

# Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté

Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations  
FAO, ILO, and UNICEF



## Promoting gender equality in the implementation of the UN Arms Trade Treaty

The Women's International League for Peace and Freedom (WILPF) welcomes the Arms Trade Treaty (ATT) as a first step towards regulating international transfers of conventional weapons, parts and components, and ammunition (hereafter referred to as "arms"). Thanks to WILPF's and our partner organisation's hard work, the ATT is the first-ever treaty to recognize the link between gender-based violence (GBV) and the international arms trade.

The ATT fills a gap and builds bridges between regulating the arms trade and enhancing human security. It provides a potentially useful tool to protect human beings and their rights by reducing and preventing armed conflict and armed violence. However, WILPF called for the Treaty to be more robust and comprehensive. Careful interpretation and implementation will be essential to avoid that the ATT legitimizes the international arms trade, especially irresponsible transfers.

If implemented with the highest possible standards, the ATT has a great potential to contribute to a holistic approach that responds to today's challenges to human security. WILPF calls on all states to ratify and implement the ATT in a consistent and transparent manner. The UN system must take the Treaty into account in all of its organs, including its human rights bodies, in order to ensure that the implementation effectively contributes to preventing human suffering.

### Gender-based violence

Violence that is perpetrated against a person based on gender conceptions is known as gender-based violence (GBV). Acts of GBV violate a number of human rights principles enshrined in international instruments and can constitute violations of international humanitarian law (IHL) if perpetrated during armed conflict. Some common examples of GBV include rape and sexual violence, forced prostitution, trafficking, domestic violence, and forced marriage.

The UN Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance notes that globally, "GBV has a disproportionate impact on women and girls, due to their subordinate status in society and their increased vulnerability to violence, but this does not mean that all victims of gender-based violence are female." GBV also includes violence against individuals based on their sexual orientation and gender

"In the eastern **DRC**, at least 200,000 cases of sexual violence, mostly involving women and girls, have been documented: 1,100 per month" (UNFPA 2012)

"Among a random sample of 205 women and girls in **Liberia**, nearly half (49%) reported experiencing at least one act of physical or sexual violence by a combatant" (UNFPA 2012)

### Gender-sensitive risk assessments under the ATT

The ATT acknowledges the gendered impact of the uncontrolled flow and widespread use of arms.

Article 7(4) of the Treaty mandates exporting states parties, as part of the risk assessment process, to take into account the risk of the conventional arms under consideration being used to commit or facilitate acts of GBV or violence against women. States parties shall not authorize a transfer where there is risk of such violence when it constitutes a violation of international humanitarian law (IHL) or international

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human rights law (IHRL), when it undermines peace and security, or when it forms part of transnational organised crime.

## *Armed GBV and violence against women*

Article 7(4) was included in the Treaty due to the overwhelming recognition of the fact that acts of GBV, perpetrated by both state and non-state actors, are facilitated by the irresponsible and unregulated transfers of arms. These acts can occur before, during and after conflict, in the domestic as well as in the public sphere. Accordingly, states parties must assess the risk for gender-based violence during as well as outside conflict situations, including domestic violence.

Due to gender hierarchies, women and other groups that are already marginalised and discriminated against, often find themselves increasingly targeted during armed conflicts. These groups risk even higher exposure when their social infrastructure disappears due to loss of family, housing, and shelter. They become increasingly vulnerable to physical attacks and sexual exploitation.

