

How to Use the Arms Trade Treaty to Address Violence Against Children

A PRACTICAL GUIDE FOR RISK ASSESSMENT





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TABLE OF CONTENTS

PAGE 1

INTRODUCTION AND METHODOLOGY

PAGE 3

SETTING THE SCENE: DEFINING VIOLENCE
AGAINST CHILDREN

PAGE 7

LINKING ATT OBLIGATIONS TO
VIOLENCE AGAINST CHILDREN

PAGE 10

KEY DEFINITIONS - INTERNATIONAL
LEGAL AND POLICY FRAMEWORKS

REFERENCES

PAGE 13

INCORPORATING VIOLENCE AGAINST
CHILDREN INTO AN EXPORT ASSESSMENT

PAGE 14

INDICATORS FOR ASSESSING THE RISK
THAT WEAPONS COULD BE USED TO
COMMIT OR FACILITATE 'SERIOUS ACTS OF
VIOLENCE' AGAINST CHILDREN

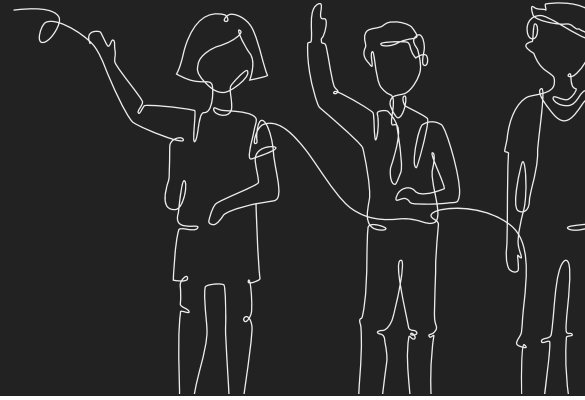
PAGE 19

STATE CAPACITY TO PROTECT CHILDREN
IN THE ATT CONTEXT

PAGE 22

IDENTIFYING STATE COMMITMENTS

Introduction and Methodology



Introduction

Whether in times of peace or conflict, violence against children cannot be justified. Violence against children impacts on their physical and mental development, capacity to develop and learn, and ultimately their ability to be fully integrated and contributing members of their community. Protecting children against violence must be a priority for all governments. Contributing to the protection of children against violence is the Arms Trade Treaty (ATT or “Treaty”), which is the first legally binding global instrument to recognize and create obligations around the connection between arms transfers and violence against children.

The heart of the Treaty consists of the provisions contained in Articles 6 and 7. Article 6 sets out the cases in which arms transfers are prohibited. Prohibitions occur when transfers would be in breach of United Nations Security Council arms embargoes or could be used in the commission of acts of genocide, crimes against humanity or violations of the Geneva Conventions of 1949, among other things.

Article 7 sets the standard upon which a State Party is obliged to refuse the export of arms based on a risk assessment. Arms export authorizations shall not be granted if there is an overriding risk the proposed transfer could lead to the commission or facilitation of serious violations of international humanitarian law; serious violations of international human rights law; acts in breach of international conventions on terrorism; and acts in breach of international conventions of international organized crime.

In addition, when deciding on arms export applications, States Parties will also have to consider the risk that the transferred weapons could be used to commit or facilitate serious acts of gender-based violence (GBV) or serious acts of violence against women (VAW) and violence against children (VAC). For all States Parties to the ATT, it is important to understand when and how to assess the associated likelihood of VAC and states’ responses to it. This understanding is essential for integrating ATT obligations into export risk assessments and collaboratively developing effective mitigating measures throughout the transfer process.

The practical guide is intended to provide direction to government officials, international policy practitioners, and arms transfer risk assessment experts. The primary purpose of the guide is to enable states to conduct meaningful national export risk assessments concerning VAC. While the guide is not comprehensive and does not provide specific guidance on whether to authorize or deny arms exports under ATT risk assessments, it offers criteria, indicators, and information sources derived from established publications that can be effectively incorporated into export risk assessments for VAC. The guide attempts to identify indicators related to violence against women (VAW) and gender-based violence that may also be relevant to situations involving VAC.¹

By assisting licensing officers in identifying pertinent information for VAC risk assessment, the guide will help them to make well-informed decisions on export applications in accordance with their ATT obligations.

Methodology

The guidelines were developed in three phases. The first phase consisted of an in-depth desk research that aimed to capture the connections between arms transfers and their impact on children in and outside conflict situations. This included legal research to provide interpretative guidance on key definitions, such as ‘grave violations’ and ‘serious acts of violence’ as they relate to children.²

The second phase involved identifying practitioners and established subject-matter experts from international organizations, governments, and civil society organizations with a clear mandate or pattern of activities on the topic of children and conflict.³

The third phase involved interviewing relevant individuals and organizations to capture in greater depth criteria and indicators to inform the assessment of risk of violence against children. Interviews were conducted around the following topics: (i) typologies of VAC in and outside conflict situations, including serious violations of children’s rights, (ii) synergies and linkages between violence against children and GBV and VAW, (iii) VAC in relation to international humanitarian law (IHL) and international human rights law (IHRL), and (iv) state capacity and state commitments to prevent VAC.



Setting the Scene: Defining Violence Against Children

"No violence against children is justifiable, and all violence against children is preventable"
(United Nations Secretary-General's Study on Violence against Children)

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The ATT is the first legally binding global instrument to recognize and create obligations around the connection between arms transfers and violence against children. However, the Treaty does not define what violence against children means, in the same way that it does not define the meaning of violence against women or gender-based violence.

Globally, one out of two children are estimated to experience violence each year,⁴ and it is very likely that this number is underestimated. The term "violence against children" (VAC) has long been used to describe various forms of harm and abuse experienced by children. The first international instrument that acknowledges children's right to protection from all forms of violence, abuse and neglect is the United Nations Convention on the Rights of the Child (CRC) in 1989. Article 19 (1) of the CRC states that "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".⁵



Who is a child?

The CRC defines a child as "[e]very human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier".⁶ Therefore, at the national level, age 18 is identified as the age of adulthood in most countries, although practice differs in different world regions. For instance, Indonesia, Iran, Myanmar and Yemen set lower ages for adulthood (as low as age 15).

