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Consideration of the German UPR report

Statement

by

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General

German Federal Commissioner for Human Rights Markus Löning had presented on 25 April our UPR Report to this august house. I am thankful to be here today at the concluding session of the German UPR to explain our findings on the 200 recommendations Germany had received.

Dialogue and cooperation are essential to protecting and promoting human rights. Germany is trying its best to contribute to this exchange: by listening, by reaching out and by establishing an honest dialogue with all its partners – not only Government partners, but civil society, too.

Germany is firmly committed to the Universal Periodic Review as centrepiece of the reform initiated by our Heads of State during the Millennium Summit and implemented under the guidance of SG Kofi Annan in 2006. As we are now in the second cycle of the UPR, we have also used our National Report to show how we have implemented the recommendations we had accepted in the first UPR cycle. It is clear from the report, the first UPR cycle has marked the human rights discourse and development in Germany. We have also given an insight into the way human rights are discussed in Germany.

We have appreciated the prevailing atmosphere of sincerity and openness during our UPR hearing in April, the broad participation of members and observers in the Council in the dialogue and the wealth of questions and recommendations we received.

We would like to thank the German Institute for Human Rights and the German civil society for their valuable input into the UPR. This includes their openness to voice their opinion on the draft National Report during a public hearing and for agreeing to enter into a shared side event on first impressions immediately after our UPR hearing. Both undertakings were a first-time experience for our UPR team. They have added value not only to our Review but also to the quality of our dialogue with civil society. We look forward to explore further opportunities to strengthen our cooperation on the UPR.

We have received 200 recommendations which have been studied carefully during the last months. The German Institute for Human Rights as well as civil society had been again invited to comment and discuss our response to all these recommendations. We are grateful to them for their input.

The final response has been made available to the Office of the High Commissioner for Human Rights and is published on the website of the Office. We would like to announce one correction to the report: Erroneously, two different reactions are recorded for recommendation 124.119. We would like to ask the Secretariat to delete in document A/HRC/24/9/Add.1 recommendation 119 from page 4. In our "views" we have recorded a number of responses as "accepted in principle" – in the understanding that Germany is ready to implement the recommendation once certain preconditions not depending entirely on Germany are fulfilled.

We would like to underline that the tight limit as to the word count has made it a challenge impossible to meet to provide substantive replies to many of the recommendations. There was only scarce room to explain what measures have been and will be taken to advance important human rights goals. We can therefore only invite all of you – in Geneva, Germany or elsewhere - to maintain the open dialogue we shared so far on our Human Rights.

Please allow me to use this opportunity to come back to some of the major issues that had been raised during our UPR hearing and where we feel that the answers provided on these issues in our national response should be complemented already now – given that the word limit had not allowed to go into more detail and to adequately reflect our commitment.

The fight against racism

The fight against racism was at the centre of many questions and recommendations during our UPR. Allow me to underline Germany's firm commitment to fight racism in all its forms. Since 2008, this fight is based on a National Action Plan against racism which provides for a wide range of measures against racism. Germany has undertaken a series of endeavours to enhance the prevention of racially motivated criminal offences as well as law enforcement, including the creation of an adequate statutory basis. An important player is the Federal Agency for Civic Education, which acts preventively by sharing knowledge and by offering concrete assistance to argue against extremist, racist and xenophobic attitudes and slogans.

Germany takes the issue of incitement to hatred very seriously. A person stirring up hatred against a national, racial, ethnic or religious group, or against parts of the population or against an individual because of his or her membership in one of these groups is liable to prosecution for incitement to hatred. Independent of whether this has happened through public exhibition, posting, demonstration or other means of providing access to rabble-rousing documents which stir up hostility. Also, a racist mind-set on the part of the perpetrator of any criminal offence may in general be regarded as an aggravating circumstance under the Penal Code.

The Federal Government assigns key importance to combating politically-motivated criminal offences against Sinti and Roma, Muslims, members of the Jewish community and Germans of foreign origin. These criminal acts are recorded under the term "hate crimes".

Allow me to turn to a recent and very specific case of right-wing extremism. The discovery of the so-called "NSU" murder series in November 2011 has profoundly shocked German society. A small group of right-wing extremists has murdered eight citizens of Turkish and one of Greek origin and in addition a police-woman. The victims have been selected and killed in an execution-style manner using the same weapon in each case in order to spread terror and mayhem among immigrants in Germany. These hate crimes were not only directed against the victims themselves, but against German society and its diversity and plurality in a broader sense. This terrorist crime series has shown how vulnerable our society is. Markus Löning, the Commissioner for Human Rights Policy and Humanitarian Aid elaborated extensively on this point during the interactive dialogue in April.

Countering right-wing extremism and hate crime is an on-going task which enlists government and society as a whole in all walks of life. The aim of the Federal Government is therefore to bundle initiatives from civil society and different levels of government and policy-making in order to successfully detect, prevent and respond to all manifestations of right-wing extremism and hate crime. This holistic approach comprises repressive measures by the police and justice system as well as preventive measures as better protection for vulnerable members of our society.

