



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

**United Nations Human Rights Council
16th Session of the UPR Working Group
Geneva, 25 April 2013**

UPR Review of Germany

**Opening Statement by
Commissioner for Human Rights Policy and Humanitarian Aid
at the Federal Foreign Office
Mr. Markus Löning**

Mr. President,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

It is an honour for me to be here in Geneva today to lead the German delegation to the second cycle of the Universal Periodic Review. My government sees the UPR as one of the key Human Rights mechanisms at the global level.

The outside perspective it provides has proven beneficial to identify shortcomings of national situations, of legal framework and government acting.

As a newly re-elected member of this Human Rights Council, we feel particularly committed to spare no efforts following up on the pledges made during our candidature. Again, we welcome the opportunity for an open and critical dialogue on the human rights situation in Germany. My delegation looks forward to answer your questions and to take your recommendations home.

Let me state one thing very clearly: Not everything may be perfect in our country. But Human Rights matter a great deal to people in Germany as well as to German government and public service at every level. We are a country with strong internal institutions built to protect, promote and fulfil Human Rights.

Human and Fundamental Rights are enshrined in our national and regional constitutions. And even if we may not be perfect, there is no question that we have been able to achieve a high level of respect and protection of Human Rights in Germany.

Civil society actors are very active in the protection of Human Rights. The Federal government appreciates the close and constructive dialogue we had with the German Institute on Human Rights and civil society during the preparation of our UPR. We discussed the draft of our National Report with the National Human Rights Institute.

Additionally a public hearing on our UPR review was held with the major German Human Rights NGOs.

Referring to an advance question put forward by Norway, I can say that the German government considers this a very successful first public hearing. Generally we are in constant exchange with German Human Rights activists and NGOs on many different matters and will certainly continue and intensify this further. German NGOs and activists show a lot of engagement and have a deep understanding of human rights issues. As a government we are fortunate to be able to profit from this expertise.

I am happy to see a number of representatives of the German civil society here in the room. My delegation stands ready to continue dialogue with all interested NGO representatives in a Side Event organized by the German Forum on Human Rights immediately after this session.

Human Rights matter to the people in Germany. Many citizens volunteer for the promotion of Human Rights of people belonging to vulnerable groups. Not everything always goes right in our country. But rest assured that human rights violations and abuses, wherever they occur, will not go unseen but will be subject of an in-depth public debate.

An interested public, a vibrant civil society and an independent media will address problematic issues and members of parliament at all levels will take up these issues and put them on the political agenda. I consider this ability to spot and address Human Rights abuses as the most important mechanism to keep up a high level of protection.

Let me also address one especially shocking case where institutions have failed. A right-wing extremist group committed a series of racially-motivated murders during several years. Law enforcement institutions failed to identify the motives and as a result failed to get hold of the murderers.

German society was shocked when this surfaced and a very intense debate on issues of discrimination and racism started. Government, Parliaments and the judiciary are addressing the issue in a very sincere manner. But very clearly we are not done with the issue yet.

Mr. President, Ladies and Gentlemen

Without any doubt, in an ever changing world, new issues come up and old issues may need fresh answers.

Germany has worked hard since the first cycle of the UPR to address outstanding issues. You will find a comprehensive overview in our written report but let me draw your attention to some remarkable developments since our first review in 2009.

Germany has ratified or signed a number of international conventions, amongst others:

- The United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto entered into force on 26 March 2009. In 2011 a National Action Plan to implement the Convention was adopted and an Advisory Council established
- The Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography entered into force. The first report due under the Optional protocol has been submitted by the German government two days ago
- Germany has also withdrawn its reservations to the Convention on the Rights of the Child
- The International Convention for the Protection of all Persons against Enforced Disappearance was ratified
- The Council of Europe Convention on Cybercrime and the related Additional Protocol, both intended to help fight acts of a racist and xenophobic nature, were ratified

- The Council of Europe Convention on Action against Trafficking in Human Beings was ratified
- The Council of Europe Convention on preventing and combating violence against women and domestic violence was signed.

Also, new legislation has entered into force or been set in motion. These include:

- The introduction on 1 July 2011 of a stand-alone criminal offence of forced marriage and a stand-alone right to re-immigration for persons who remained in Germany as minors and were prevented from returning to Germany after the forced marriage
- A law on legal protection in cases of excessively delayed legal proceedings and criminal investigation proceedings, which inter alia provides for a right to compensation entered into force on 3 December 2011
- A law proposal strengthening the rights of victims of sexual abuse was introduced to the Bundestag on 23 March 2011

With regard to partners' recommendations made in the first cycle, you will find an exhaustive list of our follow-up to recommendations in our National Report. Apart from the legislative framework I just mentioned, let me just briefly point out some of the achievements made since the first UPR linked to recommendations:

- A national preventive mechanism under the Additional Protocol to the Convention against Torture was established at Federal and Länder levels. We are aware of discussions on whether this mechanism is adequately resourced and funded and we are looking into that. The United Kingdom has put forward an advance question to this end
- During the review period Germany has undertaken a series of endeavours to prevent racially motivated criminal offences and to enhance criminal detection, including the creation of an adequate statutory basis

- The National Action Plan against racism provides the basis of action for numerous measures against racism, which are regularly evaluated
- In its fight against xenophobia the Federal Government is supporting a multiplicity of approaches in civil society. The Federal Agency for Civic Education provides numerous programmes
- With regard to cases of discrimination on the basis of religion, a series of concrete measures set out in the National Report are being taken to give better access to the labour market and make social integration easier
- Measures have been taken to reduce the gender pay gap. Equal pay for women and men is enshrined in law at both European and national level, but more work is required on this issue. Slovenia has put forward an advance question to this end
- With regard to the right to education for children a positive trend has been emerging over the review period. 36% more students from migrant families could leave school with a higher education degree in 2010 compared to 2005
- In recent years more broadly the situation of children of migrants has been improved. School attendance has become compulsory and thus possible in almost all federal states for children whose deportation has been temporarily suspended and for children involved in asylum procedures. National legislation has been amended to the effect that schools are exempt from the obligation to inform authorities if children without legal status are attending school
- The development of economic and social indicators for migrants and minority groups has been largely implemented. In 2012, the second indicator report was published by the Federal Government Commissioner for Migration, Refugees and Integration
- And finally, addressing an advance question put forward by Montenegro: To raise the inclusion rate of children with disabilities in general educational institutions, the first action plan by the Federal Government "Our path towards an inclusive society" is to be extended over the next 10 years

These are just some examples, please refer to our National Report for a more complete catalogue. Just one additional remark on the National Report: Germany is a federal state where responsibilities are split between the federal government and federal states. Our 16 federal states hold a wide range of responsibilities especially in education and law enforcement. The German report is based on a common effort of federal and regional governments, coordinated by the Federal Foreign Office

Mr. President, before giving the floor back to you allow me to thank all those countries that have submitted advance questions. I will address these questions during my next interventions.

I intend to take the floor two times in the course of the session and a third time at its end, addressing one third of state interventions each time. During these interventions I will use my German mother tongue. My delegation will of course provide translation into English for the room.

I thank you.

