

Deficits in human rights - especially social human rights - in rich countries like Germany

(Lecture at the Jose Martí Conference, Havana, 2025)

Introduction

It is an honour and a particular pleasure for me to be able to take part in a conference of the Jose Martí International Solidarity Project for our Foundation for Social Human Rights and Participation for the fourth time this year - once again with my wife Azize Tank, former member of the Bundestag (Left Party and member of the Bundestag Committee on Labour and Social Affairs)

In my contribution today to the V International Conference on the Balance of the World, I want to focus on two issues in particular that will be debated at this world forum:

- The realisation of fundamental human rights under the current conditions of the 21st century,
- The role and challenges of the new social movements against the backdrop of increasing social division in Germany and globally, especially with regard to the human right to adequate housing, lifelong free education and optimal healthcare for all

Briefly about myself

H. - Eberhard Schultz, lawyer since 1978; active as a "human rights lawyer" in Berlin; work in progressive lawyers' associations; member of the international defence team of the "Cuban Five", among others; participation in the "Conferencia Internacional Con Todos y Para el Bien De Todos" 2016, 2019 and 2023 in Havana; board member of the International League for Human Rights; chairman and founder of the non-profit "Eberhard Schultz Foundation for Social Human Rights and Participation" with my wife Azize Tank, former Member of the German Bundestag; author of various media, most recently published books "Feindbild Islam und institutioneller Rassismus - Menschenrechtsarbeit Zeiten Migration und Anti-Torismus" (Hamburg 2019 and 2023 "Problem of Institutional Racism").D.; author in various media, most recently published books "Feindbild Islam und institutioneller Rassismus - Menschenrechtsarbeit in Zeiten von Migration und Anti-Terrorismus" (Hamburg 2019) and 2023 "Das Problem ist Institutioneller Rassismus - Vielfalt statt Ausgrenzung (Hamburg 2023). In Havana, my son, Dr Rainer Schultz, should also be mentioned: he is Centre Director of the Consortium for Advanced Studies Abroad/Cuba Divisional Center (CASA-Cuba) in Havana in cooperation with the Casa de las Américas.

For reasons of age and illness, I have largely restricted my work as a lawyer and transferred it to the members of our legal team in the Berlin House of Democracy - with the exception of a major case for a Palestinian student, which I will discuss later.

1. presentation of our Foundation for Social Human Rights and the International League for Human Rights

Our young non-profit foundation, established in 2011, is the only one in the German-speaking world that has set itself the goal of helping to realise social human rights on the basis of the UN Social Covenant of 1966. Their comprehensive recognition and realisation as subjective rights, which can be enforced before the courts and the UN Committee if necessary, is not only a mandatory requirement of international law. Especially in times of increasing social division in one of the richest countries in the world, in which the marginalisation of entire sections of the population and racist discrimination, including by institutions, are on the rise and unemployment and homelessness are on the increase, the realisation of social human rights for all is a burning issue.

Our work to date has focused on public relations work, also in cooperation with other human rights organisations and initiatives from social movements, the promotion of social projects, specialist conferences and discussions with experts from academia, politics and NGOs.

About the International League for Human Rights

The organisation, which was first founded in 1914, was re-established in West Berlin after the Second World War. Its mission is to uphold, defend and further develop human rights - as laid down in particular in the Universal Declaration of Human Rights of 10 December 1948, in the International Covenants of 19 December 1966 on Civil and Political Rights on the one hand and on Economic, Social and Cultural Rights on the other, in the European Convention on Human Rights of 4 November 1950 and other international conventions. The LIGA and its members stand on the ground of the democratic basic order (in the sense of the Basic Law) and fight against any endeavour to establish a totalitarian system of government.

In Germany, the Basic Law refers to the constitution. It regulates a number of human rights and their protection with the help of the courts. For example, the protection of life and health, freedom of opinion and other so-called individual human rights. However, the so-called social human rights are missing - such as social security for all, the right to optimal healthcare for all, the human right to lifelong free education or the human right to adequate housing at affordable prices for all.

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2. inventory of important factors for the "balance"

I would like to start with highlights of important socio-economic factors at a global and national level. Here is an event from the year 2022 that already throws a spotlight on future developments:

At the end of 2022, an official government document of almost 300 pages was published with the title "15th Report of the Federal Government on its Human Rights

Policy. Reporting period 1 October 2020 to 30 September 2022". It also contains an 18-page chapter on "Combating racism and other forms of group-focused enmity". Among other things, it states that Germany has ratified and applies the UN Convention on the Elimination of Racial Discrimination (ICERD). However, no mention is made of the fact that Germany was "condemned" in the Sarrazin case by the UN Human Rights Committee, which was set up specifically on the basis of this convention - in particular social human rights - in rich countries, and that further proceedings are pending against Germany.

