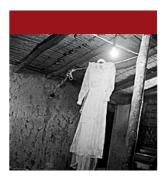


Small Arms and Violence against Women Parliamentary Handbook 2010













Small Arms and Violence against Women Handbook (2010-03-01)





The Parliamentary Forum on Small Arms and Light Weapons supports parliamentarians in their small arms related work, contributes to the advancement of the small arms agenda, and provides space for parliamentarians and civil society to meet and join forces.

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Closer to home



Violence Against Women violates fundamental human rights and constitutes a major security threat, both for women as individuals as well as for the community as whole. In May 2009 the Board of the Parliamentary Forum on Small Arms and Light Weapons adopted a Policy Statement on Violence Against Women. The Forum recognised that violence against women is a global problem and an international security threat, which might reach catastrophic proportions when used as a strategic weapon in warfare as a way to terrorize, humiliate and break down women and society as a whole. In this context small arms act as a multiplier of violence impacting on women, both directly and indirectly. The negative impact of SALW related violence on women is one of injury and violence ranging from psychosocial trauma, disrupted access to health services, displacement, loss of opportunities, sexual violence, physical injury, intimidation to abuse and death.

The Forum is engaging with parliaments and parliamentarians across all regions to jointly address these challenges, and to ensure that we place Violence Against Women firmly within the Small Arms and Light Weapons agenda. We hope that this handbook will provide parliamentarians with background information that they may need to take an effective parliamentary interest in this important national and global issue.

Ogline Pierre

Member of Parliament of Haiti and Board Member of the Parliamentary Forum on SALW



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Acronyms

ATT Arms Trade Treaty

VAW

CASA Coordinating Action on Small Arms (UN)

IANSA International Action Network on Small Arms

IDP Internally Displaced Person(s)

IRIN Integrated Regional Information Networks (UN)

ISACS International Small Arms Control Standards

OSCE Organization for Security and Cooperation in Europe

SALW Small Arms and Light Weapons
SCR Security Council Resolution (SCR)
UNIFEM United Nations Female Programme
UNSC United Nations Security Council

Violence Against Women



Small Arms and Violence against Women Parliamentary Handbook

1 What is Violence against Women?

The United Nations defines violence against women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. It thus refers to a wide range of violations of women's human rights, including trafficking, rape, partner abuse, sexual abuse and harmful cultural practices and traditions that irreparably damage girls and women's reproductive and

What is Violence against Women?

- Coercion
- Harmful Cultural Practices
- **■** Intimate Partner Abuse
- Kidnap
- Mental Cruelty
- Physical Violence
- Rape
- Sexual Slavery
- Trafficking

sexual health. The 1993 Declaration on the Elimination of Violence against Women noted that this violence could be perpetrated by assailants of either gender, family members and even the State itself.

Although the intensity varies, violence against women occurs in both developed and developing countries and in conflict and non-conflict contexts. Gender-based violence is used as a deliberate and strategic weapon in warfare between different parties in many conflict settings around the world. By causing as much humiliation and damage as possible, often directly in front of the husband and children, the perpetrators can spread fear and chaos.

2 What impact do Small Arms have on Violence against Women?

SALW do not necessarily have to be fired to pose a serious security threat. Academic research into how gender features in issues to do with small arms¹ proliferation in the context of armed violence remains relatively new. However, small arms continue to be used to commit or facilitate human rights abuses against women, often resulting in death and injury. The visible impacts of SALW misuse include lives lost, injury and psychosocial trauma. Indirect impacts of SALW misuse and armed conflict include; death and injury of family and peers, displacement, reduced access to, or quality of health care.

¹ For the purposes of this handbook the term 'Small Arms' includes small arms, light weapons, ammunition and explosives of 100mm calibre and below.

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Violence by an intimate partner is one of the most common forms of violence against women. Half of the women who die from homicide are killed by their current or former husbands or partners, often by the use of guns, beatings and burns.² The lethal potential of small arms reduce a woman's ability to resist the violence, lessen her chances of escape and dimisishes the possibility of help from her surrounding, and also increases the chances of a lethal outcome. Research shows that having a small arm in the home increases the overall risk of someone being murdered by 41%, for women in particular the risk was nearly tripled.³

SALW-related domestic violence increases in the context of conflict. After a conflict ends SALW still circulate in the community. Psychosocial trauma, the lack of economic prospects and a reduction in basic services contribute to the dynamics of domestic violence after a war.

Women's' insecurity affects entire communities, and particularly women who are subject to potential sexual attacks. The fear of being attacked may limit women's freedom of movement and can prevent women carrying out their daily activities, from fetching water to taking public transport to work. Many women do not seek help or report their experiences of violence, often due to limited availability of services, stigma and fear.

