



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues in relation to the combined fifth and sixth periodic reports of Germany\*

1. The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 February 2022. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

#### Part I

2. Please explain the measures taken or envisaged:
- (a) To ensure the protection of children's rights in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic;
  - (b) To constitutionalize children's rights;
  - (c) To adopt a comprehensive policy on children's rights;
  - (d) To ensure effective coordination of all activities related to the implementation of the Convention across all sectors, at the federal, Land and local levels, in the absence of a permanent national body;
  - (e) To establish a comprehensive data-collection system that collects data disaggregated by age, disability, migration status, socioeconomic background and other factors;
  - (f) To allocate resources to and establish as a permanent institution the mechanism within the German Institute for Human Rights for monitoring the implementation of the Convention and to make available a child-friendly complaint mechanism for all children in all Länder;
  - (g) Strengthen domestic systems in the light of the ratification of the Optional Protocol to the Convention on a communications procedure through, for example, awareness-raising, capacity-building and increased access to remedies.
3. Please describe the measures taken:
- (a) To strengthen the regulatory framework for businesses to ensure that their activities, including their global supply chains, do not have an adverse impact on children's rights;
  - (b) To revise the law on sanctions for companies in accordance with the Coalition Agreement (CRC/C/DEU/5-6, para. 44);
  - (c) To monitor the implementation by businesses of the national action plan on business and human rights.

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\* Adopted by the pre-sessional working group on 11 February 2021.



4. Please explain the measures taken:
  - (a) To target intersectional and multiple forms of discrimination affecting children;
  - (b) To assess the impact of action plans and awareness-raising programmes aimed at combating discrimination against children with a migration background, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;
  - (c) To eliminate discrimination against children from disadvantaged socioeconomic backgrounds and children belonging to ethnic minority groups, including Roma and Sinti children.
5. Please describe the measures taken:
  - (a) To ensure that the right of the child to have his or her best interests taken as a primary consideration, and not the welfare of the child, serves as a guiding principle and is appropriately integrated into and consistently applied in all legislative, administrative and judicial proceedings and decisions;
  - (b) To ensure that the findings of the federal study on the best interests of children of separated parents (CRC/C/DEU/5-6, para. 125) are taken into account in the development of related policy or programmatic decisions;
  - (c) To discourage the anonymous abandonment of children.
6. Please explain the measures taken:
  - (a) To strengthen the capacity of relevant professionals, including social workers and teachers, to recognize and effectively respond to all forms of violence against children;
  - (b) To assess the impact of awareness-raising campaigns aimed at combating sexual exploitation and abuse (CRC/C/DEU/5-6, paras. 106—107; see also annex 1 to the State party report, para. 251);
  - (c) To address cyberbullying and online sexual exploitation and abuse, including through any measures in follow-up to the “No Grey Zones on the Internet” initiative, which ended in 2018.
7. Please describe the measures taken:
  - (a) To enforce the prohibition of child marriage under the 2017 Act to Combat Child Marriage;
  - (b) To raise the awareness of families and at-risk girls about the negative consequences of female genital mutilation;
  - (c) To take legislative measures to prevent the unnecessary medical or surgical treatment of intersex children.
8. Please explain the measures taken or envisaged:
  - (a) To reduce the traumatization of children whose parents have divorced or separated, ensure that the concept of joint parenting is promoted and that the concept of “custody” is replaced with parental responsibilities;
  - (b) To reduce the number of children in alternative care.
9. Please explain the measures taken or envisaged:
  - (a) To address regional discrepancies in access for children with disabilities to inclusive schools and to ensure that all schools have specialized teachers and professionals;
  - (b) To strengthen access for children with disabilities to secondary education;
  - (c) To prevent the sexual exploitation and abuse of girls with disabilities.
10. Please describe the measures taken or envisaged:
  - (a) To ensure that all children, including children living in poverty and asylum-seeking and refugee children, have access to health-care services;

(b) To monitor the implementation of the 2017 guidelines on the diagnosis and treatment of attention deficit hyperactivity disorders (CRC/C/DEU/5-6, para. 161);

(c) To address the incidence of somatic symptom disorders, eating disorders and other self-harming behaviours;

(d) To address the disproportionate prevalence of drug, alcohol and tobacco abuse among socioeconomically disadvantaged children;

(e) To address the growing incidence of Internet addiction and gaming disorders among children.

