



Issue Brief on *Violence*

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Introduction

Around the world, women and girls are victims of countless acts of violence. In a great many of these instances, the violence is not random — women and girls are victims because they are female. The range of gender-based acts of violence in conflict is devastating, occurring, quite literally, from womb to tomb. Among other abuses, violence against women includes: rape, sexual mutilation, purposeful infection with HIV/AIDS and other sexually transmitted infections (STI), forced impregnation, forced abortion, female genital mutilation (FGM), sexual harassment, trafficking, forced prostitution, dowry-related violence, domestic violence, battering, and marital rape. Violence against women and girls occurs in every segment of society — regardless of class, ethnicity, culture, country or whether the country is at peace or war.

At the series of women's conferences and other UN conferences between 1975 and 1995, the international community has come to acknowledge the range — and frequency — of gender-based violence, and has redefined how these acts of violence are dealt with in international policies. The most comprehensive international policy statements about gender-based violence are the Declaration against Violence against Women adopted by the UN General Assembly in 1993, the Platform for Action from the UN Fourth World Conference on Women in Beijing in 1995, and the Rome Statute of the International Criminal Court. These documents define gender-based violence as a violation of women's human rights, as war crimes, crimes against humanity, genocide and a form of discrimination that prevents women from participating fully in society and fulfilling their potential as human beings.



Defining Terms

- **Violence against Women:** The Declaration on the Elimination of Violence against Women (DEVAW) 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."
- Article 2 of DEVAW elaborates that violence against women encompasses but is not limited to the following: (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Fact Sheet

- Women and men experience violence in conflicts in different ways. While men are often forced to fight wars and are more often killed in war, women often experience sexualized violence, forced pregnancy, abduction, rape, sexual slavery and forced prostitution.¹
- Violence against women in wartime is a reflection of violence against women in peacetime, as long as violence against women is pervasive and accepted, stress, small arms proliferation and a culture of violence push violence against women to epidemic proportions, especially when civilians are the main targets of warfare.²
- In many war situations, violence against women has reached incomprehensible levels of brutality and cruelty. In the Democratic Republic of the Congo, where hundreds of thousands of women are thought to have been raped since 1998, sexual mutilation and even cannibalism were reported in 2003, with armed groups particularly targeting Pygmy women for cannibalism and genocide.³
- Women's bodies, deliberately infected with HIV/AIDS or carrying a child conceived in rape, have been used as means to undermine, disgrace and threaten the perceived enemy. In Rwanda, at least 250,000 — perhaps as many as 500,000 — women were raped during the 1994 genocide.⁴ Two thirds of women surveyed in 2000 by the Avega, an umbrella association in Rwanda that caters for the interest of 25,000 widows, who husbands were massacred during the 1994 genocide, were living with HIV/AIDS while 80 percent were still seriously traumatized by the horrors and brutality they suffered during the genocide.⁵
- Women often face violence in wartime due to the nexus between their gender and their other identities. In Bosnia, Muslim women were targeted for rape as part of the "ethnic cleansing" campaign to form a ethnically pure Greater Serbia. Over 20,000 women are thought to have been raped during the war. These women were targeting in order to



humiliate and intimidate Bosnian Muslims; they were forcibly impregnated with half-Serbian children in order to dilute the Bosniak identity in the former Yugoslav republics.⁶

- Sexual slavery, exploitation and trafficking increase during wartime due to the breakdown in law and order, abductions and combatant tactics which terrorize civilians. Between 1995 and 2000, trafficking worldwide increased nearly 50%. Annual profits from the human trade have been estimated at US\$5 to US\$7 billion.⁷ There is no accurate count of the number of persons or of women trafficked in the world each year. The US Government estimated that between 2000 and 2003, 800,000 to 900,000 people a year were trafficked across borders.⁸ In Colombia alone, according to the International Organization for Migration, it is estimated that 10 women are trafficked out of the country every day, and about 500,000 Colombian women and children are believed to have been trafficked into sexual exploitation or forced labour outside the country.⁹ According to UNFPA, the total number of trafficking victims could rise to as high as 4 million persons per year if domestic trafficking were included.¹⁰
- Sexual violence, or the threat of sexual violence, is used during periods of conflict and unrest to silence women and women's activism. One women organizer and educator of peasant groups told the Independent Experts, "I was in the office when a videotape was delivered to me. I saw on the tape a colleague of mine being tortured and killed. The message was clear: If I continued with my activities, I'd be next. I ran to the police and asked for their protection but they told me there was nothing they could do. I was afraid for my own life, and for my co-workers. I fled to Bogotá."¹¹
- Domestic violence is shown to increase during wartime and post-conflict due to ex-combatant trauma and the influence of a militaristic culture of violence strain domestic relations. Official statistics from East Timor for December 2002 show that nearly 40% of all reported crimes were cases of domestic violence or violence against women, such as rape and sexual assault. Authorities indicated that cases of political and social violence had plummeted in East Timor over the preceding two years, but domestic violence was still prevalent. Then-Special Representative of the Secretary-General (SRSG) Sergio Vieira de Mello said that domestic violence had become a cancer in East Timorese society and launched a nationwide campaign against domestic violence in January 2002 in East Timor, which he described as "a concerted effort, with the support of all political and civil society leaders of East Timor, alongside law enforcement officials, to put an end to the abhorrent practice [of domestic violence] that is still, unfortunately, prevalent in East Timor and many other countries of the world."¹²
- Violence against women can reach such proportion that every aspect of life becomes pervaded by the threat or use of violence. In Afghanistan, women experienced physical, political, economic, social and cultural violence through decades of political intimidation, and the erosion of rights. Most Taliban regulations barring women and girls from participating in decision-making, working, education or to access basic health services have now been lifted, yet violence against women has not abated, with attacks on women and girls trying to attend school, acid attacks on teachers, rape and harsh tribal punishments that allow relatives to imprison and even kill young women who lose their virginity, bring shame to their family by falling in love with unacceptable suitors or even seek a divorce.¹³
- When conducting their assessment of the impact of armed conflict on women, the independent experts found that children borne of rape and sexual exploitation from



