



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-third to twenty-sixth reports of Germany*

1. The Committee considered the combined twenty-third to twenty-sixth reports of Germany¹ submitted in one document, at its 3027th and 3028th meetings,² held on 23 and 24 November 2023. At its 3042nd meeting, held on 5 December 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the twenty-third to twenty-sixth periodic reports of the State party and commends it for its regularity in reporting. The Committee also welcomes the open and constructive dialogue with the delegation of the State party. The Committee thanks the State party for the updated information provided during and after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 20 April 2023.

4. The Committee also welcomes the following legislative, institutional and policy measures taken by the State party:

(a) The amendment to the General Equal Treatment Act in 2022, establishing the Office of the Independent Federal Anti-Discrimination Commissioner as head of the Federal Anti-Discrimination Agency and the appointment of the Commissioner in 2023;

(b) The appointment of a council of experts on anti-racism by the Independent Federal Anti-Racism Commissioner in 2023;

(c) The establishment of the Office of the Federal Government Commissioner for the Fight against Anti-Gypsyism and for Sinti and Roma Life in Germany in 2022;

(d) The establishment of the Cabinet Committee to Combat Right-Wing Extremism and Racism in 2020;

(e) The establishment of the Office of the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism in 2018;

(f) The adoption of the Network Enforcement Act in 2017 and its amendment in 2021;

* Adopted by the Committee at its 111th session (20 November–8 December 2023).

¹ CERD/C/DEU/23-26.

² CERD/C/SR.3027 and CERD/C/SR.3028.



- (g) The adoption of the National Action Plan against Racism in 2017.

C. Concerns and recommendations

Statistics

5. While taking note of the tools that are being developed by the State party to gather information on discrimination, such as the monitoring of racial discrimination and racism by the Centre for Integration and Migration Research and some studies carried out based on self-identification, the Committee notes with concern that data-collection tools remain limited and do not allow for a comprehensive overview of the specific situation and the racial discrimination faced by various ethnic groups throughout the territory of the State party. The Committee also remains concerned that, despite the introduction of a new category to differentiate between first-generation and second-generation migrants, the term “persons with an immigrant background” continues to be used as a criterion for data collection, which continues to exclude persons belonging to ethnic minorities that have lived in Germany for centuries. The Committee notes with concern that the lack of data disaggregated by ethnicity is a barrier to the formulation and implementation of effective public policies that take into account the specific needs of the various groups.

6. **Recalling its previous recommendation,³ its general recommendation No. 4 (1973), its general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention and its general recommendation No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party redouble its efforts to develop effective tools, in close cooperation with affected communities, based on the principles of self-identification and anonymity in order to collect data and information on the demographic composition and socioeconomic status of the population throughout its territory, disaggregated by ethnic group, gender, age and region. The Committee requests the State party to provide that information in its next periodic report. The Committee also recommends that the State party use the collected data to evaluate and develop its policies to combat racial discrimination and inequalities in the enjoyment of rights under the Convention.**

Applicability of the Convention

7. The Committee takes note of the direct applicability of the Convention in the legal order of the State party. However, the Committee regrets the lack of information on the number of cases and on concrete case law in which the provisions of the Convention have been invoked before domestic courts or applied by them (art. 2).

8. **The Committee recommends that the State party redouble its efforts to raise awareness and knowledge of the provisions of the Convention and its justiciability among judges, lawyers and public officials, enabling them to apply the Convention in relevant cases, and to extend those efforts to the members of parliament (Bundestag), the authorities in the 16 constituent federal states (Länder) and the general public. The Committee also requests the State party to include, in its next periodic report, specific examples of the application of the Convention by domestic courts, including lower courts and administrative bodies, and detailed information on the impact of the training and awareness-raising efforts delivered to members of the judiciary, lawyers and members of parliament on the provisions of the Convention.**

Individual communications

9. The Committee regrets that the State party has not fully implemented the recommendations made by the Committee in 2013 in its opinion on communication No. 48/2010.⁴

³ CERD/C/DEU/CO/19-22, para. 6.