VAC can take many forms. For UNICEF, it refers to 'any deliberate, unwanted and non-essential act, threatened or actual, against a child or against multiple children that results in or has a high likelihood of resulting in death, injury or other forms of physical and psychological suffering'.⁷ According to the World Health Organization, VAC involves six types of interpersonal violence that can occur at different stages in children's development: maltreatment, bullying, youth violence, intimate partner violence, sexual violence and emotional or psychological violence.⁸

Based on Article 19 of the CRC and consultations held with selected NGOs, Control Arms groups VAC into the following categories:

- **Maltreatment and exploitation:** including behaviors toward a child that is outside the norms of conduct and entails substantial risk of causing harm and involving the use of children for advantage, gratification or profit, including child labor.
- **Physical, psychological, emotional or mental violence:** including the restriction of a child's movement, threats and intimidation, discrimination, rejection and other non-physical forms of hostile treatment.
- **Injury or abuse:** involving willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm and/or emotional or mental anguish.
- **Neglect or negligent treatment:** including the failure to provide adequate food, clothing, shelter, medical treatment, or supervision.
- **Sexual violence:** including sexual abuse and exploitation, non-consensual completed or attempted sexual contact and acts of a sexual nature, child marriages and early/forced marriages, as well as acts of sexual trafficking committed against someone unable to consent or refuse.

Data on VAC in non-conflict settings is hard to measure and likely to be underreported as many of its manifestations may occur in private environments, such as the home. VAC happens in every state, regardless of culture, class, education, income, ethnic origin and age and perpetrators include parents, family members, teachers, caretakers, law enforcement authorities and other children.⁹

Violence against Children and the Sustainable Development Goals

The 2030 Agenda and the 17 Sustainable Development Goals (SDGs)¹⁰ include a specific target to end all forms of violence against children (16.2). In including SDG Target 16.2 ('end abuse, exploitation, trafficking and all forms of violence and torture against children'), the 2030 Agenda for the first time places the dignity of children and their right to live free from violence and fear as a priority on the international agenda. SDG Target 8.7 ('elimination of the worst forms of child labor, including the recruitment and use of child soldiers') refers specifically to children in conflict situations.

Abuse, neglect and exploitation of children are also mainstreamed across several other SDG targets including those that address high-quality education and gender equality (SDG Target 5.2 on the elimination of 'all forms of violence against all women and girls' and SDG Target 4.a on the building and upgrading of 'education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all').

The standards the international legal framework provides in respect of violence against children are reinforced by treaties that have been adopted regionally, including by the Council of Europe, the European Union, the Organization of American States, the African Union, and mechanisms established to monitor and enforce them. These include the African Child Rights Mechanism, the Inter-American Human Rights/Child Rights mechanism, the European Human Rights / Child Rights mechanism of the Council of Europe, and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

Violence Against Children in Conflict Settings

About 449 million children lived in conflict-affected areas in 2021 and near 230 million lived in high-intensity conflict countries, according to Save the Children.¹¹ Africa is the continent where children are most affected by conflict, followed by Asia, the Americas, the Middle East and Europe.

The latest Secretary-General's Report on children and armed conflict shows that 27,180 grave violations against children were committed in at least 24 countries in 2022, affecting 18,890 children. The majority of these violations were the killing and maiming of children, followed by the recruitment and abduction of children.¹²

The 2022 Secretary General's Report on children and armed conflict also raised significant concerns regarding the number of severe human rights and IHL violations against children. Between 2005 and 2020, over 93,000 children were verified as being recruited and used by parties to the conflict, though the actual number of cases is believed to be much higher.¹³ There is also an alarming increase in recorded attacks on education, including assaults on students and educational staff, military use of schools, and the impact of explosive weapons on children.¹⁴ In some conflict situations, over 80% of the victims of explosive weapon accidents are children.¹⁵



Children Associated with Armed Forces or Armed Groups (CAAFAG)

Tens of thousands of children are recruited and used in armed conflict across the world, often referred to as 'child soldiers'. The phenomenon of child soldiers entails more than children who take part in active hostilities as combatants. There are different forms of child exploitation and abuse in connection with armed forces or armed groups that are not fully captured by the term.

Children are recruited to serve in government forces, terrorist organizations, and non-state armed groups. Children may fight on the frontline, participate in suicide missions, act as spies behind enemy lines, serve as human shields, or in support of war efforts, which may include sexual exploitation. Since not all of them are forced into direct combat roles, the most comprehensive and appropriate term is 'child associated with armed forces or armed groups' (CAAFAG).

A CAAFAG "refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes".¹⁶ In some cases, sexual exploitation is institutionalized. For instance, in Syria, the so-called Islamic State group (ISIS) abducted Yazidi girls and women for sexual exploitation, on an unprecedented scale.¹⁷ In other cases, armed forces have specialized in the sexual exploitation of boys, because of long-standing practices and traditions.¹⁸



The Impact of Arms on Children's Rights

The connection between the global arms trade, the proliferation of conventional weapons, and the grave violation of children's rights is well-established and multi-faceted, affecting children both directly and indirectly. It encompasses issues such as child recruitment, child labor, child marriage, and fundamental rights including the right to life, development, education, health, and access to clean water and sanitation. The UN Committee on the Rights of the Child (UNCROC) has expressed concerns about the presence of arms and their repercussions for children, irrespective of whether they are in conflict or non-conflict situations.

In Latin America, for example, weapons have a direct impact on children's lives as the region has the highest child homicide rate in the world. In 2017, it was estimated that the regional rate was 5.8 child homicides per 100,000 compared to the global average of 1.7 per 100,000.¹⁹ Boys between the ages of 15 and 19 are disproportionately affected by armed violence in the region. More than 80 per cent of child's homicides occur between this age range.²⁰

In non-conflict settings, the UNCROC has sounded the alarm regarding the availability of arms and the resulting impacts on children's rights to life, survival, development, and overall well-being.²¹ A particular concern is the devastating impact of violence on children's access to education with the potential compromise of other rights such as a safe environment, health, play, and holistic development.²²

The nexus between arms transfers and their impact on children is abundantly clear in conflict scenarios. The UNCROC has noted the severe toll on children's health and healthcare access,²³ its detrimental psychological effects, and well as the disproportionate impacts of conflict on children with disabilities.²⁴ In conflict, arms transfers also play a pivotal role in the recruitment of child soldiers.²⁵ Notably, in 2008, the Special Representative of the Secretary-General on Children and Armed Conflict underscored how the ready availability of small arms between 1970 and 2000 contributed significantly to the emergence of child soldiers as we know them today.²⁶ As such, the UNCROC has regularly urged states to prohibit arms sales when there is a risk of unlawful recruitment or the use of children in armed conflicts.



