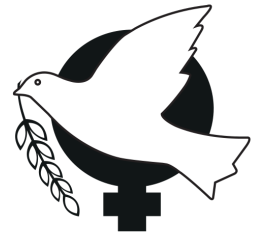


Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté

Liga Internacional de Mujeres por la Paz y la Libertad



WILPF

3 July 2017

The impact of Italy's Arms transfers on women Italy's extraterritorial obligations under CEDAW Summary of shadow report to CEDAW 67th Session

Arms transfers can have serious consequences for the rights and safety of women in the countries that receive them as well as in places where they are not meant to go, especially in the case of small arms and light weapons.¹ The proliferation of small arms and light weapons, both in wartime and non-conflict situations with significant political tensions and systemic gendered discrimination, may disproportionately affect women.

Our submission shows how Italy's arms transfers undermine its international legal obligations, including under CEDAW, the Arms Trade Treaty and the European Union's Code of Conduct on Arms Exports.² It briefly recalls the role played by the CEDAW Committee in consistently raising the issue of impact of arms transfers on the rights and safety of women, a role that has been recognized in a recent OHCHR report to the Human Rights Council (see paragraphs 4 and 5 of the shadow report).

As noted in the report, **there has been a spike in Italy's arms transfers in recent years. The licences for military exports grew dramatically in 2016: EUR 14.6 billion, an increase by 85% compared to 7.9 billion in 2015, and 452% compared with 2014.**³ **Our report provides some examples of transfers that undermine Italy's international legal obligations, including under CEDAW. These are transfers to Saudi Arabia, Kuwait, Qatar and the United Arab Emirates, countries that have been involved in the conflict in Yemen.**

Parties in the Yemen conflict often use heavy explosive weapons, including aircraft bombs, rockets and artillery, to carry out attacks in, on and around residential areas and civilian objects. In addressing gender-based acts of violence and killing, the Special Rapporteur on extrajudicial, summary or arbitrary executions has recently drawn attention⁴ to the fact that patterns of harm from the use of explosive weapons in populated areas are shaped by issues of gender and age and recommended that states "facilitate or undertake increased research on the gendered effects of the use of explosive weapons in populated areas, and support international efforts to develop a political commitment to end such use in order to preventing humanitarian suffering."⁵ In addition, the Special Rapporteur has recommended that states "develop mechanisms to analyse whether any arms being assessed for approval for transfer, as well as the granting of licenses on production, will facilitate or contribute to gender-based violence or violence against women by the recipient, in accordance with the obligation on risk assessment processes of the Arms Trade Treaty."⁶ The OHCHR report mentioned earlier⁷

¹ See, for example, General Recommendation 30, paragraph 29 and 32 and concluding observations on Germany (CEDAW/C/DEU/CO/7-8, paragraphs 27 and 28), Sweden (CEDAW/C/SWE/CO/8-9, paragraphs 26 and 27) and France (CEDAW/C/FRA/CO/7-8, paragraphs 22 and 23).

² See, European Union Adopts Code of Conduct on Arms Sales, at: https://www.armscontrol.org/act/1998_05/wb2my98.

³ Document: LXVII, n. 5 - Relazione annuale sulle operazioni autorizzate e svolte per il controllo dell'esportazione, importazione e transito dei materiali di armamento, anno 2016 Vol. 1: <http://www.senato.it/service/PDF/PDFServer/BGT/1023485.pdf> and Vol. 2: <http://www.senato.it/service/PDF/PDFServer/BGT/1023486.pdf>

⁴ Report to the UN Human Rights Council, UN Index: A/HRC/35/23.

⁵ *Ibid.*, paragraph 117.

⁶ *Ibid.*, paragraph 116.

⁷ UN Index A/HRC/35/8, 3 May 2017

suggests a range of elements for states and other stakeholders when assessing the relationship between arms transfers and human rights.⁸ It stresses that, to be effective, human rights risk assessments need to “be carried out on a case-by-case basis and take full account of the gender dimension of arms transfers” and that, to further enhance effectiveness, states must “ensure that national control system bodies, as well as other government bodies involved in arms transfer decision-making processes, have the capacity to carry out human rights risk assessments, including through the inclusion of human rights experts in their staff.”

