



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva



www.humanrightslogo.net

Ref.: (please quote when answering): Pol-10-504.14 SE TBB
Note No.: 166/2013

Note Verbale

The Permanent Mission of Germany to the Office of the United Nations and other International Organizations in Geneva presents its compliments to the High Commissioner for Human Rights and - with reference to the Opinion adopted by the Committee on the Elimination of Racial Discrimination concerning complaint G/SO 237/211 DEU 48/2010 – has the honour to transmit attached information on the measures undertaken by the Government of the Federal Republic of Germany to give effect to that Opinion.

The Permanent Mission of Germany would be grateful if the Office of the High Commissioner for Human Rights could confirm receipt of this note verbale and attached document.

The Permanent Mission of Germany to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 1 July 2013



To the
Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

Antwort der Bundesregierung

The Federal Government has taken note of the Committee's Opinion regarding Communication No. 48/2010, received on 8 April 2013.

The Opinion, together with the attached Individual Opinion, has been translated into German. It has been forwarded to the *Länder* ministries of Justice, which in turn are responsible for disseminating the Opinion and its attachment to the courts and public prosecution offices for their information.

The public prosecution office of the *Land* of Berlin, as the competent authority for the original case, has been informed of the decision separately and has been asked to examine any possibility of reconsidering the decision to terminate the investigation.

The Federal Minister of Justice, Ms. Sabine Leutheusser-Schnarrenberger, has met with representatives of the *Türkische Gemeinde in Deutschland* (Turkish Community in Germany) in order to discuss the Committee's opinion. In this context, additional measures against racist propaganda and the importance of fighting "mainstream racism" have been discussed.

The Federal Government is currently examining the German legislation concerning criminal liability for racist statements in light of the Committee's views. This evaluation will have to take into account the importance of freedom of speech, which is guaranteed by the German Basic Law and by international human rights law.

The Federal Government will keep the Committee informed of further developments and looks forward to maintaining its dialogue with the Committee as it prepares for the presentation of its current State Report.