

INTERNATIONAL ALERT  
Women Waging Peace

INCLUSIVE SECURITY,  
SUSTAINABLE PEACE:  
*A Toolkit for  
Advocacy and Action*

# 1

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# User Guide

Conflict prevention, resolution and reconstruction issues vary significantly across regions and cultures. There is no “one size fits all” approach that can be taken by the international community or local populations to promote and sustain peace. However, conflict-affected societies do share common characteristics and problems that peace processes seek to address and resolve. In many instances, the international community takes the lead in providing guidance, expertise and resources to national authorities, but the approaches taken often fail to recognise the experiences, capacities and concerns of women. The Toolkit’s creation was motivated by the needs of these women who, despite their achievements, have limited access to international processes. It seeks to highlight the roles and contributions of women at the regional, national and local levels, who are breaking new ground in peacemaking and reconstruction. We have sought to provide examples of women’s efforts from around the world.

By providing clear, simple—but not simplistic—information, this Toolkit aims to be a resource to enable the strategic engagement of women in national peacebuilding and security processes. Everyone who wishes to use the Toolkit should find something of relevance. Inevitably, however, there will be gaps. We hope that they are minimal.

## GOALS

The main goal of this Toolkit is to provide a resource for women peacebuilders and practitioners to engage effectively in peace and security issues. The authors have sought to do this by:

- framing the Toolkit within current approaches such as conflict transformation and human security that currently govern conflict, peace and security issues;
- providing critical information, strategies and approaches on key peace and security issues;
- bridging the divide between the realities of peace activists in conflict, post conflict or transition areas and international practitioners and policy-makers with responsibility for designing and implementing programmes in these contexts;
- presenting issues in a user-friendly manner and demystifying the “policy speak” and terminology used by the international community;
- relating the issues to women’s experiences, highlighting how women are affected and how they

contribute to core peacemaking, peacebuilding and security processes;

- highlighting practical examples of women’s contributions and offering concrete, “doable” ideas for advocacy and strategic action; and
- providing information on international human rights agreements and policies, which promote the integration of women’s human rights issues into all policies, programmes and processes that affect women’s peace and security.

## TARGET AUDIENCE

The Toolkit has been developed specifically for women peace activists, advocates and practitioners in conflict-affected and post conflict countries. In developing the chapters we found that policy-makers and staff of major multilateral institutions, donor countries and international NGOs also found the information useful. We therefore encourage and welcome the use of the resource by all those concerned with global peace and security issues.

## STRUCTURE

The Toolkit is divided into six sections, each with a number of related chapters. Each chapter is further subdivided to:

1. define the issues;
2. identify key actors involved;
3. examine the impact on women;
4. discuss the role and contributions of women;
5. highlight international policies relating to women's participation;
6. outline strategic actions that women peace activists might undertake; and
7. provide references for further information.

Many issues are interrelated, and every effort has been made to integrate key concepts into each chapter without excess duplication. The following are major themes that are discussed across the entire Toolkit but which do not form separate chapters:

- education and training;
- gender-based violence;
- disability;
- international law (the chapter on human rights outlines the main legal framework for women's rights and is complemented in other chapters with discussions of other legal frameworks such as those for refugees and internally displaced persons);
- culture;
- trafficking;
- gender mainstreaming;
- religion; and
- girls, boys and youth.

Throughout the Toolkit, examples of countries, conflict areas and key institutions are in **bold**. Unusual terms or aspects of a particular subject are also in **bold**. A list of acronyms can be found at the end of each chapter.

## USE

At its most basic, the Toolkit is a compilation of information relating to peace and security issues and

as such has multiple uses. It can be used:

- **as a reference guide** providing information on internationally agreed laws and standards governing the protection of women during conflict and their participation in peace and security processes. It also provides information on strategies for the prevention of conflict.
- **as a tool for advocacy and action** encouraging women to adopt and adapt the examples of women's strategies and advocacy initiatives for inclusion into peacebuilding and conflict prevention processes such as peacekeeping support operations or disarmament, demobilisation and reintegration and post conflict processes such as elections.
- **for training and awareness-raising** on issues such as HIV/AIDS, the need to ensure that refugee and internally displaced populations have adequate access to affordable and accessible health provision and care and that the camps in which they are housed are made as secure as possible.
- **to enhance the understanding and effective use of Resolution 1325** as a tool to hold governments, policy-makers and those involved in the development of budgets accountable. Enhanced understanding of 1325 can strengthen advocacy initiatives and provide openings for strategic action. In-depth knowledge of the tool can facilitate access to policy-makers and influence decision-making related to peacemaking and post conflict reconstruction.

## METHODS OF DISSEMINATION

Although the Toolkit is available both in hard-copy format and electronically, we anticipate and hope that its users will develop their own means of disseminating the information based on the needs of their particular constituencies. This includes the development of audio or visual materials—creating radio programs, poetry, theatre or photography as a means of conveying the ideas and issues.

We take pride in having compiled this information and produced this work. Our hope, and the key measure of success, will be the extent to which activists, policy-makers and others use, develop and claim ownership of the Toolkit.

# The Conceptual Framework: Security, Peace, Accountability and Rights

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The adoption of **Security Council Resolution 1325** in October 2000 was a watershed in the evolution of international women's rights and peace and security issues. It is the first formal and legal document from the Security Council that requires parties in a conflict to respect women's rights and to support their participation in peace negotiations and in post conflict reconstruction (see appendix for full text and the chapter on international policies and legal mechanisms for a detailed discussion).

Resolution 1325 did not, however, emerge in a vacuum. It was the outcome of a concerted effort by a number of international women's organisations and networks, working in partnership with supportive governments and UN entities.<sup>1</sup> It was also a result of the changing climate of opinion among policy-makers throughout the 1990s. This opinion has increasingly stressed the need for the international community to embrace principles of human rights, diversity, good governance and participation when responding to situations of insecurity and violent conflict. The discussion below provides an overview of the evolving policy and conceptual discourse related to peace and security broadly and women more specifically. It also provides a broader context for the analyses and information provided in other chapters of this Toolkit.

## WHY WOMEN?

International Alert and Women Waging Peace have chosen to present the challenges and opportunities of peacebuilding from the point of view of women peace activists for two reasons. First, women's profiles in peacebuilding, as in many other areas of life, have been unrealistically low and undervalued. Yet in conflicts and war-torn countries across the world, women are often at the forefront of peacemaking and peacebuilding efforts. They are leading households, caring for the sick and the old and sustaining and ensuring the survival of their families and communities. Even in refugee camps and despite their own traumas or victimisation, women shoulder the responsibilities of others. In many instances (as documented throughout this Toolkit) women initiate peacemaking efforts. It is often women who are the mobilisers and the voice of civilians silenced by violence and atrocities. Long after international aid and support have ended, women are left to handle the trauma and violence that comes home with men whose lives have been

devastated by war and to provide the continuity that enables families and communities to heal and move forward. Yet time and again, women are depicted simply as silent passive victims. This Toolkit is part of a broader effort to shed light on women's roles and their contributions to peace.

Second, women's organisations and women peace activists tend to have inadequate access to information and resources. While their strength is their ability to work at the grassroots level, develop distinct and context-specific approaches and network effectively with other women's groups, it is also a limitation. Women's organisations are often distant and disconnected from developments and processes under way at regional and international levels. Even donors and institutions that support their efforts tend to compartmentalise them—supporting individual projects but rarely integrating them into their mainstream programmes on peacebuilding and reconstruction. This Toolkit seeks to bridge these gaps. It provides the information and tools needed by women to enable

their systematic inclusion in peace processes. In doing so, it also seeks to strengthen women's capacities to draw on their own experience and expertise and to advocate for changes and improvements in existing international efforts.

Throughout the Toolkit we also address issues of **gender equality**—that is ensuring that the interests, needs and priorities of both women and men are taken into consideration. It also means that achieving rights, responsibilities and opportunities for men and women are not dependent on their sex.<sup>2</sup> We firmly embrace the goal of attaining relations between men and women that are based on equality, justice and mutual respect. While this is a long-term aim, however, a key approach taken in the immediate term is focusing on the empowerment of women. Many organisations worldwide are dedicated to supporting women and regard this as a fundamental step towards gender equality.

## THE POLICY FRAMEWORK

There are four inter-related elements in the evolving framework related to peace and security.

1. First, there has been a shift in policy discussions about security, away from national security and toward greater emphasis on **human security**. This shift requires governments and other powerful global bodies to recognise the importance of placing human beings and not states, at the centre of security concerns.
2. Second, there has been a shift in thinking on conflict and peace, away from focusing peacemaking efforts on mediation and formal agreements and toward a broader and more inclusive concept of **conflict transformation**, which requires dismantling unjust structures and policies that exacerbate violent conflict and replacing them with mechanisms, processes and institutions that enable grievances to be recognised, heard and dealt with.
3. Third, standard-setting in the humanitarian and relief profession is evolving and, with it, open and effective ways of holding humanitarian actors to these standards. This move towards

**humanitarian accountability** is an essential step in, for example, improving the treatment women should receive from the international community during humanitarian emergencies.

4. Finally, there is increasing acceptance of **women's rights** within the global policymaking framework. In this process, the basic rights of women have been spelled out in successive international legal instruments. They have been progressively incorporated into established policy and practice, including policies on which responses to conflict and war are based.

Respect for the human rights and dignity of every person is not only central to, but is in many ways the starting point for these developments (see chapter on human rights). In practice, however, different approaches have been taken to reach this goal. In the context of peace negotiations, for example, dilemmas arise over the question of amnesty, particularly acute in cases where victim and perpetrator may be forced to live in proximity to each other. Offering amnesty to perpetrators may be objectionable when viewed from a human rights perspective alone, as it offers no justice to victims. But it may be a necessary gesture, not only to limit the risks of violent resurgence and further violations of human rights, but also to move the process forward, so that in the long term the human rights of everyone are respected. In effect it may mean trading short-term concessions for long-term benefits. These approaches may contradict each other, but the complexity of war and its aftermath does not allow for one-dimensional responses. Each of the four is discussed more fully below.