combatants or peacekeepers often symbolize war trauma and, therefore, are ostracized from their communities.¹⁴

- According to *If Not Now, When?* (2002) an assessment of gender-based violence in refugee, internally displaced and post-conflict settings conducted by the Reproductive Health for Refugees Consortium, sexual violence is only one of the types of gender-based violence that armed conflict exacerbates. Other forms of violence against women that may increase during conflict include early or forced marriage, female infanticide, enforced sterilization, domestic violence, forced or coerced prostitution and trafficking in women and girls.¹⁵
- The 2004 Report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment noted that: "Torture of women frequently includes sexual violence with a view to humiliating and degrading the victim. Besides the physical and psychological damage caused by the torture, sexual abuse has additional consequences for women, such as the risk of being infected with sexually transmitted diseases and of pregnancy, miscarriage, forced abortion or sterilization. In a large number of sociocultural contexts, rape and sexual abuse continue to entail the stigmatization and ostracism of the victim upon her return to her community and family. The social stigma attached to rape in most societies often leads to the rejection of the victim by her male relatives."¹⁶
- In May 2006 the International Committee of the Red Cross (ICRC) recently published a report highlighting the impact of violence against girls in armed conflict and crisis. The report intended to gain a better understanding of "the needs of women and girls affected by armed conflicts and of how their needs may differ from those of men and boys." The report also investigated the "extent to which international law meets the needs of women and girls."¹⁷

Treaties and Institutions

- **International Humanitarian Law, Geneva Conventions:** The four Geneva Conventions of 1949 and their two Additional Protocols of 1977¹⁸ are the principal instruments of humanitarian law. International humanitarian law has always accorded women general protection equal to that of men. At the same time the humanitarian law treaties recognize the need to give women additional special protection according to their specific needs. The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 protect women (and men) as members of the civilian population not taking part in an armed conflict. Women (and men) as members of the armed forces are also protected when captured by the enemy.¹⁹
- **Human Rights Law:** The UN Charter²⁰ was the first international instrument to acknowledge 'human rights.' Unlike many constitutional rights, the Charter does not invoke natural law as a basis for the existence of human rights. Rather, human rights are inherent in human dignity (see preamble). The Universal Declaration of Human Rights²¹ (1948) along with the International Covenant on Civil and Political Rights²² and the International Covenant on Economic and Social and Cultural Rights²³ (1966) are often referred to by some western scholars as the "International Bill of Rights." Beginning with the Vienna Conference on Human Rights²⁴ in 1993, women activists joined together to call for the recognition of women's rights as human rights.



- **Refugee Law:** The 1951 Convention Relating to the Status of Refugees²⁵, which was drafted as a result of a recommendation by the newly established United Nations Commission on Human Rights²⁶, was a landmark in setting standards for the treatment of refugees. The 1967 Protocol²⁷ extended the application of the Convention to the situation of "new refugees", i.e. persons who, while meeting the Convention definition, had become refugees as a result of events that took place after 1 January 1951.²⁸
- **The 1993 Declaration on the Elimination of Violence Against Women (DEVAW)**²⁹ recognizes that violence against women is an obstacle to achieving universal human rights standards for women and that it is a manifestation of historical inequalities between men and women. DEVAW stipulates that states must not condone violence against women on the basis of culture or religion, must not engage in acts of violence against women and must exercise due diligence when dealing with acts of violence against women. States are also obligated to inform women of their right to live free of violence and their access to redress. DEVAW marks a significant step in international human rights law on women's rights because of the obligation placed on the state to not only repeal discriminatory practices, but also prevent and prosecute acts of violence against women.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**³⁰: In 1979 the General Assembly adopted the CEDAW. Since it entered into force on 3 September 1981, this document has served as an international Bill of Rights for women. The Committee on the Elimination of All Forms of Discrimination Against Women was formed to oversee implementation of CEDAW.
- **The Optional Protocol to CEDAW (OP)**³¹ was entered into force in December 2000 to strengthen the enforcement mechanisms of CEDAW. The OP allows women to submit claims of violations of their human rights under the treaty when domestic procedures have been exhausted. The OP also puts CEDAW on the same footing as the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all forms of Racial Discrimination.
- **Convention on the Political Rights of Women, 1954.**³² This convention entered into force 7 July 1954 to achieve gender equality in political processes, including suffrage, holding public office, and standing for election.
- **Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974.**³³

