

# FORUM MENSCHENRECHTE



**VOTE FOR HUMAN RIGHTS!**

**2021**

**Parliamentary Election Demands  
of FORUM MENSCHENRECHTE**

*“Human dignity shall be inviolable.  
To respect and protect it shall be the duty  
of all state authority.”*

## **VOTE FOR HUMAN RIGHTS!**

### **2021 Parliamentary Election Demands of FORUM MENSCHENRECHTE**

**Events of the past months and years have shown us, once again, how vulnerable human dignity and social cohesion are in our society. We were forced to recognise that human rights, which we had thought universally acknowledged long since, are anything but to be taken for granted. We also had occasion to see that the engagement of civil society is essential for a society based on solidarity in which human rights are respected and lived – and not just at times of crisis.**

The Covid-19 pandemic and the efforts to combat it have had an impact on every person in our country. For some, though, the crisis has exacerbated situations that were already fraught with disadvantage and particular vulnerability. Lack of access to education for children from families in precarious situations; domestic violence; an elevated risk of infection for refugees in cramped accommodations; the serious mental and physical health risks associated with the restrictions on contacts, above all, for older and disabled persons: these are just a few of the many consequences of the response to the pandemic that are extremely problematic from a human rights perspective. We have also seen de-facto setbacks in progress towards gender equality, progress which was already insufficient before the crisis, and have seen social inequality and the unequal distribution of resources – in our country and around the world – grow even more severe. The pandemic has made the human rights risks associated with global value chains more obvious than ever, yet it also affords opportunities to implement human rights and climate protections together – at long last.

Racism, hate crime, right-wing extremism, homo- and transphobia, antisemitism, antifeminism and discrimination: these phenomena pose a fundamental threat to our constitutional democracy and society, one that has long been underestimated. Terrorist attacks, acts of racist violence and the insufficient criminal prosecution thereof, the exposure of right-wing extremist networks in the police and armed forces, the rising popularity of anti-democratic parties and the increase of anti-feminist attitudes: these issues demand consistent and effective political and legal action. The State's duty to protect human rights demands that it ensure that protections from violence and discrimination are afforded without restriction.

At the international level as well, institutions devoted to the protection of human rights, hard won over the last several decades, have come under new pressure. Already underfunded, the UN human rights protection system has been plunged into existential crisis by the combination of the Covid-19 pandemic and the desperate financial straits of the United Nations. All around the world, civil society space continues to shrink, while human rights defenders have cause to fear for their lives.

The new Federal Government will have to act swiftly in order to put the country firmly on track to (re)establish a form of coexistence based on solidarity, respect and equal rights among all persons, thwart discrimination and violence and safeguard the international human rights system against grave and lasting harm.

In doing so, the Federal Government will have to ensure that Germany's international human rights obligations guide state action in all areas of policy and must not permit these obligations to fall victim to the vagaries of politics. The blatant bending or circumvention of international law, like that seen in asylum and refugee policy, jeopardises human lives, as well as Germany's human rights credibility.

FORUM MENSCHENRECHTE and its member organisations are in regular communication with the Federal Government and the Bundestag regarding a wide range of human rights issues. While welcome progress has been made on some issues, there are other demands that we have had to urge constantly and resolutely for years. Some human rights challenges are now more acute than ever, and these will demand debate, action and decisions in the upcoming legislative period.

**Therefore,**

**We encourage all voters** to cast their votes for human rights in the parliamentary election,

**We remind all of those in positions of political responsibility** of Article 1 of the Basic Law, our constitution, which articulates the primary precept governing all political action,

**We call upon all candidates for election** to live up to their political and personal responsibility to ensure respect for human rights, and

**We call upon the future members of the Bundestag and the next Federal Government** to work effectively and consistently for policies guided by human rights. The following demands shall make up the standard by which we will assess your efforts.\*

**Our Demands:**

- **The absolute and explicit protection of the inviolable dignity of all human beings**
- **Sustained funding for civil society engagement and initiatives aimed at strengthening democracy and combatting racism**
- **The strengthening of the Federal Anti-discrimination Agency and of antidiscrimination laws**
- **The protection and strengthening of human rights in the digital age**
- **Action to counter racist violence and prohibit racial profiling**
- **Protection against violence**
- **Access to health and sexual and reproductive rights**
- **Special protections for particularly vulnerable refugees**
- **Protection of the rights of minor refugees**
- **The repeal of the provisions toughening asylum and residence laws**
- **An end to deportations to crisis or war-torn countries**
- **Access to fair asylum procedures in all EU countries**
- **Human rights-based development cooperation**
- **The protection of human rights in the global economy and access to justice for victims of abuses**
- **Human rights responsibility on the part of international financial institutions**
- **The establishment and expansion of mechanisms to monitor human rights abuses and to impose sanctions on perpetrators**
- **The visible interlinkage of human rights protections with crisis prevention, conflict transformation and peace building**
- **The consistent strengthening and expansion of both international and national instruments for the protection of human rights**

