

**WORKING PAPER PRESENTED BY THE
PRESIDENT OF THE FIFTH CONFERENCE OF STATE PARTIES TO THE ATT**

GENDER AND GENDER BASED VIOLENCE

Background

On October 25 during UNGA First Committee 2018, Latvia formally announced gender and arms-related gender based violence to be the official theme for its Presidency. Gender is a Foreign Policy priority for Latvia in the United Nations, and has wide support amongst ATT States parties, as evidenced by the significant number of resolutions containing gender concepts at UNGA First Committee 2018. This represents not only growing momentum, but momentum with conviction with a variety of actions mandated.

This Working Paper examines the three areas that the Presidency intends to focus on within this thematic area. The Presidency draws upon a previous paper submitted by Ireland on 4 September 2017 to the third CSP *Working Paper presented by Ireland to the Conference of States parties to the Arms Trade Treaty: Article 7(4) and gender based violence assessment* in its analysis and recommendations.¹ As has been articulated clearly in UN and other international fora, a gender responsive approach is positive for all. UN High Representative for Disarmament Affairs Ms. Izumi Nakamitsu said at 2018 UNGA First Committee *“Taking gender into account will have positive benefits for women, but of equal importance, a gender sensitive approach to disarmament will have positive impacts for the field as a whole”*. Outcomes from CSP5 on the thematic area should therefore be tangible and meaningful, with timelines for action areas.

1. Representation

UNSC Resolution 1325 urges states *“to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”*² Diverse teams produce better results. Recognising this, Operative Paragraph 11 of Resolution [A/C.1/73/L.8/Rev.1](#) The Arms Trade Treaty at UNGA First Committee *Encourages State Parties and Signatory States to ensure the full and equal participation of women and men, in pursuing the object and purpose of the Treaty and its implementation.*

To meet these goals internally, the UN Secretary General established the United Nations-wide Strategy on Gender Parity, which sets targets and monitors gender balance in areas such as leadership, management and recruitment activities of the UN, with an emphasis on achieving gender parity at its

¹ For full paper, see Government of Ireland (2017). ‘Working paper presented by Ireland to the Conference of State Parties to the Arms Trade Treaty: Article 7(4) and gender based violence assessment’. ATT/CSP3/2017/IRL/183/Conf.WP. 4 September 2017. https://thearmstradetreaty.org/hyper-images/file/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP1/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP1.pdf.

² UNSC Resolution 1325. S/RES/1325. 31 October 2000. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>.

senior levels of leadership.³ The UN Secretary General has also expressed his commitment to ensuring equal participation of women in all decision-making processes related to disarmament and international security in his 2018 Disarmament Agenda.

While specific ATT statistics are yet to be fully completed, there has been analyses for some disarmament processes and generally the tendency is for a 2:1 ratio of men to women, thus indicating a persistent inequality in gender balance. This is more unequal when smaller groups, for example Groups of Governmental Experts are analyzed, where the ratio tends to be 7:1. At CSP4 in Tokyo, based on an analysis of the *List of Participants* the ratio of male to female delegates among States parties, Signatories and Observer states was 73% to 27% (257 men, 97 women). For Heads of delegation the ratio was 77% to 23% (84 men, 25 women). Thus, for progress to be made in this area, bold and visionary action is needed. To achieve the target of equal participation of men and women, States parties, signatories and Observers will need to plan early to put in place sufficient mechanisms to address areas of unequal participation. A target of 50% female delegates could be a useful aspiration for CSP5.

Delegations have been encouraged to bring an equal number of men and women delegates to the Working Groups and other meetings of the CSP process. This should include considering the gender balance of leadership positions, not only the number of women within delegations. A target of 50% women overall at CSP5 would demonstrate clear progress in this area.

As there is much overlap between gender work to be done within the ATT framework and the Women, Peace and Security agenda, delegations have been invited to bring Women, Peace and Security Advisors, as well as gender experts, to CSP meetings where possible.

Civil society tends to have a better record in the participation of women, at all levels of delegations. It is notable that currently almost all civil society coalitions within the disarmament sector are headed by women. A 2017 study found that women headed roughly twice the proportion of civil society delegations as state delegations on average.⁴ Civil society could be invited by the CSP to share the policies and practices that have been adopted that have contributed toward a greater gender balance. The sponsorship programme is one area where specific targeted action could be taken to ensure gender balance. Currently only 23% of those nominated for sponsorship are women. States parties and signatories are therefore encouraged to address this imbalance and propose more women for sponsorship places.

Policy Recommendations

- As encouraged in the letter of invitation to the first Working Group and Preparatory Meetings, delegations attending the CSP process meetings should strive for gender balance, in all aspects of their delegation. Delegations are further encouraged to bring a Women, Peace and Security and/or Gender Advisor where possible.
- The ATT Secretariat could be requested to maintain records of gender balance of all delegations, and to make these records available. Progress in gender balance should be shared by the ATT Secretariat with the CSP in each meeting.