Women are disproportionately affected by the social and economic impacts of armed conflict. The economic burden of supporting their families or becoming full-time care-givers falls on women when male relatives are absent killed, injured or disabled. As in armed conflicts, increased levels of insecurity may result in decreased access to and quality of services. Services may close, partially or completely, and qualified personnel, like health care professionals or schoolteachers, may be reluctant to take up assignment in zones of insecurity.

Most of the world's displaced people are women, girls and boys. Forced displacement, militarization of refugee camps and the withdrawal of humanitarian assistance in areas affected by armed violence involving illicit and licit SALW has a severe impact on access to basic services for those most in need.

SALW trafficking is often linked to other types of trafficking, like drugs, precious minerals and human trade. Women, girls and young boys constitute the majority of victims of human trafficking. Traffickers sometimes also use women as smuggling agents and informers.

² From the Policy Statement on Violence against Women 2009.

³ Wiebe[,] D-J[,] (2003) 'Homicide and Suicide Risks Associated with Firearms in the Home: A National Case Control Study', Annals of Emergency Medicine Volume 41, American College of Emergency Physicians



Violence such as honour killings, dowry related violence, hate crime, revenge killing, sexual violence as well as self directed violence and suicide are all aggravated and facilitated by the availability of small arms.

3 What are the linkages between Violence against Women and Small Arms related programmes?

Small arms misuse is central to different forms of violence against women. Women suffer disproportional from small arms violence, given that they are almost never the buyers, owners or users of small arms. Given that small arms are a multiplier of violence, SALW programmes are inextricably linked to processes and programmes aiming to combat violence against women. Death and injury resulting from SALW misuse can be prevented or drastically reduced by responsible action. One effective way of prevention is programmes for SALW control.

SALW trafficking is often linked to other types of trafficking. Women, girls and young boys constitute the majority of victims of human trafficking. Traffickers sometimes also use women as smuggling agents and informers. While addressing the illicit trade in SALW, the close links between different kinds of trafficking should be taken into consideration, and cooperation between relevant sectors, as well as between relevant States, established.

Operational experience demonstrates a range of functional areas where there are clear links between SALW control programmes and the work to eradicate violence against women.

SALW Control Functional Area	Impact/Synergy on VAW Area	Remarks
Legislative and Regulatory Issues	 SALW legal basis ensuring the elimination of all forms of violence against women. Harmonisation of SALW laws with relevant legislation such as family laws. 	In some countries SALW licensing laws include provisions for spouse notifications to prevent SALW acquisition by individuals with a history of family violence. Legislation reform processes should include gender expertise and shall ensure the representation of women and men in the teams responsible for the assessment, drafting, implementation, monitoring and evaluation of SALW legislation.



SALW Control Functional Area	Impact/Synergy on VAW Area	Remarks
Management Information	 Collection and analysis of SALW sex-disaggregated data Strengthen national injury surveillance systems to monitor the impact of armed violence on boys and girls, men and women. Setting up an early warning system with engendered indications. 	Information can be collected from police records, prosecutors/ judiciary, morgues, health institutions, ministries of health, human and women's rights monitors, peacekeeping operations and local NGOs involved in relevant areas. Women's' shelters may also have records of armed intimate partner or family violence. Early warning systems can benefit from using women's knowledge about possible flash points and weapons flows. Alternatively, an urban youth violence observatory may benefit from urban girls' association knowledge of violence
		triggering factors and small arms possession and circulation patterns.
SALW Awareness and Communication Strategies	 Public awareness and information campaign on violence against women and SALW. Targeted education campaigns for young people. Supporting existing international campaigns such as the Arm Trade Treaty and UNIFEM campaigns. 	Women represent a valuable resource that should be included in SALW awareness, education and advocacy.
SALW Collection	 Visibility of women in the planning and the collection of SALW will empower women as stakeholders and give legitimacy to the process. Ensure consideration of Women's opinions, roles and needs when planning incentives for SALW control. 	Women can provide useful insight on weapon locations and on security issues to be addressed before disarmament of individuals takes place.
SALW Survey	 SALW Surveys may explore context specific impacts on women, which may form the basis for policies and programmes. Gather data on female human security perceptions. Can inform an action plan to combat all forms of SALW related violence against women. 	Gender sensitive assessment requires gender expertise, which may be provided by representatives from a national women's rights organisation or an equivalent expert.

SALW programmes should always include a component to address the aspect of SALW related violence against women as an important prevention element.



