

Submission from the Women’s International League for Peace and Freedom (WILPF) to the UN Office of the High Commissioner for Human Rights on the Impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls

April 2020

Executive Summary

The Women’s International League for Peace and Freedom (WILPF) continues to welcome the Human Rights Council’s (HRC) growing efforts to link human rights perspectives and concerns with arms control and disarmament efforts.

Our submission to the UN Office of the High Commissioner for Human Rights (OHCHR) towards its report on “the impact of the diversion of arms and unregulated and illicit arms transfers on the human rights of women and girls” reflects our long history of cross-cutting work in the areas of disarmament, human rights, and Women, Peace and Security (WPS). It is situated in the knowledge that both illicit and regulated arms transfers have devastating impacts on women and girls and can exacerbate all forms of gender-based violence (GBV); and that, at the same time, women have been key players in prevention of diversion, small arms control, and calling for disarmament.

While this submission focuses on the impacts on women and girls, as requested in the OHCHR call, WILPF stresses that it is essential to also look at the specific gendered impacts on men and boys, and persons of diverse and marginalised sexual orientations, gender identities and expressions, and sex characteristics.

Throughout our submission, we highlight the importance of ammunition control alongside that of arms control. We also note the challenges of insufficient sex- and gender-disaggregated data with respect to arms transfers of any nature and armed violence, despite the multiple commitments from states to improve practice in this area.

Our responses to Questions 1 and 2 draw from WILPF’s expertise and original research linking the arms trade to GBV and other human rights violations. We identify that women and girls’ rights to life; to security and physical integrity; to public and political participation; of movement; of assembly and right to take part in the conduct of public affairs; and to health, work, and education are among those negatively impacted by unregulated and illicit arms transfers. We further illustrate how unregulated or illicit arms transfers and the diversion of arms contribute to all forms of GBV.

Our responses to Question 3 and 4 outline measures that exporting, as well as import and transit states, can take to prevent diversion as well as relevant frameworks and resources to draw on. We also highlight that GBV prevention, along with other human rights abuse prevention, should be intrinsic to diversion prevention activities. Our submission reflects our concern that despite the extensive controls that states reportedly implement to prevent diversion, in any part of the transfer chain, it is evident that they are insufficient.

The submission ends with recommendations to states, weapons producing companies, and relevant human rights bodies that underscore all these points and highlight the importance of integrated solutions.

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Introduction

WILPF continues to welcome the Human Rights Council's growing efforts to link human rights perspectives and concerns with arms control and disarmament efforts. These include the HRC's six resolutions since 2013 to strengthen the realisation of the links between the protection of human rights and disarmament¹ and note related reports by the High Commissioner for Human Rights.² We also note that the impacts of arms transfers on human rights in conflict situations are increasingly being investigated and criticised by investigative mechanisms created by the HRC such as the Commission of Inquiry (CoI) on Syria,³ the Group of Eminent Experts (GEE) on Yemen,⁴ the Fact Finding Mission (FFM) on Myanmar,⁵ and by HRC's Special Procedures, such as the Independent Expert on Mali,⁶ and the Special Rapporteur on extrajudicial, summary or arbitrary executions.⁷

WILPF also welcomes the United Nations (UN) human rights bodies' increasing recognition of the impact of the arms trade, and the availability of small arms, both legal and illicit, on human rights including the Committee on Economic, Social and Cultural Rights (CESCR),⁸

¹ *Impact of arms transfers on human rights in armed conflicts*, A/HRC/RES/24/35, 8 October 2013; *Human rights and the regulation of civilian acquisition, possession and use of firearms*, A/HRC/RES/26/1, 16 July 2014; *Human rights and the regulation of civilian acquisition, possession and use of firearms*, A/HRC/RES/29/10, 22 July 2015; *Impact of arms transfers on human rights*, A/HRC/RES/32/12, 15 July 2016; *Human rights and the regulation of civilian acquisition, possession and use of firearms*, A/HRC/RES/38/10, 18 July 2018; *Impact of arms transfers on human rights*, A/HRC/RES/41/20, 12 July 2019.

² *Report of the Office of the United Nations High Commissioner for Human Rights, Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights*, A/HRC/42/21, 3 July 2019; *Report of the Office of the United Nations High Commissioner for Human Rights, Impact of arms transfers on the enjoyment of human rights*, A/HRC/35/8 3 May 2017; *Report of the United Nations High Commissioner for Human Rights, Human rights and the regulation of civilian acquisition, possession and use of firearms*, A/HRC/32/21, 15 April 2016.

³ See, for example, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* A/HRC/42/51, 15 August 2019, paragraphs 99 (g); *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/34/64, paragraph 106 (b); *Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016- 28 February 2017; Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/CPR.3, paragraph 117 (a).

⁴ *Situation of human rights in Yemen, including violations and abuses since September 2014*, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen (GEE report on Yemen), 3 September 2019, A/HRC/42/17, paragraph 92, https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF.

⁵ *The economic interests of the Myanmar military*, Independent International Fact-Finding Mission on Myanmar, 12 September 2019, A/HRC/42/CRP.3, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx>.

⁶ *Situation of human rights in Mali, Report of the Independent Expert on the situation of human rights in Mali*, A/HRC/40/77, 21 January 2019, paragraphs 41 and 43. See also C. Knaus and B. Doherty, "Crime against humanity: UN expert calls on Australia to stop selling weapons to war-torn Mali," *The Guardian*, 11 March 2020, <https://www.theguardian.com/world/2020/mar/12/against-humanity-un-expert-calls-on-australia-to-stop-selling-weapons-to-war-torn-mali>.

⁷ "States should 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", *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings*, A/HRC/35/23, paragraph 113.

⁸ *Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 14 July 2016, E/C.12/GBR/CO/6, paragraph 12 (c); *List of issues prior to submission of the sixth periodic report of Italy*, paragraph 10, E/C.12/ITA/QPR/6, 13 March 2020. Moreover, in its review of Germany, the Committee recalled its concerns relating to the lack of adequate assessment in arms exports of the risks of impacts on economic social and cultural rights, and asked Germany what lessons it intended to draw from the mistakes of past governments relating to authorisation of arms transfers, how the risk assessment for arms exports would be improved and whether it would include the risk that the receiving government diverts scarce resources for much-needed social investments in order to buy weapons. See question by Professor Olivier De Schutter, at <http://webtv.un.org/search/consideration-of-germany-31st-meeting-64th-session-committee-on-economic-social-and-cultural-rights/5839872155001/?term=%22consideration%20of%20Germany%22&sort=date> at 57:23.

the Committee on the Rights of the Child (CRC),⁹ the Committee on the Elimination of Discrimination against Women (the CEDAW Committee),¹⁰ and the Human Rights Committee.¹¹

Relevant recommendations have been made for the Universal Periodic Review, including that: the Democratic Republic of Congo (DRC) should address the accumulation and illicit transfer of small arms and light weapons (SALW) through improved stockpile management, effective prosecution of unauthorised sellers and distributors, and progression of legislative controls;¹² Germany should harmonise arms export control legislation in line with provisions of the Arms Trade Treaty (ATT) and the Council of the European Union (EU) Common Position, and ensure that, before export licenses are granted, comprehensive and transparent assessments are conducted of the impact that the misuse of SALW would have on women, including those living in conflict zones,¹³ adjust national legislation and policies and practices with the provisions of article 7, paragraph 4, of the ATT,¹⁴ and 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 GBV or serious acts of violence against women and children;¹⁵ the United States (US) consider the adoption of legislation to enhance the verification of the records for all firearms transfers and the revision of the laws

⁹ See, for example, *Concluding observations on Ukraine*, CRC/C/OPAC/UKR/CO/1 (2011); *Tunisia* CRC/C/OPAC/TUN/CO/1 (2009); *Turkmenistan* CRC/C/OPAC/TKM/CO/1 (2015); *Montenegro* CRC/C/OPAC/MNE/CO/1 (2010); *Belgium*, CRC/C/OPAC/BEL/CO/1 (2006); *Moldova*, CRC/C/OPAC/MDA/CO/1 (2009); *China* CRC/C/OPAC/CHN/CO/1 (2013); *Kyrgyzstan*, CRC/C/OPAC/KGZ/CO/1 (2007); *Hungary*, CRC/C/OPAC/HUN/CO/1 (2014); *Italy*, CRC/C/ITA/CO/3-4 (2011); *Australia*, CRC/C/AUS/CO/5-6 (2019) and CRC/C/OPAC/AUS/CO/1 (2012); and CRC/C/AUS/CO/5-6 (2019); *Singapore*, CRC/C/OPAC/SGP/CO/1 (2014); *USA*, CRC/C/OPAC/USA/CO/2 (2013); *Chile*, CRC/C/CHL/CO/4-5 (2015); *Czech Republic*, CRC/C/OPAC/CZE/CO/1 (2006); *Egypt*, CRC/C/OPAC/EGY/CO/1 (2011); *Belarus*, CRC/C/OPAC/BLR/CO/1 (2011); *Bosnia and Herzegovina*, CRC/C/OPAC/BIH/CO/1 (2010); *Germany*, CRC/C/DEU/CO/3-4 (2014); *The Former Yugoslav Republic of Macedonia*, CRC/C/OPAC/MKD/CO/1 (2011); *India*, CRC/C/OPAC/IND/CO/1 (2014); *Slovenia*, CRC/C/OPAC/SVN/CO/1 (2009); *Sweden*, CRC/C/SWE/CO/5 (2015); *Canada*, CRC/C/OPAC/CAN/CO/1 (2006); *Tanzania*, CRC/C/OPAC/TZA/CO/1 (2008); and *El Salvador*, CRC/C/SLV/CO/5-6 (2018) and CRC/C/SLV/CO/3-4 (2010).

¹⁰ See for example, *Concluding observations on Australia*, CEDAW/C/AUS/CO/8; *France*, CEDAW/C/FRA/CO/7-8, paragraph 22; *Italy*, CEDAW/C/ITA/CO/7, paragraph 20; *Germany*, CEDAW/C/DEU/CO/7-8, para. 28; *Netherlands*, CEDAW/C/NLD/CO/6, para. 46 (a); *Sweden*, CEDAW/C/SWE/CO/7, paragraph 35; *Switzerland*, CEDAW/C/CHE/CO/4-5. See also List of issues prior to reporting for *Germany*, CEDAW/C/DEU/QPR/9, paragraph 6 and *List of issues for Germany*, CEDAW/C/DEU/Q/7-8, paragraph 5. See also: *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, CEDAW/C/GC/30, 18 October 2013, paragraph 32. *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, CEDAW/C/GC/35, 14 July 2017, paragraph 31 (c).

¹¹ See, for example, General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, paragraph 65, which calls on “states parties engaged in the deployment, use, sale or purchase of existing weapons and in the study, development, acquisition or adoption of weapons, and means or methods of warfare, must always consider their impact on the right to life.” See General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, paragraph 9, calling for states parties to *inter alia*, “prevent and redress unjustifiable use of force in law enforcement, and protect their populations against abuses by private security forces, and against the risks posed by excessive availability of firearms.”

¹² UPR of the DRC (2019): 119.123 “Address the accumulation and illicit transfer of small arms and light weapons through improved stockpile management, effective prosecution of unauthorized sellers and distributors, and progression of legislative controls” (Australia). A/HRC/42/5.

¹³ UPR of Germany. Recommendation 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); A/HRC/39/9 (2018).

¹⁴ UPR of Germany, Recommendation 155.15: “Adjust national legislation and policies and practices with the provisions of article 7, paragraph 4, of the Arms Trade Treaty”, (Costa Rica). A/HRC/39/9 (2018).

¹⁵ UPR of Germany, Recommendation 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). A/HRC/39/9 (2018).

that stipulate self-defence without limitations;¹⁶ Venezuela take the necessary measures to implement the UN Programme of Action (UNPoA) on Small Arms and Light Weapons and revise the national legislation on this matter in order to reduce the existing homicide rate,¹⁷ and intensify, through the creation of new plans, the efforts to reform the police corps, and counteract insecurity, illegal weapons' trafficking and sale of narcotics;¹⁸ and Italy, ensure that all arms transfers and exports comply with Italy's obligations under the ATT,¹⁹ integrate a human rights impact assessment into its arms export control mechanisms,²⁰ and take more measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence, and that negatively impact women."²¹ In making its recommendation to Italy, Namibia stated that it "recognises that one of the issues that need close attention in this regard is the nexus between disarmament, non-proliferation and arms control and the Women, Peace and Security Agenda."²² Relevant recommendations were also made to Belgium,²³ France,²⁴ the United Kingdom (UK),²⁵ Spain,²⁶ Sweden.²⁷

There are additional UPR recommendations on combatting arms smuggling, including: Bahamas, to ensure effective enforcement of the Trafficking in Persons Act and continue to combat trafficking in persons as well as arms and drug smuggling;²⁸ and Mali, to take measures to combat drug trafficking and arms smuggling in northern Mali.²⁹

Several UPR recommendations have also been made to states to ratify or accede to the Arms Trade Treaty.³⁰

¹⁶ UPR of the USA, Recommendation 176.233: "Consider the adoption of legislation to enhance the verification of the records for all firearms transfers and the revision of the laws that stipulate self-defence without limitations", (Peru), A/HRC/30/12 (2015).