When insecurity is widespread, and in particular when the danger of sexual violence is rampant, weapons represents a constant threat to women on the streets as well as in the home. This link between proliferation of in particular small arms and light weapons (SALW) and GBV, has also been recognised in the agreed conclusions from the 57<sup>th</sup> session of the Commission on the Status of Women (CSW), as well as in the UN Security

“In **Sierra Leone**, among a random sample of internally displaced persons, 9% of female household heads and 8% of female household members reported war-related sexual assaults.” (MenEngage-UNFPA; 2012)

“In **Colombia**, 36% of internally displaced women in the country had been forced to have sex by men” (MenEngage-UNFPA; 2012)

“Data collected from 16 European countries, shows that **43 per cent** of female victims of Intimate partner violence (IPV) were killed by a current or former spouse, compared with 3 per cent of male IPV victims.” (Small Arms Survey; 2013)

“Data for 111 countries and territories shows that around 66,000 women are killed violently each year, representing some 17 per cent of all intentional homicides. About **one in three** of these femicides is committed with a firearm.” (Small Arms Survey; 2013)

Council resolution 2117 (2013) on SALW. In UNSCR 2117, the Security Council recalls with grave concern that the illicit transfer, destabilizing accumulation, and misuse of SALW exacerbates sexual and gender-based violence.

The presence of weapons in households, virtually always in the hands of men, represents a threat to

women, as sexism and domestic violence tend to intensify in situations of conflict and militarization. Furthermore, the proliferation of arms has a negative impact on women's mobility and participation. Women often face threats when claiming their right to participate in conflict resolution, peace negotiations, and reconstruction processes. Their political participation is impeded by acts of gender-based violence, making such violence “both a cause and consequence of low levels of women's participation in all decision-making and, in fact, participation in day-to-day life.” (Cook; 2009) The trade and proliferation of arms

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facilitates GBV, prevents women from fully participating in the public and political life, as well as hinders their economic empowerment.

## *Conducting gender-sensitive risk assessments*

Ensuring that gender-sensitive risk assessments are conducted prior to any authorization of arms transfers, will be a key obligation for states parties to the ATT. States parties should clearly include, in their national export regulations, references to the gender provisions of the ATT stating it mandatory for all stakeholders to apply these provisions. As part of this, all states should request that UN entities include a gender perspective in their reporting and implementation efforts on international arms control and disarmament, and that the gendered impact of the international transfer of arms is included in UN reporting and implementation efforts on gender equality and women's rights.

WILPF has outlined some key questions that should be incorporated in national risk assessment processes, in order to prevent armed GBV and violence against women:

- Is there evidence of acts or patterns of GBV in the recipient country?
- What has the government's response been to past incidents of GBV? Has the government cooperated with other states, UN investigations, or the International Criminal Court in connection with criminal proceedings relating to GBV? Is there national legislation in place prohibiting and punishing GBV and legislation allowing for cooperation with international investigations and tribunals?
- Has the recipient country taken concrete steps to implement any of the UN Security Council resolutions on women, peace and security?
- Are the recipient country's national laws to protect women's and girls' human rights in line with international standards—i.e. has the country ratified CEDAW? What is the nature of the country's legislation on inheritance rights, minimum age of marriage, forced marriage, etc.?
- Does the recipient country educate and train its military officers, soldiers, and police in the prevention of GBV? Has information about and prohibition of GBV been incorporated into military doctrines, military and law enforcement manuals, rules of engagement, instructions, and orders? Are there legal advisors trained in human rights, especially women's rights, who advise the armed forces and the police?
- Have requirements been put in place for military commanders to prevent and suppress GBV and to take action against those under their control who have committed acts of GBV? Have mechanisms, including disciplinary and penal sanctions, been put in place to ensure accountability for acts of GBV committed by the armed forces and other arms bearers? Are there mechanisms for women serving in the armed forces or law enforcement to address instances of GBV?
- What is the recipient's past and present record of respect for women's human rights and commitment to the Women, Peace and Security agenda?

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- Can the recipient's intentions be gauged through formal commitments, legislation, and through dissemination of information and training on issues of GBV?
- What is the recipient's capacity to ensure that the arms or equipment transferred are used in a manner consistent with international law relevant to women's rights and are not diverted or transferred to other destinations where they might be used for serious violations of this law?

