

Human Rights Council,  
11th session, 2 to 18 June 2009

Agenda item 6: Adoption of the UPR report of Germany

Statement by the German Institute for Human Rights

Mr President

I am speaking on behalf of the German Institute for Human Rights, which holds A accreditation status as a National Human Rights Institution in full compliance with the Paris Principles. The GIHR appreciates the opportunities provided for National Institutions, NGOs and other independent organisations to actively contribute to the UPR.

The GIHR welcomes the adoption by the German government of the vast majority of the draft UPR recommendations and will closely monitor their implementation. At the same time, the GIHR would have wished for a stronger commitment of the government concerning the ratification of all core human rights treaties as well as the withdrawal of existing reservations. In particular, this concerns the Migrant Workers Convention, the Optional Protocol to the ICESCR and the German reservations to CRC.

While sharing the view that the UPR has created a new dynamic in the country specific human rights discussion, the GIHR is of the opinion that the procedure needs to be further developed. This concerns all strategic phases of the UPR, in particular the interactive dialogue as well as the adoption of the list of recommendations. In this regard, the Institute wishes to highlight three issues:

1. Given the importance of human rights as one of the main goals of the United Nations, governments are not in a position to simply disregard human rights related recommendations. Therefore, when responding to the draft list of recommendations, governments should operate under the presumption that any rejection of a particular recommendation should be treated as an exception deserving an explanation.
2. The UPR should always be seen in conjunction with other human rights mechanisms, such as treaty bodies or special procedures. Therefore those UPR recommendations which – explicitly or implicitly – are based on concluding observations of treaty bodies or the findings of special procedures mandate holders should always deserve additional attention.
3. The GIHR appreciates that, concerning the adoption of UPR recommendations, a consultation process – albeit at a late stage – was initiated by the German government. It should become a regular part of the UPR process that government give information about whether, how and when such consultation processes concerning the adoption of the list of UPR recommendations have taken place.

Thank you.