⁴ See *TBB-Turkish Union in Berlin/Brandenburg v. Germany* (CERD/C/82/D/48/2010).

10. **The Committee recommends that the State party assume its responsibilities in line with article 14 of the Convention by complying with the decisions of the Committee on individual communications.**

Definition of racial discrimination

11. The Committee remains concerned that a statutory definition of racial discrimination in line with article 1 of the Convention in domestic legislation has not yet been incorporated into the legal framework to combat discrimination, which has resulted in the State party's failure to adequately address racial discrimination (art. 1).

12. **The Committee reiterates its previous recommendation⁵ and urges the State party to include in its anti-discrimination legal framework a clear definition of racial discrimination that explicitly includes all grounds specified in article 1 of the Convention and prohibits direct, indirect and intersecting forms of discrimination in both the public and private spheres.**

General Equal Treatment Act

13. The Committee takes note of measures adopted to evaluate the General Equal Treatment Act. The Committee remains concerned, however, that the Act still does not address racial discrimination by public authorities and does not apply to all areas of life. The Committee is therefore concerned that the existing gaps in the Act continue to undermine efforts to combat racism and racial discrimination. Furthermore, the Committee notes with concern that, despite the efforts of the State party to expand the establishment of anti-discrimination bodies in all 16 federal states, a wide anti-discrimination infrastructure throughout the State party has not yet been established (art. 2).

14. **The Committee recommends that the State party:**

(a) **Expedite the amendment of the General Equal Treatment Act, ensuring its full compliance with the Convention, as well as other human rights instruments;**

(b) **Expand the scope of application of the Act to encompass all areas of life and, in particular, discrimination by public authorities;**

(c) **Consult with civil society organizations in the amendment process, as well as other relevant bodies, such as the German Institute for Human Rights and the Federal Anti-Discrimination Agency, to take into account the proposals already made by various actors, as well as the recommendations made by the Committee and other treaty bodies;**

(d) **Continue to expand the visibility and accessibility of anti-discrimination bodies throughout the State party and provide them with adequate human, technical and financial resources in order to ensure that victims of racial discrimination can access adequate legal counselling and support.**

Racist hate speech and hate crimes

15. While the Committee takes note of the measures adopted to combat racist hate speech, it is concerned about the increase of racist hate speech and incitement to racial discrimination, including in public and political discourse, on the Internet and on social media. The Committee is also concerned about the lack of an adequate legal framework that prohibits racist hate speech and incitement to hatred and that provides access to effective legal remedies for victims. Despite the measures adopted by the State party, the Committee notes with concern the increasing number of extremist organizations and groups, including right-wing extremist political parties, such as Alternative for Germany, whose programme is reportedly based on a national-ethnic concept, leading to a denial of basic legal equality. The Committee is concerned about the increase in the number of violent racially based incidents, including violent attacks against persons belonging to ethnic minorities and non-nationals, in which right-wing extremist groups are sometimes involved (art. 4).

⁵ CERD/C/DEU/CO/19-22, para. 7 (b).

16. **Recalling its general recommendation No. 35 (2013), the Committee recommends that the State party:**

(a) **Adopt an effective legal framework to combat all forms of racist hate speech and hate crimes directed towards ethnic minority groups, including Roma, Sinti and people of African descent, as well as ethno-religious minorities and non-nationals, and to adopt effective measures to ensure its implementation;**

(b) **Provide training to strengthen the investigative and appraisal capacities of law enforcement officials, prosecutors and the judiciary with regard to cases of hate speech and hate crimes and conduct awareness-raising campaigns on the importance of cultural diversity and inter-ethnic understanding among the general populace;**

(c) **Effectively investigate and, as appropriate, prosecute and punish all acts of racist hate speech and hate crimes, including those committed by political and public figures, and encourage the authorities of the State party to actively distance themselves from expressions of racist hate speech by public and political figures;**

(d) **Continue to implement measures to combat the proliferation of racist hate speech on the Internet and on social media, including by ensuring the effective implementation of the Network Enforcement Act;**

