

**Committee on the Elimination of Discrimination against Women**  
**General discussion on the protection of women's human rights in conflict and post-conflict contexts**

**New York, 18 July 2011 (10:00 – 13:00)**

Summary

On 18 July 2011, the Committee on the Elimination of Discrimination against Women (the Committee) held a half-day discussion for the purposes of elaborating a "General Recommendation on Women in Conflict and Post-conflict Situations". The discussion was well attended, both by United Nations (UN) agencies and civil society. A number of keynote speakers and civil society groups addressed the Committee (see list of keynote speakers and oral statements below), covering a range of themes from various geographical areas and perspectives. Over thirty written statements were also submitted. The formation of the discussion was traditional, and did not allow for interactive participation. Overall, the discussion proved to be fruitful and constructive, although time constraints limited the number of participants wishing to address the Committee.

A number of key themes addressed both by keynote speakers and civil society groups can be drawn out from the discussion. In drafting the General Recommendation, speakers called on the Committee to address, inter alia: the root causes of sexual violence against women; the issue of stigma; single-headed households; access to justice for women victims of violence; the prevention of conflict; the transfer of reparations; ending impunity; the scope and applicability of "discrimination" as it is set out in the Convention on the Elimination of Discrimination Against Women (CEDAW); the impact of conflict on various groups of minority women (including the disabled, ethnic minorities, widows, and stateless women and refugees/internally displaced persons); the extra-territorial applicability of CEDAW; the reintegration of female combatants and ex-combatants including a gendered dimension to disarmament, demobilization and reintegration programs (DDR); obligations of non-state actors during conflict and post-conflict settings; ensuring the participation of women during all faces of post-conflict reconstruction; and ensuring a holistic approach to women's human rights in conflict.

Details of the Programme

Introductory remarks, Ms. Silvia Pimentel, Chairperson, CEDAW Committee

Moderator, Mr. Bradford Smith, Secretary of CEDAW Committee

Opening remarks, Ms. Lakshmi Puri, ASG, UN Women

Introduction of the General Recommendation on the legal protection of women in conflict and post-conflict situations, Ms. Pramila Patten, Member of CEDAW, Chair of CEDAW Working Group on women in conflict and post-conflict situations

**Mr. Ivan Simonovic, Assistant Secretary General, Office of the High Commissioner for Human Rights:** welcomed everyone and highlighted that violence against women during conflict is simply a continuation of violence against women resulting from other means. He also emphasized that the root causes of conflict should be addressed in the General Recommendation.

**Ms. Lakshmi Puri, Assistance Secretary-General for Intergovernmental Support and Strategic Partnerships, UN Women:** emphasized the importance of CEDAW to the normative framework of UN Women. Ms. Puri also stressed the significance of implementing such global norms at the country and local levels. She noted that recommendations have been critical in ensuring women's access to a responsive justice system. Ms. Puri expressed hope that the general recommendation could help frame international responses, transitional justice mechanisms, and post-conflict reconstruction. Ms. Puri lastly highlighted four main points: (1) reassertion of rule of law in post-conflict

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situations and justice for violations of women's rights; (2) design of transitional justice measures with a view toward respecting and promoting women's rights and access to justice; (3) consideration of reparations for all crimes, including sexual violence; and (4) women's participation in economic planning and governance reform.

**Ms. Pramila Patten, Member of CEDAW, Chair of CEDAW Working Group on women in conflict and post-conflict situations:** introduced the General Recommendation on the legal protection of women in conflict and post-conflict situations. Ms. Patten noted that the concept note was not meant to be exhaustive and other issues, including access to justice, women's economic opportunities, and transitional justice are not all inclusive. She stressed the purpose of the General Recommendation: to be an authoritative guide on legislative, political and other measures states need to take in conflict and post-conflict contexts; to give normal content to relevant provisions of CEDAW and how they relate to each other; to outline the content of obligations; and to make suggestions to non-state actors. Ms. Patten also highlighted the importance of Security Council Resolutions as a framework to advance women's human rights, along with past General Recommendations by the CEDAW Committee. Ms. Patten also interpreted CEDAW Articles 3-7 to demonstrate how state obligations arise in conflict and post-conflict contexts. Ms. Patten ended her introduction with several highlights: (1) the situation of refugees, IDPs, and stateless persons must be addressed in the General Recommendation; (2) the diversity of situations and context of conflicts, as well as internal disturbances and non-international situations must be addressed; and (3) women with multiple identities confronted with multiple discrimination on the basis of ethnic minority, Lesbian, Gay, Bisexual and Transgender (LGBT), age, and ability must also be addressed in this recommendation.

