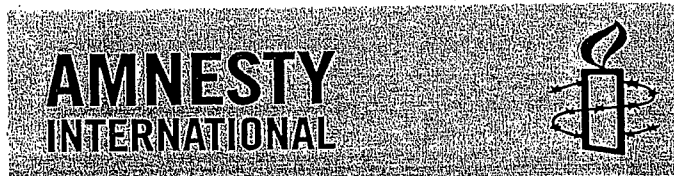


Marianne Lieberberg

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UN Human Rights Council
Twenty-fourth session, 9 – 27 September 2013

Item 6:
Consideration of UPR reports

GERMANY

Mr. President,

Amnesty International welcomes the improved consultation with civil society in the lead up to the review, including the public hearing on the National Report. We note, however, that consultation is not an end in itself and hope to see also substantial changes in the assessment of human rights challenges in Germany and increased openness to input from civil society in future reviews.

While we welcome that Germany has accepted many of the recommendations, we do not always share the government's view that the recommendations have already been implemented. During the consultation process it became clear that the assessment by the government and by civil society differed quite widely, including with regard to racism and discrimination.¹

We welcome the government's commitment to continue the dialogue on the obligation to make enforced disappearance a criminal offence in national law;² however, we are concerned that there are significant gaps in the criminal law which could prevent the investigation and prosecution of those suspected of criminal responsibility for enforced disappearances.

¹ A/HRC/24/9, recommendation 124.34 (Uruguay), 124.124.77 (Ecuador) and 124.126 (Russian Federation) are some examples of this.

² Ibid, recommendation 124.34 (Uruguay)

Mr President,

Amnesty International is deeply disappointed that Germany has further delayed its ratification of the OP to ICESCR.³ The government's statement that it is "assessing the accession" is confusing in light of the acknowledgement by the government during the public hearing in 2012 that it would await the ESCR Committee's views on communications before further assessing ratification.⁴ The failure to ratify the OP undermines Germany's leadership position on initiatives on the right to water and sanitation and the right to adequate housing.

On the issue of refugees, asylum-seekers, and migrants, we welcome that Germany accepted several important recommendations;⁵ however, we remain concerned about inadequate procedures in a number of federal states for the identification of the most vulnerable asylum-seekers, including traumatized individuals and unaccompanied or separated children, as required by the EU Reception Conditions Directive.

Finally, Mr President,

We deeply regret that recommendations with regard to the prevention of ill-treatment by the police were rejected, i.e. independent complaint mechanisms and mandatory individual identification for Federal Police officers.⁶ Germany did undertake to thoroughly and without bias investigate all allegations of ill-treatment by law enforcement officials,⁷ and we strongly encourage the government to do so in full compliance with international and regional standards and to consider replicating recent positive developments in terms of individual identification measures established by some of the Federal States (Länder).

We also warmly welcome Germany's acceptance of recommendations to equip its National Preventive Mechanism with sufficient resources to fulfil its functions effectively and in line with the obligation under the Optional Protocol.⁸

Thank you, Mr. President.

³ Ibid, recommendation 124.11-13, 124.18, 124.20-21 (Ecuador, Sierra Leone, Portugal, Spain, Bosnia and Herzegovina, France)

⁴ Germany also stated this at the ESCR Committee session in 2011.

⁵ Ibid, recommendations 124.125, 124.188, 124.195-197 (Ireland, Namibia, Sierra Leone, Brazil, France)

⁶ Ibid, recommendations 124.127, 124.128, 124.130 (Botswana, Hungary, Netherlands)

⁷ Ibid, recommendations 124.126 (Russian Federation)

⁸ Ibid, recommendations 124.43 (UK), 124.124 (Switzerland)