

Germany: CEDAW Committee Recommends Stronger Regulation Of Arms Transfers

WILPF

The Committee of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has recommended stronger regulation of Germany's arms exports. In its [Concluding Observations\[1\]](#), adopted at its 66th session, the Committee shares our concerns about the impact of arms proliferation on the rights and safety of women in importing countries. The Committee reflects our recommendations that Germany harmonise its laws on arms export control and conduct comprehensive and transparent assessments on the impact of arms proliferation on women before granting export licenses.

On 21 February 2017, the Committee reviewed Germany's progress and challenges in implementing CEDAW. Jointly with the European Centre for Constitutional and Human Rights (ECCHR), WILPF made a submission for that review. In our joint [report](#), we reiterated and expanded on concerns that WILPF had raised in a [statement](#) to the Committee's pre-sessional working group that drafted the [List of Issues\[2\]](#) for Germany. In those, the Committee asked Germany information about steps to "(a) to integrate a gender dimension into strategic dialogues with countries purchasing German arms; (b) to conduct gender-sensitive risk assessments, in accordance with the Arms Trade Treaty, in order to mitigate the potentially negative impact on women's rights of arms transfers to countries marked by armed conflict or at risk of such conflicts".[\[3\]](#)

Prior to the Committee's dialogue with the German delegation, WILPF [participated in the Informal Meeting](#) and the informal Lunch Briefing with Committee members. International Board Member Heidi Meinzolt from WILPF Germany presented our concerns and recommendations. Katrin Geyer (Intern, WILPF's Human Rights Program) chaired the informal Lunch Briefing.

During the interactive dialogue, the Committee asked the German delegation if gender-based violence formed part of the eligibility criteria for arms exports; and if Germany planned to increase transparency in the decision-making process to allow for export-licenses. Germany replied that arms export applications were considered on a case-by-case basis, considering gender-based violence as required by the Arms Trade Treaty and the Council of the European Union Common Position. Germany reassured that the government was of the view that its approach was comprehensive, target-oriented and that necessary issues were sufficiently taken into account.

Germany has indeed put in place a system to assess and approve arms transfer. The arms export control is said to take into account, amongst other factors: the situation of human rights in the country of destination, the risk of diversion and the recipients past

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record of using arms in accordance with stated purposes. Last year, we [drew attention](#) to the case of exports of firearms to Mexico, produced by the German company Heckler and Koch. Arms were, supposedly illegally, exported despite of Mexico's human rights crisis, along with its high rates of femicides perpetrated with firearms. Particularly scandalous was the evidence that the State police used arms exported by Heckler and Koch in the night that 43 students disappeared in Ayotzinapa.

In our joint report to the Committee, in addition to Mexico, we highlighted as examples of concern arms transfers to India, Iraq, Qatar and Saudi Arabia.

Arms transfers can have serious consequences for the rights and safety of women in importing countries. For instance, arms accessibility and availability can facilitate or exacerbate violence against women, including femicides; and can have a negative impact on women's equality, their mobility and their political participation. Germany does not have a particular mechanism to assess the risk of arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women. For this reason, we recommended, among other things, that this be rectified in line with ATT requirements. We also recommended improved transparency around arms transfer decisions, including the rationale for allowing transfers to States with poor human rights records.

We are very encouraged that the Committee addressed arms transfers in its Concluding Observations, by expressing concerns that Germany's legislation does not "mention gender based violence as a ground for denying an export license", and recommending "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".^[4]

WILPF will continue to advocate for Germany and other States to fulfill their international obligations to prevent arms being used to violate human rights and protect the safety and rights of women all over the world.

For more information, read [The Impact of Germany's Arms Transfers on Women – Extraterritorial Obligations under CEDAW](#)

For guidance to states on how to incorporate gender-based violence criteria into their risk assessment, see [Preventing GBV – Executive Summary](#)

About the CEDAW Committee's reporting process

The **CEDAW Committee** is a body of 23 experts on women's rights who serve in a personal capacity four-year terms. These experts examine initial and periodic reports

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submitted by States parties on steps they have taken to implement the Convention. The Committee makes observations and recommendations based on those reports and issues general recommendations that clarify the scope of the Convention and provide detailed guidance to States parties on how to implement the obligations of the Convention.

Every four years, States parties have to provide a report on their implementation efforts and challenges. The reporting cycle consists of **1) State's report** (on legislative, judicial, administrative & other measures); **2) Pre-session** (which consists of a working group, based on state's report(s) and other info, e.g NGOs); **3) List of Issues** (Outcome of the Pre-session, intended to provide focus for the dialogue), **4) Written Replies** by the State **5) the Session** (interactive dialogue with delegation of State party); **6) Concluding Observations**; **7) Follow-up** (two issues of Concluding Observations are selected to be reported on by State party within 1 or 2 years); **8) Next State's report.**

For more information on the CEDAW reporting process and opportunities for NGO participation, see, for instance [OHCHR](#) (CEDAW 1982-2012: 30 years working for women's rights); or [IWRAW Pacific](#)