Linking ATT Obligations to Violence Against Children

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ATT States Parties have key Treaty obligations concerning children. Ensuring that children's rights are observed and protected in conflict and non-conflict situations is critical.

The ATT makes clear the link between arms transfers and children's rights in two different aspects:

- 1) Prohibitions (Article 6); and
- 2) Export and Export Assessment (Article 7).



Prohibitions (Article 6)

Article 6.3 of the ATT reads:

*A State Party **shall not authorize any transfer** of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.²⁷*

The commission of any of these crimes can have an impact on children's rights. For example, recruiting or using children to participate actively in hostilities is a war crime that applies to both international and non-international armed conflicts under the Statute of the International Criminal Court (ICC) and customary IHL.²⁸ Therefore, the transfer of arms to parties that unlawfully recruit or use children in hostilities would fall within the scope of those transfers prohibited by Article 6 of the ATT. This applies both when children are recruited and used by state forces and armed non-state actors.

Export and Export Assessment (Article 7)

Article 7.1 states that, if a proposed export is not prohibited under Article 6, the exporting State Party must assess the risk that the arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 could be used to:

- commit or facilitate a serious violation of international humanitarian law (Article 7.1.b.i)
- commit or facilitate a serious violation of international human rights law (Article 7.1.b.ii)
- commit or facilitate an act constituting an offense under international conventions or protocols relating to terrorism to which the exporting State is a Party (Article 7.1.b.iii), or
- commit or facilitate an act constituting an offense under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party (Article 7.1.b.iv).

If the risk of serious human rights or IHL violations stemming from the proposed export is clear or substantial, then export authorities must deny it.

In addition, Article 7.4 states 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 being used to **commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children**.²⁹*

Article 7.4 is not intended to introduce a separate criterion for export assessments, in addition to the risks described in Article 7.1 (b). Instead, its purpose is to ensure that an exporting State Party considers this particular risk as part of its export assessment as outlined in Article 7.1.³⁰



The meaning of facilitation

When conducting a risk assessment under Article 7, licensing officials need to consider that the export of arms and items could be used to 'commit' or 'facilitate' certain violations and offenses. While the term commit indicates 'should be interpreted as to perpetrate or carry out', facilitation can be understood as 'to make easier or less difficult'. In this way, facilitate 'adds a broader range of conduct and arms usage that export officials should consider'.³¹ This definition extends the scope and application of the criteria by considering that 'the possession and availability of the arms or items in question may materially assist actors in the commission of violations or proscribed acts'.³²



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Scope of application for Articles 6 and 7

Article 2.1 states that the ATT applies to all conventional arms within the following categories: (i) battle tanks; (ii) armored combat vehicles; (iii) large-caliber artillery systems; (iv) combat aircraft; (v) attack helicopters; (vi) warships; (vii) missiles and missile launchers; and (viii) small arms and light weapons.

Article 3 states that each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.

Article 4 states that each State Party shall establish and maintain a national control system to regulate the export of parts and components where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1) and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such parts and components.



Key Definitions: International Legal and Policy Frameworks

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Several international legal and policy frameworks apply to VAC in the context of the ATT. The understanding of violations of IHL and international criminal law is central to the implementation of Article 6.3 and Article 7.1 and IHRL is central to the implementation of Article 7.1, including 7.1(b)(i).

Defining Serious Violations of International Humanitarian Law

Children's rights need to be considered by the exporting State Party when assessing the risk that conventional arms or items could be used to commit or facilitate a serious violation of IHL, according to Article 7.1 (b)(i).

Violations of IHL are considered serious if they endanger civilians or civilian objects or otherwise breach important values.³³ These include grave breaches of the Geneva Conventions, the Rome Statute, and acts that constitute war crimes under customary IHL. These violations can all be perpetrated against children.

The ICRC has defined risk assessment indicators, considering the recipient country's respect for IHL, formal commitments to apply IHL, and existing legal, judicial, and administrative measures to ensure adherence to IHL.³⁴ Even in the absence of direct involvement in an armed conflict, a pattern of IHRL violations can signal a risk of IHL breaches.³⁵ Therefore, when assessing the risk a proposed transfer could aid serious violations of IHL, potential breaches of IHRL, including those against children, should be considered.

Children in war benefit from the protection of IHL, both as civilians and combatants. The 1977 Additional Protocols to the Geneva Conventions prohibit the recruitment and participation in hostilities of children under the age of 15. Article 77 of the Geneva Conventions of 1949 also grants special protection to children: "Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason".³⁶

The six UN grave violations against children in times of war

Prioritizing the protection of children in armed conflicts is UN Security Council Resolution 1261³⁷ and its subsequent resolutions. This resolution identified six grave violations against children in times of war, which are:

- **Killing and Maiming:** Deliberate or indiscriminate attacks on children that result in their death or injury.
- **Recruitment and Use:** The unlawful recruitment or use of children in armed forces or armed groups. This involves child soldiers, a particularly egregious violation.
- **Sexual Violence:** Acts of sexual violence, such as rape or other forms of sexual exploitation, perpetrated against children in conflict situations.
- **Abduction:** The abduction or kidnapping of children during armed conflicts, often leading to their forced recruitment or other forms of exploitation.
- **Attacks on Schools and Hospitals:** Deliberate attacks on schools and hospitals that deprive children of their right to education and access to healthcare.
- **Denial of Humanitarian Access:** Preventing or obstructing the delivery of humanitarian assistance to children in need, including food, medical supplies, and other essential support.

Since 2005, the UN monitors, documents and reports on these grave violations through the Monitoring and Reporting Mechanism established under UNSCR 1612.³⁸

Defining Serious Violations of International Human Rights Law

Children's rights need to be considered by the exporting State Party when assessing the risk that conventional arms or items could be used to commit or facilitate a serious violation of IHRL. In international practice, there is less convergence on what constitutes 'a serious violation of international human rights law' compared to a serious violation of IHL.³⁹ Serious violations of IHRL include any international crimes as well as other violations of the following human rights when violations are deemed gross⁴⁰ and affect the following:

- **The right to life**
- **The right to liberty and security of person**
- **The right to freedom of thought, conscience, and religion**
- **The rights to freedom of assembly and of expression, and**
- **The rights to health, education, food, and housing.**⁴¹

Practitioners and scholars have agreed that there is no comprehensive list of violations that qualify as serious. Rather, seriousness encompasses a wide range of violations and requires repeated, context-specific, case-by-case evaluation.⁴² When interpreting what constitutes a serious violation, it is necessary to consider the type, nature, and extent of a violation.

