

WOMEN, PEACE & SECURITY

A review of Germany's National Action Plan 1325

OVERVIEW OF WILPF SUBMISSION FOR THE 2018 UNIVERSAL PERIODIC REVIEW OF GERMANY



DECEMBER 2017

1. INTRODUCTION

In May 2018, Germany will undergo the Universal Periodic Review (UPR), a mechanism of the Human Rights Council, through which the human rights record of every UN member state is periodically reviewed. In October 2017, WILPF Germany (Internationale Frauenliga für Frieden und Freiheit, IFFF) and WILPF International submitted a joint report¹ to the UPR Working Group of Germany. In the submission, Germany's National Action Plan from 2017-2020 on Security Council Resolution 1325 on Women, Peace and Security (NAP) is reviewed from various angles at both the national and international level. In so doing, WILPF foregrounds discrepancies between Germany's commitments made under the NAP on the one hand and domestic and foreign policies on the other hand.

2. GENERAL WEAKNESSES IN THE NAP'S DRAFTING

WILPF criticises the NAP's drafting and conceptualisation process as well as the lack of specific budget allocation and monitoring mechanism for its implementation. During consultation processes, German state representatives have been reluctant to discuss anything beyond the pure provision of information by civil society, such as the concept of militarised masculinities. In so doing, Germany denies the implications of these normative concepts with respect to gender equality and peace. Recommendations are geared towards ensuring sufficient and sustained funding to the NAP's implementation, the establishment of a monitoring and evaluation mechanism, and continued and comprehensive cooperation with civil society actors.²

3. EXTERNAL IMPLEMENTATION

The National Action Plan 1325 and Germany's role as a member of multilateral institutions in imposing austerity measures in third countries

In its NAP, Germany has committed itself to ensure "the social and political participation of women and girls".³ 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. Against this backdrop, 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. Particularly, the submission illustrates the link between austerity measures imposed by these international bodies, and their disproportionate and discriminatory impact on women's economic and social rights.⁴ Germany's role in the IMF or the EU goes not only against its commitments made under the NAP, but also against a plethora of other human rights obligations. In the annex of the submission, WILPF offers extensive evidence of Germany's international human rights obligations as a member of multilateral institutions.⁵ WILPF also provides examples of the impact of austerity measures on women in the countries of Bosnia and Herzegovina, Greece and Ukraine.⁶ Recommendations call for the implementation of gender and human rights impact assessments of austerity policies, which have to

¹ WILPF and IFFF (2017), 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 a Multilateral Institution (RE: Austerity Measures). Joint submission to the UPR Working Group 30th session (May 2018)

² For more information about general weaknesses and recommendations, see pages 7 and 8, *ibid.*

³ Page 21, Germany's NAP1325 from 2017-2020

⁴ For more information on the link between austerity measures and women's economic and social rights, see pages 22-23 in WILPF and IFFF (2017), Women, Peace and Security – A Review of Germany's National Action Plan 1325. See also: WILPF (2017) "A Feminist Perspective on post-conflict - Restructuring and Recovery. The Case of Bosnia and Herzegovina". 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, 66th Session. 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, 28th Session

⁵ See pages 25-28, WILPF and IFFF (2017), Women, Peace and Security – A Review of Germany's National Action Plan 1325

include civil society actors' participation; and to change policies based upon those assessments to prevent human rights violations.

The National Action Plan 1325 and Germany's arms transfers

Arms proliferation has a distinctly negative impact on women's rights and their safety. This, in turn, can prevent them from participating in decision-making fora. While Germany, one of the largest arms exporters in the world, has a well-developed export control system, it continues to grant export licences to countries with dubious human rights records. As WILPF has highlighted both in the UPR submission and in a joint submission with the European Center for Constitutional and Human Rights (ECCHR) for the CEDAW Committee's review of Germany in early 2017,⁷ German arms transfers have violated its international legal obligations, including under CEDAW. These have included transfers to India, Iraq, Mexico, Qatar, and Saudi Arabia. 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. Recommendations are therefore focussed on adopting specific and transparent criteria to analyse whether any arms transfers and the granting of licences on production facilities will facilitate or contribute to gender-based violence in the recipient country, urging to align Germany's overall defence and security policies, as well as the foreign ministry's and economic ministry's policies with the Women, Peace and Security (WPS) agenda and Germany's NAP.

4. DOMESTIC IMPLEMENTATION

Prevention is one of the WPS agenda's essential pillars. This includes tackling root causes of conflict and preventing any form of gender-based violence. In light of this, national implementation strategies on WPS are also relevant for countries not involved in conflict. States should always examine how women and gender issues are included in their own structures and mechanisms dealing with peace and security domestically.

WILPF therefore raises attention to the steep increase of 'small' licenses for weapons (*Kleine Waffenscheine*) that are relatively easy to acquire.⁸ WILPF highlights the link between the increase of ownership of such weapons and an amplified climate of fear and the perceived threat of refugees.⁹ The submission 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. Recommendations are geared towards countering the narrative by media and right-wing political groups that stereotypes migrants and refugees and that could lead to perceived increased levels of insecurity; to collect data about a potential correlation between an increase of *Kleine Waffenscheine* and incidents of violence; and to implement tighter regulation for the acquisition of these weapons.¹⁰

WILPF also draws attention to the linkages between the WPS agenda and the situation of refugee women and women asylum seekers.¹¹ Examples are provided where women refugees and asylum seekers suffer from gender-based violence in refugee centres. 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. WILPF emphasises the insufficient response by the German government: There is no formal national mechanism in place that would identify gender-based violence cases against refugees and there is a lack of awareness about services and support among refugee and asylum seeker women who experience gender-based violence. Recommendations highlight the need to include concerned women in decision-making processes and policy making; to ensure the presence of security staff trained on gender; to collect disaggregated data about incidents of gender-based violence and to ensure the widespread dissemination and translation of information about support services.¹²

⁶ See pages 28-33, *ibid*.

⁷ WILPF and ECCHR (2017), *The Impact of Germany's Arms Transfers on Women. Germany's Extraterritorial Obligations under CEDAW*.

⁸ Registered *Kleine Waffenscheine* increased from 273,000 in September 2016 to 440,000 in the same month of 2017, according to the Ministry of Interior.

⁹ For more information, see pages 10-11, WILPF and IFFF (2017), *Women, Peace and Security – A Review of Germany's National Action Plan 1325*.

¹⁰ For all recommendations, see page 12, *ibid*.

¹¹ See pages 13-15, *ibid*.

¹² For all recommendations, see pages 15 - 16, *ibid*.