

# Women, Peace and Security

A review of Germany's National Action Plan 1325

Issues in focus: domestic implementation; refugees; arms transfers; human rights obligations of Germany as a member of multilateral institutions (re: austerity measures)

## Universal Periodic Review of Germany

Joint submission to the UPR Working Group 30th session (May 2018)

by:

Women's International League for Peace and Freedom

Internationale Frauenliga für Frieden und Freiheit (IFFF), WILPF  
Germany

Submitted on 5 October 2017

For more information, contact:

Women's International League for Peace and Freedom (WILPF)  
Rue de Varembé 1, Case Postale 28, 1211 Geneva 20, Switzerland  
Email: [secretariat@wilpf.ch](mailto:secretariat@wilpf.ch) | Telephone: +41 (0) 22919 70 80 | Website: [wilpf.org](http://wilpf.org)

# Women, Peace and Security

-

## A review of Germany's National Action Plan 1325

Issues in focus: domestic implementation; refugees; arms transfers;  
human rights obligations of Germany as a member of multilateral  
institutions (re: austerity measures)

**Joint submission to the UPR Working Group 30<sup>th</sup> session (May 2018)**

### Contents

Implementation of National Action Plan 1325 for the period 2017-2020 .....	<b>3</b>
6. Recommendations.....	4
The NAP1325 – Domestic implementation .....	<b>5</b>
15. Recommendations.....	9
The NAP1325 and women asylum seekers and refugees .....	<b>10</b>
28. Recommendations.....	13
The NAP 1325 and its external implementation and arms transfers.....	<b>15</b>
40. Recommendations.....	19
Germany's National Action Plan 1325 and the impact of austerity measures on women's economic and social rights in other countries .....	<b>21</b>
48. Recommendations.....	24

## Implementation of National Action Plan 1325 for the period 2017-2020

1. The Security Council Resolution 1325 (UNSCR1325) and subsequent resolutions on Women, Peace and Security (WPS)<sup>1</sup> recognise the crucial need for women's participation and the inclusion of gender perspectives in conflict prevention, peace negotiations, humanitarian planning, peace-keeping operations, and post-conflict peace-building and seek to ensure the promotion and protection of women's rights in armed conflict. Compelling research indicates that women's participation increases the probability of a peace agreement lasting at least two years by 20 per cent, and the probability of a peace agreement lasting 15 years by 35 per cent.<sup>2</sup>

2. WILPF therefore welcomes the Federal Government's National Action Plan on Resolution 1325 (NAP) adopted for the period 2017-2020 that aims to ensure full implementation and policy coherence across ministries at the national, regional and international levels.<sup>3</sup> The NAP's measures seek to protect women and girls against violence in armed conflict, foster greater involvement of women in crisis prevention,

---

<sup>1</sup> UN Index S/RES/1325 (2000); UN Index S/RES/1820 (2009); S/RES/1888 (2009); S/RES/1889 (2010); S/RES/1960 (2011); S/RES/2106 (2013); S/RES/2122 (2013); S/RES/2242 (2015). See also: <http://www.peacewomen.org/resolutions-texts-and-translations>.

<sup>2</sup> See UN Women (2015), Preventing Conflict, Transforming Justice, Securing the Peace. A Global Study on the United Nations Security Council resolution 1325, available at: [http://peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](http://peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf). See also <http://peacewomen.org/security-council/2015-high-level-review-global-study>.

Furthermore, with only a five per cent increase in women's representation in parliament, a country becomes five times less likely to use violence when faced with an international crisis. A study of 58 conflict-affected states between 1980 and 2003 found the risk of relapse into war was near zero when at least 35 per cent of the post-conflict legislature were women. See Mary Caprioli and Mark Boyer, "Gender, Violence, and International Crisis," *Journal of Conflict Resolution* 45 (August 2001): 503-518 and Jacqueline H.R. Demeritt, Angela D. Nichols, "Female Participation and Civil War Relapse," *Civil Wars* 16, no. 3 (2014): 362.

<sup>3</sup> For Germany's NAP1325 from 2017-2020, see: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf)

conflict management and post-conflict peace-building and seek to strengthen and promote the WPS Agenda at the national, regional and international level.<sup>4</sup>

3. However, Germany's NAP lacks specific budget allocation that would ensure sufficient resources for its implementation. It neither includes a monitoring mechanism nor concrete indicators to assess the implementation of the WPS Agenda on the ground. Furthermore, whilst the NAP spells out collaboration with civil society in the implementation and monitoring phase, civil society representatives were not included in the development, conceptualisation and drafting of the present NAP.<sup>5</sup>

4. We welcome the establishment of a consultative group of representatives of civil society and of the Ministries as part of the Inter-Ministerial Working Group, and the recognition of the valuable expert knowledge of civil society organisations, including women's organisations.<sup>6</sup> However, during past consultation processes, German state representatives have been reluctant to discuss anything beyond the pure provision of information by civil society. They have not been receptive to discuss concepts such as militarised masculinities or conventionally understood security. Yet, these normative conceptualisations have far-reaching implications with respect to gender equality and peace and need to be addressed in discourses and policies around the WPS Agenda.

5. Against this backdrop, the NAP does not meet all of the criteria on effectiveness identified by the OSCE in an analysis of 27 National Action Plans that would ensure successful implementation of the UNSCR1325.<sup>7</sup>

## 6. Recommendations

Germany should:

---

<sup>4</sup> See page 6 of Germany's NAP1325 from 2017-2020, see: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf)

<sup>5</sup> See pages 7 and 8, Germany's NAP1325 from 2017-2020, available at: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf)

<sup>6</sup> See page 8, Germany's NAP1325 from 2017-2020, see: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf) .

<sup>7</sup> Page 9-10, see OSCE (2014), OSCE Study on National Action Plans on the Implementation of the United Nations Security Council Resolution 1325. Available at: <http://www.osce.org/secretariat/125727?download=true> .

- 6.1 Ensure specifically allocated, sufficient and sustained funding for the implementation of the NAP, with detailed roles and responsibilities for implementation of various ministries and agencies, and make that information publically available by the end of 2018;
- 6.2 By 2019, establish a strong mechanism based on a specific list of indicators to evaluate and monitor the effectiveness of the implementation of UNSCR1325 and subsequent resolutions;
- 6.3 Ensure continued cooperation with a broad range of civil society actors, based upon its commitments made in its NAP, as well as civil society's participation beyond the provision of information in order to challenge patriarchal notions, of, for instance, masculinity, security and other concepts;
- 6.4 Ensure full involvement of civil society across the NAP cycle, including the conceptualisation and development to implementation and evaluation, for the next NAP as of 2020.

#### The NAP1325 – Domestic implementation

7. One of the main pillars of WPS Agenda encompasses prevention of conflict and violence, including sexual and gender-based violence. Conflict prevention requires creating human security and tackling root causes of conflict and violence through long-term prevention rather than through continued cycles of crisis response. Sustainable peace must be based on women's human rights, environmental protection, and political economies of gender justice. The UNSCR1325 Global Study also suggests that "women, peace and security is about preventing war, not about making war safer for women."<sup>8</sup> Preventing and responding to acts of gender-based violence, promoting women's meaningful participation and livelihoods and upholding women's rights are therefore vital for preventing conflicts and sustaining peace.

