

Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté

Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF.



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Written Statement by the Women's International League for Peace and Freedom "General discussion on women in armed conflict and post-conflict situations" July 2011

For nearly a century, the Women's International League for Peace and Freedom (WILPF) has advanced women's participation in preventing armed conflict by focusing on the root causes of war and the promotion women's rights.

WILPF welcomes the decision of the Committee on the Elimination of Discrimination against Women (the Committee), at its forty-ninth session, to begin the process of drafting a general recommendation (CEDAW GR) on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), regarding the protection of women in conflict and post-conflict situations.

In response to the Committee's Concept Note prepared for the 18 July 2011 General Discussion on the CEDAW GR (Concept Note), WILPF submits this written statement.

WILPF welcomes the scope and content of the proposed CEDAW GR as laid out in the Concept Note. WILPF reaffirms that the proposed CEDAW GR must be constructed as a tool for conflict prevention and thus must address the incorporation of a gender perspective in preventing the emergence, spread, and re-emergence of violent conflict. In particular, WILPF supports the recognition that "it is clearly not possible to achieve these objectives without addressing gender discrimination and the root causes of inequality which impede women's access to and enjoyment of their fundamental human rights and freedoms protected under the Convention" (page 4).

WILPF would like to draw the Committee's attention to five key areas for development in the CEDAW GR: **1) Language on prevention, disarmament & military spending; 2) linking the GR with other UN mechanisms; 3) further expansion of the interdependence of all rights; 4) the situation of women under occupation; and 5) the issues of trafficking.**

1. Developing language on prevention, disarmament and military spending

To tackle violations of women's human rights during conflict, actions must focus on prevention of conflict, regulation of the arms trade, and disarmament. Disarmament is a core component of WILPF's work and is key to ensuring women's rights are upheld in the various phases of conflict and post-conflict transition. The proliferation of weapons, such as small arms and light weapons, continue to facilitate grave crimes, including sexual and gender-based violence. In conflict-affected communities, weapons serve as both direct and indirect threats to women, also enabling violations and threats in post-conflict transitions. Therefore, **WILPF calls for a comprehensive CEDAW GR on women's human rights in conflict and post-conflict contexts to address the crosscutting issues of weapons and disarmament.**

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In addition to the impact of weapons, there are direct and indirect links between **excessive military expenditure, the arms trade, violent conflict, and the reduced available resources for social and economic development, including resources for gender equality**. Specifically, States parties to CEDAW that spend excessive financial, technological, and human resources on their militaries, divert resources from economic, social, and gender programmes. Importantly, by becoming a party to international treaties, including CEDAW, States assume obligations and duties under international law to not only respect and protect human rights, but also to fulfill them. The obligation to fulfill human rights, where States must take positive actions to facilitate the enjoyment of basic human rights, is violated when there is disproportionate spending on the military. In addition to States parties, we expect the Committee to consider the role and accountability of armed forces, suppliers of weapons systems and services (corporations), and academic institutions that absorb vast amounts of funding from gender equality and protection of women's human rights.

WILPF draws the Committee's attention to the elements of the Beijing Platform for Action, Critical Area E,¹ calling for the control of excessive arms expenditure, and the UN Charter which calls for the "least diversion for armaments of the world's human and economic resources" (Article 26). **WILPF suggest that the Committee take into account the language of these articles when drafting the CEDAW GR.**

In sum, WILPF urges the Committee to further consider the impact of weapons, and nexus between the violation of women's human rights and excessive military spending. In particular, WILPF urges the Committee to include language on prevention, disarmament and disproportionate military spending in its CEDAW GR, including reference to women's participation in decision-making as central to the preventative approach.

2. CEDAW vis-à-vis commitments in other UN venues

WILPF, with partner civil society organizations, advocated for the adoption of the United Nations (UN) Security Council Resolution (SCR) 1325 in October 2000, the seminal resolution on women and conflict.² WILPF continues to monitor and advocate for full implementation by all stakeholders, including the Security Council itself. WILPF reaffirms the importance of keeping the implementation of SCR 1325 on the Council's agenda, in the interest of international peace and security.

WILPF looks forward to the Committee's views and guidance on how the CEDAW GR can be integrated with the broader UN system, and particularly within the context of SCR 1325. WILPF believes that UN system-wide coherence, efficient information sharing, and open channels of communication are critical to conflict prevention and the realization of women's rights in the context of conflict and post-conflict settings. WILPF believes it is important to ensure that the work of CEDAW is used effectively in other parts of the UN system, and *visa versa*.

¹ "Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries undertook have undertaken structural adjustment policies and the subsequent poverty reduction strategies. Moreover, There are structural adjustment programmes have been heavily criticized as being hat have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during last decade."

² Security Council Resolution (SCR) 1325 has been reinforced and expanded by follow-up resolutions: 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010), which together form the Women, Peace and Security policy agenda.

