

KINDERNOTHILFE

Düsseldorfer Landstrasse 180
47249 Duisburg
ph. +49-0203-7789180
info@kindernothilfe.de
www.kindernothilfe.de

German FORUM HUMAN RIGHTS

Haus der Demokratie und Menschenrechte
Greifswalder Str. 4
10405 Berlin
ph. 030-4202 1771
kontakt@forum-menschenrechte.de
www.forum-menschenrechte.de

WORLD COUNCIL OF CHURCHES / COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS

150 route de Ferney
1211 Geneva
ph. 022-791 6111
www.oikoumene.org

UN HUMAN RIGHTS COUNCIL, 11th Session, June 09, 2009 Agenda Item 6 / Consideration of the UPR report on Germany

ORAL INTERVENTION

Thank you, Mr. President!

This is a joint statement by KINDERNOTHILFE (Germany), WORLD COUNCIL OF CHURCHES and German FORUM HUMAN RIGHTS on the UPR report on Germany. We listened the German government replying to the recommendations made during the UPR interactive dialogue in February this year. We do not share some denials which are, according to German reality, not convincing either.

While we emphasise the shortcomings in the government's reply, we also acknowledge the positive contribution of the German government to the UPR process, particularly welcoming the frank and – in part – self-critical approach during the interactive dialogue to some of the human rights problems in the country. We also commend the fact that approximately 75 percent of the recommendations have been accepted. Unfortunately, a better rate was missed.

Our first concern relates to the issue of migration and the associated discrimination of migrants in various aspects of life. The reality in Germany shows that not all the rights of migrants are fully guaranteed, as the government's reply insinuates; referring to Para 81/1 and Para 81/38 in the UPR Report. Particularly those who have to live in an illegal situation, still suffer *de facto* from hindered access to education, health care and justice.

The right of migrants to live together with their family – one of the added values of the Convention on Migrant Workers – does not exist within the legal framework. Even worse, the German government is part of the hardliner faction within the European Union to further restrict exactly this right; see also the recommendation in Para 81/42. Even those, who have been living for years in Germany with legal status are threatened to be expelled from the country at the end of this year because of a bureaucratic deadline. The ratification of the Covenant on Migrant Workers would be a substantial contribution to improve the minimum of migrant rights.

Secondly, the German government does not accept the recommendation to withdraw the reservation on the Convention on the Rights of the Child as stressed in Para 81/4. We regret

the ongoing lack of political will. The argument, the federal system and its legal obligations would not allow the withdrawal of the reservation without the consent of the Federal States, is according to our understanding simply a pretext. There are legal assessments from different viewpoints stating that the Federal Government indeed would be in a legal position to withdraw by its own.

Finally, we would like to encourage the German government to take action in relation to two issues:

a) to unconditionally ratify the Optional Protocol of CESCR / the Covenant on Economic, Social and Cultural Rights as soon as possible as mentioned in Para 81/5; and

b) to make use of a very next opportunity to officially declare its support to the outcome document of the Durban Follow-up Conference in April this year as indicated in Para 81/20. There is such an opportunity during this current session when Item 9 will be debated.

Thank you, Mr. President!