8. The principles of the WPS Agenda have to be applied to the national German context as well and mainstreamed in domestic policies, legislation and linked with everyday actions. The OSCE's analysis also emphasises that national implementation strategies on WPS are relevant for all countries, and not only for those involved in conflict and that

---

<sup>8</sup> Chapter 8 of UN Women (2015), Preventing Conflict, Transforming Justice, Securing the Peace. A Global Study on the United Nations Security Council resolution 1325, available at <http://wps.unwomen.org/pdf/CH08.pdf> .

states should examine how women and gender issues are included in their own structures and mechanisms dealing with peace and security domestically.<sup>9</sup> Crucially, the absence of generalised violence does not mean that there is no risk of gender-based violence.

9. Germany has committed to take measures to improve gender equality<sup>10</sup> and to increase women's representation in decision-making positions,<sup>11</sup> a crucial component of the WPS Agenda.

10. In light of these commitments, WILPF draws attention to the steep increase in the demand of so-called 'small' licences for weapons (*Kleiner Waffenschein*). These include licences for alarm pistols, gas pistols, riot agents and similar weapons. From June 2015 to June 2016, the number of owners of *Kleine Waffenscheine* grew by 54 per cent.<sup>12</sup> Furthermore, registered *Kleiner Waffenscheine* increased from 273,000 in September 2016 to 440,000 in the same month of 2017, according to the Ministry of Interior.<sup>13</sup>

11. The weapons covered by the *Kleine Waffenscheine* are comparatively easy to acquire. If they are kept at home, individuals above the age of 18 are allowed to acquire such weapons without the need for a licence. It is crucial to highlight that there is no official data of individuals possessing such weapons in their home. If they are carried on the street, individuals have to apply for a licence with the German Arms Agency. If the agency finds no previous criminal record, any individual is allowed to carry a weapon for a fee between 50 and 100 Euros, depending on the state (*Länder*), without being trained on the weapon's responsible and proper use and without prior experience.<sup>14</sup> Experts have doubted the effectiveness of such weapons as a means of self-defence due to owners'

---

<sup>9</sup> OSCE (2014), OSCE Study on National Action Plans on the Implementation of the United Nations Security Council Resolution 1325. Available at: <http://www.osce.org/secretariat/125727?download=true> .

<sup>10</sup> UPR II 124.71. Take measures to further improve the situation of gender equality (Norway); UPR II 124.72. Establish concrete goals to accelerate the achievement of substantive equality between women and men and ensure effective elimination of discrimination against women (Republic of Moldova).

<sup>11</sup> UPR II 124.74. Intensify the promotion of gender equality and encourage the presence of women in high-level positions (Djibouti); UPR II 124.157. Take further measures to promote equal representation of men and women in decision-making positions (State of Palestine) .

<sup>12</sup> <https://deutsche-wirtschafts-nachrichten.de/2016/08/21/deutsche-bewaffnen-sich-deutlicher-anstieg-bei-kleinem-waffenschein/> .

<sup>13</sup> <http://www.spiegel.de/panorama/gesellschaft/kleiner-waffenschein-in-deutschland-laien-am-abzug-a-1118109.html> .

<sup>14</sup> <http://www.spiegel.de/panorama/gesellschaft/kleiner-waffenschein-in-deutschland-laien-am-abzug-a-1118109.html> .

lack of experience and have highlighted that they could even be used against owners if attacked.<sup>15</sup> Weapons such as alarm pistols can cause serious bodily harm and may burst eardrums. They can also cause death when blood vessels burst, caused by pulling the trigger in close proximity to the targeted individual. WILPF cautions that the increased securitisation of German society and the increased availability of these weapons may contribute to a rise in all forms of violence, including gender-based violence, which may therefore pose a threat to women's security in particular.<sup>16</sup>

12. The surge in ownership of *Kleine Waffenscheine* is partly fuelled by an amplified climate of fear and anti-immigrant sentiments.<sup>17</sup> Far-right political groups, such as *Pegida* or *Alternative für Deutschland* (AfD), continue to fuel such fears with the perceived threat and "otherness" of refugees. Seeking to mobilise the voting public, right-wing politicians deploy narratives about the threat of 'islamisation' and refugees' criminal tendencies.<sup>18</sup> Frauke Petry of AfD welcomed the increase of applications for these licences and claimed that every family should be able to protect itself.<sup>19</sup> Biased media reports and so-called

---

<sup>15</sup> <http://www.zeit.de/gesellschaft/zeitgeschehen/2016-10/waffenbesitz-kleiner-waffenschein-deutschland-kriminalitaet>.

<sup>16</sup> Whilst it should be emphasised that arms such as alarm pistols, gas pistols etc. are not in the same category as firearms, they may be mistaken for real guns. The CEDAW Committee, OHCHR and the Human Rights Council are among the human rights bodies that have recognised that the presence of arms threatens women's security. See for instance CEDAW Committee General Comment 35, UN Index CEDAW/GR/35 14 July 2017, paragraph 42; OHCHR report on Human rights and the regulation of civilian acquisition, possession and use of firearms UN Index A/HRC/32/21, 5 April 2016, for instance paragraphs 7, 21, 22, 23, 26; and HRC Resolution 24/35 (2013): "Impact of arms transfers on human rights in armed conflicts", paragraphs 1 and 2; HRC Resolution 26/16 (2014): "Human rights and the regulation of civilian acquisition, possession and use of firearms", paragraph 1; HRC Resolution 29/10 (2015): "Human rights and the regulation of civilian acquisition, possession and use of firearms", paragraph 1; and HRC Resolution 32/12 (2016): "Impact of arms transfers on human rights", paragraphs 1 and 2.

WILPF has also pointed out that femicides are strongly correlated with the level of firearms availability. See <http://wilpf.org/the-impact-of-firearms-on-women/>.

<sup>17</sup> <http://www.spiegel.de/panorama/gesellschaft/kleiner-waffenschein-alle-infos-im-ueberblick-a-1071966.html>

<sup>18</sup> <http://www.abendzeitung-muenchen.de/inhalt.lumpenproletariat-quotenneger-schiessbefehl-so-fremdenfeindlich-ist-die-afd-eine-zitatesammlung.7608283f-6291-44bf-b4f0-16033928e83c.html>. See also: Koch (2016), AfD und Pegida: Rassismus im Anmarsch? Rechtspopulismus, Fremdenfeindlichkeit und Islamophobie 2015-2016 .

<sup>19</sup> <https://deutsche-wirtschafts-nachrichten.de/2016/08/21/deutsche-bewaffnen-sich-deutlicher-anstieg-bei-kleinem-waffenschein/> .