*\* FORUM MENSCHENRECHTE (FMR) is a network of 53 non-governmental human rights organisations active in Germany. FMR member organisations support the demands articulated herein within the scope of their respective areas of activity, objectives, mandates and fundamental convictions.*

## “Human Dignity Shall Be Inviolable”

The precept of human dignity enshrined in the Basic Law is the basis for coexistence in our society. It must be asserted and defended again and again in the course of daily life. Elementary standards for how we treat one another within our society, such as the precept of equality, must find clear expression in our constitution, in language that is understandable and unambiguous to present-day readers. Fundamental rights-holders must be explicitly identified.

### We are calling for:

- The removal of the outdated and misleading term “*Rasse*” (race) from the prohibition of discrimination contained in Article 3, paragraph 3, of the Basic Law and its replacement with a prohibition of “*rassistische Diskriminierung*” (racist discrimination)
- The addition of sexual identity as a prohibited basis of discrimination

Although the Federal Constitutional Court has recognised children as holders of fundamental rights, the Basic Law does not explicitly identify children as the subjects of rights, only as the object of parental responsibilities.

### We are calling for:

- The incorporation of children’s rights into the Basic Law in language reflecting the standards of the United Nations Convention on the Rights of the Child and of the EU Charter of Fundamental Rights: the best interests of the child must be a primary consideration

## Sustained Funding of Civil Society Engagement and Initiatives That Promote Democracy and Combat Racism

It is essential that civil society initiatives that defend our democracy, combat ideologies of hate and/or promote the acceptance of diverse lifestyles and identities receive sustained support in a manner that secures their activities for the long term. Likewise, their work must be recognised as being of public benefit. Legislation providing a statutory basis for federal democracy projects is needed to meet the urgent need for sustained structural funding of civil society initiatives that promote democracy and combat racism.

### We are calling for:

- The adoption of the long-debated legislation on the promotion of democracy and hence the creation of a long-term perspective for the federal support of independent civil society work to strengthen democracy and fight racism
- Failing the adoption of such legislation, the budget allocated to the federal “Living Democracy!” programme should be increased to at least 200 million euros, with a funding emphasis on the empowerment of groups targeted by any of the forms of racist discrimination – among which we include antisemitism, LGBTI-phobia, Islamophobia and other forms of fear, hatred or prejudice directed against specific groups of people – and on engagement by organisations run by and for persons belonging to these groups

Reform of the law governing tax-exempt status is needed to ensure that the contribution that civil society organisations make to the forming of political will is recognised as being of public benefit in a manner providing legal certainty.

### We are calling for:

- A reform of the Fiscal Code (*Abgabenordnung*) making it clear that political action is one of the ways that public-benefit organisations can pursue the purposes set out in their statutes. This reform should make plain that influencing public opinion, the formation of political will, political

parties and state decision-making within the framework of general laws are legitimate means of pursuing purposes set out in an organisation's statutes

## Strengthening the Federal Anti-Discrimination Agency and Antidiscrimination Laws

In terms of both staffing and funding, the resources allocated to the Anti-discrimination Agency are significantly below the average for analogous institutions across the EU. The European Commission against Racism and Intolerance is just one of multiple bodies that have recommended that Germany add to the competences and resources of the Federal Anti-discrimination Agency and strengthen its anti-discrimination laws.

### We are calling for:

- An increase in the resources of the Federal Anti-discrimination Agency with respect to both staffing and funding
- The expansion of the General Law on Equal Treatment (AGG: *Allgemeines Gleichbehandlungsgesetz*) and the closure of existing gaps in protection, including through a statutory authorization for qualified organisations to bring civil actions that would enable antidiscrimination associations to litigate on behalf of victims.

## Learning, Living and Working in the Digital Environment – Strengthening Human Rights for the Digital Age

The Covid-19 crisis made it abundantly clear that access to the Internet is crucial for the fulfilment of the right to education for children and young people and for ensuring that “digital participation” in working life and in society is open to everyone. The development of media literacy is of fundamental importance for education and participation rights, but also for raising awareness about discrimination, hate, sexual exploitation and sexual violence on the Internet.

Children's rights must be respected, protected and fulfilled on- and offline. The UN Committee on the Rights of the Child is currently drafting a new General Comment providing guidance on measures to ensure full compliance with obligations under the Convention on the Rights of the Child and its optional protocols in light of the opportunities, risks and challenges for the rights of the child in the digital environment.

### We are calling for:

- The dissemination and consideration of this General Comment on the rights of the child in the digital environment.

