

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

Any person without any regard to sex, ethnical descent, religion, social position, political opinion, etc.; the unborn child is "human" as well in view of its protection by human rights.

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 uncounted in the Constitution is conflicted with a constitutional right?

The rights guaranteed by the constitution enjoy priority.

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? If there are, would you please explain?

The Human Rights Guarantees of the German Basic Law correspond with the relevant International Human Rights Documents, especially with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

In Germany the Federal Constitutional Court, the Constitutional Courts of the "Länder" (the states) and the Administrative Courts care for an efficient protection of Human Rights, due to the constitutionally safeguarded independence and impartiality of these courts and also due to Art. 19 sec. 4 of the Basic Law: "Should any person's right be violated by public authority, recourse to the court shall be open to him." – the so called "Rechtswegklausel" (clause of judicial protection).

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? If your answer is yes, would you please explain?

No.

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

There are debates concerning the right of equality, especially the equality of men and women, the equality between the economical well situated and the economical less equipped and the equality between the educated and the uneducated. Nevertheless it would go too far, to speak about "contradictions"

between social reality and justice; it's just the never ending task of politics to enforce the never sufficiently reached total equality of all citizens.

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

There is a minority of right-wing nationalists which oppose against not European migrants, but they are under control.

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

Legislation has adapted Civil Law to the Human Rights Concept of the Constitution by a well-balanced system of antidiscrimination rules. Besides that the Civil Courts apply Civil Law according to "the spirit of the constitution". That protects effectively against disregard of Human Rights by private institutions or persons.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

In Germany there some very small linguistic minorities especially at the German-Danish border and the Sorbes in Saxonia; they are well integrated, their rights are safeguarded. The same is valid for the religious minorities. The growing Islamic minority enjoys undisputed freedom of religion, but there are problems in the field of school education (coeducation of boys and girls, religious instruction, etc.).

10. What is the definition of the notion "minority" according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

Germany hadn't any minority problems because its religious and linguistic minorities are small and don't cause severe problems. Therefore the German Constitution 1949 hadn't any reason to deal with minority questions or define the notion "minority". This begins to change with the immigration of refugees and migrants from Africa and Asia. But it is too early to cope with this arise of new minorities on the level of the Constitution.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country?

In other words, do they cover the reality in your country from the view of the state and the view of peoples?

I think each nation has to solve its minority-questions in its own responsibility and I also think that Germany has done this satisfyingly. Nevertheless international law has to care for a worldwide protection of each minority against prosecution, deprivation of rights and self-fulfillment and extermination.

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

As indicated at No. 6 reducing the unfortunately not totally extinguishable conflict between the right of equality and social reality.