“fake news”<sup>20</sup> further contribute to increased sentiments of insecurity and a perceived disproportionate threat from refugees.<sup>21</sup>

13. As a result, in 2016, according to Eurobarometer, 59 per cent of German respondents had negative attitudes towards non-EU immigrants;<sup>22</sup> 61 per cent believed that welcoming refugees would increase domestic terrorism.<sup>23</sup> One of the most striking illustrations of the German population becoming worryingly xenophobic is the outcome of the September 2017 elections: the far-right party AfD has entered parliament as the third-largest party.<sup>24</sup>

14. In the previous UPR cycles, Germany committed to take measures to avoid such stigmatisation and negative stereotyping of migrants and minorities.<sup>25</sup> Furthermore, it committed to “take effective measures to prevent the dissemination of racist and xenophobic speeches on the Internet and through the media”.<sup>26</sup> Against this backdrop,

---

<sup>20</sup> <http://www.faz.net/aktuell/politik/inland/geruechte-im-internet-wie-falschmeldungen-die-terrorangst-schueren-14356204.html> .

<sup>21</sup> <http://www.sueddeutsche.de/muenchen/fluechtlinge-die-angst-der-frauen-laesst-sich-nicht-wegargumentieren-1.2871605-2> .

<sup>22</sup> [http://data.europa.eu/euodp/en/data/dataset/S2130\\_85\\_2\\_STD85\\_ENG](http://data.europa.eu/euodp/en/data/dataset/S2130_85_2_STD85_ENG) .

<sup>23</sup> <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/> .

<sup>24</sup> <https://www.theguardian.com/world/ng-interactive/2017/sep/24/german-elections-2017-latest-results-live-merkel-bundestag-afd>.

<sup>25</sup> UPR I 81.18: Take the necessary measures to avoid the stigmatization of migrants and ethnic or religious minorities living in the country and to ensure that they do not become the subject of racism, racial discrimination, xenophobia and other forms of related intolerance, including the prohibition of any organization and propaganda based on racist or xenophobic ideologies (Cuba); UPR II 124.189: Continue their efforts to eliminate stereotypical attitudes about migrants and to increase measures to protect them (State of Palestine); UPR II 24.192: Continue its efforts to change the perception of the general public and government officials, vis-à-vis minorities (Thailand); UPR II 24.85: Take effective measures to prohibit any manifestations of discrimination and racism (Uzbekistan); UPR II 124.95: Strengthen its efforts to prevent racism and related phenomena (Senegal); UPR II 124.96: Continue efforts to address racism, discrimination and xenophobia (Trinidad and Tobago).

<sup>26</sup> UPR II 124.88 (China). See also: UPR I 81.17: Take effective measures to counter the incitement to discrimination and violence in the media (Islamic Republic of Iran); respect its commitments and take necessary measures to combat incitement to discrimination and violence in the media (Djibouti); UPR II 124.114: Take necessary measures to eradicate the trend and/or the dissemination, through the media and by public officials, of stereotypes that might encourage discrimination against migrants, especially migrant women (Argentina); UPR II 124.98: Strengthen all necessary measures to effectively prohibit and prevent incitement to hatred and racist propaganda, particularly on the Internet, including by ensuring awareness of the problem at the federal and Länder levels (Uruguay); UPR II 124.99: Take effective legal measures to prevent and combat the dissemination of racist, xenophobic and Islamophobic propaganda, particularly in the

WILPF welcomes the development of an updated National Action Plan against Racism and specifically its implemented and envisioned measures and policies to prevent the increase of racist attitudes and actions towards refugees.<sup>27</sup> We also particularly welcome the establishment of the joint “Forum against Racism” of civil society organisations and the government as an internal platform for exchange and discussions.<sup>28</sup> In light of continuous racist attacks and hate speech directed towards immigrants and refugees, prevalent at all levels of society, and the threat of a general societal shift to the right, WILPF Germany will monitor the implementation of the National Action Plan against Racism closely.

## 15. Recommendations

Germany should:

- 15.1 In line with its commitment in manifold accepted UPR recommendations and its updated National Action Plan against Racism, immediately follow up on these commitments and take necessary measures to counter the narrative by media and right-wing political groups that stereotypes migrants and refugees and that could lead to perceived increased levels of insecurity;
- 15.2 Specifically, implement measures to promote a welcoming political climate for refugees. As accepted by Germany in previous UPR cycles,<sup>29</sup> it should raise public awareness about the impact of xenophobic propaganda. By 2018, Germany should implement positive awareness-raising campaigns,

---

press and on the internet (Iran (Islamic Republic of)); UPR II 124.105: Step up its efforts to prohibit and prevent hate speech and racist propaganda including on the internet and to increase public awareness on this issue (Malaysia).

<sup>27</sup> See here for the updated National Action Plan against Racism

<https://www.bmfsfj.de/blob/116798/72771122e62aadf97f1137f4a98e230b/nationaler-aktionsplan-rassismus-data.pdf>

<sup>28</sup> See page 187, updated National Action Plan against Racism:

<https://www.bmfsfj.de/blob/116798/72771122e62aadf97f1137f4a98e230b/nationaler-aktionsplan-rassismus-data.pdf>

<sup>29</sup> For instance UPR II 124.105: Step up its efforts to prohibit and prevent hate speech and racist propaganda including on the internet and to increase public awareness on this issue (Malaysia) and UPR 124.107: Further strengthen its overall law enforcement to effectively combat all forms of race-related crimes and hate speech as well as to raise public awareness in this field (Republic of Korea)

together with civil society, counteracting fearful tendencies and stereotypes against refugees and immigrants and seeking to integrate them;

- 15.3 Immediately support civil society groups that carry out awareness raising campaigns about the risks associated with an increase of 'small' weapon licence ownerships;
- 15.4 By mid 2018, collect data about a potential correlation between an increase of *Kleine Waffenscheine* and incidents of violence, including gender-based violence, and consider each licence application carefully;
- 15.5 By 2019, collect data on the use in public spaces of unlicensed weapons of the type covered by the *Kleiner Waffenschein* and consider always licencing those types of weapons even those that are supposedly only kept at home.

#### The NAP1325 and women asylum seekers and refugees

16. The following information is relevant to both asylum seekers and refugees, accordingly references to refugees in this document include asylum seekers. The prevention and protection pillar of the WPS Agenda is not effectively realised for women refugees in Germany. Despite Germany's commitment as per UPR II 124.75<sup>30</sup> and its commitment set out in the NAP,<sup>31</sup> refugee women face numerous forms of gender-based violence.

17. Refugee centres are typically overcrowded, often with no sex-separated toilet facilities, no separate housing and lack of proper locks, which has led to many cases of sexual assaults. For instance, a recent report by IRIN (formerly Integrated Regional Information Networks) indicates that women in refugee camps in Berlin face grossly inadequate protection from sexual and gender-based violence. According to the report, "minimum standards are not legally binding and rarely enforced or monitored [and] dozens of

---

<sup>30</sup> UPR II 124.75: Continue its efforts in combatting discrimination of women, particularly in its public policies for immigrant women and refugee women as well as those belonging to minorities, which CEDAW pointed out may be subject to multiple forms of discrimination in respect of education, health, employment and social and political participation (Paraguay).