Tools and Checklists

- Oxfam has compiled a practical resource on humanitarian protection: "Protection into Practice: An introduction". This booklet aims to demystify protection and to help those responsible for managing humanitarian responses to resource protection appropriately throughout the programme cycle. While the focus of the booklet is broader than protection against violence, this is a central theme and guidance is offered on how to put in place programmes that effectively reduce exposure of civilians to violence.³⁴
- Numerous tools and resources were collected and made available to practitioners during a consultation and planning workshop held in Nairobi, Kenya in January 2005: Enhancing Protection from Gender-Based Violence in Populations Affected by Armed Conflict



(organized by UNIFEM, UNICEF and the Reproductive Health Response in Conflict Consortium).³⁵

- In partnership with the Media/Materials Clearinghouse at Johns Hopkins University, UNIFEM developed an electronic catalogue/database of media and communications resources on violence against women.³⁶
- UNFPA Interactive Centre on gender-based violence.³⁷
- International Labor Organization, Gender Equality Tool.³⁸
- World Health Organization (WHO) information packet covering all aspects of the subject, released in 1997, in French, Spanish and English.³⁹
- WHO posters to combat violence against women.⁴⁰
- The Sexual Violence Research Initiative (SVRI) is designed to increase information about, awareness of, and capacity to address sexual violence around the globe, and particularly in the developing world. The Initiative's Secretariat is currently based at WHO.⁴¹
- Toolkit to End Violence Against Women, US National Advisory Council on Violence Against Women.⁴²
- Gender-Based Violence Tools Manual for Assessment & Programme Design, Monitoring & Evaluation in conflict-affected settings, Reproductive Health Response in Conflict Consortium⁴³
- Inter-Agency Standing Committee on Gender and Humanitarian Assistance Guidelines for Gender-based Violence Interventions in Humanitarian Settings.⁴⁴

UNIFEM Action & ANALYSES

UNIFEM is committed to eliminating violence against women and girls by investing in prevention, protection, and advocacy strategies.

- The UNIFEM administered Trust Fund⁴⁵ in Support of Actions to Eliminate Violence Against Women serves as a grant-making laboratory to explore new, innovative strategies and best practices. Lessons learned from the Trust Fund are fed into national, regional and global programmes that UNIFEM's field network and partners scale up into longer-term, high impact strategies to eliminate violence against women.
- In 2000 UNIFEM published *With an End in Sight*⁴⁶ to share strategies and analysis that have come out of projects supported by the Trust Fund. It highlights initiatives in seven countries and shows how women's organizations can work together with judicial and law enforcement systems, community and youth groups, policy-makers and international organizations to end gender-based violence.
- Also in 2000, UNIFEM published *Not a Minute More*⁴⁷, a report highlighting many of the achievements of the last few decades on combating violence against women and promoting women's empowerment. These include transforming the way gender-based violence is understood and promoting international documents and treaties that recognize, for the first



time, women's right to live free of violence. The report also indicates what must yet be done to build on these achievements, and provides good practices as well as examining why some efforts were not successful.

- UNIFEM works toward eliminating violence against women and girls by building skills and partnerships to end violence against women. In 2001, UNIFEM coordinated a series of regional strategic communications workshops, bringing together Trust Fund grantees and UNIFEM staff. The workshops focused on skills-building and collaborative strategies for pre-testing messages, devising strategic communications plans and documenting the results of advocacy and awareness-raising efforts.
- In January 2005, UNIFEM, UNICEF and the Reproductive Health Response in Conflict Consortium convened a consultation and planning workshop held in Nairobi, Kenya: Enhancing Protection from Gender-Based Violence in Populations Affected by Armed Conflict. The workshop brought together key UN staff in the Africa region to assess progress so far and begin mapping next steps to increase their collaboration in addressing gender-based violence in populations affected by armed conflict. The four day participatory workshop combined training, information sharing and planning. It was initiated in order to build staff capacity to design and implement strategies for protection from GBV and to open discussions on broader implementation, coordination and collaboration issues by inviting other organizations that work on these issues to participate. Workshop materials and resources are available online. The workshop report will be released soon.⁴⁸
- In September 2005 the Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance produced the "Guidelines for Gender-based Violence Interventions in Humanitarian Settings; focusing on Prevention of and Response to Sexual Violence in Emergencies." The members and standing invitees of the Task Force are include FAO, ICRC, ICVA, IFRC, InterAction, IOM, OCHA, OHCHR, SCHR, UNICEF, UNDP, UNIFEM, UNHCR, UNFPA, WFP, WHO. UNFPA coordinated the process of developing and publishing the guidelines on behalf of the Task Force. The Guidelines will be disseminated and tested at the country level in 2006.

