-Westphalia provided funding to the National CRPD Monitoring Mechanism).

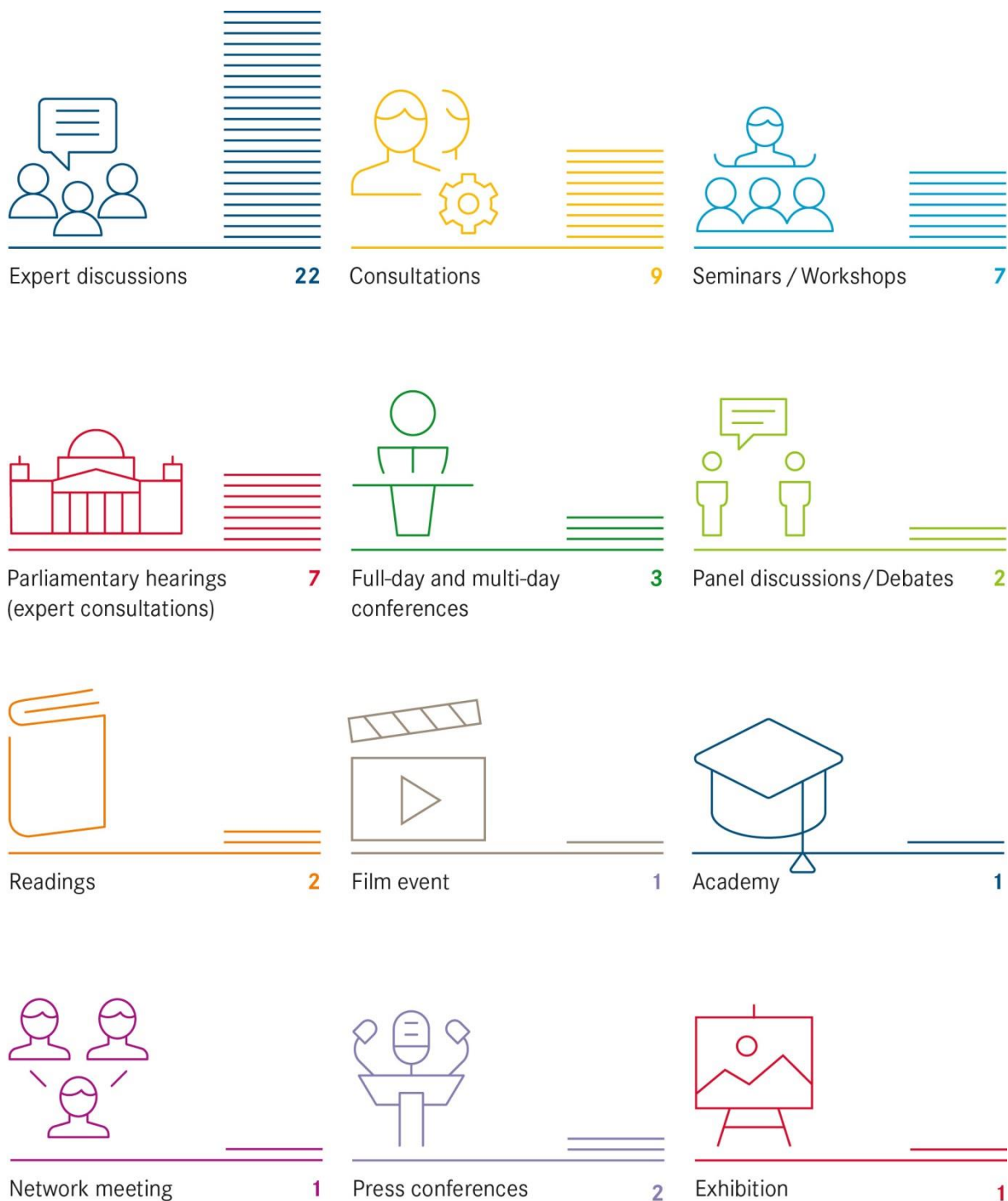
Income derived from mandates from third-parties that is included in the accounting for the institutional funding are recorded as “**mixed income**” (3). This income is made up of funds from GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) for three projects – “Implementing a human rights-based approach in development policy”, “Children’s rights” and “UN CRPD in development cooperation” – and of funds from the European Union Agency for Fundamental Rights (FRA) for reporting in the FRANET network, which the Institute took on for FRA in 2017. In addition, third-party mandates were awarded to the Institute by the European Network of National Human Rights Institutions (ENNHRI) and the Kraft Foundation for work on the topic of the rights of older persons and also by the Council of Europe, Lucerne University of Applied Sciences and Arts and Amnesty International for the human rights education materials “Kompass”.