³ To this end, an interactive Gender Parity Dashboard was created. For a complete breakdown gender balance within UN Secretariat staff, see the dashboard here: <https://www.un.org/gender/content/un-secretariat-gender-parity-dashboard>.

⁴ Minor, Elizabeth. 'Missing Voices: The Continuing Underrepresentation of Women in Multilateral Forums on Weapons and Disarmament'. Article 36. <https://www.armscontrol.org/act/2017-12/features/missing-voices-continuing-underrepresentation-women-multilateral-forums-weapons>.

- Heads of Permanent Missions and of Organisations are encouraged to consider becoming Gender Champions, and to follow the nomination process at genderchampions.com
- Civil society organisations are requested to share with the CSP policies and practices they have adopted that have contributed to achieving greater gender balance
- Male-only panels in plenary sessions, side events and other fora should be discouraged. Event organisers should strive to include a proportional number of women at an early stage in their planning.

2. The Gendered Impact of Armed Violence and Conflict

Armed violence and conflict affects women and girls, and men and boys, in different and specific ways. This understanding was reflected in a number of resolutions at UNGA First Committee in 2018, and illustrates the development of analysis and policy in this area.

From violence perpetrated through small arms to the use of explosive weapons, there are significant differences in the impact experienced by people because of their gender. While men and boys tend to be among the most direct fatalities of warfare, women and girls are more directly impacted in terms of displacement, health, sexual violence and coercion. Men are overwhelmingly the majority of small arms owners, users and victims, while women are more frequently the victims of gender-based violence facilitated by small arms, including domestic violence and sexual violence. Studies on the impact of explosive weapons, such as bombs, missiles, mortars, rockets, and other weapons that fall within the boundaries of the ATT,⁵ show a proportionally higher number of female and child casualties resulting from the use of these weapons in populated areas, when compared with other weapons categories.⁶ These studies show that women are highly vulnerable to death and injury from these weapons, as they are likely to be present in homes, markets, or others places often affected by the use of these weapons.⁷

Furthermore, because of discriminatory gender norms women's and girls' freedom of circulation may be restricted in public spaces, which means they are more likely to be bound to stay at home even when a direct threat to their life or safety due to weapons has been identified. This is similar in the case of women and girls with caring responsibilities (of small children, disabled, sick or the elderly). Disabled women face this risk in a higher proportion.

While overall men and boys tend to be among the most direct fatalities of armed conflict and armed violence generally, women and girls are disproportionately impacted in terms of health, gender-based violence and coercion. For women, the risk of gender-based violence increases with armed conflict and violence as a result of displacement, the breakdown of social structures, a lack of law enforcement, and 'the further entrenchment of harmful gender norms', among other reasons.⁸

⁵ Reaching Critical Will (RCW) (2014). 'Women and Explosive Weapons'.
<http://www.reachingcriticalwill.org/images/documents/Publications/WEW.pdf>

⁶ See, for example, UNIDIR (2016). 'The Implications of the Reverberating Effects of Explosive Weapons Use in Populated Areas for Implementing the Sustainable Development Goals'.
<http://www.unidir.org/files/publications/pdfs/ewipa-and-the-sdgs-en-651.pdf>, p. 16.

⁷ Ibid., p. 16.

⁸ HM Government (2018). 'UK National Action Plan on Women, Peace and Security'.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677586/CO1215-NAP-Women-Peace-Security-ONLINE_V2.pdf.

Contrary to men, women tend not to find a safe haven at home, as evidence demonstrate a majority of them face intimate-partner violence which has increased because of the conflict, and the ownership and threat of arms use are certainly used to enforce that threat and reinforce these harmful gender norms.

There is an increasing understanding that underlying gender norms can give rise to negative attitudes and behaviours, and that they can be both a driver of conflict and an obstacle to peace. Unless violent or negative gender norms are recognised as root causes of conflict and inequality, challenged and transformed, little sustainable change in other areas of gender, peace and security will be possible. An example of this is the widespread prevalence of intimate partner/family violence. A recent UNODC study on the gender-related killing of women and girls, shows that “even though men are the principal victims of homicide globally, women continue to bear the heaviest burden of lethal victimization as a result of gender stereotypes and inequality. Many of the victims of ‘femicide’ are killed by their current and former partners, but they are also killed by members of their own family members because of their role and status as women.”⁹

Gender disaggregated data and research on the gendered impact of armed violence and conflict are both important in demonstrating the link between gender norms and the ways in which conflict increases the risks of gender-based violence and violence against women. The collection of gender disaggregated data on the impacts of armed violence and conflict could help support discussions within the WGETI, as well as provide States Parties information needed to address gender-based violence in Article 6 and 7 risk assessments. While discussions of gender based violence have been focused in terms of risk assessment, there is still further work to be done to ensure gender is considered across all aspects of Treaty obligations, including diversion and international assistance.

