

UN CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/DEU/CO/3-4</p> <p>The Committee considered the combined third and fourth periodic reports of Germany (CRC/C/DEU/3-4) at its 1866th and 1867th meetings (see CRC/C/SR.1866 and 1867), held on 27 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.</p>	<p>6 March 1992</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fD%2fCO%2f3-4&Lang=en</p> <p>II. Follow-up measures undertaken and progress achieved by the State party</p> <p>3. The Committee welcomes the adoption of the following legislative measures:</p> <ul style="list-style-type: none"> (a) Act of 4 July 2013 strengthening the rights of biological, non-legal fathers; (b) Act of 16 April 2013 to reform the parental custody rights of parents who are not married to each other; (c) Act of 29 June 2011 amending the guardianship and custodial care law; (d) Federal Child Protection Act of 22 December 2011; (e) Child Promotion Act of 16 December 2008; (f) Act of 12 July 2008 to facilitate family court measures in case of danger to the best interests of the child; (g) Federal Parental Benefit and Parental Leave Act of 1 January 2007; (h) Child and Youth Welfare Further Development Act of 1 October 2005.

		<p>III. Main areas of concern and recommendations</p> <p>B. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>24. The Committee welcomes the anti-discrimination measures adopted by the State party, particularly those aimed at promoting a culture of understanding and tolerance. However, the Committee remains concerned that children with disabilities and children with a migration background continue to face discrimination in the State party, particularly regarding education and health-care services.</p> <p>25. The Committee recommends that the State party increase measures to combat discrimination, in particular discrimination against children with disabilities and children with a migration background, through programmes and policies to reduce inequalities in access to education, health and development. The Committee also recommends that the State party continue its efforts to raise awareness of discrimination and foster an inclusive and tolerant environment in schools and other spaces for children.</p> <p>Best interests of the child</p> <p>26. While noting that the welfare of the child is a guiding principle in the State party's legal order and one that is increasingly being applied, the Committee also notes with concern that the principle of the best interests of the child has not yet been fully incorporated into federal legislation and the prioritization of the child's best interests has not yet been integrated into all areas of the legislative, executive and judicial branches of government. In particular, it is frequently disregarded in cases concerning children from educationally and socioeconomically disadvantaged families, including refugee and asylum-seeking children.</p> <p>27. The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests</p>
--	--	---

		<p>taken as a primary consideration. In line with its previous concluding observations (CRC/C/15/Add.226, para. 27), it recommends that the State party strengthen its efforts to ensure that that right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, and in all policies, programmes and projects that are relevant to and have an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority on determining the best interests of the child in every area and on giving them due weight as a primary consideration. Such procedures and criteria should be disseminated to private social welfare institutions, courts of law, administrative authorities, legislative bodies and the public at large.</p> <p>C. Civil rights and freedoms (arts. 7, 8, and 13–17 of the Convention)</p> <p>Birth registration</p> <p>28. The Committee welcomes the developments in the State party in terms of birth registration of all national and foreign children, including children of refugees and asylum seekers. However, the Committee is concerned about the remaining practical difficulties in obtaining birth certificates for newborn babies with irregular residence status, given that the registry officials responsible for issuing the certificates are required to check residence status and communicate their findings to the immigration authorities.</p> <p>29. The Committee urges the State party to take the appropriate measures to ensure that birth registration is available as soon as possible for all children, regardless of their parents' legal status and/or origin. The Committee recommends that, in doing so, the State party exempt registry officials from the obligation to communicate information to the immigration authorities, as it did</p>
--	--	---

		<p>for the staff of educational facilities in 2011.</p> <p>Right to identity</p> <p>30. The Committee notes the decision not to establish new baby boxes and the planned regulation of anonymous births, as well as the provision of support to pregnant women and women who have recently given birth, aimed at reducing the number of newborn babies who are abandoned. Nevertheless, the Committee regrets the absence of regulation and the ongoing use of baby-boxes, which is in violation of, inter alia, articles 6 to 9 and 19 of the Convention.</p> <p>31. The Committee strongly urges the State party to take all the measures necessary to end the practice of anonymous abandonment of children and to strengthen and promote alternatives as soon as possible. The Committee also urges the State party to increase its efforts to study and address the root causes of the abandonment of infants. The response should include the provision of family planning and reproductive health services, adequate counselling and social support in cases of unplanned pregnancy, the prevention of high-risk pregnancies, support for families in need, and the introduction, as a last resort, of the possibility of anonymous hospital births. In that respect, taking into account the duty to fully comply with all provisions of the Convention, the State party should keep a confidential record of the parents, to which the child could have access at a later stage.</p> <p>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)</p> <p>Corporal punishment</p> <p>32. The Committee notes with appreciation that children have a statutory right to a violence-free upbringing. Nevertheless, the Committee remains</p>
--	--	--

