

The Impact of Italy's Arms Transfers on Women

Italy's Extraterritorial Obligations under
CEDAW

Shadow Report
CEDAW Committee, 67th Session

WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM



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Introduction¹

1. Arms transfers can have serious consequences for the rights and safety of women in the countries that receive them as well as in places where they are not meant to go, especially in the case of small arms and light weapons.² The proliferation of small arms and light weapons, both in wartime and non-conflict situations with significant political tensions and systemic gendered discrimination, may disproportionately affect women.³
2. While arms themselves may not always be directly implicated in gender-based violence, they are correlated with an increase in gendered inequality and a generalised culture of violence, against women in particular. Furthermore, the proliferation of arms has a negative impact on women's equality and bargaining power within the household, their mobility, and their political participation. Widespread possession and use of weapons tend to prevent women from fully participating in public and political life, and to hinder their access to and use of resources, business and employment opportunities.⁴ Arms' accessibility and availability can facilitate or exacerbate violence against women, not only in situations of armed conflict but also in non-conflict situations, such as in countries that experience high rates of firearm-related deaths, including femicides, as well as high levels of impunity and insecurity.⁵

Recent developments in UN human rights bodies addressing gendered impact of arms

3. In addressing gender-based acts of violence and killing, the Special Rapporteur on extrajudicial, summary or arbitrary executions has recently drawn attention⁶ to the fact that patterns of harm from the use of explosive weapons in populated areas are shaped by issues of gender and age and recommended that states "facilitate or undertake increased research on the gendered effects of the use of explosive weapons in populated areas,

¹ Note: Web addresses cited in the footnotes of this document were last accessed on 12 June 2017. Extracts of text from document sources in Italian have been translated by WILPF; they are not official translations by the relevant sources.

² See, for example, General Recommendation 30, paragraphs 29 and 32, and concluding observations on Germany (CEDAW/C/DEU/CO/7-8, paragraphs 27 and 28), Sweden (CEDAW/C/SWE/CO/7, paragraph 35) and France (CEDAW/C/FRA/CO/7-8, paragraph 22).

³ See, for example, Chinkin, C. (2013), "Gender and the Arms Trade Treaty: a legal overview", at: <http://wilpf.org/wp-content/uploads/2013/02/Gender-and-the-Arms-Trade-Treaty-a-legal-overview.pdf>; WILPF (2013), Promoting gender equality in the implementation of the UN Arms Trade Treaty", at: <http://wilpf.org/wp-content/uploads/2013/12/ATT-Implementation.pdf> "; WILPF (2015), "Gender-based violence and the ATT", at: http://wilpf.org/wilpf_publications/gender-based-violence-and-the-arms-trade-treaty/; WILPF (2016), " Preventing gender-based violence through arms control", at: <http://www.reachingcriticalwill.org/news/latest-news/10793-new-publication-preventing-gender-based-violence-through-arms-control>; Butler, D. M. (2012), "Gender and the ATT", Saferworld, at: <http://www.saferworld.org.uk/news-and-views/comment/29-gender-and-the-att> .

⁴ See, for example, WILPF (2015), "Gender-based violence and the ATT", at: <http://www.reachingcriticalwill.org/resources/publications-and-research/publications/10112-gender-based-violence-and-the-arms-trade-treaty>.

⁵ See, for example, WILPF (2016), "The impact of firearms on women", at: <http://wilpf.org/the-impact-of-firearms-on-women/>.

⁶ Report to the UN Human Rights Council, UN Index: A/HRC/35/23.

and support international efforts to develop a political commitment to end such use in order to preventing humanitarian suffering.”⁷ In addition, the Special Rapporteur has recommended that states “develop mechanisms to analyse whether any arms being assessed for approval for transfer, as well as the granting of licenses on production, will facilitate or contribute to gender-based violence or violence against women by the recipient, in accordance with the obligation on risk assessment processes of the Arms Trade Treaty.”⁸