Children and young people in Germany are using the Internet more than ever. Viewing childhood as an independent phase of life means that we must address children's needs, experiences and abilities appropriately, including with respect to Internet offerings. Since many children do not yet possess well-developed critical thinking skills or the ability to navigate well in the information society, it is imperative that they receive support, advice and guidance in dealing with the Internet. In addition to digital literacy skills, it is important to ensure equal opportunity of access to the Internet for children, adolescents and adults.

### We are calling for:

- Long-term funding for media literacy offerings for children and adults and for increased efforts to support the development and maintenance of child-friendly Internet offerings

- The development of offerings raising awareness about and contributing to the prevention of sexual violence and cyber-grooming on the Internet and in social media, and for parents, schools and other education institutions to be involved in this development
- The provision of high-speed Internet access to all communities and schools and the inclusion in the calculation determining the standard amount of the unemployment benefit II (ALG II) of an amount realistically representing the costs for Internet service and expenses for acquiring necessary devices. Until this has been done, costs of digital devices should be reimbursed quickly by way of the coverage for special requirements (*Sonderbedarfe*)
- Funding under the “Digital Pact for Schools” to reach schools with a minimum of red tape
- Action to ensure the possibility of digital participation for all through sufficiently accessible offerings, as well as alternative offerings for persons who do not have digital access

Artificial intelligence (AI), big data and surveillance technologies and also Internet platforms whose business models are based on data collection are now an omnipresent part of our daily lives, albeit one that frequently goes unseen. It is imperative that digital technologies strengthen human rights and not harm them. The regulation of these technologies is of fundamental importance in this respect: we can no longer allow this regulation to lag behind changes in technologies and the uses they are put to.

**We are calling for:**

- The regulation of AI technologies, action to ensure transparency with regard to their use and the right to equality and non-discrimination in connection with the use of AI, “algorithmic bias” notwithstanding, and the banning of AI applications that pose an unacceptable risk to human rights, such as the use of facial recognition to identify persons in public spaces
- Action to ensure that surveillance measures are employed only when concrete grounds for suspicion exist and that such measures are always targeted, proportional, subject to oversight by an independent body and necessary to achieve a legitimate aim
- The promotion of encryption and anonymisation tools and vocal opposition of projects aimed at countering these, including within the EU
- An independent study of the human rights risks posed by the Internet platform business model that is based on the collection of data, and fulfilment of the State’s duties to protect human rights through the regulation of businesses of this kind. Moreover, statutory guarantees of transparency are necessary, including with respect to the use of algorithmic systems and profile-building and targeted advertisement activities and with respect to content moderation.

## **Combatting Racist Violence and Proscribing Racial Profiling**

The political developments associated with terrorist attacks, acts of racist violence and the insufficient criminal prosecution thereof, the revelations regarding right-wing extremist networks in the police and armed forces, the rise in popularity of anti-democratic parties and the increase in anti-feminist attitudes open the door for right-wing radicalisation, making the need for committed action on this front more urgent than ever. The establishment of a Cabinet Committee for the fight against right-wing extremism and racism during the legislative period currently drawing to a close was a step in the right direction. Changes in the criminal investigation and prosecution of racially motivated crimes are absolutely essential.

**We are calling for:**

- An end to racial profiling by way of a regulation barring the police from checking an individual’s identity without due cause and through the establishment of standards detailing the factors contributing to a concrete suspicion that justifies identity checks
- The independent and systematic investigation of structures of prejudice that are suspected to exist within the police at the federal level and in the Länder: implicit patterns of action and investigation

that are racist must be identified and overcome, and rules on the conduct of investigations that promote racism must be eradicated.

- Institutionally independent complaint mechanisms not subject to instruction by government authorities, such as commissioners for police affairs with their own investigative powers and/or clearing bodies at the federal level and in the Länder, to be supplemented by a network of contact persons within the police facilitating low-threshold access to assistance by groups affected by discrimination – people of colour, Sinti and Roma, Jewish, Muslim, Black and LGBTI people

## Protections against Violence

The coronavirus crisis cast a scorching spotlight on the precarious situation in which the system for the protection against violence currently finds itself. The crisis threw already existing deficits, such as underfunding and gaps in the digital infrastructure, into stark relief and subjected the staff of advising services for women, psychosocial centres for refugees and victims of torture and women's shelters to a severe stress test.

