

Implementation of the
International Covenant on Economic, Social and Cultural Rights
in the Federal Republic of Germany

**List of issues in relation to the
seventh periodic report submitted by Germany
on 21 December 2023
([E/C.12/DEU/7](#) plus [Annex](#))**

Part I: Territorial Obligations

Submitted by FORUM MENSCHENRECHTE
(HUMAN RIGHTS FORUM – Network of German Human Rights Organizations)
to the United Nations Committee on Economic, Social and Cultural Rights

Berlin, 30 June 2025

FORUM MENSCHENRECHTE
c/o Jonathan P. Aus, Ph.D.
Greifswalder Straße 4
10405 Berlin
Federal Republic of Germany
jonathan.aus@forum-menschenrechte.de
www.forum-menschenrechte.de

List of Issues: Germany (Territorial Obligations)

1.	Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ICRMW	3
2.	Taxation and the mobilization of sufficient resources	3
3.	Rights of trans, intersex, and non-binary persons	4
4.	Family reunification	5
5.	Discriminatory payment card for refugees	6
6.	The uncertain future of the federal program Asylum Procedure Counseling	7
7.	Women's representation in decision-making positions	8
8.	Work and employment of persons with disabilities, on an equal basis with others	9
9.	Precarious working-conditions of migrant Live-ins	9
10.	Germany's joint taxation system ("Ehegattensplitting") and gender inequality	10
11.	No social benefits for Dublin refugees	11
12.	Homeless EU citizens and their exclusion from social benefits	12
13.	Basic social benefits below the poverty threshold	12
14.	People living below the minimum subsistence level	13
15.	Food Poverty in Germany	13
16.	Child poverty	14
17.	Sanctions imposed on recipients of basic social benefits	15
18.	The poor state of health of people receiving basic social benefits	16
19.	Increasing length of stay of homeless persons in emergency shelters and lack of shelters for homeless families	16
20.	Social housing and homelessness in Germany	17
21.	Refugees and the right to adequate housing	18
22.	High incidence of poverty among older women	19
23.	Access to electricity	19
24.	No access to health care for undocumented migrants	20
25.	Interpreter costs for medical treatment	21
26.	36 months of reduced social benefits and limited health care for refugees	21
27.	The criminalization of abortion as a violation of the right to sexual and reproductive health	22
28.	The sexual rights of older persons	23
29.	Schooling of refugee children	23

1. ISSUE: Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ICRMW

ICESCR: General issue

Concluding observations on the [sixth periodic report](#): Other recommendations (paras. 62-67)

QUESTIONS:

How does the Federal Government justify its position to ignore the Committee's recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? What measures has the Federal Government taken to ensure that migrants without secure residence status also have access to fundamental economic, social, and cultural rights?

EXPLANATORY NOTE:

In its seventh State Report, the German government responded to Recommendation No. 62 by stating that it does not currently intend to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). It refers to existing human rights obligations under the UN Covenant on Economic, Social and Cultural Rights (ICESCR) and various conventions of the International Labour Organization (ILO). However, this overlooks the fact that significant protection gaps for migrant workers persist. Germany relies heavily on foreign labour, which plays a crucial role in maintaining its social and economic infrastructure. Nevertheless, migrant workers are often exposed to precarious working and living conditions. Many have little or no access to fundamental rights such as healthcare or fair remuneration ([DIMR 2024](#): 73-92). The government argues that the scope of the ICRMW would go beyond existing obligations, particularly regarding migrants without regular residence status. This position effectively prioritizes migration control over human rights obligations. Yet the ICRMW provides a much-needed legal framework to safeguard the rights of especially vulnerable migrant workers.

2. ISSUE: Taxation and the mobilization of sufficient resources

ICESCR: Article 2 (1) (Full realization of economic, social and cultural rights), Article 2 (2) (Non-discrimination)

Concluding observations on the sixth periodic report: n/a

QUESTIONS:

- a) Is the Federal Government of the opinion that it is mobilizing the maximum available resources for the progressive realization of economic, social and cultural rights in line with its obligations under Article 2 (1)? Will the Federal Government consider an expansion of the tax base for this purpose and if not, why not?
- b) How does the Federal Government define progressive vs. retrogressive tax measures and assess the balance between them for generating revenue and what steps is it undertaking to minimize retrogressive tax measures? Would the government consider introducing additional wealth taxes and if not, why not?

- c) How does the government assess the differential impact of existing and proposed taxes on different groups, in particular on those who suffer from structural and intersectional discrimination? What impact assessments are carried out before introducing any new fiscal policies and measures and if they are not carried out, why not?

EXPLANATORY NOTE:

- a) In its Statement on [Tax policy and the International Covenant on Economic, Social and Cultural Rights](#) of February 2025 (E/C.12/2025/1), the Committee recognizes that ensuring the enjoyment of economic, social and cultural rights requires the mobilization of sufficient resources through taxation. While Germany remains one of the world's largest economies, there are concerns about underutilized fiscal space. For instance, the [top marginal tax rates on personal and corporate income have seen reductions](#) over the past decades, [while net wealth taxation has been entirely abolished since 1997](#). Moreover, Germany's tax-to-GDP ratio has [decreased in recent years and remains below the levels of other EU countries](#), suggesting potential for expanded fiscal capacity.
- b) Tax policies that are effective, adequate, progressive and socially just need to prioritize progressive taxation over regressive forms such as indirect taxes (e.g., VAT) that disproportionately affect lower-income households. In Germany, concerns persist about the regressive structure of the tax mix, as [VAT accounts for a significant portion of government revenue](#), which places a higher relative burden on poorer households. Recently, the government announced plans of [reducing VAT rates in the gastronomy sector](#), a measure likely to benefit higher income groups, rather than prioritizing a decrease of VAT rates on e.g. essential goods. Germany also [lacks a comprehensive wealth tax](#) and employs an inheritance tax which is characterized by [high exemptions and preferential treatment for certain assets](#), reducing its effectiveness in addressing wealth inequality. [Corporate tax rates have been reduced over time](#), while net social contributions, which affect labor income more directly, are [among the highest in the EU](#). This suggests a need for a comprehensive assessment of how progressive and retrogressive elements interact in the German tax system and their impact on income distribution and poverty.
- c) The Committee has emphasized the need for States to assess the overall distributional impact and the tax burden of tax policies on different income groups, women and disadvantaged groups. In line with the Committee's guidance on evidence-based, transparent, participatory, and inclusive taxation policies, Germany should aim to routinely conduct impact assessments of tax policies on these groups.

3. ISSUE: Rights of trans, intersex, and non-binary persons

ICESCR: Article 2 (2) (Non-discrimination), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Intersex children and transgender persons (paras. 24-25)

QUESTIONS:

- What measures does the Federal Government take to close existing protection gaps in the ban on operations on intersex children?
- How does the Federal Government ensure that the evaluation of the Self-Determination Act complies with the legal mandate?