UN Documents

- **Office of the High Commissioner for Human Rights (OHCHR):** The integration of a gender perspective into all human right activities, and ensuring that human rights of women are included in all its activities, is a priority for the Office of the High Commissioner for Human Rights.
- **Special Rapporteur on violence against women, its causes and consequences:** The Office of the High Commissioner for Human Rights has appointed a Special Rapporteur on violence against women, its causes and consequences. The OHCHR services and provides support to the mandate of the Special Rapporteur on violence against women, its causes and consequences. The Special Rapporteur's mandate is based on the substantive breakdown of the phenomenon of violence against women contained in the United Nations Declaration on the Elimination of Violence against Women. In her report of 27 February 2003 (E/CN.4/2003/75/Add.1), the Special Rapporteur notes that in general States are failing in their international obligations to effectively prevent, investigate and prosecute violence against women. Violence against women and girls continues in the family, in the community, and is perpetrated and/or condoned by the State in many countries.⁴⁹



In 2003, the mandate of the Special Rapporteur on violence against women, its causes and consequences, was extended for a further three years. In her report of 26 December 2003 (E/CN.4/2004/66), the Special Rapporteur notes great concern that despite progress at the normative level, violence against women continues to an alarming degree. The report also provides general recommendations on the types of strategies that may be used in addressing VAW, drawing extensively upon a human rights-based approach. The strategies recommended by the Special Rapporteur gender budgeting as a tool for monitoring the state's compliance with international law to eliminate VAW; understanding and addressing the gender dimensions of HIV/AIDS; and ensuring women's access to justice. The Special Rapporteur refers to the impact of armed conflict on women throughout the report.⁵⁰

- **Special Rapporteur on Torture:** The United Nations Commission on Human Rights, in resolution 1985/33, decided to appoint an expert, a special rapporteur, to examine questions relevant to torture. The mandate of the Special Rapporteur covers all countries, irrespective of whether a State has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The mandate comprises three main activities: transmitting urgent appeals to States with regard to individuals reported to be at risk of torture, as well as communications on past alleged cases of torture; undertaking fact-finding country visits; and submitting annual reports on activities, the mandate and methods of work to the Commission and the General Assembly. Unlike the complaints mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies to act. When the facts in question come within the scope of more than one mandate of the Commission, the Special Rapporteur may decide to approach other thematic mechanisms and country rapporteurs with a view to sending joint communications or seeking joint missions.⁵¹
- **Report of the Secretary General and Security Council Resolutions on the Protection of Civilians in Armed Conflict**

In resolution **1674** of **28 April 2006**, the Council condemns in the strongest terms all acts of violence or abuses committed against civilians in situations of armed conflict in violation, with respect in particular to gender-based and sexual violence, trafficking in humans, and forced displacement. Moreover and in equally strong terms, the Council condemns all acts of sexual exploitation, abuse and trafficking of women and children particularly by military, police, and civilian personnel involved in United Nations operations. In reference to this problem, the Council welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy for all such acts.

Finally, this resolution calls upon all parties concerned to ensure that peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place. Connected with this is the mandate that all peace processes, peace agreements, and post-conflict recovery and reconstruction planning have regard for the special needs of women and children and include specific measures for the protection of civilians including the cessation of attacks on civilians, the facilitation of the provision of humanitarian assistance, the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, the facilitation of early access to education and training, the re-establishment of the rule of law, and the ending of impunity.

On **28 November 2005** the Secretary General presented to the Security Council his report on the protection of civilians in armed conflict. The report notes that overall, the last five years have been ones in which "the cumulative impact of conflict has continued to disproportionately affect the civilian population, especially women and children."



According to the report, **"Sexual violence, particularly against women and girls, is frequently used as a deliberate method of warfare.** This disturbing phenomenon has become even more horrifying in recent years, especially when rape is used as a weapon. Societal breakdown, particularly in situations of displacement, and the breakdown of law and order compound the risks that civilians face and contribute to an overall increase in the incidence of sexual violence... The real collateral damage of many conflicts over the past five years lies in the breakdown of basic services and infrastructure as well as in the disruption or loss of livelihoods. This can result in increasing malnutrition, the spread of epidemic diseases and increasing incidence of HIV/AIDS, which all too often complete the harsh picture for civilians living in armed conflict."

"The use of sexual violence has become more widespread and systematic, affecting a large number of women, girls, men and boys. The United Nations Mission in the Democratic Republic of Congo (MONUC) estimates at least 25,000 cases of sexual violence a year in North Kivu, one region of the Democratic Republic of the Congo alone. Rape and gang rape are committed not only by irregular armed elements, but also by law enforcement agencies and armed forces, as has most recently been demonstrated in the Darfur region of the Sudan. **The extent of rape and sexual violence is difficult to assess, as many victims, particularly women, are hesitant to come forward due to fear of reprisals, intimidation, being ostracized or possibly even facing criminal charges themselves...** It is imperative that these crimes be investigated in a timely and credible manner and that perpetrators be prosecuted and brought to justice. An effective national judicial system and a firm political commitment at both the local and the central level are necessary."

In many cases, internally displaced persons rely almost entirely on external assistance for survival. The report noted that in these situations, **"women and girls are often more vulnerable to sexual and other forms of violence."**

"Conflict also undermines the important role of women as contributors to the economic sustainability of the family and providers of protection. The importance of respecting and utilizing women as mediators, as providers of protection and as a primary force of economic activity during armed conflict and in rebuilding war-torn societies must be given greater emphasis than it has so far received."

"In circumstances that are violent and distressing to women and children, peacekeepers and United Nations staff must demonstrate exemplary personal conduct and behaviour. It is a transgression of the most egregious kind when United Nations staff and related personnel themselves sexually exploit or abuse members of the population they have come to protect and serve."

"One of the most fundamental responsibilities in situations of armed conflict is the provision of effective protection from all kinds of violence and abuse, including killing, maiming, rape and other forms of sexual violence mostly committed against women and girls..."

