

# Press Release

## Council of Europe Press Division

Ref: 499a07

Tel: +33 (0)3 88 41 25 60

Fax: +33 (0)3 88 41 39 11

[pressunit@coe.int](mailto:pressunit@coe.int)

internet: [www.coe.int/press](http://www.coe.int/press)



47 members

Albania  
Andorra  
Armenia  
Austria  
Azerbaijan  
Belgium  
Bosnia and Herzegovina  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Georgia  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Moldova  
Monaco  
Montenegro  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Russia  
San Marino  
Serbia  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
"The former Yugoslav Republic of Macedonia"  
Turkey  
Ukraine  
United Kingdom

## Commissioner for Human Rights issues report on Germany

Strasbourg, 11.07. 2007 – Commissioner Thomas Hammarberg today presented his report assessing the effective observance of human rights in Germany to the Council of Europe's Committee of Ministers. The report reviews the current state of human rights protection in Germany and makes a number of concrete recommendations. It points to the shared responsibility of the federation and the 16 German Länder for upholding and promoting human rights.

In the area of counter-terrorism, the report calls on Germany to fully investigate alleged cases of extraordinary renditions that were carried out on German territory or involved German nationals or long-term residents. It also recommends the adoption of effective measures to prevent unlawful renditions and the development of specific guidelines for the questioning of detainees abroad by the intelligence services. In addition, the report underlines that evidence obtained under inhuman or degrading treatment or torture cannot be admissible in court.

With regard to fighting discrimination, the Commissioner urges German authorities to provide the new Anti-Discrimination Office with the necessary resources and independence to carry out its tasks effectively. The report points out that the wage gap between women and men in Germany continues to be high, and stresses the need to increase the integration rate of children with disabilities into mainstream education. It also recommends the establishment of a centralised database of racist and xenophobic incidents, as reported by victims.

The report says that EU directives related to asylum must be implemented in line with international human rights obligations. It suggests that authorities should provide free legal aid to asylum seekers from the outset of the application process and that the proportionality of the restrictions placed on their freedom of movement should be reviewed. The Commissioner calls on German authorities to grant residence permits to rejected asylum-seekers who have been subjected to a chain of tolerance ("Duldung") permits over several years, with special consideration afforded to families with children.

Furthermore, the Commissioner recommends a review of the increasing practice of revoking refugee status and the establishment of minimum standards for accommodating asylum seekers. He also recommends that Germany considers permitting double citizenship.

In relation to national minorities, the Commissioner says the authorities should improve the situation of the Roma and Sinti communities to counter persistent discrimination, and better involve the Sorbian minority in the decision-making regarding the Sorbian school network in Saxony and Brandenburg.

With reference to the penal system, the report emphasises that the devolution of legislative powers to Länder should not be allowed to lead to a lowering of prison standards while the principal aim of imprisonment should remain the social reintegration of prisoners.

.../.

To receive our press releases by e-mail, contact : [Council.of.Europe.Press@coe.int](mailto:Council.of.Europe.Press@coe.int)

**A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.**

Finally, the report recommends that the German national system for human rights protection could be further strengthened, for example, by promoting the independence of extrajudicial complaints bodies. It is also mentioned that authorities should provide clear information to the public on the available complaints mechanisms, establish independent police monitoring and complaints bodies, and enhance human rights education in schools and among professionals.

The Commissioner also calls on Germany to ratify Protocol No. 12 on the general prohibition of discrimination to the European Convention on Human Rights and the revised European Social Charter.

The report was prepared after the Commissioner's two-week official visit to Germany in October 2006. During the visit, Commissioner Hammarberg met with members of the federal and Länder governments, presidents of federal courts, members of the federal and Länder parliaments, senior officials and representatives of civil society, including the German Institute for Human Rights. In addition he visited institutions and sites with human rights relevance such as facilities for the pre-deportation detention of aliens, an accommodation centre for asylum seekers, a mental health care facility, and a shelter for women victims of violence.