- What steps will the Federal Government take to ensure that access to gender reassignment surgery meets scientific standards?

EXPLANATORY NOTE:

In 2021, the law to protect intersex children from surgery in early childhood was passed. Already during the legislative process, civil society organizations warned that the law has weaknesses and offers potential for circumvention. This criticism was not taken on board, and the protective effect is therefore limited to diagnoses in the area of “differences of sex development”. No nationwide central register to check the effectiveness of the ban was introduced. There is also a lack of clear regulation on operations performed abroad.

The [Self-Determination Act](#) came into force at the end of 2024. The law was preceded by a heated debate that focused on the possible abuse of the new regulation rather than its human rights significance. The evaluation of the law has already been regulated in the law itself and is intended to examine whether the law strengthens gender self-determination in accordance with constitutional and European law principles. In contrast, the [coalition agreement](#) of the new federal government now states that the evaluation should “focus on the effects on children and young people, the deadlines for changing the gender entry and the effective protection of women” (2025: 104), thus repeating the shift in discourse from the legislative process.

Access to gender reassignment surgery in Germany is still based on the pathologizing and stigmatizing diagnosis of “transsexualism” (ICD-10). Legal adjustments resulting from the introduction of ICD-11 have not yet been implemented. The ruling of the Federal Social Court ([B 1 KR 16/22 R](#)) has increased uncertainty in the area of trans healthcare, and non-binary people are currently completely excluded from the coverage of costs for gender reassignment measures.

4. ISSUE: Family reunification

ICESCR: Article 2 (2), Article 10

Concluding observations on the [sixth periodic report](#): Family reunification of refugees and persons under subsidiary protection (paras. 28-29)

QUESTIONS:

- a) How does the State party justify the planned suspension of family reunification for beneficiaries of subsidiary protection? How does it address concerns about unequal treatment between refugees under the Geneva Convention and beneficiaries of subsidiary protection?
- b) What criteria and procedures are currently applied in the monthly selection of family members under the quota regime for beneficiaries of subsidiary protection, and how are transparency, fairness and prioritisation of vulnerable cases (e.g. children) ensured?
- c) What measures has the State party taken to ensure effective access to family reunification procedures, especially for families where minor sponsors are at risk of reaching adulthood and losing their eligibility?
- d) What efforts have been made to address practical and technical obstacles in communication with German embassies and consulates abroad, particularly in light of the recent shift to online contact forms as the sole method of communication (e.g. lack of upload functions, delayed responses, unclear automated messages)?

EXPLANATORY NOTE:

In its Concluding observations of 2018, the Committee expressed concern about the quota-based restriction on family reunification for beneficiaries of subsidiary protection. The Committee recommended lifting the quota, improving clarity and transparency of procedures, and removing administrative and practical barriers to family reunification. Contrary to these recommendations, family reunification for beneficiaries of subsidiary protection has remained limited to a monthly quota of 1,000 persons since August 2018.

In April 2025, the German federal government announced in its new coalition agreement that it will suspend family reunification for this group for two years. In June 2025, it presented a draft law suspending the right to family reunification for persons under subsidiary protection ([Deutscher Bundestag 2025](#)).

The planned suspension would severely restrict access to family life for thousands of individuals. This plan, heavily criticized by a broad coalition of German human rights organizations (cf. [BuMF 2025](#)), is likely to exacerbate existing challenges related to legal uncertainty, administrative burden and effective access to rights.

Experience from 2016–2018 shows that such restrictions do not alleviate administrative or judicial workload, but rather lead to an increase in hardship applications under § 22 AufenthG and emergency legal proceedings. In addition, the current legal and administrative framework for family reunification continues to pose barriers for family life. In particular, the family reunification of siblings, especially when accompanying parents and minor refugee sponsors, remains insufficiently regulated and subject to high evidentiary thresholds or hardship procedures.

5. ISSUE: Discriminatory payment card for refugees

ICESCR: Article 2 (2) (Non-discrimination), Article 9 (Right to social security), Article 11 (Right to an adequate standard of living)

Concluding observations on the [sixth periodic report](#): Duties of States towards refugees and migrants under the Covenant (para. 59)

QUESTION:

How does the State party justify the introduction of a discriminatory payment card for refugees in Germany, and what is the empirical basis for this measure? Please provide information on the efforts of the State party to ensure that subsistence benefits paid on a special payment card with a low cash limit (“Bezahlkarte”) sufficiently guarantee the social security of the persons concerned.

EXPLANATORY NOTE:

Since February 2024, local authorities across Germany have been transferring social benefits for refugees and tolerated persons to a special payment card (“Bezahlkarte”). The payment cards are subject to far-reaching restrictions, for example on cash withdrawals, online purchases and bank transfers. Of the 441 Euros monthly, refugees can only withdraw 50 Euros cash per month. However, in Germany, in many shops and for many services you cannot pay by card. The special debit card is often not accepted at markets, smaller stores and service providers, such as hairdressers, due to the fees involved. The purchase of secondhand goods,

which refugees with limited benefits are highly dependent on, is also extremely limited, as these can only be paid by cash.

The debit card cannot be used to pay online or transfer money, meaning that cheap online purchases, low-cost cell phone tariffs or memberships in a sports club are impossible. As a result, people affected can no longer pay for many urgently needed goods and services, or these become considerably more expensive. As a result, those affected have to live below the minimum subsistence level.

Against this background, one may reasonably assume that the introduction of the so-called “Bezahlkarte” for refugees in Germany should be seen as “unlawful discrimination prohibited under article 2 (2) of the Covenant”, as noted by the Committee in its [Statement on the Duties of States towards refugees and migrants under the ICESCR](#) of 2017, para. 5. One may also assume that this measure cannot be reconciled with the “core obligations” of the State party under the Covenant, including but not limited to securing freedom from hunger (Statement, para. 9).

The Federal Government has justified the implementation of the so-called payment card for refugees throughout the Federal Republic of Germany with its political objective of “significantly reducing incentives for immigration into the social systems” and “to end large-scale abuse of social benefits at home and by people living abroad” ([coalition agreement 2025](#), p. 17). There is no evidence for the empirical validity of such claims (cf. inter alia [Diakonie Deutschland 2024](#)).

6. ISSUE: The uncertain future of the federal program Asylum Procedure Counseling

ICESCR: Article 2 (2) (Non-discrimination), Article 6 (Right to work), Article 9 (Social Security), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the sixth periodic report: n/a

QUESTIONS:

- Is the government committed to a continuation of the federal program Asylum Procedure Counseling (Bundesprogramm Asylverfahrensberatung)? What criteria would it apply when deciding on a continuation? What role would the planned evaluation play in this decision?
- Is the government committed to needs-based and sustainable funding of the program? According to the government, what level of funding is needed to guarantee this? How and in what timeframe does it intend to achieve this goal?
- How will the government secure access to independent counselling in the asylum procedure?

