**Universal – Periodic Review Germany, 9 November 2023, 9.00 a.m. – 12.30 p.m.**

**Opening Statement by Head of Delegation Luise Amtsberg, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office**

Mr President, ladies and gentlemen,

Good morning. The Federal Government is pleased to be here today, in Germany’s 50th year as a member of the United Nations, in the 75th anniversary year of the Universal Declaration of Human Rights, and as we celebrate 25 years of the UN Declaration on Human Rights Defenders. It gives us particular pleasure to present Germany’s national report in the fourth cycle of the Universal Periodic Review.

May I first introduce the Federal Government’s delegation.

In addition to representatives of the Federal Foreign Office and Ambassador Dr Katharina Stasch, it comprises colleagues from the

* Federal Ministry of Labour and Social Affairs
* Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
* Federal Ministry of Health
* Federal Ministry of the Interior and Community
* Federal Ministry of Justice
* Federal Ministry of Defence
* Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany (this reflects our Federal structure on the ground)
* And I am especially happy to be accompanied by my colleague Dr Mehmet Daimagüler, Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in Germany.
* As I am happy to be accompanied by the office of the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism; many other commissioners were involved in drawing up the national report, but they were unfortunately not able to join us here today.

Ladies and gentlemen,

The size of this team is evidence of how important the Universal Periodic Review is for the Federal Government and how seriously we take in depth engagement with, and continuous further development of, the human rights situation in Germany.

I am especially pleased that Members of the German Bundestag have also travelled here today, as representatives of the Federal Republic of Germany’s strong and independent legislative branch. What is more, Germany’s civil society is also represented here today with its own delegation, and that is something I am very happy about.

Ladies and gentlemen,

* As the Federal Republic of Germany, we cannot talk about human rights today without recalling 9 November 1938, when violent attacks were carried out against the Jewish population in Germany on a massive scale. Speaking about human rights in Germany on behalf of the Federal Government here today, in particular, on the 85th anniversary of the Night of the Pogrom on 9 November, fills me – and I am sure that I speak for the whole of the Federal Government’s delegation, too – with special respect for our duty and commitment to protect Jewish life in Germany.
* And we can see that Hamas’ despicable terrorist attack on Israel – which the Federal Government condemns in the strongest terms, as well as making it clear that Israel’s security and right to exist are non-negotiable for Germany – that this attack is having a dramatic impact on how we coexist in Germany. We are experiencing heated social debate – in the media and on the streets.
* Jews no longer feel safe, and in a very short period of time a frightening number of antisemitic acts have been committed. We cannot accept this. For Germany, our commitment to “never again” is non-negotiable. That is and will remain the case.
* At the same time, people from immigrant backgrounds in particular are worried that they are being placed under the general suspicion of antisemitism, and that they are being stigmatised.
* It must be clearly said that Hamas’ terrorist attack of 7 October was a barbaric act, a turning point, and that Israel has the right to defend itself. That said, people in Germany are also justified in worrying about the civilian population in Gaza and the Palestinian territories.
* Everyone in Germany has the right to express their opinion freely and to demonstrate peacefully. Yet there is a limit when it comes to criminal acts: celebrating terror is not permitted. And in this connection, it is of course always our duty as a liberal democracy to respect the rule of law when taking decisions and to weigh up competing considerations in individual cases.
* And we are well-practised in this. We respond with bans on gatherings and with police interventions when there is a risk of antisemitic hate-mongering. Rights such as freedom of opinion must not be abused to spread crime and hatred.
* The fight against antisemitism and the fight against racism must go hand in hand. We must now strengthen solidarity in our diverse society – across all divides of faith and origin.