The Paris Principles 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 that is tied to a specific purpose should play a subordinate role vis-à-vis the institutional funding. This requirement was not met in 2017. In 2017, Institute income derived from projects (in all three categories) made up a total of 53 percent of its total income. In 2017, as in the past, the Institute sought and acquired funding from third parties to support the implementation and intensification of its work on topics and areas that the Institute itself had already chosen and defined as priorities. The Institute would like to express its sincere gratitude to all funding sources for their support of its work.

The **summary of expenditures** indicates the amount of financial resources available for the work of each of the Institute’s departments. The item “administration (overhead)” includes the Institute’s running costs – e.g. business needs, rent and related ancillary payments, utilities, services (IT) and miscellaneous administrative expenses (experts, bank fees, etc.) – and also the membership dues for memberships in 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 in 2017



Our partners for events

- Arbeitslosenselbsthilfe Oldenburg e. V.
- BAG Kommunale Kinderinteressensvertretungen
- Bread for the World
- Central Council of German Sinti and Roma
- Diakonie
- Documentation and Cultural Centre for German Sinti and Roma
- Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)
- Federal Ministry of Justice and Consumer Protection (BMJV)
- Forum Menschenrechte
- Galerie Neurotitan
- Geneva Academy of International Humanitarian Law
- German Police University
- German Youth Institute (DJI)
- Global Alliance of National Human Rights Institutions (GANHRI)
- Heinrich Böll Stiftung
- Helga Breuninger Stiftung
- Hertie School of Governance
- Human Rights Centre of the University of Potsdam
- Institute for International Law of Peace and Armed Conflict at the Ruhr University Bochum
- Internationales Forum Burg Liebenzell e. V.
- Joint Judicial Examination Authority of the Länder of Berlin and Brandenburg
- Lebenshilfe e. V. Association of the Land of Berlin
- National Coalition Deutschland
- National Conference on Poverty (nak)
- Office of the High Commissioner for Human Rights of the United Nations (OHCHR)
- Rochow-Museum und Akademie
- Senate Department for Integration, Labour and Social Services
- State Office for Health and Social Affairs
- UNICEF
- University of Kassel, Work Areas

Overview of events

Events with public visibility are shown here. Internal events were also held.

[17 Jan. 2017 | Berlin](#)

Long Night of Human Rights Films

Film event and presentation of the 2016 winners of the German Human Rights Film Prize

[08 Feb 2017 | Berlin](#)

Menschenrechte. 100 Seiten

Reading and conversation with Martin Klingst

[15 Feb. 2017 | Berlin](#)

Werner Lottje Lecture “We blog because we care”

The right to free expression in Ethiopia – lecture and podium discussion in cooperation with Bread for the World.

[15 Feb. 2017 | Berlin](#)

24th Civil Society Consultations of the National CRPD Monitoring Mechanism

Consultations with federations of disability organisations

[12–16 Feb. 2017 | Bad Liebenzell](#)

Human Rights Academy

in cooperation with the International Forum of Liebenzell Castle

[09 Mar. 2017 | Berlin](#)

The role of NHRIs in the promotion and protection of children’s rights: Contributions to the implementation of the 2030 agenda

Expert discussion in cooperation with UNICEF, OHCHR und GANHR

[20 Mar. 2017 | Berlin](#)

The concept of the “best interests of the child” under article 3 of the UN CRC

Workshop

[24 Mar. 2017 | Berlin](#)

How can people experiencing poverty gain access to justice?

