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# **RECOMMENDATIONS FOR THE UPR OF GERMANY**

## **WOMEN, PEACE & SECURITY – A REVIEW OF GERMANY'S NATIONAL ACTION PLAN 1325**

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### **1. Introduction**

WILPF Germany submitted a report<sup>1</sup> to the UPR of Germany jointly with WILPF International. Founded in 1915, the Women's International League for Peace and Freedom (WILPF) is the longest serving women's peace organisation in the world. WILPF has National Sections in every continent and an International Secretariat with offices in Geneva and New York. WILPF Germany is an active member of the German alliance on the UN Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security (WPS). We seek to promote the holistic WPS Agenda at all levels in the government's policies. We are part of the coalition *Forum Menschenrechte* (Human Rights Forum) that has submitted reports to all UPR cycles.

In the joint submission,<sup>2</sup> WILPF reviews Germany's National Action Plan from 2017-2020 on UN Security Council Resolution 1325 on Women, Peace and Security (NAP) from various angles focussing on implementation both at the national and international level.

### **2. General Weaknesses in the NAP 1325's Drafting**

WILPF welcomes the new NAP and especially the format of operational and strategic dialogues accompanying the whole period. This will make it a living document. Today, we want to highlight nevertheless some aspects of general weakness and recommendations.

There is a lack of specific budget allocation for driving the implementation of UNSCR1325 domestically and support the active participation of CSOs/women's organisations. There is also a lack of monitoring mechanisms for the NAP's implementation. It does not appear that Germany gives enough consideration to the implication of normative concepts such as militarized masculinities and structural inequalities with respect to gender equality and peace. WILPF is very critical of the dominating discourse of securitisation and the use of 1325 for military purposes.

## **RECOMMENDATIONS**

### **Germany should:**

- 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 publicly available by the end of 2018;
- 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;
- 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;
- 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.

<sup>1</sup> WILPF and WILPF Germany, 'Women, Peace and Security – A review of Germany's National Action Plan. 1325.' Submission to the UPR Working Group 30th Session. Available at: [https://wilpf.org/wp-content/uploads/2017/12/Germany-UPR\\_FINAL\\_WEB.pdf](https://wilpf.org/wp-content/uploads/2017/12/Germany-UPR_FINAL_WEB.pdf)

<sup>2</sup> Please see for further information: WILPF and WILPF Germany, 'Women, Peace and Security – A review of Germany's National Action Plan. 1325.' Submission to the UPR Working Group 30th Session. Available at: [https://wilpf.org/wp-content/uploads/2017/12/Germany-UPR\\_FINAL\\_WEB.pdf](https://wilpf.org/wp-content/uploads/2017/12/Germany-UPR_FINAL_WEB.pdf)

### **3. Germany's role as a member of multilateral institutions in imposing austerity measures in third countries**

Under the NAP, Germany has committed to ensure “the social and political participation of women and girls”, and committed to the “the equal involvement of women in crisis and violence prevention, promotion of peace, conflict resolution and negotiation processes.”<sup>3</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.

In light of this, we draw attention to Germany's role as a member of multilateral institutions in imposing austerity measures in third countries. Germany has direct responsibilities as a member of multilateral international legal bodies, specifically the International Monetary Fund (IMF), the World Bank and the European Union (EU), and the policies of such bodies in respect of human rights and non-discrimination. Austerity measures imposed by these bodies have a disproportionate and discriminatory impact on women's economic and social rights. 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 our submission, we offer extensive evidence of Germany's international human rights obligations as a member of multilateral institutions.

#### **To delegations planning to submit written questions for the UPR of Germany, WILPF suggests the following question:**

What is Germany doing to ensure that austerity measures, imposed in other countries, do not affect women's economic and social rights disproportionately?

