



General Assembly

Distr.: General
11 March 2024

English only

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item 6

Universal periodic review

Written statement* submitted by Medical Support Association for Underprivileged Iranian Patients, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2024]

* Issued as received, in the language of submission only.



A Look at Human Rights Violations in Germany

Although Germany has made achievements in the field of promoting human rights, from the point of view of human rights activists, cases of human rights violations have also been committed by the German government, including discrimination and intolerance, racism, anti-Semitism, Islamophobia, including hate crimes and violence. This statement has a look at these violations.

Racism

In its 2018 review, Germany accepted 77 of the 89 recommendations on discrimination and racial inclinations, and agreed to investigate hate crimes and any type of violence against ethnic and racial minorities, especially women immigrants and asylum seekers, and punish the perpetrators of these crimes.(1)

However, various reports confirm ethnic and racial discrimination in Germany, especially in finding housing and jobs, going to restaurants, clubs, banks, schools, universities, dealing with government officials, encountering with the police or on the street and other public places. Most of the reports have described racism in everyday life and described that people are subjected to structural discrimination and racial hatred because of their skin color, language and accent, family name or type of clothing.

Medical Support Association for Underprivileged Iranian Patients's informal interviews with immigrants living in Germany have also confirmed the existence of wide-scoped racial discrimination in various sectors of German society. These immigrants explained to Medical Support Association for Underprivileged Iranian Patients (MSAUIP) that their children have to work harder at school to be accepted by their classmates. Also, they have mentioned that working immigrants have to work much harder than their German counterparts to achieve job promotions. In addition, they have expressed concern about expression of racial hatred in public places.

In 2022, Germany recorded more than 2,000 cases of racial discrimination. A report published by the top anti-discrimination agency, approves that German people still experience daily discrimination in the labor market, in everyday businesses and in finding housing.

According to this report, a total of more than 5,600 people complained about discrimination last year, and 37% of the cases were related to discrimination in the workplace. In about 9% of these complaints, people have been discriminated or harmed because of their religious beliefs (2).

Germany approved 90 specific measures(3) to be taken in the fight against racism, right-wing extremism and anti-Semitism, however, according to the Federal Ministry of the Interior report, in 2021, hate crimes raise by 19%, compared with the previous year. The published hate crime figures raise serious concerns over the effectiveness of the government specific measures which were aimed at fighting racism.

Islamophobia

In its previous UPR period, Germany accepted 6 recommendations regarding the fight against Islamophobia, while in 2019, more than 884 incidences of anti-Muslim crimes – including attacks to 77 mosques - were recorded in Germany and the number increased to over 900 crimes against Muslims in 2020, in addition to 23000 cases of hate crimes(4) which were committed, despite the continuous spread of the pandemic. The rise in hate crimes against Muslims proves the inadequacy of the protective policies decided by Germany.

The alarming figures of anti-Muslim crimes are published while there are expressions of concerns, indicating that the real figures of the religious hate crimes have been estimated to be higher than the recorded cases, because in 2022, the European Commission against Racism and Intolerance has emphasized in a report that the cooperation of the German police with the civil society was not enough to register hate crimes and that such crimes are less reported.(5)

Rima Hanano, the head CLAIM, a non-governmental organization that works to fight Islamophobia, believes that the results of the research have shown that the German society is still not sufficiently aware of racism and discrimination against Muslims. Meanwhile, Germany has the largest Muslim population among European countries, and according to the German government's report in 2019, about 5.3-5.6 million Muslims lived in this country.

Asylum Seekers and Immigrants

The delay in the family reunification process has raised concerns about the right to family life. Applicants from Afghanistan, Eritrea and the Syrian Arab Republic have been waiting for more than a year to receive a response to their visa application from the German embassy and begin the process of reuniting with their family members in Germany.(6)

In addition, concerns have been expressed over the forcible return of 167 Afghan men to Afghanistan, on August 11, 2021, before the deportation process stopped.(7)

Discrimination against Migrants

In the last cycle of the UPR in 2018, Germany accepted 35 recommendations to address, eliminate and combat all cases of discrimination, hatred, violence, crime or attacks against migrants and asylum seekers,(8) to investigate cases of violence against migrants and asylum seekers and punish the perpetrators. This is while a Forbes survey(9) published in 2021, interviewing about 500 migrants, more than 40 percent of the respondents confirmed a history of discrimination in the office or job market. At the same time, workers with an immigrant background say they feel more pressured at work compared to their "native" counterparts. This is while immigrants make up a quarter of Germany's population.