4. A recent UN High Commissioner for Human Rights’ report to the UN Human Rights Council on the “Impact of arms transfers on the enjoyment of human rights”⁹ reviews relevant international and regional legal frameworks, including guidance that exists on this subject from different human rights mechanisms. It reinforces the many ways in which arms, and the arms trade, contribute to gender-based violence. It is very clear in outlining the role that the Committee on the Elimination of Discrimination against Women has played and can continue to play, in consistently raising the issue of arms transfers.¹⁰
5. In the report, the High Commissioner puts forward a range of suggested elements for states and other stakeholders to use when assessing the relationship between arms transfers and human rights¹¹ – which is an obligation under international law. It stresses that, to be effective, human rights risk assessments need to “be carried out on a case-by-case basis and take full account of the gender dimension of arms transfers”¹² and that, to further enhance effectiveness, states must “ensure that national control system bodies, as well as other government bodies involved in arms transfer decision-making processes, have the capacity to carry out human rights risk assessments, including through the inclusion of human rights experts in their staff.”¹³

Italy and the Arms Trade Treaty

6. Italy is a State Party to the Arms Trade Treaty.¹⁴ It supported the call for the inclusion of provisions around gender-based violence during the drafting of the Treaty.¹⁵ It is further

⁷ UN Index A/HRC/35/23, paragraph 117.

⁸ UN Index A/HRC/35/23, paragraph 116.

⁹ UN Index A/HRC/35/8, 3 May 2017. Report to the 35th regular session of the Human Rights Council, requested by the Human Rights Council with resolution 32/12, 1 July 2016.

¹⁰ See, for example, paragraph 12 and 32 of the OHCHR report referring to CEDAW General Recommendation 30, paragraphs 32 and 29, respectively. And paragraph 33 of the report providing a summary of recommendations made in concluding observations on Switzerland (CEDAW/C/CHE/CO/4-5), Netherlands (CEDAW/C/NLD/CO/6), Germany (CEDAW/C/DEU/CO/7-8), France (CEDAW/C/FRA/CO/7-8), Sweden (CEDAW/C/SWE/CO/7).

¹¹ UN Index A/HRC/35/8, “Section V. Elements to assess the relationship between arms transfers and international human rights law”, paragraphs 38 - 41.

¹² UN Index A/HRC/35/8, paragraph 49.

¹³ UN Index A/HRC/35/8, paragraph 50.

¹⁴ Ratification on 2 April 2014.

¹⁵ For the list of states that called for the term of gender-based violence to be included in the Arms Trade Treaty see: <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/negotiating-conference/att-gbv.pdf>.

bound by the European Union's Code of Conduct on Arms Exports.¹⁶ Italy's arms export control is based on Law 9 July 1990, n. 185, as updated by Legislative Decree 105 of 2012.¹⁷

7. The Ministry of Foreign Affairs (Ministero degli affari esteri e della cooperazione internazionale (MAECI) is the responsible body for implementing controls on arms exports, through its National Authority for the Armament Licensing and Controls (*Unità per le Autorizzazioni di Materiali d'Armamento*, UAMA). The Presidency of the Council of Ministers provides coordination with other ministries, such as the Ministry of Defence and the Ministry of Economic Development.
8. In spite of what is required by the Arms Trade Treaty and the EU Code of Conduct, Italy has not established a specific mechanism to prevent arms sales from having an impact on gender-based violence in the recipient countries. In its submission to the ATT Baseline Assessment Project, Italy has stated that acts of gender-based violence form part of the additional criteria considered prior to authorising a transfer.¹⁸ However, the method by which gender-based violence is taken into account as part of an overall arms transfers assessment has not yet been made clear.¹⁹

Italy's arms transfers

9. According to the SIPRI arms transfers database,²⁰ between 2007–11 and 2012–16 Italian arms exports increased by 22%.²¹ Small Arms Survey reports that, in 2013, Italy was the second top exporter of small arms and light weapons (those with annual exports of at least USD 100 million).²²
10. The latest annual report by the Government to the Parliament "on operations authorised and carried out concerning the control of export, import and transit of weapons materials", released in April 2017²³ shows that the licences for military exports grew

¹⁶ See, European Union Adopts Code of Conduct on Arms Sales, at: https://www.armscontrol.org/act/1998_05/wb2my98.