In addition, rules of treaty interpretation must be applied to what constitutes ‘serious violations’ of international human rights law: ‘serious’ can refer to both the type of human rights being violated and to the gravity and scope of the violation.⁴³

The violations of certain rights are inherently serious. For example, this would include violations of the right to life, prohibition on torture, or *jus cogens* violations. However, violations of rights need not be ‘widespread’ or ‘systematic’ to qualify as being ‘serious.’⁴⁴ The term sets a relatively low threshold in that many violations of IHRL can meet the seriousness threshold.

Linkages between violence against children, gender-based violence and the UN grave violations

Children may be impacted differently by crimes based on their sex, gender, or other status or identities.⁴⁵ Both in conflict and non-conflict settings, gender-based violence can be perpetrated against girls and boys. However, it is most prevalent against girls as it’s linked to social attitudes that perpetuate gender inequalities and discrimination.⁴⁶

The use of weapons can be implicated in serious violations of human rights and children’s rights that may constitute gender-based violence. For instance, the CRC underscores the link between armed conflict and the availability of arms, and sexual and gender-based violence, including rape and sexual slavery, against children.⁴⁷

In situations of armed conflict, grave violations committed against children affect boys and girls differently. The 2021 annual report of the UN Secretary-General on Children and Armed Conflict shows that 98 percent of sexual violence was perpetrated against girls.⁴⁸ In both the Democratic Republic of Congo and Somalia, for instance, the totality of reported verified incidents of sexual violence against children in conflict in 2019 involved girls.⁴⁹

A gender analysis of the six grave violations shows that different types of grave violations, including sexual violence, have a differentiated impact on boys and girls. A recent report prepared by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict highlights how using a gender lens in the monitoring and reporting of grave violations against children affected by armed conflict is essential to ensure systematic analysis of the gender dimensions of grave violations.⁵⁰ The UN Security Council also recognized that ‘sexual violence in conflict occurs on a continuum of interrelated and recurring forms of violence against women and girls...[while] conflict also exacerbates the frequency and brutality of other forms of gender-based violence’.⁵¹

Given the near universal adherence to the CRC, the statement reinforced by human rights mechanisms that ‘No violence against children is justifiable; all violence against children is preventable’⁵², and the prominent role of preventing VAC in the work of UN Member States and the UN as evidenced by the SDGs, it is clear that VAC should be given a broad interpretation in the ATT risk assessment.



Incorporating Violence Against Children Into an Arms Export Risk Assessment

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How can export licensing officials meaningfully incorporate VAC into their risk assessment process? The approach outline below not only builds upon the analysis presented earlier but also offers a tangible framework for deciding on the approval or rejection of arms transfers, all while prioritizing and safeguarding the fundamental rights of children.



Stage 1. Identify what types of violence against children are recognized as violations under Article 7.1 (b) of the ATT.



Stage 2. Identify **a)** which of the violations are prevalent in the recipient state, **b)** the state's capacity to prevent and punish those acts, **c)** the commitments made by the recipient state to international instruments on the protection of children's rights, and **d)** whether the arms to be transferred and end use are compliant with ATT obligations.



Stage 3. Identify whether there is an overriding risk that arms, ammunition, parts or components could be used to commit or facilitate 'serious acts of violence' against children, according to Article 7.4. If there is an overriding risk, then the transfer must be denied.



In order to promote the protection of the rights of children, states issuing a transfer denial should make it clear that VAC was either the primary or a contributing factor.



Indicators for Assessing the Risk That Weapons Could Be Used to Commit or Facilitate ‘Serious Acts of Violence’ Against Children

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The table below offers a comprehensive overview of criteria and indicators tailored for licensing officials, government officials, and policy practitioners engaged in ATT implementation. It guides the assessment of the potential risk that weapons may be utilized to perpetrate or facilitate serious acts of violence against children, both in conflict and non-conflict scenarios.

While the list is not exhaustive, it serves as a valuable resource for assessing the risk of significant acts of VAC. Both Article 7.1(b) and Article 7.4 of the ATT mandate a thorough examination of these indicators to evaluate the associated risks linked to a proposed arms transfer. Recognizing that statistics on VAC may be under-reported in many countries, it is crucial to note that the absence of data might highlight deficits in data collection rather than the absence of actual violations.

Criteria	Indicator	Information Sources
Existence or risk of armed conflict within the recipient state	Ongoing armed conflict Levels of state fragility Absence of effective rule of law	Uppsala Conflict Data Programme (UCDP) ucdp.uu.se/ Fund for Peace - Fragile States Index fragilestatesindex.org/ Institute for Economics and Peace Global Peace Index 2023 www.visionofhumanity.org/wp-content/uploads/2023/06/GPI-2023-Web.pdf International Institute of Strategic Studies (IISS) Armed Conflict Database www.iiss.org/publications/armed-conflict-survey (paid subscription needed) World Bank - World Governance Indicators Political stability and absence of violence/terrorism Index databank.worldbank.org/source/worldwide-governance-indicators/Series/PV.EST

