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Member States' best practices on the Charter

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Germany



Germany

Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary.

At national level:

The Manual for Drafting Legislation (Handbuch der Rechtsförmlichkeit) published by the Federal Ministry of Justice and Consumer Protection (Bundesministerium der Justiz und für Verbraucherschutz), which contains recommendations on the form and drafting of laws and statutory instruments proposed by the federal ministries, states that bills intended to bring federal law into line with European Union law must be compatible with the Charter. This must be explained in the explanatory memorandum where such links exist.

http://www.bmjuv.de/DE/Themen/RechtssetzungBuerokratieabbau/HDR/HDR_node.html

The 'National Action Plan Against Racism – Positions and Measures to Address Ideologies of Inequality and Related Discrimination' (2017) explicitly mentions the EU Charter of Fundamental Rights within the context of the legal basis and framework (p. 12 of the English translation). The National Action Plan should continue to be regarded as a framework established by the Federal Government that will remain the subject of exchanges with civil society in the future.

<http://www.bundesregierung.de/breg-de/suche/nationaler-aktionsplan-gegen-rassismus-1145356>

The [German Judicial Academy](#) (Deutsche Richterakademie) offers seminars and conferences on the application of the Charter.

For example, the German Judicial Academy's event 'Introduction to European Law', which is intended for judges and public prosecutors, deals with the basic principles of EU law, including the Charter, and the influences of EU law on the national legal systems.

The conference 'Administrative jurisdiction – effective judicial protection in daily practice' offered by the German Judicial Academy is intended for administrative judges and deals with topics including human rights in everyday judicial practice.

At the [Federal University of Applied Administrative Sciences](#) (Hochschule des Bundes für öffentliche Verwaltung) the Charter is taken into account in various study programmes.

The Departmental Branch of General Internal Administration incorporates the Charter into the 'administrative management' diploma course. Generally speaking, fundamental and/or human rights are no longer dealt with on a national basis only, but rather in a holistic way, taking into account all codifications of fundamental and/or human rights applicable to the Federal Republic of Germany, i.e. the Basic Law (Grundgesetz), the Charter and the European Convention on Human Rights.

The Departmental Branch of the Federal Police deals with the Charter during its main study programme as part

of the 'Human Rights and Democracy in the EU' module, under the heading 'European protection of fundamental rights'.

At the Departmental Branch of the Federal Criminal Police the Charter is covered during the bachelor's programme, where it is discussed both in relation to the police's obligation to respect fundamental and human rights in their actions and in relation to the implementation of Directive (EU) 2016/680.

At the Departmental Branch of the Intelligence Services the Charter is covered as part of the subjects 'European and international law', 'intelligence service law' and 'constitutional law'.

The [Federal Academy of Public Administration](#) (Bundesakademie für die öffentliche Verwaltung – BAKöV) deals with the Charter during its basic seminars on the EU. In the past the BAKöV has also offered seminars on the 'EU Charter of Fundamental Rights' as part of the 'EU Special' series.

At federal state level (selection):

Knowledge and an understanding of the Charter are promoted at federal state level, in particular within the context of legal training.

Under Section 5a(2), third sentence, of the German Law on Judges (Deutsches Richtergesetz – DRiG), compulsory subjects to be covered during legal studies are the core areas of civil law, criminal law, public law and procedural law, including links to European law. The Charter, to which reference is made in Article 6(1) TEU, therefore also forms part of the education and examination syllabus.

Example of Lower Saxony:

Through the broad range of topics it selects for proctored written examinations, in particular for compulsory subjects, the Lower Saxony State Judicial Examination Office (Landesjustizprüfungsamt) ensures that students deal with European law and, consequently, the Charter of Fundamental Rights during their training. The same applies to oral examinations for compulsory subjects, which cover topics such as the protection of personal data under Article 8 of the Charter and environmental protection under Article 37 of the Charter.

In Baden-Württemberg the rights relating to solidarity guaranteed by Article 27 et seq. of the Charter (including health care, family and professional life, and fair and just working conditions) are the subject of various events in the fields of management training, staff council training and health management. Specialist conferences dealing with substantive law also touch upon areas covered by the Charter. Examples include conferences on care rights (Articles 25 and 26), family rights (Articles 9 and 24) and the right to asylum (Article 18).

The rights of equality guaranteed by the Charter (non-discrimination, cultural diversity, rights of the child, rights of the elderly and integration of persons with disabilities) are addressed during a number of training events. At federal state level, for example, information is provided on the rights of severely disabled people as part of the supra-regional management training course. A training event for the representatives of severely disabled members of the judiciary will also be organised in 2021.

On 25 May 2016 the Bremen Parliament passed a resolution entitled 'Protecting fundamental rights across Europe' (Parliamentary paper 19/370). In this it stresses the importance of the Charter and calls on the Senate to address the importance of protecting fundamental rights at national and European level, as well as vis-à-vis European partners (particularly within the context of town twinning), and to take steps to ensure the protection of such rights is respected and implemented.

