

1. Who is "human" in the concept of modern human rights?

Living person regardless age, sex, ethnicity, religion and belief, social, educational and economic status (+).

Unborn person/conceived person (+) Art. 1 GG.

Ovum + sperm cell = embryo (-): only protected in certain constellations of civil law.

Deceased person (+): personal honor and human dignity protect a deceased person. The protection weakens the longer the person is dead.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncouncted in the Constitution is interfering with a constitutional right?

That depends:

Rights that are not written in the constitution but have been created by the federal constitutional court (right to informational self-determination; common personality right etc.):

Are treated exactly like rights that are written in constitution.

Right that are not written in the constitution and are not accepted by the federal constitutional court or scholar's opinion:

Are not binding but can reach the same status as written rights as soon as the federal constitutional court accepts them.

When two human rights collide, the conflict is solved with a mechanism called "praktische Konkordanz" That means: No right can succeed fully, and no right can lose fully. The verdict must be written in a way that preserves as much as possible from both rights.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards?

The ECHR provides vaguely the same standard as the Grundgesetz (German constitution with human rights code). The ECHR und the EU-Charter on Fundamental Rights are binding law in Germany due to certain provisions in the Grundgesetz (Art 1 II, Art 59 II GG). They also have to be considered, when the German human rights provisions are interpreted.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards?

Yes (+) especially the federal constitutional court has brought to life multiple human rights not written down in the constitution. (See also: Answer 2.)

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights?

(-)

6. Are there such human right regulations in the legal system that is protected by the constitution but contradicts social reality and justice?

No.

7. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

As a rule, human rights describe a vertical relationship between state and persons (keine unmittelbare Drittwirkung). But the German federal constitutional court ruled in the 1950s that civil law must be interpreted by the courts in a way that doesn't harm human rights.

8. Are there any social realities contradicting international human rights concept based on individualism?

(?)

9. What do you think is the most current human rights problem in your country?

Right to asylum and fair distribution of asylum seekers across the EU; Dublin II mechanism; IS fighters and their families with German passports trying to come back to Germany.