

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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Germany



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

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A. About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-political organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.
2. ODVV is also associated to the United Nations Department of Global Communications (DGC), a member of the Conference of Non-Governmental Organizations (CONGO). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:
 - a. Participation in the Human Rights Council sessions in Geneva;
 - b. Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
 - c. Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
 - d. Publishing Human Rights Council news and developments for Iranian audience.
4. ODVV is submitting the following report on the human rights situation in Germany to contribute to the improvement of human rights in the country.

5. Germany has made achievements in the field of human rights, however, from the viewpoint of human rights activists, there are issues the country needs to address. According to the critics, discrimination and intolerance, racism, anti-Semitism, Islamophobia, including hate crimes and violence, are still human rights concerns of German society. The current report has a look at these concerns.

B. Racism

6. In the last session of its UPR in May 2018, Germany received 89 recommendations on discrimination and racial inclinations, out of which 77 were accepted and the country agreed to investigate hate crimes and any type of violence against ethnic and racial minorities, especially women immigrants and asylum seekers, and punish the perpetrators of these crimes¹.
7. However, various reports confirm ethnic and racial discrimination in Germany, especially in finding housing and jobs, going to restaurants, clubs, banks, schools, universities, dealing with government officials, encountering with the police or on the street and other public places. Most of the reports have described racism in everyday life and described that people are subjected to structural discrimination and racial hatred because of their skin color, language and accent, family name or type of clothing.
8. ODVV's informal interviews with immigrants living in Germany have also confirmed the existence of wide-scoped racial discrimination in various sectors of German society. These immigrants explained to ODVV that their children have to work harder at school to be accepted by their classmates. Also, they have mentioned that working immigrants have to work much harder than their German counterparts to achieve job promotions. In addition, they have expressed concern about expression of racial hatred in public places.
9. In 2022, Germany recorded more than 2,000 cases of racial discrimination. Germany's anti-discrimination commissioner considered these figures alarming and called for stronger legal measures to prevent racial discrimination. A report published by the top anti-discrimination agency, approves that German people still experience daily discrimination in the labor market, in everyday businesses and in finding housing.

¹ e.g. Recommendations No. 248, 250, 251, 252

According to this report, a total of more than 5,600 people complained about discrimination last year, and 37% of the cases were related to discrimination in the workplace. In about 9% of these complaints, people have been discriminated or harmed because of their religious beliefs.²

10. ODVV notes that in 2020, Germany approved 90 specific measures³ to be taken in the fight against racism, right-wing extremism and anti-Semitism, however, according to the Federal Ministry of the Interior report, in 2021, hate crimes raise by 19%, compared with the previous year. The published hate crime figures raise serious concerns over the effectiveness of the government specific measures which were aimed at fighting racism.

C. Islamophobia

11. The country accepted 6 recommendations⁴ on fighting against Islamophobia in the previous cycle of Universal Periodic Review, in May 2018 and committed to reduce such cases.
12. The UPR recommendations were accepted while, in 2019 more than 884 incidences of anti-Muslim crimes – including attacks to 77 mosques - were recorded in Germany and the number increased to over 900 crimes against Muslims in 2020, in addition to 23000 cases of hate crimes⁵ which were committed, despite the continuous spread of the pandemic. The rise in hate crimes against Muslims proves the inadequacy of the protective policies decided by Germany.
13. The alarming figures of anti-Muslim crimes are published while there are expressions of concerns, indicating that the real figures of the religious hate crimes have been estimated to be higher than the recorded cases, because in 2022, the European Commission against Racism and Intolerance has emphasized in a report that the cooperation of the German police with the civil society was not enough to register hate crimes and that such crimes are less reported.⁶

² <https://www.aa.com.tr/en/europe/germany-recorded-more-than-2-000-racist-discrimination-cases-last-year/2662503>

³ <https://www.bundesregierung.de/breg-en/service/archive/cabinet-right-wing-extremism-1820094>

⁴ Recommendations No. 73, 74, 57, 58, 86

⁵ <https://www.trtworld.com/magazine/more-than-two-attacks-per-day-on-muslims-in-germany-in-2020-44019>

⁶ <https://eucrim.eu/news/coe-report-policing-regarding-hate-speech-and-racism-germany/>

14. The 2021 report⁷ published by the Germany Research Center for Immigrants Integration, which received media attention, demonstrates that many German people do not consider discrimination against Muslims or those who appear to be Muslim as racism. Experts have warned that more awareness raising is required in the field and effective action is necessary to address the problem.
15. The director of the research center, Naica Foroutan, expresses surprised that 90 percent of the respondents confirmed that there is racism in Germany which shows that people are aware of institutional and structural racism. Lisa Paus, Minister of Family Affairs, has also described the results of this report as "shocking"⁸.
16. Rima Hanano, the head CLAIM, a non-governmental organization that works to fight Islamophobia, believes that the results of the research have shown that the German society is still not sufficiently aware of racism and discrimination against Muslims. Meanwhile, Germany has the largest Muslim population among European countries, and according to the German government's report in 2019, about 5.3-5.6 million Muslims lived in this country.