Having said that, I would first of all like to address an important point for this fourth national report:

* The basic tenor of this report is a self-critical and honest assessment by the Federal Government of what it has achieved so far and what challenges remain.
* Of course, we as the Federal Government would especially like to highlight our accomplishments. That is precisely why we recognise the importance of a diverse and independent civil society in Germany that consistently points out our shortcomings and reminds us that, despite all of our progress, challenges do remain that we must address.
* The Federal Government knows that human rights problems do exist in Germany, and it is not afraid to tackle them. Therefore, it is a privilege for us to discuss with the international community today how we can make further progress in the domain of human rights.
* For us, the Universal Periodic Review is an utmost priority – as it is the only procedure under which all UN member states are examined in terms of the human rights situation in their country. After all, no country has a flawless record.
* Critically examining, and working to improve, the human rights situation in its own country is an ongoing task that Germany has assumed as a UN member state. This is reflected in the motto of our Human Rights Council membership: Human rights protection starts at home!
* We are convinced that the only way to develop respectable, values-based foreign policy that is rooted in the multilateral system is to first conduct an honest appraisal of one’s domestic situation.
* The fourth UPR cycle covers two legislative terms that were marked by a change in government; the current coalition agreement contains considerable impetus in the field of human rights that we are working to translate into action.
* We will take all of the recommendations that we receive today seriously, and intend to once again support and implement numerous recommendations after this session.
* We therefore wish to take this opportunity to underscore Germany’s support for the UN human rights system in the form of the Human Rights Council, the UN human rights treaty bodies, the Special Rapporteurs and the investigative and report mechanisms, to which we pledge our continued support. One reflection of this commitment is Germany’s role as a leading donor to OHCHR and UNHCR. We would also like to take this opportunity to thank the Special Rapporteurs and members of the treaty bodies who visit Germany and regularly provide us with important input.

I would now like to present some highlights from our national report. I will follow up by addressing ongoing challenges.

Let me begin with the highlights:

* The ratification of further UN and ILO conventions – we have ratified the Optional Protocol to the Covenant on Economic, Social and Cultural Rights as well as the Indigenous and Tribal Peoples Convention, ILO 169.
* Since February of 2023, the Council of Europe’s Istanbul Convention has also applied without restriction in Germany, helping to empower those affected by domestic violence. And this October, the Federal Government rescinded its reservation to the International Covenant on Civil and Political Rights, which represents a step forwards in the field of anti-discrimination.
* We have also achieved further progress since the submission of our national report – such as the bill recently adopted by the Federal Cabinet to refine the Code of Crimes Against International Law, a bill which also provides for the inclusion of the newly created crime of forced disappearance in general criminal law.
* With the adoption of Federal Foreign Office guidelines on feminist foreign policy, as well as the Feminist Development Policy drawn up by the Federal Ministry for Economic Cooperation and Development, the Federal Government has substantially raised the profile of its efforts for women’s rights around the world.
* With the Supply Chain Due Diligence Act that took effect at the beginning of the year, Germany has made human rights due diligence obligations binding for businesses, too.
* Because climate change is a key challenge with regard to the protection of human rights, the Federal Government is intensively supporting the nexus between climate and human rights protection within the UN system. Germany is also fully committed to the goal for the industrialised nations to provide developing countries with 100 billion dollars in climate financing annually. In 2022, we therefore increased the climate financing provided out of our budget to over 6 billion euro – three years earlier than planned.
* By establishing an independent reporting agency on human trafficking at the German Institute for Human Rights, we have taken a decisive step forwards that will help to more effectively prevent and combat human trafficking.

At the same time, we want to clearly point out the challenges that Germany continues to face:

Gender equality

Ladies and gentlemen, gender equality must finally become reality in all areas of life. In addition to equality before the law, we are working on overcoming the effects of power imbalances and traditional roles:

* Domestic violence against women in Germany is a shocking reality, and the current system for providing assistance does not meet the needs of victims. The Federal Government is seeking to eliminate obstacles and barriers so that more women can easily access the system that is designed to help them.
* Efforts are therefore underway to expand this system in line with victims’ needs. An investment programme is supporting building work to expand counselling facilities and women’s refuges throughout the Federal Republic.
* Federal legislation on the right to receive protection and counselling seeks to ensure that people affected by violence, especially women with children, can easily access facilities providing assistance at any time.
* Gender pay gap: Although pay equality has been officially mandated in Germany for more than 60 years, women in Germany earn less than men with the same skills and qualifications. The adjusted gender pay gap in the country is still at 7%.
* We will step up our efforts to fight the gender pay gap. To this end, we will further develop the Transparency in Wage Structures Act.