<sup>31</sup> See page 22, "Advocate for women and girls to receive better protection from sexual and gender-specific violence both in their countries of origin and in contexts of displacement, and for survivors to have access to medical, psychological and legal support." "Support for the development and dissemination of sensitisation campaigns in situations of displacement (camp / non- camp, refugees and internally displaced persons) on gender-specific violence, especially for men and boys."

women [...] experienced sexual harassment, a lack of support, and reported living in fear of being assaulted.”<sup>32</sup>

18. There is no formal national mechanism in place that would identify gender-based violence cases against refugees. Such cases remain largely under-reported as female refugees are hesitant to report incidences of sexual assault. This is partly due to their inexperience with regards to the German legal system, and partly due to the fact that the likelihood of reporting is further diminished when the perpetrators are family members or security guards working at the centres.<sup>33</sup>

19. WILPF Germany has spoken to some women and men refugee activists, who themselves had to live in refugee camps in Berlin for more than a year. Whilst they appreciated the existence of so-called *Frauenhäuser* (women’s houses) for women refugees to go if they have suffered from violence, interviewees have highlighted that many women do not know about their existence due to a lack of information and language barriers,<sup>34</sup> and that sometimes, *Frauenhäuser* do not have sufficient capacities to take in all the women in need of protection.

20. They have confirmed that sexual harassment in Berlin’s refugee camps is common. Often, security guards are of the same cultural background as refugee women and if women decide to abandon traditions and practices from their country of origin, they may not only face violence by their own family members, but also by security guards. Our interviewees also noted that even if the police was called, cases of gender-based violence, perpetrated by security forces, are being dropped due to language barriers and a supposed lack of witnesses.

23. Berlin’s LAF (*Landesamt für Flüchtlingsangelegenheiten*, County Office for Matters relating to Refugees) has put in place a control mechanism by which office representatives announce their visit to camps in advance, and question few refugees living in that camp about their living conditions. WILPF Germany was told that

---

<sup>32</sup> For more information, see IRIN (2017), “Women refugees at risk of sexual assault in Berlin shelters”. Available at: <https://www.irinnews.org/investigations/2017/05/10/women-refugees-risk-sexual-assault-berlin-shelters>

<sup>33</sup> <https://www.hertie-school.org/the-governance-post/2017/04/strangers-strange-land-experience-female-refugees-germany/>.

<sup>34</sup> For instance, interviewees reported that the hotline for *Frauenhäuser* requires the women to find somebody who speaks fluent German for translation. English is not enough.

sometimes, language barriers and security guards' denial of any wrongdoing result in a lack of accountability. The fact that refugees have to continue living in the same camp and have to see the same security guards every day may also prevent them from reporting any abuses against them.

24. Refugee activists have also highlighted the absurd securitisation of refugee camps that are exclusively for women and children. According to one interviewee, who stayed in the refugee camp *Rathaus Friedenau* in Berlin, for 400 individuals there were less than ten social workers and teachers, while there were 70 security guards, with 50 of them present at any given shift. She highlighted the stressful and often re-traumatising impact that the presence of security men can have on women coming from highly violent, repressive and volatile conflict settings.

25. In previous UPR cycles, Germany committed to "continue its efforts in combatting discrimination of women, particularly in its public policies for [...] refugee women [...], which [...] may be subject to multiple forms of discrimination in respect of education, health, employment and social and political participation".<sup>35</sup> Nevertheless, health care provisions are often restricted to emergency care of acute diseases. The provision of emergency post-rape care, including post-exposure prophylaxis, antibiotics, and emergency contraception has been reported to be at the discretion of individual hospitals.<sup>36</sup>

26. Furthermore, many policy prescriptions towards improving the lives of female refugees tend to treat them solely as victims who require protection, without actively engaging them in the discourse on refugee policies.<sup>37</sup> Strikingly, those camps where refugee women have been consulted in the design and implementation of protection strategies are much safer.<sup>38</sup> From WILPF Germany conversations with refugee activists, it is also clear that more projects and language courses have to be in place to increase

---

<sup>35</sup> UPR II 124.75: Continue its efforts in combatting discrimination of women, particularly in its public policies for immigrant women and refugee women as well as those belonging to minorities, which CEDAW pointed out may be subject to multiple forms of discrimination in respect of education, health, employment and social and political participation (Paraguay) .

<sup>36</sup> Women's Refugee Commission (2016), "Falling through the cracks – Refugee Women and Girls in Germany and Sweden". Available at: <http://www.refworld.org/pdfid/56ef98954.pdf>

<sup>37</sup> <https://www.hertie-school.org/the-governance-post/2017/04/strangers-strange-land-experience-female-refugees-germany/>

<sup>38</sup> <http://www.womenpeacesecurity.org/resource/statement-unscc-sexual-violence-open-debate-may-2017/>

women refugee's participation in protection strategies and other decision-making processes.

27. In 2016, the European Parliament's Committee on Women's Rights and Gender Equality put forth a report calling for gender-sensitive processing mechanisms for female refugees.<sup>39</sup> General Recommendation (GR) 32 by the CEDAW Committee also addresses gender-related dimensions of refugees and highlights state parties' obligations to "to prevent and investigate acts of discrimination against women that are perpetrated by non-State actors, to prosecute and adequately punish perpetrators of such acts and to provide reparations to women who are victims of discrimination".<sup>40</sup> As per UPR II 124.196, Germany also committed to "take into consideration the full spectrum of international refugee and human rights law and standards when considering issues related to asylum seekers".<sup>41</sup> Germany has also signed the Istanbul Convention, which requires the development of gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures.<sup>42</sup>

## 28. Recommendations

Germany should:

- 28.1 Increase efforts to mainstream the WPS Agenda in domestic policies, particularly with respect to women refugees in Germany, including by promoting policy coherence in the implementation of Sustainable Development Goals (SDGs), particularly SDGs 5.2 on gender-based violence, 16.4 on arms, and 17.14 on policy coherence;
- 28.2 Guarantee access to justice for refugee women and collect disaggregated data on incidents of gender-based violence against women refugees by mid 2018, including by adopting a global compact for safe, orderly and regular migration with gender equality at its core;

---

<sup>39</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bREPORT%2bA8-2016-0024%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

<sup>40</sup> UN Index CEDAW/C/GC/32, paragraph 8

<sup>41</sup> UPR II 124.196: Take into consideration the full spectrum of international refugee and human rights law and standards when considering issues related to asylum seekers (Brazil)

<sup>42</sup> Council of Europe Treaty Series – No. 210, Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 60 (3).