EXPLANATORY NOTE:

The federal program *Asylum Procedure Counseling* is essential for enabling asylum seekers to exercise a wide range of rights guaranteed under the ICESCR. It offers independent, free legal information on key issues including the right to work during the asylum process and specific rights and services for vulnerable groups such as survivors of violence, torture, or those affected by mental health issues. It also informs about potential cuts to social benefits. The government takes a similar view on the relevance of the program in its state report and states that it has created a “basis for long-term funding [of the program]” (p. 11).

However, the current [coalition agreement](#) does not include a clear commitment to the program and instead calls for an evaluation (p. 96). As a result, the program's future is uncertain, and many participating organizations question their participation in the program. Funding also remains insufficient and unsecured in the long term. It has stayed at 25 million euros, even though the government originally estimated 80 million euros would be necessary to meet demand. In addition, the government plans to set up a counseling service by the asylum authority itself. This risks displacing the independent counseling services supported by the federal program. The independence of counseling is further limited by selective monitoring of counselling sessions by asylum authority staff.

7. ISSUE: Women's representation in decision-making positions

ICESCR: Article 3 (Equal rights of men and women)

Concluding observations on the [sixth periodic report](#): Women's representation in decision-making positions (paras. 30-31)

QUESTIONS:

How does Germany intend to increase its efforts to increase the proportion of women in management positions? How does Germany sanction companies that do not comply with the legal requirements?

EXPLANATORY NOTE:

With the First and Second Leadership Positions Act Germany has established a legal framework to promote gender equality in leadership. With the framework around 100 companies are currently subjected to the binding 30 % quota for supervisory boards and the minimum participation requirement of one woman for management boards with more than three members.

Companies that are publicly listed or subject to co-determination, have more than 500 employees, and do not fall under the binding quota, have to set themselves a target as to how many women are to be appointed to the advisory board, the executive board and high management positions. If they set their target to zero, they now have to deliver a concise explanation. Although the law provides for sanctions in connection with the definition and publication of targets, these have not been enforced so far and are therefore currently ineffective. In the coalition agreement the new German government promises to ensure that violations of the target setting requirements will be consistently and significantly sanctioned in the future. However, the existing framework only addresses a small number of companies. In 2022, the EU adopted the Gender Balance on Corporate Boards Directive. It sets much stricter rules for a gender quota of 40% in supervisory bodies (or at least 33% combined in the supervisory and executive boards) in companies with more than 250 employees. For countries that have already enacted quota laws, exceptions apply in the form of an exit clause. The German government has made use of this exit clause, which must be seen as a step backward compared to other EU countries that are implementing the EU Directive.

8. ISSUE: Work and employment of persons with disabilities, on an equal basis with others

ICESCR: Article 6 (Right to work), Article 7 (Right to just and favourable conditions of work), additionally Article 27 UN-CRDP (Work and employment)

Concluding observations on the [sixth periodic report](#): Employment of persons with disabilities (paras. 34-35)

QUESTIONS:

How does the Federal Government ensure the right of persons with disabilities to work, on an equal basis with others, in a labour market and work environment that is open, inclusive and accessible to all? What in particular is the Federal Government doing to transform the segregational German labour market into an inclusive labour market for all? What measures will be taken to advocate for the instruments Budget for Employment (“Budget für Arbeit”) and Budget for Training (“Budget für Ausbildung”), respectively, to raise awareness and increase the number of users? Please provide data covering the development of users in both budgets, including drop-out rates. Is the right to choose freely and to self-determination implemented in the counselling routines of rehabilitation advisors? Which federal states (*Länder*) are gradually reducing wage cost subsidies within these budgets, and to what extent is this compatible with a person-centred approach?

EXPLANATORY NOTE:

People with disabilities are still structurally extremely disadvantaged in the German labour market (see [DIMR 2023](#), [Hiesinger et al. 2025](#); cf. [Beyer and Meek 2020](#), [Pettinicchio and Maroto 2024](#)). They are less likely to be employed, earn less, there is a lack of freedom of choice in vocational training, and accessibility in the workplace is insufficiently implemented (against CESCR [General Comment No. 18](#) [2005] on the right to work, para. 12). Transitional measures become permanent placements in special structures such as sheltered workshops for people with disabilities. This constitutes a violation of Article 7 of the Covenant, since “workers with disabilities should not be segregated in sheltered workshops” ([General Comment No. 23](#) [2016] on the right to just and favourable conditions of work, para. 47 c). With an average placement rate of less than 1% on the general job market (DIMR 2023: 43), Germany evidently does not “facilitate the transition of workers with disabilities from sheltered workshops to the open labour market”, despite the CESCR’s explicit recommendation of 2018 (para. 35).

Disadvantages regarding social protection, including old-age pension and health insurance, therefore persist (against CESCR 2018: para. 35; against CESCR [General Comment No. 5](#) [1994]: Persons with Disabilities).

New instruments such as the Budgets for Employment and Training, which allow people with disabilities to work in the general labour market by providing employers with a wage subsidy, are little known and insufficiently used. There is a lack of good information about them, a lack of willingness to implement them, too long processing times, and a lack of reliable data on the use of both instruments in the federal states (*Länder*) (cf. CESCR 2018: para. 6).

9. ISSUE: Precarious working-conditions of migrant Live-ins

ICESCR: Article 6 (Right to work), Article 7 (Right to just and favourable conditions of work)

Concluding observations on the [sixth periodic report](#): Prevalence of precarious employment (paras. 42-43)

QUESTIONS:

How does the Federal Government intend to improve the working conditions of home care workers? How will the government combat the exploitation of migrant „Live-ins“ in private households? How will the Federal Government ensure that Live-In-Carers have access to effective complaint mechanisms? How has the disaggregated number of live-in caregivers in Germany developed over time (differentiated by nationality, gender, etc.), and what has the Federal Government done to improve its data-collection system to enable the timely collection of reliable data in all *Länder*?