Antidiscrimination   
Ladies and gentlemen, racist sentiments, the rejection of certain people due to their origins or religion, and disdain for other lifestyles have no place in our open, democratic society. That is why we fight racism, antisemitism, religious hatred and antigypsyism on all levels.

* Racism prevents individuals from flourishing and achieving their full potential. Racism undermines social cohesion, devalues people, threatens their safety and sense of belonging and thus runs counter to the constitutionally enshrined idea of an equal and diverse society.
* For far too long, racism was played down, brushed aside as a phenomenon of the past or reduced to something only found in right-wing extremist circles. Policy-makers have also done too little to protect people who are targeted by racism and antisemitism, or to rectify shortcomings with regard to prevention and prosecution. The European Union Agency for Fundamental Rights recently published a study on racism against Black people in Germany. More than one in two respondents reported having experienced racist harassment in the past five years, and nearly every tenth respondent even reported having been the target of violence.
  + This state of affairs is unacceptable. The Federal Government is ensuring more direct support, prevention and systematic penalisation of racism and antisemitism. In doing so, we want our efforts to be guided by the perspective of those who are affected.
* We must continue to self-critically assess how we can strengthen structures and processes within public institutions and the authorities, the police and the private labour and housing markets, as well as in education and specifically in schools, so that racism and racist discrimination do not stand a chance.
* The appointment of a Commissioner for Anti-Racism in the Federal Chancellery in 2022 underscores how much importance the Federal Government places on the fight against racism. The Commissioner promotes numerous innovative projects, for example with a view to expanding the network of counselling institutions in Germany. In January 2023, the Commissioner issued a first assessment report, titled “Racism in Germany: Current situation, fields of action, measures”. This report referred, among other things, to studies on the issue of racial profiling in police work from the perspective of those affected (e.g. the Afrocensus).

Allow me to address other forms of hatred against specific groups:

* On antisemitism in Germany: Sadly, various forms of anti-Jewish sentiment are virtually omnipresent in our society.
* Hatred of Jews is often a self-contained world-view that is fundamentally antidemocratic. Antisemitism exists in practically all parts of society and threatens not only Jews, but also the liberal democratic constitutional order.
* The Federal Government views the fight against antisemitism as a task for society as a whole, as is expressed in its National Strategy against Antisemitism and for Jewish Life, adopted on 30 November 2022.
* With the office of the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, the Federal Government has a single point of contact for this issue.

Antigypsyism

* In March 2021, the Independent Commission on Antigypsyism convened by the Federal Government issued an extensive assessment of the structural and institutional antigypsyism that Sinti and Roma still face in Germany in all areas of life, 75 years after the liberation from National Socialism.
* In March 2022, the office of the Federal Government Commissioner for the Fight against Antigypsyism and for Sinti and Roma Life in Germany was created in order to introduce a political and societal change of perspective in work tackling antigypsyism, to address the second persecution of Sinti and Roma in Germany after 1945 and to put an end to its ongoing effects.

These examples of hatred against specific groups demonstrate that more can still be done to strengthen intersectional and multi-domain approaches, in particular to address multiple discrimination.

Migration and displacement

Ladies and gentlemen, complex crises around the world and a war in Europe present great challenges for the Federal Government in terms of migration and displacement. We are aware of the various problems, and we are working to address them.