¹⁷ UPR of Venezuela, Recommendation 96.7: "Take the necessary measures to implement the UN Programme of Action on Small Arms and Light Weapons and revise the national legislation on this matter in order to reduce the existing homicide rate", (Switzerland), A/HRC/19/12 (2011).

¹⁸ UPR of Venezuela, 94.14: "Intensify, through the creation of new plans, the efforts to reform the police corps, and counteract insecurity, illegal weapons' trafficking and sale of narcotics," (Holy See), A/HRC/19/12 (2011).

¹⁹ 148.15, "Ensure that all arms transfers and exports comply with Italy's obligations under the Arms Trade Treaty", (Iceland), A/HRC/43/4, December 2019.

²⁰ 148.7, "Sign and ratify the Treaty on the Prohibition of Nuclear Weapons, and integrate a human rights impact assessment into its arms export control mechanisms (Ecuador)", A/HRC/43/4, December 2019.

²¹ 148.232, "Take more measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence, and that negatively impact women", (Namibia), A/HRC/43/4, December 2019.

²² See Namibia's statement available on the UPR extranet.

²³ UPR of Belgium, 101.26: "Ensure that no arms are traded with regions that deploy child soldiers (Netherlands)", A/HRC/18/3 (2011).

²⁴ UPR of France, 145.31: "Refrain from transferring conventional weapons when these can be used to violate human rights or international humanitarian law, in line with its obligations under the Arms Trade Treaty and target 16.4 of the Sustainable Development Goals", (Panama) A/HRC/38/4 (2018).

²⁵ UPR of the UK, 134.132: "In the context of the defence of the right to life, carefully assess the transfer of arms to those countries where they are likely to be used for human rights abuses and violations", (made by Peru); Recommendation 110.35: "Prohibit under the law the sale of weapons to the countries where children have been or are used in military actions", (Uzbekistan), A/HRC/21/9 (2012).

²⁶ UPR of Spain, 86.14: "Consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children may potentially be recruited or used in hostilities", (Slovenia), A/HRC/15/6 (2010).

²⁷ UPR of Sweden, 156.179: "Prohibit trade and transit of arms to places where children could be used as soldiers" (Mexico); 156.180: "Ensure that all arms transfers and exports comply with Sweden's obligations under the Arms Trade Treaty" (Iceland); 156.181: "Stop the selling of weapons to countries that have a long record of serious violations of international human rights and humanitarian law" (Iran); 156.182: "Refrain from transferring arms when there is a risk that they might be used to commit grave violations of human rights or international humanitarian law" (Panama); 156.183: "Take into account the human rights perspective in the arms export procedure, so that these weapons are not used to facilitate or commit violations of human rights and international humanitarian law" (Peru); and 95.5: "Review its legislation in order to prohibit the trade and transit of arms to places where it is suspected that children are used as soldiers" (Mexico), A/HRC/15/11 (2010).

²⁸ UPR of Bahamas, Recommendation 92.72, (Sri Lanka), A/HRC/23/8 (2013).

²⁹ UPR of Mali, Recommendation 111.43, (Sri Lanka), A/HRC/23/6 (2013).

³⁰ UPR of Canada, 142.32: "Expedite accession to the Arms Trade Treaty" (Australia) (2018); UPR of Ukraine, 116.13: "Accede and adapt its national legislation to the Arms Trade Treaty and sign the Treaty on the Prohibition

Our submission reflects our long history of cross-cutting work in the areas of disarmament, human rights, and WPS. WILPF has produced significant research on various negative impacts on human rights posed by the arms trade of conventional weapons, both regulated, and unregulated, diverted, or illicit.³¹ Over many years, WILPF has taken a particular look at the impact of arms transfers on women and girls, but also its gendered impact more broadly as encompassing men and boys and others, understanding GBV to entail violence against a person based on their sex, sexuality, or gender identity. It is with this understanding that WILPF contributed to OHCHR report on the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights in 2019,³² the impact of arms transfers on human rights in 2017,³³ and the report on the regulation of civilian acquisition, possession and use of firearms in 2016.³⁴ This submission focuses on women and girls, per the questions and guidance provided for the report.

of Nuclear Weapons”, (Guatemala) A/HRC/37/16 (2018); UPR of Pakistan, 152.31: “Accede to the Arms Trade Treaty and sign the Treaty on the Prohibition of Nuclear Weapons”, (Guatemala) A/HRC/37/13 (2017); UPR of Gabon, 119.4: Adhere and adapt its national legislation to the Arms Trade Treaty and sign the Treaty on the Prohibition of Nuclear Weapons”, (Guatemala); UPR of Sri Lanka, 117.8: “Adhere and adapt its national legislation to the Arms Trade Treaty and sign the Treaty on the Prohibition of Nuclear Weapons”, (Guatemala); UPR of Algeria, 129.22: “Adhere and adapt its legislation to the Arms Trade Treaty”, (Guatemala) A/HRC/36/13 (2017); UPR of the Philippines, 133.9: “Ratify and adapt its national legislation to the Arms Trade Treaty”, (Guatemala), A/HRC/36/12 (2017); UPR of Brazil, 136.15: “Ratify the Arms Trade Treaty and adapt its national legislation to the Treaty”, (Guatemala), A/HRC/36/11 (2017); UPR of India, 161.50: “Accede to and adapt its national legislation to the Arms Trade Treaty”, (Guatemala), A/HRC/36/10; UPR of Indonesia, 141.18: “Accede to the Arms Trade Treaty (Guatemala), A/HRC/36/7 (2017); UPR of Tunisia, 127.55: “Adhere and adapt its national legislation to the Arms Trade Treaty”, (Guatemala), A/HRC/36/5 (2017); UPR of Bahrain, 114.36: “Adhere to and adopt national legislation to bring it into line with the Arms Trade Treaty”, (Guatemala), A/HRC/36/3 (2017); UPR of Ecuador, 119.3: “Adhere to and adapt its national legislation to the Arms Trade Treaty”, (Guatemala), A/HRC/36/4 (2017); UPR of Syria, 109.8: “Ratify the Arms Trade Treaty”, (Uruguay), A/HRC/34/5 (2016); UPR of Trinidad and Tobago, 107.1: “Ratify and apply the Arms Trade Treaty”, (Costa Rica), A/HRC/33/15 (2016); UPR of Solomon Islands, Recommendation 100.37: Sign and ratify the Arms Trade Treaty (New Zealand), A/HRC/32/14 (2016); UPR of Seychelles, 120.23: “Ratify the Arms Trade Treaty”, (Burundi); UPR of Libya, 137.22: “Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms”, (New Zealand), A/HRC/30/16 (2015); UPR of the USA, 176.62: “Ratify the Arms Trade Treaty thus strengthening international regulation of the trade and transfer of conventional weapons, including small arms and light weapons”, (Trinidad and Tobago), A/HRC/30/12 (2015); UPR of Andorra, 83.1 Ratify the Convention on Cybercrime and the Arms Trade Treaty within a reasonable period of time (Georgia), A/HRC/30/9; UPR of Honduras, 126.5 Ratify the Arms Trade Treaty thereby providing the potential for reducing the proliferation of small arms and light weapons, the illegal drug trade and high levels of violence (Trinidad and Tobago), A/HRC/30/11 (2015); UPR of New Zealand, 128.25: “Increase efforts for the ratification of the Arms Trade Treaty with the aim of consolidating common international norms to regulate international trade in conventional arms, ammunition and parts and components, contributing to peace and security, reducing human suffering and promoting cooperation and transparency”, (Uruguay), A/HRC/26/3 (2014).

³¹ See publications listed at “Challenging the arms trade”, Reaching Critical Will of the Women’s International League for Peace and Freedom (WILPF), <http://www.reachingcriticalwill.org/resources/publications-and-research/research-projects/10738-challenging-the-arms-trade> .

³² Submission from WILPF to the Office of the High Commissioner for Human Rights on the impact of civilian acquisition, possession, and use of firearms on civil, political, economic, social and cultural rights, 19 February 2019, https://www.wilpf.org/wp-content/uploads/2019/09/WILPF_Submission_Firearms_Human_Rights_Feb2019.pdf . See also WILPF statement on the OHCHR report: https://www.wilpf.org/wilpf_statements/hrc42-statement-on-the-ohchr-report-on-firearms/ .

³³ *Report of the Office of the United Nations High Commissioner for Human Rights, Impact of arms transfers on the enjoyment of human rights*, A/HRC/35/8 3 May 2017. See also WILPF’s submission here: <https://www.ohchr.org/Documents/Issues/RuleOfLaw/ArmsTransfers/WomensInternationalLeaguePeaceAndFreedom.pdf> .

³⁴ Submission by WILPF Cameroon, 10 December 2015, <https://www.ohchr.org/Documents/Issues/RuleOfLaw/CivilianAcquisition/NGOs/WILPF.pdf> .

I. Framing and general points

a) Unregulated, diverted, and illicit arms versus legal and regulated arms transfers

In line with the mandate given by the HRC, the High Commissioner has requested information about the impact of *diverted, illicit or unregulated* arms transfers on women and girls.

Nonetheless, WILPF underscores that both illicit *and* regulated arms transfers have devastating impacts on women and girls and can exacerbate all forms of gender-based violence. WILPF has shown numerous times how the “regulated” or “legal” arms trade with end users that include armies, police, and state security services is connected to a high risk of human rights violations.³⁵

As stated in a WILPF report, “There is a common misconception that most armed GBV is committed with diverted weapons and by non-state armed groups. While this is a critical problem, particularly with groups such as Daesh or Boko Haram, state-sanctioned forces are often the ones responsible for GBV. For example, since the outbreak of the Syrian revolution ..., the Syrian regime has been responsible for 91 per cent of women and girls’ deaths, and has arbitrarily detained fourteen times more women than Daesh, and nine times more than armed opposition groups.”³⁶ In situations of armed conflict or armed violence, there are actors that have lawfully acquired and possess and use weapons while other actors use weapons acquired illicitly, and lines are often blurred.³⁷

³⁵ See for instance, R. Jarhum and A. Bonfatti, *We are still here: Mosulite women 500 days after the conclusion of the coalition military operation*, WILPF, January 2019, https://www.wilpf.org/wp-content/uploads/2019/08/ENG_We-Are-Still-Here_Mosulite-Women.pdf.

The persisting impact of Germany’s arms transfers on women’s rights: Submission to the CEDAW 77 pre-session Working Group–Germany–List of issues prior to reporting, European Center for Constitutional and Human Rights and WILPF, February 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fICS%2fDEU%2f41684&Lang=en.

Submission for the Universal Periodic Review of Sweden, WILPF Sweden, July 2019, https://www.wilpf.org/wp-content/uploads/2019/11/UPR-Submission_Sweden-2019.pdf

Joint submission for the Universal Periodic Review of Italy, joint submission by WILPF, Fondazione Pangea onlus, Associazione Trama di terre onlus, Filomena-La rete delle donne, and Unione Donne in Italia, 28 March 2019, https://www.wilpf.org/wp-content/uploads/2019/10/UPR-of-Italy_Joint-submission_March-19df.pdf;

The impact of the UK’s arms transfers and military spending on women’s rights, joint submission by Christian Aid, the Quakers in Britain and WILPF to the UN Committee on the Elimination of Discrimination against Women, 72nd session, February 2019,

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fGBR%2f33748&Lang=en.

The impact of Germany’s arms transfers on economic, social and cultural rights, joint submission by WILPF and the European Center for Constitutional and Human rights to the UN Committee on Economic, Social and Cultural Rights, 64th session, August 2018, https://wilpf.org/wp-content/uploads/2018/09/CESCR_Germany_-Jt-ECCHR-WILPF-submission-.pdf

Women, Peace and Security – A Review of Germany’s National Action Plan 1325, submission by WILPF to the Universal Periodic Review of Germany, 30th session, December 2017, https://wilpf.org/wp-content/uploads/2017/12/Germany-UPR_FINAL_WEB.pdf;

The impact of Italy’s arms transfers on women, submission by WILPF to the CEDAW Committee, 67th session, June 2017, https://wilpf.org/wp-content/uploads/2017/08/WILPF-CEDAW-ITALY-Report_Final_June_17-2.pdf;

The impact of Germany’s arms transfers on women, joint submission by WILPF and the European Center for Constitutional and Human Rights to the CEDAW Committee, 66th session, https://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Germany_20170130.pdf.