¹⁷ *Nuove norme sul controllo dell'esportazione, importazione e transito dei materiali di armamento (1) (2) (3)*, Legge 9 luglio 1990 n. 185, at http://www.difesa.it/Legislazione/Norme_in_rete/Pagine/urn_nir_parlamento_legge_1990-07-09_185_28_02_200501_06_2011_15_07_28.aspx

¹⁸ Arms Trade Treaty – Baseline Assessment Project, "Risk Assessment", at: <http://www.armstrade.info/countryprofile/italy/>

¹⁹ For example, The G7 Research Group at the Munk School of Global Affairs at Trinity College in the University of Toronto has stated, for example, that "Although Italy has announced support for the multilateral system of treaties controlling the movement of small and other arms, it has made no new substantive efforts to strengthen it. Italy has not engaged openly in the conduct of new risk analyses, consistent with guidelines laid out in the ATT", in "2015 Schloss Elmau G7 Summit Interim Compliance Report (9 June 2015 to 20 February 2016)", at: <http://www.g8.utoronto.ca/evaluations/2015compliance-interim/05-2015-g7-compliance-interim-160330.pdf>.

²⁰ The SIPRI arms transfers database shows all international transfers of major conventional arms since 1950 and is the most comprehensive publicly available source of information on international arms transfers.

²¹ <https://www.sipri.org/sites/default/files/Trends-in-international-arms-transfers-2016.pdf>

²² <http://www.smallarmssurvey.org/fileadmin/docs/S-Trade-Update/SAS-Trade-Update.pdf>

²³ *Document: LXVII, n. 5 - Relazione annuale sulle operazioni autorizzate e svolte per il controllo dell'esportazione, importazione e transito dei materiali di armamento, anno 2016 Vol. 1:*

dramatically in 2016: EUR 14.6 billion, an increase by 85% compared to 7.9 billion in 2015, and 452% compared with 2014. The value of exports already carried out stands at EUR 2.85 billion but the effects of the 2016 licences will be seen in the coming years. Of the licenses in 2016, a EUR 7.3 billion contract with Kuwait for 28 Eurofighters jets stands out. Among the main recipients of Italian arms exports are also Saudi Arabia, Qatar, Turkey, Pakistan, Angola, United Arab Emirates (UAE), and India. Over 60% of Italian arms transfers are to non-EU and non-NATO countries (EUR 9.2 billion), with over EUR 8.6 billion to North Africa and the Middle East countries. The NGO Italian Network for Disarmament (*Rete italiana per il Disarmo*) has rightly commented that “this is a nonsensical policy that will contribute to the increase of conflict, while going against Italy’s foreign policy requirements (law 185/90).²⁴ Giorgio Beretta, analyst of the Permanent Observatory on Light Weapons and Security and Defence Policies (*Osservatorio permanente sulle armi leggere e le politiche di sicurezza e difesa*), has highlighted that “this is precisely a confirmation of an alarming trend in the export policy of military systems in place in recent years,” adding that “North Africa and the Middle East are among the world's most tense areas and are largely governed by authoritarian regimes and absolute monarchies engaged in repression of the most basic human rights. Providing weapons and military systems to these regimes, as well as contributing to fuelling tensions, is therefore a tacit consent to their repressive policies.”²⁵

11. To provide some examples of Italy’s arms transfers that undermine its international legal obligations, including under CEDAW, this submission focuses on Italy’s arms transfers to some of the countries involved in the armed conflict in Yemen. While the country examples used in this report relate to countries involved in an armed conflict, WILPF stresses that accessibility and availability can facilitate or exacerbate violence against women also in non-conflict situations, such as in countries that experience high rates of firearm-related deaths, such as femicides, as well as high levels of impunity and insecurity. Italy’s arms transfers to such countries equally undermine its international human rights obligations.

Italy’s exports to countries involved in the Yemen conflict (Kuwait, Qatar, Saudi Arabia and United Arab Emirates)

12. Since 25 March 2015, a Saudi Arabia-led coalition of countries that include Kuwait, Qatar and UAE has been involved in the Yemen conflict, a conflict that has had devastating humanitarian consequences.
13. A 2016 report by the Control Arms Coalition²⁶ lists Italy among the countries having

<http://www.senato.it/service/PDF/PDFServer/BGT/1023485.pdf> and Vol. 2: <http://www.senato.it/service/PDF/PDFServer/BGT/1023486.pdf>

²⁴ See “Raddoppia autorizzazione ad export armi italiane, ma il Governo ne è contento. Tendenza che alimenta i conflitti, servirebbe invece più controllo e maggiore responsabilità”, *Rete Italiana per il disarmo*, at: <http://www.disarmo.org/rete/a/44346.html>

²⁵ Ibid.

