MOVING FORWARD, LOOKING BACK—ADDRESSING GENDER IN THE ATT PROCESS

Presented by: Allison Pytlak, Disarmament Programme Manager, WILPF (October 2021)
TODAY’S AGENDA:

HOW DID GBV COME TO BE INCLUDED IN THE ATT?

WHAT HAPPENED AT CSP5?

WHAT IS HAPPENING IN OTHER RELEVANT FORUMS?
GENDER IN ATT PROCESS: A TIMELINE

2012
- Make it Binding campaign
- 75+ government support

2013
- CEDAW Committee statement
- Gender-based violence included in ATT text

2015
- WILPF research and evidence published

2016-2019
- Training, guidance documents and other resources being developed

2019
- CSP5 decisions adopted
Article 7.4

“The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.”
Interpreting the Arms Trade Treaty: International Human Rights Law and Gender-Based Violence in Article 7 Risk Assessments

April 2019

The Arms Trade Treaty (ATT) aims to reduce human suffering caused by illicit trade in arms, contribute to international and regional peace, security, and stability, and promote transparency and cooperation among States Parties. It requires States Parties to conduct good faith assessments of the risks and use of arms transfers and the effects of transfers in the promotion of instances and offenders of serious acts of gender-based violence (SBV) or violence against women and children when conducting the risk assessment.

Article 7(1) of the ATT requires each State Party to assess the risk that serious acts of gender-based violence (SBV) or violence against women and children will be committed when transfers of arms are conducted.

States Parties must consider the following factors in conducting risk assessments:

- The recipient of the arms transfer
- The end-use of the arms transfer
- The potential for the arms to be used to commit or facilitate serious acts of gender-based violence

This paper provides a comprehensive guideline on how the ATT can be interpreted to assess the risks of arms transfers in relation to gender-based violence. It outlines the steps that States Parties should take when conducting risk assessments under Article 7 of the ATT.

Preventing Gender-Based Violence Through Arms Control

Tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action

Women’s International League for Peace & Freedom

The Stimson Center and International Human Rights Clinic at Harvard Law School

February 2021
We need to stop gender based violence everywhere. The Arms Trade Treaty is the first Treaty to link arms control and GBV, and has the potential to reduce this type of violence. That’s why I chose GBV as the focus for our ATT Presidency.
CSP5 outcomes (found in paragraph 22 of the Final Report)

1. Representation and participation
2. Increase understanding of gendered impacts of armed violence
3. Risk assessment
4. Review progress on gender and GBV
5. The VTF
CSP5—
22(a)Representation and participation in future CSP meetings:

i. States Parties, Signatory and Observer States attending ATT Working Groups, preparatory meetings and CSP itself should strive for gender balance in their delegations.

ii. The ATT Secretariat should report to CSPs on overall progress among delegations in achieving gender balance.

iii. States, civil society organizations and industry are encouraged to share with CSPs policies and practices they have adopted to achieving greater gender balance, when appropriate during formal sessions or side events.

iv. Gender balanced panels should be encouraged in plenary sessions, side events and other fora. Event organizers should strive to achieve gender balanced panels at an early stage in their planning.

v. The sponsorship programme should consider gender balance as one of its selection criteria.
CSP5—22(b) In order to increase understanding of the gendered impact of armed violence in the context of the ATT:

i. All Working Group Chairs and facilitators are encouraged to consider gender aspects in their sessions.

ii. States Parties are encouraged to collect gender disaggregated data within their national crime and health statistics, including gender disaggregated data on victims of armed violence and conflict, and make this data publicly available.

iii. States, civil society organizations and industry are encouraged to share with CSPs policies and practices they have adopted to achieving greater gender balance, when appropriate during formal sessions or side events.

iv. States are encouraged to support research that helps increase understanding of the gendered impact of armed violence in the context of the ATT. Lists of existing research and data sources should be compiled and made available to all interested stakeholders. All stakeholders, including civil society, are encouraged to work towards elaboration and explanation of gender terms, to assist States in applying and working with gender issues within the ATT context.
On (GBV) risk assessment criteria, the WGETI should consider the following issues in conjunction with other relevant elements to enhance States Parties’ ability to implement Articles 6 and 7:

i. Encourage discussion on States’ practice in interpreting the language and standards entailed in Article 7(4), including “serious”, “facilitate” and “overriding” risk, in order to assist States Parties in considering GBV issues in implementing the Treaty.

ii. Encourage States Parties to provide information on their national practices relating to “mitigating measures” in the context of Article 7(4): what these can be and how they are implemented.

iii. Encourage States Parties to provide information on their national practices in GBV risk assessment in order to facilitate learning between States Parties.

iv. Elements for a voluntary training guide to assist States Parties on the issues of GBV, including best practices for risk assessment, should be developed with voluntary funding, and with the participation of all stakeholders.
22(d) CSP5—States Parties and others with planned regional meetings and projects supported by the VTF are encouraged to consider how work on gender and GBV can take place within their projects in order to make them more effective in contributing toward achievement of the object and the purpose of the Treaty.