Human rights violations by Germany in other countries

Arms export

Germany is one of the largest arms producers and exporters in the world, with the country's arms exports reaching €8.35 billion (\$8.9 billion) in 2022 and the record breaking figure of €9.35 billion (\$9.9 billion) in 2021.(10)

In 2017, 2 NGOs submitted a report(11) titled "The Impact of German Arms Exports on Women", to the 66th session of the United Nations Committee on the Prevention of Violence against Women. The report criticized mass production of weapons and its easy access as a risk for escalation of gender-based violence during armed conflicts and urged Germany to take action to prevent the export of weapons that lead to the violation of women's rights.

In 2018, the German government agreed to ban arms exports to the countries involved in Yemen war. However, in the same year, the country decided to approve the sale of arms to Saudi Arabia and the United Arab Emirates of worth of millions euros,(12) while the two importers of Germany arms are involved in Yemen war.

German arms exports to the Middle East continue while the country, Germany supported 3 recommendations(13) in the field of arms and ammunition exports, in May 2018, in which Germany was requested to ensure that these weapons do not violate human rights nor women's rights and the exports comply with the country's international obligations under the Arms Trade Treaty. Over-compliance of German companies and banks with American sanctions

Patients residing in countries targeted by the United States of America's Unilateral Coercive Measures – the economic sanctions which are widely criticized by the UN Special Rapporteur on the negative impact of unilateral coercive measures on human rights – suffer from limitation of access to life-saving medicine because of the over compliance of German companies and banks with the UN sanctions which are imposed on other countries illegally, beyond the rule of international law and authority of the UN as the main law making international body.

For example, in the Islamic Republic of Iran, patients with multiple sclerosis or MS have faced serious problems to access Avonex, Rebif and Betaferon drugs which were imported from the United States of America and Germany but stopped due to the excessive compliance of banks and pharmaceutical companies with the United States of America's sanctions.

The life threatening issue of over-compliance with the United States of America's sanctions, is widely discussed in the report of the UN Special Rapporteur on unilateral coercive measures,⁽¹⁴⁾ on country visits to the Islamic Republic of Iran, the Syrian Arab Republic and the Bolivarian Republic of Venezuela, as well as the annual reports submitted the UN Human Right Council and the General Assembly and the individual and joint UN statements, including.

Recommendations:

Considering the enumerated human rights concerns, Medical Support Association for Underprivileged Iranian Patients (MSAUIP) recommends Germany to:

- Fortify efforts in the fight against racism, racial discrimination, xenophobia, Islamophobia and related forms of intolerance, including mild and underlying forms of racism, as well as structural racism.
- Take effective measures to offer victims of any forms of discrimination, racism and hate crimes, especially the Muslim victims, with justice and adequate redress.
- Multiply initiatives promoting the integration of refugees, migrants and their families into the society.
- Continue to effectively combat discrimination against refugees, migrants and ethnic minorities, including Muslim migrants, in order to ensure promotion of their human rights, such as the right to health, education, housing and the right to work.
- Continue efforts to strengthen measures for eliminating violence against women, including Muslims and minorities.
- Make sure that German companies comply with the UN standards rather than unilateral foreign policies of the United States of America, while making decisions on exporting or refusing to Export medicine to sanctioned countries.

1- e.g. Recommendations No. 248, 250, 251, 252

2- <https://www.aa.com.tr/en/europe/germany-recorded-more-than-2-000-racist-discrimination-cases-last-year/2662503>

3- <https://www.bundesregierung.de/breg-en/service/archive/cabinet-right-wing-extremism-1820094>

4- <https://www.trtworld.com/magazine/more-than-two-attacks-per-day-on-muslims-in-germany-in-2020-44019>

5- <https://eucrim.eu/news/coe-report-policing-regarding-hate-speech-and-racism-germany/>

6- Ibid.

7- <https://www.amnesty.org/en/location/europe-and-central-asia/germany/report-germany/>

8- 1 Recommendations No. 34; 75; 93; 99; 121; 128; 190; 197; 201; 207; 218; 220; 226; 227; 230; 232; 233; 236; 239; 248; 242; 243; 244; 245; 246; 247; 249; 250; 251; 252; 253; 255; 256; 258; 259.

9- <https://www.forbes.com/sites/freylindsay/2021/08/24/in-germany-people-with-migration-background-feel-significant-discrimination-in-the-jobs-market/?sh=28cad1f37223>

- 10- <https://www.aa.com.tr/en/europe/germany-s-arms-exports-reach-89b-in-12022/2773892#:~:text=Germany%20is%20currently%20the%20world's,drawing%20criticism%20from%20op>
- 11- https://www.ecchr.eu/fileadmin/Kommentare_Konferenzberichte>Weiteres/CEDAW_Germany_Arms_
- 12- <https://www.dw.com/en/german-government-approves-arms-exports-to-saudi-arabia-reports/a-63288334>
- 13- Recommendations No. 14,15, 16
- 14- E.g. A/HRC/48/59/Add.2 and A/HRC/51/33