"As peacemaking processes often emerge out of humanitarian discussions, it is vital to have close cooperation between the humanitarian agencies and the peacemakers, as well as measures to include representatives of civilians, and especially women, in the peace process."

- **The United Nations Population Fund (UNFPA)** is working to keep gender-based violence in the spotlight as a major health and human rights concern. It has adopted many strategies to address gender-based violence, including training of health care providers and the supply of services - including emergency contraception - to assist victims of sexual violence; advocacy on gender-based violence in all country programmes in conjunction



with other United Nations partners and NGOs; advice on the prevention of gender-based violence in information, education and communication projects (IEC) and also promotes research related to gender-based violence.⁵²

- **The United Nations Voluntary Fund for Victims of Torture (VTFT):** The United Nations Voluntary Fund for Victims of Torture (VTFT) has also provided financial assistance to NGOs working on the issue of violence against women. For example, the VTFT subsidized a project for the medical assistance and psychosocial services for displaced women and children in Tuzla, Bosnia Herzegovina, in 2000.
- **The United Nations High Commissioner for Refugees (UNHCR)** has formal guidelines on preventing and responding to sexual violence. Based on recommendations by field workers experienced with rape and piracy attacks, they aim to provide other field workers with practical, non-specialist advice on the medical, psychological and legal ramifications of sexual violence. UNHCR has also developed gender training, known as People Oriented Planning (POP), to encourage staff to focus on the protection and assistance needs of refugee women.⁵³
- In 2002 the World Health Organization (WHO) launched the first **World Report on Violence and Health**. The goals of the report are to raise awareness about violence as a global public health problem, highlight the contributions of public health to understanding and responding to violence, and increase the level of response taken by the public health community to preventing violence. Furthermore, WHO undertook a comparative study of national penal law on sexual violence in 12 countries during 2002.⁵⁴
- **INSTRAW's Programme on Men's Roles and Responsibilities in Ending Gender-based Violence (2001)** established a virtual community of practitioners, activists, academics and policy-makers from around the world connected through information and communication tools, who share resources and practices from violence-prevention (and intervention) initiatives that involves men and boys.⁵⁵
- [Report of the Secretary-General on Women, Peace and Security](#)⁵⁶
- [United Nations Division for the Advancement of Women \(DAW\)](#)
- [Office of the Special Advisor on Gender Issues and Advancement of Women \(OSAGI\)](#)
- [Inter-agency Network on Gender and Equality \(IANWGE\)](#)
- United Nations Children's Fund (UNICEF), [Gender Equality](#)
- [United Nations International Research and Training Institute for the Advancement of Women \(INSTRAW\)](#)
- [United Nations Educational, Scientific and Cultural Organization \(UNESCO\)](#)
- [Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography](#)
- [Office of the Special Representative of the Secretary-General on Children and Armed Conflict](#)



- [UN Division for the Advancement of Women \(DAW\)](#)
- [ReliefWeb](#)

Recommendations

The Independent Experts called for:⁵⁷

1. **An international Truth and Reconciliation Commission on violence against women in armed conflict as a step towards ending impunity.** This Commission, to be convened by civil society with support from the international community, will fill the historical gap that has left these crimes unrecorded and unaddressed.

Explanation of this recommendation: Because the legal and political recording of war crimes has so often omitted the war crimes committed against women, this Truth and Reconciliation Commission would correct the historical record and generate knowledge about the magnitude, severity and patterns of war crimes against women. Another function of this exercise would be to educate the legal, political and activist communities about the definitions and procedures outlined in the Rome Statute of the International Criminal Court relating to gender and sexual violence, which represents a dramatic and positive shift for strengthening the response to war crimes committed against women.

Entities Responsible: All NGOs, especially women's NGOs working in the anti-violence, human rights, peace and legal fields, concerned governments, private foundations.

Ideas for Implementation: Core organizations on gender justice could formalize a coalition effort to undertake the exercise, generate a first draft proposal for a global, and possibly a series of local and national T&R exercises. Widespread consultation and agreement among wider circle of related organizations working at the national and regional level on the terms of reference, format, location, legal personnel and procedures would be necessary, as would fundraising, outreach and awareness raising. Testimony would be collected and cases generated for global regional or national events leading to judgments, records and reports based on analysis of information collected. An archive could be developed for an archive for easy reference by academics, practitioners and activists in the field.

2. **Sanctions against trafficking women and girls.** Those complicit must be Targeted held accountable for trafficking in women and girls in or through conflict areas. Existing international laws on trafficking must be applied in conflict situations and national legislation should criminalize trafficking with strong punitive measures, including such actions as freezing the assets of trafficking rings. Victims of trafficking should be protected from prosecution.

Explanation of this recommendation: Although global attention has been focused for more than a decade on sexual violence as a strategy of war and as a human rights issue, women who have suffered need direct support immediately, which they are still not getting. Agencies such as the WFP, UNHCR and the UNICEF, as well as the many NGOs involved in emergency relief, have begun to think more carefully about how to provide medical support and recognize and treat anxiety, post-traumatic stress disorders, depression and suicidal tendencies. However, the programmes are fleeting and inadequate compared to needs, which are not only urgent, but call for long term treatment and care.