4 The role of parliaments in reducing Violence against Women

To cement human security in security agendas and to truly eradicate violence against women there is a requirement of effective and efficient executive bodies. This requires representation and accountability: two of the core functions of parliaments. Parliaments connect citizens with the State and can hold governments to account for their actions or lack of action. Parliament is a natural place for mediation, where competing points of view can be articulated and where dialogue can build consensus. These core functions are essential in mitigating and resolving human security issues.

The effective control and management of small arms within the agenda to combat violence against women also fall within these responsibilities, and parliaments are strategically positioned in assisting government in formulating and then monitoring the small arms control and management policies relevant to women experiencing violence. Key areas where parliaments may exercise their power and influence include:

- Establishment of an effective legislative framework. Parliaments should create specific legislation on violence against women and promote revisions and updates on existing national legislation on gender-based violence, in order to avoid loopholes and better address the needs of women and reduce their exposure to violence and threats.
- Oversight of the implementation of internationally agreements. Parliamentarians should ensure that the parliament engages with the government in a regular debate on global and regional SALW control agreements as well as international mechanisms specifically designed to address women's issues in general, and women's considerations in relation to war, peace and violence in particular. This should include discussions on recommending the initiation or improvement of international agreements.
- Promotion of participation of women in policy-making processes. Parliaments should promote women's equal and full participation in decision-making relevant to SALW control. SALW control work is traditionally a male domain; ensuring equal participation of women requires particular efforts in focusing on inclusion of women, and ensuring the participation of women's organisations.
- Oversight and control of the executive. Parliaments should ask the government to provide a targeted plan to combat all forms of violence against women, to include measures to combat SALW related violence against women in its action programmes for equal opportunities for men and women, as well as concrete measures to prevent all forms of violence including SALW related violence, protect victims and prosecute perpetrators.

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5 The role of parliamentarians in reducing Violence against Women

Women and men play a variety of roles in resisting, perpetrating, supporting and addressing the human cost of armed violence in which small arms play a central role. Policy making on small arms requires greater recognition of these multiple roles and the differential impacts of armed violence on females and males, old and young. Parliamentarians have at their disposal many effective instruments that they could apply to address the issue of small arms and violence against women:

- Parliamentarians in their representative role can raise issues of concern (safety and security for women at home and in the public sphere, impacts on women of civilian possession of SALW etc.) with the executive. They can then raise awareness of the issue with the media, and within their constituency and civil society, by identifying threats to local communities suffering the impacts of SALW related violence. They may influence the government to act by making a political issue of the effective control and management of small arms within framework of violence against women.
- Parliamentarians in their legislative role can introduce new legislation, or propose a thorough review of existing legislation on SALW related issues impacting negatively on women. This may also include initiating or proposing improved international agreements.
- Parliamentarians in their oversight role can ensure that the executive honours and implements its international commitments (e.g. treaties, conventions etc). They should also ensure that the issue is considered regularly and effectively by the relevant Parliament Committees, and that appropriate budgetary levels are allocated to the issue by the Ministry of Finance.

Annex C suggests a more detailed range of activities that parliamentarians may engage in to support activities designed to reduce Violence Against Women within small arms control and armed violence reduction initiatives and activities.



Annex A - Small arms and Violence against Women definitions⁴

SALW Awareness

A programme of activities carried out with the overall goal of minimizing, and where possible eliminating, the negative consequences of inadequate SALW control by carrying out an appropriate combination of SALW advocacy, SALW risk education and media operations/public information campaigns, which together work to change behaviours and introduce appropriate alternative ways attitudes over the long term.

Note: Wherever it exists, the operational objectives of a national SALW control initiative will dictate the appropriate type of SALW awareness activities.

Note: SALW awareness is a mass mobilization approach that delivers information on the SALW threat. It may take the form of formal or non-formal education and may use mass media techniques.

Note: In an emergency situation, due to lack of time and available data, it is the most practical way of communicating safety information. In other situations it can support community liaison.

SALW Control

Activities that, together, aim to reduce the social, economic and environmental impact of uncontrolled SALW proliferation and possession.

Note: These activities include cross-border control issues, legislative and regulatory measures, SALW awareness and communications strategies, SALW collection and destruction operations, SALW survey and the management of information and SALW stockpile management.

SALW Survey

A systematic and logical process to determine the nature and extent of SALW spread and impact within a region, nation or community in order to provide accurate data and information for a safe, effective and efficient intervention by an appropriate organisation.

Note: The following terms have been used in the past, though the preferred one is as indicated above: 'national assessment', 'base-line assessment' and 'mapping'.