(e) **Encourage the reporting of racist hate speech and hate crimes by strengthening public trust in the authorities, ensure that such crimes are identified and recorded, including through the establishment of an official and comprehensive data-collection system, and provide such statistics in its next periodic report;**

(f) **Prevent the creation and prohibit the registration of organizations or groups, including political parties, that promote and incite racial hatred;**

(g) **Ensure that organizations or groups, including political parties that promote ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination in any form, are not tolerated in electoral processes, in accordance with article 4 of the Convention and the State party's Basic Law.**

Racial profiling and excessive use of force by law enforcement officials

17. The Committee takes note of the current discussion on the reform of the Federal Police Act in relation to racial profiling. The Committee regrets, however, that, according to information received, the prohibition of racial profiling is not included as part of the amendment of the Act. The Committee is also concerned about allegations of racial profiling and excessive use of force and ill-treatment by law enforcement officers against persons belonging to ethnic minorities. The Committee is further concerned about the lack of an independent complaint mechanism to carry out investigations into crimes involving police officers (arts. 4 and 6).

18. **Recalling its previous recommendation,⁶ its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and its general recommendation No. 36 (2020) on combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Include in its legislation, as well as in the Federal Police Act, an absolute prohibition of racial profiling, in line with its general recommendation No. 36 (2020), and ensure that all provisions of the Act are in accordance with the Convention and the State party's Basic Law;**

(b) **Ensure that the police and other law enforcement officials are provided with clear guidelines aimed at preventing racial profiling during police checks, identity checks and other police measures;**

⁶ Ibid., para. 11.

(c) **Establish at the federal and the State level an effective mechanism to regularly collect and monitor disaggregated data on the number of police checks, including identity checks, and complaints relating to racial profiling, racial discrimination and instances of racist violence by law enforcement officials, including in the context of identity checks, traffic stops and border searches;**

(d) **Establish an independent complaint mechanism to carry out investigations into crimes involving law enforcement officers, in particular to effectively investigate, in a timely manner, all complaints of racial profiling, racist abuse, ill-treatment and excessive use of force and ensure that those responsible are prosecuted and, if convicted, punished;**

(e) **Ensure that members of groups targeted by racism and racial discrimination who are victims of excessive use of force or racial profiling have access to effective remedies and do not face retaliation for reporting such acts;**

(f) **Promote ethnic diversity within the police and ensure that police officers belonging to targeted minority groups are working at relevant levels in order to help reduce racism and discriminatory practices, including racial profiling;**

(g) **Take effective measures to prevent excessive use of force, ill-treatment and abuse of authority by the police against members of minority groups, including by ensuring that appropriate human rights training is provided to law enforcement officials throughout the country, in accordance with the Committee's general recommendation No. 13 (1993) concerning the training of law enforcement officials in the protection of human rights.**

Structural discrimination

19. The Committee notes with concern the persistence of systemic racism in the State party and regrets the lack of information received on the implementation of the National Action Plan against Racism, as well as on special measures and their admissibility in the German legal order. The Committee is concerned that persons belonging to ethnic minorities and other groups protected by the Convention continue to face barriers to the enjoyment of their rights under the Convention, in particular with regard to access to employment, adequate housing and health-care services. The Committee also regrets the lack of information on the political representation of minorities in parliament and in government and State institutions in general. The Committee also notes with concern that the State party's colonial past and its role in slavery continue to fuel racial discrimination and racial inequalities in the State party (arts. 2 and 5).

20. **The Committee recommends that the State party take adequate measures to combat structural discrimination and the persistence of structures of racial inequality and acknowledge the root causes of racial discrimination, including colonialism and slavery. The Committee also recommends that the State party ensure the effective implementation of the National Action Plan against Racism, including by developing impact-oriented benchmarks, targets and indicators, allocating adequate resources for its implementation and regularly evaluating its impact. The Committee recommends that the State party adopt adequate measures to remove all obstacles that prevent persons belonging to ethnic minorities from enjoying all their rights under the Convention, in particular with regard to access to employment, adequate housing and health-care services.**

Right to adequate housing

21. While noting the explanation on the right to adequate housing provided by the State party in its report, the Committee remains concerned about the possibility of indirect discrimination on the grounds of ethnic origin arising from section 19 (3) of the General Equal Treatment Act (arts. 2 and 5).