²⁶ <http://controlarms.org/en/wp-content/uploads/sites/2/2016/02/ATT-Monitor-Case-Study-2-Saudi-Arabia->

reported licenses and sales to Saudi Arabia worth more than USD 25 billion in 2015, including for drones, bombs, torpedoes, rockets and missiles. These are the types of arms being used by Saudi Arabia and its allies in the conflict in Yemen.²⁷ According to that report, “Italian arms manufacturer RWM Italia transferred at least six shipments of Mark-80 series bombs to Saudi Arabia in 2015 and January 2016.²⁸ According to official statistics, between January and November 2015, Italy exported USD 39.7m (EUR 37.2m) worth of arms, ammunition and spare parts to Saudi Arabia.”²⁹ In 2016, Italy authorised arms transfers for EUR 427,5 million to Saudi Arabia, which ranked sixth on the list of 82 countries recipient of licenses for Italian weapons exports.

14. In 2016, Kuwait was the biggest end user of Italian arms licenses, Italy having authorised a EUR 7.3 billion contract with Kuwait for 28 Eurofighters that year. The Eurofighters jets are produced by the Italian global hi-tech company *Leonardo*, which is partially owned by the Italian government through the Ministry of Economy and Finance, with a golden share rule and a base shareholding defined by law at 30%.³⁰ With regard to Qatar, in June 2016, the Italian Minister of Defence proudly announced a mega-deal with the Qatari government, celebrating the sale of seven naval vessels from Italy’s *Fincantieri* shipyard as part of the nation’s largest ever naval export sale (almost EUR 4 billion.)³¹ The Minister described the sale as “the greatest objective ever reached by the Italian navy in terms of international cooperation” and pointed to the Italian government’s decision to spend EUR 5.4 billion on a series of new vessels for the Navy as a “shop window” for the country’s naval capabilities. The deal involved the company *Leonardo*, which provided all of the combat systems for the vessels in return for a third of the contract share.³² The company

[FINAL.pdf](#)

²⁷ See “States must stop selling weapons to Saudi Arabia for use in Yemen conflict”, Amnesty International <https://www.amnesty.org/en/press-releases/2016/02/states-must-stop-selling-weapons-to-saudi-arabia-amid-yemen-conflict/>

²⁸ See: *Rete Italiana per il Disarmo*, ‘Rete Italiana per il Disarmo presenta Esposto a Magistratura: indagate sulle spedizioni di bombe ad Arabia Saudita’, 28 January 2016, www.disarmo.org/rete/a/42663.html (accessed 17 February 2016); Francesco Vignarca, ‘Bombe da Italia ad Arabia Saudita, abbiamo denunciato alla magistratura’, www.vignarca.net/?p=1585 (accessed 17 February 2016); reportedly, ‘Italy sends two bomb shipments to Saudi Arabia in 20 days’,

19 November 2015, <https://reported.ly/2015/11/19/italy-sends-two-bomb-shipments-to-saudi-arabia-in-20-days/> (accessed 9 February 2016), in <http://controlarms.org/en/wp-content/uploads/sites/2/2016/02/ATT-Monitor-Case-Study-2-Saudi-Arabia-FINAL.pdf>

²⁹ See: *ISTAT Istituto Nazionale di Statistica* ‘Interscambio commerciale in valore per area e paese del prodotto SH2 93 (Armi, munizioni e loro parti ed accessori)’, (accessed 17 February 2016), in <http://controlarms.org/en/wp-content/uploads/sites/2/2016/02/ATT-Monitor-Case-Study-2-Saudi-Arabia-FINAL.pdf>

³⁰ Kuwait deal triggers surge in Italy weapons exports, 27 April 2017, at: <http://www.italianinsider.it/?q=node/5294>.

³¹ A press release by the government-owned company Fincantieri has reported an “Expansion of naval business in foreign markets: signed an important contract worth almost euro 4 billion with the Qatari Ministry of Defense, which represents the most significant commercial milestone of the past 30 years in the naval business”, Fincantieri. 2016 Consolidated financial statements and draft financial statements of the parent company. Convening of the shareholders’ meeting, at: <https://www.fincantieri.com/globalassets/press-releases/price-sensitive/2017/2017-03-29-2016-consolidated-financial-statements-and-draft-financial-statements-of-the-parent-company.pdf>.

