

How to use the Arms Trade Treaty to address Gender-Based Violence A Practical Guide For Risk Assessment

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1. Understanding gender-based violence (GBV)
 2. The legal meaning of terms in Article 7.4
 3. Incorporating GBV into export assessments
 4. Types of GBV and types of items under the ATT
 5. Assessing the prevalence of GBV
 6. Assessing state capacity
 7. Mitigation measures
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DEFINING GENDER-BASED VIOLENCE

Violence that is directed against a person on the basis of gender or sex, including:

- Acts that inflict physical, mental or sexual harm or suffering, and
- Threats of such acts, coercion and other deprivations of liberty.

While women, men, boys and girls can be victims of gender-based violence, women and girls are the main victims due to structural inequalities and social attitudes

Gender intersects with other characteristics including: race, ethnicity, religion or belief, health, status, age, class, caste, sexual orientation and gender identity

ARTICLE 7.4 PROVIDES:

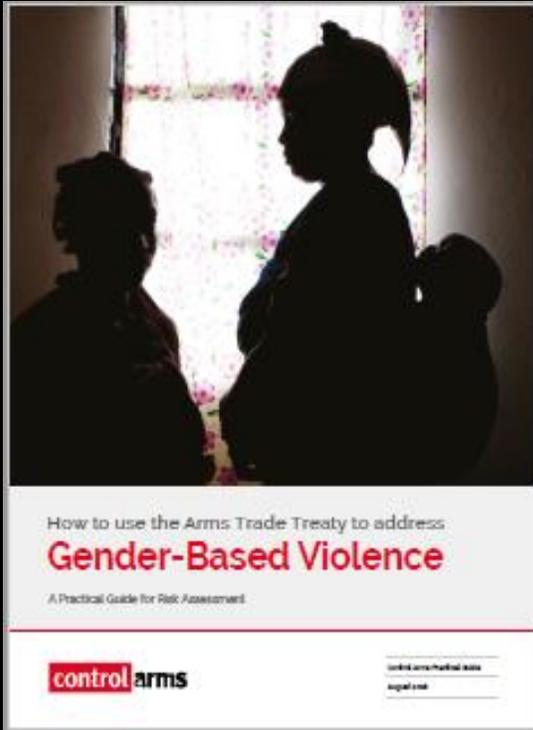
The exporting State Party, in making this assessment, shall take into account **the risk** of the conventional arms covered under Article 2.1 or of the items covered under Article 3 or Article 4 being used to **commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.**

STAGES IN EXPORT ASSESSMENTS

- Stage 1:** Identify what types of GBV are recognized as violations under Article 6.3 or article 7.1 of the ATT.
- Stage 2:** Identify which of the violations listed in Stage 1 are prevalent in the recipient State; the State's capacity to prevent and punish acts of GBV; and whether the arms and items to be transferred, their end use and the end user, are legitimate under the ATT.
- Stage 3:** Identify whether there is an overriding risk pursuant to article 7.1 that the arms or items under Article 2.1, 3 or 4 to be transferred would be used to commit or facilitate the relevant acts of GBV identified in Stage 2.
- Stage 4:** Identify whether mitigating measures or other approaches satisfactorily and significantly reduce the relevant article 7.1 risks identified in Stage 3.
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PREVALENCE OF GBV

- Criterion:** Existence of **human trafficking** networks, or of systematic modern slavery, including forced labour
- Indicators:** Rate of modern slavery within the recipient country; existence of active human trafficking networks targeting people on basis of gender, percentage of trafficking/slavery victims are women or children
- Examples of sources:** UNODC Human Trafficking Knowledge Portal, US Trafficking in Persons Report, Walk Free Foundation Human Slavery Index
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STATE CAPACITY

- Criterion:** Existence of **GBV prevention and punishment laws** and policies including as IHL and IHRL violations
- Indicators:** Legal frameworks with comprehensive definitions, appropriately severe punishments, and protection and support procedures
- Examples of sources:** WHO Global Status Report on Violence Prevention, ICRC National Implementation of IHL, CEDAW reports and shadow reports
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MITIGATION MEASURES: STATE COMMITMENTS

Criterion: Membership of key human rights agreements

Indicators: Membership of recipient state to CEDAW, Convention on the Rights of the Child, ICCPR, Convention against torture, relevant regional human rights instruments

Examples of sources: OHCHR Status of Ratification Interactive Database, Universal Periodic Review reports and shadow reports

RELEVANT TYPES OF GBV AND ARMS UNDER THE ATT

Types of GBV	Relevant Types of items under Article 2.1 of the ATT
Sexual: rape, forced prostitution, sexual violence, forced abortion, forced sterilization, forced pregnancy	Battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, small arms and light weapons, ammunition/munitions
Physical: physical assault; human trafficking and slavery; honour killings; attacks targeting women human rights defenders, activists or politicians; attacks targeting LGBTQI individuals	