See also: *Challenging the arms trade*, various publications, Reaching Critical Will of WILPF, <http://www.reachingcriticalwill.org/resources/publications-and-research/research-projects/10738-challenging-the-arms-trade>.

³⁶ *Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and the UN Programme of Action*, WILPF, April 2016, <http://reachingcriticalwill.org/images/documents/Publications/preventing-gbv.pdf>.

³⁷ There are countless examples of this. In Yemen for instance, the Saudi-led coalition uses weapons acquired through the regulated arms trade while Houthis are supplied through illicit arms transfers, and through diversion

Against this backdrop, WILPF underscores that the net outcome and impact of the proliferation of weapons in a community, regardless of whether they were acquired legally or illegally, contributes to increased militarisation in that community and will inevitably have negative impacts on all groups of society, including women and girls. For this reason, human rights mechanisms, including the HRC, must address all such impacts.

WILPF reiterates that in most cases the ultimate responsibility and accountability of human rights violations caused by diverted or unregulated weapons lies with national governments and weapons producing companies. As Manuel Martinez Miralles of the United Nations Institute for Disarmament Research (UNIDIR) notes, “The vast majority of diverted or unregulated weapons had a legal origin, they were produced industrially in a factory registered with production permits granted by a government, were marked with a serial number, and were prepared for commercial distribution.”³⁸ This is further elaborated in our responses to Questions 3 and 4.

b) Gender and arms

While this submission will focus on the impacts on women and girls as requested in the OHCHR call, WILPF stresses that it is essential to also look at the specific gendered impacts on men and boys, and persons of diverse and marginalised sexual orientations, gender identities and expressions, and sex characteristics. As recommended by the UN Secretary-General (UNSG) in his Agenda for Disarmament, “all States should also incorporate gender perspectives in the development of national legislation and policies on disarmament and arms control, including consideration of the gendered aspects of ownership, use and misuse of arms; the differentiated impacts of weapons on women and men; and the ways in which gender roles can shape arms control and disarmament policies and practices.”³⁹

WILPF has long recognised that the possession of weapons symbolises power that stems from a particular and dominant understanding and performance of masculinity. It is based upon gender norms in which ideas like strength, courage, and protection are equated with violence.⁴⁰ The UNSG also recognised in his Agenda for Disarmament that “...concerns relating to arms have clear gender dimensions. The ownership and use of arms are closely linked to specific expressions of masculinity related to control, power, domination and strength.”⁴¹

Weapons are reflective of a culture of aggression and impunity. “Guns do not need to be fired to be effective,” argues Michael Ashkenazi of the Bonn International Center for Conversion. “The carrying of a gun often symbolises its use, or substitutes of its use far more effectively than does actual use, provided the willingness of the user to actually fire the weapon has been established.”⁴²

from Yemeni national forces. See: *Dealing In double standards: how arms sales to Saudi Arabia are causing human suffering in Yemen*, Control Arms, ATT Monitor, 2016, <https://controlarms.org/wp-content/uploads/2018/03/ATT-Monitor-Case-Study-2-Saudi-Arabia-FINAL.pdf>, page 2.

The Independent International Fact-Finding Mission on Myanmar also documents extensively the use of both licit and illicit weapons in its report to the Office of the High Commissioner for Human Rights, 16 September 2019, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf.

³⁸ M. Martinez Miralles, “Tres ciudades, tres Estados y un reto : que las armas dejen de fluir por el Amazonas,” *El Pais*, 9 December 2019, https://elpais.com/elpais/2019/12/06/planeta_futuro/1575654860_456215.html.

³⁹ Guterres.

⁴⁰ R. Acheson, *Presentation on gender norms and gun violence*, Reaching Critical Will of WILPF, June 2018, <http://www.reachingcriticalwill.org/news/latest-news/12587-presentation-on-gender-norms-and-gun-violence>.

⁴¹ Guterres, page 39, https://front.un-arm.org/documents/SG+disarmament+agenda_1.pdf.

⁴² D. Mack, “Small arms, big violations,” *International Journal on Human Rights*, Vol. 12, No. 22, 2015, https://sur.conectas.org/wp-content/uploads/2015/12/04_SUR-22_ENGLISH_DANIEL-MACK.pdf.

Weapons are about power, not security. A study by the Small Arms Survey confirmed that Liberian men and women both perceive the possession of firearms as a threat rather than as a source of security.⁴³ Guns are about control and dominance, not cooperation or equality. They detract from our collective humanity, facilitating divisions and violence.⁴⁴

These dominant gender norms have distinct impacts on women, and girls, men and boys and non-binary people. Different groups, distinguished by age, sex, gender identity, sexuality, ethnicity, ability, religion, and other factors, therefore experience the impact of diverted or unregulated arms transfers differently.

Men and boys are systematically exposed to violence as a direct result of dominant gender constructs.⁴⁵ Men “constitute a massive majority of the owners of small arms,”⁴⁶ and young men make up the vast majority of perpetrators and victims of armed violence. In 2018, men and boys accounted for 84 per cent of violent deaths, including homicides and armed conflict.⁴⁷

Women, however, are more frequently the victims of gender-based violence that is facilitated by small arms. The proliferation of conventional weapons is correlated with an increase in gendered inequality and a generalised culture of violence, against women in particular, as well as against LGBTQIA people.⁴⁸ In line with the focus on women and girls requested by the High Commissioner, this submission will focus on this group of rights holders in detail.

It is important to remember that the relationship between women, men, and firearms is complicated and that women are not only killed, threatened, and injured by guns. Women are also perpetrators of armed violence, have taken up arms as combatants, and smuggled weapons across borders. Conversely, women—and men—have organised local and national disarmament initiatives. Men can also suffer from sexual violence, however. For instance, a survey in Liberia found that 33 per cent of male combatants and seven per cent of male non-combatants had experienced sexual violence.⁴⁹

Against this backdrop, addressing and preventing the acquisition, possession, transfer, diversion, and use of conventional weapons necessitates an understanding of gendered root causes of violent behaviour, and the recognition that bringing about changes in masculinities and gender norms is an effective tool for the prevention of human rights violations and conflict more broadly.

See also: *Action against gun violence is action against militarism*, WILPF, 1 May 2016, <https://wilpf.org/action-against-gun-violence-is-action-against-militarism/> .

⁴³ “Too close to home—everyday dangers: Guns and intimate partner violence,” in *Everyday dangers*, Small Arms Survey, Graduate Institute of International and Development Studies, Cambridge University Press, 2013.

⁴⁴ See also: WILPF, *Action against gun violence is action against militarism*.

⁴⁵ *Disarm domestic violence*, WILPF, 2011, http://www.peacewomen.org/assets/file/Resources/NGO/disarm_domestic_violence_conference_report_poster_2011_-_web.pdf .

⁴⁶ Guterres, page 39.

⁴⁷ *Global violent deaths in 2018*, Small Arms Survey, <http://www.smallarmssurvey.org/fileadmin/docs/W-Infographics/SAS-GVD-March-2020-update.pdf> .

⁴⁸ WILPF, *Submission to the Office of the High Commissioner for Human Rights on the impact of arms transfers on human rights*, 2018.

⁴⁹ “Converging agendas: Women, peace security, and small arms,” in *Small Arms Survey 2014 – Women and guns*, *Small Arms Survey*, Graduate Institute of International and Development Studies, Cambridge University Press, 2014, <http://www.smallarmssurvey.org/?small-arms-survey-2014> .

c) Types of weapons

Small arms and light weapons are the category of conventional weapons most implicated in contributing to and exacerbating human rights violations in general and gender-based violence in particular. As Daniel Mack observes, “Guns are more plentiful and impactful than all other types of conventional weapons within the concept of armed violence.”⁵⁰ Different human rights mechanisms have addressed the detrimental impact of SALW on human rights, including those that are smuggled or illicit.⁵¹ The CEDAW Committee has repeatedly recognised the detrimental impacts of the proliferation of SALW on women and girls.⁵² The Committee on the Rights of the Child has also regularly addressed the connection between child soldiers and small arms trade in its concluding observations. The Committee has, in particular, recommended, for example, adoption of domestic legislation explicitly prohibiting the trade and export of small arms and light weapons to countries where children are known to have been or are involved in armed conflict;⁵³ and measures to address the proliferation of small arms and other weapons within the country.⁵⁴

However, the case can be made that other types of conventional weapons are also implicated in GBV but are less visible and less accounted for. This speaks for the need to enhance the quantity and quality of disaggregated data collection, a point upon which we elaborate below, to acquire a comprehensive understanding about how different types of conventional weapons cause or facilitate human rights violations and GBV.

In this report, we consider only conventional weapons as defined in the Questionnaire and most of the examples we highlight are about SALW, and frequently firearms in particular.

d) Ammunition

WILPF underscores that ammunition is inextricably linked to conventional weapons—without the former, the latter would not function. Ammunition is already covered in many existing

⁵⁰ Mack, page 52.

⁵¹ See for instance, *Report of the Working Group on the Universal Periodic Review, Democratic Republic of the Congo*, A/HRC/42/5, 5 July 2019; *Concluding observations on Italy*, CRC/C/ITA/CO/5-6, 28 February 2019; *Concluding observations on El Salvador*, CRC/C/SLV/CO/5-6, 29 November 2018; *Concluding observations on the optional protocol on Saudi Arabia*, CRC/C/OPAC/SAU/CO/1, 31 October 2018; *Concluding observations on the optional protocol on Brazil*, CRC/C/OPAC/BRA/CO/71, 28 October 2015.

⁵² See for instance, *Concluding observations on Nigeria*, CEDAW/C/NGA/CO/7-8, 14 July 2017; *Concluding observations on Italy*, CEDAW/C/ITA/7, 4 July 2017; *Concluding observations on Eritrea*, CEDAW/C/ERI/4 and CEDAW/C/ERI/5, 26 February 2015; *Concluding observations on the DRC*, CEDAW/C/COD/CO/6-7 (2013), paragraph 10 (h), and CEDAW/C/COD/CO/8 (2019), paragraph 13, *Concluding observations on India*, CEDAW/C/IND/CO/4-5 (2014), 12 (e); *Concluding observations on Pakistan*, CEDAW/C/PAK/CO/4 (2013); paragraph 13, and *Concluding observations on Switzerland*, CEDAW/C/CHE/CO/4-5 (2016), paragraph 17 (c).

⁵³ See, for example, *Concluding observations on Ukraine*, CRC/C/OPAC/UKR/CO/1 (2011); Tunisia CRC/C/OPAC/TUN/CO/1 (2009); Turkmenistan CRC/C/OPAC/TKM/CO/1 (2015); Montenegro CRC/C/OPAC/MNE/CO/1 (2010); Belgium, CRC/C/OPAC/BEL/CO/1 (2006); Moldova, CRC/C/OPAC/MDA/CO/1 (2009); China CRC/C/OPAC/CHN/CO/1 (2013); Kyrgyzstan, CRC/C/OPAC/KGZ/CO/1 (2007); Hungary, CRC/C/OPAC/HUN/CO/1 (2014); Italy, CRC/C/ITA/CO/3-4 (2011); Australia, CRC/C/OPAC/AUS/CO/1 (2012); Singapore, CRC/C/OPAC/SGP/CO/1 (2014); USA, CRC/C/OPAC/USA/CO/2 (2013); Czech Republic, CRC/C/OPAC/CZE/CO/1 (2006); Egypt CRC/C/OPAC/EGY/CO/1 (2011); Belarus, CRC/C/OPAC/BLR/CO/1 (2011); Bosnia and Herzegovina, CRC/C/OPAC/BIH/CO/1 (2010); The Former Yugoslav Republic of Macedonia, CRC/C/OPAC/MKD/CO/1 (2011); India, CRC/C/OPAC/IND/CO/1 (2014); Slovenia, CRC/C/OPAC/SVN/CO/1 (2009); Canada, CRC/C/OPAC/CAN/CO/1 (2006); Tanzania, CRC/C/OPAC/TZA/CO/1 (2008)

⁵⁴ See, for example, *Concluding observations on Sudan*, CRC/C/SDN/CO/3-4 (2010); Sri Lanka CRC/C/OPAC/LKA/CO/1 (2010); Philippines, CRC/C/OPAC/PHL/CO/1 (2008)

regional arms trade policies,⁵⁵ and the need to equally control and regulate the acquisition, possession, and use of ammunition at a global level is well-recognised, even if politically challenging within certain frameworks.⁵⁶ It is crucial to bear in mind that the illegal trade and diversion of ammunition is relevant to consider when analysing the impact of conventional weapons on women's and girl's rights.

e) Women's contributions to the prevention of diversion and to small arms control

This report focuses on the impact of arms on women and girls, but WILPF highlights that women are not only victims of the proliferation of weapons, they are sometimes perpetrators. WILPF also recalls that women have been key players in prevention of diversion, small arms control, and calling for disarmament.