11. Please explain the measures taken:

(a) To evaluate the geographical areas in which families are particularly vulnerable to poverty with a view to developing appropriate remedial strategies;

(b) To ensure the right of children with an irregular residence status to an adequate standard of living given the statutory obligation of all service providers, with the exception of schools, to inform the immigration authorities of any child with such a status.

12. Please describe the measures taken:

(a) To allocate sufficient resources to ensure qualified teachers in all schools;

(b) To mitigate the disproportionate impact of COVID-19 on access to education for children in disadvantaged situations and to ensure an adequate digital infrastructure;

(c) To incorporate children's rights into school curricula on human rights and democracy education and into programmes for training teachers;

(d) To determine the root causes of inattention in the classroom and address the high levels of stress felt by students owing to academic pressure or bullying;

(e) To ensure that children's participation in recreational activities are voluntary and are not influenced by pressure for educational attainment.

13. Please provide information on:

(a) The application of the legal principle of granting asylum-seeking and refugee children the benefit of the doubt during age assessment procedures;

(b) The "special exceptional cases" in which asylum-seeking and migrant children may be detained pending deportation (CRC/C/DEU/5-6, para. 220).

14. With reference to the Committee's concluding observations on the report submitted by the State party under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/DEU/CO/1), please explain the measures taken:

(a) To designate a federal body with the mandate, capacity, authority and resources to coordinate the implementation of the Optional Protocol, following the consultations launched in 2016;

(b) To strengthen referral mechanisms for identifying children who are victims of trafficking and sexual exploitation, including through the effective implementation of the federal cooperation model entitled "Pulling together as one! Protection and help in cases of trafficking in and exploitation of children";

(c) To protect the rights of child victims of offences covered by the Optional Protocol, including by ensuring that they are treated as victims and that specialized support services are available in all Länder.

15. With reference to the Committee's previous concluding observations on the State party's combined third and fourth periodic reports (CRC/C/DEU/CO/3-4, paras. 77 and 79) and its concluding observations on the report submitted by the State party under on the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/DEU/CO/1), please describe the measures taken:

- (a) To reconsider the State party's policy regarding the minimum age of recruitment of children into the armed forces, currently at 17 years;
- (b) To ensure that advertising campaigns for the armed forces provide information on the potential risks of military service;
- (c) To safeguard children from abuse, harassment and sexual exploitation during armed forces training;
- (d) To prohibit and prevent the export of arms, including small arms and components for weapons systems, to countries where children are known to be recruited or used in hostilities;
- (e) To extend extraterritorial jurisdiction for crimes concerning the recruitment and involvement of children in hostilities, without submitting it to the condition of double criminality.

## **Part II**

16. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:
- (a) New bills or laws, and their respective regulations;
  - (b) New institutions (and their mandates) or institutional reforms;
  - (c) Recently introduced policies, programmes and action plans and their scope and financing;
  - (d) Recent ratifications of human rights instruments.

## **Part III**

### **Data, statistics and other information**

17. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographical allocation of those resources.
18. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status, for the past three years, on the following:
- (a) Abuses of children's rights by businesses, including prosecutions brought before the courts, sanctions imposed on perpetrators and remedies provided to victims;
  - (b) Child marriages and annulment decisions;
  - (c) Cases of female genital mutilation and violence against children, including abuse, neglect, domestic violence and sexual exploitation and abuse, that have been reported to the authorities, investigated and prosecuted, and the sanctions imposed on perpetrators;
  - (d) Cases of unnecessary medical or surgical treatment of intersex children;
  - (e) Children with disabilities who are out of school and who have reported having experienced violence, including sexual exploitation and abuse;
  - (f) Child victims of trafficking and the number of investigations and prosecutions conducted, sentences handed down to perpetrators and reparations afforded to victims;
  - (g) Asylum-seeking, refugee and migrant children entering the State party from areas where children may have been recruited or used in hostilities;

(h) Children under the jurisdiction of the State party who have been recruited or used in hostilities abroad.

19. Please provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and on how those measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

20. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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