### We are calling for:

- An end to the precarious and non-uniform funding situation within the system for the protection from violence through the adoption of a federal regulation putting an end to the current patchwork of funding arrangements
- Sustained support for the digital infrastructure of the institutions making up the violence protection system and appropriate training for their personnel
- Action to fully ensure low-threshold access to women's shelters, advisory services for women and psychosocial support centres for refugees and victims of torture, all of these to be accessible by all women affected by violence and their children, irrespective of social or ethnic origin, residency status, age, religion or belief, sexual or gender identity, material circumstances, disability, impairment, care needs or ill health
- Action to ensure access to online advising or psychotherapy under conditions safeguarding privacy and confidentiality – including the possibility of maintaining confidentiality in collective accommodation for refugees
- Action to ensure access to protection and assistance for the victims of violence, addressing all forms of violence, including less visible and more specific forms of violence, such as human trafficking and exploitation, not excepting exploitation in begging and criminal activities, labour exploitation in private households and care settings, digital violence and ritual violence
- Measures, as part of initial and continuing training, aimed at sensitizing police officers to the issues of violence and the situation of women affected by it and of traumatised refugees

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is applicable law and must be implemented consistently and effectively. Bringing the law relating to foreign nationals and protection against violence into line with the Convention is essential in this respect, as is the withdrawal of the reservations in respect of article 59.

### We are calling for:

- The withdrawal of the reservation to the Istanbul Convention regarding residence status on humanitarian grounds (Art. 59, para. 2) and residence permits for victims of violence (Art. 59, para. 3)
- Legally binding regulations that are based on the standards of the Istanbul Convention and thus ensure concrete and sustained protection and assistance for women who are victims of violence and their children in a manner that is in line with the Convention
- A monitoring body equipped with a clear mandate and political competences

Levels of violence are increasing, hate crime continues to rise. Human beings are coming under verbal and physical attack because they come from another culture, because they are Black, because they are lesbian, gay and/or trans, or because of their gender, a disability or their religion.

**We are calling for:**

- All victims of violence and at-risk groups to receive access to assistance and protection appropriate to their circumstances with special attention to particularly vulnerable groups, such as refugee women and girls, women and girls who are Black/people of colour, women and girls with disabilities, and LSBTI\*
- The expeditious establishment of an independent commission of experts to undertake a systematic stock-taking of all forms of LSBTI\*-phobia and hate crime associated them and report on the situation to the Federal Government and the Bundestag and recommend action to be taken

## Access to Health and Sexual and Reproductive Rights

The safeguards ensuring sexual and reproductive rights revealed themselves to be particularly fragile during the corona crisis. Many institutions were only able to provide their services to a very limited degree and were difficult for women who needed them to access. This points to a need for action during the pandemic and beyond.

**We are calling for:**

- The revision of pandemic plans with the aim of ensuring, in a manner that does not endanger the health of anyone involved, that no group is disproportionately affected, such as women who wish to have a person of their choice be with them in the delivery room
- The allocation of sufficient financial resources for sexuality education and the consistent and effective guarantee of sexuality education taught using a rights-based approach as a school-related measure
- Access to free menstrual products as under the Scottish model
- Increased efforts to combat female genital cutting with due regard for the rising numbers of women and girls in Germany and elsewhere who are affected.
- Safe and discreet access to the pregnancy conflict counselling that is prescribed by law even in the context of a pandemic, as well as low-threshold, easily accessible information on all sexual and reproductive health issues
- Better initial and continuing training of doctors in respect to sexual and reproductive health issues
- Action to ensure that everyone has access to safe, effective, affordable and acceptable methods of family planning and means of protecting themselves from sexually transmitted disease, with due consideration to the recommendations put forth in the report on the study “frauen leben 3” (women’s lives 3) and from the model project “*biko – Beratung, Information und Kostenübernahme bei Verhütung*” (advice/information on and coverage of costs of contraceptives).
- A reliable legislative framework for multi-parent rainbow families enabling up to four persons to be legally recognised as parents and/or guardians to reflect the relationships existing in individual cases



## Special Protections for Refugees Who Are Particularly Vulnerable

Refugee women, minors and persons with disabilities, persons who have been the victims of human trafficking or torture and LGBTI\* make up particularly vulnerable groups of refugees. Persons belonging to these groups face a higher risk of discrimination, marginalization and violence and need special protection as factors like insufficient language skills, a lack of financial resources and/or alternative housing options make it more difficult for them to obtain protection from violence. Although regulations intended to protect against violence in arrival centres have been adopted in all of the federal states (the Länder), as required by section 44(2a) of the Asylum Act (AsylG), these vary markedly with respect to their scope, degree of specificity and the extent to which they are binding. Moreover, only a few of the Länder have enacted binding regulations on protections of this kind in collective accommodation facilities. What is more, the accommodation facilities have neither the funding nor staffing necessary to establish and maintain effective safeguards against violence.