- 28.3 Immediately implement or improve a mechanism by which the LAF<sup>43</sup> or comparable entities deploy more regular control visits in refugee camps. Those visits should be unannounced and accompanied by a translator, so as to facilitate any reporting of gender-based violence;
- 28.4 Ensure the widespread dissemination and translation of information to women refugees about the existence of *Frauenhäuser* and other initiatives providing protection to refugee women, as well as on women's rights and gender equality through, inter alia, workshops and language and integration courses and increase the financial support to *Frauenhäuser* and similar initiatives by 2018;
- 28.5 Train all security staff in refugee reception centres on gender, the protection of women from gender-based violence, and about their key responsibility to abdicate from perpetuating patriarchal gender stereotypes and ensure that refugee women, who have come to Germany by themselves or only with their children, can live in women-only facilities with trained women-only security staff by 2019;
- 28.6 Guarantee full access to sexual and reproductive health and rights, including access to safe abortion, allocate additional resources to healthcare provision as a matter of urgency and ensure comprehensive and adequately resourced programmes to address the unmet short- and long-term health needs of women refugees, including psychosocial and trauma counselling;
- 28.7 Immediately ensure the involvement of female refugees in policy-making that affect them and greater representation of female refugees in organisations that work on refugee-related issues in order to improve the security and comprehensiveness of services provided to refugees. Increase availability of language courses to remove any language barriers.
- 28.8 Immediately proceed to ratifying the Istanbul Convention.

---

<sup>43</sup> *Landesamt für Flüchtlingsangelegenheiten*, County office for matters relating to refugees.

## The NAP 1325 and its external implementation and arms transfers

29. Preventing conflict is an essential aspect of implementing the Women, Peace and Security (WPS) Agenda. As part of the prevention pillar in its NAP, Germany aims to “more strongly integrate a gender perspective into planning and carrying out disarmament and arms control projects”.<sup>44</sup> The NAP clearly addresses women's important role in disarmament efforts and recognises arms as a risk to women's security.

30. As per UPR II 124.62, Germany committed to continue to work in the field of human rights worldwide;<sup>45</sup> and per UPR II 124.42, it accepted to align its national legislation with international human rights standards.<sup>46</sup> Fulfilling those commitments and the NAP's pledges, as well as realising holistic action on the WPS Agenda, requires a thorough revision of Germany's defence and security policy, including its practices on arms exports and their impact on the risk of increased sexual and gender-based violence in importing countries.

31. In 2013, Germany was the world's third top exporter of small arms and light weapons.<sup>47</sup> Germany's arms exports almost doubled in 2015 to their highest level since the beginning of this century.<sup>48</sup> From January 2017 to June 2017, the government granted export licenses of small arms and light weapons worth 31.7 million euros, almost three times as much than in the same period in 2016. India was the second-largest

---

<sup>44</sup> Germany's NAP1325 from 2017-2020, page 13. Available at: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf).

<sup>45</sup> UPR II 124.62: Continue to work in the field of human rights worldwide (Chad).

<sup>46</sup> UPR 124.42: Align its national legislation with international human rights standards (Iraq).

<sup>47</sup> “In 2013, the top exporters of small arms and light weapons (those with annual exports of at least USD 100 million) were (in descending order) the United States, Italy, Germany, Brazil, Austria, South Korea, Turkey, the Russian Federation, the Czech Republic, Israel, Belgium, Croatia, China, Switzerland, Japan, and Spain.” Pavesi, I. (2016), “Trade update 2016 - Transfers and transparency” Small Arms Survey, available at <http://www.smallarmssurvey.org/fileadmin/docs/S-Trade-Update/SAS-Trade-Update.pdf>.

<sup>48</sup> Reuters (2016), “German arms exports almost doubled in 2015: report, available at: <http://www.reuters.com/article/us-germany-arms-idUSKCN0ZL23R>. See Military Equipment Export Reports: The total amount doubled from €3,3 billion in 2002 ([http://ruestungsexport-info.de/fileadmin/media/Dokumente/Zahlen\\_\\_\\_Fakten/Jahresbericht\\_BReg/ruestungsexportbericht2002.pdf](http://ruestungsexport-info.de/fileadmin/media/Dokumente/Zahlen___Fakten/Jahresbericht_BReg/ruestungsexportbericht2002.pdf), p. 3) to €7,86 billion in 2015 ([http://ruestungsexport-info.de/fileadmin/media/Dokumente/Zahlen\\_\\_\\_Fakten/Jahresbericht\\_BReg/Ruestungsexportbericht-2015.pdf](http://ruestungsexport-info.de/fileadmin/media/Dokumente/Zahlen___Fakten/Jahresbericht_BReg/Ruestungsexportbericht-2015.pdf), p. 2).

receiver of German arms in the first half of 2017.<sup>49</sup>

32. Germany does have well-developed export control standards<sup>50</sup> and offers substantive financial and technical support to other governments to develop and improve their arms control standards. This has to be positively noted.

33. However, a lack of transparency is inherent in the decision-making process for granting export licenses. The *Bundessicherheitsrat* (German Federal Security Council), composed of a selected board of the German federal government, is the competent institution for granting export licenses. The decision-making process is kept secret and parliamentarians and the public are often notified only after decisions have been taken. Information about arms exports can be accessed in the annual arms exports report. These reports lack specificity, and are published after decisions have been taken, which removes any potential for public debate.<sup>51</sup> Further information may only be released to the parliament if individual parliamentarians ask for specific information. On 21 October 2014, a judgment of the German Constitutional Court spelled out the limits of access to information about decisions by the *Bundessicherheitsrat*.<sup>52</sup> The Court decided that the parliament has a right to information, yet only after decisions have been taken, and only when such information "does not harm the public weal". The decision of whether the information harms the public weal is to be taken by the federal government alone.<sup>53</sup>

34. It is interesting to note that whilst Germany continues to approve arms exports to countries with dubious human rights records, Heckler & Koch, German weapons manufacturer, whose weapons were linked to the mass disappearance of students in Mexico in 2014,<sup>54</sup> has announced the adoption of a new export policy. Since 2016, the company has pledged to no longer sell arms into warzones or to countries that violate

---

<sup>49</sup> "*Deutsche Firmen liefern wieder mehr Kleinwaffen*", Tobias Schulze, TAZ (Die Tageszeitung), Article in the printed edition, 5 September 2017.

<sup>50</sup> For more information, see page 4 of WILPF and ECCHR (2017), *The Impact of Germany's Arms Transfers on Women. Germany's Extraterritorial Obligations under CEDAW*. Available at [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany\\_20170130.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf)

<sup>51</sup> [https://www.bicc.de/uploads/tx\\_bicctools/Studie\\_Ruestungsexportkontrolle.pdf](https://www.bicc.de/uploads/tx_bicctools/Studie_Ruestungsexportkontrolle.pdf)

<sup>52</sup> Parliamentarians from the Left and Green party sued the German Federal Security Council at the Constitutional Court, based on the claim that according to the *Grundgesetz* (Basic Law), the government is to decide on arms exports, and not only a selection of ministry officials.

