

9 June 2009

Human Rights Council
Eleventh Session

Item 6
"Consideration of UPR reports"

Oral Intervention by Amnesty International on Germany

Mr. President,

Amnesty International welcomes many of the recommendations made by states to Germany, and Germany's acceptance of the majority of them.

We welcome the announcement that Germany will ratify the International Convention for the Protection of All Persons from Enforced Disappearance within the next couple of months and acknowledge that the legislative procedure for this has been finalised.¹

Amnesty International appreciates Germany's active contribution to the elaboration of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. We assume this implies a strong commitment to consider ratification in due course, as already announced in the national human rights action plan.²

We welcome Germany's acceptance of the recommendation to fully respect the provisions of international human rights instruments, including the ICCPR and CAT.³ Despite Germany's assertion that it has always acted in accordance with these instruments,⁴ we are concerned about practices, such as the continued reliance on inherently unenforceable diplomatic assurances and failure to introduce measures to prevent future renditions through its territory, including its air space.

Mr. President,

Amnesty International regrets that Germany declined to accept recommendations to strengthen efforts to prevent ill-treatment by law enforcement officers.⁵ We note that concerns raised and recommendations made to the German authorities by the UN Committee against Torture in 2004 are still relevant. We further note that complaints against the police for ill-treatment are often countered with charges against the person who alleged ill-treatment by the police.

Finally, we are disappointed that Germany declined to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶ We note, however, that Germany avoided commenting on the recommendations not to impede

¹ A/HRC/11/15, paragraph 81, point 3

² Ibid, paragraph 81, point 5

³ Ibid, paragraph 81, points 6 and 7.

⁴ A/HRC/11/15/Add.1, point 7

⁵ A/HRC/11/15, paragraph 81, point 23 and A/HRC/11/15/Add.1, point 23.

⁶ A/HRC/11/15, paragraph 81, points 1 and 2.

access by irregular migrants to primary health care, education and judicial authorities⁷ and reiterate our call to immediately repeal the law requiring authorities to report the identity of irregular migrants.

Thank you, Mr. President.

⁷ Ibid, paragraph 81, point 38.