Expert discussion in cooperation with the National Conference on Poverty (nak)

[30–31 Mar. 2017 | Münster](#)

Human rights education for leaders

Seminar in cooperation with the German Police University

[03 Apr. 2017 | Berlin](#)

Complaint mechanisms for children and youth at the local level

Consultation in cooperation with the BAG
Kommunale Kinderinteressensvertretungen
(Federal Association of Communal Child Advocacy Bodies)

[04 Apr. 2017 | Berlin](#)

Strengthening children's rights

Conference marking the 25th anniversary of the entry into force in Germany of the UN CRC, in cooperation with the BMSFJ and National Coalition Deutschland

[07 Apr. 2017 | Berlin](#)

Kick-off event for the UN ICESCR State-party reporting procedure

Workshop: how can civil society organisations and federations participate in the procedure?

10 Apr. 2017 | [Berlin](#)

Integrating the business and human rights agenda into the G20 and G7 processes

Expert discussion

21 Apr. 2017 | [Berlin](#)

Discrimination against older persons

Expert discussion in preparation for the 8th session of the Open-ended Working Group on Ageing

21 Apr. 2017 | [Berlin](#)

The right of older persons to freedom from violence, abuse and neglect

Expert discussion in preparation for the 8th session of the Open-ended Working Group on Ageing

27 Apr. 2017 | [Berlin](#)

7th meeting of the federal and Länder Commissioners for Matters Relating to Disabled Persons

Expert discussion hosted by the National CRPD Monitoring Mechanism

11 May 2017 | [Berlin](#)

Rule of law and combatting terrorism

Consultations with civil society

12 May 2017 | [Berlin](#)

1st meeting of the advisory board for the project “Human rights in the practice of the social courts: the UN CRPD”

Expert discussion hosted by the National CRPD Monitoring Mechanism

17 May 2017 | [Berlin](#)

Presentation of the first report to the German Bundestag on developments in the human rights situation in Germany (January 2015–June 2016)

Hearing of the Human Rights Committee of the German Bundestag

19 May 2017 | [Berlin](#)

Introduction to the human rights-based approach: Theory and practice

Seminar

30–31 May 2017 | [Münster](#)

Human rights in the police

Seminar in cooperation with the German Police University

21 Jun. 2017 | [Berlin](#)

24th Civil Society Consultations of the National CRPD Monitoring Mechanism

Consultations with federations of disability organisations

22 Jun. 2017 | [Berlin](#)

Visit by the Commissioner for Persons with Disabilities of the Republic of Slovakia

Expert discussion hosted by the National CRPD Monitoring Mechanism

27 Jun. 2017 | [Berlin](#)

How to deal with racist agitation in the campaign context

Panel discussion in cooperation with the Central Council of German Sinti and Roma and the Documentation and Cultural Centre for German Sinti and Roma, under the patronage of Members of the Bundestag Cemile Giousouf (CDU) and Dr Karamba Diaby (SPD)

03–04 Jul. 2017 | [Berlin](#)

The search for victims of enforced disappearance. Legal strategies and best practices

Expert discussion in cooperation with the Heinrich Böll Stiftung

[04 Jul. 2017 | Berlin](#)

Footprints of memory

Panel discussion and exhibition on enforced disappearances in cooperation with the Heinrich Böll Stiftung and Galerie Neurotitan

[14 Jul. 2017 | Berlin](#)

Shaping educational practices dealing with the topics of refugee/flight, asylum and racial discrimination

Expert discussion for project “Maßstab Menschenrechte”

[25 Aug. 2017 | Berlin](#)

Debriefing on the 8th session of the UN Open-ended Working Group on Ageing

Expert discussion in cooperation with the BMFSFJ

[07 Sep. 2017 | Berlin](#)

Developing children's rights indicators

Consultation of the National CRC Monitoring Mechanism

[15 Sep. 2017 | Berlin](#)

Rule of law and combatting terrorism

Discussion with civil society

[18 Sep. 2017 | Berlin](#)

Use of weapons, arms limitations and the right to life

Workshop with the Institute for International Law of Peace and Armed Conflict at the Ruhr University Bochum and the Hertie School of Governance

[29 Sep. 2017 | Berlin](#)

Behavioural economics and human rights: A behavioural economics perspective on the implementation of the UN Guiding Principles on Business and Human Rights

Expert discussion

[29 Sep. 2017 | Berlin](#)

Close the gaps! International cooperation on human rights in Columbia's extractive sector

Expert discussion

[06 Oct. 2017 | Berlin](#)