<sup>53</sup> See also page 13 of WILPF and ECCHR (2017), *The Impact of Germany's Arms Transfers on Women. Germany's Extraterritorial Obligations under CEDAW*. Available at [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany\\_20170130.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf)

<sup>54</sup> <http://www.dw.com/en/german-arms-maker-heckler-koch-illegally-exported-rifles-to-mexico/a-18437977>

corruption and democracy standards, including Saudi Arabia, Israel, Egypt, the United Arab Emirates, Turkey, Malaysia, Indonesia, or any African countries. The new strategy was included in Heckler & Koch's latest yearly financial report,<sup>55</sup> and confirmed at an annual general meeting in August 2017.<sup>56</sup> Whilst it remains to be seen if implementation follows these pledges, it has been noted that "the move makes Heckler & Koch the first arms company to have a more ethical export control policy than its own government".<sup>57</sup>

35. Security Council Resolution 2106 specifically notes that all exporting states should consider the risk of arms being used to perpetrate gender-based violence.<sup>58</sup> This is in line with requirements of the Arms Trade Treaty (ATT), particularly under articles 6 and 7,<sup>59</sup> to which Germany is a party.

36. Various human rights bodies have expressed concern about specific negative consequences of arms transfers on the rights of women and girls in arms-importing countries.<sup>60</sup> Specifically, the CEDAW Committee has included concerns and

---

<sup>55</sup> See page 11 of the H6K AG Annual Report, available at: <https://www.heckler-koch.com/en/ir/annual-accounts.html> : "Heckler & Koch will künftig kein Neugeschäft mehr mit Staaten außerhalb der NATO-Einflusssphäre generieren, es sollen nur noch sogenannte "grüne Länder" beliefert werden, die also demokratisch, nicht korrupt sowie NATO-Staaten oder deren Gleichgestellte sind." .

<sup>56</sup> <https://www.theguardian.com/global-development/2017/sep/08/germany-deadliest-company-stop-selling-guns-crisis-regions-heckler-and-koch> .

<sup>57</sup> <https://www.theguardian.com/global-development/2017/sep/08/germany-deadliest-company-stop-selling-guns-crisis-regions-heckler-and-koch> .

<sup>58</sup> Furthermore, UNSCRs 1888, 1960 and 2106 focus particularly on the prevention of sexual and gender-based violence in armed conflict.

<sup>59</sup> See here for the text of the Arms Trade Treaty: <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>. Article 7 (4) requires that States shall, prior to authorization of the export of arms under its jurisdiction, in an objective and non-discriminatory manner, take into account the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women.

<sup>60</sup> These include:

The Human Rights Council: HRC Resolution 24/35 (2013): "Impact of arms transfers on human rights in armed conflicts"; HRC Resolution 26/16 (2014): "Human rights and the regulation of civilian acquisition, possession and use of firearms"; HRC Resolution 29/10 (2015): "Human rights and the regulation of civilian acquisition, possession and use of firearms"; and HRC Resolution 32/12 (2016): "Impact of arms transfers on human rights".

The CEDAW Committee's General Recommendations 30: General Recommendation 30, CEDAW/C/GC/30: The CEDAW Committee has restated its concerns that "the proliferation of conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements." (paragraph 32.). The Committee has also affirmed that States parties are required to

recommendations concerning German arms transfers in its 2017 Concluding Observations.<sup>61</sup>

37. In a joint submission with the European Center for Constitutional and Human Rights (ECCHR) for the CEDAW Committee's review of Germany in early 2017,<sup>62</sup> WILPF used examples of German arms transfers that violate its international legal obligations,

---

focus on the prevention of conflict and all forms of violence, including by having "a robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence." (paragraph 29).

The CEDAW Committee's General Recommendations 35: General Recommendation 35, CEDAW/C/GC/35In its most recent General Recommendation 35 the CEDAW Committee has recognized that accessibility and availability of firearms, including their exportation, as evidenced in militarisation, heighten women's risk of exposure to serious forms of gender-based violence; the CEDAW Committee affirmed state obligations to address gender-based violence by state and non-state actors, including around extraterritorial state military action.

The Special Rapporteur on extrajudicial, summary or arbitrary executions: Report to the UN Human Rights Council, UN Index: A/HRC/35/23, 6 June 2017: In addressing gender-based acts of violence and killing, the Special Rapporteur has recently recommended that states "develop mechanisms to analyse whether any arms being assessed for approval for transfer, as well as the granting of licences on production, will facilitate or contribute to gender-based violence or violence against women by the recipient, in accordance with the obligation on risk assessment processes of the Arms Trade Treaty.", paragraph 116

And the UN High Commissioner for Human Rights: UN Index A/HRC/35/8, 3 May 2017. Report the 35th regular session of the Human Rights Council, requested by the Human Rights Council with resolution 31/12, 1 July 2016. The report stresses that, to be effective, human rights risk assessments need to "be carried out on a case-by- case basis and take full account of the gender dimension of arms transfers", paragraph 49  
<sup>61</sup> "27. The Committee commends the State party on its commitment to the implementation of Security Council resolution 1325 (2000), on the launch of its first national action plan on women and peace and security in 2013 and on the adoption of its small arms principles in 2015. The Committee is nevertheless concerned about the use of arms exported by the State party, including in conflict zones, and the inadequate monitoring by arms-producing corporations of the use of their arms in the context of violence against women, in line with its obligations under the Arms Trade Treaty. It is also concerned that the small arms principles do not mention gender-based violence as a ground for denying an export licence.

28. The Committee recommends that legislation regulating arms export control be harmonized in line with article 7 (4) of the Arms Trade Treaty and the Council Common Position 2008/944/CFSP of the European Union. It also recommends that, before export licences are granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.". UN Index: CEDAW/C/DEU/CO/7-8, paragraphs 27 and 28 (3 March 2017).

<sup>62</sup> WILPF and ECCHR (2017), The Impact of Germany's Arms Transfers on Women. Germany's Extraterritorial Obligations under CEDAW. Available at [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany\\_20170130.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf)

including under CEDAW. These include transfers to India, Iraq, Mexico, Qatar, and Saudi Arabia.<sup>63</sup>

38. In spite of what is required by the Arms Trade Treaty, the EU Common Position on Arms Exports, and its own national export law, Germany has not established a specific mechanism to prevent arms sales from having an impact on gender-based violence in the recipient countries. While the facilitation of gender-based violence is said to be accounted for as part of an overall arms export assessment, the method by which this happens has not yet been made clear and constitutes a significant gap in the German control system.<sup>64</sup> It is important to stress that under the ATT, only the identification of a risk of committing or facilitating serious violations of international humanitarian law or human rights law triggers the obligation for State Parties to deny arms exports.<sup>65</sup>

39. The CEDAW Committee has recommended to Germany “that legislation regulating arms export control be harmonized” and that “before export licenses are granted, comprehensive and transparent assessments should be conducted on the impact that the misuse of small arms and light weapons have on women, including in conflict zones.”<sup>66</sup>

#### 40. Recommendations

Germany should:

- 40.1 Proceed with a review of the existing laws and guidelines regulating the control of arms exports in Germany and adopt a single and harmonised law on arms export control by 2019, which includes specific criteria to analyse