Criteria	Indicator	Information Sources
Use of weapons in intentional killings of children (in conflict and non-conflict situations)	<p>Percentage of homicide victims that are children</p> <p>Number of children killed in indiscriminate or disproportionate attacks</p>	<p>National Criminal datasets (where available)</p> <p>Local or national casualty counting groups</p> <p>UNODC Global Study on Homicide 2019 www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf</p> <p>Homicide Statistics www.unodc.org/gsh/en/data.html</p> <p>OHCHR Human rights by country www.ohchr.org/en/countries/pages/humanrightsintheworld.aspx</p> <p>Annual Report of the Secretary-General on Children and armed conflict Annual Report 2021 childrenandarmedconflict.un.org/document/annual-report-of-the-secretary-general-on-children-and-armed-conflict-2/</p> <p>United Nations Security Council Reports of the UN Working Group on children and armed conflict www.un.org/securitycouncil/subsidiary/wgcaac/annual</p> <p>Amnesty International Amnesty International Report 2022/23: The state of the world's human rights: www.amnesty.org/en/documents/pol10/5670/2023/en/</p> <p>National Human rights groups reports (where available)</p>
Use of weapons used to commit, facilitate or threaten acts of persecution and/or torture against children (in conflict and non-conflict situations)	<p>Reports on weapons used to commit, facilitate or threaten acts of torture against children</p> <p>Reports on weapons used to commit, facilitate or threaten acts of persecution against children</p>	<p>Reports of the Committee against Torture Committee against Torture Annual Reports tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=27</p> <p>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Reports of the Committee against Torture Committee against Torture Annual Reports: tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=27</p> <p>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Reports from the Special Rapporteur ap.ohchr.org/documents/dpage_e.aspx?m=103</p> <p>United Nations Framework for Analysis of Atrocity Crimes: A tool for prevention www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf</p> <p>Human Rights Watch, Amnesty International, national human rights groups Human Rights Watch Reports on Torture www.hrw.org/</p>

Criteria	Indicator	Information Sources
Use of weapons in populated areas	<p>Reports on the use of explosive weapons, cluster munitions, landmines and other indiscriminate weapons in populated areasLevels of blast-related children's casualties</p> <p>Reports on the effects of blast injuries on children</p>	<p>Security Council Report Reports of the Secretary-General to the Security Council on the protection of civilians in armed conflict www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Protection%20of%20Civilians&cbtype=protection-of-civilians</p> <p>Landmine Monitor Annual reports www.the-monitor.org/en-gb/our-research/landmine-monitor.aspx</p> <p>Cluster Munition Monitor Annual reports www.the-monitor.org/en-gb/our-research/cluster-munition-monitor.aspx</p> <p>Explosive Weapons Monitor www.explosiveweaponsmonitor.org/</p> <p>Action on Armed Violence aoav.org.uk/</p> <p>Save the Children Reports Save the Children (2019). 'Blast Injuries: The Impact of Explosive Weapons on Children in Conflict'. reliefweb.int/sites/reliefweb.int/files/resources/CH1325872.pdf</p>
Attacks on schools and/or hospitals (in conflict and non-conflict situations)	<p>Reports of attacks on schools and/or hospitals using conventional weapons</p>	<p>Annual Report of the Secretary-General on Children and armed conflict Annual Report 2022 childrenandarmedconflict.un.org/document/secretary-general-annual-report-on-children-and-armed-conflict/</p> <p>Security Council Report Reports of the Secretary-General to the Security Council on the protection of children in armed conflict www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Children%20and%20Armed%20Conflict&cbtype=children-and-armed-conflict</p> <p>Education Under Attack Annual Report/GCPEA www.educationcannotwait.org/sites/default/files/2022-06/educationunderattack_2022.pdf</p>

Criteria	Indicator	Information Sources
Human trafficking networks targeting and/or involving children (in conflict and non-conflict situations)	Percentage of trafficking victims that are children Existence of active human trafficking networks targeting people based on age and/or gender	<p>UNODC – Trafficking in Persons Global Report on Trafficking in Persons www.unodc.org/unodc/data-and-analysis/glotip.html</p> <p>US Department of State Trafficking in Persons Report www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf</p>
Sexual violence against children (in conflict and non-conflict situations)	Levels of sexual violence on children in the recipient country Levels of rape in the recipient country Evidence of weapons being used to facilitate sexual violence against children	<p>Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict Factsheets www.un.org/sexualviolenceinconflict/digital-library/reports/sg-reports/sg-factsheets/</p> <p>Annual Report of the Secretary-General on Children and armed conflict Annual Report 2022 childrenandarmedconflict.un.org/document/secretary-general-annual-report-on-children-and-armed-conflict/</p> <p>World Health Organization World Report on Violence and Health apps.who.int/iris/bitstream/handle/10665/42495/9241545615_en.pdf</p> <p>Global status report on violence prevention www.who.int/publications/i/item/9789241564793</p> <p>UNICEF Data on sexual violence prevalence among girls data.unicef.org/resources/statistical-snapshot-violence-adolescent-girls/</p> <p>ICRC Reports on sexual violence www.icrc.org/en/what-we-do/sexual-violence</p> <p>Human Rights Watch Reports on sexual violence and rape www.hrw.org/topic/womens-rights/sexual-violence-and-rape</p> <p>Amnesty International Reports on sexual violence www.amnesty.org/en/search/sexual%20violence/</p> <p>Save the Children Save the Children report on sexual violence against children in conflict resourcecentre.savethechildren.net/pdf/weapon-of-war-report_final.pdf/</p> <p>National human rights groups' reports and data (where available)</p>

Criteria	Indicator	Information Sources
Recruitment and use of children	Reports of recruitment and use of children by the recipient state's armed forces	UN Secretary-General Annual Reports on Children and Armed Conflict and annexes on listed parties childrenandarmedconflict.un.org/document/annual-report-of-the-secretary-general-on-children-and-armed-conflict-2/
	Reports of recruitment and use of children by armed groups operating in the recipient state	Report of the Special Representative of the Secretary-General for Children and Armed Conflict to the Human Rights Council childrenandarmedconflict.un.org/document/report-of-the-special-representative-of-the-secretary-general-for-children-and-armed-conflict-to-the-human-rights-council-3/
	Existence of state-sponsored groups that recruit children in its territory and/or in neighboring states	UNICEF Ending the recruitment and use of children in armed conflict resourcecentre.savethechildren.net/pdf/unicefchildsoldiersbriefing_uk_web.pdf/
	Reports of recruitment of children by mercenaries and private military and security companies in conflict	Office of the Special Representative of the Secretary-General for Children and Armed Conflict Country Profiles childrenandarmedconflict.un.org/
	Reports of children recruited for military service	Annual reports of the Inter American Commission on Human rights (Child Rights section) and country reports www.oas.org/en/iachr/reports/IA.asp/
		Watchlist Children and Armed Conflict Children and armed conflict monthly updates watchlist.org/publications/children-and-armed-conflict-monthly-update-january-2022/
Illegal detention of children (in conflict and non-conflict situations)	Reports on illegal detention of children	Inter-American Commission on Human Rights Annual report (Child Rights section) and country reports www.corteidh.or.cr/informes_anuales.cfm?lang=en
	Reports on incarceration of children in adult detention centers	
Prosecution and extra-judicial execution of children (in conflict and non-conflict situations)	Reports on prosecution and extra-judicial execution of children	Inter-American Commission on Human Rights Annual report (Child Rights section) and country reports www.corteidh.or.cr/informes_anuales.cfm?lang=en
		Annual Report of the Secretary-General on Children and armed conflict Annual Report 2021 childrenandarmedconflict.un.org/document/annual-report-of-the-secretary-general-on-children-and-armed-conflict-2/