22. **The Committee reiterates its previous recommendations⁷ and reminds the State party that discrimination under the Convention encompasses both direct and indirect discrimination, meaning purposive or intentional discrimination and discrimination unintentionally created, as an effect of an action. In this regard, the Committee urges the State party to ensure that all the provisions of General Equal Treatment Act are in accordance with the State party's obligations under the Convention.**

Right to education

23. The Committee is concerned about the information indicating that, in practice, children from ethnic minorities and from migrant backgrounds face discrimination in the education system. The Committee notes with concern from information received that children from ethnic minorities are more affected by incidents of bullying at school, have higher rates of school dropout and have lower enrolment in preschool education (arts. 2 and 5).

24. **The Committee recommends that the State party enhance its efforts to ensure access to education, without discrimination, to all children, in particular those belonging to ethnic minorities. The Committee also recommends that the State party take adequate measures to increase the accessibility to preschool education for children of ethnic minorities and with migrant backgrounds and to address school dropout rates, which disproportionately affect children of ethnic minorities and with migrant backgrounds, and to combat bullying of children of ethnic minorities and migrant backgrounds, which may lead to their marginalization and de facto segregation.**

Racial discrimination in sports

25. The Committee is concerned about the numerous cases of racial discrimination and racist acts against athletes belonging to ethnic minorities, in particular football players. The Committee is also concerned about the lack of effective measures to combat such acts (art. 4).

26. **The Committee recommends that the State party adopt adequate measures to prevent and combat all manifestations of racism in sports, including racist hate speech and violence, and ensure that all cases of racist violence and abuse in sports are investigated and that those responsible are sanctioned. The Committee also recommends that the State party develop robust and meaningful awareness-raising programmes to tackle racial stereotyping and discrimination in sports, with the participation of the concerned communities.**

Roma and Sinti

27. While taking note of the national strategic framework to implement the European Union Framework for National Roma Integration Strategies in Germany, the Committee reiterates its concern about the persistent discrimination faced by members of the Roma and Sinti communities. It also notes with concern that negative stereotypes, prejudices and intolerance against those communities remain widespread. The Committee regrets the lack of comprehensive statistics on Roma and Sinti and is concerned about the low level of education among Roma and Sinti children, as well as the high level of discrimination and segregation they face at school (art. 5).

28. **Recalling its previous recommendation⁸ and its general recommendations No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

(a) **Elaborate and adopt a comprehensive national strategy for Roma and Sinti, ensuring the inclusion of impact-oriented benchmarks, targets and indicators and the collection of statistics in the fields of education, employment, poverty, health, housing, social security and social benefits and participation in public life by Roma and Sinti;**

⁷ Ibid., para. 12.

⁸ Ibid., para. 17.

(b) **Ensure that such a strategy is developed in consultation with the Roma and Sinti communities, including both German Roma and Sinti communities, as well as recently arrived Roma, and ensure that it is adequately funded;**

(c) **Combat the dissemination of negative stereotypes and stigmatization of Roma and Sinti;**

(d) **Redouble its efforts, including the development of special measures, to continue to improve the enjoyment of economic, social and cultural rights, in particular their access to education, housing, employment and health care without discrimination.**

People of African descent

29. While welcoming the efforts made by the State party to combat racial discrimination against people of African descent, the Committee is concerned about the structural discrimination and stigmatization against people of African descent, which is reflected in the deep inequalities in the enjoyment of their rights under the Convention (arts. 2 and 5).

30. **Recalling its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party adopt concrete measures to combat discrimination against Africans and people of African descent, including measures to combat the dissemination of negative stereotypes and the stigmatization of people of African descent. The Committee also recommends that the State party develop and implement educational and media campaigns to educate the public about people of African descent, their history and their culture, and the importance of building an inclusive society, while respecting the human rights of people of African descent. The Committee encourages the State party to implement the recommendations of the Working Group of People of African Descent made following its visit to Germany from 20 to 27 February 2017.⁹**

Intersectionality

31. The Committee is concerned about the lack of adequate identification, adoption and implementation of measures to eliminate discrimination based on race, colour, descent, national or ethnic origin intersecting with other grounds, such as age, language, religion, sex, gender, sexual orientation, gender identity or other status, which have not been adequately considered by the State party (art. 2).