22(e) CSP5—States Parties agreed to review progress on gender and GBV on an ongoing basis.
Gender and disarmament: in policy and practice

Gender diverse participation/women's participation in disarmament

Gender-differentiated impacts of weapons, armed violence and armed conflict. GBV prevention

Challenging structural violence and militarism; problematic gender norms; militarised masculinities.
Gender Perspectives in UNGA First Committee Resolutions, 2015-2018

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Gender-Based Violence

Arms Trade Treaty

Requires exporting states to assess the risk that arms could be used to commit or facilitate serious acts of gender-based violence or violence against women and children (Article 7, para. 4)

UN Programme of Action on SALW

The outcome report of the 3rd Review Conference of the UNPoA (2018):

- recognized that eradicating the illicit trade in small arms and light weapons is a key part of combating gender-based violence (Section I, para. 14)
- recognized the need for women's participation in decision-making and to mainstream gender in their implementation efforts (Section I, para. 15, Section II, para 65)
- encouraged mainstreaming gender into small arms control policies and programmes (Section II, para. 76), and gender disaggregation of data (Section II, para. 79)

READ

Gender in the Arms Treaty
An analysis on the links between conventional arms transfers and GBV (2018)
bit.ly/GenderATT

#CSP7 #BMS7
ROOM FOR IMPROVEMENT: An analysis of “gender considerations” in the 2020 Programme of Action national reports.
22(b)ii. States Parties are encouraged to collect gender disaggregated data within their national crime and health statistics, including gender disaggregated data on victims of armed violence and conflict, and make this data publicly available.

74. To take account of the differing impacts of the illicit trade in small arms and light weapons on women, men, girls and boys by collecting, where feasible, disaggregated data by sex, age and disability and utilizing analysis mechanisms to inform evidence-based gender-sensitive policy-making and programming with a view to strengthening the full and effective implementation of the Programme of Action at all levels.
22(c)(ii). Encourage States Parties to provide information on their national practices relating to “mitigating measures” in the context of Article 7(4): what these can be and how they are implemented.

22(c)(iii). Encourage States Parties to provide information on their national practices in GBV risk assessment in order to facilitate learning between States Parties.

75. To exchange national experiences, lessons learned and good practices on the mainstreaming of gender perspectives into policies and programmes designed to combat the illicit trade in small arms and light weapons.
22(d) States Parties and others with planned regional meetings and projects supported by the VTF are encouraged to consider how work on gender and GBV can take place within their projects in order to make them more effective in contributing toward achievement of the object and the purpose of the Treaty.

76. To encourage States in a position to do so to increase funding for relevant policies and programmes, advocacy, education, training and research that take account of the differing impacts of the illicit trade in small arms and light weapons on women, men, girls and boys.
Addressing the gendered impact of arms diversion and transfers also requires the formulation and review of legislation and public policy measures on arms control through a human rights and gender lens.

42. The High Commissioner’s report submitted to the Human Rights Council in 2017 contained a series of suggestions and recommendations for addressing the human rights impact of arms transfers, which included suggestions for how States and other relevant stakeholders could assess the relationship between arms transfers and human rights law. These suggestions and recommendations should be considered in conjunction with the Secretary-General’s Agenda for Disarmament and the call to action for human rights, which promote equality for women and girls and set forth additional steps and measures for safeguarding their human rights. They should also be considered together with the following recommendations to States for addressing the gendered impact of diversion and unregulated or illicit arms transfers on women and girls to establish a comprehensive approach for safeguarding human rights from the negative impact of uncontrolled proliferation of arms. In this regard, States should:

(a) Systematically collect and share data, disaggregated by relevant factors, on the way that different categories of arms cause or facilitate human rights violations against women and girls, including gender-based violence, and the correlation between proliferation of arms and gender-based violence;

(b) Accede to and/or ratify the Arms Trade Treaty and regional instruments regulating arms transfers, and the Convention on the Elimination of All Forms of Discrimination against Women and regional instruments on the human rights of women;

(c) Promote the participation of women in all arms control and disarmament processes and forums, including at global disarmament meetings;

(d) Create national control systems to ensure compliance with these instruments and other relevant provisions of international law, including the principles of due diligence and the responsibility for aiding or assisting in the commission of an internationally wrongful act, while also taking into account international standards of corporate responsibility, in particular the Guiding Principles on Business and Human Rights;

(e) Implement in a gender-responsive manner the recommendations made by United Nations and regional human rights mechanisms on ways to address the human rights impact of diversion of arms and unregulated or illicit arms transfers on women and girls, including by addressing the root causes of gender-based discrimination and violence;

(f) Deny export authorizations for arms transfers after conducting comprehensive, gender-sensitive risk assessments, if there is a significant risk that the arms will be diverted;