



ICRC

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Statement of the International Committee of the Red Cross (ICRC) delivered by Gilles Carbonnier, Vice President

Thematic Discussion on Gender and Gender Based Violence

Mr President, Excellencies, ladies and gentlemen –

In 2013, the Arms Trade Treaty became the first international legal instrument to link arms transfer decisions to the risk of gender-based violence – a commendable advance welcomed by the ICRC. This link reflects the violent repercussions that communities in armed conflict have suffered and continue to suffer. In the Democratic Republic of the Congo, for example, after years of prolonged and recurring conflicts, all areas in which fighting is taking place have been affected by sexual violence. By 2017, weapon bearers were behind 85 per cent of the incidents of sexual violence that were recorded in South Kivu Province alone.

People face the threat of this type of violence at any time – on the way to the market, out in the fields or even at home. Survivors continue to suffer long after the initial act has taken place – whether through the stigma imposed by society, inaccessibility of services or inadequate domestic legal norms that fail to comprehensively criminalize sexual violence, or that make it too difficult for victims to come forward. Children born of gender-based violence, too, are often stigmatized. The effects of gender-based violence can reverberate through communities for generations.

The shift in gears from a discussion on *whether* the availability of arms impacts on the risk of gender-based violence, to one about *how* we can tackle the problem is important. Now we need very specific and concrete steps to achieve measurable impact. The primary responsibility in this domain rests with the authorities. The State has a duty to protect citizens and ensure their security, their psychological well-being and their physical safety. This includes considering the risk of gender-based violence in arms transfer decisions. The ICRC welcomes the President's focus on this pillar in his non-paper on gender and gender-based violence.

Before I go on, let me clarify an issue of terminology. There is no universally accepted definition of the term 'gender' nor the term 'gender-based violence'. Any disparities in understanding or definitions of these terms, however, should not prevent States Parties from assessing the risk of gender-based violence when making arms transfer decisions.

For our purposes today, the term 'gender-based violence' can be understood to refer to violence against persons – whether male or female and regardless of age – because of their sex and/or socially-constructed gender role.

For the ICRC, understanding gender and other diversity factors is necessary to properly assess the capabilities and needs of the people we seek to protect and assist. Gender can affect the way in which IHL is applied and how violations are perpetrated. It can also affect the impact that such applications and violations have. In our view, a gender lens is crucial to understand and address the humanitarian consequences of the widespread availability and misuse of conventional arms.

This is why we consider the reference to gender-based violence in paragraph 4 of Article 7 of the Arms Trade Treaty to be so important. The provision is one component of what the ICRC calls the ‘heart’ of the Treaty – namely the obligation on States Parties to subject transfers of conventional arms, their ammunition and parts and components to strict criteria aimed at ensuring respect for international humanitarian law (IHL) and human rights law. This obligation is crucial to achieving the Treaty’s humanitarian purpose.

In our view, paragraph 4 of Article 7 complements and strengthens this obligation since some acts of gender-based violence, when committed in connection with an armed conflict, will indeed amount to serious violations of IHL.

Seventy years ago, the Geneva Conventions were the first treaties to prohibit rape and other forms of sexual violence in armed conflict. This includes sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization.

But gender-based violence is not only sexual in nature. When military-aged males are the victims of mass killings to prevent them from participating in hostilities, or when a party to a conflict recruits girls to fulfil ‘domestic’ roles, these are gender-based violations of IHL. This year, the ICRC published a Working Paper detailing acts of gender-based violence that amount to IHL violations.

Now that many States have committed to make the risk of gender-based violence – and the risk of serious IHL violations – a key consideration in their arms transfer decisions, steps must be taken to ensure that these criteria are applied in practice. To be effective in preventing weapons from falling into the hands of those likely to misuse them, these criteria must be applied in a rigorous and consistent manner.

The ICRC’s Practical Guide to Arms Transfer Decisions aims to help in this endeavor. This draws on our longstanding experience in identifying indicators to assess the risk of serious IHL violations, including serious acts of gender-based violence.

Sexual and gender-based violence is a grim reality today. But it is preventable. The ICRC is present on the ground, working hard to care for survivors, to raise officials’ awareness of the problem, and to prevent its occurrence through the promotion of respect for the rules of war and their effective implementation. But collective efforts to stop and prevent it are clearly falling short. This is unacceptable. Assessing the risk of gender-based violence when making arms transfer decisions is just one step that States can take. We must work together to uphold human dignity in armed conflict and other forms of violence.

Thank you.