Entities Responsible: UN agencies working in the field: UNHCR, WHO, WFP, UNICEF, UNFPA, UNIFEM, UNDP, OCHA. NGOs working in the field: Médecins sans Frontières, CARE International, Save the Children, etc. Donors and private foundations should value this work as essential for rebuilding societies after conflict.

Ideas for Implementation: Standardized humanitarian food and services packages, funding programmes and emergency crisis responses should be reviewed to ensure assistance and post-conflict reconstruction programmes adequately provide support for women victims and survivors of sexual terror and violence. Better utilization of the Consolidated Appeals Process could ensure that women are equal beneficiaries of humanitarian aid. In light of the unpredictable time frame necessary for individuals and communities to heal from the psychosocial wounds of war, donors, UN agencies and NGOs should extend support arrangements for longer funding cycles, demanding fewer reports, and define success through tangible and intangible results.

3. Domestic violence to be recognized as systematic and widespread in conflict and post-conflict situations and addressed in humanitarian, legal, and security responses and during training in emergencies and post-conflict reconstruction.

Explanation of this recommendation: International pressure is required for compliance with legal instruments relating to trafficking. Trafficking and sexual slavery are inextricably linked to conflict. Women are trafficked out of one country into another to be used in forced labor schemes that often include forced prostitution. They are forced into marriage with members of opposing groups either through abduction, or threats to their families, or as part of reconciliation deals which treat them as chattel, all of which are a form of slavery. Women are abducted by armed groups and forced to accompany them on raids and to provide everything from food to sexual services. Although there are laws against trafficking, they are not strongly enough enforced. The breakdown of law and order, police functions and border controls during conflict, combined with globalization's free markets and open borders, which have contributed to creating an environment in which the trafficking of women has flourished.

Entities Responsible: Security Council, Governments, Police and military personnel, UN peacekeepers and humanitarian and diplomatic personnel.

Ideas for Implementation: Under Chapter VII of the Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. In imposing economic sanctions, the Security Council can choose anything from bans on trade in specific industries or specific military equipment to full-scale embargoes. Border police, military personnel and UN peacekeepers, humanitarian and diplomatic personnel should be trained to identify and eradicate the trafficking in women as a law enforcement priority by national legislation.

4. The UN, donors and governments to provide long-term financial support for women survivors of violence through legal, economic, psychosocial and reproductive health services. This should be part of emergency assistance and post-conflict reconstruction.

Explanation of this recommendation: Domestic violence is common during peacetime, but until recently the fact that it increases during or after conflict was generally overlooked. Many things contribute to the increase in domestic violence – the availability of weapons, the violence male family members have experienced or meted out, the lack of



jobs, shelter, and basic services. Forty-five countries now have legislation protecting women against domestic violence, but many of these laws are not regularly enforced, in peacetime and certainly not during periods of conflict. UN authorities are also just beginning to recognize the problem in conflict and post-conflict situations. In East Timor, the then Special Representative of the Secretary-General (SRSG) Sergio Vieira de Mello launched a nationwide campaign against domestic violence in January 2002 which he described as, "a concerted effort, with the support of all political and civil society leaders of East Timor, alongside law enforcement officials, to put an end to the abhorrent practice [of domestic violence] that is still, unfortunately, prevalent in East Timor and many other countries of the world."

Entities Responsible: Governments, Security Council, Special Representatives of the Secretary-General (SRSGs).

Ideas for Implementation: Mandates of the Security Council should empower SRSGs and UN resident coordinators to routinely address the issue of domestic violence rates in their reports to the Security Council, and participate in the launching of campaigns and public service announcements about the issue such as that undertaken in East Timor. Domestic violence should be addressed through legal reforms, training of law enforcement officials, advocacy campaign, and psycho-social support. UN public information offices in peacekeeping/country teams to develop and implement public campaigns to combat domestic violence as a priority service to a traumatized society and culture. National governments should legislate and enforce the protection of women against domestic violence. UN agencies and donor governments should provide options, such as shelters and programmes in those communities, for women who suffer from domestic violence.

The Secretary-General recommends:⁵⁸

1. Recognize the extent of the violations of the human rights of women and girls during armed conflict and ensure that awareness of these violations is a factor in planning and implementation of all peace and support operations.
2. Identify and utilize local sources of information on the impact of armed conflict, the impact of interventions of peace operations on women and girls in conflict situations, including through the establishment of regular contacts with women's groups and networks.
3. Condemn all violations of the human rights of women and girls in situations of armed conflict; take all necessary measures to bring to an end violations; and call upon all parties involved in conflict to adhere at all times to their obligations under applicable principles of international humanitarian law, human rights law and refugee law as they pertain to women and girls.
4. Ensure that amnesty provisions included in conflict settlement agreements reached under the auspices of the Security Council exclude impunity from all war crimes, crimes against humanity and genocide, including gender-based crimes.
5. Monitor the extent to which judicial or quasi-judicial mechanisms that are established by the Security Council as part of conflict settlement arrangements interpret and apply the international legal framework pertaining to armed conflict and its aftermath in a gender-sensitive, consistent and systematic manner.



6. Ensure that future ad hoc tribunals created by the Security Council build on existing statutes and include judges and advisers with legal expertise on specific issues, such as violations of the rights of women and girls, including gender-based and sexual violence; ensure that prosecutors of such ad hoc international tribunals respect the interests and personal circumstances of women and girls victims and witnesses and take into account the nature of crimes involving gender-based violence, sexual violence and violence against children.