The Small Arms Survey observed in a report that "Women have been at the forefront of many international and national initiatives to remove small arms from their communities (...). Women also play a crucial role in local policy-making and small arms monitoring activities. In 2010, 100 pastoralist women from the frontier Indigenous Network in Kenya submitted a petition and a regional plan on firearms control to the government, listing local arms markets, smuggling routes, and arms traffickers."⁵⁷

In 2017, WILPF Colombia launched "Mujeres por el desarme; más vida, menos armas"⁵⁸ (Women for disarmament: more life, less weapons), a campaign to raise awareness among the public and public authorities of the importance to control and regulate SALW for the prevention of armed violence against women and girls.

A 2017 report by WILPF on women's involvement in peacebuilding efforts in Yemen and Libya⁵⁹ noted that Libyan women's reconciliation work included efforts to counsel young men to prevent their entry into armed groups, and to control arms. It further described how women in Aden, Yemen, were focusing on countering violent extremism and radicalisation; social cohesion; disarmament and reintegration of combatants; and psychosocial support and relief, including by "conducting awareness sessions on disarmament for a city free of weapons."⁶⁰

Response to Question 1: How diverted, unregulated, and/or illicit arms impact the human rights of women and girls

Although weapons impact different interrelated and interdependent categories of human rights, we have attempted to separate them in this submission for the sake of clarity, providing specific examples of impacted categories of human rights, based on the data available and accessible. It is also vital to underscore that the impacts of armed violence are different for women, men, and non-binary people and in relation to sexual orientation or gender identity, as well as along lines of class, race, disability, religion, and other factors. Moreover, women as a group of rights holders aren't monolithic, their experiences of armed violence differ and vary depending on their positions and degrees of privilege, or lack thereof, within a society.

⁵⁵ For instance, the EU Common Position on exports of military technology and equipment and the Wassenaar Arrangement Munitions List both include ammunition.

⁵⁶ *Draft report of the Third UN Conference to review progress made in the implementation of the Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects*, A/CONF.192/2018/RC/3, 22 June 2018, paragraphs I(16) and A 1(18).

⁵⁷ Small Arms Survey, "Converging agendas: Women, peace, security, and small arms".

⁵⁸ See <https://www.limpalcolombia.org/es/nuestro-trabajo/desarme>.

⁵⁹ V. Farr and S. Boukhary, *Feminism at the frontline: addressing women's multidimensional insecurity in Yemen and Libya*, WILPF, May 2017, <https://www.wilpf.org/wp-content/uploads/2017/08/LIBYA-YEMEN-WEB.pdf>.

⁶⁰ *Ibid.*, page 8.

Right to life

In 2018, 93,700 women died as a result of armed violence. This amounts to 16 per cent of all global violent deaths recorded. Eighteen per cent of female victims of lethal violence were killed by a firearm.⁶¹ We address the right to life in more detail in Question 2, as most cases of women's homicide are a result of gender-based violence, with the vast majority dying from intimate partner violence.⁶²

While data such as above offers an important snapshot of the link between weapons and human rights violations, challenges to data collection persist. As Small Arms Survey reports, only 52 countries and territories of 223 that it covered in its analysis of violent deaths in 2018 provide any direct sex-disaggregated homicide statistics for any year between 1990 and 2017.⁶³ This means that much of the existing data is based on estimates, and the real number of deaths linked to armed violence is likely much higher. Moreover, homicide statistics are based on the biological sex of a person, and do not account for a victim's gender identity.⁶⁴ This poses serious obstacles to acquire a more nuanced understanding of the gendered impacts of armed violence. Efforts to research and document human rights dimensions of armed violence other than homicides is also hampered by insufficient data, especially in the context of diverted or illicit weapons.

WILPF, along with its sections and partners, regularly encounters challenges in finding and accessing comprehensive quantitative and qualitative disaggregated datasets, including in the course of research for this submission. For example, a WILPF partner organisation in Iraq undertook to research, in 2019, the correlation between the proliferation of firearms in four cities and increased levels of violence against women and found routinely that insufficient data was being collected by medical institutions, relevant government agencies, or municipal law enforcement. The Small Arms Survey exposes some of these challenges in its recent report, finding that “the gender relevance of global, regional, and national datasets on lethal violence—including on homicides, and conflict-related fatalities of the available data is still low.”⁶⁵

In recent years, calls for the collection of gender-disaggregated data and for the recognition of the gendered impacts of armed conflict have spiked across the board, including in the agreed package of decisions on gender and GBV of the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty;⁶⁶ in recent UN General Assembly First Committee resolutions⁶⁷ and statements;⁶⁸ in the 2018 final adopted report of the Third Conference of the UN Programme on Small Arms and Light Weapons;⁶⁹ and the UN Sustainable

⁶¹ *Global violent deaths in 2018*, Small Arms Survey.

⁶² A.i del Frate, G. Hideg, and E. LeBrun, *Gender counts: Assessing global armed violence datasets for gender relevance*, Small Arms Survey, March 2020, <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Gender-Counts.pdf> .

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Final report, ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1, 30 August 2019, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp5/documents/csp5-final-report.pdf> .

⁶⁷ See for instance “Gender” in *First Committee Monitor*, Vol. 17(6), 9 November 2019, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/FCM19/FCM-2019-No6.pdf>.

⁶⁸ See for instance: *Joint statement on gender and the disarmament machinery*, on behalf of 79 states, 31 October 2019, http://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com19/statements/31Oct_gender.pdf .

⁶⁹ Report of the Third United Nations Conference on the progress made in the implementation of the Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, 2 July 2018, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/salw/revcon2018/documents/final-report.pdf> .

Development Goals.⁷⁰ Yet practical efforts to conduct research and analysis routinely reveal that these commitments are not being realised.

CIVIL AND POLITICAL RIGHTS

Right to security and physical integrity

Women can suffer from gun violence directly if they are survivors of injuries, intimidation, or brutalisation through gun violence. Next to murder, examples of direct armed violence faced by women include domestic and sexual violence, trauma, and injury.⁷¹ The accessibility and availability of arms can further facilitate or exacerbate robbery, trafficking, forced prostitution, displacement, and forced marriage.⁷² Because these impacts constitute different types of gender-based violence, we address the right to physical integrity in more detail in Question 2.

Public and political participation

It is important to underscore that the presence of weapons, both illicit and legal, have multifaceted impacts and often go beyond the immediate use of a weapon in an act of physical or sexual violence. Widespread possession and use of weapons tend to prevent women from fully participating in public and political life, elaborated in more detail below.⁷³ For instance, women and girls may face “secondary victimisation”, predominantly in their role as caregivers to weapon survivors with disabilities, or those who are seriously injured,⁷⁴ which in turn limits their opportunities to access public and political life.

Freedom of movement

In Yemen and Libya, WILPF has exposed how checkpoints belonging to different armed groups hinder women’s mobility and freedom of movement. Along with threats of harassment and other forms of sexual violence, a phenomenon particular to Libya is the kidnapping of women at checkpoints. In Eastern Libya, the self-declared military authority in the region (Libyan Arab Army, LAA) have used “domestic patriarchal values to impose a kind of ‘state guardianship’ on women.”⁷⁵

⁷⁰ See <https://www.un.org/sustainabledevelopment/peace-justice/>.

⁷¹ V. Farr, “Scared half to death: The gendered impacts of prolific small arms,” *Contemporary Security Policy*, 27(1), 24 January 2007.

⁷² WILPF, *Disarm domestic violence*.

See also: *Written statement Submitted to CEDAW on the occasion of the general discussion on women in conflict and post-conflict situations*, FEIM (Fundación para Estudio e Investigación de la Mujer) et al., 18 July 2011,

http://www.peacewomen.org/assets/file/PWandUN/CEDAW/2011/cedaw_gr_iansajointstatement_2011.pdf.

⁷³ R. Gerome, *Preventing gender-based violence through arms control: Tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action*, WILPF, 2016. See also: GEE report on Yemen.

See, for example, V. Farr and S. Boukhary, *Feminism at the frontline: Addressing women’s multidimensional Insecurity in Yemen and Libya*.

⁷⁴ C. Buchanan, “The health and human rights of survivors of gun violence: charting a research and policy agenda,” *Health and Human Rights*, 13(2), page 51, December 2011.

See also *Gender and landmines—from concept to practice*, Swiss Campaign to Ban Landmines, 2008,

[http://www.gmap.ch/fileadmin/Gender_and_Landmines_from_Concept_to_Practice/SCBL -](http://www.gmap.ch/fileadmin/Gender_and_Landmines_from_Concept_to_Practice/SCBL_-_Gender_Landmines_2008_rev_Sep09.pdf)

[Gender_Landmines_2008_rev_Sep09.pdf](http://www.gmap.ch/fileadmin/Gender_and_Landmines_from_Concept_to_Practice/SCBL_-_Gender_Landmines_2008_rev_Sep09.pdf) and Small Arms Survey, “Converging agendas: Women, peace, security, and small arms”.

⁷⁵ Farr and Boukhary, page 18.

Right to freedom of assembly and right to take part in the conduct of public affairs

Weapons are used to hinder freedom of expression and of assembly, both through their actual use and as a tool of intimidation. Situations of deep insecurity, as described above in reference to Libya or Yemen, often means that women are no longer able to move around freely or express their opinions in a public political platform. WILPF's report on the topic notes that "In both Yemen and Libya, a significant decrease in their mobility has made women invisible once more, favouring conservative interpretations of women as bearers of their family honour, in need of men's 'protection' disguised as control."

In the DRC, SALW continue to be trafficked despite the 2003 arms embargo decreed by the UN Security Council. WILPF DRC reports that "Weapons are consistently used as a symbol of power, authority, and their persistent availability contributes to escalating conflicts. The proliferation of [SALW] jeopardises women's ability to participate in conflict resolution, elections, governance and post- conflict reconstruction processes."⁷⁶ As noted earlier in this submission, the CEDAW Committee has addressed SALW in its review of the DRC in 2019.

ECONOMIC AND SOCIAL RIGHTS

Right to health

The High Commissioner recognised in his 2016 and 2019 reports that there are far-reaching non-lethal negative impacts of firearms violence specifically.⁷⁷ In the United States for instance, estimates point to three to six non-lethal victims per fatality.⁷⁸ Yet there is less research on, and support for those who survive shootings.⁷⁹ Many gunshot survivors suffer long-term health consequences.⁸⁰ Injuries to the extremities include, *inter alia*, haemorrhages, infections, amputations, or permanent trauma due to joint or bone deformities. Brain and spinal cord injuries can leave irreversible damage such as paralysis, sexual dysfunction, limited movement, seizure disorders, bowel problems, incontinence, and severe facial disfigurements.⁸¹ Being affected by gunshots can also leave permanent psychological damage resulting in post-traumatic stress disorder, flashbacks, anxiety and fear, self-destructive behaviours, low self-esteem, depression, suicidal behaviour, and alienation from friends and family.⁸² These severe complications often require repeated hospital readmission and ongoing medical care, yet many gunshot survivors do not have access to the healthcare they would require.⁸³ Trauma care in low- and middle-income

⁷⁶ A. Matundu-Mbambi, *The link between the proliferation of SALW and gender-based violence*, WILPF DRC, August 2019, <http://reachingcriticalwill.org/images/documents/Publications/drc-english.pdf>.

⁷⁷ *Report of the United Nations High Commissioner for Human Rights, Human rights and the regulation of civilian acquisition, possession and use of firearms*, A/HRC/32/21, 15 April 2016, paragraph 51.

Report of the United Nations High Commissioner for Human Rights, Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights, A/GRC/42/21, 3 July 2019.

⁷⁸ A high number of those weapons can be expected to be acquired illegally. One study found for instance that more than 70 per cent of surveyed US gun offenders purchased their weapon illegally. See K. A. Vittes, Jon S. Vernick, D. W. Webster, *Legal status and source of offenders' firearms in states with the least stringent criteria for gun ownership*, 2011, <https://injuryprevention.bmj.com/content/19/1/26>.

⁷⁹ Buchanan.

⁸⁰ *Small arms and global health*, WHO contribution to the UN Conference on illicit trade in small arms and light weapons, 9-20 July 2001, https://apps.who.int/iris/bitstream/handle/10665/66838/WHO_NMh_VIP_01.1.pdf;jsessionid=60AD72DA0E9D6DDB95893230482D7C5F?sequence=1.

⁸¹ *Ibid.*, page 53.

⁸² *Ibid.*, page 61.

⁸³ *In the line of fire—human rights and the US of gun violence crisis*, Amnesty International, 2018, https://www.amnesty.org.uk/files/2018-09/In%20the%20Line%20of%20Fire.pdf?1_qqjrC2Mv4H3YTt5TsdLepSKrjKen0=.

settings is typically weak and under- resourced, and infrastructure and trauma response systems are often not in place.⁸⁴

Women's role as caregivers can put an even more heightened physical burden on them if they are injured or live with disabilities.