**Keynote speakers**

**Ms. Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict:** asked the Committee to address 1) Measures to be taken by all parties to protect and prevent women from sexual violence, including legislation and its implementation, women's representation in peace negotiations and political decision-making, codes of clear conduct, disciplinary rules, investigations of abuse and punishment of perpetrators, designation of interlocutors for effective international engagement, and eradication of sexual violence; 2) Measures adopted by troop contributing countries, identifying breast ironing as a significant issue, as well as rape and the current "Arab Summer," and issues of power distribution; and 3) Recommendations on measures to end impunity for conflict related sexual violence, including member state follow-up after a peacekeeper returns home, and naming and shaming as an important tool. Ms. Wallström also stressed that there will be three key challenges in moving ahead, including, challenging the idea that rape in war and conflict is inevitable, the lack of knowledge concerning the consequences of rape as a weapon and tactic of war (long-term effects on families and society), and the stigma and shame that follows rape in war.

**Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict:** identified several impacts of conflict on women and children, including: (1) direct victims of physical attacks; (2) victims of sexual violence and the need for prosecutions; (3) recruitment as combatants and the need for education and effective DDR programs; (4) lack of education and its need in IDP and refugee camps; (5) increased heads of households and women widows; (6) trafficking and the need to protect victims and improve asylum access. Ms. Coomaraswamy also asked the Committee to consider: 1) addressing the impunity for grave human rights violations against women (including killing and maiming of innocent civilians and sexual violence against women); 2) girl combatants and the need for

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increased data and monitoring, the development of protection networks and the need for DDR programs designed for women; 3) the basic rights of IDP and refugee children, including non-discrimination, documentation, and freedom of movement; and 4) post-conflict situations to include special programs for women heads of households and widows. Within these four main points, Ms. Coomaraswamy emphasized the need for a framework for prosecutions and transitional justice mechanisms, witness and child protection programs, victim representation on justice proceedings, reparations, improvement of basic security and services (food, health, sanitation, and shelter), and special programs for heads of households. Ms. Coomaraswamy ended by stressing these goals can only be achieved when women participate in the process.

**Ms. Rashida Manjoo, Special Rapporteur on Violence against Women, its causes and consequences:** stressed that sexual violence must be addressed by beginning with prevention – including structural causes that lead to violence against women – focusing on the root causes and consequences at all levels beginning with family life. Ms. Manjoo also called on the Committee to recognize multiple forms of discrimination against women, due to ethnicity, class, etc. She also remarked on the standard of due diligence. Ms. Manjoo highlighted the importance of empowering women during constitutional review processes, providing access to housing, education, land, food, water, and work, and providing skills training and reducing overall poverty.

**Mr. Juan Mendez, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment** highlighted the intersection of gender-based violence as a form of torture. Mr. Mendez focused on the need to address impunity of sexual violence and that prosecution of every case of rape and sexual violence is at the center of prevention. Mr. Mendez noted that rape is recognized as a form of genocide when committed with the intent to destroy in whole or in part a group and as such, sexual violence could be prosecuted as a form of torture or ill treatment. He also highlighted the use of sexual violence as a means of humiliating and isolating the victim from her family or community. Although Mr. Mendez noted prosecution through the criminal justice system as important, peace talks, protection, relief, and overall accountability were highlighted as necessary. Mr. Mendez also noted that all of these measures must be approached with a gender-sensitive perspective. Mr. Mendez also specified that states bear the primary responsibility of protecting women from violence, but that the Committee must address one of the most vexing aspects of protection, which is the role and responsibility of non-state actors. Mr. Mendez, similar to Ms. Manjoo's emphasis, noted that due diligence can hold states accountable for non-state actors, as stressed in the *Velasquez-Rodriguez* case. Mr. Mendez suggested the CEDAW Committee could assign obligations to non-state actors in the same manner Article (4)(1) of the Optional Protocol to the Convention of the Rights of the Child assigns such responsibilities. Mr. Mendez also noted the importance of collaborating with the ICRC and actors occupying a state's territory.

**Ms. Jessica Neuwirth, Coordinator of the High-Level Panel on Remedies and Reparations for Victims of Sexual Violence in the DRC:** Ms. Neuwirth spoke about her experience with victims of sexual violence in the DRC and highlighted the stigmatization of rape, which undermines victims' dignity and ability to recover. Ms. Neuwirth noted that stigma should be mentioned in National Plans as was adopted in the Democratic Republic of Congo and should be a model. Ms. Neuwirth also highlighted stigma and its impact in conjunction with Article (2)(f) and Article (5). Ms. Neuwirth asked the Committee to focus on restitution and compensation for victims of sexual violence, including a "reparations fund" for women in the DRC. In regards to this fund, Ms. Neuwirth noted that all stakeholders (national and international) should be included and reparations in general should include in-kind and symbolic reparations. According to Ms. Neuwirth, resources intended to support

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victims are never reaching them – this must be addressed. Ms. Neuwirth also stressed Security Council Resolution 1325 and the UN's role in peacekeeping and mediating.

