



Permanent Mission  
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**Geneva, 20 September 2018**

**Statement by the Delegation of Germany**

**Mr President, Ambassadors, distinguished delegates,**

**I am pleased to present to you today Germany's formal response to the 259 recommendations that the German Government has received during a very constructive UPR dialogue in May of this year.**

**On behalf of the German Government I would like to express our sincere appreciation to all delegations for making recommendations, for participating by asking questions and reflecting on the human rights situation in our country from an outside point of view. We thank our group of rapporteurs (troika) from the Democratic Republic of Congo, Kyrgyzstan and the United States of America for skillfully facilitating the review process, as well as the Secretariat for all their work and support.**

**The Universal Periodic Review is one of the biggest achievements of the Human Rights Council. It has already twice achieved 100 percent participation from all UN Member States in the process, and it has succeeded in involving all relevant stakeholders at all stages. We welcome the spirit of international co-operation in the review of human rights among states, as well as the fact that the UPR helps to promote positive change, through the impact of its recommendations.**

**During this third UPR-cycle, Germany has demonstrated its commitment to this instrument, also by carefully choosing recommendations for other States that fit the respective political and legal framework and that can actually be implemented.**

**On 8 May this year, Germany underwent its 3rd cycle of UPR. Our delegation was led by the Human Rights Commissioner of the Federal Government and Member of the German Bundestag, Dr. Bärbel Kofler.**

**Following the May session, the German government carefully reviewed – across government – the 259 recommendations received. All relevant federal**

government ministries were involved in this process. Due to the distribution of competences across different levels of government in the German federal system and in the limited time available, full consideration across all levels of government, including in the Länder, however, was not possible. For this reason, some recommendations, in particular those that have direct implications for the Länder level, have been noted for further consideration. However, this does not necessarily imply that the Federal Government does not share the objective contained in such noted recommendations.

Following the review, the government held meetings with civil society representatives and the “German Institute for Human Rights” (the German National Human Rights Institution/NHRI). In addition, the Commissioner for Human Rights Policy and Humanitarian Aid also discussed the outcome of the review with the Federal Parliament’s Committee on Human Rights and Humanitarian Aid and received Members of Parliament’s views on both the process thus far and the recommendations received. The interest and commitment of the German Bundestag to the UPR was also underlined by the presence of a number of Members of Parliament from the Committee on Human Rights and Humanitarian Aid in Geneva during the May session.

The German Government has given considerable thought on how to respond to each recommendation. What has guided my government in this process was the firm determination to accept or support as many of the recommendations as possible, albeit with the clear understanding that we must not support recommendations as a thoughtless automatism but only if and when their implementation can find an expression in our legal framework and when the necessary political will to do so can be generated.

Germany considers that in a number of cases, current German law and practice – partially or as a whole – already reflect the content of recommendations made.

**Therefore, the Federal Government does not see the need for additional action. In some of these cases, recommendations have been noted, in other instances we can still support such recommendations. Moreover, some recommendations did formulate inaccurate assumptions or assertions, which may have led to a decision to note the recommendation. The carefulness with which we have reviewed every single recommendation is reflected by the fact that in many cases we have chosen to meticulously explain our respective decisions in the comments section at the end of the text before you.**

**Mr President,**

**The German Government accepted altogether 209 recommendations and noted 50 of the 259 recommendations received.**

**The many recommendations addressed to us centred around the following topics: Fighting racism and islamophobia and better integrating people of foreign decent into society and job market; women’s rights and increasing equal opportunities for women on the job market; furthering LGTBTI-rights; improving Children and Youth rights; legal improvements regarding the right to privacy and improving Health rights.**

**I would like to remind us that also during Germany’s last UPR cycle in 2013, there was still criticism that Germany would not guarantee enough LGBTI rights. In summer of 2017 the German Bundestag adopted a law allowing for same sex marriage (“Ehe für alle”). After a ruling of the German Constitutional Court we are now on a good track to implement the recognition of a third gender. The draft law amending the data to be entered in the birth register is intended to give intersex persons the additional option of choosing “miscellaneous”. The Transsexuals Act is to be revised to this end.**

**My government is committed to further promoting and supporting gender equality and can thus accept and support the recommendations proposed towards this end. In its coalition agreement, my government has informed about the decision to draft an inter-ministerial equality strategy and a corresponding action plan. As the representation of women in leadership positions is still not satisfactory, the previous government passed a cornerstone law for more women in leadership positions. The effectiveness of this law shall be improved by sanctioning companies that don't meet their obligations as defined by this law.**