It is crucial to note that even without weapons being used, the knowledge of their mere existence in a household or a community, correlated with heightened levels of fear, repression, or control, can cause mental health issues and trauma.⁸⁵

Depending on their context-specific circumstances and the level of gender inequality in their society, women can encounter obstacles in accessing the health care they need, which can further exacerbate their marginalisation in society.⁸⁶ It is again important to remember that the intersection of identities means that different women will have different experiences within the same community or society.

In Yemen, the city of Taiz had been under siege for more than three years in 2018, with ongoing clashes between Houthis and Hadi-affiliated armed groups. A WILPF report notes that Houthis are being supplied through illicit arms transfers, homemade munitions, battlefield seizures and unsecured stockpiles, and diversion from Yemeni national forces. The continued armed clashes have had devastating impacts on women's access to healthcare. Residents of the city have to take routes mined with explosives and are exposed to the constant risk of shelling, airstrikes and snipers when trying to access those health care facilities that haven't been destroyed or damaged. The report notes that "Without access to reproductive health services, women face an increased risk of life-threatening complications, as well as loss of access to family planning, exposing them to unwanted pregnancies in perilous conditions."⁸⁷

Right to work

Widespread possession and use of weapons can hinder women's access to and use of resources, business, and employment opportunities.⁸⁸ Reasons for this are manifold. As mentioned above, women may not be able to freely move around due to increased levels of insecurity and heightened risks of attacks and violence, and so cannot access their place of work. Moreover, because of women's "secondary victimisation" in their roles as caregivers to weapon survivors with disabilities, or those who are seriously injured, as described above, their opportunities for enumerated work are further limited.

Cate Buchanan notes "In contexts where women provide the bulk of care, households in poverty or financial stress may become more pressured, exacerbated by the unequal earning power of men and women."⁸⁹ Similarly, the UNSG observes that "In many situations, when men are killed or injured, women must take on new or additional roles as income providers..." Because of patriarchal systems of work that discriminate, abuse and harass women disproportionately, he argues that the situation "often [leads] to impoverishment

⁸⁴ Buchanan.

⁸⁵ L. Lyddon, *Voices of survivors: the different faces of gun violence*, IANSA Women's Network, May 2011, http://www.iansa-women.org/sites/default/files/newsviews/iansa_wn_voices_of_survivors_2011_web_0.pdf.

⁸⁶ *Women and girls with disabilities*, United Nations Department of Economic and Social Affairs (UNDESA), <https://www.un.org/development/desa/disabilities/issues/women-and-girls-with-disabilities.html>.

⁸⁷ *Changes ahead: Yemeni women map the road to peace, joint submission to the Universal Periodic Review of Yemen*, WILPF et al., July 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/WILPF_Yemen-Publication_web.pdf, page 7.

⁸⁸ See, for example, Farr and Boukhary.

⁸⁹ Buchanan.

[and] exploitation...”.⁹⁰ In Yemen for instance, as a result of the armed conflict, most households are now female-led, with 21 per cent of households led by girls under 18. According to a report by the GEE on Yemen, “given the endemic inequality and lack of economic empowerment, [these women are] more isolated and vulnerable to poverty”.⁹¹ Importantly, these experiences and impacts are further compounded by factors such as gender identity, sexual orientation, ethnicity, religious beliefs, socio-economic status, and other factors. The GEE on Yemen reports for example that women from “less vulnerable backgrounds” had in fact been empowered by these new responsibilities, “securing work through self-employment, such as selling items in the street or working in agriculture.”⁹²

In Cameroon, there are more weapons held illegally in proportion to the total number of weapons in circulation.⁹³ WILPF Cameroon has illustrated that the existence of armed secessionist groups in Cameroon prevent 80 per cent of women in the North West region to perform agricultural activities that they typically carry out, impacting the livelihood of themselves and their families. According to WILPF Cameroon, women are forced to flee armed violence, and are often killed if they continue to work in the fields.⁹⁴

The Iraqi town of Mosul was under the rule of the Islamic State for nine months from 2014 to 2015. As WILPF reports, following its seizing the city, a strict gender division in schools and public spaces was enforced, limiting women’s possibilities to access education, healthcare and the job market. As a consequence, many resorted to working from home to continue to earn an income. The report notes “A woman activist in Mosul explains: “Before Daesh [Islamic State] took control, I used to run two medical clinics. After they took control of the city, they confiscated my clinics and imposed rules on women, including forbidding them from working. I didn’t confront Daesh, not even verbally, instead I worked from my home secretly...”.⁹⁵

Right to education

One hundred and three states currently recognise the grave impact of armed conflict on education, having signed onto the Safe Schools Declaration.⁹⁶ Among its other provisions, the Declaration notes that “attacks on schools and universities have been used to.... further gender discrimination, for example by preventing the education of girls.”⁹⁷

Impacts of the proliferation of weapons, and their illicit possession by armed non-state groups on girls’ access to education has been well documented.⁹⁸

In Nigeria, as of 2018, approximately 600 girls and women have been abducted from their schools by the non-state armed group Boko Haram. As a report by the Global Coalition to Protect Education from Attack (GCPEA) on the topic notes, “Attacks on education create a ripple effect, setting in motion a range of negative impacts such as loss of education, early marriage, early pregnancy, and stigma associated with sexual violence and children born

⁹⁰ Guterres.

⁹¹ *GEE report on Yemen*, paragraph 624.

⁹² *Ibid.*, paragraph 625.

⁹³ *Small arms assessment for the Sahel states and limit countries*, UNREC-UNDP, 2015, page 9.

⁹⁴ G. B. Feugap, *Gender and armed violence: A look at the situation in Cameroon*, WILPF, August 2019, <http://reachingcriticalwill.org/images/documents/Publications/cameroon-english.pdf> .

⁹⁵ Jarhum and Bonfatti, page 11.

⁹⁶ Safe Schools Declaration,

http://protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf .

⁹⁷ *Ibid.*

⁹⁸ See for instance *It is very painful to talk about: Impact of attacks on education on women and girls*, Global Coalition to Protect Education from Attack (GCPEA), November 2019,

http://protectingeducation.org/sites/default/files/documents/impact_of_attacks_on_education_nov_2019_lowres_webspreads.pdf .

from rape, all of which can dramatically affect female students' futures. These harms often exacerbate and are exacerbated by pre-existing forms of gender discrimination and harmful practices that negatively affect girls and women." Many of the girls interviewed by GCEPA further reported that they had been forced to suspend their education after their school experienced an attack, or permanently dropped out because of the attacks.⁹⁹

As well, GCPEA documents the impact of attacks on education for women and girls in the Kasai Central Province in the Democratic Republic of the Congo (DRC).¹⁰⁰ The region has suffered from armed conflict since August 2016 between the Kamuina Nsapu militia and the Congolese army. Amongst other settings, the militia targeted schools to recruit both boys and girls. Countless cases of sexual violence, including rape against school children and teachers have been reported. Since the re-opening of schools in September 2017, school principals have registered significantly fewer students, in particular girls, compared to previous years. GCPEA reports that families could not pay school fees anymore as a result of death of parents, and the destruction of families' homes, fields, animals, and other means of livelihood that were intact prior to the conflict. Parents were more likely to prioritise their son's education in light of financial difficulties, and were also more likely to keep their daughters at home because of fears for their safety.

WILPF Cameroon illustrates how women and girls' right to education is impacted in the North West region, as girls are often kidnapped on their way to school.¹⁰¹ Moreover, in 2019, 90 per cent of public primary schools and 77 per cent of public secondary schools remained closed or non-operational in the South West and North West of Cameroon.¹⁰² As WILPF Cameroon reports, "Thousands of children residing in [South West and North West] are no longer attending school, several schools have been closed, others have been burned, and teachers, parents and students have been threatened, kidnapped or killed."

Response to Question 2: How diverted, unregulated, and/or illicit arms contribute to the increase in gender-based violence against women and girls

Gender-based violence (GBV) is violence that is directed at a person based on discriminating norms and practices relating to her or his specific sex or gender role in society.¹⁰³ It is linked to the gendered identity of being a woman, man, intersex, transsexual, or transgendered. The term GBV recognises that violence takes place as a result of unequal power relations and discrimination in society on the basis of one's sex or gender. The CEDAW Committee clarified that the term GBV "makes explicit the gendered causes and impacts of the violence." It explained that, "The term further strengthens the understanding of the violence as a social rather than an individual problem, requiring comprehensive responses, beyond those to specific events, individual perpetrators and victims/survivors." It further notes that "gender-based violence against women is one of the fundamental social,

⁹⁹ H. Cartner, *I will never go back to school: The impact of attacks on education for Nigerian women and girls*, Global Coalition to Protect Education from Attack (GCPEA), September 2018, http://protectingeducation.org/sites/default/files/documents/attacks_on_nigerian_women_and_girls_summary.pdf, page 3.

¹⁰⁰ H. Cartner, *All that I have lost: Impact of attacks on education for women and girls in Kasai Central Province, Democratic Republic of Congo*, April 2019, <https://reliefweb.int/report/democratic-republic-congo/all-i-have-lost-impact-attacks-education-women-and-girls-kasa-i>.

¹⁰¹ Feugap.

¹⁰² *More than 855,000 children remain out of school in North-West and South-West Cameroon: UNICEF calls on all parties to protect children and their education*, UNICEF, 5 November 2019, <https://www.unicef.org/press-releases/more-855000-children-remain-out-school-north-west-and-south-west-cameroon>.

¹⁰³ *Integrating a gender perspective into human rights investigations: Guidance and Practice*, Office of the High Commissioner for Human Rights (OHCHR), 2018, https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf.

political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated.”¹⁰⁴ The High Commissioner for Human Rights defined homophobic and transphobic violence and attacks as gender-based violence, “driven by a desire to punish those seen as defying gender norms.”¹⁰⁵

Based on existing international legal understandings of GBV,¹⁰⁶ there are different types of GBV that can be grouped into these four categories:¹⁰⁷

- 1) Sexual violence: Sexual harassment, rape, forced prostitution, sexual violence during conflict and harmful customary or traditional practices such as female genital mutilation, forced marriages, and honour crimes.
- 2) Physical violence: Physical assault, domestic violence, human trafficking and slavery, forced sterilisation, forced abortion.
- 3) Emotional and psychological violence: Abuse, humiliation, and confinement.
- 4) Socioeconomic violence: Discrimination and/or denial of opportunities and services; prevention of the exercise and enjoyment of civil, social, economic, cultural, and political rights.

The proliferation of conventional weapons correlates with an increase in gendered inequality and a generalised culture of violence. The possession of weapons by any stakeholder symbolises power, stemming from a particular and dominant understanding and performance of masculinity. This performance is based upon gender norms in which ideas like strength, courage, and protection are equated with violence.¹⁰⁸ The proliferation and possession of weapons, regardless of whether they are acquired through the regulated or unregulated arms trade, therefore reinforce patriarchal gender norms and gender inequality.¹⁰⁹ In Yemen, the GEE as well as a joint report by WILPF and partners¹¹⁰ offer in-depth analyses how the armed conflict has exacerbated already deeply rooted gender inequalities, as does a report of the Col on Syria¹¹¹.

The GEE notes “Disruption to education, poverty, mass unemployment, and increased mental health issues including depression have affected men and boys also. Coupled with the reinstatement of discriminatory customs, the exacerbation of toxic masculinity and impunity, and the obstruction of awareness raising and behavioural change programs for men and boys, has increased the risk of men using domestic violence to maintain control within families to compensate for their economic disempowerment and changing gender roles. Together, these factors increase the long-term risk of a future generation of men and boys predisposed to perpetuate gender-based violence and wider discrimination against women and girls.”¹¹²

¹⁰⁴ *General recommendation No.35 on gender-based violence against women, updating general recommendation No.19*, CEDAW Committee, CEDAW/C/GC/35, 14 July 2017, paragraphs 9 and 10.

¹⁰⁵ *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, UN High Commissioner for Human Rights (OHCHR), 17 November 2011, A/HRC/19/41, paragraph 20.

¹⁰⁶ See for instance, *Declaration on the Elimination of Violence against Women*, 23 February 1994, A/RES/48/104; International Criminal Court (ICC) Office of the Prosecutor, *Policy paper on sexual and gender-based crimes*, 2014, <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes-June-2014.pdf>; *General Recommendation No. 28 on the core obligations of states parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/GC/28; and *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 17 November 2011, A/HRC/19/41.

¹⁰⁷ Gerome, page 10.

¹⁰⁸ Acheson, *Presentation on gender norms and gun violence*.

¹⁰⁹ See for compelling evidence the *GEE report on Yemen*, paragraphs 624-633.

¹¹⁰ WILPF, *Changes ahead: Yemeni women map the road to peace*.