### 1. THE HUMAN SECURITY FRAMEWORK

Historically, security has meant keeping states safe from external enemies. Threats to international peace and security were usually thought of as threats to states from forces outside it. In the 1990s, with the end of the Cold War and the prevalence of insecure conditions within countries, however, notions of security changed. There was acknowledgment that material poverty and bad governance—including the oppression of ethnic or religious groups and political dissidents and external economic and political pressures—all contribute to instability on local and global scales.



In the years leading up to the Millennium, at the UN and other organisations, the concept of “**human security**”—putting the individual and her/his rights at the centre of security concerns—grew in prominence.<sup>3</sup> Human security, first defined by former Canadian Foreign Minister Lloyd Axworthy, is:

a condition or state of being characterized by freedom from pervasive threats to people’s rights, their safety, or even their lives... It is an alternative way of seeing the world, taking people as the point of reference, rather than focusing exclusively on the security of territory or governments.... Human security entails taking preventive measures to reduce vulnerability and minimize risk, and taking remedial action when prevention fails.<sup>4</sup>

He further stated that:

A human security agenda must go beyond humanitarian action, by addressing the sources of people’s insecurity. Building human security, therefore, requires both short term humanitarian action and longer term strategies for building peace and promoting sustainable development.<sup>5</sup>

The UN Secretary General, in his 2000 Millennium Report,<sup>6</sup> described this coming together of rights and security as “freedom from want and freedom from fear.” The **Commission on Human Security**<sup>7</sup> accepted this as the basic definition of human security and addressed it through four main components:

1. critical and pervasive threats;
2. human rights;
3. protection; and
4. building on people’s strength.

**Critical and pervasive threats** are factors in the physical or social environment that are likely to have a severely destructive effect over a long period, undermining people’s ability to recover from shocks and disasters. What constitutes a critical and pervasive threat is likely to vary according to circumstances: a natural disaster, for example, will have a bigger impact in some contexts than in others.

For instance, an earthquake in a developed nation might result in no fatalities, whereas the same in a developing country where building regulations are non-existent in the areas where poor people live, might cost thousands of lives. In this case, the underlying problem of unregulated building is the “critical and pervasive threat,” rather than the earthquake itself. Taking a human security approach would require building regulations to be enhanced and implemented to reduce the threat of earthquake damage to poor communities.

Many other critical and pervasive threats are widely believed to contribute, in different ways, to the occurrence or perpetuation of armed conflict. Corruption, exploitation, unequal development investment, discrimination and political repression can all lead to disaffection and to support being given to armed opposition movements. Poverty and displacement make young men vulnerable to recruitment by armed groups that offer the promise of a livelihood. High rates of HIV/AIDS undermine governance when administrators, parliamentarians and other qualified people get sick and die. Small arms proliferation leads to an increase in gun-related violence and organised crime, including trafficking of drugs and women. Violence in the home reduces women’s access to decision-making in the public sphere. Tensions and conflicts in host countries exacerbate the social problems faced by refugees and can reawaken old hostilities.

**Human rights** are the rights of all human beings to fundamental freedoms (see chapter on human rights). The concept of human security helps us understand that basic human rights, as stated in the **Universal Declaration of Human Rights**, are inter-related. In other words, a person cannot be free from discrimination if she/he is facing religious persecution. Human security complements human rights law by drawing attention to international humanitarian law in the context of armed conflict, environmental security and other issues. For people not specifically protected by measures in international law—such as older, internally displaced or disabled people—insisting on human security means that their rights are especially protected because they face particular critical and pervasive threats.

Sometimes, human rights are overridden or ignored for the sake of state security. Human security puts

people first, emphasising that human rights are central to state security. Many nation states, including those with questionable human rights records, often describe state security as of paramount importance. But state security is often ill-defined, masking the economic or other interests of elites or other powerful groups and pretending that these interests are for the common good. Often, when the state breaches human rights and oppresses particular sectors of society, its actions prompt the emergence of armed opposition groups that in turn threaten the state's security.

**Protection** is a constant theme in human security discourse. It refers to the notion of taking a proactive approach to ensure that people's human rights are respected at all stages of a conflict, not left until "later" after political settlements have been agreed on. Protecting citizens affected by violent conflict is a priority for all agencies and governments. All security or military organisations should have an understanding of and commitment to, the concept of human security.<sup>8</sup>

Considering security from a human rather than a state perspective means that people are considered capable of creating positive change, and the state encourages **building on people's strength**. For women particularly, this means that instead of treating women only as victims, governments and agencies should enable them to participate in decision-making, whether at the ballot box or the peace table. To make this happen in a comprehensive way, violence has to be eradicated from women's lives and women must have sufficient economic and political power to feel secure in stating their own case.

Responsibility for promoting human security lies with everyone: states, civil society (including corporate bodies and the media), international financial institutions and multilateral institutions, individuals and parties to armed conflict. This does not mean, however, that individuals or non-governmental organisations (NGOs), for instance, should take over the responsibility of the state. Primary responsibility for protecting and promoting human rights still lies with the state. However, human security does require concerted action at societal and state levels, as well as sound global governance. International financial institutions, NGOs and inter-governmental organisations must embody the *values* of human security.

In many national liberation struggles, women have made the connection between security and rights, insisting that the struggle for equality and social justice go hand in hand with the struggle for national independence.

In the years since the September 11, 2001, attacks in the US, the discourse has again tilted towards militaristic notions of security. This is true, for example, in the case of the US government's doctrine of pre-emptive action. Under this doctrine, the US government reserves the right to use offensive action in the face of a perceived or actual threat, rather than using force only to defend against attack. The concern that many critics voice is that offensive military action alone not only results in more death and hardship in the lives of innocent people, but also fuels anger and resentment, thus perpetuating the cycle of insecurity. Moreover, there is concern that the underlying factors that contribute to the rise in violence and terror are being ignored.

The human security framework alone does not have answers to all security threats. But in concert with other frameworks, it can and does add value to our understanding of the causes of conflict and insecurity. Proponents of this approach have engaged in the debates around terrorism and have addressed some of the root causes and symptoms of the threat. Yet in the international discourse on these issues, their voices remain marginalised and largely unheard.<sup>9</sup>

## 2. THE CONFLICT TRANSFORMATION FRAMEWORK

Conflict specialists have made some important shifts over the last decade in the way they understand and analyse conflict and peace. In the past, conflict specialists tended to consider conflict as a set of events leading to a political crisis at an international or national level, requiring outside mediators with special skills to resolve the dispute. They now recognise that conflict, in its most general sense, is a natural expression of social difference and of humanity's perpetual struggle for justice and self-determination. The challenge is not to abolish conflict, but rather to put a stop to the cyclical nature of *violent* conflict by first acknowledging that different interests exist and then by channelling the struggle in constructive directions. In other words, there is understanding that if managed effectively, conflict can be positive and creative.

While armed conflicts involve powerful political and military actors, they may just as easily involve and overwhelm ordinary people at a local level facing everyday life struggles. Factors that operate at international, national and local levels are interlinked. Unravelling violent conflict needs to take place at all these levels simultaneously.

The role of peacebuilders has changed accordingly. Mediating disputes between politicians to bring an end to fighting (**conflict resolution**) is important (see chapter on peace negotiations and agreements), but it is only one of many peacebuilding tasks. It should be seen as part of a wider process (**conflict transformation**), in which the deeper structural issues that give rise to and perpetuate armed conflict are addressed. Conflict transformation describes a broad range of activities aimed not only at halting armed conflict, but at promoting structural changes that also address the root causes of conflict. These activities might include:

- peacemaking (dialogue, mediation, contributing to and monitoring peace accords);
- advocating to promote awareness of peace, disarmament, justice and human rights issues;
- leading and participating in political processes and encouraging popular participation and confidence in those processes;
- providing social services to ensure that the survival and basic needs of all, especially the more disadvantaged, are met;
- contributing to and strengthening civil society; and
- undertaking community-level development and social reconstruction work.

Conflict transformation is no longer the preserve of a small group of elite mediators, but is increasingly seen as the responsibility of all. Indeed, it cannot be fully achieved unless actors at all levels participate. So, while national negotiations might establish a formal peace deal between belligerents, international players (e.g. other governments with interests in the region, multinational commercial interests) also need to be involved.

Local people affected by the conflict in their communities and homes must also be included in the

process. The experience of transitional justice in post-genocide **Rwanda** illustrates one way in which this might happen. The International Criminal Tribunal for Rwanda has been slow, expensive and largely ineffective at promoting reconciliation at the local level. Meanwhile, at the national level, tens of thousands remain in prison, as suspected genocide perpetrators awaiting trial, but the judiciary has been unable to process the large number of cases within an acceptable time limit. The re-establishment and adoption of a traditional, community-based justice mechanism—the *gacaca* courts—is designed to enable all citizens to participate directly in some aspects of justice and reconciliation. Though *gacaca* has been criticised by many human rights activists because it does not meet international legal standards, if fully implemented, it could ensure that local people are included in the conflict transformation process.

Broadening the scope from conflict resolution to conflict transformation also recognises the work of civil society in all phases of a peace process. Civil society forms a counterweight to other forms of power (political, commercial or military) and provides citizens with a channel for expressing their views. Civil society organisations operating in war zones carry out a wide range of activities, including provision of welfare and service, defending human rights, policy lobbying and community development. All of these can be described as conflict transformation when they support those most directly affected by conflict and seek to end the violence and dismantle the forces of oppression.