State Capacity to Prevent Violence Against Children in the ATT Context

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State capacity refers to the set of laws, policies, procedures and actions that address the various dimensions of child protection. Once the export official has identified the set of criteria and indicators that may indicate the risks that the arms and items can be used to commit and facilitate serious acts of VAC, the next step is to assess whether the state has the capacity to effectively respond to VAC and regulate arms distribution in a manner compliant with the ATT. While a state can be party to numerous instruments of international law, what is important is the progress on and quality of implementation and monitoring. For example, are the relevant laws and policies in accordance with international standards and comprehensive? Is there coordination at a high level and are the laws and policies mainstreamed in national planning processes? Are the objectives of the relevant laws and policies sufficiently resourced in terms of human and financial resources? Are these laws and policies and their implementation subject to monitoring and evaluation?

Criteria	Indicator	Information Sources
Ability of the State to comply with IHL and IHRL standards	Evidence of compliance with IHL and IHRL	ICRC National Implementation of IHL National Implementation of IHL ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/vwLawsByCountry.xsp OHCHR Universal Human Rights Index database uhri.ohchr.org/en/search-human-rights-recommendations Amnesty International Amnesty International Annual Reports https://www.amnesty.org/en/annual-report-archive/ National monitoring groups' reports and data
	Evidence of formal or informal commitments the proposed recipient has made to abide by IHL and IHRL	
	Evidence of whether it has enshrined those commitments in national law, standards and procedures	
	Evidence that the commitments are reflected in training for its armed and security forces and other personnel	
	Evidence that the proposed recipient has sufficiently robust legal, judicial and administrative procedures to prevent and punish violations of IHL and IHRL	

Criteria	Indicator	Information Sources
Existence of national laws to tackle violence against children	<p>Existence of laws to protect against child abuse</p> <p>Laws protecting children from physical violence</p> <p>Laws protecting children from sexual abuse and exploitation</p> <p>Existence of laws to protect against rape and sexual violence</p> <p>Existence of a National Action Plan to address modern slavery</p> <p>Laws protecting children from key risk factors for violence and exploitation</p> <p>Existence of a national policy on child protection</p> <p>Laws and policies regarding institutional and duty-bearer responses to violence against children</p> <p>Existence of a structure/body mandated to implement and monitor the implementation of the CRC and its Optional Protocols</p> <p>Endorsement of relevant soft laws instruments, declarations and inter-governmental political commitments (Kigali Principles, Paris Principles, Vancouver Principles, Safe School Declaration)</p> <p>National assessment of whether the legal framework aligns with international norms, for instance using the UNODC Model Strategies on Violence against Children Checklist</p>	<p>National laws, national assessments, national policies, and national action plans (where available)</p> <p>End Corporal Punishment States prohibiting all corporal punishment of children endcorporalpunishment.org/countdown/</p>
Ability of the state during armed conflict to enforce child protection measures	<p>Evidence of measures taken by States to protect children</p> <p>Existence of a National Action Plan to address grave violations against children or a similar agreement between government security forces and the UN</p> <p>Existence of Roadmaps to expedite the implementation of Action Plans</p> <p>National Reports on the Optional Protocol on the Involvement of Children in Armed Conflict</p>	<p>Annual Report of the Secretary-General on Children and armed conflict Annual report 2021 childrenandarmedconflict.un.org/document/annual-report-of-the-secretary-general-on-children-and-armed-conflict-2/</p> <p>National Action Plans childrenandarmedconflict.un.org/tools-for-action/action-plans/</p> <p>OHCHR Reports Concerning the Optional Protocol on the Involvement of Children in Armed Conflict tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=29</p>

Criteria	Indicator	Information Sources
Capacity of the State to address the six UN grave violations	Existence of Action Plans to address the six grave violations	Office of the Special Representative of the Secretary-General for Children and Armed Conflict Action Plans childrenandarmedconflict.un.org/tools-for-action/action-plans/
Ability of the state to prevent arms diversion	Evidence of measures taken to prevent the risk of diversion Evidence of measures taken to detect diversion Evidence of cooperation and information exchange to mitigate the risk of diversion	ATT Secretariat Initial Reports submitted by ATT States Parties thearmstradetreaty.org/initial-reports.html?templateId=209839 Gunpolicy.org data www.gunpolicy.org/ National monitoring groups' reports and data
Ability of the State to develop and enforce laws that minimize violence perpetrated with illicit arms	Evidence of national legislation prohibiting or penalizing illicit firearm possession Evidence of national programmes to reduce the number of illicit firearms in circulation	National laws, national policies, and national action plans Gunpolicy.org data www.gunpolicy.org/ National monitoring groups' reports and data



Identifying State Commitments

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Given the pervasive nature of VAC and the requirement for its consideration in every export assessment under Article 7.4, licensing officials can obtain important information about the state's ability to prevent the risk of VAC violations by looking at its commitments to different international and regional instruments that incorporate the protection of children's rights. However, consideration has to be given as to whether the recipient state has and continues to carry out work to implement the obligations of the international instrument and it is having an actual impact on improving the human rights situation, especially for children.