¹ Rehn, Elisabeth and Ellen Johnson Sirleaf. In *Women, War, Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, 2002, P.2., http://www.unifem.org/filesconfirmed/149/212_introduction.pdf

² Rehn, Elisabeth and Ellen Johnson Sirleaf. In *Women, War, Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, 2002, P.15, http://www.unifem.org/filesconfirmed/149/213_chapter01.pdf.

See also: Jefferson, LawShawn R. "War as in Peace: Sexual Violence and Women's Status." In *Human Rights Watch World Report 2004*, p. 327. <http://www.hrw.org/wr2k4/download/wr2k4.pdf>

³ "DR of Congo: UN Reports Instances of Cannibalism, Systematic Killing and Rape," 31 July 2003, UN News Centre, <http://www.un.org/apps/news/storyAr.asp?NewsID=7882&Cr=DR&Cr1=Congo>

⁴ "Shattered Lives: Sexual Violence During the Rwandan Genocide and Its Aftermath." Human Rights Watch/Africa. (1996). <http://www.hrw.org/reports/1996/Rwanda.htm>.

See also: African Union, "Rwanda, the Preventable Genocide," Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and Surrounding Events" 2000.

⁵ See Avega-Agahozo. "The Background to Avega." At: <http://www.avega.org/rw/englishhome.htm>.

⁶ The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia. Submission to the United Nations Security Council, U.N. Doc. S/25240, Annex I. (February 3, 1993).

⁷ Elisabeth Rehn and Ellen Johnson Sirleaf, *Women War Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, Progress of the World's Women 2002, Volume 1, UNIFEM, New York, USA, 2002, p. 14. http://www.unifem.org/filesconfirmed/149/213_chapter01.pdf

⁸ United States Department of State, "Trafficking in Persons Report," June 2003, <http://www.state.gov/documents/organization/21555.pdf>

⁹ International Organization for Migration, "New IOM figures on the Global Scale of Trafficking," *Trafficking in Migrants Quarterly Bulletin*, No. 23, April 2001, http://www.iom.int/documents/publication/en/tm_23.pdf

¹⁰ UNFPA, "Trafficking in Human Misery," <http://www.unfpa.org/gender/trafficking.htm> (accessed 3 February 2004)

¹¹ Maria, a Community Organizer, quoted in Rehn, Elisabeth and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, 2002, P.21, http://www.unifem.org/filesconfirmed/149/214_chapter02.pdf

¹² "Timorese Combat Domestic Violence," BBC World Service, 22 January 2002, <http://www.etan.org/et2002a/january/20-26/22tcomb.htm>

¹³ Noreen S. Ahmed-Ullah, "Afghan Laws Still Repress Women," *Chicago Tribune*, 28 April 2002, <http://www.rawa.org/jail.htm>

¹⁴ Rehn, Elisabeth and Ellen Johnson Sirleaf. *Women, War, Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, 2002, P.18, http://www.unifem.org/filesconfirmed/149/213_chapter01.pdf

¹⁵ Jeanne Ward, "If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced and Post-conflict Settings," Reproductive Health for Refugees Consortium, April 2002, <http://www.womenwarpeace.org/issues/violence/ifnotnow.pdf>

¹⁶ Report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment, 1 September 2004, A/59/324, http://www.womenwarpeace.org/issues/violence/docs/spraptorture_2004.pdf