		<p>concerned that a significant number of children experience various forms of violence in their homes.</p> <p>33. The Committee recommends that the State party take all the necessary steps to ensure that the right to a violence-free upbringing is more effectively implemented. Furthermore, the Committee recommends that the State party develop and strengthen existing awareness-raising programmes aimed at promoting positive, non-violent and participatory forms of child-rearing and discipline to replace corporal punishment.</p> <p>Sexual exploitation and abuse</p> <p>34. The Committee is concerned about the insufficient measures to prevent sexual exploitation and abuse and to provide help and support to victims of sexual offences, including:</p> <ul style="list-style-type: none"> (a) Insufficient prevention measures in schools and other institutions attended by children; (b) Insufficient counselling services in some parts of the State and insufficient treatment units for child victims of sexual violence, with gaps particularly in the eastern Länder and in rural regions; (c) Insufficient funding of specialized services; (d) Unequal access to support and counselling services, particularly for boys, children with disabilities and migrant children with no or poor knowledge of German; (e) The non-permanent status of the Independent Commissioner for Child Sex Abuse Issues. <p>35. The Committee urges the State party to strengthen coordination between all actors in the protection system and to allocate all the necessary</p>
--	--	--

		<p>human, technical and financial resources to ensure:</p> <p>(a) The prevention of sexual violence against children, especially in schools and facilities for children with disabilities, and in youth welfare facilities and other institutions, such as in the clerical, sports and cultural sectors;</p> <p>(b) Unrestricted access to adequate counselling services and treatment units for children who are victims of sexual exploitation and abuse;</p> <p>(c) The allocation of resources to specialized services;</p> <p>(d) Barrier-free access to counselling services and treatment units through the provision of foreign language and sign language interpretation;</p> <p>(e) Permanent status for the Independent Commissioner for Child Sex Abuse Issues.</p> <p>E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4) of the Convention)</p> <p>42. While welcoming the significant changes made by the State party with regard to the regulation of parental relations, in particular a major trend towards establishing joint parental custody of their children, the Committee notes that the State party is still using the term “custody” in its legislation, and not “parental responsibility” as used in the Convention and in some of the international instruments adopted after the entry into force of the Convention on the Rights of the Child.</p> <p>43. The Committee recommends that the State party consider the possibility of replacing the term “custody” with the term “parental responsibility”, in line with the object and purpose of the Convention.</p> <p>Children deprived of a family environment</p>
--	--	--

		<p>44. The Committee is concerned about the State party's strict rules regarding family reunification, which stipulate that left-behind children who are not citizens of a European Union country are allowed to join their parents in the State party only if they are below 16 years of age and if their means of subsistence are guaranteed.</p> <p>45. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure a general statutory right for children of foreign nationals to family reunification up to the age of 18.</p> <p>46. While welcoming the legislative measures adopted by the State party to provide support to parents in the fulfilment of their parental obligations, the Committee is concerned about the following issues:</p> <p>(a) The increasing number of children deprived of their family environment and taken into public care;</p> <p>(b) The lack of adequate resources in public youth welfare services to support families at risk and the low number of local authorities that provide support services in the parents' language, or interpretation;</p> <p>(c) The practice of placing children with behavioural difficulties into foster care in other countries of the European Union, without proper supervision and evaluation.</p> <p>47. The Committee recommends that the State party:</p> <p>(a) Improve its system of family support and ensure that placement of children in foster care is used in the best interests of the child only;</p> <p>(b) Provide welfare services with adequate human and financial resources in order to make them available to all families faced with social and economic difficulties, including migrant families, particularly difficulties in overcoming language barriers;</p> <p>(c) Revise its policy of placing children in other European Union countries and</p>
--	--	---

		<p>provide adequate supervision, follow-up and evaluation.</p> <p>48. While welcoming the efforts of the State party to expand early childhood education and care, the Committee remains concerned at the low number of early childhood education and care services available in some Länder, especially for children under the age of three, and the disparities in qualitative standards for early childhood education and care facilities between Länder. The Committee is also concerned about the difficulties that families in vulnerable situations, in particular migrant families, have in accessing such services.</p> <p>49. The Committee recommends that the State party adopt a comprehensive national policy for early childhood education and care, in compliance with the Europe 2020 growth strategy, and ensure that all children have access to high-quality early childhood education and care, without discrimination.</p> <p>F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)</p> <p>Children with disabilities</p> <p>50. The Committee welcomes the initiatives undertaken by the State party to analyse and improve the situation of children with disabilities. The Committee is, however, concerned about the non-inclusive nature of education, particularly at the secondary school level. In that context, the Committee also notes with concern that:</p> <p>(a) There is insufficient cooperation between the federal and Länder levels in the educational sector, and no adapted curricula or systematic training of all teachers and school personnel on an inclusive approach to education;</p> <p>(b) The need for individual support and reasonable accommodation in the area of education is not recognized and regulations concerning sign language vary across the Länder;</p>
--	--	---