EXPLANATORY NOTE:

Germany faces a growing demand for home care workers due to demographic change and a shortage of skilled professionals. It is estimated that between 300,000 and 700,000 migrant workers – mainly from Central and Eastern European EU Member States – are employed in private households as so-called Live-ins or 24-hour carers ([Phan-Warnke and Freitag 2021](#)). Most are placed through private care agencies operating across borders, many of which rely on legally questionable contractual models that are widely criticized for circumventing German labor standards. A significant portion of this employment is informal or irregular. Live-in carers frequently work under precarious conditions, often facing excessive working hours, inadequate rest periods, and wages below the statutory minimum. Due to the lack of regulation, these workers are highly vulnerable to labor exploitation and human trafficking. Despite their essential role in long-term elder care, these workers have limited access to legal remedies, social protection, or medical services. The German Customs Authority's Financial Control Unit for Illicit Employment (Finanzkontrolle Schwarzarbeit, FKS) is formally responsible for monitoring labor law compliance. However, the FKS is not permitted to inspect private households without specific evidence of labor exploitation. This regulatory gap makes oversight nearly impossible and leaves thousands of migrant workers vulnerable to systematic exploitation. In its latest State Report, the German government acknowledged that fair and favourable working conditions must be guaranteed for workers in the care sector (Recommendations No. 48 and 49), and the new government's coalition agreement aims to improve working conditions for healthcare workers. However, no tangible progress has been made to improve the situation of live-in carers in private households. The structural exclusion of this group from effective regulation and oversight persists.

10. ISSUE: Germany's joint taxation system ("Ehegattensplitting") and gender inequality

ICESCR: Article 7 (Right to just and favourable conditions of work)

Concluding observations on the [sixth periodic report](#): Gender pay gap (paras. 38-39)

QUESTION:

How is the State party going to make its income tax system gender-equitable?

EXPLANATORY NOTE:

Germany still has a system of joint taxation for married couples (“Ehegattensplitting”) in place. In this system, it is assumed that both parties would each receive exactly half of the joint income. The tax liability of the couple is therefore independent of the actual distribution of income within the marriage. This means that in case of joint taxation, the greatest relief is given to marriages in which only one partner earns a top income.

Germany’s current tax system, which was introduced in West Germany in 1958 and is geared towards the “male-breadwinner model” ([Karmann 2024](#): 36), limits women's career advancement and undermines their economic independence. Married German couples can receive the highest tax refunds if they adhere to inequitable gender norms. In effect, there are currently approximately “2.3 million fewer women working than men, and women are five times more likely to work part-time” ([International Monetary Fund 2024](#)) than men in the Federal Republic of Germany.

11. ISSUE: No social benefits for Dublin refugees

ICESCR: Article 9 (Right to social security), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Social security (paras. 46-47), Right to health (paras. 58-59)

QUESTION:

Please provide information on the efforts of the State party to ensure that refugees for whose asylum procedure another EU state is responsible receive sufficient social benefits despite the exclusion of benefits in Section 1 (4) sentence 1 no. 2 of the Asylum Seekers' Benefits Act.

EXPLANATORY NOTE:

According to [Section 1 para. 4 sentence 1 no. 2 of the Asylum Seekers' Benefits Act](#), refugees who have already been registered in another EU country under EU law (Dublin Regulation, [\(EU\) No 604/2013](#)) receive significantly reduced social benefits for two weeks and then, as a rule, no social benefits at all. They are then no longer entitled to cash benefits, food, clothes, accommodation or medical treatment. The legislator wants to force these people to leave the country ([Bundestags-Drucksache 20/12805](#), p. 21). However, in most cases, the people affected cannot leave Germany of their own accord because this requires the agreement of the other member state, because they lack travel documents, or because the reception conditions there do not meet the required standards. Only in very few cases does Germany manage to deport the people to the responsible member state. This means that people who are in Germany and unable to leave the country are not entitled to social benefits here and face homelessness and destitution.

Numerous court rulings confirm the unlawfulness of a complete exclusion of benefits (see [GGUA 2025](#)). Despite this case law, the Federal Government intends to maintain the exclusion of benefits for Dublin refugees (cf. [coalition agreement 2025](#): 95).

12. ISSUE: Homeless EU citizens and their exclusion from social benefits

ICESCR: Article 9 (Right to social security), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Right to housing (paras. 54-55)

QUESTION:

How does the State party measure, explain and respond to the seemingly growing number of homeless EU citizens excluded from social benefits?

EXPLANATORY NOTE:

During the negotiation of the so-called Act to Exclude EU Citizens ([Unionsbürgerausschlussgesetz](#)) of 2016, FORUM MENSCHENRECHTE member organisation *Deutscher Paritätischer Wohlfahrtsverband* warned that the legally prescribed exclusion of EU citizens from basic social benefits would constitute a violation of Article 11 ICESCR ([Deutscher Bundestag 2016](#): 49).

The implementation of this legislative act as of 2017 seems to have led to an increasing number of homeless EU citizens excluded from emergency shelters, social services and health care in the Federal Republic of Germany (cf. [GIHR 2024](#): 43). The negative effects of the legally prescribed exclusion from health care for EU citizens who have “no entitlement to the coverage of any – even emergency – health care services” ([Offe et al. 2018](#): 7) were described in the Parallel Report to the CESCR submitted in 2018 by *Doctors of the World Germany*.

Reliable quantitative and qualitative data concerning this development do not exist. According to the National Action Plan to Tackle Homelessness of [2024](#), however, “the largest share of non-German homeless people come from EU countries (56 percent in total)” (p. 14).

In 2021, the Court of Justice of the EU ruled that authorities refusing to grant social assistance to EU citizens “are required to check that a refusal to grant such benefits ... does not expose that citizen, and the children for which he or she is responsible, to an actual and current risk of violation of their fundamental rights, as enshrined in Articles 1, 7 and 24 of the Charter of Fundamental Rights of the European Union” ([Case C-709/20](#)).

13. ISSUE: Basic social benefits below the poverty threshold

ICESCR: Article 9, 11

Concluding observations on the [sixth periodic report](#): Social security (paras. 46-47)

QUESTIONS:

- How does the government justify that the level of social assistance benefits hasn't been raised in 2025 in order to compensate at least for inflation?
- Please indicate the development of the level of social assistance benefits in relation to (a) inflation, (b) average and (c) minimum wages and (d) pensions over the past ten years and explain the political measures introduced by the government to ensure that recipients of social assistance are not left behind.

- Please indicate the average level of social assistance benefits in relation to the national poverty threshold. How does the government justify that the level of social assistance is significantly lower than the poverty threshold in Germany?

EXPLANATORY NOTE:

Social assistance is meant to be the ultimate scheme of the welfare state against poverty. However, the level of social assistance doesn't allow for an adequate standard of living, for its benefits are far below the poverty threshold (cf. [European Commission 2023](#): 13, [Human Rights Watch 2025](#), [Paritätischer Gesamtverband 2024a](#)). The procedure to define the minimum subsistence level is not convincing ([Diakonie 2020](#), [Paritätischer Gesamtverband 2020](#)), and in its – still most recent – judgement on social assistance benefits, the constitutional court argued in 2014 that the legislator reached the limit of what is constitutionally acceptable to ensure the minimum subsistence level ([Bundesverfassungsgericht 2014](#), Rn 121). Even though the level of the benefit had been raised recently in two subsequent years (2023, 2024, State report, no. 27) the standard of living of the recipients did not improve significantly because of inflation ([Paritätischer Gesamtverband 2024b](#)). In 2025 there was no compensation against inflation at all.