### We are calling for:

- Action to reduce the time that passes before refugees are distributed to municipalities and assigned local accommodation and for people belonging to particularly vulnerable groups and their protection needs to be identified as quickly as possible. This includes the immediate provision of separate accommodation to persons who are in a high-risk group for Covid-19.
- Better elaboration and implementation of violence prevention plans in the accommodation facilities with a focus on groups facing an increased risk of discrimination and/or violence, such as LGBTI\*, women, traumatised persons, and victims of torture or of human trafficking
- Binding regulations implementing the duty to ensure protection against violence in municipal collective accommodation facilities, established in section 53(3) of the Asylum Act, and the allocation of the financial and staffing resources necessary to make effective safeguards against violence possible
- Legal protections preventing persons who have been victims of human trafficking, gender-based persecution and violence of sexual violence from return under the Dublin III Regulation to a third country where there is often a high risk of re-victimisation

## Rights of Minor Refugees

The EU Commission's proposal for a new pact on migration and asylum would lead to the severe restriction of access to the right to asylum. Under this proposal, even minors and their families would come under accelerated procedures and be subject to a severe restriction of judicial protection. The guarantees for children and adolescents under the current proposal are insufficient and not at all on the same scale as the proposed restrictions. If the EU Commission has its way, unaccompanied minors and families with children under 12 would be the only groups whose cases would not be handled through the border procedures it is proposing. Thus, children aged 12–18 would be subject to border procedures that are coupled with detention-like conditions and cannot possibly be rendered appropriate for children.

### We are calling for:

- The rights of children and adolescents to be taken into account and strengthened in connection with the reform of European asylum policy and for the UN Convention of the Rights of the Child to be applied in this context
- All children to be treated as minors until they turn 18
- Effective safeguards excluding detention or detention-like accommodation conditions when it comes to minors

The conditions under which refugee children, adolescents and their families live in the arrival centres are often inconsistent with existing rights. The deficiencies became even more severe with the creation of AnKER centres (“arrival, decision and return” centres). In many cases, access to child-care, schooling, psychosocial counselling or support by child and youth services is not provided. The children and adolescents in question witness forced expulsions and violence; they have no protected space. On the contrary, families often have to remain in near total isolation from the outside world for as long as six months, enduring conditions that are not appropriate for children.

**We are calling for:**

- Accommodation conditions for minor refugees permit the de facto exercise of their rights
- A regulation limiting the period that minors and their families can be required to stay in an arrival centre to a maximum of one month

## **Repeal of the Provisions Toughening Asylum and Residency Laws**

In an unrivalled example of action for action’s sake, the Bundestag passed a series of amendments toughening the rules under asylum and residence law, starting in 2015. These include a provision restricting family reunification for beneficiaries of subsidiary protection, involving non-transparent procedures that go on for months, very low capacities in the visa offices of the German missions abroad and strict requirements regarding documents to be presented. Another such provision lengthened the period during which asylum seekers are obliged to live in initial reception facilities, such as the AnKER centres, resulting in their prolonged isolation and making it considerably more difficult for them to gain access to independent advice on asylum procedures and to legal representation. The coronavirus pandemic has made it clear how great the health risks posed by accommodation in collective accommodation facilities can be.

**We are calling for:**

- The repeal of the provisions that have toughened the rules under asylum and residence law over the past years
- Beneficiaries of subsidiary protection to be accorded the same rights that are accorded to refugees under the Geneva Convention in order to put a stop to the unjustifiable unequal treatment of these groups with respect to family reunification
- The allocation of additional resources to Germany’s embassies/consulates in order to accelerate the processing and issue of visa and prevent families from being separated for years
- The repeal of the amendments of the Act on Benefits for Asylum Seekers (AsylbLG), which have made some asylum seekers ineligible for benefits and reduced the level of benefits to which others are entitled
- The revocation of the “residence rule” currently applicable to refugees, which constitutes a severe restriction of their freedom of movement
- The rollback of “Duldung light” (the temporary suspension, under less favourable conditions, of deportation) for persons whose identity has not been verified and of the tougher requirements for obtaining a settlement permit
- Advising on asylum procedures that is independent (of the authorities) and available nationwide
- Effective legal provisions on entitlement to remain, e.g. creating such an entitlement for all persons at the end of five years of residence, for families at the end of three years and with immediate effect for victims of racist violence, as well as effective participation
- The elimination of the statutory presumption that no impediments to deportation on health grounds exist and also of the toughened criteria relating to medical certificates attesting to such grounds in section 60a, subsections 2c and 2d and section 60, subsection 7, second sentence of

the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (AufenthG)

## Moratorium on Deportations

People are being deported from Germany to countries where war or violent conflicts, and thus life-threatening situations, await them, despite catastrophic security situations there.

### We are calling for:

- The immediate reintroduction of the moratorium on deportations to Syria and an end to deportation to crisis or war-torn countries, such as Afghanistan or Somalia. These moratoria must apply to all persons under Article 3 of the European Convention on Human Rights.

## Access to Fair Asylum Procedures in All EU Countries

The new pact on migration and asylum proposed by the European Commission would severely restrict access to a fair asylum procedure in the EU and lead instead to mass procedures under detention conditions at the EU's external borders. The planned border procedures are associated with accelerated procedures and a severe restriction of judicial protections. The pact also envisages lowering the standards defining "safe third countries", i.e. states to which asylum seekers can be deported without an examination of the substance of their applications. The concept of "safe third countries" already poses a fundamental risk for the right to asylum in Europe.