This state report on "Human Rights Policy" was published by the Federal Foreign Office and introduced by Foreign Minister Baerbock herself. The crowning glory, however, is the last 40 pages on the subject of "Human Rights Worldwide", i.e. reports on almost three dozen countries. These include a list of more or less serious human rights violations: from Afghanistan to "China including Hong Kong" (several pages), Russia, Ukraine and Venezuela, to the Central African Republic. But Brazil, for example, is not mentioned: its bar association (one of the largest in the world) openly labelled Bolsonaro, its president, a "fascist" when he was in office. Nor does the German state report mention the USA and Israel, let alone their war crimes or the characterisation of Israel as an apartheid state in violation of international law. After two years of intensive investigation, even Amnesty International discovered this and published it - even though the German section initially refused to do so! *"Germany, world champion of double standards!"* said Evelyn Hecht-Galinski, the daughter of the decades-long head of the Jewish Central Council in Germany, whose family was persecuted by the National Socialists under Hitler's dictatorship, taken to several concentration camps and finally murdered. Correct: *"Germany, world champion of double standards!"*

There have been positive and negative developments since the last conference. Let's start with the negative ones. A communication from our foundation dated 2 April 2024 states that

"In a press release by the Council of Europe's Human Rights Commissioner, Dunja Mijatovic, dated 19 March 2024, she is very critical of the situation of social human rights in Germany, the richest country in Europe. (<https://www.coe.int/de/web/portal/-/germany-follow-through-with-human-rights-commitments-and-improve-access-to-social-rights>) She calls for "recommendations on the available structures and legal frameworks for the protection of human rights and access to social rights, in particular protection against poverty ..."

Is this urgent call still relevant today? I am afraid: yes! And I would like to back this up with an unsuspecting current source: In the well-known weekly newspaper Der Spiegel of 17 December 2024, it says: *"One in four Germans can no longer cope with household income."*

This is based on the "Distribution Report 2024" by the Institute of German Business, which is close to employers. People stated that their income was relatively poor, poor or very poor.

When this is officially announced by an economic institute - not to say the economic bosses - many critical questions arise, for example: How could this happen in the richest country in Western Europe? Or: How can Germany afford to spend 100 billion euros or more on armaments and the war in Ukraine in view of this catastrophic income trend? Difficult questions to which there are unlikely to be any simple answers. But let's stick to the question within the framework of the given topic.

So I'll start with the development since my contribution to the last Marti Conference 2023.

2.1 Increasing social division and growing poverty in Germany too

The distribution of wealth on our planet has continued to develop dramatically:

In my proposal for a declaration on International Human Rights Day on 10 December 2024, I referred to the declaration by the Secretary-General of the United Nations, Antonio Guterres, which states, among other things:

"The world is facing unprecedented and interlocking challenges to human rights... In these difficult times, we must stand up with renewed determination for all human rights - civil, cultural, economic, political and social rights... On this Human Rights Day, let us reaffirm the universality and indivisibility of all rights and defend human rights for all."

2.2 International Human Rights Day on 10 December 2024 - no reason for Germany to celebrate

As the International League for Human Rights and as a foundation for social human rights, we not only consider 10 December to be a significant historical event, but also see ourselves as responsible for the further development of the UN Charter of 10 December 1948, which was intended to overcome the horrors and consequences of the Second World War forever. In the spirit of the UN Secretary-General's call mentioned above:

*"Human rights are under assault [...] This year's theme reminds us that human rights are about building the future - right now [...] We must stand up for all rights - always."
(UN Secretary-General António Guterres's message, 2024)*

With this in mind, we want to stand up for all human rights, individual and social human rights, which we see under great threat as a result of the current crises and wars. The right to free development of the personality, freedom of expression, freedom of assembly and the right to asylum are particularly under threat.

Back in November 2023, the UN Committee on the Elimination of Racial Discrimination (ICERD) expressed its concern "that peaceful demonstrations [...] are being banned" in Geneva and stated that there is a "chilling effect [...] on the exercise of the right to freedom of expression in relation to the current situation in Palestine". I will come back to this later.

And at the International Court of Justice in The Hague, the proceedings against Germany for supporting Israel's war crimes took place, a first detailed statement condemned Israel for war crimes - and Nicaragua also put Germany in the "dock".

3. on the State Report of the Federal Government, in particular on the social human right to housing and comments on the social human right to optimal health care and cultural participation

3.1 The social human right to adequate housing at affordable prices

Here, too, I would like to start with a highly topical report that reached us shortly before Christmas. I am quoting from the "Tagesthemen" programme broadcast by the public media on 13 December 2024:

Rising rents - More people living in the city due to high housing costs Poverty

Status: 13.12.2024 09:30 a.m.