---

<sup>63</sup> [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany\\_20170130.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf)

<sup>64</sup> In 2015, Germany adopted its “Small Arms Principles”. Nowhere in these principles do the issues of gender-based violence feature as an explicit reason to deny an export licence. Germany’s NHRI, the German Women Lawyers Association with the German Women Security Council have also addressed this deficiency. For further information on the weaknesses in Germany’s arms regulations, see page 13 and 14 of WILPF and ECCHR (2017), *The Impact of Germany’s Arms Transfers on Women. Germany’s Extraterritorial Obligations under CEDAW*. Available at: [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany\\_20170130.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf)

<sup>66</sup> Concluding Observations on Germany CEDAW/C/DEU/CO/7-8, paragraph 28. The CEDAW Committee also recommended stronger regulation of arms transfers in its concluding observations to Switzerland, Netherlands, Sweden, France. Concluding observations on Sweden, CEDAW/C/SWE/CO/8-9, paragraph 26 and 27; France, CEDAW/C/FRA/CO/7-8, paragraph 22; Switzerland, CEDAW/C/CHE/CO/4-5, paragraph 17c); Germany,; Netherlands, CEDAW/C/NLD/CO/6, paragraph 30a).

whether any arms transfers and the granting of licences on production facilities will facilitate or contribute to gender-based violence or violence against women in the recipient country;

- 40.2 To that end, provide a more robust assessment of the risk of gender-based violence in Germany's next submission to the ATT Baseline Assessment Project;<sup>67</sup>
- 40.3 Provide training for export control officials about how to assess the risk of gender-based violence, and what indicators and sources to utilise;
- 40.4 Improve overall transparency around arms transfer decisions, including by providing transparent, comprehensive, and timely reports of arms export decisions and the rationale for allowing transfers to states with poor human rights records, and create opportunities for public debate and input as well as possibilities for judicial review of export licences;
- 40.5 Align Germany's defence and security policies, as well as the foreign ministry's and economic ministry's policies with the Women, Peace and Security Agenda and Germany's NAP on UNSCR1325, including through strengthening policy coherence on SDG implementation around SDG Goals 5, 16, and 17;
- 40.6 Strengthen holistic gender frameworks of policies and legislation to address prevention as a key gap area, including by addressing preventive diplomacy, disarmament and gender-sensitive regulation of the arms trade in line with the Arms Trade Treaty (ATT).

---

<sup>67</sup> <http://www.armstrade.info/countryprofile/germany/>

WILPF has issued recommended guidelines for assessing the risk of gender-based violence. They are available in "Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action." (2016), Available at: <http://www.reachingcriticalwill.org/resources/publications-and-research/publications/10792-preventing-gender-based-violence-through-arms-control-tools-and-guidelines-to-implement-the-arms-trade-treaty-and-un-programme-of-action>.

## Germany's National Action Plan 1325 and the impact of austerity measures on women's economic and social rights in other countries

41. Germany, as any other State, has extraterritorial obligations to respect, protect and fulfil human rights in external interventions whether when acting bilaterally or as a member of a multilateral institution.<sup>68</sup> Such obligations demand, at a minimum, Germany avoid conduct that would create a foreseeable risk of impairing the enjoyment of human rights by persons living beyond its borders, refrain from imposing measures that would lead to retrogression on economic, social rights in other countries, and has a policy, whether on trade, aid or development, predicated by human rights, gender and environmental impact assessments of the extraterritorial impacts of its policies and practices. Such assessments should be done with community participation and consultation.<sup>69</sup> **Germany's international human rights obligations as a member of multilateral institutions are elaborated in Part 1 of the Annex to this submission.**

---

<sup>68</sup> See, for instance, 53- 68, WILPF (2017) "A Feminist Perspective on post-conflict - Restructuring and Recovery. The Case of Bosnia and Herzegovina". Available at: <http://wilpf.org/wp-content/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>

The Independent Expert on foreign debt has also highlighted that: "States retain their international human rights law obligations when they participate in multilateral institutions or exercise effective control over lending institutions" see paragraph 19, UN Index A/HRC/31/60/Add.2 and in later report on the European Union, he reiterated that: "States cannot circumvent their human rights obligations by acting through an institution they create, even if the institution is autonomous and a separate legal entity". UN Index A/HRC/34/57/Add.1, paragraph 27. The Committee on Economic, Social and Cultural Rights has also underlined that States parties must respect rights under the Covenant when acting as a member of international organisations. General comments No. 14 (2000) on the right to the highest attainable standard of health, paragraph 39 and No. 23 (2016) on the right to just and favourable conditions to work, paragraph 71.

<sup>69</sup> The guiding principles on foreign debt and human rights (UN Index A/HRC/20/23, paragraph 40) and the guiding principles on extreme poverty and human rights (A/HRC/21/39, paragraphs 61 and 92) require carrying out human rights impact assessments before implementing policies based upon international agreements. Principle 13 of the guiding principles on foreign debt and human rights specify that impact analyses should pay special attention to, inter alia, women. Furthermore, in its Concluding Observations, the CEDAW Committee has recommended to Greece, European Union Institutions and the IMF to "cooperate in setting up an observatory to fully evaluate the impact on women of the many measures taken during the economic and financial crisis". UN Index CEDAW/C/GRC/CO/7, paragraph 40. See also: Concluding Observations on Greece. UN Index CRC/C/GRC/CO/2-3, paragraph 29; UN Index A/HRC/25/50/Add.1, paragraph 91 and UN Index A/HRC/31/60/Add.2, paragraphs 75, 81 a) and b). As highlighted by the Independent Expert on foreign debt, the European Union regulation 472/2013 also contains an article requiring member States undergoing adjustment to "seek the views of social partners as well as relevant civil society organisations when preparing its draft macroeconomic adjustment programmes, with a view to

42. In addition, under its National Action Plan 1325 for the period of 2017-2020, Germany has committed to ensure “the social and political participation of women and girls”, and has committed itself to “the equal involvement of women in crisis and violence prevention, promotion of peace, conflict resolution and negotiation processes”.<sup>70</sup> One of the biggest inhibitors to women’s participation is the lack of enjoyment of economic and social rights. The absence of such rights confines women to traditional gendered roles and limits the opportunities to be active participants in political life and peace and mediation efforts. It renders language on women’s meaningful participation meaningless.

43. It is within this framework that WILPF draws attention to the direct role and responsibilities of Germany as a member of multilateral international legal bodies, specifically the International Monetary Fund (IMF), the World Bank (WB) and the European Union (EU), and the policies of such bodies in respect of human rights and non discrimination, and provides as examples Greece, Ukraine and Bosnia and Herzegovina (BiH). These are examples where such policies have had a devastating impact on the enjoyment of human rights, especially economic and social rights of the population there, compounded by gendered impacts. **These examples are illustrated in Part 2 of the Annex to this submission.**

44. Germany is one of the most influential member states both in the EU and in the IMF. It is the strongest economic power in the EU and is the EU’s largest creditor.<sup>71</sup> It has therefore been in a position to exert considerable influence on the conditions under which countries in the Eurozone can apply for credit and support. Germany is also one of

---

contributing consensus over its content” and recommends that “member States should involve social partners and civil society organisations in the preparation, implementation, monitoring and evaluation of financial assistance programmes, in accordance with national rules and practice”. (see UN Index A/HRC/31/60/Add.2, paragraph 30).