32. **The Committee recommends that the State party take legislative, administrative and policy measures to combat intersectional discrimination and to ensure the mainstreaming of gender, age, disability, sexual orientation and gender identity into all its measures aimed at combating multiple and intersectional forms of discrimination, including racial discrimination.**

Antisemitism

33. The Committee is concerned about the increase in antisemitic sentiment, hate crimes and hate speech, in particular after the outbreak of the armed conflict in Gaza, despite the measures adopted to counter them (art. 2).

34. **The Committee recommends that the State party increase its vigilance, reinforce measures to combat antisemitism and continue raising awareness about antisemitism in order to promote tolerance among the various ethnic groups in its population.**

Discrimination against ethnic Muslim communities

35. The Committee reiterates its concern¹⁰ that the State party has not adequately addressed structural racism against ethnic Muslim communities. The Committee notes with concern that Muslims are often faced by general suspicion from public authorities, which fuels prejudice and negative stereotypes against ethnic Muslim communities. In that regard,

⁹ A/HRC/36/60/Add.2, paras. 61–93.

¹⁰ CERD/C/DEU/CO/19-22, para. 16.

the Committee notes with concern the bans against peaceful demonstrations commemorating the Nakbah and the more recent peaceful demonstrations in support of Palestinians in Gaza. The Committee is also concerned about the chilling effect reported by ethnic Muslim communities on the right to freedom of expression with regard to the current situation in Palestine. The Committee is further concerned about the intersectional forms of discrimination against women belonging to ethnic Muslim communities based on ethnicity, gender and religion, affecting the enjoyment of their rights enshrined in the Convention, in particular their access to employment and education. The Committee is concerned about the disproportionate discriminatory effect of the amendment to the Federal Civil Service Act, adopted in May 2021, on women belonging to ethnic Muslim communities and of other “neutrality laws”, which may infringe the freedom of employment of women who wear headscarves.

36. **The Committee recalls its previous recommendation¹¹ and its general recommendation No. 32 (2009) on special measures and refers to the recommendations of the Committee on the Elimination of Discrimination against Women,¹² in particular in relation to the notion of intersectionality, and urges the State party to:**

(a) **Adopt adequate measures to combat discrimination against ethnic Muslim communities, including awareness-raising campaigns among public authorities, civil servants, law enforcement officials and the public at large on the negative effects of discrimination against ethnic Muslim communities;**

(b) **Consider the establishment of a federal commissioner to combat discrimination against ethnic Muslim communities, following the practice of the federal state of Berlin;**

(c) **Ensure that measures to monitor and combat hate speech are not used as a pretext to curtail expressions of protest over injustice, social discontent or opposition, especially with regard to certain ethnic religious minorities;**

(d) **Adopt effective measures to combat intersectional discrimination against women belonging to ethnic Muslim communities, including the adoption of special measures to achieve their equal participation in education and employment, as well as in public life and decision-making positions;**

(e) **Ensure that women belonging to ethnic Muslim communities in the public sector are not penalized for wearing headscarves and consider the revision and amendment of the Federal Civil Service Act, as well as respective State laws and regulations.**

Discrimination against non-citizens

37. The Committee takes note of the adoption of social integration programmes, such as the “social city” and “social integration in neighbourhoods” initiatives. It is, however, concerned about the discrimination faced by migrants, asylum-seekers and refugees, including LGBTQI+ persons, regarding their access to employment, education, health and housing. The Committee also notes with concern that benefits provided under the Asylum-Seekers’ Benefits Act are insufficient to guarantee an adequate standard of living and that access to health care for asylum-seekers is restricted to instances of acute disease or pain, health care related to pregnancy and childbirth, vaccinations and medically required preventive check-ups for the first 18 months of their stay in Germany. The Committee also remains concerned about the increase of attacks on shelters nationwide and the obligation for asylum-seekers and people who have been granted a temporary suspension of deportation to stay in State reception facilities, in some cases for the whole duration of the asylum procedure, and by the condition imposed on asylum-seekers restricting their movements to the area or district where they are accommodated (art. 5).