Women take part as key actors in all activities around conflict transformation. They influence popular opinion for or against war, monitor the actions of the international community and of local conflict actors, provide support and protection to the vulnerable and contribute to the growth and strengthening of civil society. Women's groups and organisations often get involved in peace-related work as a result of their frustration with mainstream politics and what they see as the lack of moral justification for the violence being committed in their names. Women peace activists have described their role as promoting the “feminisation of protest”—transforming attitudes and practices, structures and competences, to lay the groundwork for local and global changes that permanent peace

requires. Women's peace activism addresses women's rights and equality and the broader societal goals of equality, justice and reconciliation: both are necessary elements to conflict transformation.

### 3. HUMANITARIAN ACCOUNTABILITY

The concept of “**humanitarian accountability**” evolved out of discussions in the early 1990s among humanitarian agencies seeking to clarify the basic principles of assistance and ensure that they adhered consistently to these principles. Humanitarian work is concerned with the immediate relief of human suffering as a result of natural or man-made disasters. Humanitarian emergencies resulting from war (especially emergencies resulting in population displacement) grew in number and intensity following the Cold War, placing rapidly increasing demands on the international community's capacity to respond.

Lack of a coordinated policy resulted in many emergencies being ignored, while in others, agencies were unable to absorb all the funds donated. Humanitarian aid was often provided on the basis of the foreign policy priorities of donor countries, rather than on humanitarian need. Emergency responses sometimes inadvertently fuelled conflict by boosting the economic resources accessible to warring groups, and humanitarian agencies were accused of causing harm by short-term thinking.<sup>10</sup> Practical work on the ground was often hampered by the conflicting policies of different agencies. From the standpoint of gender issues, projects were criticised for ignoring women's active role in supporting their families and communities and for failing to recognise the different needs of men and women (e.g. for protection or health services). Moreover, a few individuals working on assistance programmes were found to be misusing their power and abusing their beneficiaries in various ways (sometimes committing serious sexual abuse) with impunity.

As these problems became more widely recognised, agencies providing humanitarian assistance worked to agree on basic principles and to establish mechanisms for holding the humanitarian and relief profession accountable for upholding these principles. The four **Humanitarian Principles** have been defined as

1. **humanity**, meaning the centrality of saving human lives and alleviating suffering wherever it is found;
2. **impartiality**, meaning the implementation of actions solely on the basis of need, without discrimination between or within populations that are affected by crises;
3. **neutrality**, meaning that humanitarian action must not favour any side in an armed conflict or other dispute where such action is carried out; and
4. **independence**, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold regarding areas where humanitarian action is being implemented.<sup>11</sup>

**Accountability:** Accountability is exercised at three levels.<sup>12</sup> The first is between the recipients of assistance and the organisations that help them. People have a right to assistance and to have it offered to them in ways that preserve their human dignity and capacity for independent action. Those who suffer as a result of disasters are hardly in a position to voice protests if provisions are inadequate, if they are treated without dignity or if assistance providers abuse them. To overcome this sense of helplessness, many agencies have adopted a “rights-based approach” to their work, recognising that victims have a basic right to aid. They are therefore not simply beneficiaries; they are claimants. In some instances, agencies also provide mechanisms for them to submit complaints if needed.<sup>13</sup>

The second level concerns the accountability of states in providing for and protecting their own people. Internal mechanisms for calling a state to account do not always function effectively. Ensuring accountability internationally runs up against the problem of sovereignty, which states often claim, against interference by other states. In establishing a balance between citizens' rights on the one hand and sovereignty on the other, international law does offer standards, which states are expected to keep to, as well as mechanisms to ensure compliance. For example, the 1998 **Guiding Principles on Internal Displacement** (see chapter on refugees and internally displaced persons) summarise the responsibilities of

states in international law to protect the internally displaced. The most important international mechanism to date is the **International Criminal Court (ICC)**,<sup>14</sup> which can prosecute people accused of crimes against humanity, genocide and crimes of war.

Third, donor governments realised that, in addition to applying humanitarian principles as criteria in decisions about funding, they also needed to apply them to their own efforts. Donor governments have been criticised for being too influenced by political considerations in their decisions about which emergencies to support. Much of the work on accountability by donors to date involves streamlining the processes through which UN agencies combine their requests for funds to assist in specific emergencies, for example, the Consolidated Appeals Process.

**Frameworks, Principles and Codes of Conduct:** The basic accountability framework is the **Red Cross/Red Crescent Code of Conduct**.<sup>15</sup> This Code, based on existing international human rights law, enshrines 10 principles including the impartiality of aid, respect for local custom and the dignity of aid recipients. Other frameworks have built on this Code. The Sphere Project, for example,<sup>16</sup> was launched in 1997 by the Red Cross/Red Crescent movement and NGOs. It aims to extend and strengthen the Code of Conduct by supplying a handbook setting out minimum standards in four operational sectors (water, sanitation and hygiene; food security, nutrition and food aid; shelter, settlements and non-food items; and health services). The Sphere Project also includes the **Humanitarian Charter**, a revised version of the Code of Conduct, which NGOs are invited to sign.

The **Good Donorship initiative**<sup>17</sup> aims to promote accountability standards among donor governments. The **Humanitarian Accountability Partnership International (HAPI)**<sup>18</sup> outlines principles of accountability for NGOs, including the principles that claimants' rights must be respected and promoted; that they should be meaningfully involved in project planning, implementation, evaluation and reporting; and that they have the right to make complaints and seek redress in safety. The HAPI has instituted mechanisms whereby such complaints about its member organisations can be heard and resolved.

Clearly, donors, states and humanitarian organisations have acknowledged their responsibility to ensure accountability for adhering to humanitarian principles and standards. The impact of this effort, however, has been limited. For example, after massive sexual abuse of aid recipients was uncovered in **Sierra Leone** in the 1990s, investigations resulted in some improvements in protection. But no managers were held accountable and there were no prosecutions.<sup>19</sup> Internationally, civil society organisations such as the **Humanitarian Practice Group** at the **Overseas Development Institute** in London are monitoring progress and sharing information.<sup>20</sup> Organisations such as **People in Aid** are developing international standards for the management and support of staff in the field.<sup>21</sup> Locally, it is important for recipients of humanitarian aid to be supported in developing their own organisations to provide people with a voice and ensure that their opinions are directed into appropriate channels.

During the 1990s, much of the humanitarian profession resisted calls for reform in respect to gender awareness on the supposed grounds that “the tyranny of the urgent” required them to provide only the most immediate necessities and do so without seeking to understand social differences. However, more recently it has been acknowledged that many women and their families have suffered avoidable neglect and deprivation as a result of the absence of a gender-aware policy and practices in humanitarian agencies. Women working within these agencies have done much to raise this awareness.<sup>22</sup>

The frameworks and codes of conduct mentioned above began by making no specific reference to women, just as many major international instruments include women's rights within overall human rights. However, following pressure from women within some agencies and a review by the **Women's Commission for Refugee Women and Children**, the Sphere Project handbook now includes notes about the specific concerns of women and girls within each sector and indicators of women's access and participation. The **International Committee of the Red Cross** also undertook a study of the implications for women and girls of international human rights and humanitarian law prior to establishing a campaign to make these more widely known within the international community.<sup>23</sup>



#### 4. THE WOMEN'S RIGHTS FRAMEWORK

Women's rights have been seen as part and parcel of human rights work more generally. Women's rights have been implicitly included in, for example, the **Universal Declaration of Human Rights**.<sup>24</sup> However, there was little recognition of the specific ways in which women's human rights are violated.

In part, the lack of consideration of women's human rights stemmed from the nature of the violations that women experience. Many, although not all, occur in the private sphere of the home or family, in the form of physical violence or sexual abuse. Often, customary or religious laws violate women's economic or political rights (e.g. by forbidding women to inherit property).

While women's human rights violations do not always involve state actors, in most cases, the state has either condoned existing practices, allowed the passage of discriminatory laws or instigated policies and programmes that are inherently discriminatory against women.

For many years following the adoption of the **Universal Declaration of Human Rights** and other international instruments that protected civil and political rights, the primary focus of the international human rights community was rights in the public sphere—particularly in relation to political and civil issues.<sup>25</sup> As a result, women's human rights and violations of those rights that occurred in the home or community were often overlooked.<sup>26</sup> There is a growing conviction in the international community that women's rights are in danger of being taken for granted unless the specific implications of human rights principles for women and girls are spelled out.

In 1975, to coincide with the International Year of Women, the first world conference on women was held in Mexico. It set in motion a global movement that has gathered strength in the intervening years with a broad focus on three themes: full gender equality and the elimination of discrimination; the integration and full participation of women in development; and the increased contribution of women to world peace.<sup>27</sup>

It also led to a series of international instruments that provide detailed statements defining women's rights in practice and setting new standards for gender equality. The **Convention on the Elimination of All Forms of**

**Discrimination Against Women (CEDAW)** is the seminal document for the promotion of international women's human rights. Often described as the international bill of rights for women, CEDAW defines discrimination against women and requires states that are party to the convention to incorporate gender equality into their legal systems, establish institutions for the protection of women and ensure the elimination of all acts of discrimination against women. It also requires states to submit national reports on their progress.<sup>28</sup> The Convention was adopted in 1979 and came into force in 1981. By March 2004, 177 countries had ratified CEDAW—over 90 percent of the UN's member states.