### We are calling for:

- Guaranteed access to fair asylum procedures in all EU countries
- A European refugee policy focused on the protection of human beings and respect for human rights
- The establishment of a civilian European maritime search and rescue service and of legal entry channels to the EU, with the aim of ending the deaths at the EU's external borders

## Human Rights-based Development Cooperation

The "BMZ 2030" reform strategy aims at overhauling German development cooperation, a decade after the 2011 publication of the human rights concept paper and the associated commitment to a human rights-based approach to development policy. This presents an opportunity to ensure that future activities of the Federal Government in the area of development policy are even more consistently geared towards human rights.

### We are calling for:

- Binding human rights standards that apply in their full extent for all parties involved in state development cooperation (DC)
- The establishment of a monitoring system enabling the regular, systematic and uniform review of the implementation of human rights standards in state DC
- A maximum of transparency that allows access to information about DC projects in principle and is oriented towards robust international standards, as these are essential to ensuring human rights accountability
- The establishment of a standardised and low-threshold complaints mechanism for German DC that is open to victims of human rights violations or abuses

- The effective and comprehensive assessment of human rights risks associated with DC projects by public implementing organisations
- An explicit commitment to human rights coherence in economic, trade, financial, agricultural, climate, fishing and migration policy fields coupled with the explicit recognition of extraterritorial human rights obligations in the context of international development cooperation

## **Protection of Human Rights in the Global Economy and Access to Justice for Victims of Human Rights Harms**

The human rights risks involved in global value chains became more apparent than ever during the coronavirus pandemic. People living in the Global South are particularly affected.

### **We are calling for:**

- The ambitious implementation of effective legislation on corporate due diligence in supply chains in Germany, an evaluation of the effectiveness of this legislation once it has been in force for two years, and the amendment thereof as necessary
- Germany, as the EU country with the strongest economy, to work towards the adoption of effective European supply-chain legislation
- Constructive engagement in the process for the elaboration of a UN treaty on business and human rights and for Germany to work within the EU towards a positive mandate to participate in the negotiations
- Human rights criteria and assessments in foreign trade promotion, greater transparency and complaint mechanisms for projects aimed at promoting foreign trade, and a rule making businesses that fail to meet human rights and environmental due diligence requirements under the future Supply Chain Act ineligible to participate in funding instruments

International trade and investment agreements often restrict the policy space available to states to implement human rights.

### **We are calling for:**

- The German government to refrain from signing or ratifying the EU-MERCOSUR free trade agreement, and the launch of a new negotiation process emphasizing human rights and ecological aspects
- The rejection of the integration of investor-state dispute settlement (ISDS) within future trade and investment agreements and for Germany to stop calling for the establishment a multilateral investment court
- The German government to insist on the preparation of sustainability impact assessments before entering negotiations on any future trade agreement and for such assessments to serve as a basis for discussion for negotiating mandates
- Strengthening the role of human rights in sustainability chapters and making the relevant provisions subject to the dispute settlement mechanism with the possibility of sanctions

## **Human Rights Responsibility on the Part of International Financial Institutions**

German tax revenues should never be used to fund projects of international financial institutions (IFI) that will result in human rights harms or in the lowering or suspension of environmental and/or social standards. Every year, an estimated 20 million people are forcibly displaced by projects made possible by

financial assistance. It is imperative to create greater transparency and ensure greater influence by civil society.

Human rights protections and climate protections must be regarded as two sides of the same coin and implemented together. International financial institutions have an important role to play in bringing about the desired transformation to a CO<sub>2</sub> neutral economy, as they advise governments, secure investment risks and provide direct or indirect financing. It is essential that all of their support services be consistent with the Paris Climate Agreement.

**We are calling for:**

- Action setting a course towards a carbon-free economy that respects and protects human rights – human rights-based decarbonisation
- The award of all contracts by international financial institutions to be subject to a comprehensive obligation to respect human rights and system for compliance verification
- Systematic monitoring of the human rights impacts (both beneficial and harmful impacts) of all IFI financing activities, obligations to take measures on the basis of the monitoring findings and the regular independent evaluation of such measures
- The introduction of mandatory ad-hoc reviews to be conducted by independent complaints mechanisms, including within the German implementing organisations
- Representatives of the German government serving on the governing bodies of international financial institutions to refrain from consenting to projects and programmes for which a human rights review yields a negative outcome or to the direct or indirect financing of fossil fuels and the associated infrastructure
- The establishment of a large remedy fund to provide aid and compensation payments to individuals and communities harmed by development projects financed by international financial institutions

## **Establishment and Expansion of Mechanisms to Monitor Human Rights Violations and Sanction Those Responsible**

Human rights abuse is rampant worldwide, and their perpetrators often have no need to fear negative consequences. The situation was exacerbated by the Covid-19 pandemic. In many countries, authorities have used the pandemic as a pretext to place additional restrictions on fundamental rights and flouted human rights.