14. ISSUE: People living below the minimum subsistence level

ICESCR: Article 9, Article 11

Concluding observations on the previous report: n/a

QUESTIONS:

- How many people and households are living with an income which is lower than 40 per cent of the median equivalent income and therefore below the minimum subsistence level?
- How does the government explain the huge number of people living in extreme poverty? Which groups are living below that standard? Please indicate which groups are legally not entitled to social assistance benefits? How many people do not claim for social assistance benefits even though they are entitled to?
- How does the government justify exclusion from the social assistance scheme?

EXPLANATORY NOTE:

According to the German government the social assistance schemes (“Bürgergeld”, “Grundsicherung im Alter und bei Erwerbsminderung”, “Asylbewerberleistungsgesetz”) guarantees the minimum standard of living for everybody in Germany. The level of social assistance in Germany is on average about 45 percent of the equivalent median income ([European Commission 2023](#): 13). According to official statistics, more than 3.5 mio. people in Germany have an equivalent income even below 40 percent of the median income (4.2 percent of all persons). Either these people are not legally eligible for social assistance or they don't have sufficient access to their rights.

15. ISSUE: Food Poverty in Germany

ICESCR: Articles 9, 10 and 11

Concluding observations on the [sixth periodic report](#): Recommendations No. 46, 47, 50, 51, 52 and 53

QUESTIONS:

- What concrete measures and plans does the German Government take/plan to fulfil its obligations in relation to the right to adequate food – especially with regard to the most vulnerable (such as children and youth) and marginalized people in need of assistance who are receiving basic social benefits (Grundsicherung) and/or a pension (Rente)?
- How does the German Government guarantee that the level of basic social benefits is sufficient to ensure an adequate (dietary and cultural) nutrition?
- Considering the state party's obligations in relation to the right to adequate food, how does the German Government explain the expansion of food banks (*Tafeln*) in Germany? Which concrete measures does the German Government plan to reduce this demand?
- How many children in childcare or school do not have access to meals, and which measures is the government taking to ensure that at least each child in full-day childcare or school gets free or at least affordable lunch?

EXPLANATORY NOTE:

Art. 11 of the Social Covenant obliges Germany to actively work towards ensuring that all people in Germany have access to adequate food. Germany is failing to meet this obligation: The current amount provided for nutrition in basic social benefits is too low to ensure an adequate nutrition. This has been confirmed by numerous [experts](#) including the [Scientific Advisory Council to the Federal Ministry of Food and Agriculture](#). This applies in particular to the most vulnerable and marginalized such as children, youth, pensioners, single parents and refugees. This has become even more critical in recent years, as food is particularly affected by high inflation. The result is poverty-related malnutrition (sometimes even hunger) in many households affected by poverty. According to the [Scientific Advisory Council](#), children are particularly affected. [Experts](#) emphasize that malnutrition in childhood can lead to developmental disorders that cannot later be repaired, such as growth disorders and impaired cognitive development, which can be observed in children affected by poverty in Germany. In all federal states but Berlin there is no free school meal. Parents have to pay for school meals, only families in need may get school meals for free. However, as the [Scientific Advisory Council](#) states, access to this fund is difficult due to high bureaucratic obstacles.

In its seventh report the German Government mentions its national action plan “New Opportunities for Children in Germany” (para. 108). This plan recognizes that the state's support must target a healthy and social lifestyle. However, it does not further address this issue and does not provide a plan for further action. In its [general comment no. 12](#), the CESCR also calls for a national strategy to be drawn up to realize the right to food. Although the ministry of agriculture's (BMEL) current nutrition strategy (January 2024) recognizes the issue and is therefore a step in the right direction, it does not determine concrete and binding steps.

16. ISSUE: Child poverty

ICESCR: Article 9, Article 11

Concluding observations on the [sixth periodic report](#): child poverty (paras. 50-51)

QUESTIONS:

- How many children are living in families affected by poverty or social exclusion? Which families are particularly at risk of poverty?
- How did the government respond to the recommendation of the committee to abolish child poverty? Which measures have been introduced to make sure that the levels of benefits (child benefit, child supplement, social assistance) allow for an adequate standard of living? How does the government ensure that social benefits are taken up by the families?
- Since the announced introduction of a basic child allowance system (State report, No. 26) has failed, which measures are planned by the government to abolish or at least reduce child poverty?

EXPLANATORY NOTE:

Child poverty is still a serious social problem in Germany. The number of children at the risk of poverty varies according to different sources. Official data report that 22.9 percent of minors in Germany are at risk of poverty or social exclusion (which means more than 3.3 million minors, [Destatis 2025](#)). 15 percent of the minors are at risk of poverty. The current welfare system isn't effective. It is complex, bureaucratic, and its benefits do not allow for an adequate standard of living (cf. [Nationaler Normenkontrollrat 2024](#), [Arbeitskreis Armutsforschung 2023](#)). The planned introduction of the "Kindergrundsicherung" was not implemented.

17. ISSUE: Sanctions imposed on recipients of basic social benefits

ICESCR: Article 9 (Right to social security), Article 11 (Right to an adequate standard of living)

Concluding observations on the [sixth periodic report](#): Social security (paras. 46-47)

QUESTIONS:

How is the Federal Government going to ensure that its new sanctions regime for recipients of basic social benefits meets its legal obligations under the Covenant and complies, in each individual case, with the jurisprudence of the Federal Constitutional Court on the fundamental right to the guarantee of a subsistence minimum that is in line with human dignity?

EXPLANATORY NOTE:

The [coalition agreement](#) between the Conservatives and Social Democrats promises a "tightening of sanctions" against recipients of basic social benefits. The new sanctions regime envisioned by the Federal Government goes so far as to call for a "complete withdrawal of benefits" for those capable of working but refusing to do so (p. 17; cf. [Linnemann 2025](#), [Bas 2025](#)).

The CESCR, on the other hand, called upon Germany "to review [its] sanctions regime in order to ensure that the subsistence minimum is always [being] applied" (para. 47). The legal fiction of non-neediness ("Fiktion der Nicht-Bedürftigkeit") obviously conflicts with the State party's obligations under Articles 9 and 11 ICESCR, especially since Germany is currently lacking "[defined] criteria for assessing the suitability of employment, in line with article 21 (2) of the ILO Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)" (Concluding observations on the [sixth periodic report](#): para. 47).