Declarations, recommendations and resolutions drawing on CEDAW have been adopted at the regional and international levels that address various aspects of women's human rights and gender discrimination. In addition, some countries have incorporated provisions from CEDAW into their constitutions and legislation, including **Uganda, South Africa, Brazil and Australia**.<sup>29</sup>

The 1995 **Beijing Platform for Action (BPFA)** that emerged from the fourth World Conference on Women in Beijing, China, was the next milestone in the international community's evolving recognition of women's rights. The BPFA expanded the Mexico principles by outlining twelve critical areas of concern regarding women's lives, equality and rights:

1. the persistent and increasing burden of poverty on women;
2. inequalities and inadequacies in and unequal access to education and training;
3. inequalities and inadequacies in and unequal access to health care and related services;
4. violence against women;
5. the effects of armed or other kinds of conflict on women, including those living under foreign occupation;
6. inequality in economic structures and policies, in all forms of productive activities and in access to resources;

7. inequality between men and women in the sharing of power and decision-making at all levels;
8. insufficient mechanisms at all levels to promote the advancement of women;
9. lack of respect for and inadequate promotion and protection of the human rights of women;
10. stereotyping of women and inequality in women's access to and participation in all communication systems, especially the media;
11. gender inequalities in the management of natural resources and in the safeguarding of the environment; and
12. persistent discrimination against and violation of the rights of the girl child.

Under each theme, the problems are articulated and strategic objectives stated for concrete actions

to be taken by different actors. The BPFA is not only comprehensive but has also set clear benchmarks and a vision for improving women's lives. With 188 states as signatories, it is an influential international document on women's rights. At Beijing, the impact of armed conflict on women was noted as a specific emerging issue requiring attention. Its inclusion in the Platform for Action spurred the growth of a global women's peace movement and the revitalisation of anti-militaristic feminism.

**Security Council Resolution 1325** drew on the energy of this movement and built on the strengths of previous policy instruments. But as the first formal acknowledgement of the role of women's rights and women's roles in the domain of national and international peace and security, it is a critical milestone. The emergence and implications of Resolution 1325 and other policy instruments relating to women's involvement in peace and security issues are elaborated in the section on International Policies and Mechanisms.

## ACRONYMS

<b>BPFA</b>	Beijing Platform for Action
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>HAPI</b>	Humanitarian Accountability Partnership International
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
<b>ICC</b>	International Criminal Court
<b>NGO</b>	Non-Governmental Organisation
<b>UN</b>	United Nations
<b>US</b>	United States

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# Key International Policies and Legal Mechanisms: Women's Rights in the Context of Peace and Security

ANCIL ADRIAN-PAUL AND SANAM NARAGHI ANDERLINI

In recent decades, issues relating to women's rights have gained a prominent place in the global policy-making arena. Women's rights in the context of peace and security issues, however, are a relatively new phenomenon. The discussion below provides a brief overview of major policy instruments, resolutions and commitments made by member states of the United Nations (UN) and regional inter-governmental organisations on issues specifically relating to women and decision-making in peace and security issues. It also highlights key steps taken by these institutions and remaining gaps in implementation.

## THE UN SYSTEM

The UN was established by governments in 1945 as a mechanism for international cooperation. Only nation states qualify as members of the UN, and as of 2004, membership totalled 191 countries. Headquartered in New York, the UN's main bodies are the General Assembly, to which each country sends a representative, and the Security Council, which consists of five permanent and 10 rotating member states. The resolutions of the Security Council are binding on UN members.

### 1. UN SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

UN Security Council Resolution 1325 (2000) is the most important commitment made by the global community with regard to women's participation in the maintenance of peace and security (see full text in appendix). As a Security Council resolution, it is also international law.<sup>1</sup>

Unanimously adopted in October 2000 by the UN's most powerful body, the resolution has officially endorsed the inclusion of civil society groups—notably women—in peace processes and the implementation of peace agreements. The resolution spells out actions needed by all actors, including governments and the UN, to ensure the participation of women in peace processes and improve the protection of women in conflict zones.

The resolution calls upon the Council, the UN Secretary General, member states and all other parties

(i.e. non-state actors, militias, humanitarian agencies and civil society) to take action in four interrelated areas: 1) the participation of women in decision-making and peace processes; 2) integration of gender perspectives and training in peacekeeping; 3) the protection of women; and 4) gender mainstreaming in UN reporting systems and programmes.

**Participation of Women in Decision-Making and Peace Processes:** The resolution urges member states to increase the “representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.”

It also “urges the Secretary-General to appoint more women as special representatives and envoys...and to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel.”

It calls on all actors to “support local women's peace initiatives and indigenous processes for conflict resolution, and... involve women in all of the implementation mechanisms of the peace agreements.” It also states that the Security Council should “ensure that its missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.”

**Implications:** The call for more women provides new opportunities for senior and qualified women to

enter into positions hitherto dominated by men. However, the absence of actual quotas, benchmarks and timelines for the number of women in high-level positions is of concern. No mention is made of how “gender perspectives” will be incorporated into field operations. There is a danger that the key parties will take no substantial action. So, effective monitoring and evaluation by non-governmental organisations (NGOs), UN agencies and governments are critical for the implementation of this recommendation.

#### **Gender Perspectives and Training in Peacekeeping:**

The resolution “urges member states to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts.” It requests “the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women as well as on the importance of involving women in all peacekeeping and peacebuilding.” It also states that the Council is willing to “incorporate a gender perspective into peacekeeping operations measures.”

**Implications:** This is a clear endorsement of gender training for peacekeepers and civilian personnel in peace support operations. However, without the commitment of governments to provide additional funds, these measures can be ignored or not implemented adequately. The British and Canadian governments are already initiating gender training for peacekeepers, thereby providing a platform and precedent for other countries to follow. (The online training course can be accessed at [www.genderandpeacekeeping.org](http://www.genderandpeacekeeping.org).)

**The Protection of Women:** The resolution calls on all actors involved in negotiating and implementing peace agreements to adopt a gender perspective, including:

- “during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction” and in the context of disarmament demobilisation and reintegration...”
- “the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.”

It also calls on all parties of armed conflict to:

- “protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;” and
- “respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design.”

Resolution 1325 also emphasises that all states have responsibility for putting an end to impunity and prosecuting those responsible for all war crimes, “including those relating to sexual and other violence against women and girls and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions.”

**Implications:** All state and non-state actors in conflict can be held accountable for violations against women, and all have a responsibility to protect them. UN and humanitarian agencies providing relief to refugees and internally displaced persons (IDPs)<sup>2</sup> can be held accountable for the lack of adequate protection of women and girls, and must ensure gender sensitivity in all their planning, programmes and implementation processes. But without an effective monitoring and evaluation mechanism and incentives for compliance that draw on the concerns of the refugees and IDPs themselves, it is unlikely that the necessary changes will be made.

#### **Gender Mainstreaming in UN Reporting and Implementation Mechanisms:**

The Secretary General is responsible for providing progress reports on gender mainstreaming in peacekeeping missions and other related areas to the Security Council.

**Omissions:** As a first step, 1325 offers a great deal. But, there are gaps and weaknesses that must be addressed.

- To allow for effective implementation, it is essential that the mandates of all peacekeeping and peace support operations routinely require the protection of women and consultation with them when designing humanitarian programmes.
- It is important that senior gender advisors who have decision-making powers are sent on field operations and fact-finding missions.

- The development of gender-specific information and the collection of gender-disaggregated data to enable a better understanding of the impacts of conflict on women and men, is essential for effective planning of all peace support operations. This is not mentioned in the resolution.
- There is no overt mention of effective accountability mechanisms and disciplinary actions for peacekeepers who violate and exploit refugees, IDPs and local populations.
- There is no call for the development of mechanisms that would enable senior staff at UN headquarters to hear the voices, concerns and opinions of the recipients/beneficiaries of the peace support, relief and rehabilitation operations, so that these operations could be improved from headquarters to the field level.

Within the UN system, the UN Development Fund for Women (UNIFEM) and the Office of the Special Advisor on Gender Issues (OSAGI) are leading efforts to implement 1325. The **NGO Working Group on Women Peace and Security**<sup>3</sup> is also dedicated to advocating for the implementation of the resolution broadly. Status updates and translations of 1325 in other languages can be found at [www.peacewomen.org](http://www.peacewomen.org).

### Using 1325

Women peace activists worldwide are using 1325 as a tool for raising awareness about women's experiences of conflict and for holding local authorities and governments accountable. In 2003, a resolution drafted along the lines of 1325 was introduced in the **US** Congress. In **Israel**, Knesset members have introduced a bill based on 1325 as a means of raising awareness about the issue of women's participation in peace and security issues. In **Sri Lanka**, women peace activists are running workshops on "taking 1325 to the village"—introducing the resolution to local women and informing them of their rights under international law. In **Fiji** in 2003, the Women, Peace and Security Committee demanded that the national defence review process acknowledge the role of women in peace and security issues and successfully advocated for the inclusion of the Minister for Gender Affairs on the National Security Council.

## 2. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW (1979) has provided women with a framework to structure their own national debates and advocacy related to attaining the goal of gender equality (see appendix for the full text). Ratified by 177 (out of 188) countries, it was the first legally binding international convention to set out principles on the rights of women in all fields.<sup>4</sup> Countries that have ratified it have an obligation to implement CEDAW. It prohibits discrimination, seeks to eradicate it in all areas of women's lives<sup>5</sup> and prescribes the measures needed to ensure that women worldwide are able to enjoy their rights.<sup>6</sup> CEDAW covers both public and private acts of violence and sets out recommendations for states to address violence against women, including legal protection, prevention and reporting.<sup>7</sup>

CEDAW's call for increasing women's participation in decision-making processes has been used by national and local governments, as well as regional inter-governmental organisations.

The CEDAW **Optional Protocol** came into force in 1999. By 2004, 75 states had signed the protocol, of which 64 had ratified it. The Optional Protocol strengthens enforcement and compliance with the convention. It allows non-state actors—individuals or organisations—to submit written claims of violations of rights directly to the Committee that monitors CEDAW compliance. This is known as the communications procedure. Second, it gives the Committee a mandate to investigate violations of CEDAW in countries that are signatories to the Protocol.