³² Italy arms deals with Qatar fuel furore, at: <http://www.italianinsider.it/?q=node/546>; see also UPDATE 2-Italy’s Fincantieri signs 4 bln euro deal to build ships for Qatar, at: <http://www.reuters.com/article/italy-qatar-fincantieri->

Ficantieri is government owned (over 70 % through the holding company *Fintecna*).

15. Italy has also authorised, among others, licenses for arms exports to the UAE for nearly EUR 60 million in 2016 and more than EUR 300 million in both 2014 and 2015.³³ According to the Centre for International Policy, the UAE has played a central role in the Saudi-led coalition in Yemen. It has more than twice as many ground troops as any other member of the Saudi-led coalition and it has contributed ships to the naval blockade of Yemen. The blockade has been a major contributor to the humanitarian crisis in Yemen.³⁴
16. Parties in the Yemen conflict often use heavy explosive weapons, including aircraft bombs, rockets and artillery, to carry out attacks in, on and around residential areas and civilian objects. Hospitals, schools, markets, and houses have been targeted by explosive weapons. Aerial munitions, frequently dropped in populated areas, including Sana'a, have been responsible for much human suffering.³⁵ The UN Under-Secretary-General for Humanitarian Affairs has condemned coalition airstrikes as being "in clear contravention of international humanitarian law, and unacceptable."³⁶
17. The use of weapons of indiscriminate effect, such as explosive weapons, may have particular implications for women who may be affected by the destruction of infrastructure or the burden of caring for the wounded, particularly in a context of inequality.³⁷ The large destructive radius of such weapons means that even the striking of military targets within a populated area has caused the destruction or damaging of civilian infrastructure, such as health and education facilities and houses.³⁸ In such context, women and girls often suffer gravely and disproportionately due to forced displacement, sexual violence, trafficking, lack of access to health care (including sexual and reproductive health) and to victim and survivor assistance.³⁹ The Office for the Coordination of Humanitarian Affairs (OCHA) has reported that "conflict and displacement have increased the risks of gender-based

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³³ See, for example, Boom di export delle armi italiane grazie alle monarchie del Golfo, at: <http://www.ilsole24ore.com/art/notizie/2017-04-27/boom-export-armi-italia85-eurofighter-kuwait-100300.shtml?uuid=AEmvKMCB>, and Raddoppia autorizzazione ad export armi italiane, ma il Governo ne è contento, at: <http://www.disarmo.org/rete/a/44346.html>

³⁴ For more, see U.S. Arms Transfers to the UAE and Mideast Security, Centre for International Policy, at https://www.ciponline.org/research/entry/u.s.-arms-transfers-to-the-uae-and-mideast-security#_edn3

³⁵ Control Arms, Dealing in Double Standards, December 2016, <http://armstreatymonitor.org/en/wp-content/uploads/2016/02/ATT-Monitor-Case-Study-2-Saudi-Arabia-.pdf>.

³⁶ <http://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-stephen-2>

³⁷ See, for example, Women and Explosive Weapons, WILPF, which draws attention to some of the unique impacts on women that explosive weapons have when used in populated areas, at: <http://www.reachingcriticalwill.org/resources/publications-and-research/publications/8629-women-and-explosive-weapons>

³⁸ Saudi-led coalition forces in Yemen are thought to be making extensive use of JDAM and Paveway guided aircraft bombs, which weigh between 500lbs and 2000lbs. The largest of these bombs is believed to have a lethal radius of up to 360m, and can cause injury and damage as far as 800m from the point of detonation. See Wide Area Impact, Action on Armed Violence, March 2016, <https://aoav.org.uk/wp-content/uploads/2016/03/Wide-Area-Impact-explosive-weapons-in-populated-areas.pdf>, paragraphs 3-8.