<http://www.bremische-buergerschaft.de/dokumente/wp19/land/protokoll/b19l0021.pdf>

<http://www.bremische-buergerschaft.de/dokumente/wp19/land/drucksache/D19L0370.pdf>

The Free and Hanseatic City of Hamburg has long been committed to creating a society free from discrimination and to ensuring equal participation for all, regardless of gender, sexual orientation, origin, age, disability, religion or belief. It undertakes a wide range of tasks within this context, as reflected in particular in the following Senate framework programmes and plans:

- Hamburg federal state programme – City with Courage: 'Preventing and Combating Right-wing Extremism'

- Continuation of the gender equality framework programme
- Hamburg federal state action plan implementing the UN Convention on the Rights of Persons with Disabilities
- Action plan to promote acceptance of gender and sexual diversity
- Hamburg integration plan
- Demographic plan – Hamburg 2030: Bigger. Older. More diverse
- Detecting and combating anti-Semitism. Development of a federal state strategy to combat and prevent anti-Semitism
- Continuation of effective action against violent Salafism and religious extremism in the future
- Continuation of the Senate’s anti-discrimination strategy

The Free State of Bavaria is implementing the right to non-discrimination set out in Article 21 of the Charter in the field of criminal prosecution by consistently prosecuting racist, xenophobic and otherwise degrading offences. On 1 January 2017 the Bavarian judiciary established the Central Unit for Combating Extremism and Terrorism (Zentralstelle zur Bekämpfung von Extremismus und Terrorismus) at the Munich General Prosecutor’s Office. This is an investigative authority that acts both as a coordinating body and as an internal and external contact point. To step up the fight against online hate crimes, on 1 January 2020 special departments for hate speech were set up at all public prosecutors’ offices and a hate-speech commissioner was appointed for the Bavarian judiciary. The Bavarian judiciary has also developed, in particular, action plans to address specific issues, such as the fight against crimes with anti-Semitic and right-wing-extremist motivations.

Furthermore, the Bavarian judiciary is actively involved in the project ‘Working with the European Public Prosecutor’s Office at decentralised level – training materials and legal seminars for prosecutors, investigating judges and defence lawyers’. This Academy of European Law project aims to develop, together with national and European experts, a set of training materials on cooperation with the EPPO and to organise national training events.

With a view to training teachers in state schools in Rhineland-Palatinate, student teachers following, in particular, the human rights training certification programme at the University of Koblenz-Landau also deal with issues of European law and, consequently, the Charter of Fundamental Rights.

<https://www.uni-koblenz-landau.de/de/landau/fb6/mrb/zertifikat/Moduluebersicht>

Tools that help better understand the Charter and when it applies

- for practitioners (legislator, administration, law enforcement, judiciary, legal practitioners)
- for citizens

In 2019 the Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes) published a legal report to clarify and broaden the characteristics referred to in the General Equal Treatment Act (Gleichbehandlungsgesetz), taking into account the rights conferred by the Charter of Fundamental Rights of the European Union:

http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/rechtsexpertise_merkmalserweiterung_im_agg.html

At federal state level (selection):

Baden-Württemberg

In July 2020 an event on ‘the rule of law in the European Union’ was organised in Karlsruhe by the federal state’s Ministry of Justice and Europe (Ministerium der Justiz und für Europa) to mark the start of the German Presidency of the Council of the EU. The event was intended not only for the fifty or so invited guests from the fields of justice, politics and law, but was also open to a wider audience by means of a live stream.

In the summer of 2017 the Ministry of Justice and Europe developed a programme that provides refugees with information on the rule of law. It aims to equip them, in an accessible way, with basic knowledge of the liberal-democratic constitutional structure of the Federal Republic of Germany. Fundamental values communicated during the lessons, such as democracy, the rule of law, freedom of religion and gender equality, are also guaranteed by the Charter.

With its 'Rule of law in the classroom' project the federal state's Ministry of Justice, in cooperation with its Ministry of the Interior (Innenministerium), is offering a simulation game to all secondary schools in the federal state. The aim is to familiarise pupils with the roles and functions of the judiciary and the fundamental principles of the rule of law, including the guarantee of fundamental rights.

http://www.justiz-bw.de/Lde/Startseite/Service/Projekt_+Rechtsstaat+macht+Schule

Free State of Bavaria

At the beginning of 2016 the Bavarian judiciary launched 'legal tuition for refugees and asylum seekers', which is provided by judges and public prosecutors, as well as judicial officers and probation officers. The aim is to communicate the fundamental rules and common values of community life and the legal order in Germany and Europe to people with good prospects of remaining in Germany. These values include, in particular, those laid down in the Charter, as well as those enshrined in the Basic Law, the rule of law, etc. This legal tuition is also available to all vocational integration classes (classes offered to refugees and asylum seekers who do not speak German to a sufficient level) at Bavarian vocational schools. To complement the teaching sessions, the Bavarian State Ministry of Justice (Staatsministerium der Justiz) publishes educational materials that also convey the values set out in the Charter.

