



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2004/NGO/74  
26 February 2004

ENGLISH ONLY

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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Item 13 of the provisional agenda

**RIGHTS OF THE CHILD**

**Written statement\* submitted by the Society for Threatened Peoples,  
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.

[30 January 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Convention of the Right of the Child in Germany**

On April 5<sup>th</sup> 2004 it will be 12 years that Germany ratified the UN Convention of the Right of the Child. But in contrast to other States "The Government of the Federal Republic of Germany reserves the right to make, upon ratification, such declarations as it considers necessary, especially with regard to the interpretation of articles 9, 10, 18 and 22". As a result, Germany treats refugee children different from German children. Due to numerous German provisions, laws and degrees children are not treated like children but like are made fully responsible for their asylum law suits. In concrete terms this means that

- child refugees are degraded to objects of judicial cases. Once they are 16 they have no right to personal support in their asylum claims
- their appeals for asylum are very frequently rejected as their fate does not fulfill the legal understanding of political persecution
- German administrative structures often have doubts about the age these children tell them, and raise the age by applying very dubious methods.
- In the big asylum seekers' camps they are in danger of being neglected, numerous under age children are imprisoned for expulsion.
- In respect to schooling, medical assistance and professional training they are often worse off in comparison to German children.
- Time and again these children are forcefully deported and thereby torn out of their social net and thrown into insecure and often lifethreatening surroundings.

Despite the fact that the Social Democrats and representatives of the Green party supported the full implementation of the Convention when in the opposition, now during their reign nothing has changed for the better. Their argument is that the federal states of Germany are responsible for questions linked to refugees. Society for Threatened Peoples on the other hand along with numerous refugee organisations is convinced of the basic decision making powers of the government in Berlin.

Many individual fates of underage refugee children show the worrying results of the German policy of reservation concerning the Ratification of the Convention on the Rights of the Child. Therefore Society for Threatened Peoples calls on the UN Commission on Human Rights to appeal to the German government to

- without reservation ratify and implement all articles of the UN Convention on the Rights of the Child.
- without delay find humane solutions for the underage refugee children concerned at the moment.

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