D. Asylum Seekers and Immigrants

Delay in Processing Applications

17. Lengthy asylum procedures are yet another source of human right concern in Germany. We note the 2022 Germany bill to speed up asylum procedures and look forward to see tangible results in near future.
18. This is while, the delay in the family reunification process has raised concerns about the right to family life. Applicants from Afghanistan, Eritrea and Syria have been waiting for more than a year to receive a response to their visa application from the German embassy and begin the process of reuniting with their family members in Germany⁹.
19. In addition, concerns have been expressed over the forcible return of 167 Afghan men to Afghanistan, on August 11, 2021, before the deportation process stopped¹⁰.

⁷ https://www.rassismusmonitor.de/fileadmin/user_upload/NaDiRa/CATI_Studie_Rassistische_Realit%C3%A4ten/DeZIM-Rassismusmonitor-Studie_Rassistische-Realit%C3%A4ten_Wie-setzt-sich-Deutschland-mit-Rassismus-auseinander.pdf

⁸ <https://www.dw.com/en/racism-in-germany-is-part-of-everyday-life/a-61700339>

⁹ Ibid.

¹⁰ <https://www.amnesty.org/en/location/europe-and-central-asia/germany/report-germany/>

Discrimination against Migrants

20. Structural and institutional discrimination against migrants has also been reported in Germany, In the last cycle of universal periodic review in 2018, Germany accepted 35 recommendations to address, eliminate and combat all cases of discrimination, hatred, violence, crime or attacks against migrants and asylum seekers¹¹, to investigate cases of violence against migrants and asylum seekers and punish the perpetrators.
21. This is while a Forbes survey¹² published in 2021, interviewing about 500 migrants, more than 40 percent of the respondents confirmed a history of discrimination in the office or job market. At the same time, workers with an immigrant background say they feel more pressured at work compared to their "native" counterparts. This is while immigrants make up a quarter of Germany's population.

E. Women's rights

Violence against women

22. In Germany, femicide is a serious issue and on average, one murder of a woman is reported every day. And according to 2021statistics, every two and a half days a woman dies at the hands of her current or former partner. In 2020, 139 women were killed in Germany where women are victims of four out of each five deaths. According to the German Police (BKA), 119,164 women and 28,867 men were killed in 2020, when death figures increased by 5% compared to the year before¹³.

Discrimination against Women

23. According to data from the Statistics Office¹⁴, women still earn significantly less than men in the country, with an average gender pay gap of 20 percent in Germany. The country has also received recommendations in this field in the previous cycle of its

¹¹ Recommendations No. 34; 75; 93; 99; 121; 128; 190; 197; 201; 207; 218; 220; 226; 227; 230; 232; 233; 236; 239;248; 242; 243; 244; 245; 246; 247; 249; 250; 251; 252; 253; 255; 256; 258; 259.

¹² <https://www.forbes.com/sites/freylindsay/2021/08/24/in-germany-people-with-migration-background-feel-significant-discrimination-in-the-jobs-market/?sh=28cad1f37223>

¹³ <https://www.dw.com/en/violence-against-women-when-daily-life-becomes-a-nightmare/a-59917129#:~:text=In%20Germany%2C%20there%20is%20on,2020%2C%20139%20women%20were%20killed.>

¹⁴ https://www.destatis.de/EN/Themes/Labour/Labour-Market/Quality-Employment/Dimension1/1_5_GenderPayGap.html

UPR¹⁵.

24. The cases of violence and discrimination against women have taken place while, in the last cycle of its universal periodic review, in May 2018, Germany received 42 recommendations in the field of promoting women's rights and ten recommendations specifically to protect the rights of refugee and immigrant women. In the same review, Germany also received 26 recommendations to protect children's rights.
25. The recommendations on protecting women's rights cover issues including: prevention of violation of women's rights and violence against them as a result of arms export; equal presence of women in society, high-level managerial jobs and high-level positions in the political arena; fight against discrimination against women; fight against trafficking of women and children; Fighting discrimination against women in earning and receiving equal pay; Fighting against discrimination against women in the market and fighting against violence and discrimination against immigrant and refugee women.

F. Human rights violations by Germany in other countries

Arms export

26. Germany is one of the largest arms producers and exporters in the world, with the country's arms exports reaching €8.35 billion (\$8.9 billion) in 2022 and the record breaking figure of €9.35 billion (\$9.9 billion) in 2021¹⁶.
27. In 2017, 2 NGOs submitted a report¹⁷ titled "The Impact of German Arms Exports on Women", to the 66th session of the United Nations Committee on the Prevention of Violence against Women. The report criticized mass production of weapons and its easy access as a risk for escalation of gender-based violence during armed conflicts and urged Germany to take action to prevent the export of weapons that lead to the violation of women's rights.
28. In 2020, the Greenpeace published a report¹⁸ entitled "Exporting violence and inequality, the connection between German arms exports and gender-based violence", in which mentioned examples of violence against women in wars and called on

¹⁵ Recommendations No. 169 & 170.