Old and new forms of authoritarianism, populism and nationalism are leading governments to refuse to acknowledge their international obligations and instruments of the international human rights regime, to undermine the rule of law, to clamp down on the activities of civil society and to endanger the lives of human rights defenders on a massive scale.

**We are calling for:**

- Systematic monitoring of the situation of civil society space and of the situation of human rights defenders, and the provision of the additional resources and infrastructure this will require, particularly within the Federal Foreign Office and its embassies, but also at the Federal Ministry for Economic Cooperation and Development, at the federal defence, interior and justice ministries, the Chancellery, and all other ministries that bear foreign policy responsibility
- The strengthening and systematic implementation of measures aimed at protecting human rights defenders, such as the EU Guidelines on Human Rights Defenders, and the expansion of the Elisabeth-Selbert-Initiative
- The consistent and coherent use of existing human rights instruments and the development of new human rights instruments at the national and European levels to address rampant human rights violations, in this we include effective human rights dialogues, the EU trade preferences

schemes ((EBA/GSP/GSP+) and the development of new tools in the form of human rights sanctions.

- The continuation of the efforts to end the impunity for person responsible for war crimes and human rights violations and for the International Criminal Court to be strengthened politically and financially
- Consistent human rights advocacy within the EU (particularly in the areas of freedom of expression, the independence of the judiciary and the protection of refugees) and for the imposition of sanctions against EU member states that violate fundamental and human rights
- Efforts to empower the European Council to take decisions in the area of human rights by a qualified majority rather than a unanimous vote.

## **Visible Interlinkage of Human Rights Protection with Crisis Prevention, Conflict Transformation and Peace Building**

Active protection of human rights is a crucial component in crisis prevention and conflict transformation. In view of the challenges posed by wars and violence around the world, we need a policy that coherently places the focus on prevention, civil conflict transformation and peace building. This also includes an awareness of the new risks arising to human rights and humanitarian international law in situations of war or crisis as a result of the digital transformation.

### **We are calling for:**

- Stronger linkage of human rights work, civil conflict transformation and peace building in the areas of German foreign policy, foreign trade policy and development policy, as well as the consistent and targeted strengthening of civil crisis prevention and tools necessary for this
- A legislative ban on the export of arms and dual-use items, including, for instance, surveillance technology, when there is a risk that the export might contribute to human rights violations, including legislative provisions for binding and systematic end-use controls
- A comprehensive national ban on the development, production and deployment of autonomous weapon systems and for active advocacy, within the EU and multilaterally, in favour of the conclusion of a binding treaty with analogous effect

## **Consistent and Targeted Action to Strengthen and Expand International and National Human Rights Instruments**

Effective institutions are essential for the protection of human rights. The Covid-19 pandemic, in combination with the financial crisis of the United Nations, has plunged the already underfunded UN human rights system into an existential crisis. This plays into the hands of states that would prefer a weaker system and that are challenging international human rights policy as one of the pillars of cooperation within the UN. Civil society actors who would like to work with the UN human rights institutions are facing repression worldwide.

### **We are calling for:**

- Active efforts to strengthen, financially and politically, international instruments and mechanisms that protect human rights, such as the UN Human Rights Council and its special mechanisms, the UN human rights treaty bodies and the Office of the High Commissioner for Human Rights
- Decisive and strategic action to counter any and all narratives and initiatives that challenge international human rights policy as one of the pillars of cooperation within the UN
- Active efforts to ensure that civil society actors can participate in the UN human rights system (a practise proven to be of great value) without fear of reprisals

- The ratification of key agreements of the international human rights regime, such as the optional protocol to the International Covenant on Economic, Social and Cultural Rights and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; as well as for the implementation of the recommendations of the human rights treaty bodies
- The establishment of an inter-ministerial mechanism that will systematically follow up on all guidelines, recommendations, resolutions and conventions of all UN human rights bodies, rather than leaving this task to civil society initiatives, as has been the case up to now
- The upgrading of the post of commissioner for human rights policy and humanitarian assistance, currently a post at the Federal Foreign Office, to that of a minister of state (*Staatsminister*), with a commensurate increase in staff and resources, and for the holder of this post to be charged with coordinating the activities of human rights commissioners (to be appointed in all ministries)
- The reintroduction of the post of commissioner for international cyber policy as a way to establish Internet freedom and the protection of human rights in cyberspace as a cross-cutting topic in foreign policy