Shaping educational practices dealing with the topics of refugees, asylum and racial discrimination

Expert discussion as part of the project “Maßstab Menschenrechte”

[10 Oct. 2017 | Berlin](#)

Reporting to the UN Committee on the Rights of the Child

Kick-off consultation of the National CRC Monitoring Mechanism on the State reporting procedure

[10 Oct. 2017 | Berlin](#)

“Maras Baby” – A story in simple language

Taking about parents with impairments

Reading with Alexandra Lüthen in cooperation with Lebenshilfe e. V. Association of the Land of Berlin

[16 Oct. 2017 | Berlin](#)

A justice system responsive to children's needs

Consultation of the National CRC Monitoring Mechanism

[16–17 Oct. 2017 | Geneva](#)

Approaching new realities: Human rights in conflict situations – Expanding the scope of the

Human Rights Council

Expert discussion in cooperation with Forum Menschenrechte and the Geneva Academy of International Humanitarian Law

[19–20 Oct. 2017 | Berlin](#)

6th conference for the staff of the federal and Länder Commissioners for Matters Relating to Disabled Persons

Expert discussion hosted by the National CRPD Monitoring Mechanism

[03–04 Nov. 2017 Reckahn](#)

Human rights education

Conference in cooperation with Rochow Museum and Academy, the Human Rights Centre of the University of Potsdam, work areas of the University of Kassel, DJI and the Helga Breuninger Stiftung

[06 Nov. 2017 | Berlin](#)

Meeting of the Human Rights Education Network

[08 Nov. 2017 | Berlin](#)

26th Civil Society Consultations of the National CRPD Monitoring Mechanism

Consultations with federations of disability organisations

[08 Nov. 2017 | Hamburg](#)

Conference as part of the project “Training for judges”

Event hosted by the National CRPD Monitoring Mechanism

[08 Nov. 2017 | Berlin](#)

Trainer workshop with awareness-raising components

Project “Racism and human rights – Strengthening the criminal justice system”

[09 Nov. 2017 | Berlin](#)

The right to housing and the “key concept”: How and where should people be able to live?

Expert discussion in cooperation with the National Conference on Poverty (nak), Diakonie and Arbeitslosenselbsthilfe Oldenburg e.V.

[13 Nov. 2017 | Berlin](#)

Presentation of draft Länder equal rights legislation

Conference hosted by the National CRPD Monitoring Mechanism in cooperation with the Senate Department for Integration, Labour and Social Services

[23 Nov. 2017 | Berlin](#)

Expert discussion in the framework of the Berlin-Moscow town twinning

Expert discussion hosted by the National CRPD Monitoring Mechanism in cooperation with the State Office for Health and Social Services (LAGeSo)

[30 Nov. 2017 | Berlin](#)

Reports from the field: NHRIs as a non-judicial remedy mechanism in the area of business and human rights

Expert discussion in cooperation with GANHRI

[27 Nov. 2017 | Geneva](#)

Can non-judicial remedy be effective?

Debate in cooperation with GANHRI

[01 Dec. 2017 | Berlin](#)

2nd meeting of the advisory board for the project “Training for judges”

06 Dec. 2017 | Berlin

Press conference to present the 2nd Human Rights Report of the Institute

German Institute for Human Rights on developments in the human rights situation in Germany (July 2016–June 2017)

14 Dec. 2017 | Berlin

New challenges for the criminal justice system: Detecting and sanctioning racism

Seminar in cooperation with the Joint Judicial Examination Authority of the Länder of Berlin and Brandenburg (GIPA) and the Federal Ministry of Justice and Consumer Protection

15 Dec. 2017 | Berlin

Nursing and palliative care

Expert discussion with the BMFSFJ in preparation for the 9th session of the UN Open-ended Working Group on Ageing

Publications in 2017

German Institute for Human Rights

Altersdiskriminierung und das Recht Älterer auf Freiheit von Gewalt, Misshandlung und Vernachlässigung. Fachgespräche zur Vorbereitung der 8. Sitzung der UN Open Ended Working Group on Ageing (OEWG-A). Berlin: Deutsches Institut für Menschenrechte, 2017, 27 pp. (Dokumentation)