### **RECOMMENDATIONS**

#### **Germany should, as a member of the relevant international organisation:**

- 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.
- 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;
- Push 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;
- Push the development of guidelines for comprehensive human rights and social impact assessment of adjustment programmes;
- Make policy changes and decisions based on assessments and ensure mitigation strategies to prevent violations of rights including violations of economic, social and cultural rights linked to conditionalities.

### **4. Germany's arms transfers**

In the last review, Germany committed to continue to work in the field of human rights worldwide<sup>4</sup> and it accepted to align its national legislation with international human rights standards.<sup>5</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.

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. German arms transfers have violated its international legal obligations, including under CEDAW. 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.

#### **We suggest the following question in relation to this issue:**

What is Germany doing to prevent arms sales from having the risk to facilitate gender-based violence in recipient countries?

<sup>3</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>4</sup> UPR II 124.62: Continue to work in the field of human rights worldwide (Chad)

<sup>5</sup> UPR II 124.24: Align its national legislation with international human rights standards (Iraq)

## RECOMMENDATIONS

### Germany should:

- 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 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;
- 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;
- Provide training for export control officials about how to assess the risk of gender-based violence, and what indicators and sources to utilise;
- 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;
- 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;
- 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).

### 5. Increased domestic securitisation

In the previous UPR cycles, accepting recommendations from Cuba, Palestine, Thailand, Uzbekistan, Senegal and Trinidad and Tobago,<sup>6</sup> Germany committed to take measures to avoid the stigmatisation and negative stereotyping of migrants and minorities. Furthermore, it committed to take effective measures to prevent the dissemination of racist and xenophobic speeches on the Internet and through the media, accepting recommendations by China, Iran, Djibouti, Argentina, Uruguay and Malaysia.<sup>7</sup>

WILPF therefore 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. 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.

However, WILPF highlights the steep increase of 'small' licenses for weapons (*Kleine Waffenscheine*) that are relatively easy to acquire. There is a clear link between the increase of ownership of such weapons and an amplified climate of fear and the perceived threat of refugees. 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.

## RECOMMENDATIONS

### Germany should:

- 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;
- Specifically, implement measures to promote a welcoming political climate for refugees. As accepted by Germany in previous UPR cycles,<sup>8</sup> it should raise public awareness about the impact of xenophobic propaganda. By 2018,

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<sup>6</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>7</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 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>8</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 II 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)

Germany should implement positive awareness-raising campaigns, together with civil society, counteracting fearful tendencies and stereotypes against refugees and immigrants and seeking to integrate them;

- Immediately support civil society groups that carry out awareness raising campaigns about the risks associated with an increase of 'small' weapon licence ownerships;
- 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;
- 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.

## 6. Women asylum seekers and refugees

In the previous UPR, Germany accepted a recommendation by Paraguay to combat discrimination of women, particularly in its public policies for immigrant women and refugee women (...) which may be subject to multiple forms of discrimination in respect of (...) health, (...) [and] social and political participation.<sup>9</sup>

Refugee women face numerous forms of gender-based violence. 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. 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. The new government, formed at the end of last year, announced a masterplan to deport refugees quicker and that also envisions 'decision centres' (*Ankerzentren*), where asylum seekers are held until a decision is made.<sup>10</sup> Currently, asylum seekers are distributed to communities before their asylum request is granted or rejected. We urgently call upon the government to ensure that such new policies pay due respect to the protection of human rights and to ensure particular protection for women from sexual or gender-based violence and access to health care and education services.

## RECOMMENDATIONS

### Germany should:

- 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;
- 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;
- Immediately implement or improve a mechanism by which the LAF46 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;
- 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;
- 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;
- 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;
- 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.

<sup>9</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>10</sup> [http://www.deutschlandfunk.de/sicherheits-und-migrationspolitik-seehofer-kuendigt.1939.de.html?dm:news\\_id=864378](http://www.deutschlandfunk.de/sicherheits-und-migrationspolitik-seehofer-kuendigt.1939.de.html?dm:news_id=864378)