

**LIST OF ELEMENTS FOR POSSIBLE ADOPTION BY CSP5
PRESENTED BY THE PRESIDENT OF THE FIFTH CONFERENCE OF
STATES PARTIES TO THE ATT**

GENDER AND GENDER BASED VIOLENCE

At the first Informal Preparatory Meeting on 1st February in Geneva there was extensive discussion on gender and gender-based violence (GBV), following the presentation of the President's Working Paper (ATT/CSP5/2019/PRES/410/PM1.GenderGBV), also annexed to this paper for reference. This followed a similarly high level of engagement on the subject of GBV within the Working Group on Effective Treaty Implementation sub-group on Articles 6 and 7 on 28th January.

The Working Group on Effective Treaty Implementation (WGETI) considered issues related to the implementation of Article 7(4), while the discussion of the President's Working Paper on gender and gender-based violence included broader aspects of gender. The latter discussion covered three areas: the issue of gender balance in representation, the wider area of the gendered impact of armed violence and conflict, and gender-based violence and risk assessment under Articles 6 and 7 of the ATT.

Both the WGETI sub-working group meeting and the special session on gender were characterized by active participation by many delegations from different regional groups.

Issues raised in both discussions included broad support for equal representation and full parity, while stressing this should not only be a quantitative analysis of the number of women in the room, but a rather consideration of the gender dimension in all issues, and how women can shape ATT discussions and decision making. The importance of including women in efforts to secure and maintain peace was highlighted. There was support for the collection of gender-disaggregated data, which can provide more information about the differing impact of armed violence on men and boys, women and girls. Other issues raised included the importance of complementarity between instruments such as the Sustainable Development Goals and UN Security Council Women, Peace and Security resolutions. States Parties also shared their plans to develop training workshops and regional meetings on these topics.

There was a high level of interest in understanding more on the practicalities of Article 7(4) risk assessment. It was also apparent that for many States Parties, practical implementation of Article 7(4) was still work in progress with several issues that would benefit from further clarification. These included the definition of GBV in so far as it is relevant to the ATT; the value of access to relevant expertise, which included the issue of relevant training of licensing officers; what could be possible mitigating measures with regard to Article 7(4); the link between Article 7(4) with Articles 7(1) and 6(3); States Parties' experiences of license denial based on Article 7(4) criteria, where no delegation has yet said that they had had such a denial; and sources for GBV risk assessments.

Following these engaged discussions, the elements listed below may constitute possible areas of commonalities that States Parties may consider adopting during the CSP5 with a view of longer-term implementation.

Representation and participation

In all future CSP meetings:

- Delegations attending the ATT Working Groups, preparatory meetings and the CSP itself should strive for gender balance in their delegation.
- The ATT Secretariat will maintain records of gender balance of all delegations, and make these records available to interested stakeholders. Progress in gender balance should be shared by the ATT Secretariat with CSP participants in all upcoming CSP meeting.
- States and civil society organizations will share with the CSP policies and practices they have adopted that have contributed to achieving greater gender balance, when appropriate during formal sessions or side events
- Gender balanced panels in plenary sessions, side events and other fora should be encouraged. Event organizers should strive to gender balanced panels at an early stage in their planning.
- The sponsorship programme should actively consider gender balance as one of the selection criteria.

Understanding the gendered impact of armed violence in the context of ATT

- All Working Groups' Chairs and facilitators will, on an ongoing basis, consider how gender aspects should be explored within their sessions.
- 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.
- All stakeholders, including civil society, are encouraged to work towards elaborations and explanations of gender terms, to assist States in applying and working with gender concepts within the ATT context. Lists of existing research and data sources should be compiled and made available to all stakeholders. States are invited to support research that helps better understanding of the gendered impact in the context of ATT.
- Delegations should further consider bringing a Women, Peace and Security and/or delegates with gender expertise where possible. Such delegates should actively contribute to Working Groups' discussions and elaboration of recommendations as appropriate.

Gender-based violence risk assessment criteria

The WGETI should consider the following issues to enhance States Parties' ability to implement Article 7(4):

- Discuss gaps in interpretations of the language and standards entailed in Article 7(4), including the delineation of “serious”, “facilitate” and “overriding” risk, in order to provide better guidance and inform better practices.
- Identify and compile States' practices relating to “mitigating measures” in the context of Article 7(4): what these can be and how they are implemented.
- Developing compilations of provisions that different States Parties are making for GBV risk assessment in order to facilitate learning between States Parties,
- A manual for assessing the risk of GBV should be developed with participation of all stakeholders.
- Elements for a voluntary training guide on GBV, including best practices for risk assessment, should be developed with voluntary funding.
- A GBV question could be considered for inclusion within templates for Annual Reports during the next review of those templates

In addition to the above,

- States Parties and others with planned regional meetings and projects supported by the VTF could consider how work on gender and GBV could take place within their projects.
- States Parties may wish to consider to establish a specific mandate for the sub-working group to focus on GBV in the period leading to CSP6 to further focused debate on gender and GBV, and review progress on gender and GBV on an ongoing basis.