Auf der Suche nach Opfern von gewaltsamem Verschwindenlassen. Wie die menschenrechtliche Verpflichtung zur Suche erfolgreich umgesetzt werden kann. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 11)

Beihilfe zu Menschenrechtsverstößen vermeiden – außenpolitische Zusammenarbeit kritisch prüfen. Berlin: Deutsches Institut für Menschenrechte, 2017, 67 pp. (Analyse)

Bekämpfung von Menschenhandel - eine menschenrechtliche Zwischenbilanz. Handlungsfelder für die kommende Legislatur. Berlin: Deutsches Institut für Menschenrechte, 2017, 7 pp. (Information Nr. 8)

Bericht im Rahmen der dritten Überprüfung Deutschlands im Universellen Periodischen Überprüfungsverfahren (Universal Periodic Review) des UN-Menschenrechtsrates 2018. Berlin: Deutsches Institut für Menschenrechte, 2017, 13 pp.

Bewusstsein wecken, Haltung stärken, Verantwortung übernehmen. Menschenrechtsbildung in der frühen Kindheit. Berlin: Deutsches Institut für Menschenrechte, 2017, 5 pp. (Position Nr. 9)

Children have a right to health. General Comment No. 15 of the UN Committee on the Rights of the Child. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 3)

Children's rights and the elimination of harmful practices. General Comment No. 18 of the UN Committee on the Rights of the Child. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information No. 5)

Children's rights during adolescence. General Comment No. 20 of the UN Committee on the Rights of the Child. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information No. 9)

Closing protection gaps in the human rights and business context. What transnational cooperation between the National Human Rights Institutions of Germany and Colombia has achieved. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information No. 14)

Das Recht auf inklusive Bildung. 4 des UN-Ausschusses für die Rechte von Menschen mit Behinderungen. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Information Nr. 12)

Development of the human rights situation in Germany. July 2016–June 2017. Report to the German Federal Parliament in accordance with sec. 2 para 5 of the act regarding the legal status and mandate of the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2017, 12 pp. (Executive Summary)

Die Umsetzung von Kinderrechten beobachten. Eine Instrumentenauswahl für die Entwicklungszusammenarbeit. Berlin: Deutsches Institut für Menschenrechte, 2017, 42 pp. (Praxis)

Diskriminierung im Bildungsbereich abbauen. Bedeutung und Rezeption des Menschenrechtsansatzes in der Bildungsforschung. Gemeinsame Veranstaltung mit dem Wissenschaftszentrum Berlin für Sozialforschung (WZB) am 29. September 2016. Berlin: Deutsches Institut für Menschenrechte, 2017, 27 pp. (Tagungsdokumentation)

Entwicklung der Menschenrechtssituation in Deutschland. Juli 2016–Juni 2017. Bericht an den Deutschen Bundestag gemäß § 2 Absatz 5 DIMRG. Berlin: Deutsches Institut für Menschenrechte, 2017, 109 pp.

Entwicklung der Menschenrechtssituation in Deutschland. Juli 2016 - Juni 2017. Bericht an den Deutschen Bundestag gemäß § 2 Absatz 5 DIMRG. Berlin: Deutsches Institut für Menschenrechte, 2017, 9 pp. (Kurzfassung)

Gemeinsames Lernen ist ein Menschen-Recht. Darum brauchen wir die Schule für alle. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Position Nr. 10 in Leichter Sprache)

Holding OSCE states accountable for implementing human dimension commitments. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Information No. 7)

Inklusion durch Sport. Zur Teilhabe von Menschen mit Behinderungen. Berlin: Deutsches Institut für Menschenrechte, 2017, 4 pp. (Position Nr. 12)

Inklusive Bildung ist ein Menschenrecht. Warum es die inklusive Schule für alle geben muss. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Position Nr. 10)

Jahresbericht 2016. Berlin: Deutsches Institut für Menschenrechte, 2017, 75 pp.

