United Nations Human Rights Council

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Interactive Dialogue on Arbitrary Detention

Statement by
Mr Konrad Max Scharinger
Deputy Permanent Representative of the Federal Republic of Germany
to the United Nations
Madam President,

We thank the Chair for the report and the Working Group for its important work. Germany experienced this first hand last year, when the Working Group, in response to our standing invitation, conducted a country visit from September 26 to October 4, 2011. In these eight plus days, the Working Group travelled to four Bundesländer, visited several detention facilities, met with more than 50 senior officials from our three branches of government, conducted nearly 70 confidential interviews with randomly selected detainees, and consulted with numerous representatives of the civil society. For the thoroughness and professionalism of the WG we are expressing here our thanks; we found the visit overall to be informative, fruitful, and in every respect constructive and cooperative.

Germany strives to be a best practice nation and we are encouraged by the Working Group’s positive findings to this effect. The legislative reforms, collaborative initiatives between police and educational departments, the active engagement from NGOs and the low number of juveniles in detention illustrate our commitment to human rights in this dimension.

We have also noted the Working Group’s recommendations. Some of these recommendations stem from legal complexities in the German judicial system, which once clarified, revealed that the existing procedures are in conformance with the European Court on Human Rights rulings or fall in areas of law where the European Court is mute. We are examining all of the recommendations put forward by the Working Group and will remain consistent in our efforts in addressing these questions.

Where the human rights of individuals have been abrogated is of great concern to us and we would investigate every case. We are looking into the areas raised by the Working Group. Should such instances have occurred, we endeavour to address these issues accordingly.

Once again, we thank the Working Group for its beneficial visit to Germany and look forward to our continuing cooperation to vigilantly guard against any curtailment of human rights through arbitrary detention.