<sup>70</sup> Page 21, Germany’s NAP1325 from 2017-2020. Available at: [http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111\\_Aktionsplan\\_1325.pdf](http://www.auswaertiges-amt.de/cae/servlet/contentblob/756004/publicationFile/223409/170111_Aktionsplan_1325.pdf)

<sup>71</sup> As a founding member of the European Union and the Eurozone, Germany has established itself within the EU as the strongest economic power. Its gross domestic product (GDP) in 2017 was more than any other EU country’s GDP. As of July 2017, its GDP lied at 3,134bn EUR, far ahead of the UK (2,367 n EUR) or France (2,229bn EUR). In 2016, Germany’s trade surplus had reached a new record of 252.9bn EUR, the largest gap between exports and imports since registration, having now the largest trade surplus worldwide. See: [https://www.destatis.de/Europa/EN/Country/Comparison/GER\\_EU\\_Compared.html](https://www.destatis.de/Europa/EN/Country/Comparison/GER_EU_Compared.html) and <http://www.spiegel.de/wirtschaft/soziales/deutsches-exportplus-ist-laut-ifo-institut-weltweit-das-groesste-a-943507.html>

the strongest members in the IMF, as each member's quote determines its relative voting power: it is the IMF's fourth-largest shareholder.<sup>72</sup>

45. The IMF and the EU are among the international organisations that have promoted economic development strategies based on neo-liberal assumptions underpinning their interventions, such as privatization and introduction of austerity measures. WILPF research has shown that conditionalities, imposed by international organisations, contingent on structural reforms and austerity measures, often have devastating impacts on the economic and social rights of host countries' populations. Specifically, WILPF has highlighted how austerity measures have a disproportionate impact on the economic and social rights of women, which further poses obstacles to women's meaningful participation in decision-making processes in countries such as Bosnia or Ukraine.<sup>73</sup> Various human rights bodies, including CESCR and the CEDAW Committee, have emphasised specifically the threat of austerity measures to economic and social rights and women's rights.

46. Particular conditionalities linked to the funding by international bodies such as the EU and the IMF have been shown to contribute to the feminisation of poverty, and the deepening of gender inequalities within the family and society as a whole. This is because firstly, women are among the primary beneficiaries of pro-social spending. For

---

<sup>72</sup>[https://www.bundesbank.de/Navigation/EN/Tasks/Financial\\_and\\_monetary\\_system/Cooperation/IMF/imf.html](https://www.bundesbank.de/Navigation/EN/Tasks/Financial_and_monetary_system/Cooperation/IMF/imf.html)  
To illustrate: Germany has cast in total 267,809 votes in the Special Drawing Rights Department, which is 5.32 % of total voting power. Voting power varies on certain matters pertaining to the General Department with use of the Fund's resources in that Department. In comparison, the UK and France both have 4.03 % of total voting power, respectively. Germany's influence in the IMF was further illustrated, for instance, when the German government successfully pressured the IMF in 2016 not to grant a debt cut to Greece (see <http://www.imf.org/external/np/sec/memdir/members.aspx#1> and <https://www.thenationalherald.com/125023/germany-makes-imf-blink-over-greek-debt-relief-tsipras-loses-big/>)

<sup>73</sup> See, for instance, WILPF et al. (2017), "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine. Impact of Austerity Measures and Stigmatisation of Organisations Working for Dialogue". Joint submission to the Universal Periodic Review of Ukraine, 28<sup>th</sup> Session. Available at: [http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR\\_JointSubmission-30-Mar-2017.pdf](http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf). See also: WILPF et al. (2017), "The Effects of Intervention by International Financial Institutions on Women's Human Rights in Ukraine". Joint Shadow Report to the CEDAW Review of Ukraine, 66<sup>th</sup> Session. Available at: [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine\\_20170124.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine_20170124.pdf). See also: WILPF (2017) "A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina". Available at: <http://wilpf.org/wp-content/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>

example, cutbacks in public health and social service expenditures rely on shifting the burden of care to women. Gendered social norms mean women are expected to compensate for reduced state support by spending more time to care for sick and elderly family members. This, in turn, also reduces the amount of time available for remunerated work. Secondly, due to the feminization of care in both paid and unpaid work, women tend to be employed in the sectors where most job cuts have taken place.<sup>74</sup>

47. It is incumbent upon Germany and indeed International Financial Institutions (IFIs) and other international organisations to ensure that policies do not undermine human rights.<sup>75</sup> Hence, there is a need for ex ante and ex post facto human rights and gender impact assessments that identify the distributive effects of austerity policies so as to prevent them from having a disproportionate impact on sectors of society.

#### 48. Recommendations

Germany should:

- 48.1 In line with its international human rights obligations, push for the conduct of human rights and gender impact assessments before supporting and approving additional adjustment programmes in other countries. In particular, in the context of the new conditional bailout of up to \$1.8bn agreed by the IMF for Greece in July 2017 following demands of euro-area creditors<sup>76</sup> and for which conditionalities are yet to be determined.
- 48.2 Ensure that gender and human rights impact assessments are transparent and envisage community participation and consultation, and include, at a minimum, an evaluation of past failures to protect economic, social and cultural rights and ex ante forecasts of the social and human rights impacts of particular adjustment measures;

---

<sup>74</sup> WILPF et al. (2017), "The Effects of Intervention by International Financial Institutions on Women's Human Rights in Ukraine". Joint Shadow Report to the CEDAW Review of Ukraine, 66<sup>th</sup> Session. Available at: [http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine\\_20170124.pdf](http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine_20170124.pdf)

<sup>75</sup> Various human rights bodies have confirmed that international institutions are to respect international human rights bodies. See for example UN Index A/HRC/31/60/Add.2, Report by the Independent Expert on foreign debt on the impact of austerity measures on the Greek population, paragraphs 19, 21, 25.

<sup>76</sup> <http://www.independent.co.uk/news/business/news/greece-imf-loan-1-billion-international-monetary-fund-greek-economy-a7852226.html>.

- 48.3 Push, as a member of the relevant international organisations, to review economic reform policies and adjustment measures to ensure they do not undermine the progressive realization of economic, social and cultural rights, giving priority to safeguarding the enjoyment of minimum essential levels of economic and social rights by all individuals disproportionately impacted;
- 48.4 Push, as a member of the relevant international organisations, the development of guidelines for comprehensive human rights and social impact assessment of adjustment programmes;
- 48.5 Make policy changes and decisions, as a member of the relevant international organisations, based on assessments and ensure mitigation strategies to prevent violations of rights including violations of economic, social and cultural rights linked to conditionalities.