## Sources of information to assess the risk of armed GBV

- National diplomatic missions in the recipient State;
- UN annual reports on conflict-related sexual violence
- CEDAW reports by States and shadow reports by NGOs;
- Human rights reports by States and shadow reports by NGOs;
- Reports by NGOs and women's organisations on country situations;
- Media reports;
- Open and closed source information from international agencies in the recipient State;
- Judgments and reports by the International Criminal Court, ad hoc tribunals and national courts;
- Military doctrine, manual and instructions;
- Reports by research institutes on weapons/arms transfer issues (i.e. regarding illicit trafficking, national controls on arms and ammunition, etc)
- UN Programme of Action on small arms national reports.

## Women's participation in implementing the ATT

Security Council resolution 1325 (2000) urges all states and UN entities to promote women's full and equal participation in decision-making on peace and security. Security Council Resolution 2117 (2013) further stresses the importance of women's full, meaningful, and effective participation in decision-making on arms control and disarmament, and this is further reiterated in Security Council Resolution 2122 (2013). As states parties to the ATT implement the Treaty, they must accordingly undertake efforts to promote women's full, equal and effective participation in the establishment or strengthening of national regulations and systems to control the international transfer of arms.

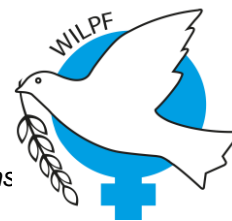
Article 13(1) of the ATT mandates each state party to provide an initial report to the Secretariat, within the first year after entry into force of the Treaty for that state. This report should give an account for implementation measures that have been undertaken with regards to "national laws, national control lists and other regulations and administrative measures." These reports should thus include explicitly and clearly what measures have been taken to implement the gender provisions of the Treaty. WILPF further encourages all states parties to report on measures taken to promote women's full and equal participation in implementation procedures. This information should be included in national submissions on the

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implementation of UN General Assembly resolution 67/48, on the promotion of women's participation in all decision-making on disarmament, non-proliferation and arms control.

## Civil society participation in implementing the ATT

As recognised in the preamble of the ATT, civil society has an active role to play in raising awareness of the object and purpose of the Treaty, as well as in supporting its implementation. States parties should accordingly recognise and actively promote civil society participation in implementation processes. This can be done, for example, through consultations on the development and/or strengthening of laws, regulations and systems for international transfers of arms. These efforts should also include regular consultations with civil society representatives on general implementation efforts. Furthermore, in providing international assistance for ATT implementation, donor states should actively support civil society engagement as well as call on aid recipient states to take measures to this effect in their national contexts. All these efforts should be guided by a clear gender perspective and promote the participation of women's organisations as part of civil society involvement in the implementation of the ATT.

## Transparency and accountability in implementing the ATT

Article 5(5) of the ATT mandates all states parties to take necessary measures in order to promote transparent national control systems for the regulation of arms transfers. States parties are also encouraged to make their control lists publicly available, and they must take measures to ensure that all export authorizations are detailed and issued prior to the export. All states parties should implement these provisions with the highest possible standards for openness and transparency. Information on regulations and decision-making should be made available for civil society and the public. The highest possible standards of transparency and openness should also be applied to the handling of control lists as well as national records of authorizations and actual exports, imports, transits or transshipments of arms, parts and components and ammunition.

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Sam Cook, "Security Council Resolution 1820: On Militarism, Flashlights, Raincoats, and Rooms with Doors—A Political Perspective on Where it Came From and What it Adds," *Emory International Law Review*, Volume 23, Issue 1, 2009, p. 281.

Small Arms Survey, Summary chapter 2: Too Close to Home: Guns and Intimate Partner Violence (2013), *In Small Arms Survey 2013*, Cambridge University Press, UK 2013;

<http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2013/en/Small-Arms-Survey-2013-Chapter-2-summary-EN.pdf>

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[http://unfpa.org/webdav/site/global/shared/documents/publications/2012/Advocacy%20Brief-  
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