

Human Rights Council
14th session, 31 May - 18 June 2010
Agenda item 9
SR racism

Statement by the German Institute for Human Rights

Mr. President, distinguished delegates,

I am speaking on behalf of the German Institute for Human Rights, a National Human Rights Institution with A-status accreditation under the Paris Principles and full member of the ICC.

We welcome the comprehensive, balanced and elaborate Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, on his mission to Germany.

The German Institute for Human Rights affirms the general remarks of the Special Rapporteur:

The Enactment of the General Equal Treatment Act in 2006 is an important milestone in offering protection regarding discrimination and racism in Germany. Despite that and other efforts which have been made in Germany in the last years, one of the central problems in effectively fighting racism is the narrow understanding of racism in Germany. Due to Germany's history, in particular the monstrous crimes against humanity committed by Nazi Germany, racism has often been equated with extremist right-wing ideology and violence. In line with Germany's international obligations, a comprehensive understanding of racism should be adopted, encompassing direct, indirect and structural forms of discrimination. Such a broader understanding has yet to fully permeate the governments at federal and state level, as well as local administrations and other relevant institutions, such as the police and the courts. At large, the fight against racism requires a comprehensive approach and strategies that address the various forms of serious discrimination that individuals face in their daily life.

Mr. President,

The German Institute for Human Rights endorses the following recommendations of the Special Rapporteur:

* It is necessary to identify and recognize the situation of specific communities including the Jewish, Roma, Sinti, Arab and Muslim communities and members of visible minorities, including people of African descent. Their particular situations bring about specific challenges in Germany regarding racist violence, the dissemination of hate speech over the Internet and discrimination in daily life.

* Germany has to take measures to bring down direct, indirect and structural discrimination in the fields of education, employment and housing. Regarding the housing sector, the exception according to section 19 paragraph 3 General Equal Treatment Act should be eliminated.

* The human rights of asylum seekers must be protected as a whole, e. g. their right to reasonable living conditions, access to health services and other economic, social and cultural rights.

* A review should be undertaken of the existing legislation in several Länder which prohibits the wearing of religious symbols by public schoolteachers and may have a discriminatory effect on Muslim women.

* The Federal Anti-Discrimination Agency should be strengthened, in particular in its mandate and independence.

* Special measures should be taken to promote an adequate representation of persons with a migration background in State institutions.

Thank you.