According to the jurisprudence of the Federal Constitutional Court, Germany must, in line with human dignity and the principle of the social welfare state, ensure "to each person in

need of assistance the material prerequisites which are indispensable for his or her physical existence and for a minimum of participation in social, cultural and political life” (2010: headnote 1). Beyond that, the Court clarified that “[human] dignity ... is afforded every person; it cannot be lost even on grounds of supposedly ‘undignified’ behaviour” (2019: headnote 1).

18. ISSUE: The poor state of health of people receiving basic social benefits

ICESCR: Article 9 (Right to social security), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Social security (paras. 46-47)

QUESTIONS:

How does the Federal Government explain the poor state of health of people receiving basic social benefits? What measures does the State party take to improve the collection of data concerning inter alia the seemingly growing number of cases of stress, depression, and anxiety disorders among recipients of basic social benefits?

EXPLANATORY NOTE:

The state of health of people receiving basic social benefits is below the average of the general population and deteriorates further the longer they receive such benefits. Studies suggest that more than 40 percent of recipients of basic social benefits in Germany have serious health restrictions, which constitutes a major obstacle to their labour market integration and sheds light on the negative effects of a life situation experienced as discriminatory on mental well-being (cf. [Eggs et al. 2014](#), [Emmer et al. 2024](#)).

Germany must fulfill its core obligation of monitoring the extent of the realization of the Covenant rights (cf. [General comment No. 19](#) on the right to social security, para. 59).

19. ISSUE: Increasing length of stay of homeless persons in emergency shelters and lack of shelters for homeless families

ICESCR: Article 9 (Right to social security), Article 10 (Right to family life), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Right to housing (paras. 54-55)

QUESTIONS:

What will the Federal Government do to reduce the length of stay of homeless persons in emergency shelters? What will it do to ensure that homeless families have access to emergency accommodation?

EXPLANATORY NOTE:

A stay in emergency accommodation is intended to provide short-term relief from an acute emergency. Nevertheless, it can be observed that the length of stay is steadily increasing. Of all homeless people housed, 30% have been in their current accommodation for at least two years, and only 7% for less than eight weeks. The average is 122 weeks ([BMWSB 2024](#): 71).

The increasing duration of accommodation in emergency shelters is in itself problematic (see [GIHR 2022](#): 15). Sub-standard emergency accommodation, however, adds to the problem, since it has a negative impact on the health of affected individuals. The longer homeless persons are accommodated in emergency shelters, the more their health deteriorates, and the more unlikely it becomes that they will ever find proper accommodation again (cf. [BBSR 2025](#)).

Article 10 of the Covenant obliges Germany to actively ensure the right to family life. However, there is a lack of shelters for homeless families in Germany. Around 12% of homeless people in Germany do not make use of emergency accommodation because they cannot find a place there with their families, children or partners ([BMWSB 2024](#): 39). The situation of multi-local families is particularly difficult, i.e., when children live in two households. Because emergency shelters in Germany are still very much geared towards the needs of single people, homeless parents tend to refrain from contacting them together with their children. In effect, according to a survey carried out in February 2024, “955 parents (couples and single parents) in Germany are living on the streets with their children, and 4,245 parents (-parts) and their children have found temporary accommodation with friends or relatives” ([BMWSB 2024](#): 29).

20. ISSUE: Social housing and homelessness in Germany

ICESCR: Art. 11

Concluding observations on the [sixth periodic report](#): Right to housing (paras. 54-55)

QUESTIONS:

- How many social housing units currently exist in the Federal Republic of Germany, and how does this number compare to the estimated demand? How have the supply and demand for social housing developed over the past years?
- How many people are currently experiencing homelessness in Germany, and what concrete measures has the State Party implemented to effectively end homelessness?

EXPLANATORY NOTE:

The number of social housing units in Germany has been declining for years. In 2024, there were approximately 1.05 million publicly subsidized apartments, about 26,000 fewer than the previous year (cf. [ZEIT ONLINE 2025](#)). In contrast, studies estimate a need for around 2 million social housing units, indicating a shortfall of approximately 900,000 units. This shortage exacerbates the housing crisis, particularly affecting low-income households.

Regarding homelessness, the [2024 Homelessness Report](#) indicates that around 531,000 people in Germany are without permanent housing. This includes approximately 439,500 individuals accommodated in emergency housing, about 60,400 staying with friends or relatives, and around 47,300 living on the streets or in makeshift shelters. In response, the federal government adopted a National Action Plan in April 2024 with the goal of ending homelessness by 2030. However, experts criticize the plan for lacking binding measures and sufficient funding.

21. ISSUE: Refugees and the right to adequate housing

ICESCR: Article 11

Concluding observations on the [sixth periodic report](#): Right to housing (paras. 54-55), Duties of States towards refugees and migrants under the Covenant (para. 59)

QUESTION:

How does the State party ensure that the conditions in the accommodation centres for refugees in the federal states (*Länder*) meet minimum standards of adequate housing that comply with the legal obligations under Article 11 (1) of the Covenant?

EXPLANATORY NOTE:

According to [General comment No. 4](#) (1991) on the right to adequate housing (art. 11 [1] of the Covenant), the human right to housing entails “the right to live somewhere in security, peace and dignity” (para. 7).

Accommodation centres for refugees operated by the federal states (*Länder*) do not meet these requirements. People applying for asylum in Germany are legally obliged to live in these mass accommodation centres for many months, sometimes even years (cf. [§ 47 AsylG](#)). In centres like those in the State of Bavaria or the State of Berlin, refugees live in small rooms with two or four beds and very little privacy (cf. [Doctors of the World Germany 2022](#), [DER SPIEGEL 2024](#)). Security staff check the rooms daily and are allowed to enter them at night and against the will of the residents. The police regularly enter the rooms at night or early in the morning to deport a person living there. In addition, very strict rules apply in the facilities, including but not limited to bans on visitors, video calls, household items and extra food. Disturbances and threatening situations, a lack of places to retreat to, isolated location, the lack of access to work, education and healthcare: the stress factors caused by these living conditions result in an increased risk of illness, especially mental illness. Although the practice of night-time police operations for deportation could be stopped by a simple instruction to the police, and conditions could be improved by prioritising decentralised private accommodation, the federal government refuses to do so, and the federal states continue to tighten the conditions in the accommodation facilities.

The conditions for children in particular are very poor and cause deficits in terms of education, healthcare and participation (see [BAfF 2020](#), [UNICEF Germany and GIHR 2023](#)).

The accommodation of unaccompanied minors is also a cause for great concern. There are now decrees in the federal states that allow the standards to be lowered even further. A dangerous limit – unthinkable when dealing with German children – is reached when unaccompanied minor refugees are expected to live alone in camps in which adult refugees are housed (cf. [BumF et al. 2023](#)).