		<p>(c) In certain Länder, children at the primary level are assigned to special schools against their parents' will, the vast majority of pupils with disabilities attend special schools, and a high number of children with disabilities leave school without a diploma.</p> <p>51. In the light of article 23 of the Convention and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that the State party:</p> <p>(a) Pursue the establishment of State-wide inclusive education and ensure that the necessary resources are available, including through the use of the resources available in the special schools;</p> <p>(b) Undertake all the necessary legislative and structural reforms to ensure that the right to inclusive education is guaranteed to children with disabilities, and that it encompasses the right to individual support and reasonable accommodation in the area of education;</p> <p>(c) Ensure that children with disabilities and their families have a say when the decision is made about whether the child should attend a special school.</p> <p>52. The Committee is concerned about the findings of a recent study undertaken by the State party, according to which girls with disabilities are frequently at risk of violence, including sexual violence.</p> <p>53. The Committee recommends that the State party take every necessary measure to prevent all forms of violence against children with disabilities, paying particular attention to the safety of girls with disabilities. In that regard, the Committee recommends that the State party provide particular protection and complaints mechanisms for children with disabilities who have become victims of violence.</p> <p>54. The Committee notes with concern that children with disabilities from migrant families often do not receive the same support as their peers without a migration background, owing to a lack of information and/or their parents'</p>
--	--	--

		<p>difficulties in accessing the necessary forms and applications, and/or ignorance or lack of awareness about the disability.</p> <p>55. The Committee recommends that the State party take all the necessary steps to ensure that families with children with disabilities who have a migration background are provided with sufficient information and assistance regarding access to support.</p> <p>Mental health</p> <p>58. The Committee is concerned about the increase in the prescription of psycho-stimulants to children and about excessive diagnoses of Attention Deficit Hyperactivity Disorder (ADHD) or Attention Deficit Disorder (ADD), and in particular:</p> <p>(a) The over prescription of the psycho-stimulant methylphenidate;</p> <p>(b) The forced removal of children who are diagnosed/misdiagnosed with ADHD or ADD from their families and their subsequent placement in foster care or psychiatric hospitals, where many of them are treated with psychotropic medication.</p> <p>59. The Committee recommends that the State party:</p> <p>(a) Ensure that the placement of children in foster care or psychiatric hospitals is used as a last resort only, following a proper diagnosis;</p> <p>(b) Provide families with access to psychological counselling and emotional support;</p> <p>(c) Establish a system of independent expert monitoring of the diagnosis of ADHD and ADD and of the use of drug treatments for children;</p> <p>(d) Ensure that relevant health authorities determine the root causes of inattention in the classroom and improve the diagnosis of mental health</p>
--	--	---

		<p>problems among children;</p> <p>(e) Put a stop to the practice of labeling children as “having a psychiatric problem” in cases that are not validated by medical evidence.</p> <p>H. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38, 39 and 40 of the Convention)</p> <p>Asylum-seeking and refugee children</p> <p>68. The Committee welcomes the withdrawal of the declaration made by the State party on article 22 of the Convention and notes the hosting by the State party of thousands of asylum-seeking children and refugee children from many countries. The Committee however remains concerned that:</p> <p>(a) The Asylum Procedure Act provides that children aged 16 years have the legal capacity to begin the asylum process on their own. Consequently, in practice children aged 16 years and above often do not benefit from the full protection of the youth welfare services and are placed in centres designed to house adult asylum seekers;</p> <p>(b) The age assessment procedure in the State party may involve degrading and humiliating practices and does not produce accurate results, and a significant number of asylum-seeking and refugee children are identified as adults;</p> <p>(c) The deficiencies in the identification of child soldiers or children who have escaped forced recruitment, as well as the rejection of asylum applications in such cases, prevent adequate assessment of their protection needs and prevent their receiving the appropriate attention;</p> <p>(d) Custody pending deportation imposed on children can last up to 18 months, which is a direct contravention of the right of the child to have his or her best interests taken as a primary consideration.</p> <p>69. The Committee recommends that the State party:</p>
--	--	--