Katastrophenhilfe muss inklusiv sein. Empfehlungen des UN-Hochkommissariats für Menschenrechte. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 4)

Kinder haben ein Recht auf Gesundheit. Ausführungen des UN-Kinderrechtsausschusses (Allgemeine Bemerkung Nr. 15). Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 3)

Kinderrechte in Deutschland unter der Lupe. Das Berichtsverfahren zur Umsetzung der UN-Kinderrechtskonvention. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Information Nr. 13)

Kinderrechte in der Jugend. Ausführungen des UN-Kinderrechtsausschusses (Allgemeine Bemerkung Nr. 20). Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 9)

Kinder-Rechte sollen in das Grund-Gesetz. Damit Kinder in Deutschland mehr Rechte haben. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Position Nr. 7 in Leichter Sprache)

Kinderrechte und die Beseitigung schädlicher Praktiken. Ausführungen des UN-Kinderrechtsausschusses (Allgemeine Bemerkung Nr. 18). Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 5)

Mehr Literatur in barrierefreien Formaten. Die Umsetzung des Vertrags von Marrakesch soll Menschen mit Lese- und Sehbehinderungen den Zugang zu Literatur erleichtern. Berlin: Deutsches Institut für Menschenrechte, 2017, 4 pp. (Position Nr. 11)

Mehr Rechte für inter-geschlechtliche und trans-geschlechtliche Menschen. Berlin: Deutsches Institut für Menschenrechte, 2017, 12 pp. (Position Nr. 13 in Leichter Sprache)

Menschen mit Behinderungen durch deutsche Entwicklungszusammenarbeit stärken. Wie inklusive Entwicklungszusammenarbeit gelingen kann. Berlin: Deutsches Institut für Menschenrechte, 2017, 4 pp. (Position Nr. 14)

Menschen mit Behinderungen und Sport. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Position Nr. 12 in Leichter Sprache)

Menschenrechtliche Grenzen des Freiheitsentzugs von Terrorverdächtigen. Abschiebungshaft zur Terrorismusprävention und das Recht auf Freiheit. Berlin: Deutsches Institut für Menschenrechte, 2017, 4 pp. (Position Nr. 8)

Nationale Menschenrechtsinstitutionen nach Gewaltkonflikten. Auftrag, Erfahrungen und Herausforderungen. Berlin: Deutsches Institut für Menschenrechte, 2017, 8 pp. (Information Nr. 6)

Parallel report by the German Institute for Human Rights to the Committee on the Elimination of Discrimination against Women (CEDAW). Berlin: Deutsches Institut für Menschenrechte, 2017, 17 pp. (Submission)

Rechte von Frauen und Mädchen mit Behinderungen. 3 des UN-Ausschusses für die Rechte von Menschen mit Behinderungen. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 10)

The search for victims of enforced disappearance. How the human rights obligation to search can be successfully implemented. Berlin: Deutsches Institut für Menschenrechte, 2017, 6 pp. (Information Nr. 11)

Third Review of Germany under the Universal Periodic Review (UPR) of the UN Human Rights Council Report by the German Institute for Human Rights. Berlin: Deutsches Institut für Menschenrechte, 2017, 13 pp.

Werden die Empfehlungen des NSU-Untersuchungsausschusses des Bundestags tatsächlich umgesetzt? Künftige Bundesregierung sollte unabhängige Untersuchung initiieren. Berlin: Deutsches Institut für Menschenrechte, 2017, 5 pp.

Breslin, Andrea/Würth, Anna: National Human Rights Institutions in post-conflict situations. Mandates, experiences and challenges. Berlin: Deutsches Institut für Menschenrechte, 2017, 33 pp. (Analysis)

Niebank, Jan-Christian/Utlu, Deniz: Schutzlücken schließen. Transnationale Zusammenarbeit zu Menschenrechten am Beispiel Kohleabbau in Kolumbien. Berlin: Deutsches Institut für Menschenrechte, 2017, 38 pp. (Analyse)

Niebank, Jan-Christian/Utlu, Deniz: Closing gaps in protection. Transnational cooperation on Human rights: The case of the extractive sector in Colombia. Berlin: Deutsches Institut für Menschenrechte, 2017, 38 pp. (Analysis)

Niebank, Jan-Christian/Utlu, Deniz: Superar los vacíos. Cooperación internacional en materia de derechos humanos en el sector de las materias primas en Colombia y Latinoamérica. Berlin: Deutsches Institut für Menschenrechte, 2017, 44 pp. (Análisis)