In its concluding observations on the sixth periodic report of Germany, the Committee called attention to its [Statement on the duties of States towards refugees and migrants under the Covenant](#) (para. 59), including but not limited to duties concerning reception conditions, and called upon the State party “to enable the timely collection of reliable data on the enjoyment of all rights covered by the Covenant in all *Länder*” (para. 6). There are no signs of sustained efforts to improve Germany’s data-collection system concerning refugees and the right to adequate housing.

22. ISSUE: High incidence of poverty among older women

ICESCR: Article 11 (Right to an adequate standard of living)

Concluding observations on the [sixth periodic report](#): Gender pay gap (paras. 38-39)

QUESTION:

How is the Federal Government going to reduce the high incidence of poverty among older women?

EXPLANATORY NOTE:

According to the Poverty Report 2025 of the Paritätischer Gesamtverband, one in five women over the age of 65 is affected by poverty in old age. In the 75+ age group, women are 6.4 percentage points more likely to be affected by poverty than men ([Paritätischer Armutsbericht 2025](#): 12).

In 2023, women received an average of EUR 440 less old-age pension than men. With 908 euros, the pension amount for all women in old-age pension is only around two thirds of what men receive on average as an old-age pension (1,348 euros). This means that the pension gap between women and men is about 33 percentage points ([WSI: GenderDatenPortal: Einkommen](#)).

Pension entitlements in the German pension system depend largely on previous lifetime earnings and employment history. This means that the gender pension gap always also reflects other “gaps”, such as the gender pay gap or the gender care gap.

23. ISSUE: Access to electricity

ICESCR: Article 11

Concluding observations on the [sixth periodic report](#): Access to electricity (paras. 56-57)

QUESTIONS:

- Please indicate the development of energy prices since 2020 and point out the political measures of the government to alleviate the impacts on the households – in particular for vulnerable and low-income households.
- Please provide information on how the government guarantees that recipients of social assistance, low-wage earners and pensioners can afford to finance current energy prices.
- How many households have problems to finance their costs of electricity and heating according to official data, how many households have suffered from power shutdowns (esp. electricity)? Which rules and procedures did the Government introduce to avoid power shutdowns?

EXPLANATORY NOTE:

Against 2020 the prices for power products have increased because of the Russian invasion in Ukraine and the subsequent turmoil on energy markets. The German government introduced some so-called relief packages (cf. State report nos. 33 and 35). However, major structural problems remain: there are still too many power shutdowns (2023: 204,000 for electricity, according to official data of the Bundesnetzagentur), social assistance recipients, low-wage

earners and pensioners with low income don't have enough income to finance electricity ([Deutscher Verein 2019](#)), more than 4 million persons report that they have arrears ([Paritätischer Gesamtverband 2025](#): 21), and still there are no effective rules or procedures to avoid shutdowns ([Deutscher Verein 2019](#)).

24. ISSUE: No access to health care for undocumented migrants

ICESCR: Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Migrants (paras. 26-27)

QUESTION:

Please provide information on the efforts of the State party to implement the Committee's recommendations and to ensure that undocumented migrants can access basic services such as health care without fear of deportation.

EXPLANATORY NOTE:

There are approximately half a million undocumented people living in Germany (cf. [Mediendienst Integration 2025](#)). These people have no access to health care. On paper they are entitled to treatment for acute illnesses and pain (§§ 4, 6 AsylbLG). However, as soon as they turn to the social welfare authorities to obtain the necessary approval, they face deportation (cf. [Offe et al. 2018](#), [Deutsches Ärzteblatt 2025](#)). The social welfare authorities are obliged to report undocumented migrants to the immigration authorities (§ 87 para. 2 sentence 1 no. 1 [AufenthG](#)). The consequence is that undocumented migrants do not seek any help in case of illness. Illnesses that could have initially been treated become chronic or even life-threatening. Even in medical emergencies, hospitals generally don't receive any reimbursement from the welfare authorities. Therefore, hospitals often refuse treatment if the undocumented patient cannot pay in advance.

In its Statement on the [Duties of States towards refugees and migrants](#) of 2017, the Committee underlined the "specific vulnerability of undocumented migrants" (section III) and the duty of States "to respect the right to health by ensuring that all persons, including migrants, have equal access to preventive, curative and palliative health services, regardless of their legal status and documentation" (para. 12; cf. [general comment No. 14](#) [2000] on the right to the highest attainable standard of health, para. 34). In contrast, a situation in which undocumented migrants have no access to health care, including emergency medical treatment, "cannot be tolerated" (para. 11). In Germany and elsewhere, "strict walls should exist between health-care personnel and law enforcement authorities, and adequate information should be made available in the languages commonly spoken by migrants in the host country, in order to ensure that such situations do not result in migrants avoiding seeking and obtaining health care" (para. 12).

In 2017, the Committee on the Elimination of Discrimination against Women made a similar recommendation (concluding observations on the combined seventh and eighth periodic reports of Germany, UN Doc. [CEDAW/C/DEU/CO/7-8](#), para. 38). In its concluding observations on the sixth periodic report of Germany of 2018, the CESCR recommended that Germany "establish a clear separation ('firewall') between public service providers and immigration enforcement authorities, including by repealing section 87 (2) of the Residence Act, to ensure that irregular migrant workers can access basic services without fear" (para. 27). In its coalition

agreement of 7 December 2021 (p. 139), the last German government announced that it would reform the reporting obligation so that undocumented migrants can access health care. However, this never happened, and the new Federal Government has expressed no intention of installing a firewall between social services and migration authorities. On the contrary: Lines 525 and 526 of the new [coalition agreement](#) state: "We will enable a complete exchange of data between social, financial and security authorities".

25. ISSUE: Interpreter costs for medical treatment

ICESCR: Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Right to health (paras. 58-59)

QUESTION:

Please provide information on the efforts made by the State party to ensure that non-German-speaking recipients of citizen's benefit (Bürgergeld) receive the necessary language support during medical and psychotherapeutic treatment.

EXPLANATORY NOTE:

Non-German-speaking citizen's benefit recipients are not entitled to language translation during medical treatment or psychotherapy. This affects highly traumatized refugees, e.g. victims of torture, often children (e.g. from Ukraine) in need of psychotherapy or psychiatric treatment. The lack of funding for language mediation is one of the main barriers to accessing psychotherapeutic treatment (cf. [BAfF 2024](#)). Many psychotherapists now refuse to treat non-German-speaking patients due to the lack of funding for language mediation. Provisions for the statutory health insurance were foreseen for the future. The regulations are pending.

The refusal to cover the costs for translation constitutes a discrimination on the basis of language (para. 18 [CESCR General Comment No. 14](#)).