¹¹¹ “*I lost my dignity*”: *Sexual and gender-based violence in the Syrian Arab Republic*, A/HRC/37/CRP.3.

¹¹² GEE report on Yemen, paragraph 631.

The presence of conventional weapons threatens women's security in both conflict and peace. The CEDAW Committee has noted that the "proliferation of conventional arms, especially small arms, including those diverted from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence, and as protestors or actors in resistance movements."¹¹³ It has recommended that state parties "Address factors that heighten the risk to women of exposure to serious forms of gender-based violence, such as the ready accessibility and availability of firearms, including their export, a high crime rate and pervasive impunity, which may increase in situations of armed conflict or heightened insecurity."¹¹⁴

Below are various examples of different types of GBV as a result of the proliferation of conventional weapons. It needs to be underscored that arms can be implicated in all four types of GBV. Sometimes, arms play a role more than once at one time, as our examples illustrate. For instance, physical violence is closely linked to intimidation, confinement, and the denial of socioeconomic opportunities. As mentioned above, the proliferation of weapons contributes to increased levels of militarisation, which exacerbate all forms of GBV, and deepen already existing gender inequalities.

A recent submission to CEDAW Committee by WILPF DRC, for example, exposes how the illicit transfer, accumulation, and diversion of SALW is one of the main factors of armed conflict and of women's and girls' insecurity in the DRC.¹¹⁵ Stocks of the Armed Forces of the DRC (FARDC) are the main source of arms and ammunition for armed groups, obtained either during attacks by armed groups on these stocks or through resale by FARDC officers. The upsurge of illicit arms trafficking also concerns the civilian population, among which it is estimated that around 300,000 weapons are in circulation. The proliferation of weapons is fueling the resurgence of violence, including sexual violence, massive population displacements and kidnappings by armed men. This is particularly the case in the territory of Masisi where Doctors Without Borders has documented 207 cases of rape for the first quarter of 2019.³⁷ Most victims, in 98 per cent of cases, are women and in 75 per cent of reports, assaults are committed by armed men, often in the fields, in the bush, on the road or at home. These incidents are grave expressions of GBV in form of physical and sexual violence. The CEDAW Committee recognised such impacts and recommended the DRC in 2019 to ensure the effective regulation of the arms trade, the control of illicit small arms flows and to ratify the ATT.¹¹⁶

WILPF Burkina Faso reported that the illicit proliferation and circulation of SALW is steadily growing, "as is political unrest, fragmentation of the social fabric, insecurity, and the rise of violent extremism and terrorism." It notes that most violent incidents against women occur in the home "behind closed doors." Armed violence against women generally takes place in the context of homicides, domestic violence (sexual or spousal abuse at gunpoint, or rape).¹¹⁷ Since 2016, the crisis in Cameroon between the English-speaking minority and the French speaking majority has brought the country to the brink of civil war. As of May 2019, the crisis has left 1850 people dead and internally displaced 530,000.¹¹⁸ As WILPF Cameroon reports,

¹¹³ *General recommendation No.30 on women in conflict prevention, conflict and post-conflict situations*, CEDAW/C/GC/30, 18 October 2013, paragraph 32.

¹¹⁴ *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, CEDAW/C/GC/35, 14 July 2017, paragraph 31 (c).

¹¹⁵ *Democratic Republic of the Congo: Submission to the Committee on the Elimination of Discrimination Against Women*, WILPF DRC, 7 June 2019, https://www.wilpf.org/wp-content/uploads/2019/11/CEDAW_DRC-EN_Web.pdf.

¹¹⁶ *Concluding observations on the Democratic Republic of the Congo*, CEDAW/C/COD/CO/8, 6 August 2019.

¹¹⁷ R. Outtara, *How to mitigate gender-based violence against persistent security challenges in Burkina Faso?* WILPF, August 2019, <http://reachingcriticalwill.org/images/documents/Publications/burkinafaso-english.pdf>.

¹¹⁸ *Cameroon's Anglophone crisis: how to get to talks?* International Crisis Group, - Crisis Group Africa Report N°272, 2 May 2019, <https://www.crisisgroup.org/africa/central-africa/cameroon/272-crise-anglophone-au-cameroun-comment-arriver-aux-pourparlers>.

the armed English-speaking secessionists obtain their weapons either through local production or diversion from legal stocks. The heightened availability and proliferation of weapons leads to increased incidents of GBV committed by armed secessionist forces, including sexual harassment, rape, and kidnapping.

Moreover, and as already indicated above, weapons are often used to kill, threaten or intimidate women in their own homes. Rates of domestic violence are high during armed conflict and increase in its aftermath, with women suffering the brunt of this form of violence.¹¹⁹ For example, the increased availability of guns during the conflict in Northern Ireland correlated with more dangerous forms of domestic violence.¹²⁰ A similar trend was observed in Côte d'Ivoire in 2011, where during the armed conflict rates of reported domestic violence rose by 43 per cent.¹²¹ WILPF reported that individual small arms in Syria, that have been proliferating since the beginning of the conflict, pose a great threat of growing domestic violence, especially in an atmosphere saturated with tension and external pressures. In light of the low social and economic living standards due to the war (displacement, living in camps lacking basic needs, and poor income), women are usually the most affected by the acquisition of this type of arms.¹²²

In the absence of armed conflict, the availability and possession of firearms dramatically increases the likelihood of domestic violence and physical abuse and threats.¹²³ Amnesty International reported in 2016 that 4.5 million women in the United States have been threatened by an abuser with a firearm, and one million of those have been shot and injured or shot at without injury.¹²⁴ WILPF Cameroon reported that illegally or illicitly produced firearms, including those that are home-made, are the most used weapons when committing acts of gender-based violence, domestic violence or femicide.¹²⁵

The threat of domestic violence can occur especially when state security forces can bring their guns home. In acknowledging this risk, some countries already implemented measures that help prevent diversion and armed violence in the home by limiting the use of arms by government forces to their service times. In Argentina for instance, the Ministry of National Security restricted the carrying and use of arms by security forces. The regulation refers explicitly to legislation on violence against women and family violence and established that members of the security forces are not allowed to bring their weapons home.¹²⁶

WILPF's national section in Colombia, LIMPAL, notes that in Colombia, firearms are implicated in psychological or sexual violence that threaten the enjoyment of human rights, including socio-economic rights, political participation, access to health, food and life itself,¹²⁷ which demonstrates psychological and economic forms of GBV.

¹¹⁹ Farr.

¹²⁰ Small Arms Survey, *Converging agendas: Women, peace, security, and small arms*, page 13.

¹²¹ Ibid.

¹²² *Violations against women in Syria and the disproportionate impact of the conflict on them*, Joint submission by WILPF et al. to the Universal Periodic Review of Syria, May 2016, https://wilpf.org/wp-content/uploads/2016/06/WILPF_VAW_HC-2016_WEB-ONEPAGE.pdf.

¹²³ D. Wiebe, "Homicide and suicide risks associated with firearms in the home: A national case-control study," *Annals of Emergency Medicine* 41(6), June 2003.

¹²⁴ S. B. Sorenson, and R. A. Schut, "Nonfatal gun use in intimate partner violence: A systematic review of the literature," *Trauma, Violence and Abuse*, 14 September 2016, www.ncbi.nlm.nih.gov/pubmed/27630138. See also: Amnesty International, *In the line of fire – human rights and the US gun violence crisis*.

¹²⁵ This information is based on email correspondence with staff from WILPF Cameroon, 13 February 2019.

¹²⁶ *Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and the UN Programme of Action*, WILPF, April 2016, <http://reachingcriticalwill.org/images/documents/Publications/preventing-gbv.pdf>, page 50.

¹²⁷ *Las mujeres y las armas en Colombia*, LIMPAL Colombia, 5 October 2017, <http://limpalcolombia.org/pdf/PASQUIN%201.pdf>.

The CEDAW Committee expressed grave concern at the correlation between the proliferation and use of firearms and femicide,¹²⁸ the gravest form of GBV, and women's security more broadly.¹²⁹ It noted that in Honduras, a country gravely impacted by illicit arm flows,¹³⁰ this is allegedly the second leading cause of death among women of reproductive age.¹³¹ The Committee of the Rights of the Child equally remained deeply concerned that the majority of homicides and femicides in Honduras are perpetrated by firearms.¹³²

Firearms are used in a third of all femicides worldwide.¹³³ While firearms are more often used to threaten a woman than to actually kill her, when a woman is murdered in an intimate partner homicide, a history of violence often precedes this crime.¹³⁴ Domestic homicides are the only category of homicides for which women outnumber men as victims.¹³⁵ The presence of guns in a household will increase by five times the likelihood of turning spousal violence into murder.¹³⁶ In countries with low rates of women's homicide, most killings of women occur in the home, and intimate partners account for the majority of perpetrators.¹³⁷

Fatal violence perpetrated with firearms disproportionately affects transgender women of colour. The number of transgender women being killed in the United States hit a historic high in 2015.¹³⁸ In 2017, the number of transgender people killed increased further to at least 29 deaths, of which 17 died of gunshot. In 2018, 22 transgender people were recorded to have been murdered, of which 82 per cent were women of colour.¹³⁹

In the countries with the highest rates of femicide—which include Brazil, Colombia, El Salvador, Guatemala, and Honduras—more than 60 per cent of femicides perpetrated in 2004–09 involved the use of a firearm. All of these Latin American countries suffer greatly from pervasive organised crime and illicit and diverted arms flows. WILPF Colombia (LIMPAL) has reported that between 2009 and 2014, each day, four women have lost their lives and in 61 per cent of these cases, a firearm was used in Colombia.¹⁴⁰ In a submission to the CEDAW Committee, WILPF Colombia drew attention to the fact that in the first ten months of 2016 alone, 54 per cent of murders of women in Colombia were committed with firearms.¹⁴¹

¹²⁸ *Concluding observations on Honduras*, CEDAW/C/HND/CO/7-8, 2016, paragraph 22(c); *Concluding observations on Honduras* CRC/C/HND/CO/4-5, 2015, paragraph 29(a).

¹²⁹ *Concluding observations on Eritrea* CEDAW/C/ERO/CO/5, 2015, paragraph 8(e).

¹³⁰ See for instance *Measuring illicit arms flows: Honduras*, Small Arms Survey, November 2016, http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-62.pdf.

¹³¹ *Concluding observations on Honduras*, CEDAW/C/HND/CO/7-8, 2016, paragraph 22(c).

¹³² *Concluding observations on Honduras*, CRC/C/HND/CO/4-5, 2015, paragraph 29(a).

¹³³ *Femicide: A global problem*, Small Arms Survey Research Notes, February 2012, http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-14.pdf.

¹³⁴ Small Arms Survey, "Too close to home – Everyday dangers: Guns and Intimate Partner Violence".

¹³⁵ *Domestic violence and small arms*, Center for Women's Global Leadership and IANSA Women's Network, <https://www.wilpf.org/wp-content/uploads/2012/10/Domestic-Violence-Small-Arms.pdf>.

¹³⁶ Wiebe.

¹³⁷ "Lethal violence against women and girls," *Global Burden of Armed Violence Report 2015*, http://www.genevadeclaration.org/fileadmin/docs/GBAV3/GBAV3_Ch3_pp87-120.pdf.

¹³⁸ *Addressing anti-transgender violence*, Human Rights Campaign and Trans People of Color Coalition, 2015, <http://assets2.hrc.org/files/assets/resources/HRC-AntiTransgenderViolence-0519.pdf>.

¹³⁹ *A national epidemic: fatal anti-transgender violence in America in 2018*, Human Rights Campaign, 2018, <https://www.hrc.org/resources/a-national-epidemic-fatal-anti-transgender-violence-in-america-in-2018>.

¹⁴⁰ LIMPAL Colombia.

¹⁴¹ *Implementing the Women, Peace and Security agenda for sustainable peace in Colombia: Submission by LIMPAL Colombia to the CEDAW Committee*, 72nd session, 28 January 2019, https://wilpf.org/wp-content/uploads/2019/02/COLOMBIA_WILPF_report_CEDAW_JAN2019.pdf.

Response to Question 3: Considerations for arms exporting countries to prevent diversion

“Diversion may occur as a result of a transfer without proper controls, unauthorized re-transfer, thefts from poorly secured stockpiles, handouts to armed groups or barter involving natural resources. Corruption is a problem often associated with diversion.”¹⁴²

As already noted in the Introduction, national governments play a crucial role in preventing diversion of arms and ammunition and therefore hold primary responsibility in this regard. Efforts to understand how unregulated and/or illicit weapons and their ammunition are involved in gender-based violence or human rights repressions should not be used to obscure governmental responsibility in this regard.

Yet while state authorities carry out assessments as part of the arms export or licensing authorisation process does not exempt arms companies located in that state from upholding their human rights responsibilities. WILPF has elaborated on this point in its April 2020 submission to the Working Group on Business and Human Rights for its Project on business in conflict and post-conflict contexts, extracts of which are provided as an Annex to this submission.

