



Women peace and security: The role of an Arms Trade Treaty

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Conference Room A

UN General Assembly: First Committee on Disarmament and International Security

Linking an ATT and Resolutions 1325, 1820, 1888 and 1889

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Esteemed Guests, Madam Chair, and members of the panel,

It is an honour for me to be invited to this panel of the IANSA Women's Network during the UN General Assembly First Committee on Disarmament and International Security. I thank the Women's Network of IANSA for the opportunity to highlight the link between an Arms Trade Treaty and UN Security Council Resolutions 1325, 1820, 1888 and 1889 on Women, Peace and Security.

States are currently developing their detailed positions regarding an Arms Trade Treaty, in preparation for the negotiating sessions that will start next year. One of the guiding principles of the ATT must be preventing violence against women, including sexual violence.

Although sexual violence and the arms trade are different issues, both demand high-level attention from both national authorities and the international community. In the past decade, both issues have been put on the agenda of many national and international organisations, including the UN.

Conflict environments, characterised by a breakdown in the rule of law and a prevailing climate of impunity, create the conditions whereby a State and non-state parties, emboldened by their weapons, power and status, essentially enjoy free reign to inflict sexual violence. This has far-reaching implications for efforts to consolidate peace and secure development.

In a number of contemporary conflicts, sexual violence has taken on particularly brutal dimensions, sometimes as a means of pursuing military, political, social and economic objectives, perpetrated mainly against civilians in direct violation of international humanitarian, human rights and criminal law.

In the former Yugoslavia, sexual violence formed a part of the ethnic cleansing of areas coveted by parties to the armed conflict during 1990s. It is estimated that upward of 20,000 women were raped and sometimes sexually enslaved.

The same happened during the conflict in Rwanda. In the eastern Democratic Republic of the Congo, at least 200,000 cases of sexual violence have been recorded since armed conflict began in 1996. Sexual violence has worsened since the beginning of this year. More than 1,000 rapes are being reported each month. Sexual violence has occurred, and continues to occur as we sit here today, in armed conflicts around the world.

Evidently, sexual violence is used as a weapon by parties to armed conflict. It is not a private matter; it is a tactic of war that threatens international peace and security. As such, it is recognised in Resolutions 1325, 1820 and 1888. Resolution 1888 explicitly calls States, the UN and parties to armed conflict to take effective steps to prevent such acts of sexual violence.

Rape, and sexual violence, was specifically codified for the first time as a recognizable and independent crime within the statutes of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR). As a result, there is now solid case law holding that rape and sexual violence are a form of genocide, and be prosecuted under the rubric of torture and enslavement as a crime against humanity.

Under international criminal law, all States have an obligation to prohibit the provision of conventional arms to any person or entity which would knowingly assist in the commission or the attempted commission of international crimes. This includes sexual violence.

Resolution 1820 addresses the obligation of a State and the international community to combat sexual violence in armed conflict. Still, women continue to be raped and trafficked in conflict situations with impunity by military and paramilitary forces, by government and international peacekeepers charged with protecting them.

These resolutions elaborate commitments already implied by existing international law, and it is important they are reflected in an ATT. But the resolutions also highlight the role of women as peacebuilders, and not simply as victims.

Women are still underrepresented in peace negotiations, peace building and disarmament processes. The UN Secretary General has underlined these issues in his two reports on Women, Peace and Security, published on 15 July and on 16 September this year. He called for strict implementation of international law in eradication of sexual violence, and for effective prevention and protection measures against the systematic use of sexual violence as a weapon.

Pursuant to these Reports, the UN Security Council has recently adopted two new Resolutions on these issues. Resolution 1888 and 1889, demand an end to conflict-related sexual violence, and the full participation of women in peace building processes. Resolution 1889 calls for all parties in armed conflict to fully respect international law applicable to the rights and protection of women and girls. It recommends, *inter alia*, improvements in international responses to the needs of women and girls in conflict situations.

Recognising the role of women is an important aspects of these resolutions, but that has been elaborated by my colleagues on this panel. I'm mostly speaking about the obligations under international law. An ATT will become part of international law, and should reflect and develop the existing commitments of states under international law.

Under international law States have certain rights. But at the same time, they are obliged to respect binding norms, including the norms of international humanitarian and human rights law.

This means that the inherent right of States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs is not unlimited. The exercise of this right is bounded by the obligations of States to respect the universal norms of human rights law and international humanitarian law. States should not authorise international transfer of arms or ammunition that violate its duties under international law.

And under international law, sexual violence is a serious violation of human rights of women, and of international humanitarian law; it is a war crime, a crime against humanity and a constitutive element of genocide; it is an element of organized crime, as human trafficking and enforced prostitution. Sexual violence is a tactic of war that threatens international peace and security.

Therefore, the prohibition of sexual violence should be included among the guiding principles of an ATT, as these principles stress the responsibilities and obligation of States to fully recognize and implement international norms and commitments, and to prohibit violations of obligation under international law.

I am recalling the words of the UN Secretary General, Mr. Ban Ki-moon, addressing the Security Council Meeting 6180th on August 7 this year:

“Like a grenade or a gun, sexual violence is a part of the arsenal of parties to armed conflict to pursue military, political, social and economic aims. Beyond the enormous toll on victims, sexual violence in armed conflict hurts recovery and peace-building.”

Common points between sexual violence in armed conflicts and the arms trade indicate that there is a need to clearly introduce gender equality and the prohibition of violence against women, including sexual violence, among the guiding principles of an ATT.

For an Arms Trade Treaty to be effective it must include a human rights provision that prevents transfer of arms and ammunition where there is a substantial risk that they are likely to be used for serious violations of international human rights and humanitarian law.

An effective ATT should not contain ambiguous language that could lead to different interpretations by States of those obligations.

An ATT must clearly prohibit international transfer of weapons and ammunition if there is a significant risk of causing sexual violence and other forms of gender-based violence, as well as of causing grave and serious

violations of human rights and freedoms of civilians, including women. Therefore, the relevant international instruments covering rape and sexual violence must be applied in an arms transfer decisions.

Such relevant international human rights instruments include:

- Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Beijing Declaration and Platform of Action, Fourth World Conference on Women, Beijing, 1995
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- Declaration on the Elimination of Violence against Women
- Outcome document of the twenty-third special session of the UN General Assembly, Women 2000: Gender Equality, Development and Peace for the 21st Century, 2000 [known as, "Beijing +5"]
- Four Geneva Conventions of 1949, and;
- Resolutions 1325, 1820, 1888 and 1889.

The involvement of conventional weapons in facilitating violence against women is a cross cutting issue that demands more attention from arms trade regulation advocates, governments and the UN.

Furthermore, States must ensure women's equal and full participation in the ATT process, and arms trade policies and monitoring, and call upon all of those involved in disarmament and peace processes to take into account the particular needs of women and girls associated with issues of arms and armed conflict.

Sexual violence is finally recognised as a weapon of war. It must be prevented and punished. A strong and effective ATT would provide help to reduce irresponsible arms transfers to countries where women's human rights are not respected or valued, where their bodies are being abused and violated by men with guns.

I thank you for your attention.

