

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT  
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**GERMANY REVIEW**

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**I. Justice System**

**B. Quality of justice**

*Resources of the judiciary (human/financial/material<sup>1</sup>)*

In October 2022 in its concluding observations, the UN Committee on the Rights of the Child welcomed Germany's efforts to provide training to relevant professional groups on children's rights and to raise public awareness about children's rights. The Committee recommended that Germany ensure systematic training on children's rights, the Convention and the Optional Protocols thereto for all professionals working for and with children, in particular those working in education, social work, migration and justice, and ensure that all relevant professionals working with and for children systematically receive appropriate training on the right of the child to be heard and to have his or her opinions taken into account, in accordance with the child's age and maturity ([CRC/C/DEU/CO/5-6](#), paras 12 and 17).

**C. Efficiency of the justice system**

***Other – please specify***

**Use of force by law enforcement** - In March 2022, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment continued the dialogue with Germany regarding his concern over the conduct of police officers at demonstrations concerning public health measures. He asked for the explanation of the "accelerated judicial proceedings" against protesters accused of violence against police officers, and how were these defendants granted their fundamental legal and procedural safeguards to ensure their fair trial, particularly as compared to the systematic procrastination observed with regard to criminal and disciplinary investigations against police officers ([AL DEU 2/2022](#), please also see the OHCHR submission on Germany for 2022).

**Best interest of the child** - recommended that Germany ensure that the principle of the best interests of the child is consistently applied in all policies, programmes and legislative, administrative and judicial proceedings affecting children, including in relation to trafficking and migration and asylum procedures ([CRC/C/DEU/CO/5-6](#), para. 16).

**Respect for the views of the child** - In October 2022 in its concluding observations, the UN Committee on the Rights of the Child noted with appreciation the various legal regulations and strategies aimed at promoting the participation of children in matters affecting them, but was concerned that children's views are not always taken into account in courts and administrative proceedings. The Committee recommended that Germany ensure that all children, including children under 14 years of age, can express their opinions and be heard in all decisions affecting them, including in courts and administrative and civil proceedings, and establish legal standards for ensuring that such proceedings are child-friendly ([CRC/C/DEU/CO/5-6](#), para. 17 (a)).

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<sup>1</sup> Material resources refer e.g. to court buildings and other facilities

**Administration of child justice** - In October 2022 in its concluding observations, the UN Committee on the Rights of the Child noted with appreciation the measures taken to bring its child justice system in line with the Convention, including through the transposition into national law of Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee recommended that Germany continue to actively promote, in all Länder, the application of non-judicial measures, such as diversion, mediation and counselling, and, wherever possible, the use of non-custodial measures for children, such as probation or community service, including through training for judges, prosecutors, police officers and other professionals on children's rights, the Convention and the Committee's general comment No. 24 ([CRC/C/DEU/CO/5-6](#), para. 42).

#### **IV. Other institutional issues related to checks and balances**

##### ***B. Independent authorities***

*Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions*

In October 2022 in its concluding observations, the UN Committee on the Rights of the Child welcomed the establishment in 2015 of an independent monitoring mechanism within the German Institute for Human Rights to monitor the implementation of the Convention on the Rights of the Child. However, it remained concerned about the lack of a child-friendly complaints mechanism for children covering all areas of the Convention and regretted the position of Germany that such a mechanism is not necessary. The Committee recommended that Germany establish the monitoring mechanism for the Convention as a permanent mechanism, with independence with regard to its funding and with the mandate to receive, investigate and competently address complaints from children in a child-friendly manner; and ensure that all children are aware of their right to file a complaint under existing mechanisms ([CRC/C/DEU/CO/5-6](#), para. 11).