⁴ These definitions have been primarily obtained from ISACS 01.20 Glossary of terms and definitions.



Small Arms and Light Weapons (SALW)

Any man-portable lethal weapon, (including its ammunition), that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas.

Note: Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899.

Note: 'Small arms' are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.

Note: 'Light weapons' are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable antiaircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

Violence Against Women (VAW)

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

⁴ These definitions have been primarily obtained from ISACS 01.20 Glossary of terms and definitions.



Annex B - International resolutions, agreements, frameworks and instruments

Resolutions, instruments, frameworks and agreements that relate directly to the tackling of the Violence against Women from a Small Arms perspective are very limited. Although there are a wider range of resolutions, frameworks, and agreements and instruments relating to SALW; these can be found in the SALW Parliamentary Handbook.⁵

RESOLUTION, FRAMEWORK, INSTRUMENT OR REPORT	SUMMARY
UN, Declaration on the Elimination of Violence against Women. A/RES/48/104 (1993)	The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), an international human rights treaty binding on all states that have joined it, prohibits all forms of discrimination against women.
UN SC Resolution 1325, Women, Peace and Security. S/RES/1325 (2000)	The first resolution passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.
UN SC Resolution 1820, Women, Peace and Security. S/RES/1820 (2008)	SCR 1820: Sexual Violence as a Tacit of Warfare stands as an essential complement to the full implementation of SCR 1325 on Women, Peace and Security.
UN SC Resolution 1888 Women Peace and Security S/RES/1888 (2009)	UNSCR 1888 is a follow up to SCR 1820 that will enable the Security Council and the Secretary General to better implement different recommendations from the Secretary General and Member States.
The Beijing Declaration and Platform for Action, adopted in 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)	This s the global community's most comprehensive policy document for the empowerment of women and gender equality. The Declaration famously stated, 'women's rights are human rights.' The Platform for Action set out steps governments should take to protect women from genderbased violence.
The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)	Binding regional treaty explicitly addressing violence against women.
The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994)	Binding regional treaty explicitly addressing violence against women.

⁵ SALW Parliamentary Handbook. SALW PF and SEESAC. ISBN 86-7728-033-2. 30 October 2006.



Annex C - What you can do as a parliamentarian

AREA		PARLIAMENTARIANS' ROLES	S
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
Legislative and Regulatory Issues	 Initiate a study on legislation on gender based violence and violence against women. Organise special conferences or seminars to be attended by representatives of political bodies, civil society and social institutions with the aim of contributing to a process of developing more coherent policies addressing all SALW related forms of violence. 	 Initiate legislation reform processes, including a review of national legislation with a focus on their gender aspects. The revision may propose revision, for example, of laws sustaining discrimination and violence against women. Ensure that SALW legislation is harmonised with existing legislation, and vice versa. For example, national SALW legislation and policies should be harmonised with other efforts to prevent violence against women. Ensure that relevant national laws and policies are improved, and supported by developing national action plans. Take appropriate measures to stop crimes of honour and forced marriages. 	



AREA		PARLIAMENTARIANS' ROLES	S
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
Assistance Assistance	 Introduce the issue of setting up a court to deal specifically with Violence Against Women. 	 Introduce the right to assistance and support for all victims of violence including trafficked human beings, and protection of female victims of domestic violence. Ensure free legal aid can be made available to enable female victims of gender based violence to assert their rights 	 Monitor government's commitments to victim assistance including: emergency, medical care, physical rehabilitation, psychological and social support, economic reintegration, justice, laws and policies. Ensure that the needs of victims of armed sexual violence shall be addressed through the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks to provide sustainable assistance.
SALW and VAW Information Management	 Propose a debate on setting up an observatory on Violence Against Women within executive structures. Initiating debate to establish early warning system indicating changing circumstances for women and men. 	 Consider mechanisms to endure that gender equality analysis of trafficking in human beings is part of all laws and policies aimed at preventing and combating trafficking. 	 Ensure that records concerning gender based violence to play a central role in national Criminal Information Systems Monitor that government has a coherent system to for collecting statistics on violence against women with particular reference to SALW. This should also include statistics violence against minors, murders committed in the family or close relationships.
Givilian Possession of SALW	 Maintain discussions with representatives of women's organisations on the issue of armed Violence Against Women Ensure that the issue of Yiolence Against Women is represented in the security committee. 	 Ensure that the Parliament is kept informed and involved in the process of SSR planning. Press for the holistic inclusion of SALW issues within the planning of SSR work. 	 Support the creation of overarching control authorities within SALW issues in particular and SSR in general (ombudspersons, commissions). Ensure transparency and efficiency in security expenditure and security sector relevant budgets. Support mechanisms for management of security expenditure.