Criteria	Indicator	Information Sources
Membership of key human rights agreements	Membership of recipient state to: <ul style="list-style-type: none"> • The International Covenant on Civil and Political Rights (ICCPR) • The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • The Convention on the Rights of Persons with Disabilities • The Convention on the Prevention and Punishment of the Crime of Genocide • The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others • The Convention relating to the Status of Refugees • Regional human rights instruments 	OHCHR Status of Ratifications indicators.ohchr.org/ 'Regional Human Rights Mechanisms and Arrangements' www.ohchr.org/en/countries/nhri/websites-regional-human-rights-mechanisms-and-arrangements
Membership of key IHL instruments	Membership of recipient state to: <ul style="list-style-type: none"> • The Geneva Conventions of 1949 • The Additional protocols to the Geneva Conventions • The International Criminal Court (ICC) • Relevant regional courts 	International Committee of the Red Cross Treaties, States Parties and Commentaries database ihl-databases.icrc.org/en/ihl-treaties

Criteria	Indicator	Information Sources
Membership of international agreements on child protection and endorsement of non-legally binding instruments including at the regional level	Membership of recipient state to: <ul style="list-style-type: none"> • The Convention on the Rights of the Child (CRC) • The Optional Protocol to the CRC on the involvement of children in armed conflict • The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography • The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations' Convention on Transnational Organized Crime • The International Labor Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor • Initial reports and progress reports submitted by recipient state to the Committee on the Rights of the Child • Endorsement of the Safe Schools Declaration • Endorsement of the Kigali Principles • Endorsement of the Paris Principles on the Involvement of Children in Armed Conflict 	<p>OHCHR: Status of Ratifications indicators.ohchr.org/</p> <p>Documentation by country: www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p> <p>CEDAW reports www.un.org/womenwatch/daw/cedaw/index.html</p> <p>Convention on the Rights of the Child reports www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</p> <p>Convention against Torture reports www.ohchr.org/en/hrbodies/cat/pages/ngosnhris.aspx</p> <p>Shadow reports and UN recommendations for instruments</p>
Membership of key arms control agreements, including regional instruments	Membership of recipient state to: <ul style="list-style-type: none"> • The Arms Trade Treaty (ATT) • The Convention on Cluster Munitions (CCM) • The Anti-Personnel Mine Ban Treaty (MBT) • Relevant regional arms control instruments 	<p>The Arms Trade Treaty 'Treaty Status' thearmstradetreaty.org/treaty-status.html?templateId=209883</p> <p>Convention on Cluster Munitions www.clusterconvention.org/convention-text/</p> <p>Anti-Personnel Mine Ban Treaty disarmament.unoda.org/anti-personnel-landmines-convention/</p> <p>Regional arms control instruments</p>

References

- 1** To reflect ATT language, the guidelines will use the term gender-based violence (GBV), to also include sexual gender-based violence (S/GBV), a term most used in the context of children's rights and children and armed conflict.
- 2** Relevant data and reports on violence against children were collected from the United Nations Children's Fund (UNICEF), the UN Special Representative of the Secretary-General for Children and Armed Conflict, the World Health Organization (WHO), and the Office of the High Commissioner for Human Rights (OHCHR) were reviewed, among other data.
- 3** These included the following: Save the Children, Dallaire Institute, ICRC, Watchlist, Child Protection Area of Responsibility, Alliance for Child Protection in Humanitarian Action (Children Associated with Armed Forces and Armed Groups Task Force).
- 4** World Health Organization (2020). 'Global status report on preventing violence against children 2020'.
<https://iris.who.int/bitstream/handle/10665/332394/9789240004191-eng.pdf?sequence=1>
- 5** United Nations (1989). 'Convention on the Rights of the Child'. Treaty Series, vol. 1577, Nov. 1989, p. 3.
<https://www.refworld.org/docid/3ae6b38f0.html>
- 6** United Nations (1989). Ibid.
- 7** United Nations Children's Fund (UNICEF) (2023). 'International Classification of Violence against Children'. UNICEF, New York, 2023.
<https://www.transmonee.org/media/1236/file/International%20Classification%20of%20Violence%20against%20Children.pdf>
- 8** World Health Organization (2022). 'Violence against Children'. Factsheet, 29 November 2022. <https://www.who.int/news-room/factsheets/detail/violence-against-children>
- 9** Pinheiro, P. S. (2006). World report on violence against children. Geneva: United Nations.
https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf
- 10** A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>
- 11** Save the Children (2022). 'Stop the war on children: The forgotten ones'. <https://bit.ly/3SqyPDW>
- 12** A/77/895-S/2023/363. Report of the Secretary-General. Children and Armed Conflict. 5 June 2023. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/144/96/PDF/N2314496.pdf?OpenElement>
- 13** A/76/871-S/2022/493 Report of the Secretary-General, Children and Armed Conflict. 23 June 2022, <https://daccess-ods.un.org/tmp/3472584.78403091.html> and UNICEF (N.D). 'Children recruited by armed forces or armed groups'.
<https://www.unicef.org/protection/children-recruited-by-armed-forces>
- 14** A/76/871-S/2022/493, ibid, para 9 and 10.
- 15** For example, in the case of Somalia, see UNMAS (2019). 'News: UNMAS increases efforts to reduce landmine accidents among children in Somalia'. 1 September 2019. <https://unmas.org/en/news-unmas-increases-efforts-to-reduce-landmine-accidents-among-children-somalia>
- 16** UNICEF (2007). 'The Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups'. February 2007. <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>, p. 7.
- 17** Maignant, S. et. al. (2020). 'Girls associated with armed forces and armed groups. Lessons learnt and good practices on prevention of recruitment and use, release and reintegration'. December 2020.
https://alliancecpha.org/sites/default/files/technical/attachments/tn_gaafag_eng.pdf, p. 6
- 18** Humanium (2022). 'Bacha Bazi – severe child abuse disguised as an Afghani custom'. 13 September 2022.
<https://www.humanium.org/en/bacha-bazi-severe-child-abuse-disguised-as-an-afghani-custom/>