Most arms exporting countries cite diversion as an important criterion in their risk assessment processes. For example, the risk of diversion is among the eight criteria of the European Union’s (EU) Common Position on Arms Exports. During an ATT informal preparatory and working group meeting held in February 2020, the EU shared that diversion is the most invoked provision for denying export license applications, following an earlier statement delivered also in an ATT meeting, in which the EU noted that diversion was invoked by its member states 157 times as the reason for denying an arms transfer in 2017.¹⁴³

Apart from general considerations about levels of corruption, human rights abuse, and levels of organised crime in the recipient country, there are a series of other controls intended to aid in assessing the risk of diversion that are more specific to the end-user and/or intended end-use. This would include end-user documents and the examination of the possible diversion track record of intended recipients, intermediaries, and other parties involved in the transaction. Information exchange is crucial, including through shared databases and to ensure that there are controls in place through every stage of the transfer, including any transit points.¹⁴⁴ Different types of documentation, or authorisations, are required from state recipients versus non-state entities in order to provide assurances as part of the diversion risk assessment process.¹⁴⁵

WILPF works in nearly 40 countries, many of which are arms exporters. In this question we outline the specific practices reported by four exporters in relation to how diversion is taken into account in their national export control systems. WILPF is not providing these examples

¹⁴² Security Council, *Report of the Secretary-General: Small arms*, UN document S/2015/289, 27 April 2015, paragraphs 9, pp. 2–3.

¹⁴³ Statement of the European Union to the Fourth Conference of States Parties to the Arms Trade Treaty, August 2018, [https://thearmstradetreaty.org/hyper-images/file/CSP4%20Thematic%20discussion%20-%20EU%20\(final\)/CSP4%20Thematic%20discussion%20-%20EU%20\(final\).pdf](https://thearmstradetreaty.org/hyper-images/file/CSP4%20Thematic%20discussion%20-%20EU%20(final)/CSP4%20Thematic%20discussion%20-%20EU%20(final).pdf) .

¹⁴⁴ Dr. P. Holtom, Presentation to the Fourth Conference of States Parties to the Arms Treaty, 22 August 2018, https://thearmstradetreaty.org/hyper-images/file/20180822_DIVERSION%20INFOGRAPHIC-FINAL/20180822_DIVERSION%20INFOGRAPHIC-FINAL.pdf .

¹⁴⁵ H. Giezendanner, P. Holtom, H. Shiotani, *Strengthening end use/r control systems to prevent arms diversion: examining common regional understandings*, UN Institute for Disarmament Research, 2017, page 17, <https://www.unidir.org/files/publications/pdfs/strengthening-end-use-r-control-systems-to-prevent-arms-diversion-en-686.pdf> .

as evidence that such methods consistently prevent diversion but rather as a response to the request in Question 3 to demonstrate the known methods, considerations, and sources of information used by states.

Belgium: In its Initial Report to the ATT Secretariat,¹⁴⁶ Belgium shared that it includes the following measures within its national control system to prevent the diversion of weapons included in the ATT: the establishment of mitigation measures; provision on request of end-use/end-user documentation to the exporting state; a requirement of end-use/end-user assurances; a requirement for additional documentation, certificates, or assurances; exchanging with other ATT states parties on effective measure to address diversion, as well as on illicit activities and actors and information exchange with other EU members. Belgium further identified that the following components of its national control system are used in responding to a detected diversion: alerting other states that are potentially affected; national law and investigative mechanisms; and the use of international tracing mechanisms to identify points of diversion.

Belgium also described additional actions it participates in or sources of information used. This includes cooperation with and support to initiatives that create databases to compile information on diverted weapons and using the COARM-notification system of the EU. It also makes reference to basing its national risk assessments on the provisions and control lists included in the EU Common Position, which is wider than what is included in the ATT.

Germany: In 2015, Germany adopted a set of principles governing the export of small arms and light weapons, corresponding ammunition and production equipment to third countries.¹⁴⁷ Part of the stated rationale for doing so was the “world- wide risk of diversion of small arms.” Included within the Principles are considerations such as the following that can be useful in diversion prevention:

- A blanket refusal to give licenses for the opening of new production lines for SALW or their ammunition in non-EU/NATO countries or equivalent third countries;
- When issuing export licences for small arms and light weapons, the principle of “New for old” shall be applied, i. e. state recipients of small arms and light weapons must submit a declaration to the effect that they will destroy the small arms and light weapons to be replaced by the new consignment (Principle 6); and that
- Small arms and light weapons must bear labels that are easily recognisable, legible, permanent and, as far as technically feasible, recoverable. (Principle 9).

Switzerland: In statements delivered at recent ATT meetings, Switzerland has shared the following about aspects of its national practice. During informal meetings on diversion held in February 2020, it noted that its national legislation requires that license officers conduct pre-transfer risk assessments on a case by case basis. An export is denied if there is a high risk that exported war materiel will be exported to another end recipient than that which was declared in the export request. To determine if this is the case, Swiss authorities liaise with the Swiss embassy in the country of destination, as well as other ministries and governmental departments. Switzerland stressed that each case is different, and that there is not just one way to assess risk diversion.¹⁴⁸

¹⁴⁶ States parties are required to submit an Initial Report after ratifying or acceding to present a baseline of their current practice. Belgium’s initial report is available at <https://thearmstradetreaty.org/download/a31a7b65-4805-3069-9f37-cb9f2eaff4b3> .

¹⁴⁷ Federal Ministry for Economic Affairs and Industry, “Principles of the German Federal Government governing the export of small arms and light weapons, corresponding ammunition and production equipment to third countries”, 18 March 2015, https://www.bmwi.de/Redaktion/EN/Downloads/small-arms-export-principles-german-federal-government.pdf?__blob=publicationFile&v=1 .

¹⁴⁸ This was reported by Reaching Critical Will, the disarmament programme of WILPF, as part of its monitoring of the meeting. See *ATT Monitor*, Vol. 13, No. 2, 11 February 2020, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATTMonitor12.3.pdf> .

During a statement delivered during informal ATT meetings in early 2019,¹⁴⁹ Switzerland informed that it makes distinctions between the documentation of arms transfers to state and non-state users, respectively. When selling to a non-state user, such as an arms dealer, Switzerland requires an import licence so to ensure that the relevant state is aware and consents to the transaction to specific non-state users on its territory.

United Kingdom: In its Initial Report submission to the ATT, the UK also noted that it uses the Consolidated EU and National Arms Export Licensing Criteria for all export, transit and brokering licence application.¹⁵⁰ It said that its export licence application assessment process also takes into account “the UK’s commitments as members of the international export control regimes; obligations under relevant EU measures; the effect of the proposed transfer on the national security of the UK, our allies and other friendly states; and the effect of the proposed transfer on sustainable development in the recipient country.”¹⁵¹ It highlighted that one of the preventive measures it undertakes is its “Request for End User Undertaking” which is meant to verify the intended end-use, by the authorized end-user, although some exceptions apply.¹⁵²

While there is not a gender dimension to Question 3, it is important to reinforce that the impacts described in Questions 1 and 2, as having occurred because of, or having been facilitated by unregulated or illicit arms, have relevance to the diversion risk assessment process as the vast majority of such weapons begin in the legal market. Preventing gender-based violence—along with other human rights abuse—should be intrinsic in any rationale and strategy for diversion prevention.

WILPF research conducted in 2016 revealed that GBV prevention is not accorded the same level of scrutiny or priority in export risk assessment procedures of many countries:

“In 2015, the UK made a legislative change in parliament to incorporate the GBV criterion under UK’s Criterion 2 on international human rights, international humanitarian law, and internal repression. A UK export official remarked that the UK would refuse a license if there were concerns that a particular end-user was engaged in GBV. Reports from private individuals and NGOs showing that GBV is at “such an extreme level” and that there is “a clear risk” that providing equipment to a particular end-user would lead to GBV, “are taken very seriously and could be sufficient to refuse a license.”

“None of the export officials interviewed for this study were aware of any denial based on GBV. Interviewees knew that human rights and international humanitarian law had been a point of denial but did not know about GBV specifically. The UK government refuses roughly 40 or 50 license applications per year on international human rights, international humanitarian law, or internal repression (Criterion 2 of the EU Common Position) grounds.”¹⁵³

This may be slowly changing including as a result of the intense focus on gender and GBV throughout the ATT meeting cycle in 2019¹⁵⁴, but nonetheless points to an important—and

¹⁴⁹ This was reported by Reaching Critical Will, the disarmament programme of WILPF, as part of its monitoring of the meeting. See *ATT Monitor*, Vol. 12, No. 3, 10 April 2019, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATTMonitor12.3.pdf>.

¹⁵⁰ Report available at <https://thearmstradetreaty.org/download/8b6fb808-d6ba-324f-b3e1-d7e9d14b1c5a>.

¹⁵¹ Ibid.

¹⁵² See <https://www.nibusinessinfo.co.uk/content/correctly-completing-end-user-or-consignee-undertakings>.

¹⁵³ Gerome

¹⁵⁴ During the 2019 meeting cycle of ATT states parties, there was a ‘thematic focus’ established by the conference president on gender and GBV. Informal working group meetings held in the first half of 2019 became

generally overlooked—area for improvement. The extent to which diverted weapons are explicitly implicated in GBV requires better research and analysis. Firearms sold by German manufacturer Heckler & Koch to Mexico under conditions that were later violated and implicated in femicide¹⁵⁵ are not necessarily a case of diversion as defined in the Questionnaire, but were nonetheless “diverted” from the intended recipient within Mexican authorities, moving from its National Defence Secretariat to state police.

While many exporting states do deny arms transfers on the basis of possible diversion and like to lift up their good practice in this area, diversion continues to be a significant problem, indicating that the practices described in the four national examples above are insufficient to prevent diversion.

Examples are extensive, but to highlight some: research by civil society organisations and the media revealed how from 2014 numerous types of weapons supplied to Iraq were diverted to the militia fighting the Islamic State alongside Iraqi troops. These militia, known as the Popular Mobilisation Units (PMU) used these weapons to commit or facilitate serious human rights violations across central and northern Iraq. Amnesty International reported in 2017 that PMU inventories included arms—and ammunition—manufactured in at least 16 countries, including Chinese, European, Iraqi, Iranian, Russian, and US small arms and light weapons, rockets, artillery systems, and armoured vehicles.¹⁵⁶

Extensive field research undertaken by Conflict Armament Research (CAR) over a three-year period highlighted that unauthorised re-transfers—which refers to “the violation of agreements by which a supplier government prohibits the re-export of materiel by a recipient government without its prior consent”—is a significant source of Islamic State weapons and ammunition.¹⁵⁷ The US and Saudi Arabia supplied most of this materiel without authorisation; it also found that 40 per cent of anti-armour rockets deployed by Islamic State forces in Iraq, turned out to be of European Union (EU) origin. As CAR noted, this is “a fact that sits uncomfortably with the EU’s parallel efforts to degrade the group’s capacity to wage war and terrorism and to mitigate the international effects of the Syrian conflict.”¹⁵⁸

The same CAR report found that more than 15 per cent of Islamic State forces’ ammunition was manufactured between 2010-17, in contrast to the age of its weapons holdings, which were much older. “These findings underscore the pivotal role that supplies of newly produced—and recently diverted—ammunition play in sustaining armed insurgency and terrorism worldwide.”¹⁵⁹

an opportunity for states and experts to exchange practice and expertise on this subject, with a view to improving implementing of ATT Article 7.4; awareness of the gendered impacts of the arms trade; and women’s participation. A package of decisions was adopted by states parties in this regard during CSP5 in August 2019, which can be found in the Final Report, available <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp5/documents/csp5-final-report.pdf>.

¹⁵⁵ *The extraterritorial obligations of states towards human rights*, Statement by the Women’s International League for Peace and Freedom to the Pre-session Review of Germany, CEDAW Committee, 25 July 2017, https://www.wilpf.org/wilpf_statements/the-extraterritorial-obligations-of-states-towards-human-rights/.

¹⁵⁶ *Turning a blind eye: the arming of popular mobilization units in Iraq*, Amnesty International, January 2017, <https://www.amnesty.ca/news/iraq-end-irresponsible-arms-transfers-fuelling-militia-war-crimes>.

¹⁵⁷ *Weapons of the Islamic State*, Conflict Armament Research, December 2017, <https://www.conflictarm.com/reports/weapons-of-the-islamic-state/>.

¹⁵⁸ *Ibid.*, p.7.