- ¹⁷ International Committee of the Red Cross (ICRC), "Violence against girls in Africa during armed conflicts and crises." May 2006, <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList75/1503F820A4B8931BC125716B0029633A>.
- ¹⁸ Full text of the Geneva Conventions and their Optional Protocols, <http://www.globalissuesgroup.com/geneva/texts.html>
- ¹⁹ International Committee of the Red Cross, "Women and War: International Humanitarian Law," Fact Sheet, 31 October 2001, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList139/BCD25F8288A635A8C1256B6600610F83>
- Women's Caucus for Gender Justice, "The Laws of War—Also Known as International Humanitarian Law," <http://www.peacewomen.org/un/icj/warlaw.html>
- ²⁰ The UN Charter, <http://www.un.org/aboutun/charter/>
- ²¹ The Universal Declaration of Human Rights, <http://www.unhchr.ch/udhr/lang/eng.htm>
- ²² The International Covenant on Civil and Political Rights, http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
- ²³ The International Covenant on Economic and Social and Cultural Rights, http://www.unhchr.ch/html/menu3/b/a_cescr.htm
- ²⁴ The World Conference on Human Rights, 14-25 June 1993, Vienna, Austria, <http://www.unhchr.ch/html/menu5/wchr.htm>
- ²⁵ The Convention Relating to the Status of Refugees, http://www.unhchr.ch/html/menu3/b/o_c_ref.htm
- ²⁶ The Commission on Human Rights, <http://www.unhchr.ch/html/menu2/2/chr.htm>
- ²⁷ The Protocol Relating to the Status of Refugees, http://www.unhchr.ch/html/menu3/b/o_p_ref.htm
- ²⁸ Office of the High Commissioner for Human Rights, "Human Rights and Refugees," Fact Sheet No. 20, <http://www.unhchr.ch/html/menu6/2/fs20.htm>
- ²⁹ The Declaration on the Elimination of Violence Against Women, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument)
- ³⁰ The Convention on the Elimination of All Forms of Discrimination Against Women, <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
- ³¹ The Optional Protocol to CEDAW, http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm
- ³² Convention on the Political Rights of Women, <http://www.hri.ca/uninfo/treaties/23.shtml>
- ³³ Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974, <http://www.unhchr.ch/html/menu3/b/24.htm>
- ³⁴ Oxfam, "Protection into Practice: An Introduction," 2005, <http://www.womenwarpeace.org/issues/displacement/protectionintopractice.pdf>
- ³⁵ Enhancing Protection from Gender-Based Violence in Populations Affected by Armed Conflict, 25-28 January 2005, Nairobi, Kenya, Workshop materials and resources, http://www.womenwarpeace.org/issues/violence/nairobi_conference.htm
- ³⁶ *Picturing A Life Free of Violence: Media and Communications Strategies to End Violence Against Women*, UNIFEM and Media/Materials Clearinghouse, 2001, http://www.unifem.org/index.php?f_page_pid=66.
- ³⁷ "Violence against Girls and Women: A Public Health Priority," Interactive Population Center, <http://www.unfpa.org/intercenter/violence/index.htm>
- ³⁸ "Gender Equality Tool," International Labour Organization, 1996-2004, <http://www.ilo.org/dyn/gender/gender.home>
- ³⁹ "Violence against Women: A Priority Health Issue," World Health Organization, <http://www.who.int/gender/violence/vawpriority/en/>
- ⁴⁰ Posters to Fight Violence against Women, World Health Organization, <http://www.who.int/gender/violence/posters/en/>
- ⁴¹ Sexual Violence Research Initiative, World Health Organization, 2004, <http://www.who.int/gender/violence/sexviolresearch/en/>
- ⁴² Toolkit to End Violence against Women, National Advisory Council on Violence against Women and Violence against Women Office, <http://toolkit.ncjrs.org/>
- ⁴³ Reproductive Health Response in Conflict Consortium, "Gender-Based Violence Tools Manual for Assessment & Programme Design, Monitoring & Evaluation in conflict-affected settings," November 2003, http://www.rhrc.org/resources/gbv/manual_toc.html



- ⁴⁴ "Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies." Inter-Agency Standing Committee Taskforce on Gender and Humanitarian Assistance, September 2005. <http://www.humanitarianinfo.org/iasc/content/news/newsdetails.asp?newsid=2&publish=0>.
- ⁴⁵ UNIFEM, "About the Trust Fund," http://www.unifem.org/index.php?f_page_pid=57
- ⁴⁶ Cheywa Spindel, Elisa Levy and Melissa Connor, *With an End in Sight: Strategies from the UNIFEM Trust Fund to Eliminate Violence Against Women*, Karen Judd ed., UNIFEM: 2000, http://www.unifem.org/index.php?f_page_pid=71
- ⁴⁷ UNIFEM, *Not a Minute More: Ending Violence Against Women*, Gloria Jacobs ed., 2000, http://www.unifem.org/index.php?f_page_pid=207
- ⁴⁸ Enhancing Protection from Gender-Based Violence in Populations Affected by Armed Conflict, 25-28 January 2005, Nairobi, Kenya, Workshop materials and resources, http://www.womenwarpeace.org/issues/violence/nairobi_conference.htm
- ⁴⁹ "Violence Against Women," Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, 27 February 2003, E/CN.4/2003/75/Add.1, [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.2003.75.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.2003.75.Add.1.En?Opendocument)
- ⁵⁰ "Towards an Effective Implementation of International Norms to End Violence against Women," Report of the Special Rapporteur on Violence against Women, its causes and consequences, 26 December 2003, E/CN.4/2004/66, http://www.womenwarpeace.org/issues/sr_vaw_26dec03.pdf
- ⁵¹ Office of the United Nations High Commissioner for Human Rights, Special Rapporteur on Torture, <http://www.ohchr.org/english/issues/torture/rapporteur/>
- ⁵² "Ending Widespread Violence against Women," UNFPA, <http://www.unfpa.org/gender/violence.htm>
- ⁵³ "Protecting Refugees: Refugee Women," UNHCR, <http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=PROTECT&id=3b83a48d4&ID=3b83a48d4&PUBLISHER=TWo>
- ⁵⁴ World Health Organization. "World Report on Violence and Health." Geneva 2002. http://www.who.int/violence_injury_prevention/violence/world_report/en/
- ⁵⁵ Report to ECOSOC of the Board of Trustees of the International Research and Training Institute for the Advancement of Women, E/2003/59, 5 May 2003, http://www.un-instraw.org/en/docs/un_resolutions/E_2003_59.pdf
- ⁵⁶ *Women, Peace and Security. Study Submitted by the Secretary-General Pursuant to Security Council Resolution 1325* (2000), 2002, <http://www.un.org/womenwatch/daw/public/eWPS.pdf>
- ⁵⁷ Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, 2002, http://www.unifem.org/filesconfirmed/149/218_chapter06.pdf
- ⁵⁸ *Women, Peace and Security. Study Submitted by the Secretary-General Pursuant to Security Council Resolution 1325* (2000), 2002, <http://www.un.org/womenwatch/daw/public/eWPS.pdf>

