



**Working Group on Effective Treaty Implementation
Sub-working Group on Articles 6 and 7**

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Thank you facilitator,

My name is Anna Crowe. I'm a lecturer in the International Human Rights Clinic at Harvard Law School and speaking here on behalf of Control Arms.

Thank you to the Geneva Centre for Security Policy for that useful presentation on ATT implementation and thanks also the International Committee of the Red Cross for that very interesting discussion on IHL.

Control Arms is committed to supporting effective Arms Trade Treaty implementation in all its aspects and welcomes the important role that the Working Group for Effective Treaty Implementation is playing in furthering this objective.

In respect of the implementation of Articles 6 & 7, since the last meeting of this Working Group Control Arms has held two global digital roundtables with our members and partners from different regions focussing on these issues. We have also, in cooperation with the International Human Rights Clinic at Harvard Law School, produced a paper that provides guidance on key terms under Article 7, with a particular focus on how they relate to International Human Rights Law, the Women Peace and Security Agenda, and GBV.

This paper makes a number of key conclusions including, for example that:

- Determining whether a violation of international human rights law is serious requires a case-by-case, holistic assessment.
- GBV is inherently serious in nature, and acts of GBV constitute serious violations of international human rights law when they are perpetrated by state actors or when the state fails to take adequate measures to prevent, investigate, and punish GBV by private actors.
- The use of a weapon to “commit or facilitate” a human rights violation could refer to a wide range of acts, including actions taken by non-state actors. Specifically, “to facilitate” includes circumstances in which arms that are not themselves used to inflict harm, but rather are one or more steps removed from the actual violation.
- The concept of peace and security in Article 7 is broad and covers not only state security, but also human welfare. Determining whether an export would contribute to or undermine peace and security requires assessing the export’s likely effects on all

aspects of peace and security, including by undertaking a gender-based analysis and considering the role of women in promoting and maintaining peace and security.

- An overriding risk exists whenever a risk of an Article 7(1) harm cannot be mitigated. Whenever a state party has identified a clear or substantial risk of a serious human rights violation, it is difficult to imagine measures that could effectively mitigate that risk.

While we can see potential value in this Working Group developing voluntary guidance documents, this should seek to draw upon existing resources, such as the Control Arms-Harvard paper which I have just outlined, resources from WILPF and the Control Arms practical guide, entitled “How to use the ATT to address GBV” which we introduced at the previous Working Group meeting.

Control Arms believes that there is a need for arms transfer risk-assessment training across the board, and in particular in respect of GBV, as this is a relatively new area for most national arms transfer control authorities. To this end Control Arms will soon be running an UNSCAR-funded three-day training on the ATT and GBV with officials from Eastern and Central Europe and will provide feedback to CSP5 on the insights and outputs from this training event. We stand ready to assist states in other regions where there is an interest in exploring the possibility of a similar training opportunity for their officials. We also recommend that States Parties share information and resources from any ATT risk-assessment trainings that they conduct or participate in at national or regional levels.

In addition, we suggest that this sub-working group could usefully consider how GBV training for military and security forces may differ from the training that is required for licencing officials. While there will inevitably be overlap between the various types of training, for example on the use of terms, definitions and examples, the practical application of each will require a different curriculum and training style to be most effective. But in all cases we would urge the involvement of gender experts and WPS colleagues in developing training curricula and materials.

In terms of other areas linked to Article 7.4 that would warrant further investigation, we believe there is still more work to be done to ensure the effective implementation of the GBV criterion and would caution against diluting the sub-Working Groups’ focus on this issue prematurely. Further discussions could explore for example how different weapons facilitate different forms of GBV, or how data and experiences gained from Women Peace and Security programmes can feed into risk assessments.

Thank you.