While plentiful research exists into this gendered impact of armed violence, it will be beneficial to States parties for this to made easily available for developing understanding. At the same time, there is an uneven understanding and application of gender and gender analysis of conflict across delegations, and some resources that assist in elaborating and defining basic concepts could be very helpful for Working Group discussions, including but not limited to input from gender experts as part of delegations.

The VTF requires all applicants to include a description of how gender has been included in the project proposal. The question does not currently get well answered, and the gender considerations of the project are not a deciding factor in project approvals. Further, gender sensitivity within projects are also not required. To improve this, it could be useful to have statistics on the number of proposals that sufficiently address gender in their project applications.

Policy Recommendations

- All Working Group Chairs and facilitators are requested to consider how gender aspect will be explored within their sessions. This will assist in Working Groups having concrete recommendations to take forward to the CSP.
- Further discussion within the WGETI is needed on how to best encourage States parties to collect gender disaggregated data.

⁹ UNODC (2018). ‘Global Study on Homicide: Gender-related killing of women and girls’. https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf.

- Resources that assist in elaborating on gender concepts could be very useful. Civil society has expertise it can contribute.
- Delegations that bring Women, Peace and Security advisors, and/or Gender Advisors, are encouraged to ensure that those advisors actively contribute to Working Group discussions.

3. GBV Risk Assessment Criteria

As has been mentioned many times, the ATT is the first treaty to specifically include gender based violence within its operative provisions. This presents an opportunity for a particular focus on GBV.

Article 7.4 requires that *“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 are being used to commit or facilitate serious acts of gender based violence or serious acts of violence against women and children”*.

As noted by Ireland in its September 2017 paper

Alongside the ‘standard’ risk assessments for human rights infringements and risk of diversion, the ATT is the only treaty that mandates GBV specific assessments be conducted as part of an export control regime... It is the only human rights concern in the Treaty to be addressed as a standalone article. Taken in tandem with Articles 6 and 7, this elevates GBV as a human rights infringement in need of specific assessment as part of the arms export control regime. If the exporting state then determines that there is “overriding risk” of gender based violence that the state party is obligated to not authorise the export, in line with the processes outlined in Article 6 and 7.¹⁰

GBV must also be looked at in all aspects of risk assessment obligations put forth in both Articles 6 and 7. Specifically, Article 7 of the ATT requires that States Parties prohibit arms where there is an “overriding risk” that the arms will be used to “commit or facilitate a serious violation of international human rights law.”

States Parties could clarify the interpretations of the language and standards entailed in these obligations. For example, while serious violations of international humanitarian law are clearly defined in international law, serious violations of international human rights law are not so clearly defined.

While the many analyses differ in some regards as to what constitutes a serious violation of international human rights law for purposes of the ATT, there is a great deal of consensus within legal interpretations of Article 7. ‘Serious’ violations are not limited to violations of norms and also need not be ‘gross’ or ‘systematic.’ Rather, seriousness inquiries should focus on the nature of the violation and the extent of the harm suffered by individual victims. Seriousness should be interpreted holistically on a case-by-case basis.

Civil society have contributed some useful resources for States Parties in considering these obligations, including publications by WILPF and Control Arms. These publications are noted for, among other

¹⁰ Government of Ireland (2017). ‘Working paper presented by Ireland to the Conference of State Parties to the Arms Trade Treaty: Article 7(4) and gender based violence assessment’. ATT/CSP3/2017/IRL/183/Conf.WP. 4 September 2017. https://thearmstradetreaty.org/hyper-images/file/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP1/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP1.pdf.

areas, defining what constitutes GBV and violence against women and children; understanding the ATT's GBV obligations; and guidance on how to incorporate GBV into export assessments under Articles 6 and 7.¹¹

Policy Recommendations

WGTEI may consider the following proposals to enhance State Parties' ability to implement Article 7(4).

- States Parties could provide further clarity around the interpretations of the language and standards entailed in article 7(4), notably the delineation of "serious", "facilitate" and "overriding" risk.
- State Parties could share what provisions they are making for GBV in order to facilitate learning between State Parties, as well as how they are enforcing human rights and IHL based export risk assessments.
- States parties and others with planned regional meetings and projects supported by UNSCAR and the VTF could consider how work on gender and GBV could take place within their projects.
- Guiding documentation could be developed to inform *best practices* for assessing the risk of GBV, alongside other Human Rights and IHL concerns.
- A GBV question could be included within templates for Annual Reports during the next review of those templates.

¹¹ See, for example, Control Arms (2018). 'How to use the Arms Trade Treaty to Address Gender-based Violence: A Practical Guide for Risk Assessment.' August 2018. [https://controlarms.org/wp-content/uploads/2018/08/GBV-practical-guide ONLINE.pdf](https://controlarms.org/wp-content/uploads/2018/08/GBV-practical-guide_ONLINE.pdf); Women's International League for Peace and Freedom (WILPF) (2016). 'Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action.' <http://www.reachingcriticalwill.org/images/documents/Publications/preventing-gbv.pdf>.