High rents and ancillary costs are driving more people in Germany into poverty than expected, according to a study. According to the study, housing costs are becoming increasingly important for the actual standard of living. According to the study, many households spend more than a third of their income on housing costs, some even more than half.

After deducting rent, ancillary costs, interest on loans and other expenses, more than 17.5 million or 21.1 per cent of the population would have a disposable income in the poverty bracket, according to the research centre of the Paritätischer Gesamtverband, referring to an analysis of data from the Federal Statistical Office.

Initiatives have been trying to remedy this situation for years, as there has long been a tug of war over the correct political treatment of homelessness and homelessness in Berlin, the largest and richest city in Germany, which must be mentioned in this context because of its exemplary importance.

Well over half of the Berliners surveyed (65%!) were in favour of expropriating large housing companies, under the slogan "Expropriate Deutsche Wohnen and Co!" (the company "Deutsche Wohnen" is one of the largest and most influential in this area in Berlin). We at the foundation also supported this initiative. Housing companies and political parties tried to prevent the referendum from being implemented. A commission of experts had to be formed, which met for two years and finally came to the conclusion that should have been self-evident - with the help of our expert and member of the board of trustees of our foundation, Dr Andrej Holm: Expropriation in return for appropriate compensation is permissible. Unfortunately, we are still waiting for the implementation of this clear result. So far, not a single one of the large housing companies has been expropriated. (from Dr Andrej Holm's statement on the findings of the expert commission on the socialisation of large housing companies, 23 July 2023)

As already explained in our contributions at the last conferences in 2019 and 2023, our parallel report to the Federal Government's state report to the UN Social Committee states that there are deficits in the social human right to housing:

"Homelessness is a nationwide problem and a serious one, especially in large cities, which has recently also affected an increasing number of refugees, migrant workers from Eastern European countries and other people without secure status. The federal government is currently emphasising that it is the sole responsibility of local authorities to solve homelessness problems. "6

Not only is too little new social housing being built, but public housing associations are being privatised and state subsidies are linked to time-limited commitments that will expire at some point. This approach is fuelling the drastic decline in the number of social housing units by

converting them into expensive owner-occupied or rental flats. It is therefore becoming increasingly urgent to provide everyone with an enforceable right to adequate housing

It was therefore all the more pleasing for us, as for the other committed NGOs, that the UN Social Committee took up the criticism in its concluding remarks. The Federal Government is called upon to submit an urgent interim report on the three topics of the situation of older people in care, child poverty and the right to housing within 24 months.

This required statement to the UN Social Committee is now actually available - albeit only in English and almost impossible for the average German citizen to find. It does state in general terms that the requirements will be implemented and are already in the process. There are more detailed explanations on the "housing problem" that promise an improvement. However, according to experts, these have not actually been realised.

It is also significant that one of the central demands for the implementation of the social human right to housing and the controllability of the measures for reliable, detailed statistics is not even mentioned. We therefore have doubts about the seriousness of the federal government's promise.

3.2 Effects of the increasing social divide on growing child poverty and cultural participation

There are also noticeable deficits in the fight against child poverty, a fundamental requirement of the UN Convention on the Rights of the Child. Not only is material security inadequate, but the personal development of all children, regardless of the social status of their families or guardians, is not sufficiently promoted by the state.

There is also a major deficit in the realisation of the right to education, which is already visible externally in the poor condition of school buildings and their equipment. There is also a lack of teachers, which means that lessons are cancelled. Rich parents send their children to denominational or other non-governmental schools. The closure of public sports centres restricts sporting activities for children and adults. Free cultural activities for all are also increasingly being cancelled - while the cost of armaments is rising

3.3 Comments on the social human right to optimal healthcare for all

I do not need to go into great detail about the special significance of this fundamental human right in the country of our hosts and the many participants from Latin America. And the great historical merits that socialist Cuba acquired when it made exemplary efforts in South Africa and Latin America are certainly known to everyone involved. However, the serious deficits that exist in this area, particularly in rich countries such as Germany, are probably less well known. There is not enough space here to provide a comprehensive assessment. But let me briefly mention a current highlight. Shortly before my departure, I received a 24-page health report from the renowned international organisation Doctors of the World, with which we have been cooperating closely for many years. The letter states, among other things:

"Hard to believe, but true: people in Germany live without health insurance, i.e. without the right to medical treatment - even if this is urgently needed; how many people are affected by this can only be guessed at due to a lack of systematic surveys... This time we are focussing on homelessness. Many of our patients live on the streets and are

therefore exposed to particular health risks. We show why these people often have no access to healthcare and what is needed for their medical treatment."

And the brochure itself states under the heading "Conclusion and outlook":

"There is still a significant number of people in Germany who temporarily or permanently have no access to healthcare."