¹⁵⁹ *Ibid.*

Response to Question 4: Considerations for non-arms exporting countries to prevent diversion

Studies of diversion, including most recently in the context of meetings of Arms Trade Treaty states parties,¹⁶⁰ have reinforced that diversion can occur at any point in the transfer chain, which means that non-exporting countries have significant responsibilities in this regard too and in the context of the arms transfer process. In fact, some studies indicate that diversion occurs most frequently after weapons shipments arrive in the importing state.¹⁶¹

Mitigation measures that trans-shipment countries can take include information exchange with exporting and importing countries and monitoring and protecting the shipment, through a variety of means.¹⁶²

Mitigation measures that importing countries can take include cooperating with the exporting country in post-delivery checks including ensuring that delivery receipts are being signed by appropriate authorities; that arms entering the country are registered and records created or maintained; that there is secure transfer to the authorised end-user; responding to tracing requests; and ensuring robust physical security and stockpile management (PSSM), such as through routine security inspections and audits of stockpiles. Effective legislation to investigate and punish diversion-related offences is also recommended.¹⁶³ An important additional measure includes the responsible disposal of surplus weapons and ammunition. The destruction of SALW is essential especially for post-conflict societies where peace-building efforts have often been hampered by the easy availability and continued misuse of such weapons. Timely destruction in such situations will also help to stem the flow of arms and ammunition from one conflict or post-conflict zone to another.¹⁶⁴

The international community has developed significant guidelines and frameworks to account for and guide the responsibilities and actions of non-exporting countries in preventing diversion, that states can look to. The 2001 UN Programme of Action on to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is widely considered to be the global baseline, although overtime regional, sub-regional, and national have also emerged.¹⁶⁵ The politically-binding UNPoA sets out a number of actions for states that encompass the improvement of national small arms laws, import/export controls, and stockpile management, and for cooperation and assistance. The

¹⁶⁰ The thematic focus for ATT meetings in 2020 is on information exchange to prevent diversion and certain outputs from earlier meetings have created opportunities for (closed) dialogue among states parties about specific cases of diversion and (open) meetings on broader challenges.

¹⁶¹ "Conflict Armament Research," *Diversion Digest No. 1*, 2018.

¹⁶² Holtom.

¹⁶³ Holtom, and Letter from the Chair of the ATT Working Group on Effective Treaty Implementation, 20 January 2020, [https://thearmstradetreaty.org/hyper-images/file/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Plans%20for%2004-05%20February%202020%20\(R%20Rev1\)/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Plans%20for%2004-05%20February%202020%20\(R%20Rev1\).pdf](https://thearmstradetreaty.org/hyper-images/file/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Plans%20for%2004-05%20February%202020%20(R%20Rev1)/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Plans%20for%2004-05%20February%202020%20(R%20Rev1).pdf).

¹⁶⁴ UN Department for Disarmament Affairs, *A Destruction Handbook: Small arms, light weapons, ammunition and explosives*, 2001, <http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2001/2001-UNDDA-Destruction-Handbook-Small-Arms.pdf>.

¹⁶⁵ These include, for example: the Nairobi Protocol For The Prevention, Control And Reduction Of Small Arms And Light Weapons In The Great Lakes Region And The Horn Of Africa; the ECOWAS Convention On Small Arms And Light Weapons, Their Ammunition And Other Related Materials; and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). While not all explicitly cite diversion prevention in their text, they set out the kinds of actions that states can take to reduce illicit trafficking and manufacture of weapons, and prevent diversion such as through cooperative measures, improved checkpoint controls and verification, and stockpile security, for example.

complementary 2005 International Tracing Instrument (ITI) requires states to ensure that weapons are properly marked and that records are kept and provides a framework for cooperation in weapons tracing. While neither are instruments about diversion per se, they do, or should, enable the kinds of actions which if implemented would reduce and hopefully prevent diversion. They have also engendered guidelines and professional standards, such as the International Small Arms Control Standards (ISACS)¹⁶⁶, the International Ammunition Technical Guidelines¹⁶⁷, and the Modular Small-arms-control Implementation Compendium (MOSAIC) which is a set of voluntary, practical guidance notes that combine small-arms expertise in succinct, operational advice.¹⁶⁸

The 2013 Arms Trade Treaty identified diversion prevention as one of its primary objectives in Article 1 and is further highlighted in its Article 11. States parties have given this considerable attention in the last three years; it formed the thematic focus of the CSP4 in 2018 and is currently under consideration by a sub-working group convened under the Treaty. The information exchange aspects of diversion prevention are the focus of the current states parties' meeting cycle.

A UN Group of Governmental Experts on "Problems arising from the accumulation of conventional ammunition stockpiles in surplus" that is presently being convened under the auspices of the UN General Assembly¹⁶⁹ may be an avenue for better, and more coordinated ammunition control, which is not accounted for in the UNPoA or fully in the ATT, due to political opposition mainly from the United States. Some states are advocating for the development of an international convention on ammunition.¹⁷⁰

Depending on regional and national realities, non-exporting countries may approach their diversion prevention responsibilities differently from one another or prioritise certain activities over others. A Control Arms Coalition study on using the ATT to prevent diversion in Latin America notes that "The combined 57 percent of cases of diversion due to battlefield capture, state collapse, and state-sponsored diversion in the context of African and Middle Eastern conflicts covered by CAR, would be close to zero, or in the single digits, in Latin America – particularly in the absence of 'armed conflict' in the classical sense."¹⁷¹ The Control Arms study, which grew out of a training programme it implemented for arms licensing officials from countries in the region, stresses that "...ineffective PSSM or other undetermined loss from national stockpiles would constitute the majority of diversion cases. This is also reinforced by the widely held notion that "diversion from official stockpiles is known to be considerable and is likely to be one of the key sources of weaponry sustaining criminal organizations, drug trafficking gangs, private security firms, militia and other armed groups in the region"¹⁷².

Inputs from WILPF Cameroon¹⁷³ also demonstrate the complexity of effective small arms control, and that even when legislation is good, challenges persist. WILPF Cameroon informed that the legal framework to regulate the "manufacturing, introduction in the country, export, sale, acquisition, transit, transport, traceability, possession and carrying of arms and ammunition" was improved in 2016, replacing legislation passed in 1973. The new law

¹⁶⁶ More information on the ISACS can be found at <http://www.smallarmsstandards.org/about-isacs.html>.

¹⁶⁷ More information on the IATG can be found at <https://www.un.org/disarmament/convarms/Ammunition/IATG/>.

¹⁶⁸ More information on MOSAIC can be found at <https://www.un.org/disarmament/convarms/mosaic/>.

¹⁶⁹ See <https://www.un.org/disarmament/convarms/ammunition/#collapse99>.

¹⁷⁰ ECOWAS countries have submitted a working paper to the GGE that calls for a legally-binding instrument. See <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2020/01/GGE.Ghana-working-paper-11.pdf>.

¹⁷¹ *Taming the devil within: How to use the Arms Trade Treaty to address diversion in Latin America*, Control Arms Coalition, 2018, <http://www.att-assistance.org/sites/default/files/2019-03/ATTDiversion-Paper-FINAL.pdf>.

¹⁷² Ibid.

¹⁷³ This was first included in a submission from WILPF to the Office of the High Commissioner for Human Rights of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights in 2019.

includes several updates that includes weapons and ammunition are now classified into eight categories instead of four, and penalties for breaking the law are heavier. It also sets out several checks that are intended to make it more difficult for civilians to acquire weapons. Weapons in the possession of civilians are often used during traditional ceremonies. This tradition is considered in the new legislation, but it is advised to use weapons with sound effects so as to protect Cameroon's traditions and protect civilians from the use of firearms. While these new laws have considerable improvements, the government is not taking appropriate measures to popularise and apply the law.

There is also scope for countries, whether exporters or not, to harmonise domestic violence and firearms laws. For instance, in South Africa both the Firearms Control Act and the Domestic Violence Act give women the power to take action against domestic violence by requiring police or court officials to confiscate firearms or other dangerous weapons when a domestic violence complaint involving a gun or other weapon is made. Further positive examples of this include law reforms in Canada or Australia, "Less than ten years after Canada reformed its domestic violence and firearms laws in 1995, the overall gun murder rate had dropped by 15 per cent, and gun homicide against women dropped by 40 per cent. The same is visible in Australia, where gun murder dropped by 45 per cent five years after law reforms. Like in Canada, the effect was even bigger for women victims, with a drop of 57 per cent."

Recommendations

As long as conventional weapons exist, legally or illegally, they will pose a risk to the entire population, including women and girls. As shown above, the availability and proliferation heighten women's risk of exposure to human rights violations and different forms of gender-based violence.

WILPF puts forward the following recommendations for states to:

- Recognise the symbiotic relationship between legal transfers and the illicit or unregulated trade in weapons and shape policies that address both.
- Strengthen and implement ammunition controls in the recognition that they are as vitally important as arms control and disarmament measures.
- Fully implement the legally-binding provision to assess the risk of gender-based violence contained in the Article 7.4 of the Arms Trade Treaty. This is not an optional aspect of the risk assessment process and deserves equal treatment alongside other considerations. It is important to underscore that the risk assessments 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.
- Implement commitments on disaggregated data collection and enhance efforts to collect gender and sex disaggregated data in relation to the proliferation, possession, use, and impact of weapons in communities.
- Include information, including disaggregated data, about the gendered impacts of diversion, and unregulated and illicit arms transfers and in their reports to human rights treaty bodies and the Universal Periodic Review, and on steps taken to prevent and address those.
- Ensure that authorities with gender, human rights development expertise be included in the licensing process and provide the basis for export assessments for arms exports.
- Include in assessments on arms exports the recipient countries' national implementation of UN Security Council Resolution 1325 (2000) and subsequent

related resolutions, including NGO reports assessing such implementation; reports and recommendations from international and regional human rights bodies, such as by the Special Rapporteur on violence against women; countries' reports and NGO shadow reports to the CEDAW Committee and other treaty bodies; reports from relevant UN agencies.

- Ensure transparency regarding how decisions are made by the country's licensing authority to enable an examination of how human rights and other key national criteria are assessed and prioritised in authorisations of arms transfers, including through issuing public explanations for licensing decisions as soon as they are made.
- Include women, transgender, non-binary, and others in policy planning and arms control and prevention diversion measures.
- Whether an export, import, or transshipment state, comply with guidelines and laws that seek to reduce the likelihood of diversion, including participating in regular information exchange and participating in marking, tracing, and record-keeping activities as recommended by the UN Programme of Action on small arms and light weapons and the International Tracing instrument.

WILPF puts forward the following recommendations for weapons producing companies to:

- Uphold their duty to respect human rights and to this effect, adopt human rights due diligence policies and processes covering the risks of human rights abuses linked to the use of the companies' products and services and take account for the impact of arms on women and girls.
- Adopt a human rights policy at the highest level of management including through robust human rights due diligence policies and processes and communicate the policy internally and externally to all personnel, business partners and other relevant parties, and ensure mandatory human rights training for employees whose responsibility it is to follow and monitor conflict situations and to contribute to human rights due diligence processes. This should account for knowledge sharing about the specific connections between the international arms trade, the unregulated arms trade, and gender-based violence.
- Human rights due diligence should identify and assess the human rights impacts of the companies' products and services continuously and before, during and after transfers. Due diligence must be ongoing and conflict-sensitive and include the heightened risk of vulnerability or marginalisation of certain groups such as women and girls in the context of conflict.
- Since risks in conflict-affected or high-risk countries can change rapidly, arms companies must have policies and processes in place that allow them to respond to changing human rights risks. Companies should use information from international bodies, including UN Human Rights Council's investigative mechanisms and other human rights bodies, government advice and civil society, including those that can offer a gender analysis and/or can inform on the status and well-being of women and girls. Local and lived experience is crucial to ensure an accurate understanding of realities on the ground.
- Companies should transparently report on their human rights impacts and on the measures they are taking to address them, including information on the company's policies and processes and how it has identified and addressed specific human rights risks and abuses arising in its operations, such as gender-based violence. Such information should be regularly updated in view of changing human rights risks in conflict-affected and high-risk countries.
- In their business relationships, companies should take additional prevention and mitigation measures including:

- adopt measures to ensure traceability of products for example by requesting non-re-export certificates;
- include clauses on respect of international human rights law in contracts with business partners regarding the use of arms;
- limit confidentiality clauses in contracts so as to ensure that business partners can transparently report on their human rights impacts and on the measures they are taking to address them.
- Remediation:
 - where risks are identified, suspend or cease licenses and supplies of arms;
 - cooperate with any enquiries into misuse and adverse impacts and cooperate with official remedy processes used by victims of the misuse;
 - where a company has caused or contributed to an abuse, it has a responsibility to provide for or cooperate in its remediation, even if it has already withdrawn products and services.

WILPF also urges UN human rights mechanisms, including treaty bodies, Special Procedures, and investigative mechanisms of the HRC, as well as regional human rights mechanisms to address within their respective mandates how legal as well as illicit or unregulated arms transfers negatively impact the human rights of women and girls.