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To ensure more effective integration, **we recommend consideration be given to responsible data collection, management and use relating to women and armed conflict.** There are several information systems currently under development, including the proposed set of global indicators for monitoring implementation of SCR 1325 (SCR 1889 (2009); a 10 year strategic framework to guide the UN's implementation of SCR 1325 (PRST/2010/22); a proposed new monitoring mechanism on sexual violence in conflict (SCR 1960 (2010); and policy developments related to women's participation in peacebuilding with the adoption of the 7-point Action Plan on Women and Peacebuilding. **The Committee should have access to this information when considering relevant country reports.**

National and international information systems should be seen as an integrated whole, with the aim of securing effective monitoring at the country level, facilitating prevention and improving participation. Currently, there is no effective system to ensure that the data produced based on early warning indicators is fed into response systems and used to prevent violence. Such systems must be linked and responded to by the international community, including the UN mechanisms and structures (e.g. the Human Rights Council, its Special procedures and Regional). **WILPF urges the Committee, in its GR, to take into account how local and national early warning systems can be used as a tool for early engagement in the prevention of conflict.**

When considering countries emerging from conflict, ILPF encourages the Committee to establish **benchmarks for the situation of women immediately post-conflict.** These benchmarks would provide a basis for monitoring the transition from conflict to post-conflict, including an evaluation of the progress made through transitional justice; subsequent reporting to UN and other mechanisms can refer to these benchmarks consistently and accurately.

WILPF also encourages the Committee to consider how it can promote women's rights and conflict prevention through emerging doctrines, such as the Responsibility to Protect. By using gender as a diagnostic of potential instability, the Committee in its GR, could assist in the development of such an interpretation within the responsible bodies, including in the Human Rights Council. The overall purpose of this interpretation would be to encourage/oblige States, with the power to influence countries where there is potential for armed conflict, to do so in a timely fashion to prevent rather than intervene militarily once conflict has commenced.

In sum, **WILPF urges the Committee to issues further guidance on the relationship and potential between the CEDAW GR and existing and emerging commitments in the UN system.**

3. Interdependence of all Rights; reaffirming the link to Economic, Social and Cultural Rights

WILPF calls on the Committee to explicitly recognize the relevance of Economic Social and Cultural Rights (ESCRs) as an integral part of protecting women's rights in the GR. One of key factors in the continued under representation of women in political life, is the highly gendered nature of family and work relations. Women are the main caregivers in society, are more likely to work in the informal sector, and have less access to remunerated employment. Access to economic, social and cultural rights; in particular, health, education, access to land and employment, are fundamentally important in providing women with the possibility of participating in systems of governance.

In post-conflict situations, temporary measures should be considered to ensure particular rights are guaranteed and that adequate budgetary allocation is made *ab initio*. Temporary measures are of particular importance in relation to specific health care requirements, housing, land rights, social welfare and employment. Absent such

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provisions, women become marginalised and are less likely to participate in any transitional justice systems, mechanisms for accountability, or governance structures.

International Financial Institutions play a vital role in post-conflict reconstruction and the reactivation of economic activities. These actors must ensure that women are fully included in the design, development and benefits of financial support given.

4. Situation of Occupation

WILPF supports the CEDAW GR including specific reference to women's situation under occupation. In particular, **WILPF would welcome the inclusion of language on the violation of rights that women face under occupation and the responsibility of the various actors to uphold those rights.**³

Specifically, WILPF urges the Committee to reiterate in the CEDAW GR that the occupying forces have a direct responsibility to secure the rights of women. For instance, the Committee could consider language pertaining to all parties including occupying forces, refraining from the use of violence against peaceful protestors.

In addition, emphasis should be given to factors most pertinent to the realization of women's rights under occupation, and as reinforced in SCR 1325, including, *inter alia*: facilitating participation in political dialogue, the prosecution of sexual violence, accessing economic, social and cultural rights, ensuring the rights of internally displaced persons and refugees, protection from violence and the absolute prohibition of sexual exploitation by those in occupation with criminal sanction.

5. Trafficking

WILPF welcomes the Committee's linkage in the Concept Note between war economies, displacement and trafficking (page 9/10). WILPF calls for the Committee to address the issues of impunity enjoyed by Peacekeepers and those engaged in post-conflict humanitarian assistance and reconstruction, for crimes committed against women, many of whom are trafficked for purposes of sexual exploitation and prostitution. We suggest that the Committee consider particular references to: the issue of functional immunity and its use/abuse to avoid sanction by employees of the UN, private sub contractors including corporations and NGO's and others; and the very recent decisions of the European Court of Human Rights and the Dutch appellate Court regarding the direct responsibility of Member States to uphold human rights and international law and that immunity does not obviate such obligations.

In conclusion, WILPF would like to thank the Committee for considering the rights of women in conflict and post-conflict situations, an area that is at the core of WILPF's agenda. WILPF expects that the CEDAW GR will advance obligations to respect, protect, and fulfill women's rights. WILPF would also like to thank the Committee for giving civil society an opportunity to participate in the General Discussion and input to the consultation on the drafting of the GR. We look forward to continuing to move discussions forward on the topic of women in conflict and post-conflict situations.

³ For example, in the occupied Palestinian territories, the conditions for the participation of women in the prevention of further conflict and in reaching resolution of the current conflict have not been met.