

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-third session
28 July- 15 August 2008

QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE
CONSIDERATION OF
THE SIXTEENTH TO EIGHTEENTH PERIODIC REPORTS OF
GERMANY

(CERD/C/DEU/18)

Composition of the population

1. Please provide updated statistical data on the ethnic composition of the population, including detailed information on immigrant groups.

Article 2

2. Please provide information on any recent developments regarding the National Action Plan against Racism. Has the State party involved the Länder, local authorities and civil society organizations in drafting the Plan?
3. Please provide information on measures adopted with regard to the protection of ethnic minorities which are not officially recognized, such as the ethnic immigrant groups of Turkish and Southeast European origin.
4. Has the framework agreement for the protection of Roma and Sinti signed between the Land of Rhineland-Palatinate and the respective Land Association of the Central Council of German Sinti and Roma in 2005 been replicated in other Länder?

Article 4

5. Please indicate whether any organizations which are based on racist ideas or which justify or attempt to foster racial hatred have

been prosecuted as criminal or terrorist organizations under Sections 129 and 129a of the Criminal Code. If so, please provide examples and indicate what sanctions have been imposed on perpetrators (State report, para. 81-86).

6. Please provide more detailed information on measures taken to combat racist propaganda on the Internet (previous concluding observations, para.12 and State report, para. 263 and 265).
7. Please provide detailed information on the legislation enacted in the State of Schleswig-Holstein to address right-wing extremist conduct and indicate whether similar legislation has been enacted in other Länder (State report, para. 95).
8. Please provide further information on the provisions of the General Equality Act which came into force in August 2006 (previous concluding observations, para. 10 and 14 (b) and State report, para. 95).
9. Please indicate whether racial motives are considered an aggravating circumstance for the purpose of sentencing in relevant crimes under domestic penal legislation.

Article 5

10. Please provide information on measures taken to eradicate, prevent and punish racially motivated acts of violence as well as ill-treatment inflicted by law enforcement officials against foreigners, including asylum-seekers, and German nationals of foreign origin. (previous concluding observations, para. 11) (art. 5 (b)).
11. To what extent is the Sorbian minority involved in the development and implementation of policies and programmes affecting them, in particular regarding the preservation of a viable Sorbian school network in the Länder of Saxony and Brandenburg. (art. 5 (c) and e (v))
12. It is reported that the content and use of questionnaires prepared by the authorities of some Länder to facilitate the interview process for specific groups of applicants wishing to acquire German citizenship may be discriminatory towards certain groups, in particular Muslims. Please inform the Committee whether the questionnaires for citizenship procedures which the Federal Office for Migration and Refugees is reportedly in the process of

preparing, and which is to be made available to all Länder, is designed to avoid any direct or indirect discrimination. (art 5 (d) iii)

13. Has the State party drafted guidelines on minimum standards for the accommodation of asylum-seekers in order to ensure that they enjoy an adequate standard of living? Has the State party considered alternative ways of accommodating asylum-seekers after their initial stay in the first reception centres? (art. 5 e (iii))
14. Please comment on information that the principle of compulsory primary education is not applied to children of asylum seekers in Hessen, Baden-Württemberg and Saarland.
15. It is reported that immigrants' children are overrepresented in special schools for "under-achievers" (Sonderschulen) and under-represented in secondary and tertiary education, often for no other apparent reason than insufficient knowledge of the German language. Please provide information on measures taken to address this situation. (art. 5e (v))
16. Please indicate whether the State party has reviewed the proportionality of restrictions imposed on asylum seekers as to the obligatory residence in accommodation centres and their freedom of movement. (art. 5 e (iii))
17. Please inform the Committee whether the reported incidents of public hate speech against Roma and Sinti during sports events have been followed up by legal sanctions? (art 5 (e)(vi))

Article 6

18. Please indicate which remedies, including just and adequate reparation or compensation, are available for victims of racial discrimination. (State report, para. 163 and 176). Does the Act on Compensation for Victims of Acts of Violence (Opferentschädigungsgesetz) apply equally to citizens and non-citizens?
19. Please inform the Committee on the role of the Anti-Discrimination Office in collecting qualitative and quantitative data on discrimination cases, including information on victims and

perpetrators as well as on circumstances under which racial discrimination takes place? (State report, para. 178).

Article 7

20. Has the State party strengthened existing educational measures for law enforcement officials who deal with issues involving foreigners, including asylum-seekers, and German nationals of foreign origin? Please also provide updated information, in addition to that provided in the report, on the assessment of training programmes for the police. (previous concluding observations, para.10, and State report, para, 237)
21. Please comment on reports according to which migrants and asylum seekers as well as ethnic groups such as the Roma and Sinti are victims of racial prejudice and stigmatisation in the media. Please indicate whether the State party has adopted any measures to combat media prejudice and stereotyping. Has the work of the Central Council of German Sinti and Roma helped in reducing discrimination against Roma and Sinti in the media?
22. Please provide more detailed information on the assessment of the programme “Young People for Tolerance and Democracy” as well as the “Exit” programmes against Right-Wing Extremism, Xenophobia and Anti-Semitism (State report, para.189 and 196).

Other issues

23. Does the State party envisage ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?
