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Statement to the media by the United Nations' Working Group of Experts on People of African Descent, on the conclusion of its official visit to Germany, 20-27 February 2017

Berlin, 27 February 2017

The Working Group of Experts on People of African Descent thanks the Government of Germany for its invitation to visit the country from 20 to 27 February, and for its cooperation. We thank the Federal Foreign Office, and the authorities in Berlin, Saxony-Anhalt, Saxony, Hesse, North Rhine-Westphalia and Hamburg for their support. The views expressed in this statement are of a preliminary nature and our final findings and recommendations will be presented in our mission report to the United Nations Human Rights Council in September 2017.

During the visit, the Working Group assessed the human rights situation of people of African descent living in Germany, and gathered information on the forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance they face. The Working Group studied the official measures taken and mechanisms to prevent systemic racial discrimination and to protect victims of racism, as well as responses to multiple forms of discrimination.

As part of its fact-finding mission, the Working Group visited Berlin, Dessau, Dresden, Frankfurt, Wiesbaden, Düsseldorf, Cologne and Hamburg. It met and engaged with representatives of the Federal and State Governments, Member of Parliament (Bundestag), representatives of national and state-level human rights institutions, and civil society. It also visited the Plötzensee Youth Detention Center.

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Germany's crimes against Africans and people of African descent are overshadowed by its focus on other parts of its history. Germany's colonial past, the genocide of the Ovaherero and Nama peoples, and the sterilization, incarceration, and murder of Black people during Nazi Germany, is not adequately addressed in the national narrative. The Berlin Africa conference in 1884 had a devastating and lasting impact on the continent of Africa.

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The Working Group found that racial profiling by police officials is endemic. Stop and search and controls by police are usually targeted at minority groups including people of African descent. Boys and young men

experience day-to-day confrontation with law enforcement with high risk of imprisonment. The repeated denial that racial profiling does not exist in Germany by police authorities and the lack of an independent complaint mechanism at federal and state level fosters impunity.

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The Working Group is concerned by the failure to effectively investigate and provide justice in cases of racial discrimination and violence against people of African descent by the state, in particular by the police. One example is the case of Mr. Oury Jalloh, an African asylum seeker, who died in police custody in Dessau in 2005. There are concerns with regards to racial bias in his arrest and ill-treatment by the police, the use of physical restraints and gaps in the investigation into the cause of death. The Working Group believes that institutional racism and racist stereotyping by the criminal justice system has led to a failure to effectively investigate and prosecute perpetrators. There has been no independent inquiry. The Working Group is also concerned about the harassment of human rights defenders who are trying to seek truth and justice in this case.

The Working Group was also informed about other cases: Ousman Sey who died in police custody in 2012 in Dortmund; N'deye Mariame Sarr shot by police officers when she went to pick up her child from her white ex-husband; Christy Schwundek shot by police in a job center in Frankfurt am Main in 2011 and Maria El-Sherbini, a young North African woman was stabbed to death in the high-court in Dresden before her 3-year old son and the judge in June 2009.

Recommendations:

The following recommendations are intended to assist Germany in its efforts to combat all forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance. The Government of Germany should:

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Establish an independent inquiry, with inclusion of the Oury Jalloh Initiative, into the case of Oury Jalloh to investigate events that led to his death in custody, identify and prosecute those responsible and to investigate those who have harassed and intimidated the human rights defenders seeking justice in this case.

End criminalization of men of African descent and combat effectively and end any practice of racial profiling by Federal and State law enforcement officials, including by: (a) Amending or repealing section 22 (1) of the Federal Police Act and legally prohibiting discriminatory profiling , establishing independent complaints mechanisms at both the Federal and State levels to investigate acts of racial discrimination committed by law enforcement officials; adopting a comprehensive training strategy and vetting system for application during recruitment and throughout the career of law enforcement officials to ensure that law enforcement tasks are performed without racial profiling or any other methods leading to racial discrimination.

Undertake prompt, thorough and independent investigations into all allegations of racial profiling, holding those responsible accountable and providing effective remedies, including compensation and guarantees of non-repetition.

Monitor through periodic external, independent audits of police services practices.

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