* Since the beginning of Russia’s illegal war of aggression against Ukraine, more than one million refugees have found shelter and protection in Germany. This has been made possible thanks to a tremendous effort by the Federation, the *Länder* and the municipal authorities, as well as an overwhelming show of solidarity across wider society.
* In an era of multipolar and drawn-out crises and conflicts, the number of people who are forced to leave their homes is increasing even further. That, too, is reflected in the increased number of asylum applications in Germany.
* It is a fact that the *Länder* and in particular the municipalities are finding it very challenging to house and care for refugees.
* Action to increase accommodation capacities and create temporary accommodation is a first step towards ensuring that this can be done.
* Amid all of these efforts, we must not lose sight of the fact that people seeking protection must be provided with safe, appropriate accommodation and services from day one. Protection against violence and the protection of children must be guaranteed, even when demand for accommodation is high.
* Currently, the *Länder* are addressing the challenge of integrating children and adolescents who have fled Ukraine into the school system. So far, over 211,000 children and adolescents have been admitted to general and vocational schools. A task force set up by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* is coordinating school integration efforts.
* And, in this connection, we must not forget that Russia is an aggressor responsible for the displacement of innocent people day after day.

Poverty in Germany

Ladies and gentlemen, the pandemic and higher rates of inflation have caused an increase in material hardship and the risk of social exclusion in Germany, too; our report therefore contains two new chapters on these issues. The Federal Government is taking numerous, wide-ranging measures to strengthen the social security systems.

Strengthening social security systems

* During the crises, the Federal Government worked intensively to stabilise the labour market and relieve pressure on households. Still, the Federal Government believes there is a need for social and labour market policy reform.
* By introducing the citizen’s benefit, we have comprehensively reformed the basic cover for jobseekers. This will enable long-term unemployed welfare recipients to concentrate more heavily on participating in training, gaining qualifications and looking for work, thus improving their chances of finding lasting employment.
* Moreover, we raised the general statutory minimum wage in several stages last year, from 9.60 euro to 12 euro per hour.

Child poverty

* In Germany, every fifth child grows up in poverty. This has serious consequences for their development. An investment in our children is an investment in their future and the future of our society. That is true of the basic child security benefit, and it is equally true of efforts to help people reconcile work with family life, or of good childcare and educational infrastructure.
* The bill on the basic child security benefit was adopted by the Federal Cabinet on 27 September. The parliamentary proceedings are currently underway.

The COVID-19 pandemic

Ladies and gentlemen, the COVID-19 pandemic, which covers half of the reporting period, had serious consequences for human rights, which is why the Federal Government implemented financial measures in the education sector and the German Bundestag took legislative action in the health sector.

Children’s rights

* The restrictions necessary to fight the COVID-19 pandemic also had a major impact on children’s development.
* In response to both the pandemic and other present-day crises, the Federal Government is implementing the federal Future Package for Sport, Culture and Health *[Zukunftspaket Bewegung, Kultur und Gesundheit]* in 2023. This supports young people in improving their circumstances through sport, cultural activities, and measures to promote physical and mental well-being.
* On the other hand, there are challenges, too. There is still a need to create sufficient age-appropriate and easily accessible measures for children and adolescents in challenging circumstances in all parts of the country.
* These measures must reach children and adolescents from socially disadvantaged families facing mental stress factors and a risk of poverty.

The triage discussion regarding disabled persons

* + In December 2021, the Federal Constitutional Court ruled that the legislature has a duty of protection and must take appropriate measures so that nobody is disadvantaged on account of a disability when it comes to the allocation of vital resources for intensive medical care that are not available to all.
  + The legislature responded by creating a new section 5c for the Protection against Infection Act.

Finally, I want to say something about the drafting process for our national report:

* The Federal Government reported on its progress implementing the recommendations made during the third UPR cycle in its 14th and 15th Human Rights Reports to the German Bundestag. These reports were discussed at public hearings of the Committee on Human Rights and Humanitarian Aid.
* The national report was drafted with input from all relevant and lead Ministries, as well as the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder*, coordinated by the Federal Foreign Office.
* As I mentioned at the beginning, Germany’s civil society was involved in compiling the report. The Federal Government liaised with representatives of the human rights platform Forum Menschenrechte as well as the German Institute for Human Rights in March 2023, and again in June 2023 on the basis of the draft report, taking into account detailed comments made by members of civil society.
* The Federal Government intends to continue its discussions with civil-society organisations following today’s session, living up to the maxim that “after the UPR is before the next UPR”.

Ladies and gentlemen, Mr President,

Thank you for listening. I now look forward to our discussion.