## 3. BEIJING DECLARATION AND PLATFORM FOR ACTION

At the 1995 World Conference on Women in Beijing, China, a **Declaration and Platform for Action (BPFA)** was produced by member states that highlighted twelve critical areas of concern regarding women. The BPFA is not a binding document, but since its conclusions were reached through consensus and states are signatories to it, signatories do have a commitment to fulfil their obligations.

**Chapter E on Women and Armed Conflict** states that the "full participation [of women] in decision-making,

conflict prevention and resolution and all other peace initiatives [is] essential to the realisation of lasting peace.”<sup>8</sup> The key recommendations for governments regarding women and armed conflict in the BPFA are:

- Recommendation E.1: Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- Recommendation E.2: Reduce excessive military expenditures and control the availability of armaments.
- Recommendation E.3: Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- Recommendation E.4: Promote women’s contribution to fostering a culture of peace.
- Recommendation E.5: Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.
- Recommendation E.6: Provide assistance to the women of the colonies and non-self-governing territories.<sup>9</sup>
- ensure women’s full participation at all levels and stages of decision-making relating to conflict prevention, resolution, peacekeeping, peacebuilding and post conflict recovery;
- provide gender-sensitive training to all actors in peacekeeping missions;
- support national efforts to promote education and training for women including leadership, advocacy and conflict resolution skills;
- develop gender-sensitive strategies in humanitarian crises resulting from conflicts;
- involve refugees and displaced women in the design and management of humanitarian activities so they derive equal benefits to men;
- mainstream gender perspectives into national immigration and asylum policies, including recognising gender-related persecution and violence when considering grounds for granting refugee or asylum status;
- seek to ensure the full participation of women in the promotion of peace, in particular through the full implementation of the UNESCO Culture of Peace Programme; and
- explore new ways of generating resources for peace and development through reduction of excessive military expenditure and trade and investment in arms production and acquisition.

#### 4. BEIJING +5

In June 2000, a Special Session of the UN General Assembly was convened for the Beijing +5 Review. The aim of the five-year review was to highlight achievements and areas of progress vis-à-vis the Beijing Platform for Action. It was also to note existing obstacles and emerging challenges and identify concrete steps for action to implement the BPFA. Similar to the BPFA, the “Outcomes” document from the review is not binding, but by signing it, member states have officially committed themselves to taking action and can be held accountable.

**Key Developments:** With regard to conflict resolution and peacebuilding specifically, states at Beijing +5 agreed to:

#### THE COMMONWEALTH SECRETARIAT

The Commonwealth is an association of 53 countries worldwide.<sup>10</sup> It has three inter-governmental organisations: the Secretariat, the Foundation and the Commonwealth of Learning. The **Commonwealth Secretariat** is the main agency, facilitating interactions and consultation among member states and governments.

The Secretariat has a **Plan of Action (PoA) for Gender Equality 2005–15**. The document reflects the Commonwealth’s principles and values and incorporates its responses to the differential impacts of global changes and challenges on women and men, girls and boys. The PoA works towards the attainment of the **Millennium Development Goals (MDGs)** and gender equality as expressed in the

1995 Beijing Declaration and Platform for Action and the 2000 Beijing+5 Political Declaration and Outcome Document.

In its PoA, the Commonwealth recognises that poverty eradication, the protection and promotion of human rights, the strengthening of democracy and gender equality are intrinsically interrelated. The PoA therefore takes a rights-based approach to all the critical areas it addresses and is grounded in the framework of international and regional human rights conventions and other instruments.<sup>11</sup> Four critical areas are prioritised:

- gender, democracy, peace and conflict;
- gender, human rights and law;
- gender, poverty eradication and economic empowerment; and
- gender and HIV/AIDS.

Within these critical areas, the Commonwealth aims to build on and deepen the gender mainstreaming approach introduced in the 1995 PoA and its 2000 Update. Specifically, it aims to address the continuing challenges of gender-based violence and the achievement of women's full participation in leadership and decision-making.

The Commonwealth has made a clear commitment to women's full participation in democracy and in peace processes. The Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs recommended a target of no less than 30 percent of women in decision-making in the political, public and private sectors by 2005 in 1996.<sup>12</sup> The Commonwealth Heads of Government Meeting in Edinburgh endorsed this target in 1997.

In 2000, the Sixth Meeting of Ministers Responsible for Women's Affairs recommended that the Commonwealth take action, in collaboration with other international organisations and civil society, to include women at all levels of peacebuilding, peacekeeping, conflict prevention, mediation and resolution and post conflict reconciliation and reconstruction activities. While there have been some achievements, the challenge remains to:

- demonstrate the impact of women's contribution to democracy, peace and conflict in member countries;
- promote accountability for international legal instruments that governments have signed and agreed to;
- bring national legislation with international standards as tools for promoting equality;
- encourage political parties to adopt the 30 percent target for women candidates; and
- mainstream gender equality at all stages of the peace process.

## G-8

The G-8 comprises the governments of Canada, France, Germany, Italy, Japan, Russia, the United States and the United Kingdom. The European Union also participates in G-8 summits. G-8 leaders meet annually to discuss key international social, economic and political issues. In addition to the yearly leadership summits, meetings are also held at the ministerial level.

At the G-8 July 2001 meeting in Rome, Italy, the **"Summary of Conclusions of the G-8 Foreign Ministers: Women and Conflict Prevention"** was issued. Building on several former resolutions including the "Beijing Declaration and Platform for Action" and Resolution 1325, the G-8 noted that they "will seize the opportunity to set an example for the international community"<sup>13</sup> with regard to the participation of women in conflict prevention, resolution and post conflict peacebuilding. In particular, the G-8:

- emphasises the importance of the systemic inclusion of women;
- "encourages the participation of all actors of civil society, including women's organisations in conflict prevention and conflict resolution;"<sup>14</sup>
- calls for special attention to the needs of female ex-combatants;
- urges gender sensitivity in training materials for peace support operations, including military, civilian police and humanitarian personnel;

- encourages the appointment of more women to national and international posts including Special Representatives of the Secretary General, Special Envoys, Resident Coordinators and other operational positions; and
- “commits to the integration... of gender perspectives and the participation of women in the development, design, implementation, monitoring and evaluation of bilateral and multilateral assistance programmes.”<sup>15</sup>

## ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

The OECD has thirty member countries including all major bilateral donors and works with governments and civil society in seventy countries worldwide. Its members are committed to democratic governance and market economy. “The organisation produces internationally agreed instruments, decisions and recommendations to promote rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalised economy.”<sup>16</sup> The **Development Assistance Committee (DAC)** has 23 members, and is the main body within the OECD that addresses development issues.<sup>17</sup> The Committee adopts policy guidance and issues guidelines for its members in their conduct of development cooperation work. In 1997, the OECD/DAC issued **Guidelines on Conflict, Peace and Development Cooperation**.<sup>18</sup> The Guidelines explicitly recognise that women “play special roles as bridging partners in dialogue, peace negotiations, reconstruction and rehabilitation strategies and contribute their special experience and perceptions to peacebuilding and reconciliation efforts.”

Referencing the Beijing PFA, the Guidelines also state:

Women should be assured equal opportunities to participate in peace fora and activities. Agencies also need to focus on developing efficient strategies and approaches to empower and encourage them to play more assertive roles in shaping a peaceful and viable future for their country through exercises in confidence-building; leadership; negotiation skills, etc.

These principles are further reinforced in the 2001

**DAC Guidelines on Helping Prevent Violent Conflict**<sup>19</sup> with recommendations to OECD members that they:

- “Actively engage women, men and youth in peacebuilding and policy-making processes. All actors need to take better account of the pervasive linkages between gender differences and violent conflicts and their prevention and resolution.
- Reinforce local capacities to influence public policy, and tackle social and political exclusion.”<sup>20</sup>

While the recommendations are not binding, they do state the agreed position of major donors vis-à-vis conflict issues and the role of women. These statements should be reflected in the programmatic work of OECD/DAC members in conflict prevention, resolution and post conflict reconstruction.

## ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The Organization for Security and Cooperation in Europe (OSCE) has 55 member states from Europe, Central Asia and North America. It is active in early warning, conflict prevention, crisis management and post conflict rehabilitation. The OSCE prides itself in taking a comprehensive approach to security, addressing a wide range of issues including arms control, preventive diplomacy, confidence-building and security measures, human rights, democratisation, election monitoring and economic and environmental security. All states have equal status and decisions are based on consensus.

The organisation headquarters are in Vienna, Austria, and more than 20 missions and field activities are located in Southeastern Europe, the Caucasus, Eastern Europe and Central Asia. They work “on the ground” to facilitate political processes, prevent or settle conflicts and promote civil society and the rule of law.

**The OSCE Gender Action Plan:** The OSCE participating states officially “recognise that equality of women and men and the protection and promotion of the human rights of women are essential to sustainable democracy and to security and stability in the OSCE



region.”<sup>21</sup> On June 1, 2000, the OSCE’s Gender Action Plan was officially approved by member states. The plan addresses the following issues:

- *Gender balance and equality for men and women within the OSCE’s structure*, including:
  - the creation of equal opportunities for women;
  - the appointment of gender specialists in the Secretariat and the Office for Democratic Institutions and Human Rights (ODIHR); and
  - the provision of gender training for all personnel.
- *Equality for men and women in participating OSCE states*, including:
  - coordination with the international community and local NGOs in developing and implementing gender projects;
  - analysis of data on the status of women; and
  - ensuring that the protection and promotion of human rights, including those of women, form an integral part of the work of the OSCE through the **Office for Democratic Institutions and Human Rights (ODIHR)**. Areas of activity include:
    - increasing women’s access to political and public life, and helping NGOs and women political leaders develop effective coalitions and networks;
    - enabling women to participate actively in conflict resolution and management;
    - supporting the development and implementation of legal frameworks for equality and non-discrimination and protection of the human rights of women;
    - assisting persons affected by gender-related violence in conflict and post conflict situations;
    - raising awareness and international cooperation in issues relating to the trafficking in women;
    - encouraging the **High Commissioner on National Minorities** to pay special attention to the status of women belonging to national minorities;
    - supporting efforts by the **Parliamentary Assembly** to promote gender equality in political processes; and

- encouraging the Representative on Freedom of the Media to increase women’s participation in media throughout the OSCE area and to be alert to instances of discrimination against women.

