



Small Arms Survey Statement to Arms Trade Treaty Working Group on Effective Treaty Implementation Sub-working Group on Current and Emerging Implementation Issues

21st February 2024

Thank you madam chair.

Excellencies, dear delegates, colleagues and friends.

The Small Arms Survey would first like to welcome the initiative put forward by Argentina regarding a Guide to Good Practices in arms control for the prevention of gender-based violence.

As mentioned in the draft elements for the voluntary guide to implementing articles 6 and 7, States Parties have recognised the importance of mitigating measures in applying Article 7(4). However, doubts have been raised about the effectiveness of certain proposed measures, such as including text on end-user certificates and training for armed forces on gender-based violence.

The fundamental challenge, as mentioned in the guide, is that mitigating measures for GBV require a long-term commitment and continuous monitoring, whereas arms export decisions are taken on an ad hoc basis at a specific point in time.

Herein lies the value of Argentina's proposal: it moves away from discussing possible, untested, mitigating measures that apply to a specific transfer. Instead, in recognising that GBV is a universal challenge, it invites all States Parties to share practices that have proven to mitigate the risk of armed gender-based violence in their own jurisdictions.

Moreover, responses to Argentina's questionnaire are useful not only for export risk assessments; they can also inform the development of mitigation measures, potentially supported through international cooperation and assistance through ATT-related or other mechanisms.

Improving data collection and analysis is vital to overcome the challenges discussed in Chapter 1 of the guide related to interpreting the word "serious" in article 7(4). Although the EU's User's Guide states that "the risk of GBV is always higher in emergencies/conflict situations", Small Arms Survey research suggests that the risk of firearms-related GBV does not decrease at the same rate as other forms of armed violence outside of emergencies and conflict.

Argentina's experience as a non-conflict country showed this. Through improved data collection and disaggregation practices it found that a femicide was committed every 35 hours, a femicide was committed by a firearm every six days, and that in a minority of cases, the perpetrator was a member of the security forces using their service weapon. On the basis of this data, Argentina introduced a raft of mitigation measures which it continues to monitor, adapt and improve.

Assessing "seriousness" when it comes to GBV cannot therefore be limited to documenting largescale one-off incidents in the same way we would measure conflict statistics. It must also account for persistent, isolated, one-off events in the same way we would measure a pandemic. It is on this basis that we can evaluate whether mitigation measures are adequate.

This brings me to the working paper we submitted along with Mexico and Spain on mitigating the risk of armed violence against people on the basis of their actual or perceived sexual orientation, gender identity, gender expression and sex characteristics (or SOGIESC).

As the Voluntary Guide states, there is no international definition of gender-based violence. The International Criminal Court, the UN High Commissioner for Human Rights and the Yogyakarta Principles have all offered interpretations of GBV that would incorporate violence on the basis of SOGIESC. What matters for an export licensing officer, however, is national legislation, and national interpretations of international and regional legal and policy frameworks. States Parties seeking to mitigate the risk of their arms exports being used to commit violence on the basis of SOGIESC therefore need to provide clear guidance on this matter to their respective export licencing officers. Argentina's questionnaire is useful in this regard, because it specifically asks about legislation and data related to the use of arms to commit violence against the LGBTQI+ community.

When it comes to mitigation measures, the UN Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity has highlighted the importance of accurate data in order to understand the nature and seriousness of armed violence against LGBTQI+ persons. This kind of data collection carries specific challenges, such as the lack global standardised definitions of SOGIESC identities, or related data on national ID cards, because individuals determine their SOGIESC identities themselves. It is hard quantify the seriousness of a threat to a minority of the population when you don't know the size of that minority overall; in other words, how many people in a country identify as, for example, lesbian, gay, bisexual, trans or intersex, overall. There are also risks in identifying a person's SOGIESC identity as they may subsequently face prosecution, stigma or even armed violence.

Many states parties have, however, developed good practices to overcome these challenges which they could choose to share in future meetings of this Sub-Working Group, possibly leading to a dedicated section in the Good Practice Guide.

The Small Arms Survey would like to thank Argentina, Mexico and Spain for bringing these important topics to the fore in this working group. We are happy to share that we have capacity to support further efforts in relation to these two working papers. We are therefore open to considering requests for further support from the Secretariat or interested States Parties if needed.

Thank you.