

Theodor Rathgeber

10

Commission of the Churches on International Affairs  
with the World Council of Churches

150 route de Ferney, 1211 Geneva  
ph. 022-791 6111  
fax 022-7910361  
<http://www.oikoumene.org/en>

Forum Menschenrechte  
Haus der Demokratie &  
Menschenrechte  
Greifswalder Str. 4, 10405 Berlin  
030-4202 1771

[www.forum-menschenrechte.de](http://www.forum-menschenrechte.de)

*oral statement on ~~UPR outcome Germany~~, 19.09.2013*

Thank you Mr. President!

This is a joint statement on behalf of the Commission of the Churches on International Affairs with the World Council of Churches and the German Forum Human Rights, a network of currently 51 Non-governmental Organisations dealing with human rights in- and outside Germany.

We appreciate the efforts made by the German government in order to improve the participation of civil society in preparing and conducting the UPR process. In particular, we emphasise the opportunity to widely discuss the draft of the state report as well as the draft version of the government's replies to the recommendations made on 25 April 2013. Compared to other experiences in the UPR, this is surely a better practice.

While we acknowledge the efforts in terms of an improved consultation mechanism with civil society, we remain rather critical with the substance. Although the German government has accepted the larger part of the 200 recommendations, critical issues like migration, asylum seekers, discrimination, a structure of racism in state institutions, double or multiple nationality, equality of payment, poverty, transparency and anti-corruption, as well as strengthening the international human rights standards are not addressed in a satisfactory manner. The German government can do better.

For instance, we do not share the view of the German government denying the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. On the one hand, the rights of so called 'irregular migrants' are as such human rights, and if those rights are – according to the government – not compatible with German law, then something is wrong with this law. On the other hand, the Convention on Migrant Workers foresees genuine rights for family members which are not that explicitly enshrined in other covenants, and therefore the German government fails to implement a human rights standard. By the way, the same restrictive understanding by the German government towards family members rules the entire system dealing with migration and asylum.

We neither follow the argument, that a concrete date for signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights cannot be

given. It is not a matter of predicting a procedural timeframe, it is simply the political unwillingness which hampers the ratification.

These are just two examples for elucidating the fact, that despite the indeed extensive system of legal protection and complaints mechanisms at federal and state level, there is still a lot of room left for improvement and expansion of human rights standards, whose scope is detailed in our stakeholder report as well as in the OHCHR summary. Such an assessment runs obviously contrary to the government's reply to recommendations 124.44 and 124.46. The network of Forum Human Rights will challenge those gaps in the follow-up of the UPR and continuously report back to the Human Rights Council.

Thank you Mr. President!