



**United Nations Human Rights Council**

**Geneva, June 9, 2009**

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**Presentation on the occasion of the adoption of the outcome of the  
UPR Germany**

**by**

**H.E. Ambassador Reinhard Schweppe  
Permanent Representative of the Federal Republic of Germany  
to the United Nations**

Thank you Mr. President,

It is indeed a great pleasure and privilege for me to address this meeting devoted to the final step in Germany's first Universal Periodic Review, and to present our summary reactions to the recommendations made during the Interactive Dialogue on 2 February. The full text of the German reactions to the 44 clustered recommendations contained in the report of the UPR Working Group of 2 February 2009 has been at your disposal since 20 May 2009 as it has been published in the official UN languages as official UN-document called Addendum to the report with document number A/HRC/11/15/Add.1.

The answers of my Government reflect the very positive interest Germany has taken in the creation and conduct of the UPR as well as the open and constructive spirit in which we have approached the recommendations. The UPR has received considerable attention in Germany at all levels, including parliament, and discussion on the issues raised will certainly continue.

Out of the 44 clusters of recommendations made, Germany has accepted 35, most of which have been embraced without reservations or restrictions. On a single recommendation, namely that regarding the signing and ratification of the new Optional Protocol to the Covenant on Economic, Social and Cultural Rights, Germany is not yet in a position to provide a definite answer, since the evaluation of this new instrument is still an ongoing process. In presenting our answers we have generally followed the good practice of others, namely to provide detailed information and explanations whenever a recommendation could not be accepted either partially or as a whole. We sincerely hope that in following the principle of giving mandatory explanations for non-acceptance of recommendations, we have contributed to the solidification of this practice within the UPR. I should also like to point out already here that virtually all recommendations which the Government finds difficult to accept relate to issues which have been and are the subject of an ongoing and intense debate between all stakeholders in Germany, and that we consider the relevant recommendations a valuable addition to this internal debate. I should therefore like to sincerely thank all states that have put forward questions and recommendations during our UPR. We also thank the members of our troika, Cameroon, France and the Republic of Korea, for their able handling of the difficult task to draft the Working Group's report so quickly after the Interactive Dialogue.

All recommendations have been subjected to careful scrutiny by the relevant authorities at federal level, and have been considered with a view to both our international obligations and national laws, as well as to their added-value for the protection and

promotion of human rights in Germany. As others may have experienced before us, this was not an entirely easy task, since a number of recommendations are of a rather general nature, whereas others contain both general and detailed aspects of the issue raised, and as such are not susceptible to a simple categorization. And while many of the recommendations refer to a limited number of recurring themes, we should not expect them to cover the entire spectrum of the specific, complex and ever-changing human rights challenges within a democratic and fully-globalized industrial nation such as Germany. We therefore see the UPR within the larger context of the various national and international mechanisms and reporting obligations that provide the framework for assessing and further improving our human rights record, and to which the UPR provides much added-value.

As was already the case with our national report, the answers to the recommendations have been the subject of consultations with civil society organisations and our National Human Rights Institution. While differences always remain - it would indeed be strange if that were not the case - we cannot thank them enough for their engagement, constructive criticism and devotion to human rights. Indeed, throughout the UPR, from the summary of the stakeholder's input to these consultations, it has again been demonstrated how essential the free participation of active, lively and varied civil society organizations is to the functioning of a human rights culture. As states, we owe them our respect and full support, both at home and in this Council.

I should now like to say a few words on the substance of our answers to the recommendations. Many recommendations refer to the specific areas of human rights of migrants, to questions of racism, xenophobia and related intolerance, as well as to minority issues. Again, we are happy to report that almost all recommendations from these particular areas of concern have been accepted. As shown by our answers as well as the detailed information on relevant activities contained in the national report, Germany remains fully committed to effectively combating all instances of racism, racial discrimination and related phenomena. In this context we look forward to the visit of the Special Rapporteur, Mr. Githu Muigai, to Germany.

Although we have been unable for now to accept the call for the creation of a centralised statistic database on racist and xenophobic incidents as contained in recommendation no. 16, we are certainly looking forward to pursuing an open dialogue on the need and feasibility of such a mechanism. I would also like to add here that, despite its decision not to participate in the recent Durban Review Conference, Germany will continue to fully engage itself in the international fight against racism and all forms of discrimination.

In this vein, we also remain committed to protecting the human rights of all migrants, minorities and religious groups. We see no contradiction between this commitment and our well-known stand on the Migrant Worker's Convention, or existing limitations to the open display of religious beliefs by teachers and civil servants while on duty. As you can see from the text of our answers, the first instance is due to the full protection of the relevant rights in other Conventions, while the second is rooted in nothing else but the need to weigh the positive and negative freedom of belief against each other, and to retain the state's neutrality in questions of belief. I would also like to draw your attention to the answer to recommendation 30 where we not only fully embrace the recommendation, but also provide basic data and information relating to the factual situation in Germany.

Coming to the end of this presentation, please allow me, Mr. President, to wholeheartedly thank the Office of the High Commissioner for its hard work and resources it is putting at the disposal of the UPR, to Conference Services for their excellent and often over-time work, and to you personally for your gentle and very able stewardship.