Schabram, Greta: „Kein Geschlecht bin ich ja nun auch nicht“. Sichtweisen intergeschlechtlicher Menschen und ihrer Eltern zur Neuregelung des Geschlechtseintrags. Berlin: Deutsches Institut für Menschenrechte, 2017, 44 pp. (Analyse)

Töpfer, Eric/Peter, Tobias: Unabhängige Polizeibeswerdestellen. Was kann Deutschland von anderen europäischen Staaten lernen? Berlin: Deutsches Institut für Menschenrechte, 2017, 39 pp. (Analyse)

Utlu, Deniz/Niebank, Jan-Christian: Das kalkulierte Risiko. Ökonomische versus menschenrechtliche Anforderungen an eine unternehmerische Risikoanalyse. Berlin: Deutsches Institut für Menschenrechte, 2017, 28 pp. (Analyse)

Utlu, Deniz/Niebank, Jan-Christian: El cálculo del riesgo. Requisitos económicos vs. requisitos en materia de derechos humanos en un análisis de riesgo empresarial. Berlin: Deutsches Institut für Menschenrechte, 2017, 28 pp. (Análisis)

Utlu, Deniz/Niebank, Jan-Christian: Calculated Risk. Economic versus human rights requirements of corporate risk assessments. Berlin: Deutsches Institut für Menschenrechte, 2017, 26 pp. (Analysis)

Windfuhr, Michael: Safeguarding human rights in land related investments. Comparison of the Voluntary Guidelines Land with the IFC Performance Standards and the World Bank environmental and social safeguard framework. Berlin: Deutsches Institut für Menschenrechte, 2017, 60 pp. (Analysis)

Position statements

Rassistische Wahlplakate müssen abgehängt werden. NPD-Parole „Geld für die Oma statt für Sinti und Roma“ von der Meinungsfreiheit nicht gedeckt. Berlin: Deutsches Institut für Menschenrechte, 2017, 11 pp.

Regelungsbedarfe zur Stärkung und zum Schutz der Rechte intergeschlechtlicher Kinder. Öffentliches Expert_innengespräch „Intersexualität“ der Kinderkommission des Deutschen Bundestages am 31. Mai 2017. Berlin: Deutsches Institut für Menschenrechte, 2017, 12 pp.

Stellungnahme gem. § 27a BVerfGG im Verfahren 1 BvR 2019/16. Berlin: Deutsches Institut für Menschenrechte, 2017, 10 pp.

Stellungnahme zum Antrag der FDP-Fraktion „Kinder und Jugendliche schützen – Kinderehen wirksam bekämpfen“. Drucksache 16/12848. Öffentliche Anhörung des Rechtsausschusses des Landtags Nordrhein-Westfalen am 18. Januar 2017. Berlin: Deutsches Institut für Menschenrechte, 2017, 9 pp.

Stellungnahme zum Entwurf eines Gesetzes zur Bekämpfung von Kinderehen. Gesetzentwurf der Bundesregierung. Berlin: Deutsches Institut für Menschenrechte, 2017, 10 pp.

Stellungnahme zum Entwurf eines Gesetzes zur Bekämpfung von Kinderehen. Gesetzentwurf der Fraktionen der CDU/CSU und SPD, Drs. 18/12086. Berlin: Deutsches Institut für Menschenrechte, 2017, 13 pp.

Stellungnahme zum Schwerpunktthema ‚Shrinking Space‘ - Einschränkungen des Handlungsspielraums für die Zivilgesellschaft“ des 12. Menschenrechtsberichts der Bundesregierung.

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PHOTOGRAPHY PROJECT: “IN SEARCH OF THE DISAPPEARED”

Cover: The disappeared should have a voice: you!

Mauis Segun searches in Nigeria for women and girls abducted by the Boko Haram terrorist group, and also for adolescents, woman and men who disappeared after mass arrests by members of the military. She documents these cases and supports families in their search. Segun is the executive director of Human Rights Watch Africa.

Back cover: “Forgetting is full of memory” – Mario Benedetti

Adam Rosenblatt participated in the exhumation of a large number of mass graves as a member of the international forensic team of Physicians for Human Rights. Many victims of enforced disappearance were given back their identities thanks to his efforts to identify remains. His grandmother, who witnessed countless people enter the gas chambers as a prisoner at Auschwitz concentration camp, had a formative influence on him. Rosenblatt coordinates the programme for Peace, Justice and Human Rights at Haverford College in Philadelphia/USA.

