



**Statement to the UN Human Rights Council 39<sup>th</sup> Session (10-28 September 2018)**

## **Statement on Germany**

Item 6: Universal Periodic Review

### **Arms transfers**

WILPF welcomes Germany's acceptance of recommendations 155.14, 155.15 and 155.16<sup>1</sup> relating to the harmonisation of its arms export control legislation with the Arms Trade Treaty and the strengthening of human rights impact assessments before authorising transfers in order to prevent them from being used to commit or facilitate serious acts of gender-based violence and other human rights violations.

In 2017, Germany continued to approve arms transfers to Saudi Arabia, the U.A.E., and Egypt despite clear risks that German arms may be used in acts that constitute violations of international humanitarian law and international human rights law, including acts of gender-based violence, in particular in the Saudi-led Coalition airstrikes, which continue to be the leading cause of civilian casualties in Yemen.

In January 2018, the new Federal government included in its Coalition agreement a decision to stop approving arms exports to any country directly participating in the conflict in Yemen. However, while the government approved significantly fewer arms transfers to Saudi Arabia in the period since its inception on 14 March to 30 June 2018, that commitment has not

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<sup>1</sup> 155.14 Harmonize arms export control legislation in line with provisions of the Arms Trade Treaty and the Council of the European Union Common Position, and ensure that, before export licenses are granted, comprehensive and transparent assessments are conducted of the impact that the misuse of small arms and light weapons would have on women, including those living in conflict zones (Albania); 155.15 Adjust national legislation and policies and practices with the provisions of article 7, paragraph 4, of the Arms Trade Treaty (Costa Rica); 155.16 Strengthen the assessment of the human rights impact of the arms export licensing system to prevent them from being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children (Peru);



been fully implemented. In addition, it is clear that exports to countries involved in the Yemen conflict can still go ahead under licenses that had been already granted prior to the Coalition agreement.

We hence call on Germany to:

- Fully and immediately stop arms transfers to all members of the Coalition involved in the Yemen conflict and to any country where there is a clear risk that these arms might be used to violate international human rights law and/or international humanitarian law, including acts of gender-based violence,
- Adopt a single and harmonised law on arms export control, which comprises provisions in line with article 7(4) of the Arms Trade Treaty,
- Improve transparency around arms transfer decisions, including the rationale for allowing transfers to countries with poor human rights records, and create opportunities for public debate and input, as well as possibilities for judicial review of export licenses.

### **National action plan on business and human rights**

In implementing accepted UPR recommendations related to its National Action Plan (NAP) on business and human rights, we call on Germany to take specific measures to analyse and tackle the specific human rights risks posed by the arms industry, including through heightened human rights due diligence obligations. The recently announced monitoring of its National Action Plan through surveys of companies should also adequately cover arms companies, given the specific human rights risks posed by this industry.

In its NAP, the Federal Government indicated that it “will continue to track the reform processes in international financial institutions with a view to ensuring that their operations are more sharply focused on human rights”. We call on the government to also conduct its own human rights and gender impact assessments before supporting any economic adjustment programmes as a member of international or regional financial institutions, so as to abide with its international human rights obligations.

### **Asylum seekers and refugees**

WILPF welcomes Germany’s ratification of the Istanbul Convention and its acceptance of recommendation 155.239 to “continue to improve the situation of refugees and asylum seekers, in particular women and girls, and eliminate discrimination in the process of social inclusion of this category of persons.” We call for the implementation of gender-sensitive conditions and protection measures in reception centres, including through gender training of staff in such centres.

In implementing UPR recommendations about the increase of hate speech and crimes against asylum seekers and migrants in Germany, WILPF urges Germany to closely monitor



the context of increased securitisation of German society and the increased demand of so-called small licences for weapons (*Kleiner Waffenschein*) such as alarm pistols, gas pistols and riot agents. Access to such weapons aggravated by an amplified climate of fear and anti-immigrant sentiments can fuel violent acts against refugees, asylum-seekers and immigrants. WILPF encourages the authorities to implement measures to promote a welcoming political climate for refugees and to raise public awareness about the impact of xenophobic propaganda.