Thank you Madam Chair,

Control Arms welcomes your initiative to explore the gender dimensions of ATT Articles other than 7.4. The careful consideration of gender across the Treaty’s provisions will strengthen the implementation of the GBV criteria and will help address knowledge gaps and implementation challenges, particularly as they relate to Article 7. While this will not be achieved overnight - especially given the lack of common understandings in respect of some other Treaty provisions - these efforts will assist progress towards enhanced Treaty implementation and towards reducing the role of conventional arms in the perpetration of gender based violence.

It must be noted here that gender is not limited to women and girls but also includes men and boys and LGBT+ people. Therefore, Control Arms urges States to give careful consideration to all genders when considering the impact of arms transfer and use, including how different groups are targeted based on their gender identity or sexual orientation. Gender-disaggregated data and comprehensive and impartial gender analysis of how conflict and armed violence affect women, men as well as non-binary genders can ensure that Article 7.4 is effectively implemented. It will also ensure that States Parties avoid the fallacy that a GBV risk assessment only considers the potential risks of an arms transfer on women and children.

In terms of your specific questions, Madam Chair, Control Arms believes that there is a gender dimension in respect of the establishment and maintenance of the national control system:

Firstly, the limited scope of the ATT means that the impact of conventional arms on GBV with specifications that fall outside of those listed in the Treaty could be ignored. This is because a State Party with a control list limited strictly to the items in Articles 2.1, 3 and 4 would not be obliged to deny the transfer of hand-grenades or military-grade explosives, for example, to another country where there is an established pattern of use impacting female civilians disproportionately – no matter what the risk.

For example, a narrow reading of the ATT’s scope would not prevent the transfer of military grade explosives to a state that is known to be targeting women and children in their own homes with barrel bombs or other improvised explosive devices. Accordingly, it is critical to the effectiveness of efforts to tackle GBV that States Parties, as per the provisions of Article 5.3, apply the provisions of the Treaty to the broadest range of conventional arms.

Related to this is the need for consideration to be given to the way in which different types of weapons facilitate different forms of GBV. For instance, States Parties may understand the need to consider the risk of GBV when conducting a risk assessment for a small arms and light weapons (SALW) export authorization. At the same time, they may be less aware of the gender implications of potential transfers of other types of weapons, such as military transport vehicles in the facilitation of GBV. The lack of understanding of this topic inhibits the development of adequate norms and measures to prevent and reduce GBV in all its aspects.
We also wish to support Ireland’s statement, in particular in relation to gender representation within national control systems. Diversity and gender balance should be the hallmark in representation and should be adequately demonstrated in all roles and at all levels of decision-making.

In Control Arms’ experience, working with competent national authorities across different regions, progress towards gender balance, while evident in some countries, has been slow overall. This is particularly evident in respect of senior roles, which are overwhelmingly held by men.

We also agree with WILPF’s statement that States Parties should make every effort to adopt national policies in pursuit of gender equality in their national institutions. Some States already have national gender policies and National Action Plans pursuant to UNSC Resolution 1325, which may contribute to ensuring equal representation in the competent national authority and to strengthening synergies between the ATT and the Women, Peace and Security Agenda. Where NAPs do not include reference to the ATT and GBV, they should be amended to do so.

Article 8.1 requires importing states to provide appropriate and relevant information to the exporting state upon request. However, the lack of detail concerning the nature of the information that can be shared by the importing state may mean that opportunities to highlight measures and policies for preventing GBV are being missed.

The Control Arms practical guide on how the ATT can address GBV provides a comprehensive list of sources and documents that can offer an overview of the commitment made by an importing state to addressing arms-related GBV including: membership in key IHL and human rights agreements; and membership in key arms control instruments and national laws and policies to tackle GBV. Similarly, sharing information on the parameters adopted by the importing country for measuring the implementation of Sustainable Development Goal 5 (e.g. measures to prevent femicide) can serve to inform the ATT GBV risk assessment.

Article 8.3 requires States Parties to take measures that will allow them to regulate imports under their jurisdiction. This provides states with an opportunity to evaluate the gender implications of specific arms imports within their import control system, for example in situations where there are high levels of domestic armed violence and small arms and light weapons are being imported legally and used in such contexts.

Article 9 does not include an explicit requirement for States Parties to conduct a transit and transshipment risk assessment or to consider the risk of IHL or IHRL violations unless required to under human rights instruments to which they are a party. However, as a matter of good practice, States Parties should consider introducing a risk assessment process for conventional arms transit and transshipment that would include consideration of the risk of GBV.

The same good practice should be applied to brokering activities. Indeed, all stakeholders need to take the necessary steps to fully understand and prevent GBV.

As you note in your discussion paper, Madam Chair, the relationship between arms diversion, gender and gender-based violence has already been widely explored in other fora, particularly in CEDAW and as part of the Women Peace and Security Agenda. In the context of an Article 11 risk assessment, States Parties
should fully consider the gender impact of the diversion of all types of conventional arms and related equipment.

As we noted in our intervention in the sub-working group on Article 11, regional exchanges on diversion are essential to understanding the regional specific patterns of diversion. These geographically centered discussions can also contribute to understanding how diversion facilitates gender-based violence, particularly in regions where both these issues have a higher prevalence.

Control Arms has been greatly encouraged by the way the debate on GBV has developed within the ATT context over the last year. However, it is our sense that there is still some way to go before this complex issue is fully understood and we will see it properly incorporated into State transfer control policy and practice. We therefore welcome the Chair’s suggestion that the Working Group continues to explore the gendered aspects of diversion in the period following CSP5, and recommends that consideration be given to the development of a comprehensive understanding of how GBV related to all aspects of the Treaty.

To advance some of these good practices, Control Arms recommends the development of a guidance document or documents, which can provide clarity of how gender can be mainstreamed across all of the Treaty’s provisions.

Thank you Madam Chair