

Oral statement

36th Session of the Human Rights Council

Agenda Item 9: Report of the Working Group of Experts on People of African Descent on its mission to Germany

25 September 2017

Mr President,

I have the honour of speaking on behalf of the German Institute for Human Rights; Germany's A-status accredited National Human Rights Institution. The German Institute for Human Rights welcomes the Working Group's timely visit to Germany and its comprehensive report that is being discussed today.

The Institute very much appreciated the opportunity for direct exchange with the delegation during its visit to Berlin in February this year and was pleased to host on its premises one of the meetings that the delegation held with civil society representatives of people of African descent.

The Institute values the standing invitation the German government has issued to all special procedures of the Human Rights Council, representing a spirit of dialogue and cooperation with the UN human rights mechanisms. We are therefore confident that the Government will make use of the Working Group's findings and recommendations in its intensified efforts to address and overcome racial discrimination and violence against people of African descent in Germany and to guarantee the full enjoyment of their human rights.

The Working Group's report acknowledged that Germany has already taken some important steps, inter alia the General Equal Treatment Act prohibiting racial discrimination in the labour market and private contracts, an amendment in the Criminal Code providing that the racist motivation of a crime has to be considered as an aggravating circumstance, and the allocation of funds to civil society organisations of people of African descent as part of federal programmes to combat racism and strengthen democracy.

Notwithstanding, the report rightly stresses the lack of awareness of the crimes and atrocities committed against people of African descent in Germany's colonial past and their lasting effects on negative stereotypes and structural racism against people of African descent in Germany today.

The Institute therefore welcomes the Working Group's recommendations to strengthen the knowledge, awareness and remembrance of Germany's historic crimes against Africans and people of African descent, including in school education, and to commission a study on the human rights situation of people of African descent in Germany today, prepared by researchers of African descent. Activities in

this regard would also contribute to the aims of the International Decade for People of African Descent nationally.

Racial profiling by the police that is often experienced by boys and men of African descent in Germany – like in many other countries - leads to an erosion of trust in law enforcement and to stigmatization of people of African descent. Over the past years, racial profiling has increasingly gained attention in public and political debates as well as in internal discussions among police forces. Hence, the Institute deplores the reluctant position that the German Government has taken in its comments to the Working Group's report in this regard. We therefore call on the Government to take into account the Working Group's recommendations on legislative changes and limitations of discretionary powers of law enforcement officials, complaint mechanisms and training strategies when further pursuing non-discriminatory law enforcement practices.

Thank you very much.