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- ACAT Deutschland: Aktion der Christen für die Abschaffung der Folter (Actions by Christians Against Torture)
- AGDF: Aktionsgemeinschaft Dienst für den Frieden (Action Committee Service for Peace)
- Amnesty International Deutschland e. V.
- BAfF: Bundesweite Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer (German Association of Psychosocial Centres for Refugees and Victims of Torture)
- Bahá'í-Gemeinde in Deutschland K.d.ö.R. (Bahá'í Community in Germany)
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- Bundesfachverband unbegleitete minderjährige Flüchtlinge e.V. (Association for Unaccompanied Refugee Minors)
- KOK: Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. (German NGO network against trafficking in human beings)
- DGVN: Deutsche Gesellschaft für die Vereinten Nationen e.V. (United Nations Association of Germany)
- Deutsche Kommission Justitia et Pax (German Commission Justitia et Pax)
- Deutsche UNESCO-Kommission e.V. (German Commission for UNESCO)
- Deutscher Frauenrat (National Council of German Women's Organizations)
- DGB: Deutscher Gewerkschaftsbund (German Trade Union Confederation)
- ECCHR: European Center for Constitutional and Human Rights e. V.
- Evangelisches Werk für Diakonie und Entwicklung e. V. (Protestant Agency for Diakonie and Development) with the two sections Brot für die Welt (Bread for the World) and Diakonie Deutschland (Diakonie Germany)
- FIAN Deutschland e.V. FoodFirst Informations- & Aktions-Netzwerk (FoodFirst Information & Action Network)
- Friedrich-Ebert-Stiftung (Friedrich Ebert Foundation)
- Friedrich-Naumann-Stiftung (Friedrich Naumann Foundation for Freedom)
- Germanwatch e. V.
- Gesellschaft für bedrohte Völker e. V. (Society for Threatened Peoples)
- GFF: Gesellschaft für Freiheitsrechte e. V. (Society for Civil Rights)
- Heinrich-Böll-Stiftung (Heinrich Böll Foundation)
- Human Rights Watch e. V.
- Humanistische Union e. V. (Humanist Union)
- ISL: Interessenvertretung Selbstbestimmt Leben in Deutschland e. V. (DPI Germany)
- IFFF: Internationale Frauenliga für Frieden und Freiheit (Women's International League for Peace and Freedom)
- Internationale Gesellschaft für Menschenrechte Deutsche Sektion e. V. (International Society for Human Rights, German section)
- Internationales Katholisches Missionswerk missio e. V. (International Catholic Mission Society missio)
- IPPNW: Internationale Ärzte für die Verhütung des Atomkriegs – Ärzte in sozialer Verantwortung e. V. (International Physicians for the Prevention of Nuclear War/ Physicians for Social Responsibility, German affiliate)
- JUMEN e. V. – Juristische Menschenrechtsarbeit in Deutschland (JUMEN – Legal Human Rights Work in Germany)
- KNH: Kindernothilfe e.V.
- Kommission für Menschenrechte des Vereins der Richter und Staatsanwälte und des Freiburger Anwaltvereins (Commission of Human Rights of the Association of Judges and State Attorneys and of the Association of Lawyers, Freiburg)
- Konrad Adenauer Stiftung e. V. (Konrad Adenauer Foundation)
- LSVD: Lesben- und Schwulenverband in Deutschland e. V. (Lesbian and Gay Federation in Germany)
- medica mondiale e. V.
- missio München (International Catholic Mission Society missio Munich)
- National Coalition Deutschland – Netzwerk zur Umsetzung der UN-Kinderrechtskonvention e.V. (Network for the Implementation of the UN Convention on the Rights of the Child)
- Nürnberger Menschenrechtszentrum (Nuremberg Human Rights Center)
- Der Paritätische Gesamtverband ("the Paritätische")
- pax christi
- PRO ASYL
- pro familia Bundesverband e. V. (pro familia, Federal Association)
- Reporter ohne Grenzen e. V. (Reporters without Borders – Germany)
- TERRE DES FEMMES – Menschenrechte für die Frau e. V. (TERRE DES FEMMES – Human Rights for Women)

- terre des hommes e. V. – Hilfe für Kinder in Not (terre des hommes – Help for Children in Need)
- urgewald e. V. – Anwalt für Umwelt und Menschenrechte
- Verband binationaler Familien und Partnerschaften, iaf e. V. (Association of Binational Families and Partnerships)
- VEM: Vereinte Evangelische Mission (United Evangelical Mission)
- Werkstatt Ökonomie e. V.
- Ökumenische Bundesarbeitsgemeinschaft „Asyl in der Kirche“ e. V. (German Ecumenical Committee on Church Asylum)

**Guests:**

- DKHW: Deutsches Kinderhilfswerk e.V. (German Children's Fund)
- DRK: Deutsches Rotes Kreuz e.V. (German Red Cross)
- EKD: Evangelische Kirche in Deutschland (Evangelical Church in Germany)