26. ISSUE: 36 months of reduced social benefits and limited health care for refugees

ICESCR: Article 9 (Right to social security), Article 11 (Right to an adequate standard of living), Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Right to health (paras. 58-59)

QUESTION:

Please provide detailed information on how asylum-seekers and tolerated persons can secure their minimum subsistence level and right to health for the first 36 months of their stay, although they receive reduced social benefits and healthcare is limited to acute illness and pain. In view of these regulations, how does Germany intend to reduce the deficit in psychosocial care and treatment so as not to risk further harm to victims of torture, for example?

EXPLANATORY NOTE:

During the first 36 months of their stay, asylum seekers and tolerated persons receive significantly reduced social benefits and considerably restricted healthcare. In February 2024, the length of this period was drastically extended from 18 to 36 months. Since 1 January 2025, asylum seekers receive [441 Euros per month](#) under the Act on Benefits for Asylum Applicants to ensure their minimum subsistence level, while recipients of citizen's benefit (Bürgergeld) or social welfare (Sozialhilfe) receive [563 Euros per month](#) (BMAS 2024, 2025).

Also, the government does not provide adequate health care for asylum seekers, including victims of torture and human rights violations (General Comment No. 3 of the Committee Against Torture - CAT), thereby risking further harm to their (mental) health. For the first three years of their stay, people seeking protection are only entitled to treatment for acute illnesses and pain as well as, in rare exceptional cases, to other necessary benefits (§§ 4 para. 1, 6 para. 1 AsylbLG).

The term "other essential health-care services" still lacks a clear definition (see Concluding observations on the [sixth periodic report](#): para. 58).

In line with the Committee's Statement on the [Duties of States towards refugees and migrants](#), the State party must collect data "in order to allow it to assess the extent to which [it complies] with [its] obligations under the Covenant" (para. 17).

The assumption that refugees are less in need of assistance in the first three years of their stay in Germany lacks any empirical evidence.

27. ISSUE: The criminalization of abortion as a violation of the right to sexual and reproductive health

ICESCR: Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): n/a

QUESTION:

When is the Federal Government going to put an end to the criminalization of abortion, which constitutes a violation of the right to sexual and reproductive health?

EXPLANATORY NOTE:

[General comment No. 22 \(2016\)](#) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights) states that the "criminalization of abortion [undermines] autonomy and [the] right to equality and non-discrimination" (par. 34). Beyond that, it explicitly mentions "the criminalization of women undergoing abortions" as an example of a violation of the right to sexual and reproductive health (par. 57).

§§ 218 ff. of the [German Criminal Code](#), however, introduced by the German Empire in 1871, criminalize pregnant people who want an abortion, as well as anyone else (such as medical personnel) who assist them in doing so. Unfortunately, an [initiative of 2024](#) to reform this outdated law did not make it to the second hearing in the Parliament of the Federal Republic of Germany before the end of the legislative period.

Due to criminalization and other impeding factors, the abortion care situation in Germany is less than satisfactory (see [Torenz et al. 2023](#) for data on regional availability) and needs major improvements. Publicly funded hospitals run by religious institutions, for example,

simply refuse to carry out abortions; pregnant people often have difficulties finding doctors; and statutory health insurance funds are not obliged to cover the costs of abortions.

28. ISSUE: The sexual rights of older persons

ICESCR: Article 12 (Right to physical and mental health)

Concluding observations on the [sixth periodic report](#): Care services for older persons (paras. 48-49)

QUESTIONS:

What measures will the Federal Government implement to improve the situation of older adults in long-term care (LTC) facilities? How is the State party ensuring self-determination in old age, and what role do concepts for LTC facilities and further training for nursing professionals play in this context?

EXPLANATORY NOTE:

The [WHO](#) states that "sexual health is relevant throughout the individual's lifespan, not only to those in the reproductive years, but also to both the young and the elderly." The [International Plan of Action on Ageing](#) underlines that "older persons are fully entitled to have access to preventive and curative care, including ... sexual health care" (para. 58).

Expert interviews conducted in the framework of the research project "Sexual/sexualized violence in long-term inpatient care facilities in Germany" ([Eggert et al. 2023](#)) suggest that the sexuality of older people in need of care is often taboo in facilities, especially if they do not conform to heteronormative ideas. Not allowing sexuality is a form of sexual violence.

29. ISSUE: Schooling of refugee children

ICESCR: Articles 13-14 (Right to education)

Concluding observations on the [sixth periodic report](#): State party's obligation in the context of the federal system (paras. 5-6)

QUESTION:

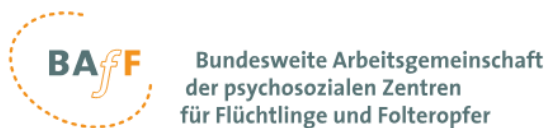
How does the State party ensure that all refugee children, regardless of their residence status or country of origin, are granted timely access to equal school education, and what strategies does the State party pursue to avoid segregation through preparatory classes and schools, and to promote the integration of refugee children into regular classes?

EXPLANATORY NOTE:

In its Statement "[Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights](#)" of 2017, the Committee underlined that "access to education, complying with 'minimum educational standards'", constitutes a core obligation of the State, applicable "in all circumstances," with "corresponding duties extended to all people under the effective control of the State, without exception" (para. 9).

In Germany, however, refugee children often have to wait for [several months](#) before being granted a place at school, as the commencement of their school attendance obligation and their right to access school is [not uniformly regulated](#) across the federal states (against [CESCR 2018](#), para. 6). [In many states](#), children are first placed in preparatory or so-called "welcome" classes. Access to these classes – and even more so the transition into regular classes – is frequently delayed due to [long waiting lists](#), meaning that some children may not enter regular schooling until up to two years after their arrival. There are [no uniform and binding educational standards](#) for the curricula taught in preparatory classes or for the transition into regular classes, and the quality of teaching in such classes is often inadequate (see e.g. [UNICEF 2023](#)). Segregated schooling of refugee children has been shown to result in poorer educational outcomes and to impair psychosocial development (see e.g. [Höckel and Schilling 2022](#)). Nevertheless, even [separate "welcome schools"](#) are established due to staff and space shortages in which refugee children are taught centrally within their reception center, thereby lacking contact with children outside of their shelter, even in integrative subjects such as music, sports, or art. [Unaccompanied minor refugees](#) placed in temporary protective custody are often not enrolled in school at all or only after considerable delay.

The following member organizations of FORUM MENSCHENRECHTE
contributed to this coalition submission:



FORUM MENSCHENRECHTE / HUMAN RIGHTS FORUM –
Network of German Human Rights Organizations
Greifswalder Straße 4
10405 Berlin
Federal Republic of Germany

www.forum-menschenrechte.de