What should we say? Comment superfluous:

With regard to the social movements, the activities of resistance and protest in Germany, I would first like to refer to my contribution at the last conference. Unfortunately, the development has become even more opaque and difficult due to the consequences of the measures against the coronavirus pandemic and in connection with the war against Ukraine, so that housing for the poorer part of the population in Berlin's urban centres is no longer affordable at all.

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AT THE END

I announced at the beginning that I would briefly discuss the proceedings that I have conducted and am continuing to conduct on behalf of a Palestinian student against major leading media in Germany because the courts have ruled in her favour so far: Even if they are defamatory and completely inaccurate allegations of supporting a terrorist organisation, this is subject to the so-called freedom of expression. This means that the fundamental rights of those affected, such as human dignity, personal rights, health, etc., can be attacked by the media because their freedom is more important. We have written an appeal and asked for support for the next steps up to the human rights complaints, in particular to the UN Committee on the Elimination of Racial Discrimination. As there is not enough time now, I would like to take this opportunity to distribute the appeal, which I am holding up here, to the participants in the room and ask the organisers to pass it on. Thank you very much.

This also applies to the declaration of the International League for Human Rights, in which we condemn the US embargo against socialist Cuba, which violates international law. And we publicly denounce the serious violation of human rights expressed therein.

No attempt will be made here to recognise the status of the implementation of social human rights in our host country, Cuba. The time available to me is too short and, above all, my insights and documents are not sufficient for this. Nevertheless, I must make one comment: a reference to a key factor in the assessment of the situation in Cuba: the impact of the US embargo, which violates international law. The International League for Human Rights issued a press release on this subject on the occasion of the last resolution of the UN General Assembly on 1 November 2023. It states under the headline:

Implement the UN General Assembly's decision to condemn the US blockade of Cuba for serious human rights violations

Yesterday's condemnation of the US blockade of Cuba by the UN. General Assembly - only Israel, as always, was against it - prompts us to make the following statement. The devastating impact of the blockade on all Cubans is extensively documented and indisputable in the more than 100 pages of text.

One of the statutory tasks of the International League for Human Rights is to promote compliance with the obligations under the United Nations Charter and the social and cultural rights laid down in the Universal Declaration of Human Rights of 1948 (Art. 22-27), which were concretised and made internationally binding in 1966 by the International Covenant on Economic, Social and Cultural Rights. ...

We take the activities of the peace movement and Cuba solidarity ... as an opportunity to call on the German government to combine its report on International Human Rights Day next month with a detailed condemnation of the USA and Israel.

The effects of the blockade, which violates international law, are currently particularly evident in the area of healthcare, which Amnesty International criticised years ago. Due to the embargo, important medicines and medical equipment are barely available. This is a serious and unjustifiable violation of the social human right to optimal healthcare for all as defined by the WHO.

Eberhard Schultz, long-standing member of the Executive Board and human rights lawyer:

"We will do everything in our power to persuade associations, initiatives and academics who care about human rights to exert pressure on the German government to ensure that on International Human Rights Day next month, the German Foreign Minister criticises the USA and Israel in the strongest possible terms and announces countermeasures."

(<https://ilmr.de/2024/den-beschluss-der-un-generalversammlung-zur-verurteilung-der-us-blockade-gegen-kuba-umsetzen/>)

As was to be feared, this urgent appeal went unheard in the executive floors of institutions and the mainstream media. What's more, the events surrounding International Human Rights Day on 14 November in the Federal Republic of Germany are another frightening step on the road to a state of emergency, as predicted by Professor Giorgio Agamben, the theorist of the state of emergency, as a result of the undemocratic measures taken in connection with the coronavirus pandemic.

On the eve of Human Rights Day, UN Secretary-General Guterres made an urgent appeal to the international community:

"Human rights are under assault [...] This year's theme reminds us that human rights are about building the future - right now [...] We must stand up for all rights - always."

(UN Secretary-General António Guterres's message, 2024)

Comparable appeals or statements from authoritative political institutions can be found in vain in Germany. Instead, there is merely a reference on the Bundestag's homepage from the beginning of 2024: "cancelled ... Human Rights Report of the Federal Government".

The so-called "Berlin Social Summit" on 9 December 2024 focused in particular on the precarious situation of homeless people. Our foundation's representative's report on the event states that the Berlin senator responsible was quietly booed and then "driven into a corner" in the subsequent discussion. "Nothing will change, the media response was also minimal... but at least the haute volé of Berlin rent activists met there once again and also opened their mouths..."

To summarise: there is still a lot to do! Above all, we appeal to those affected and their representatives: Let's tackle it! Then we can also count on the important international support and solidarity that is indispensable for our work.

I would like to thank the organisers of this important international conference, UNESCO for their support and the many committed people who helped us with the preparation of the contribution, translation and presentation

Cordial and in solidarity

Havana, 24 January 2025

Eberhard Schultz, human rights lawyer, board member of the International League for Human Rights and