The Gender Action Plan states that in field operations, a gender dimension should be included in the planning of programmes and the appointment of staff. Women in **Kosovo, Bosnia, Russia, Armenia and Azerbaijan** can draw attention to these policies and engage with the OSCE. Field operations should appoint gender specialists as focal points to support and supplement the work of the ODIHR. In large missions, a gender coordinator should be appointed. The work of these specialists would include:

- monitoring and assisting the implementation of gender-sensitive policies and projects within the OSCE;
- identifying potential projects relevant to the advancement of women, cooperating with the ODIHR and other OSCE activities and supporting women’s NGOs to develop related programmes; and
- paying particular attention to the situation of women in conflict and post conflict areas and ensuring inclusion of gender and women’s human rights issues in the reports of missions and field activities.

### Using the OSCE Gender Action Plan

The Gender Unit in Warsaw, Poland, has a number of projects through missions or in partnership with local NGOs in different countries, including:

- legal clinics for women, providing free advice, education and awareness-raising on legal rights including inheritance and property rights (**Tajikistan**);
- police training of local police in issues relating to domestic violence and trafficking of women (**Kosovo, Albania, Tajikistan**);
- women’s rights and empowerment (**Armenia**);
- women’s leadership (**Azerbaijan**);
- preventing violence (**Azerbaijan**);
- coalition-building for NGOs (**Georgia**);
- political empowerment and leadership (**Kazakhstan**);
- networking (**Kyrgystan**); and
- regional advocacy and coalition-building (**Central Asia**).

## AFRICAN UNION (AU)

### 1. THE SIRTE DECLARATION

This declaration by African Heads of States, issued in 1999, set in motion the creation of the AU. The Declaration was adopted in Lome, Togo, in 2000 and came into force in 2001. As a continental organisation, the AU focuses on the promotion of peace, security and stability. It seeks to promote and protect human and peoples' rights in accordance with the 2001 **African Charter on Human and Peoples' Rights**.

The AU Commission functions as the secretariat of the union. It is the only regional body that has an equal number of men and women commissioners. This development originated during the 2002 launch of the AU when African women succeeded in securing a commitment of equal representation of women and men in the **Durban Declaration**. Within the Commission there is also a **Women, Gender and Development Directorate** with a mandate to oversee women's empowerment efforts and gender mainstreaming in development programmes. Also in 2002, a **Special Unit in the Office of the Chairperson of the Commission** was established with a mandate to coordinate all activities and programmes within the Commission that are related to gender.<sup>22</sup>

In June 2004, the AU, the **Gender Directorate**, and the NGO **Femmes Afrique Solidarité** collaborated on the organisation of a pre-Summit Meeting on Gender. This meeting brought together civil society organisations, academics and government representatives to discuss gender issues affecting African women and to draft a **Declaration on Mainstreaming Gender in the African Union**. This declaration can be found on the AU's website: <http://www.african-union.org>.

### 2. NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

NEPAD was conceived as a key strategy for Africa's development and renewal. In the NEPAD framework document and in the follow-up document, the **Declaration on Democracy, Political, Economic and Corporate Governance** (June 2002), specific references are made regarding the need for the promotion of women and the integration of gender

issues in all aspects of the plan for sustainable development. Below is a summary of the key points.

- *Supporting women*—African countries propose:
  - promoting the role of women in all activities as a long-term objective for achieving sustainable development in Africa in the twenty-first century [point 67];
  - promoting the role of women in social and economic development, including by [point 49]:
    - reinforcing their capacity in the domains of education and training;
    - developing revenue-generating activities by facilitating access to credit; and
    - assuring their participation in the political and economic life of African countries;
  - establishing a gender task team to ensure that the specific issues faced by poor women are addressed in the poverty reduction strategies of NEPAD;
  - undertaking actions to advance the cause of human rights in Africa generally and, specifically, to end the moral shame exemplified by the plight of the vulnerable, including women, in conflict situations in Africa [point 10]; and
  - ensuring, as a binding obligation on governments, that women have every opportunity to contribute on terms of full equality to the political and socioeconomic development in African countries [point 11].
- *Promoting peace and security*—African countries propose:
  - promoting long-term conditions for development and security by addressing the political and social vulnerabilities on which conflict is premised [point 73];
  - building the capacity of existing African regional and subregional institutions in four key areas [point 74]:
    - prevention, management and resolution of conflict;
    - peacemaking, peacekeeping and peace enforcement;



- post conflict reconciliation, rehabilitation and reconstruction; and
- combating the illicit proliferation of small arms, light weapons and landmines;
- encouraging individual African states to make all efforts to find a lasting solution to existing conflicts, to strengthen their internal security and to promote peace among the countries [point 77]; and
- undertaking a process of targeted capacity-building initiatives, focusing on [point 83]:
  - administrative and civil services;
  - strengthening parliamentary oversight;
  - promoting participatory decision-making;
  - adopting effective measures to combat corruption and embezzlement; and
  - undertaking judicial reforms.

### 3. SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

SADC is made up of 14 member states. SADC's main objective is liberating people in the Southern African region from poverty. Another key objective is the promotion of peace and security. HIV/AIDS<sup>23</sup> is highlighted as a major threat to achieving this objective and is therefore accorded priority in SADC's health programmes.

SADC has an **Organ on Defense, Politics and Security Co-operation** that is responsible for promoting peace and security in the region and is engaged in regional peacekeeping. SADC thus maintains a sustainable brigade-sized peacekeeping force.<sup>24</sup>

Among the priorities of the SADC Secretariat is gender mainstreaming in SADC programmes and activities. A **Department of Strategic Planning, Gender and Development Policy Harmonisation** was established to strengthen the Secretariat in executing these functions. Additionally, a gender mainstreaming framework was created in 1998 and consists of a Committee of Ministers responsible for Gender and Women's Affairs, a regional Advisory Committee including government and NGO representatives, Gender Focal Points and a Gender Unit at the Secretariat. The Committee seeks to strengthen lobbying and advocacy strategies on gender

mainstreaming at both the national and regional levels. SADC also has a Directorate of Social and Human Development and Special Programmes that focuses on gender issues and the promotion and harmonisation of policies and gender development of strategies and programmes. The **SADC Gender Declaration (1997)** calls for a minimum of 30 percent women in decision-making posts in member states by 2005.<sup>25</sup> As a means of monitoring progress, SADC has established a gender unit at its Secretariat and launched the *Gender Monitor*, a magazine to report on gender-mainstreaming activities in development programmes across the region.

### THE EUROPEAN PARLIAMENT

The European Parliament is the European Union's elected assembly. It has 626 members elected directly by citizens of member states. Each state has a specified number of seats. The parliament's resolution on **The Participation of Women in Peaceful Conflict Resolution** was adopted in November 2000. It refers to the lack of effective international protection and judicial mechanisms available to women victims of war and armed conflict. These deficiencies include:

- the lack of specific references within existing legal frameworks that are meant to protect women from all forms of sexual violence in conflict situations;
- the vague wording of declarations regarding the protection of refugee and IDP women;
- the reality of the situation for women in refugee camps, of raped women in war and rape as a weapon of war, including the resulting stigma and discrimination;
- protection against sexual slavery, especially that of young girls, the needs of girl soldiers and the abusive history of some peacekeepers on some UN missions as contributing factors to the increase in child prostitution and the spread of sexually transmitted diseases; and
- the fact that only two European Union member states had ratified the International Criminal Court at the time the resolution was passed.

This opening statement (Preamble) of the resolution highlights a number of developments in the

international community. It builds on the fact that the rights, priorities and interests of women are frequently ignored and that women are marginalised from negotiation processes. It also notes that donor attention during demobilisation<sup>26</sup> of military forces generally focuses on men. The resolution notes that the increased presence of women in peace support operations has resulted in improved relations with local communities, although this increase has only been numerically significant since the 1990s. Similarly, women's peace initiatives across conflict lines are often undertaken at great risk in areas of extreme violence.

The resolution itself makes a series of recommendations categorised into three areas:

**The Protection of War-Affected Populations:** This section condemns rape, sexual slavery and all forms of sexual violence and misconduct. It calls upon member states to ratify and update the wording of the **Geneva Convention on the Protection of Women and Children in Armed Conflict** and to increase funding for health, counselling and witness protection services to victims of rape and sexual violations.

The resolution also includes a call for gender-sensitive training on peace and security initiatives and training on gender aspects of conflict resolution. It calls for the use of local gender expertise and research on gender-based violence during and after conflicts. It also highlights the need for the integration of a gender perspective in the planning of refugee camps.

**International Efforts to Prevent and Solve Armed Conflicts:** The resolution stresses that current conflicts demand the increased use of non-military methods of crisis management and, accordingly, calls on member states and the European Commission to take action by recruiting more women into diplomatic services. It requests the nomination of more women to international diplomatic assignments and senior positions within the UN and an increased percentage of women in delegations to national, regional and international meetings concerned with peace and security. It suggests that there should be a quota of at least 40 percent of women in all areas. These women should hold posts in reconciliation, peacekeeping, peace enforcement, peacebuilding and

conflict prevention. In reconstruction efforts, it states that gender analysis should be integrated into the planning and practice of external interventions and that the establishment of a national machinery for gender equality within governments should be promoted through a Ministry of Women's Affairs, a Gender Desk or an Office of the Status of Women.