³⁹ "General Recommendation 30 on women in conflict prevention, conflict, and post conflict situations," Committee on the Elimination of Discrimination against Women, paragraphs 34-81.

violence, especially sexual violence, domestic violence, and early marriage. Reports indicate an upward trend in violence against women and girls with 70% more incidents reported today against those reported prior to March 2015. Gender-based Violence is disproportionately impacting women in Yemen, including those already facing elevated protection risks, such as Internally Displaced Persons and other vulnerable groups”.⁴⁰

18. On 24 March 2017, the UN High Commissioner for Human Rights stated “two years and more than 13,000 civilian casualties later, the conflict in Yemen continues to rage, with an intensification in hostilities over the past three months that has exacerbated the entirely man-made catastrophe, with children starving and refugees and fishermen bombed. (...) Since 26 March 2015, at least 4,773 civilians have been killed and another 8,272 injured by the violence – a total of 13,045 civilian casualties. These figures reflect only those deaths and injuries that the UN Human Rights Office has managed to corroborate and confirm to be civilians. The actual death toll is certainly considerably higher. Another 21 million Yemenis – 82% of the population – are in urgent need of humanitarian assistance.”⁴¹ The High Commissioner highlighted that “over the past month alone, 106 civilians have been killed, mostly by airstrikes and shelling by Coalition war ships. (...) The UN Human Rights Office has also documented a number of incidents where fishermen’s boats were hit, as well as airstrikes that struck four trucks carrying food items, and an airstrike at a marketplace, among others.”⁴² The High Commissioner provided specific examples of such violations.⁴³

The case for tighter regulation of Italian arms transfers

19. As noted earlier, there has been a spike in Italy’s arms transfers in recent years, something that is highly concerning in itself. What is particularly troubling is the satisfaction expressed by the government with regard to such an increase. The recent government’s report on arms transfers, for example, states that
- a. “The aim is to combine the growing efficiency of both public and private services, to the benefit of the competitiveness of operators in international markets, as well as to the establishment of the image of these operators and our national economic system (*sistema Paese*)”, and
 - b. “Italy was ranked third in terms of number of sales destination countries, after the USA and France, demonstrating the ability of penetration and flexibility of domestic

⁴⁰ OCHA, Humanitarian Bulletin on Yemen, December 2016

http://reliefweb.int/sites/reliefweb.int/files/resources/november_hb_issue_18.pdf.

⁴¹ Over 100 civilians killed in a month, including fishermen, refugees, as Yemen conflict reaches two-year mark, OHCHR; at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21444&LangID=E#sthash.Op6bf10a.dpuf>

⁴² Ibid.

⁴³ Ibid.

supply abroad. Italy was also ranked among the top 10 in export value.”⁴⁴

20. This shows the problematic role taken up by the National Authority for the Armament Licensing and Controls (UAMA) and the government more broadly, which appears to be more of a “sponsor” of the Italian military industry rather than an authority controlling the strict adherence and implementation of the criteria and requirements of legislation 185/90, regulating arms transfers.

Urgent need for greater transparency in the government’s annual reports on arms transfers

21. Italy ranked only 16th in the 2016 Small Arms Trade Transparency Barometer.⁴⁵ Reacting to the government’s most recent annual report on arms transfers, the Italian Disarmament Network (*Rete Italiana per il Disarmo*) has commented that “once again this year, from the Government Report and its many tables it is not possible to know in detail what specific military systems were exported to the 82 recipient countries. Apart from the Eurofighters in Kuwait, the report does not provide any information about these exports, and this makes it virtually impossible for Parliament to exercise its control role over the executive. Not only that. The recent version of the Ministry of Economy and Finance's annex is almost useless and somewhat misleading, not disclosing a complete knowledge of financial fluxes linked to arms exports. The Ministry continues to disclose only “reported amounts” (*importi segnalati*), without indicating the value of the corresponding authorised transactions, thus missing essential information for effective parliamentary scrutiny of bank transactions. It should also be reminded that the Government report also indicates a further value of over EUR 176 million for no better identified commercial transactions for which greater transparency would be required and important.”⁴⁶ The *Rete Italiana per il Disarmo* urged greater and more thorough parliamentary scrutiny of the government's annual report and arms transfers authorised by the government.

Recommendations

22. The proliferation of and easy access to weapons exacerbates the risk of gender-based violence and, therefore, Italy has a duty to take measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence, and that negatively

⁴⁴ Original in Italian: “*l’obiettivo è quello di coniugare una crescente efficienza sia del servizio pubblico che delle società, a tutto vantaggio della competitività degli operatori sui mercati internazionali, nonché dell’immagine dello stesso operatore e del sistema Paese*” oppure “*l’Italia è stata classificata terza per numero di Paesi di destinazione delle vendite, dopo USA e Francia, a dimostrazione di una capacità di penetrazione e flessibilità dell’offerta nazionale all’estero. L’Italia è stata altresì classificata fra i primi 10 per valore delle esportazioni*”, at: <http://www.disarmo.org/rete/a/44346.html>

⁴⁵ Trade Update 2016: Transfers and Transparency, Small Arms Survey, at: http://www.smallarmssurvey.org/fileadmin/docs/Weapons_and_Markets/Tools/Transparency_barometer/SAS-Transparency-Barometer-2016.pdf .