- 19** Pan-American Health Organization (PAHO) (2020). 'Regional Status Report 2020: Preventing and Responding to Violence against Children in the Americas'. https://iris.paho.org/bitstream/handle/10665.2/53038/9789275122945_eng.pdf?sequence=3&isAllowed=y, p. 9.
- 20** UNICEF (2022). 'A Statistical Profile of Violence against Children in Latin America and the Caribbean'. <https://www.unicef.org/lac/media/38241/file/A-statistical-profile-of-violence-against-children-in-latin-america-and-the-caribbean.pdf>, p. 18.
- 21** A/HRC/51/15. Impact of arms transfers on human rights, Report of the Office of the United Nations High Commissioner for Human Rights, 16 September 2022, para. 5. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/490/16/PDF/G2249016.pdf?OpenElement>
- 22** Ibid and consultations with select stakeholders.
- 23** UN Committee on the Rights of the Child (UNCROC) (2010). 'Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Sudan'. 22 October 2010. CRC/C/SDN/CO/3-4, para 50. <https://www.refworld.org/docid/4cdcfde12.html>
- 24** UN Committee on the Rights of the Child (UNCROC) (2019). 'Concluding observations on the fifth periodic report of the Syrian Arab Republic'. 6 March 2019, CRC/C/SYR/CO/5, paragraph 21.C and 36. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/061/59/PDF/G1906159.pdf?OpenElement>
- 25** Relief Web (2013). 'Global arms trade contributes to use of child soldiers'. 11 February 2013. <https://reliefweb.int/report/world/global-arms-trade-contributes-use-child-soldiers>
- 26** UN News (2008). 'Strong link between child soldiers and small arms trade, UN experts say'. 15 July 2008. <https://news.un.org/en/story/2008/07/266342-strong-link-between-child-soldiers-and-small-arms-trade-un-experts-say#.WjRXs7GZN0s>
- 27** Emphasis added.
- 28** ICRC Customary International Humanitarian Law (N.D). 'Rule 156. Definition of War Crimes'. https://ihl-databases.icrc.org/en/customary-ihl/v1/rule156#refFn_41B4CBC3_00086
- 29** Emphasis added.
- 30** Control Arms (2019). 'ATT Monitor 2019 Report. Chapter 1'. New York: August 2019. https://attmonitor.org/wp-content/uploads/2020/07/EN_ATT_Monitor-Report-2019_Online.pdf, p. 25.
- 31** Control Arms and International Human Rights Clinic (2019). 'Interpreting the Arms Trade Treaty: International Human Rights Law and Gender-Based Violence in Article 7 Risk Assessments'. April 2019. <https://hrp.law.harvard.edu/wp-content/uploads/2019/04/Interpreting-the-Arms-Trade-Treaty.pdf>, p. 7
- 32** Saferworld (2018). 'Implementing the ATT: Undertaking an arms transfer risk assessment'. ATT Expert Group, Briefing No. 6, August 2018. <https://www.saferworld.org.uk/resources/publications/1181-implementing-the-att-undertaking-an-arms-transfer-risk-assessment>, p. 8.
- 33** ICRC (2012). 'What are "serious violations of International Humanitarian Law"? An Explanatory Note'. <https://www.icrc.org/en/doc/assets/files/2012/att-what-are-serious-violations-of-ihl-icrc.Pdf>
- 34** ICRC (2007). 'Arms transfer decisions: Applying international humanitarian law criteria — A practical guide'. <https://www.icrc.org/en/publication/0916-arms-transfer-decisions-applying-international-humanitarian-law-criteria>, pp. 9-15.
- 35** Brehm, M. (2021). 'Serious violations of international humanitarian law'. Presentation delivered at the 10th meeting of WGETI, April 2021.
- 36** ICRC (1949). Ibid, Article 77.
- 37** UN Security Council, Resolution 1261(1999), UNDoc.S/RES/1261(1999), 30 August 1999. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/248/59/PDF/N9924859.pdf?OpenElement>
- 38** Office of the Special Representative of the Secretary-General for Children and Armed Conflict (n.d). 'Monitoring and Reporting on Grave Violations'. <https://childrenandarmedconflict.un.org/tools-for-action/monitoring-and-reporting/>

- 39** Casey-Maslen, S. et. al. (2016). 'Art.7 Export and Export Assessment'. In: The Arms Trade Treaty: A Commentary. Oxford: Oxford University Press.
- 40** Gross and systematic violations are extremely severe violations that conform to a relatively consistent pattern over time. See Control Arms (2019). 'Interpreting the Arms Trade Treaty: International Human Rights Law and Gender-Based Violence in Article 7 Risk Assessments'. <https://controlarms.org/wp-content/uploads/2019/04/Interpreting-the-Arms-Trade-Treaty-ver-1.pdf>
- 41** Casey-Maslen, S. et. al. (2016). Ibid
- 42** Control Arms (2019). Ibid, p. 3.
- 43** Casey-Maslen, S. et. al. (2016). Ibid
- 44** Casey-Maslen, S. et. al. (2016). Ibid
- 45** International Criminal Court (ICC) (2016). 'Policy on Children'. November 2016. https://www.icc-cpi.int/iccdocs/otp/20161115_otp_icc_policy-on-children_eng.pdf, p.12.
- 46** Control Arms (2018). 'How to use the Arms Trade Treaty to address Gender-Based Violence'. https://controlarms.org/wp-content/uploads/2018/08/GBV-practical-guide_ONLINE.pdf
- 47** A/HRC/51/15. Impact of arms transfers on human rights. Ibid.
- 48** A/75/873-S/2021/437. UN Secretary-General, May 2021. Secretary General Annual Report on Children and Armed Conflict, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2111309.pdf>
- 49** Save the Children (2020). 'Stop the War on Children, Killed and Maimed: A Generation of Violations against Children in Conflict'. November 2020. <https://resourcecentre.savethechildren.net/library/killed-andmaimed-generation-violations-against-children>
- 50** Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2022). 'The Gender Dimensions of Grave Violations against Children in Armed Conflict'. May 2022. https://childrenandarmedconflict.un.org/wp-content/uploads/2022/05/UN_Gender-Dimensions-Grave-Violations-Against-Children-WEB-2.pdf
- 51** UN Security Council, Resolution 2467 (2019), UNDoc S/RES/2467 (2019), 23 April 2019. [https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=S/RES/2467\(2019\)&Lang=E](https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=S/RES/2467(2019)&Lang=E), p. 13.
- 52** Report of the independent expert for the United Nations study on violence against children (A/61/299), para. 1. <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/61/299&Lang=S>



About Control Arms

Control Arms is the international movement working to stop irresponsible arms transfers that fuel conflict and armed violence.

The Control Arms Coalition brings together over 200 non-governmental and civil society organisations from different fields, including human rights, poverty alleviation, conflict reduction, weapons specialists, health, youth, gender experts, survivor networks, parliamentary networks, and legal experts.

Together we work toward universal membership to the Arms Trade Treaty (ATT) through in-depth policy analysis and tailored regional and national campaigns. We work to ensure the effectiveness of the ATT by providing high-quality implementation support to States Parties seeking to develop new legislation, regulations, procedures, and arms control systems.

Control Arms works to achieve its mission through three key objectives:

- Amplify the Voices of Civil Society in the Arms Control Dialogue
- Strengthen Regulations Governing the International Trade in Conventional Arms
- Advance Accountability and Transparency in the Global Arms Trade

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