**Community-Based Participation in the Prevention and Resolution of Armed Conflicts:** It is widely recognised that women play a crucial role in the rebuilding of societies after conflict. To prevent their marginalisation, the resolution stresses the importance of local involvement and ownership of the peace and reconciliation process. The resolution calls on member states and the European Commission to support the creation and strengthening of NGOs. They should also ensure that the warring factions incorporate civil society representatives—50 percent of whom should be women—into their negotiation teams. They should promote public debate in post conflict regions on gender-based abuses to ensure that both men and women benefit from external reconstruction initiatives in the process. They should also ensure that the specific rehabilitation needs of girl soldiers are addressed.<sup>27</sup>

The resolution, although not binding, can influence European policies and programmes in the area of conflict.

## ORGANIZATION OF AMERICAN STATES (OAS)

The OAS brings together countries in the western hemisphere. It is the region's primary forum for dialogue and cooperation. As part of the structure of the OAS, the **Inter-American Commission of Women (CIM)** has taken the lead on the advancement of women. The CIM was formed in 1928 with a mandate "to ensure [the] recognition of the civil and political rights of women."<sup>28</sup> It continues to play an important role in advocating women's participation in governance structures in the region. In February 1998, the CIM prioritised this issue with particular emphasis on the transformation of member states' political cultures, the stereotypical gender-based images in the media and education. Increasingly, it

has become focused on issues of women, peace and security, having held a videoconference with the chair of the Hemispheric Security Committee and women peacebuilders from throughout the region in July 2003.

In November 2002, the **Fifth Conference of Defense Ministers of the Americas** met in Santiago, Chile, and produced a declaration that noted their:

...satisfaction for advances in the incorporation of women to the armed forces and security forces in the Hemisphere's states, thereby allowing for a growing degree of equal opportunities...Likewise, we value the holding of the first "Seminar on the Role of Women in Peacekeeping Operations," ...in response to the mandate in UN Security Council Resolution 1325 of October 31, 2000.<sup>29</sup>

In October 2003, the **Declaration on Security in the Americas** was signed in Mexico City by the foreign ministers of the hemisphere and included the following:

The states of the Hemisphere reaffirm the importance of enhancing the participation of women in all efforts to promote peace and security, the need to increase women's decision-making role at all levels in relation to conflict prevention, management, and resolution and to integrate a gender perspective in all policies, programs, and activities of all inter-American organs, agencies, entities, conferences, and processes that deal with matters of hemispheric security.<sup>30</sup>

While neither of these statements is binding, they do represent a strong commitment on the part of OAS member states. Language from each of these declarations has been used in subsequent documents to reiterate the role of women in hemispheric security, and NGOs regularly call upon these documents for advocacy purposes. Civil society and others are currently working toward a General Assembly resolution that would incorporate this language to further strengthen the commitment of OAS member states to the issue of women, peace and security.

## SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION (SAARC)

SAARC is made up of seven South Asian States: Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka.

SAARC signed a **Framework Agreement with the Economic and Social Commission for Asia and the Pacific** in February 1994 to provide for cooperation on developmental issues such as the prevention of drug trafficking, poverty alleviation and human resource development.<sup>31</sup>

In 1990, SAARC initiated its **Social Agenda**, which includes a focus on social issues such as the eradication of poverty and the development of women and children. The decade 2001–2010 has been designated the SAARC Decade of the Rights of the Child. SAARC is particularly concerned with the trafficking of women and children and has developed a regional **Convention on the Prevention of Trafficking on Women and Children**. This Convention includes mechanisms for the prosecution of persons involved in trafficking under national laws. It also provides for assistance in investigations and for the orderly repatriation of victims of trafficking.<sup>32</sup>

## OTHER REGIONAL ORGANISATIONS

As of 2004, other regional organisations such as the **Association of South East Asian States (ASEAN)** and the **League of Arab States** had not issued resolutions or declarations regarding women's participation in issues of peace and security. ASEAN, comprising ten member states, including a number of post conflict countries such as Cambodia, Vietnam and Laos, has made economic development a priority. Among members of the League of Arab States, Egypt has taken a leading role in promoting issues of women's peace and security, particularly through the **Suzanne Mubarak Women's International Peace Initiative**. The League itself, however, has not adopted any related policies.

## ACRONYMS

AU	African Union
ASEAN	Association of South East Asian States
BPFA	Beijing Platform for Action
CIM	Inter-American Commission of Women
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
DAC	Development Assistance Committee of the OECD
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IDP	Internally Displaced Person
MDG	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights of the OSCE
OECD	Organisation for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
OAS	Organization of American States
PoA	Plan of Action
SAARC	South Asian Association for Regional Co-operation
SADC	Southern African Development Community
UN	United Nations
UNIFEM	United Nations Development Fund for Women

## ENDNOTES

1. However, it is worth noting that there are no mechanisms currently developed to enforce states' compliance.
2. The acronym IDP is used interchangeably to describe "internally displaced persons" and "internally displaced people."
3. In 2004, members of the Working Group were: International Alert, the Women's Commission on Refugee Women and Children, the Hague Appeal for Peace, the International Women's Tribune Center, Femme Afrique Solidarité, Women's Actions for New Directions, Women's International League for Peace and Freedom, and Women's Division and General Board of the Global Division of the United Methodist Church.
4. See <<http://www.un.org/womenwatch/daw/cedaw/states.htm>>.
5. Mazurana, Dyan E. and Susan R. McKay. *Women and Peacebuilding*. Montreal: International Centre for Human Rights and Democratic Development, 1999. 66-69.
6. See <[www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/)>.
7. See General Recommendation 19, Committee on the Elimination of Discrimination Against Women, 11th Sess., Agenda Item 7 at Sect. 25, CEDAW/C/1992/L.1/Add.15, 1992.
8. Fourth World Conference on Women, *The Platform for Action; Global Framework, Article 23*. New York: United Nations, 1996, at <[www.un.org/womenwatch/daw/beijing/platform/plat1.htm#framework](http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#framework)>.
9. Ibid.
10. These countries are former British Colonies. For more information see <<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=20596>>.
11. See chapter on human rights.
12. *The Commonwealth Plan of Action for Gender Equality 2005-2015*. Nadi, Fiji: Commonwealth Secretariat, 2004. 28 September 2004 <[http://www.beta.fiji.gov.fj/uploads/POA\\_final\\_2\\_June\\_042.pdf](http://www.beta.fiji.gov.fj/uploads/POA_final_2_June_042.pdf)>.
13. *Summary and Conclusions of the G8 Foreign Ministers: Women and Conflict Prevention*, Rome, July 2001 27 September 2004 <<http://www.womenwagingpeace.net/content/articles/G8ForeignMinistersStatement.pdf>>.
14. Ibid.
15. Ibid.
16. OECD, 27 September 2004 <[http://www.oecd.org/about/0,2337,en\\_2649\\_201185\\_1\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/about/0,2337,en_2649_201185_1_1_1_1_1,00.html)>.
17. See chapter on Social and Economic Reconstruction for information on OECD/DAC members.
18. *OECD/DAC Guidelines on Conflict, Peace and Development Cooperation*. 27 September 2004 <<http://www.jha.ac/Ref/r017.pdf>>.
19. *Executive Summary, DAC Guidelines Helping Prevent Conflict*. 27 September 2004 <[http://www.oecd.org/document/45/0,2340,en\\_2649\\_34567\\_1886125\\_119820\\_1\\_1\\_1,00.html](http://www.oecd.org/document/45/0,2340,en_2649_34567_1886125_119820_1_1_1,00.html)>.
20. Ibid.
21. See <<http://www.womenwagingpeace.net/content/articles/OSCEGenderActionPlan.pdf>>.
22. Dupree, Lila, and Kemi Ogunsanya. Mainstreaming Women into NEPAD: In-Visible Progress? Unpublished article, Women Waging Peace: Washington DC, 2002.
23. See chapter on HIV/AIDS.
24. See <[www.africa.upenn.edu](http://www.africa.upenn.edu)>.
25. See <[www.ilo.org/public/english](http://www.ilo.org/public/english)>.
26. See chapter on DDR.
27. See <<http://www.peacewomen.org/resources>>.
28. See <[www.oas.org/cim/English/About.htm](http://www.oas.org/cim/English/About.htm)> for more details.
29. *V Conference of Ministers of Defense of Americas Declaration of Santiago, Chile*. <<http://maria.webpg.net/Archivo/d0000197.htm>>.
30. *Declaration on Security in the Americas* <[http://www.oas.org/documents/eng/DeclaracionSecurity\\_102803.asp](http://www.oas.org/documents/eng/DeclaracionSecurity_102803.asp)>.
31. See <[www.saarc-sec.org](http://www.saarc-sec.org)>.
32. See <[www.indianembassy.org/South\\_Asia/SAARC](http://www.indianembassy.org/South_Asia/SAARC)>.

# Human Rights

SANAM NARAGHI ANDERLINI AND JOLYNN SHOEMAKER

As the **Universal Declaration of Human Rights (UDHR)** states, “freedom, justice and peace in the world” are founded on the basis of “the inherent dignity and the equal and inalienable rights of all members of the human family.”<sup>1</sup> At the same time, every man, woman and child has the right to peace and the absence of violence. The violation of human rights and armed conflict are often inextricably linked; systematic abuse of the human rights of particular sectors, communities or groups can result in conflict, and violent conflict in turn results in further violations of human rights. In other words, human rights are inextricably linked to issues of conflict, peace and security.