⁴⁶ “Raddoppia autorizzazione ad export armi italiane, ma il Governo ne è contento. Tendenza che alimenta i conflitti, servirebbe invece più controllo e maggiore responsabilità”, Rete Italiana per il disarmo, at: <http://www.disarmo.org/rete/a/44346.html>

impact women.

23. Italy must take effective measures to prevent that the transfer of weapons facilitates or exacerbates gender-based violence or violence against women in other countries. Doing so is also consistent with the commitments made in Italy's latest National Action Plan on Women, Peace and Security, such as to: strengthen its efforts to prevent and protect women and girls, affected by conflict and post-conflict, from all forms of discrimination and violence, and to hold perpetrators accountable; contribute to eradication of sexual violence in conflict and post-conflict settings; and protect human rights of women, children and the most vulnerable groups, affected by conflict and post-conflict, by helping to ensure their safety, physical and mental health, well-being, economic security, and equality.⁴⁷

24. In practical terms and as a prevention measure, Italy needs to:

- a. Conduct rigorous and transparent gendered impact assessments of international transfers of arms by adopting national legislation and policies to this effect, developed in full consultation with civil society organisations, in order to fully implement Italy's obligations under CEDAW, the ATT, and the EU Common Position on arms exports. This requires the inclusion of specific criteria for analysing whether any arms transfers being assessed as well as the granting of licenses on production facilities will facilitate or contribute to gender based violence or violence against women by the recipient;⁴⁸
- b. Deny authorisation of any arms sales or transfers when there is a risk that they would be used to commit or facilitate acts of gender based violence or where there are widespread or serious human violations and abuses, including acts of gender-based violence. It is important to underscore that risk assessments required by the ATT assess just that – the risk that the arms in question will be used in any of the ways prohibited by the Treaty. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied;⁴⁹

⁴⁷ See Goal 5, in "Italy's Third National Action Plan, in accordance with UN Security Council Resolution 1325(2000), 2016 – 2019", page 20, at:

http://www.cidu.esteri.it/resource/2016/12/49123_f_PlanofAction132520162019.pdf

⁴⁸ For recommended guidelines for assessing the risk of gender-based violence, see WILPF "Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action." Executive Summary, at: <http://www.reachingcriticalwill.org/resources/publications-and-research/publications/10792-preventing-gender-based-violence-through-arms-control-tools-and-guidelines-to-implement-the-arms-trade-treaty-and-un-programme-of-action>. See also suggested "elements that may be used by States and other stakeholders to assess the relationship between arms transfers and human rights, including in the context of the human rights risk assessments that should be carried out pursuant to article 7 of the Arms Trade Treaty and regional arms transfer instruments." in OHCHR report A/HRC/35/8, op cit.

⁴⁹ The ATT Monitor Report, 2016, http://armstreatymonitor.org/en/wp-content/uploads/2016/08/ATT-ENGLISH-Monitor_16_CHAPTER-2.1.pdf.

- c. Ensure transparency around arms transfer decisions, including the rationale for allowing transfers to states with poor human rights records, and creating opportunities for public debate and input as well as possibilities for thorough Parliamentary reviews of arms export licences;
- d. Ensure that the adoption of robust and effective arms policies be included in the list of legislative level measures to be taken to prohibit all forms of gender-based violence.

The Women's International League for Peace and Freedom (WILPF) is an international non-governmental organisation with National Sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations.

Since our establishment in 1915, we have brought together women from around the world who are united in working for peace by non-violent means and promoting political, economic and social justice for all.

Our approach is always non-violent, and we use existing international legal and political frameworks to achieve fundamental change in the way states conceptualise and address issues of gender, militarism, peace and security.

Our strength lies in our ability to link the international and local levels. We are very proud to be one of the first organisations to gain consultative status (category B) with the United Nations, and the only women's anti-war organisation so recognised.



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