¹⁶ <https://www.aa.com.tr/en/europe/germany-s-arms-exports-reach-89b-in-2022/2773892#:~:text=Germany%20is%20currently%20the%20world's,drawing%20criticism%20from%20op%20position%20parties.>

¹⁷ https://www.ecchr.eu/fileadmin/Kommentare_Konferenzberichte>Weiteres/CEDAW_Germany_Arms_Transfers_Jan_2017.pdf

¹⁸ <https://centreforfeministforeignpolicy.org/exporting-violence-and-inequality-report>

Germany to prevent gender-based violence by Arms Export.

29. Deutsche Welle has also criticized Germany for exporting weapons to the countries involved in the Yemen war, such as Egypt, the UAE, Qatar, and especially the Saudi Arabia¹⁹. The German government confirmed that from 2019, the country has sent over one billion euro weapons to the Coalition led by Saudi Arabia fighting in Yemen²⁰.
30. In 2018, the German government agreed to ban arms exports to the countries involved in Yemen war. However, in the same year, the country decided to approve the sale of arms to Saudi Arabia and the United Arab Emirates of worth of millions euros²¹, while the two importers of Germany arms are involved in Yemen war.
31. There are reports confirming the continuation of German arms exports to counties involved in violation of human rights²² including the Coalition engaged in Yemen war. For example, on September 29, 2022, Spiegel and dpa news agency reported that Riyadh could now purchase equipment and ammunition for Eurofighter and Tornado jets for 36 million euros and access spare parts for Airbus A330 MRTT aircraft worth of 2.8 million euros.
32. In addition, according to the German foreign minister: "Despite supporting a diplomatic solution in the Middle East, Germany has become one of the largest exporters of weapons to the region during Merkel's era and has sold weapons to countries such as Israel, Egypt and Saudi Arabia." The government approved the sale of weapons to Saudi Arabia, the United Arab Emirates, and Jordan, despite the ban on the sale of weapons to the countries involved in the Yemen war.
33. German arms exports to the Middle East continue while the country, Germany supported 3 recommendations²³ in the field of arms and ammunition exports, in May 2018, in which Germany was requested to ensure that these weapons do not violate human rights nor women's rights and the exports comply with the country's international obligations under the Arms Trade Treaty.

Over-compliance of German companies and banks with American sanctions

¹⁹ <https://www.dw.com/en/fact-check-does-germany-send-weapons-to-crisis-regions/a-60701220>

²⁰ <https://www.dw.com/en/germany-sells-arms-to-members-of-saudi-led-yemen-coalition/a-53000044>

²¹ <https://www.dw.com/en/german-government-approves-arms-exports-to-saudi-arabia-reports/a-63288334>

²² The United Nations Group of Eminent Experts on Yemen, have criticized Saudi Coalition for violation of human rights in the region.

²³ Recommendations No. 14,15, 16

34. Patients residing in countries targeted by the United States Unilateral Coercive Measures – the economic sanctions which are widely criticized by the UN Special Rapporteur on the negative impact of unilateral coercive measures on human rights – suffer from limitation of access to life-saving medicine because of the over-compliance of German companies and banks with the UN sanctions which are imposed on other countries illegally, beyond the rule of international law and authority of the UN as the main law making international body.
35. For example, in the Islamic Republic of Iran, patients with multiple sclerosis or MS have faced serious problems to access Avonex, Rebif and Betaferon drugs which were imported from America and Germany but stopped due to the excessive compliance of banks and pharmaceutical companies with the US sanctions.
36. The life threatening issue of over-compliance with US sanctions, is widely discussed in the report of the UN Special Rapporteur on unilateral coercive measures ²⁴ , on country visits to the Iran, Syria and Venezuela, as well as the annual reports submitted the UN Human Right Council and the General Assembly and the individual and joint UN statements, including .

G. Recommendations:

Considering the enumerated human rights concerns, ODVV recommends Germany to:

37. Fortify efforts in the fight against racism, racial discrimination, xenophobia, Islamophobia and related forms of intolerance, including mild and underlying forms of racism, as well as structural racism.
38. Take effective measures to offer victims of any forms of discrimination, racism and hate crimes, especially the Muslim victims, with justice and adequate redress.
39. Multiply initiatives promoting the integration of refugees, migrants and their families into the society.
40. Continue to effectively combat discrimination against refugees, migrants and ethnic minorities, including Muslim migrants, in order to ensure promotion of their human rights, such as the right to health, education, housing and the right to work.
41. End discrimination against women with regard to salaries and wages, Reduce the wage gap between men and women.

²⁴ E.g. A/HRC/48/59/Add.2 and A/HRC/51/33

42. Continue efforts to strengthen measures for eliminating violence against women, including Muslims and minorities.
43. Make sure that German companies comply with the UN standards rather than unilateral foreign policies of the United States, while making decisions on exporting or refusing to Export medicine to sanctioned countries.