Concerns about Italy’s arms transfers regulation

No specific mechanism for gender-based violence risk assessment

Italy is a party to the Arms Trade Treaty (ATT). In spite of what is required by the ATT and the European Union’s Code of Conduct on Arms Exports, Italy has not established a specific mechanism to prevent arms sales from having an impact on gender-based violence in the recipient countries. In its submission to the ATT Baseline Assessment Project, Italy has stated that acts of gender-based violence form part of the additional criteria considered prior to authorising a transfer.⁹ However, the method by which gender-based violence is taken into account as part of an overall arms transfers assessment has not yet been made clear.¹⁰

Need for greater transparency in government’s reports on arms transfers

Italy ranked only 16th in the 2016 Small Arms Transparency Barometer. Commenting on the government’s recent annual report to Parliament, the Italian NGO *Rete Italiana per il disarmo* has observed that the government fails to provide, for instance, information on the type of military systems exported, and information on the values corresponding to authorised transactions. Such missing essential information affects the ability of the parliament and civil society to exercise scrutiny of the government’s decisions to authorize arms transfers and the reasons for doing so.¹¹

Problematic role of the controlling authority

The government has expressed satisfaction with regard to the steep increase of arms transfers (see paragraph 19 of our shadow report). This highlights the problematic role taken up by the National Authority for the Armament Licensing and Controls (UAMA) and the government more broadly, which appear to be more of a “sponsor” of the Italian military industry rather than an authority controlling the strict adherence and implementation of the criteria and requirements of legislation 185/90, regulating arms transfers.

Recommendations

Italy must take effective measures to prevent that the transfer of weapons facilitates or exacerbates gender-based violence or violence against women in other countries. Doing so is also consistent with the commitments made in Italy’s latest National Action Plan on Women, Peace and Security.¹²

Italy should therefore:

- Conduct rigorous and transparent gendered impact assessments of international transfers of arms by adopting national legislation and policies to this effect, developed in full consultation with civil society organisations, in order to fully implement Italy’s obligations under CEDAW, the ATT, and the EU Common Position on arms exports. This requires the inclusion of specific criteria for analysing whether any arms transfers being assessed as well as

⁸ *Ibid.* paragraphs 38 - 41.

⁹ Arms Trade Treaty – Baseline Assessment Project, “Risk Assessment”, at: <http://www.armstrade.info/countryprofile/italy/>

¹⁰ For example, The G7 Research Group at the Munk School of Global Affairs at Trinity College in the University of Toronto has stated, for example, that “Although Italy has announced support for the multilateral system of treaties controlling the movement of small and other arms, it has made no new substantive efforts to strengthen it. Italy has not engaged openly in the conduct of new risk analyses, consistent with guidelines laid out in the ATT”, in “2015 Schloss Elmau G7 Summit Interim Compliance Report (9 June 2015 to 20 February 2016)”, at: <http://www.g8.utoronto.ca/evaluations/2015compliance-interim/05-2015-g7-compliance-interim-160330.pdf>.

¹¹ “Raddoppia autorizzazione ad export armi italiane, ma il Governo ne è contento. Tendenza che alimenta i conflitti, servirebbe invece più controllo e maggiore responsabilità”, Rete Italiana per il disarmo, at: <http://www.disarmo.org/rete/a/44346.html>

¹² See Goal 5, in “Italy’s Third National Action Plan, in accordance with UN Security Council Resolution 1325(2000), 2016 – 2019”, page 20, at: http://www.cidu.esteri.it/resource/2016/12/49123_f_PlanofAction132520162019.pdf

the granting of licenses on production facilities will facilitate or contribute to gender based violence or violence against women by the recipient;¹³

- Deny authorisation of any arms sales or transfers when there is a risk that they would be used to commit or facilitate acts of gender based violence or where there are widespread or serious human violations and abuses, including acts of gender-based violence. It is important to underscore that risk assessments required by the ATT assess just that – the risk that the arms in question will be used in any of the ways prohibited by the Treaty. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied;¹⁴
- Ensure transparency around arms transfer decisions, including the rationale for allowing transfers to states with poor human rights records, and creating opportunities for public debate and input as well as possibilities for thorough Parliamentary reviews of arms export licences;
- Ensure that the adoption of robust and effective arms policies be included in the list of legislative level measures to be taken to prohibit all forms of gender-based violence.

¹³ For recommended guidelines for assessing the risk of gender-based violence, see WILPF “Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action.” See also suggested “elements that may be used by States and other stakeholders to assess the relationship between arms transfers and human rights, including in the context of the human rights risk assessments that should be carried out pursuant to article 7 of the Arms Trade Treaty and regional arms transfer instruments.” in OHCHR report A/HRC/35/8, op cit.

¹⁴ The ATT Monitor Report, 2016, http://armstreatymonitor.org/en/wp-content/uploads/2016/08/ATT-ENGLISH-Monitor_16_CHAPTER-2.1.pdf.