**Oral Statements**

A number of other United Nations agencies and civil society groups, representing various geographical areas, addressed the Committee with a range of persuasive arguments and issues to be considered in the General Recommendation.

- **Anne Marie Goetz, UN Women:** Ms. Goetz made a number of points to the Committee including the need to increase monitoring and reporting mechanisms for sexual violence and to address impunity, reparations as a part of Transitional Justice as well as peacekeeping. She also drew the attention of the Committee to a set of indicators to track implementation of Security Council Resolution (SCR) 1325 and related resolutions (as implementation of the resolutions remains remote) and suggested the coordination of information gathering and use. Ms. Goetz also highlighted the lack of priority and investment in investigations and prosecutions, noting an impunity gap. She noted reparations and the rule of law as transformative processes.
- **UNHCR:** stressed the need to develop the Committee's other General Recommendation on internally displaced persons (IDP) and stateless persons, with gender equality in the context of forced displacement and statelessness, as the two are mutually reinforcing. UNHCR hopes that the General Recommendation on displacement will be adopted in 2011. Further noting, the analysis of refugees in reference to Footnote 21 in the concept note is unclear and the analysis of legal frameworks is also cursory. Footnote 21 should refer to the Kampala Convention, rather than the 1951 Convention. UNHCR believes that the General Recommendation could be improved by including multiple intersectionality
- **Soon-Young Yoon, UN representative, International Alliance of Women:** made a number of points for consideration by the Committee, including: monitoring of small arms and light weapons and their impact on women; adequate financial support to document best practices (engendering early warning systems); "do no harm" principle; access to education for women and girls; addressing stereotypes entrenched in military, health services and law enforcement; and training men in mass media and entertainment.
- **Fleur Dewar, Global Alliance against Traffic in Women:** Focused on trafficking of women for the purposes of sexual exploitation and urged the Committee to advocate for gender sensitive migration policies – migrants face heightened security measures and surveillance, leaving them more vulnerable to trafficking and discrimination. Immigration detention and border control must be considered in light of the particular vulnerabilities of migrant women. Ms. Dewar noted that Articles 2, 6, and 12 of CEDAW relate specifically to these issues. Ms. Dewar advocated for comprehensive border policies, accommodation of breast-feeding and nursing women, training of security personnel, bilateral and multilateral protection agreements, networks for women fleeing conflict, and policies to reduce prejudice and xenophobia.
- **Margaret Owen, Widows for Peace through Democracy:** Widows remain the most neglected group of women who suffer in conflict and peace; according to Margaret Owen, "widowhood is a form of social death". Widows are particularly vulnerable to forced prostitution, trafficking, many are rape victims and infected with HIV/AIDS, displaced widows are the last to be resettled and rehabilitated – the General Recommendation must contain a specific reference to the situation of widows, and if this issue is ignored, it will frustrate all other strategies to uphold women's human rights. Ms. Owen also noted the

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importance of: the right to inheritance, property ownership, protection from violence, access to justice, representation at peace tables, and witness protection.

- **Katherine Prizeman, Global Action:** focused on: education, the right to work, the participation of women in political and public life and the necessity of reservation quotas, DDR programs and Security Sector Reform. Post-conflict education and literacy is essential to reconstruction, as is access to employment for women.
- **Myra Kovary, IDA** → Disabled women are discriminated against twice over. There is a lack of information and data on the circumstances of women with disabilities in conflict. Myra Kovary called on the Committee to elaborate the General Recommendation to comprehensively address the unique challenges of women with disabilities in exercising their rights during conflict and post-conflict situations. Ms. Kovary specifically called for: punishment of perpetrators, data collection, rehabilitation for survivors, reparations, easy to read texts, closed captions, accessible websites and phone-lines, and reasonable accommodations to access services.
- **Ambika Satkunanathan, Women and Media Collective:** spoke from a Sri Lankan perspective and called on the Committee to consider post-conflict militarized states; the root causes and the need to include gender sensitive DDR programs, as women face particular vulnerabilities. Ms. Satkunanathan stressed the need to reintegrate former combatants in a way that preserves their individual dignity and rights, while women should attract special attention and resources.
- **Suraiya Kamaruzzaman, Flower Aceh:** Spoke from the experience of Achenese women. She highlighted the lack of female representation in rehabilitation programs, compensation plans, decision-making processes, and justice and reparation programs. She also stressed the need for introduction of temporary special measures to ensure participation of women in decision making processes.
- **Aziza Khalikdi, Najdeh:** Spoke about the particular vulnerabilities of Palestinian women refugees in Lebanon. Stateless women and refugees face increased vulnerability including conflict-related sexual and political violence. Specifically, the Committee must focus on the need to address the fact that conflict is a form of violence against women; the system of conflict and its complexities; further, in conflict situations, men are often more present in the home, increasing violence against women. Special monitoring mechanisms for these unique situations are lacking.
- **Kumudini Samuel, Women and Media Collective and Development Alternatives for Women Network:** called on the Committee to define obligations for states for extraterritorial women; highlighted the fact that obligations under international humanitarian law can be strengthened with reference to CEDAW; the need to address the lack of clear standards and accountability for humanitarian organizations that play a role in conflict and post-conflict reconstruction; the lack of transparency in funding by international financial institutions and the inability of governments to hold them accountable; the need to hold private non-state actors accountable.
- **Sanja Sarnavka, BABE:** spoke from the perspective of women in the Balkans and particularly women who suffered sexual violence in the former Yugoslavia where rape camps were pervasive and rape was used as a combat strategy. To this day, women continue to face discrimination, lack access to justice, and lack vital assistance to rebuild their lives. In Croatia, despite the war ending 16 years ago, women who were raped during the war are only now (as of April 2011) able to claim disability status and adequate financial compensation. The Committee must consider the lack of reparations for victims. Although it was recognized that the ICTY recognized sexual enslavement as a crime against humanity, second only to genocide.
- **Sabin Shrestha, Forum for Women, Law and Development:** spoke from a Nepali perspective and highlighted that due to displacement during conflict, women are forced