¹¹ Ibid.

¹² CEDAW/C/DEU/CO/9, paras. 26 and 44 (a).

38. **Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Improve the implementation of social-integration programmes for migrants, asylum-seekers and refugees, including LGBTQI+ persons, in particular the “social city” and the “social integration in neighbourhoods” initiatives, in close collaboration with civil society organizations, and include information on their implementation status and on results achieved in the next periodic report;**

(b) **Take all the necessary measures to ensure that migrants and asylum-seekers, including LGBTQI+ persons, have adequate access to social protections, enabling them to enjoy an adequate standard of living, including access to health-care services, and repeal the obligation of those services responsible for the reimbursement for health-related treatments to report undocumented migrants;**

(c) **Take adequate measures to ensure respect for the right of asylum-seekers to freedom of movement by revoking the legislation compelling asylum-seekers to live in determined reception centres and to stay within specific geographical areas.**

Migrant workers

39. The Committee remains concerned that a significant number of migrant workers, in particular those in irregular situation, are affected by precarious working conditions. The Committee is also concerned by reports that migrant workers, in particular female domestic and care workers, are especially exposed to abuses and labour exploitation (arts. 2 and 5).

40. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of its legislation to protect the labour and social rights of migrant workers;**

(b) **Strengthen the capacity of the labour inspectorate and ensure that all cases of labour exploitation of migrants are thoroughly investigated and those responsible for such exploitation punished;**

(c) **Ensure that all migrants have access to justice and effective remedies in cases of labour exploitation, without fear of arrest, detention or deportation;**

(d) **Take effective measures to regularize the legal status of migrant workers in irregular situations and ensure the birth registration of their children;**

(e) **Adopt adequate measures for combatting intersectional forms of exploitation against female domestic or care workers.**

Access to justice

41. The Committee reiterates its previous concern¹³ regarding the General Equal Treatment Act and regrets the insufficient progress made on its amendment process, which continues to hinder access to effective remedies for victims of racial discrimination. In particular, the Committee notes with concern that barriers to obtaining compensation in cases of racial discrimination persist, as well as the lack of possibility for collective action, and that the time frame to submit complaints is limited to two months (art. 6).

42. **The Committee recommends that the State party ensure that amendments to the General Equal Treatment Act include provisions guaranteeing victims of racial discrimination adequate access to effective remedies, whether those acts of discrimination are committed by private individuals or by State officials, and the right to seek just and adequate reparation for any damage suffered. The Committee also recommends that the State party provide a sufficient time frame for the submission of complaints for acts of discrimination; allow for collective action; and make sure that rules concerning the shift of the burden of proof in civil law cases enables victims of discrimination to make their claims in an effective manner.**

¹³ CERD/C/DEU/CO/19-22, para. 8.

Access to justice for human rights abuses by German companies

43. While welcoming the adoption of the Act on Corporate Due Diligence Obligations in Supply Chains, the Committee regrets that the Act does not provide adequate access to remedies for victims of human rights abuses that occur abroad and that directly or indirectly involve German companies, which may have an adverse impact on the human rights of people affected by racial discrimination (arts. 2 and 6).

44. **The Committee recommends that the State party adopt the necessary measures to ensure that victims of racial discrimination affected by human rights abuses that occur abroad and that directly or indirectly involve German companies have adequate access to effective remedies, including remedies providing for civil liability. The Committee encourages the State party to advocate for a strong European Union regulation regarding access to justice for corporate human rights abuses.**

Use of artificial intelligence

45. The Committee notes with concern the lack of anti-discrimination guarantees in artificial intelligence used by Federal authorities, which may have a negative impact on ethnic and religious minorities. In that regard, the Committee is also concerned about the use of new technologies in the area of asylum, migration and border control with regard to the extraction of personal information from mobile phones, which disproportionately affects the rights of migrants and asylum-seekers coming from specific countries (arts. 2 and 6).

