

WILPF perspectives on the draft Arms Trade Treaty (ATT)

March 2013

Contact: Ray Acheson (ray@reachingcriticalwill.org) or Maria Butler (maria@peacewomen.org)

As currently written, the draft ATT ([A/CONF.217/CRP.1](#)) contains significant loopholes that will undermine the treaty's implementation and its ability to reduce human suffering. The following are some of WILPF's priority areas of concern and recommendations for the treaty. Please contact Ray or Maria for further details or to discuss alternative language.

Gender-based violence and the ATT

One of these loopholes is in article 4(6) of the draft text, regarding gender-based violence. Together with over 100 other civil society groups, WILPF has advocated that the ATT include a specific criterion in the treaty to *require states not to authorize an international transfer of conventional arms where there is a substantial risk that the arms under consideration are likely to be used to perpetrate or facilitate acts of gender-based violence, including rape and other forms of sexual violence.*

At least 75 governments currently support the inclusion of gender-based violence in the ATT (see Annex 1 for a list complete as of 26 July 2012). However, the current formulation in the draft text is not acceptable: it undermines the fact that acts of gender-based violence are violations of human rights (HR) and international humanitarian law (IHL). Currently, gender-based violence is included in article 4(6) rather than 4(2), which relates to a national risk assessment process that can result in a transfer denial. Article 4(6) provides only for optional consideration of "feasible measures" to avoid the weapons being used to commit acts of gender-based violence. The text does not indicate what these measures might entail, nor does it make such measures mandatory.

Overall, the draft text does not sufficiently reflect the gendered dimensions of the arms trade or the importance of women's participation in arms control and peacebuilding. The latter is required by UN Security Council resolution 1325 (2000) and related resolutions.

WILPF recommendations on gender-based violence:

- Gender-based violence must be moved into **article 4(2) along with IHL and HR law**. It must be subject to transfer prohibitions, not voluntary risk mitigation measures.
- The **preamble** of the treaty should include the following sentence: "*Recognizing* the gendered dimensions and impacts of the arms trade, particularly gender-based violence, and further emphasizing and reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding and arms control,"
- The term **gender-based violence** should be used, rather than **violence against women**. Gender is an internationally accepted term used in UN General Assembly and UN Security Council resolutions. The term "gender-based violence" acknowledges the gender dimensions of armed violence, from the perspective of both the perpetrator and the victim.

Annex 1: List of states supporting gender-based violence in the ATT (as of 26 July 2012)

75 UN member states have called for the term **gender-based violence** to be included in the text of a future Arms Trade Treaty. These include:

- | | | |
|------------------------|-------------------|------------------------------------|
| 1. Antigua and Barbuda | 28. Guinea | 54. Portugal |
| 2. Australia | 29. Guinea Bissau | 55. Romania |
| 3. Austria | 30. Guyana | 56. Samoa |
| 4. Bahamas | 31. Haiti | 57. Saint Lucia |
| 5. Barbados | 32. Hungary | 58. Slovakia |
| 6. Belize | 33. Iceland | 59. Slovenia |
| 7. Belgium | 34. Ireland | 60. St. Kitts and Nevis |
| 8. Benin | 35. Italy | 61. St. Vincent and the Grenadines |
| 9. Botswana | 36. Jamaica | 62. Sierra Leone |
| 10. Bulgaria | 37. Kenya | 63. Somalia |
| 11. Burkina Faso | 38. Latvia | 64. South Korea |
| 12. Cape Verde | 39. Liberia | 65. Spain |
| 13. Côte d'Ivoire | 40. Liechtenstein | 66. Suriname |
| 14. Cyprus | 41. Lithuania | 67. Senegal |
| 15. Czech Republic | 42. Luxembourg | 68. Sweden |
| 16. Denmark | 43. Malawi | 69. Switzerland |
| 17. Djibouti | 44. Malta | 70. Togo |
| 18. Dominica | 45. Mexico | 71. Trinidad and Tobago |
| 19. Estonia | 46. Netherlands | 72. Turkey |
| 20. Finland | 47. New Zealand | 73. United Kingdom |
| 21. France | 48. Nigeria | 74. Uruguay |
| 22. Gabon | 49. Mali | 75. USA |
| 23. Gambia | 50. Niger | |
| 24. Germany | 51. Norway | |
| 25. Ghana | 52. Peru | |
| 26. Greece | 53. Poland | |
| 27. Grenada | | |

For further information see:

WILPF's webpage promoting inclusion of gender-based violence in the ATT:
<http://www.wilpfinternational.org/att-2013/>

Reaching Critical Will has lots of background information, papers, primary documents, reporting, analysis, advocacy, and more: <http://reachingcriticalwill.org/disarmament-fora/att/>