The trial against the surviving member and supporters of the "NSU" murder cell is still going on in Munich. The Federal Government has taken a series of measures in order to

tackle the weaknesses in the architecture of German internal security, which have, unfortunately, resulted in the "NSU" remaining undetected for more than a decade.

Among these measures was the creation of the Joint Defence Centre against right-wing terrorism and extremism (GAR) in December 2011. This centre is managed jointly by the Federal Criminal Police Office and the Federal Office for the Protection of the Constitution and regroups police and intelligence officials from the federal and the Länder-level in joint meetings. It has helped to optimize the flow of information regarding certain manifestations and potential threats posed by right-wing extremism and right-wing terrorism. In November 2012, the GAR became part of the newly created Joint Extremism and Counter-Terrorism Centre (GETZ), which extends the approach of the GAR to other phenomenon areas such as left-wing extremism / terrorism, extremism and terrorism by foreign separatist and terrorist groups / espionage and intelligence driven proliferation.

Another important measure was the creation of a joint database for police and intelligence services on right-wing extremism which provides authorities with a platform to better link information and to ensure that the exchange of information between police and intelligence agencies can be further improved.

Following Germany's historical responsibility and its commitment to international Human Rights Law, we remain determined to do everything which is in our means to combat xenophobic and racist crimes, challenging openness and diversity in our society.

Rights of migrants

Please allow me to restate that the protection of human rights of migrants is guaranteed in Germany. Even in cases of undocumented migration, the German legal system grants the right to education, basic health care and statutory legal protection. In recent years, the situation for children of migrants has fundamentally improved. School attendance has become obligatory in almost all federal states, including for children whose deportation has been temporarily suspended and for children involved in asylum procedures.

Germany continues to ensure equal chances and participation of all persons with a migrant background in the social, economic and cultural life of Germany. Important areas of engagement are the integration and self-organization of migrant women, the integration of young migrants into school and professional education as well as into the labour market, the better recognition of foreign diploma, to name just a few.

An important issue is the integration of migrants. Since 2006 the German government has been hosting 'Integration Summits' on a regular basis. Since 2007 a National Integration Plan has served as a basis to actively support the integration of all regular migrants, and in particular to allow them to develop their potential to the maximum extent possible. In January 2012 the National Action Plan on Integration was presented with set targets in 11 fields of action. Regular migrants do benefit from a basic integration offer that should enhance and complement their own efforts for integration. One of the main elements is a 600 hours language course allowing for a sufficient command of German and a 60 hours orientation course providing basic knowledge on the history and culture as well as the legal system of Germany. Special Migration Advising for adult migrants is offered during and after participation of the course. In addition, young migrants between 12 and 27 years of age can benefit from socio-pedagogic counselling offered by one of the 420 offices of the Youth Migration Service.

Equal rights for women and men

The promotion of equal rights for women and men and the elimination of disadvantages in all spheres of life is one of the founding principles of the German basic law. A lot has been achieved in these last decades to make equal rights for all a reality. Still, there are challenges ahead of us to overcome gender inequality in some spheres of life and in particular in the labour market.

Looking at the different course of careers of women and men, the Federal Government pursues a twofold goal that has become part of its National Action Plan on human rights for the period 2012 - 2014: to create fair income opportunities for women and men in the life course and to raise the proportion of women in the top management levels of companies in the long-term. That means in particular to increase the overall employment rate of women as well as their employment in full-time jobs, to promote shorter family-related exits and better integration of older women into a changing labour market. It also means specific efforts to promote equal pay, especially in rural areas, to reconcile work and family life, to promote job security and insured employment and to improve working-time sovereignty of mothers.

Rights of persons with disabilities

Please allow me also to react to the recommendations we received regarding the realisation of human rights of persons with disabilities.

Since the ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol in 2009, the German Government has adopted a National Action Plan to make inclusion a reality in Germany. The National Action Plan allowed us - for the first time ever – to create a broad awareness for disability policy and to mainstream it into our ministries, federal states (Länder) and communities as well as into institutions and companies.

With the help of the new inclusion report, broad analysis has been made available on everyday reality of persons with disabilities. The report showed the need for more empirical data, also to examine factors which limit participation in society as well as those which foster a self-determined and fulfilled life with a disability.

Our goal is to further develop the National Action Plan as a long-term basis for our disability policy. Studies are undertaken to identify the remaining gaps in the content and measures of the current National Action Plan.

Conclusion

In concluding, allow me to underline once again: Germany attaches great importance to the UPR. We do not see it finished once the report of the working group has been adopted. We regard it as a stage in a continuing dialogue on human rights achievements and challenges, to exchange on good practice and to offer support. It is a unique mechanism. Its universality is the key to success. Its effectiveness is measured against the attention, alert and, finally, change, that it creates. The sincerity of the States under review as well as of those who engage in the preparation and the interactive dialogue is key to any added value that the UPR can generate. We look forward to seeing the UPR establish itself as a human rights "must" for every State, a challenge not to be missed.