¹³ Some items extracted from Parliamentary Oversight of the Security Sector, DCAF, Geneva, 2004.



AREA		PARLIAMENTARIANS' ROLES	S
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
Safe Weapons and Ammunition Storage	Visit well managed weapon and ammunition depots in other countries in order to gain an understanding of what is required, and highlight the need to SSR planners.	 Linking the issue of Violence Against Women, the legal framework of civilian possession of SALW may take following points into consideration: Spousal notification to prevent gun acquisition by individuals with a history of family violence. This may include current and formal spouses to be notified before a small arms license is issued. Background and criminal record check: This may include verifying small arms license applicants past record related to family violence. Prohibition for family violence. Seizure to ensure that when a small arm while under a family violence restraining order. Seizure to ensure that when a small arm owner becomes subject to a restraining order for the first time, police must seize the weapon. Small Arms registration is an essential pre-requisite for police to be able to remove small arms in situations of family violence. Restrictions and conditions on possession and use of State and private security companies' employees possession of firearms when off duty. 	 Monitoring the how the current legislation on civilian possession of SALW is impacting on the issue of Violence Against Women. Demanding that the executive improve its policies with regard to female victims of domestic violence.

61) Code of Conduct for Law Enforcement Officials, UNHCHR, (Adopted by UN General Assembly resolution 34/169 of 17 December 1979); and 2) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UNHCHR, (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).



AREA	REPRESENTATIVE	PARLIAMENTARIANS' ROLES LEGISLATIVE	S OVERSIGHT
SALW Awareness and VAW	R Support work to change prevailing negative attitudes by: Embarking on concerted action, including public-wareness and information campaigns on domestic violence, as well as changing the social strencything of women through education and the media, and to encourage the exchange of good practice. Marking the international day for the elimination of violence against women on 25 November. Supporting a campaign on zero tolerance against women. Supporting the signing the UNIFEM campaign 'Say Not o Violence Against Women' Against Women' Against Women' Rower of the Commen' Supporting the signing the UNIFEM campaign 'Say Not o Violence Against Women' Against Women' Against Women' Rower of the Commen' Rowe	 Consider legal provisions to support zero tolerance regarding Violence Against Women. 	 Monitor government effort to ensure training police and other law enforcement officials, as well as representatives of the judicial to better understand and respect female victims of male violence, also addressing the issue of SALW when relevant.



Annex D – Useful Violence against Women publications

D.1 Policy recommendations and overview

ORGANIZATION	AUTHOR	PUBLICATION
wно	WHO	Addressing Violence Against Women and Achieving the Millennium Development Goals. (2005).
United Nations Coordinating Action on Small Arms (CASA)	CASA	Guidelines for gender mainstreaming for the effective implementation of the UN programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.
OECD DAC	Wood B et al	OECD DAC Guidelines – Helping Prevent Armed Conflict. (2001).

D.2 Programme management and development

ORGANIZATION	AUTHOR	PUBLICATION
UNIFEM	Waldorf L (With research by Arab C and Guruswamy M)	CESAW and the Human Rights Based Approach to Programming. This guide provides a basic introduction to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Security Council Resolution 1325 on Women, Peace and Security. It reviews their commonalities, synergies, and potential strategic uses, particularly in the context of conflict and post-conflict reconstruction.
CASA	CASA	International Standards for Small Arms Control (ISACS) 06.10: Gender and Small Arms.
UN DESA	Division for the Advancement of Women	Handbook for Legislation on Violence Against Women. (2009).
UNECED	Statistical Division	Gender Statistics http://www.unece.org/stats/gender/ Welcome.html
UNDP	UNDP	How to Guide: Small Arms and Light Weapons Legislation. (2008).



D.3 Selected background reading

ORGANIZATION	AUTHOR	PUBLICATION
BICC	Farr V and Gebre-Wold K (eds)	Gender Perspectives on Small Arms and Light Weapons Regional and International Concerns, Brief 24. (2004).
Oxfam, Amnesty and IANSA		The Impact of Guns on Women's Lives. (2005).
Institute for Security Studies	Shroeder E and Newhouse L	Gender and Small Arms, Moving to the mainstream. (2004).
IANSA	IANSA	Activist's Toolkit and Women's Portal www.iansa.org
UN University Press	Farr V, Myrttinen H and Schnabel A	Sexed Pistols: The Gendered Impacts of Small Arms and Light Weapons. (2009).

Notes

Notes