		<p>(a) Ensure equal and child-friendly treatment for every child under 18 years of age;</p> <p>(b) Ensure that the age assessment procedure applied to asylum-seeking and refugee children is based on scientifically approved methods and is in full respect of children's dignity, as recommended in general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin;</p> <p>(c) Improve the identification of child soldiers and children in danger of being recruited and ensure that they are granted refugee status, in order to better assess their protection needs and ensure they receive adequate psychological and social support;</p> <p>(d) Ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate time, in compliance with article 37 (b) of the Convention, and that detention is made subject to time limits and judicial review.</p> <p>Children in situations of migration</p> <p>70. The Committee is concerned that different service facilities in the State party are under a federal statutory obligation to inform the immigration authorities about all persons who come to their notice who do not have a residence permit, including children. In practice, that discourages children with an irregular residence status from approaching service offices for fear of discovery of their irregular status, which could, inter alia, result in their deportation.</p> <p>71. The Committee urges the State party to repeal the statutory obligation on all service facilities to inform the immigration authorities of any child who is in an irregular migration situation.</p>
--	--	---

		<p>Country Report</p> <p>CRC/C/DEU/3-4</p> <p>11 September 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f3-4&Lang=en</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/OPSC/DEU/CO/1</p> <p>The Committee considered the initial report of Germany (CRC/C/OPSC/DEU/1) at its 1869th meetings (see CRC/C/SR 1868 and CRC/C/SR 1869) held on 28 January 2014, and adopted at the 1875th meeting, held on 31 January 2014, the following concluding</p>	<p>15 July 2009</p>	<p>31 January 2014</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fVAT%2fCO%2f1&Lang=en</p> <p>VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)</p> <p>Existing criminal or penal laws and regulations</p> <p>23. While welcoming the efforts of the State party to include in its Penal Code the offences under the Optional Protocol, the Committee remains concerned that the criminal legislation does not reflect the definition of sale of children as provided by article 2 of the Optional Protocol, and that cases such as sexual exploitation, transfer of organs of the child for profit, engagement in child forced labour, and illegal adoption are not criminalized in the context of sale of</p>

observations.		<p>children, as required by article 3 of the Optional Protocol.</p> <p>24. The Committee recommends that the State party continue to revise and bring its Penal Code and other relevant legislation into full compliance with articles 2 and 3 of the Optional Protocol. In particular, the State party should define and criminalize the sale of children in accordance with the Optional Protocol, and in particular the sale of children for the purpose of sexual exploitation, transfer of organs of the child for profit, the engagement of the child in forced labour, and illegal adoption, in conformity with article 3, paragraphs 1 and 5 of the Optional Protocol.</p> <p>25. The Committee also notes with concern that some provisions of the Criminal code punishing crimes under the Optional Protocol, particularly child pornography, only protect children up to the age of 14.</p> <p>26. The Committee recommends that the State party ensure that all children under the age of 18 are fully protected.</p>
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	13 December 2004	
OPIC to CRC	Ratification Date	Care-Related Concluding Observations
	28 February 2013	
ICCPR	Ratification Date	Care-Related Concluding Observations

	17 December 1973	
ICESCR	Ratification Date	Care-Related Concluding Observations
	17 December 1973	
CEDAW	Ratification Date	Care-Related Concluding Observations
	10 July 1985	
CRPD	Ratification Date	Care-Related Concluding Observations
	24 February 2009	<p>CRPD/C/DEU/CO/1 17 April 2015</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDEU%2fCO%2f1&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5-30)</p> <p>Children with disabilities (art. 7)</p> <p>17. The Committee is concerned:</p> <ul style="list-style-type: none"> a) that children with disabilities are not systematically involved in decisions affecting their lives; b) That the parents of children with disabilities cannot decide freely on the type of education and services for their children;

		<p>c) about the unequal access to treatment and opportunities for children with disabilities of migrant or refugee parents.</p> <p>18. The Committee recommends that the State party:</p> <p>(a) Adopt safeguards in order to protect the right of children with disabilities to be consulted in all matters affecting their lives, ensuring assistance that is appropriate to their disability and age;</p> <p>(b) Ensure consideration of all children with disabilities in legislation, policies and measures under the principle of equal opportunities and community inclusion, paying particular attention to those who are children with disabilities of migrant parents or refugees.</p> <p>Respect for home and family (art. 23)</p> <p>43. The Committee is concerned that the State party does not provide adequate support to parents with disabilities to bring up their children, exercise their parental rights and to facilitate the adoption of children with disabilities.</p> <p>44. The Committee recommends that the State party:</p> <p>a) Take measures to ensure explicitly in the law the prohibition of removal of children from their parents on the basis of their parents' disability;</p> <p>b) Ensure accessible and inclusive community support and safeguard mechanisms are available for parents with disabilities to exercise parental rights;</p> <p>c) Provide increased opportunities for the adoption of children with disabilities.</p>
UPR	Date of Consideration	Link to Page
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
22 November 2001		

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OPIC to CRC	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
UN	United Nations
UPR	Universal Periodic Review