

COMMITTEE ON THE RIGHTS OF THE CHILD  
Thirty-fifth session  
Pre-sessional Working Group  
6-10 October 2003

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the consideration of the second periodic report of GERMANY (CRC/C/83/Add.7)

**Part I**

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 28 November 2003:

A. Data and statistics

While acknowledging the statistical data provided by the State party in the Annexes to its Second periodic report, the Committee would appreciate the submission of additional updated statistical data limited to the topics mentioned in the current List of issues.

1. Please provide disaggregated data (by gender, age, minority group, urban or rural areas) per year covering the years 2000, 2001 and 2002 on:
  - (a) The number and percentage of children under 18 living in the State party;
  - (b) The number and percentage of non-national children, including immigrant children, asylum seeking, and Roma children.
  
2. In light of article 4 of the Convention, please provide additional data disaggregated by Land and, where possible by Eastern and Western part of the State party for 2001-2003 (per year), on budget allocations and trends (in percentages of the national and regional budgets) allocated to the implementation of the Convention for the following areas:
  - (a) Education, including pre-school, primary, secondary and special;
  - (b) Day-care facilities;
  - (c) Health care, including primary, adolescent and other child related health services;
  - (d) Social welfare and support programmes for families;
  - (e) Protection of children who are in need of alternative care including the support of care institutions;
  - (f) Children with disabilities;
  - (g) Cultural activities and investment in public leisure facilities;
  - (h) International development assistance contributions;
  - (i) Juvenile justice.
  
3. Please provide disaggregated data (by gender, age, if possible by minority groups and Land) covering the period 2000-2002 (specific per year) on the:

- (a) Number of children with disabilities;
  - (b) Number of children with disabilities living at home and in institutions;
  - (c) Number of children with disabilities enrolled in regular education or special education systems.
4. The number of children abducted from and to Germany over the years 2000, 2001, and 2002.
5. With reference to child abuse, including sexual abuse, please provide disaggregated data (by age, gender and types of violations reported), on the:
- (a) number of cases reported to the competent authorities per year between 2000 and 2002;
  - (b) number and percentage of reports which have resulted in either a court decision or other types of follow-up.
6. Please provide disaggregated data on infant and child mortality, adolescent health, including on the incidence of sexually transmitted infections (STIs), HIV/AIDS, early pregnancy, abortion, drug and alcohol abuse (including within the family), suicide, accidents and mental health concerns, for the years 2000, 2001 and 2002.
7. Please provide disaggregated data (by gender, age, urban or rural areas, and if possible by minority groups, including immigrants and the Roma) covering the years 2000, 2001 and 2002 on the:
- (a) Rates of literacy of all under 18s
  - (b) Net enrolment ratio in pre-school, primary and secondary school
  - (c) Rate of enrolment in private schools as percentage of total enrolment
  - (d) Rate of children completing primary and secondary education
  - (e) Number and percentage of children who drop out of school
  - (f) The ratio of children per teachers in primary and secondary education
  - (g) The numbers of children per class
8. Please provide statistical data (including, where relevant, by gender, age, type of crime) covering the period years 2000, 2001 and 2002 on the:
- (a) the number of juvenile courts disaggregated per Land
  - (b) number of minors who allegedly committed a crime reported to the police
  - (c) number of minors who were sentenced by Courts to sanctions, and the nature of sanctions (community service; detention; other types of sanctions)
  - (d) the number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment, including pre-trial detention.
  - (e) percentage of recidivism cases.
9. With reference to special protection measures please provide, and evaluate, statistical data (including by gender, age, urban/rural areas) for the years 2000, 2001 and 2002 on the number of children:
- (a) Involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of children provided with access to recovery and other assistance;
  - (b) Involved in substance abuse, and the number of children who received treatment and rehabilitative assistance;

- (c) Involved in child labour (formal and informal sector)
- (d) Seeking asylum and provided with refugee status, including non-accompanied minors.

## B. General Measures of Implementation

1. Please provide information on the reasons some of the recommendations contained in the Committee's previous observations (CRC/C/15/Add.43, paras. 21-36, 27 November 1995) are not yet fully implemented, in particular the ones related to the incorporation of the Convention in the Constitution (para. 21) international cooperation (para. 25) child poverty (para. 31) and juvenile justice system (para. 34).
2. In respect to the declarations and reservations made by the State party, please provide more information on:
  - (a) the legal reasons to maintain the reservation made upon article 40 (2) (b) (ii) and (v) in view of the explanations provided in the State party report (paras. 834-844);
  - (b) the efforts undertaken by the State party in order to obtain the necessary support from the Länder in order to proceed to the withdrawal of the declarations as mentioned in para. 83 of the State party, more particularly if most of these declarations seem to be unnecessary
  - (c) the legal grounds regarding the general declaration on the conformity of domestic legislation with the Convention in the State party;
  - (d) the efforts undertaken to withdraw the declaration regarding parental custody, given the fact that the new law on parental custody, does not change anything as the declaration ends by "*This applies irrespective of the planned revision of the law on parental custody*"
  - (e) on the legal grounds of the declaration on article 22 and the immigration policy.
3. In the context of paragraph 23 of the Committee's previous recommendations (CRC/C/15/add.43) on strengthening coordination mechanisms, please provide details regarding any mechanism for coordination at the central level and between the central and regional levels (Länder). More particularly how the Ministry for Family Affairs, Senior Citizen, Women and Youth and the supreme Land youth authorities do relate each other. If any overlap or duplication exists in the areas of competence, inconsistencies in policies, or differences in implementing the Convention among the different levels (federal, Land, municipal), what measures are undertaken to remedy this situation?
4. In the context of paragraph 23 of the Committee's previous recommendations (CRC/C/15/add.43) on establishing an independent monitoring system, please provide information on the existing mechanism to monitor the implementation of the Convention at the federal, Land and municipal level; in particular on the mandates of these bodies and their financial and human resources. In addition, please provide information on the number of complaints filed in these bodies and their responses to these complaints.
5. Please explain how the National Child and Youth Plan take into consideration the provision and principles of the Convention and what the priorities of the last Plan adopted are.
6. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

## **Part II**

Please provide copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

## **Part III**

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- new bills or enacted legislation
- new institutions
- newly implemented policies
- newly implemented programmes and projects and their scope

## **Part IV**

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee intends to take up during the dialogue with the State party. **They do not require written responses**. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. Coordination of child rights policies, including the use of child impact assessments at the central and regional levels of government.
2. Article 2 of the Convention and racism against foreigners and minorities. Disparities in the standard of living of children.
3. The implementation of the right of the child to express his/her views and have them taken into consideration (article 12 of the Convention).
4. day-care facilities.
5. support to single parent families;
6. Legal provisions to protect children from being ill-treated; mechanisms for children to file complaints and have them addressed; and preventive measures including awareness campaigns on its negative consequences.
7. Children abducted from or to the State party
8. The situation of unaccompanied minors, asylum-seeking and refugee children.
9. Trafficking and sexual exploitation of children.
10. Unaccompanied minors and the protection of their rights;
11. Juvenile justice

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