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into the entertainment sector, where they are exploited and vulnerable to trafficking. The Committee must take into account: the social stigma experienced by women combatants; the need to include preventative measures and mechanisms to hold states accountable; the fact that implementation of SCR 1325 and 1820 has yet to be seen in Nepal post-conflict; address gender discrimination as a root cause of conflict.

- **Wathshlah Naidu, IWRAW Asia Pacific:** calls on the Committee to: address the need for legal framework grounded in human rights, which extends beyond violence and immediate humanitarian relief, and instead includes numerous mechanisms to assist women in exercising all their rights entrenched in CEDAW, particularly in line with Article 2 and 5 of CEDAW; address the use of religion and culture by state and non-state actors to undermine substantive equality in post conflict situations; ensure justice and reparations conform to CEDAW and other international human rights frameworks, including the Updated Set of Impunity Principles adopted in 2005; ensure the right to movement and freedom of decision in choice of marriage, including for trans-women and women of different sexual orientation and gender identity; provide access to sexual and reproductive health care services that ensure the right of women to control their own sexuality and reproductive capacities; monitoring of trade agreements and financial policies; ensure the protection for human rights defenders; and provide a plan of action with a timeline for the drafting process including continuing consultations with civil society.
- **Munara Becnazarova, Open Line:** the Committee must focus on the lack of prosecutions of perpetrators of rape and sexual violence, which leads to a culture and context of impunity. The Committee must consider the situation of women refugees who are afraid to return home; authorities must provide women with safe housing
- **Julia Kharashvili, IDP Women's Association 'Consent' in Georgia:** the Committee must focus on the reintegration of internally displaced women and their participation (speaking from Georgia, South Caucasus and Ugandan perspective)
- **Amnesty International:** urges the Committee to consider how states can maintain or enhance women's equality during conflict and comply with the provisions in the convention. Amnesty International also urged the Committee to consider the fact that other treaty bodies (including ECOSOC) recognize state parties adhering to obligations extraterritorially
- **US Federation for Middle East Peace:** urges the Committee to: focus on the increased participation and representation of women at all levels of decision making – including peace negotiations and political processes; call upon member states (as set out in 1325) to increase voluntarily financial, technical and logistical support for gender sensitive training efforts – in particular including UN Women, UN Children's Fund and UNHCR; to call upon UN women to provide to member states training guidelines on protection, rights and needs of women and focusing on the importance of involving women in peacekeeping and peacebuilding measures

**Ms. Pramila Patten, Member of CEDAW, Chair of CEDAW WG on women in conflict and post-conflict situations:** thanked everyone for their remarks and noted that CEDAW members would continue to seek consultations at the regional level and national level in the future. Ms. Patten summarized civil society inputs from the session: state responsibility during conflict, witness protection measures, the need for support services and adequate delivery of those services, the need for a broader view of justice in conflict and post-conflict contexts, clear guidance for accountability structures for actors who carry out quasi-governmental roles, the need to deploy a greater number of women peacekeepers, the need to address the impact of conflict on women from minority communities, the need to address women ex-combatants, responsibility for abuse by peacekeepers and other non state actors,

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protection of human rights defenders, and the need to address intersectionality and non-state actors, including financial institutes.