<http://www.km.bayern.de/ministerium/meldung/6078/rechtsbildungsunterricht-vermittelt-rechtsordnung-in-deutschland.html>

Free Hanseatic City of Bremen

In recent years [Europapunkt Bremen](#) (EPB), the city's EU information point, has organised several events relating to the EU Charter of Fundamental Rights. The Charter and the associated topics form an integral part of the EPB's group-based outreach work with various target groups (schoolchildren, students and adults).

In 2017 and 2019, two major youth events were organised by Bremen's Europe Department, in cooperation with the European Commission, in the form of 'BarCamps' entitled 'Your question to Europe'. EU fundamental rights were covered intensively during these full-day events.

Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

At European level the [Academy of European Law](#) offers training for judges and other members of the judiciary.

The Academy of European Law's regular event 'Applying the Charter of Fundamental Rights of the European Union' provides participants with knowledge of the scope and interpretation of the Charter of Fundamental Rights of the European Union and of its practical implementation in national legal orders, in particular with regard to the right to a fair trial.

Many members of the national and federal state judiciaries participate in the training and exchange programmes offered by the [European Judicial Training Network](#).

The [German NGO Network against Trafficking in Human Beings](#) (Bundesweite Koordinierungskreis gegen Menschenhandel e.V.- KOK) presents and analyses developments in national, European and international legislation and case-law on an ongoing basis on its website, in various newsletters and in a case-law database. In these analyses the Charter and the ECJ case-law relating to the Charter are regularly taken into account and applied. The information provided by the KOK is intended for lawyers and advisers who come into contact with victims of human trafficking and for interested members of the public.

Cooperation with stakeholders to promote the use and awareness of the EU Charter of fundamental rights

Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

The [German Institute for Human Rights](#) (Deutsches Institut für Menschenrechte) advises political actors and institutions in the field of human rights education and is committed to further embedding human rights education into school legislation, curricula and education and training plans. This also includes the Charter.

The [‘Fair Mobility’ project](#) of the German Trade Union Confederation (Deutscher Gewerkschaftsbund), funded by the Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), informs and advises seasonal workers and other mobile workers from other EU Member States on labour and social law issues. Advisers, who speak at least one Eastern European language alongside German, now work at eleven advisory centres. The continuation of this project was incorporated into the law implementing the Posting of Workers Directive, which entered into force on 30 July 2020. Since 1 January 2021 ‘Fair Mobility’ has been carried out on the basis of a statutory entitlement and has been expanded significantly. This will also support the practical application of fundamental rights under Chapter IV ‘Solidarity’ of the Charter.

The Baden-Württemberg Ministry of Justice and Europe organises regular events with EU actors such as the [Europa Union](#), the [European Movement](#), [Europe Direct](#) and the [IB \(Internationaler Bund\)](#).

Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

During its Presidency of the Council of the EU in the second half of 2020 Germany championed the protection of freedom of science and research in international cooperation. The ongoing commitment to the fundamental right of scientific freedom (Article 13 of the Charter) was enshrined in the Ministerial Communiqué adopted at the Conference of the European Higher Education Area on 19 November 2020 and in the Bonn Declaration on Freedom of Scientific Research of 20 October 2020. The [Bonn Declaration](#) has been signed by almost all EU Member States, the European Commission and other partner countries outside the Union.

The declaration reinforces the shared values of the European Research Area. The signatory governments welcome the establishment of continuous monitoring of the state of research freedom in their countries and ‘strongly condemn all violations of the freedom of scientific research and will strenuously oppose them’.

The [Alliance for Scientific Freedom](#) (Allianz der Wissenschaftsfreiheit), which brings together the most important scientific and research organisations in Germany, is committed to the freedom of research worldwide and supports the Bonn Declaration.

Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

The [German Institute for Human Rights](#) (Deutsches Institut für Menschenrechte) has links to national and international associations and cooperation forums in the field of human rights education. These include the Human Rights Forum (Forum Menschenrechte), individual non-governmental organisations, universities and other national human rights institutions.

As part of the [art project ‘Galley Proof’](#) (‘Korrekturfahren’), two artists, Sylvia Winkler and Stephan Köperl, invited the population to discuss the different articles of the Charter and ‘improve’ them with their own wording. To this end, the Preamble and the 54 articles were printed onto a number of large banners and put on display in Stuttgart and Stendal over several days. The results of the art campaign were presented at a conference held in Brussels in November 2019 on the 10th anniversary of the Charter’s entry into force.

In addition, a number of recognised educational institutions in the field of civic education are addressing the content of the Charter in their work, including the [Federal Agency for Civic Education](#) (Bundeszentrale für politische Bildung).

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