**In the civil service equal participation of women and men in leadership positions shall be met by the year 2025.**

**With regards to the gender wage gap, firstly transparency about wage structures is needed. Since 6 January 2018 employees of companies with at least 200 employees can exercise their individual right to information about the payment plan of companies. In addition, targeted consultancy and support shall be offered to concerned persons and certified test methods for companies shall be developed.**

**Mr. President,**

**While generally it can rightly be said that a high level of human rights protection already exists in Germany, we are also prepared to look into the recommendations self-critically: Germany can accept that in some instances more has to be done, especially in the field of fighting racism and integrating people of foreign decent.**

**Only lately at the beginning of September did we again have to face the reality that in Germany a non-deniable problem with racism, with xenophobia and with**

anti-Semitism exists, when in the city of Chemnitz in Saxonia right-wing extremists took to the streets in demonstrations, chased foreign-looking people and counter-demonstrators, performed the Hitler salute, called for a right-wing uprising against refugees and migrants and in one instance attacked a Jewish restaurant. Only a few days later in the small town of Köthen in Saxony-Anhalt comparable events took place, albeit not on the same scale. Both these shocking events occurred after separate instances in which two German citizens died after individual disputes with refugees.

What happened in Chemnitz and in Köthen is a disgrace for my country. What is further worrying is a political discourse that ensued in the extremist right-wing political spectrum, suggesting that the amount of migration to Germany in recent years would somehow justify that people develop personal fears in their surroundings, for their way of living and that thus an aggressive attitude against refugees and migrants could be justified. This is a dangerous narrative that attempts to legitimize or even calls for violence against foreigners or foreign-looking citizens.

The events in Chemnitz and Köthen were followed by an intensive public debate in Germany that still carries on. In the immediate aftermath, civil society and political parties from the center and left wing spectrum organized counter-demonstrations and events in Chemnitz. E.g. a rock and hip hop concert by popular German bands in Chemnitz under the slogan “We are more!” attracted some 65.000 participants.

The President of the German Bundestag, Dr. Wolfgang Schäuble, on 11 September in the plenary made it perfectly clear, that with regards to “Xenophobia, Hitler salutes, Nazi-symbols and attacks against Jewish institutions, there can be neither lenience nor sympathetic belittlement. [...] We need a strong and tolerant constitutional state and on that we must insist.”

In the ensuing debate in the plenary, the Federal Chancellor, Dr. Angela Merkel, emphasized: “Jews, Muslims as well as Christians and Atheists belong to our society, to our schools, to our political parties, to our communal life. [...] We are aware that our constitutional state is being challenged. Therefore, as part of the coalition agreement, we have agreed on a compact for the rule of law: An additional 3000 job positions for the security services, almost 50 Mio. Euro for the Federal Police infrastructure, 85 Mio. Euro for the digitalization of police work, additional investments in cyber security. Moreover, there will be further intensive discussion with the federal Länder about the accouterments of courts and other judicial authorities.”

In Chemnitz accelerated law suits have begun against individuals who took part in the violent demonstrations and displayed the Hitler salute. By 15 September, two persons had been convicted to prison sentences of five and eight months, further legal investigations and trials continue.

I would also like to quote Foreign Minister Maas’ statement of 14 September, where he said: “Not migration, but nationalism is the root cause of all political problems. And this we not only face in Germany, we see this happening worldwide. We see it everywhere where autocracies grow stronger, where pluralism is being pushed back. This development is nothing less than an attack on our liberal democracy, an attack on respect and an attack on tolerance.”

That is to say, Germany is not the only country in Europe and beyond that faces rising threatening nationalism and xenophobia. While our historical responsibility to fight such worrying phenomena is particularly large, we need a joint international effort in defense of our pluralistic democracies where they exist. Not the least because this threatening right-wing nationalism is well connected internationally.

**Mr President, Ambassadors, distinguished delegates,**

**Before I close, I would like to again point out how important Germany values the voices of civil society and human rights defenders. We absolutely need them reminding us all of human rights shortcomings in our own countries and elsewhere. The German government remains committed to an active dialogue and constructive engagement with civil society regarding the human rights situation in Germany.**

**Thank you for the opportunity to deliver these remarks on our continued commitment to the UN and to the UPR mechanism and to lay out our position in relation to the 259 recommendations Germany received during this UPR cycle.**

**I look forward to listening to views from the floor from the many States who are speaking today as well as from Human Rights Institutions and civil society representatives.**