

## QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON GERMANY<sup>[1]</sup>

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions/recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted, while **recommendations** are in bold and underlined.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

### Obligations and Cooperation with Human Rights Mechanisms

The Committee on the Rights of the Child (CRC) recommended in 2004 and in 2008 that Germany proceed to ratifying the OP-CRC-SC (Para 1, Compilation). Also in 2004, CRC expressed concern that the Convention has not been incorporated into the Basic Law and recommended Germany to do so and to ensure that all national and Länder laws fully conform to the CRC (Para 2, Compilation).

Issue	National Report	Compilation	Summary
Child Sexual Abuse		Awareness-raising campaigns  (15)	
Sexual orientation	Anti-Discrimination Act (78), General Equal Treatment Act (15); Legislation on hate crimes (34); Civil	Adoption of GET Act (8)	Persistence of discriminatory attitudes (20); Damage to memorials (20); discrimination against same-sex couples (15);

	Partnership Act (80);		protection to refugees (39)
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## Child sexual abuse

In 2004, CRC recommended, inter alia, that Germany strengthen awareness-raising campaigns in order to prevent and combat child abuse, evaluate the work of existing structures and provide training for professionals involved in such cases (Para 15, Compilation).

## Sexual orientation/identity

*The Federal Government will also continue to press for the combating of any discrimination based on (inter alia) sexual identity. The adoption in 2006 of the Anti-Discrimination Act (AGG) aiming to prevent or eliminate discrimination was an important element of this campaign.* (Para 78, NR). Forum Menschenrechte (Joint Submission 2, JS2) and German Institute for Human Rights (GIHR) reported that the Government has introduced a **General Equal Treatment (GET) Act** in 2006 which prohibits discrimination on the grounds of sexual orientation. (Para 15, Summary). In 2008, the Committee to Eliminate Racial Discrimination (CERD) welcomed the adoption of GET (Para 8, Compilation). GIHR and Campaign Transsexuality and Human Rights (JS3) expressed concern about still widespread **stereotypes and discriminatory attitudes** towards lesbian, gay, bisexual and transgender (LGBT) people in all parts of the German society. ). JS2 reported violent attacks and desecration or **damage of memorials** as the memorial for lesbian and gay victims of the Nazi regime in Berlin's district Tiergarten in August 2008 (Para 20, Summary)

*In 2001 a new system for the differentiated recording of "Politically motivated crimes" (PMK) was introduced in Germany. Under this system crimes linked to sexual orientation will also be recorded separately under the term "hate crimes"* (Para 34, NR (Para 20 Summary).

*The **Civil Partnerships Act** which has been in force since 2001 also enables homosexual couples to establish a civil partnership. This will also be recognized as a civil status as from 2009* (Para 80, NR). JS2 stated that despite the introduction of the Act to Revise the Registered Partnership Act (*Gesetz zur Überarbeitung des Lebenspartnerschaftsrechts*) in 2004, same-sex partnerships still face discrimination in many essential respects compared to heterosexual partnerships (Para 15, Summary)

Council of Europe (COE) recommended that Germany apply the grounds for providing **protection to refugees** to cover persecution on the account of outward manifestations of sexual orientation (Para 39, Summary).

## Suggested Questions/Recommendations

- Recommend that Germany reviews its relevant legislation in asylum to cover 'persecution on the account of outward manifestations of sexual orientation and gender identity'.

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[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the

Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at [alejandra@mulabi.org](mailto:alejandra@mulabi.org)