46. **The Committee recommends that the State party adopt effective measures to ensure that the use of artificial intelligence does not undermine human rights, in particular the right not to be discriminated against, the right to equality before the law, the right to liberty and security of person and the right to privacy. The Committee also recommends that the State party provide access to effective remedies against cases of racial discrimination and human rights abuses arising from the use of artificial intelligence and new technologies.**

Reparation for colonialism and slavery

47. The Committee welcomes the recognition by the Government of Germany of its wrongful colonial acts and acknowledges the apologies expressed for the genocide of the Ovaherero and Nama peoples in Namibia, including the joint declaration by the German and Namibian Governments in May 2021 and the recent apology by the President of Germany for colonial wrongdoings in the United Republic of Tanzania. The Committee also welcomes the measures for the restitution of colonial items. While noting that colonial experiences may differ from one and other, the Committee is concerned about the lack of:

- (a) A more comprehensive approach towards reparation for colonial wrongdoings in terms of restitution, compensation and satisfaction, as appropriate;
- (b) Meaningful participation of the representatives of the victims of the Ovaherero and Nama people's genocide in the development and adoption of the joint declaration;
- (c) A comprehensive policy for the restitution of colonial objects and cultural artifacts, in particular the restitution of the human remains of ancestors (art. 6).

48. **The Committee recommends that the State party:**

- (a) **Adopt a more comprehensive approach regarding reparation for colonial wrongdoings, in terms of restitution, compensation and satisfaction, as appropriate;**
- (b) **Ensure meaningful participation of affected communities and individuals, as well as descendants of victims, when deciding on reparation processes;**
- (c) **Adopt a comprehensive policy for the restitution and repatriation of colonial objects and cultural artifacts, in particular the restitution and repatriation of human remains of ancestors;**
- (d) **Take into consideration the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial**

intolerance, which addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism.¹⁴

Combatting racial stereotypes

49. The Committee is concerned that racial and xenophobic, including antisemitic and Islamophobic, prejudices and stereotypes towards persons belonging to ethnic minorities are still prevalent in the State party. The Committee furthermore notes with regret that the history of the State party regarding colonialism and slavery is not included in school curricula (art. 7).

50. **The Committee recommends that the State party:**

(a) **Increase its efforts to raise public awareness of the importance of ethnic and cultural diversity and the fight against racial discrimination;**

(b) **Take measures to ensure that human rights education programmes, including programmes concerning the fight against racial discrimination and racism, respect for diversity and the promotion of equal treatment, are included in school curricula at all levels;**

(c) **Include in school curricula the history of the State party with regard to colonialism and slavery and their lasting consequences;**

(d) **Ensure that all teachers are trained on these curricula.**

D. Other recommendations

Ratification of other treaties

51. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Follow-up to the Durban Declaration and Programme of Action

52. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

53. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next report precise information on concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

¹⁴ [A/74/321](#).

Consultations with civil society

54. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of its next periodic report and in follow-up to the present concluding observations.

Dissemination of information

55. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including all federal states and municipalities, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

56. The Committee encourages the State party to update its common core document, which dates to 8 November 2016, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.¹⁵ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

57. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 (a), (b) and (c) (General Equal Treatment Act) and paragraphs 38 (b) and (c) (Discrimination against non-citizens) above.

Paragraphs of particular importance

58. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraph 16 (racist hate speech and crimes), paragraph 18 (racial profiling and use of force by enforcement officials), paragraph 24 (right to education) and paragraph 46 (reparation for colonial past) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

59. The Committee recommends that the State party submit its combined twenty-seventh to twenty-ninth periodic reports, as a single document, by 15 June 2027, taking into account the reporting guidelines adopted by the Committee during its seventy-first session¹⁶ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

¹⁵ [HRI/GEN/2/Rev.6](#), chap. I.

¹⁶ See [CERD/C/2007/1](#).