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The photography project, “In Search of the Disappeared” with a translation of the messages from the portrait subjects and information about them is also available online at

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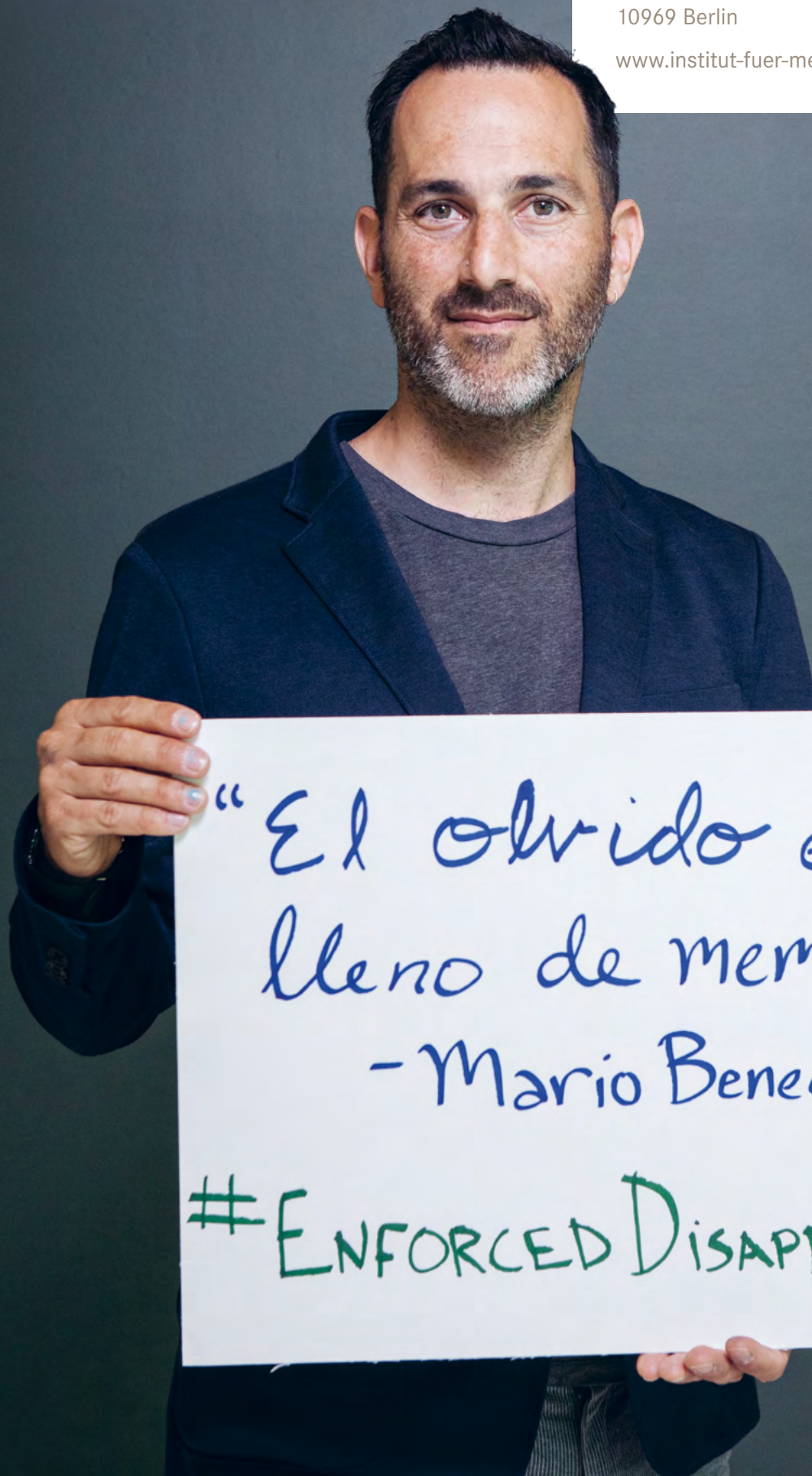
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“El olvido está
lleno de memoria.”

- Mario Benedetti

#ENFORCED DISAPPEARANCE