

National Coalition
für die Umsetzung der
UN-Kinderrechtskonvention
in Deutschland

AGJ · Mühlendamm 3 · 10178 Berlin

United Nations Human Rights Council
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Item 6, Consideration of UPR reports

Consideration of the UPR report of Germany

Madame/Mr President,

Thank you for giving us the floor.

Save the Children is making this statement on behalf of National Coalition for the implementation of the UN Convention on the Rights of the Child in Germany.

We welcome the report of the Working Group on the Universal Periodic Review (UPR) of Germany, in particular the recommendations relating to children's rights.

We welcome the Government's efforts to protect children's rights and the acceptance of UPR recommendations regarding measures to counter discrimination of migrants. Implementation of these recommendations, including through allocation of sufficient resources for their realization, will have a significant impact on children's lives in Germany.

However, the German National Coalition for the Implementation of the CRC would like to highlight the following key issues: custody pending deportation for refugee minors and access to education for all children.

1. Custody pending deportation

UPR Recommendation 124.28 calls on the Government of Germany to bring legislation and law enforcement practice on migrants and asylum-seekers in conformity with human rights international norms and standards.

We welcome the acceptance of the recommendation. However, Germany accepted the recommendation saying that all legal regulations and their implementation already comply with international standards and norms. This is not true regarding custody pending deportation for minors. EU norms and

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recommendations by the Committee Against Torture clearly state that custody for minors can only be applied as a measure of last resort - ultima ratio. According to the Convention on the Rights of the Child, art. 3, the best interest of the child has to be considered. In our view, imprisoning children for having exercised their right to apply for asylum and having been rejected is by no means reconcilable with any legal norm.

2. Access to education

UPR recommendation 124.116, 124.193 call on Germany to continue and intensify the efforts to guarantee equal opportunities in education and access to work for migrants and their children.

We welcome the acceptance of the recommendations. In its response, the German Government states that improving the educational opportunities of children and young persons with a migrant background was a special focus of education policy. In practice, this does not include unaccompanied minors, a particularly vulnerable group arriving alone in Germany. We urge the Government to take further steps in allocating funds and providing conditions under which every child in Germany can benefit from education.

The German National Coalition for the Implementation of the CRC appreciates the Government's willingness to consult with civil society in the UPR process and is looking forward to the Government's continued cooperation with civil society organisations in the follow-up to the UPR.

Thank you.

The National Coalition for the Implementation of the UN Convention on the Rights of the Child in Germany (NC) is in alliance with more than 110 organizations and associations across Germany (see: <http://www.national-coalition.de>). Since 1995 National Coalition members promote the realization of children's rights in Germany.

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