

Third Review of Germany under the Universal Periodic Review (UPR) of the UN Human Rights Council

Annex 1 to the written contribution by the German Institute for Human Rights

Background Note

Respect for human rights constitutes the foundation of the German constitutional system. The human rights architecture in Germany is correspondingly sophisticated and encompasses the committees of the Bundestag, including the Committee on Human Rights and Humanitarian Aid, as well as numerous government commissioners with human rights mandates, the Federal Anti-Discrimination Agency and the Institute. In addition, there are parliamentary petitions committees at the national and federal state levels and numerous advice centres and complaints bodies. There is also a highly sophisticated and effective judicial system. Germany pursues a policy of promoting human rights internationally and at the European level. It engages in international and European monitoring procedures and has issued a standing invitation to the Special Procedures of the UN Human Rights Council.

As far as recognition of international and regional human rights norm-setting is concerned, Germany has, since 2013, ratified the Council of Europe Conventions on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”) and on Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”). It has yet to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR-OP), the Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Revised European Social Charter and its additional protocols.

Germany’s human rights obligations are implemented at the national level (i.e. on the federal level), in the 16 federal states, and in the municipalities. The European Union (EU) also holds important powers. The responsibility of EU Member States for the impact of joint EU policies on human rights should therefore also be considered in the scope of the UPR.

Germany has an active civil society, also in the field of human rights. Civil society organisations play an active part in international monitoring procedures and in the domestic debates on human rights issues.

Since the last review of Germany, the remarkable efforts of both state bodies and civil society organisations to receive and socially integrate large numbers of refugees from conflict zones and crisis areas should be emphasised. The German Institute for Human Rights is concerned, however, that some political and social actors are increasingly questioning human rights categorically. State bodies must, and civil society should, counter-act this phenomenon by

taking a clear stand in support of human rights and against hatred and exclusion in the political discourse in Germany, Europe and internationally. In legislative processes and decision-making on political measures concerning controversial issues at the domestic and European levels, it is of particular importance to carefully identify the requirements posed by human rights, to make decisions on the basis of solid facts, and to consistently follow this approach in the public debate.