There can be no form of good governance, justice, rule of law or security without respect for human rights. Yet too often, states forego basic human rights—particularly civil and political rights—in the name of security. It can be a difficult balancing act. Since the “war on terror” was launched, for example, the civil rights of sectors of the **United States (US)** population have been threatened in the name of security for the majority. In many other countries, including **Afghanistan, Colombia, Iraq and Russia**, the fundamental human rights of many communities have been violated.

Upholding human rights can be a challenging goal, particularly in societies with a history of violence or oppression. In such societies, violence, fear and impunity must be replaced by peace, freedom and accountability. This involves transforming the way the government interacts with citizens. Human rights must be integrated into every facet of reconstruction and institution building. This requires a commitment by the government, civil society and the international community to support, implement and enforce human rights standards. This chapter provides an overview of human rights and related law in the context of conflict. It highlights the impact of human rights violations on women and provides examples of efforts to prevent, document and redress human rights violations.

## 1. WHAT ARE HUMAN RIGHTS?

**Human rights** can be defined as the rights of all individuals regardless of sex, race, colour, language, national origin, age, class or religious or political beliefs to certain fundamental freedoms.<sup>2</sup> Human rights are universal, inalienable, indivisible and interrelated.<sup>3</sup> Every state has the obligation to promote universal respect for all human rights without discrimination, regardless of cultural or other differences. Every person not only has rights, but also has the responsibility of respecting the rights of others.

Although modern human rights laws were formulated in the wake of World War II, they have ancient and global origins. The great religious traditions—Buddhism, Christianity, Confucianism, Hinduism, Judaism and Islam—include such universal human rights tenets as the responsibility of human beings towards others and respect for human dignity. Philosophies around the world have long explored the nature of relations between individuals and the moral responsibilities of individuals within society.<sup>4</sup> This prevalence of human rights principles in moral and religious traditions across the world

makes a strong case against those who claim that human rights are a “western concept.”

The first recorded version of a human rights declaration dates back to 570 BC and Cyrus the Great of Persia. His Charter of Freedom of Humankind recognised the right to liberty, security, freedom of movement and residence, right of property, freedom of religion, right to work and the prohibition of slavery.<sup>5</sup> Throughout the centuries, other documents established the rights and responsibilities of citizens of countries, including the Treaty of Westphalia, the Bill of Rights in Britain, the French Declaration of the Rights of Man and Citizens and the US Bill of Rights.

The founding documents for modern international human rights are called **The International Bill of Human Rights** and consists of the **United Nations (UN) Charter**, the **Universal Declaration of Human Rights**, the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.

The UN Charter establishes the legal and conceptual framework for contemporary international human rights law.<sup>6</sup> Article 1 of the UN Charter recognises that one of the UN’s purposes is to promote and encourage respect for human rights and fundamental freedoms. Article 55(c) states that the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”<sup>7</sup>

**The Universal Declaration of Human Rights (UDHR)** recognises the universality of human rights; the preamble states that the UDHR is a “common standard of achievement for all peoples and all nations (see appendix for full text).”<sup>8</sup> Although the UDHR is not a treaty, it has become a source of **customary international law**, meaning that states have a sense of legal obligation to observe norms and these norms are reflected in the general practice of states.<sup>9</sup> The UDHR has gained widespread acceptance among states and is considered to be an authoritative interpretation of human rights in the UN Charter.<sup>10</sup> The UDHR articulates political and civil rights as well as economic and social rights and has served as a basis for more than 20 international human rights treaties.<sup>11</sup> The

human rights and fundamental freedoms in the UDHR include:

- right to non-discrimination;
- right to life, liberty and security;
- prohibition of slavery;
- prohibition of torture and cruel, inhuman or degrading treatment or punishment;
- right to equality before the law;
- prohibition of arbitrary arrest, detention or exile;
- right to a fair and public hearing;
- right to privacy;
- freedom of movement and residence;
- right to nationality and citizenship;
- right to marriage and family;
- right to own property;
- freedom of thought, conscience and religion;
- freedom of opinion and expression;
- freedom to peaceful assembly and association;
- right to representative government;
- right to social security;
- right to work;
- right to adequate standard of living;
- right to education; and
- right to participate in cultural life.

The ICCPR and the ICESCR treaties are legally binding. By ratifying them, states are bound to abide by their provisions.<sup>12</sup> These two conventions include more detailed explanations of the rights and freedoms enumerated in the UDHR. The ICCPR covers civil and political rights, sometimes referred to as “**first generation**” rights. The ICESCR specifies social, economic and cultural rights, also referred to as “**second generation**” rights. Although the UN has reaffirmed that all human rights are equal in importance, civil and political rights have received more attention in implementation and enforcement.

Implementation of each of these conventions is monitored by a UN committee: the ICCPR by the



UN Human Rights Committee and the ICESCR by the UN Committee on Economic, Social and Cultural Rights. The ICCPR has two optional protocols. A protocol supplements a treaty and adds additional procedures or provisions or interprets existing provisions in another treaty.<sup>13</sup> The purpose of the first Optional Protocol to the ICCPR is to establish enforcement mechanisms by allowing individual victims of human rights abuses to communicate directly with the Committee on Human Rights. The ICESCR does not have a similar protocol for enforcement.<sup>14</sup>

Numerous international documents—treaties, declarations, resolutions, recommendations, decisions and actions—have been developed in the years since the **International Bill of Rights** was created, addressing such human rights topics as non-discrimination, self-determination, women’s rights, children’s rights, prohibitions against slavery and forced labour, transitional justice and rule of law, humanitarian law and other rights and freedoms. For example, the **UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** came into force in 1987.

Specialised international agencies of the UN, the **International Labour Organization (ILO)** and other multilateral institutions have contributed to the recognition and respect for human rights. Regional institutions have created their own instruments to guarantee human rights, including the **African Charter of Human and People’s Rights**, **Asian Human Rights Charter**, **European Convention on Human Rights** and the **American Convention on Human Rights**. Individual governments have responded to international human rights obligations and to pressure from multilateral organisations, other governments and non-governmental organisations (NGOs) by formulating legislation, regulations, court decisions and pronouncements addressing human rights. All of these documents and actions have helped define, explain and expand the scope of international human rights standards.

## 2. WHAT ARE WOMEN’S HUMAN RIGHTS?

Women’s experiences of human rights violations are heavily coloured by their sex, gender roles and status

in society. For example, they more often experience cruel, inhuman or degrading treatment through gender-based violence. They are denied economic human rights by the disproportionate impact of economic policies. They are targets of discrimination in laws pertaining to citizenship, family and property.<sup>15</sup> They are denied social rights in the form of restrictive reproductive laws and policies.<sup>16</sup> To elaborate on the **International Bill of Human Rights** instruments, in 1979 the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** was drafted (see appendix for full text). It came into force in 1981. In 1999 the **CEDAW Optional Protocol** came into force. This provides two mechanisms for enforcing the convention. The Protocol permits women to submit claims of discrimination directly to the committee that oversees CEDAW compliance. It allows the committee to initiate its own investigations into violations of women’s rights in countries that are signatories to the Protocol (see introductory chapters for detailed information on CEDAW).<sup>17</sup>

CEDAW has been a touchstone for women’s rights activists worldwide. It inspired numerous related declarations, policies and programmes. The 1995 **Beijing Platform for Action (BPFA)** that emerged from the Fourth World Conference on Women, is another critical and even more comprehensive document. This and other policy documents are not legally binding, but they do supplement existing human rights instruments and set new standards in terms of governments’ and the international community’s commitments to women’s human rights.<sup>18</sup>

### VIOLATIONS AGAINST WOMEN: KEY ISSUES

Human rights violations against women are often rooted in discrimination. Because of their unequal status in many societies, economic and social development, health conditions and criminal activities often have a disproportionate impact on women. Some examples of human rights issues with a particular gender dimension are noted below.

**Violence against women:**<sup>19</sup> “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>20</sup>



Violence against women is a widespread human rights abuse around the world. Women experience violence during peace and conflict, in the home and in the workplace. Often, governments fail to prevent such violence, crimes are treated as less seriously than other types of violence, and perpetrators are not punished. Women endure mistreatment and discrimination in the law enforcement and judicial systems. Types of violence that affect women disproportionately include domestic violence, sexual assault and harassment, honour killings, harmful traditional practices such as female genital mutilation (FGM) and gender-based crimes during armed conflict, specifically sexual assault and rape.

Women are also particularly vulnerable to trafficking (i.e. transportation of people under false pretences) for forced labour and other illicit purposes. Data published in 2004 reveals that 80 percent of the victims trafficked across international borders are girls and women, and 70 percent of those girls and women are trafficked for sexual exploitation.<sup>21</sup> The disproportionate effects of this type of crime on women are often exacerbated by corruption in the government—officials who facilitate trafficking rings. Often governments react to trafficking problems by instituting laws and policies that punish trafficking victims rather than the criminals who are involved.

Women political prisoners also experience gendered forms of violence and humiliation. Often sexual torture is used. Pregnant women are often threatened with beatings or having their children taken away from them. Even in cases of relatively minor actions, such as public protests, in many instances, women who are arrested can be subjected to virginity tests and penalised for so-called immoral behaviour.

**Health and Reproductive Rights:** Malnutrition, pregnancy complications, inadequate health access and care and increasingly, HIV/AIDS, are all problems that affect women in high numbers around the world. Violence against women, the spread of diseases, including HIV/AIDS, gender discrimination and lack of access to information and health care all make women particularly susceptible to illness and death (see chapters on HIV/AIDS and reproductive health for more information).

Women's health rights are intertwined with various other human rights found in the Universal Declaration on Human Rights and other instruments, including the right to non-discrimination, the right to liberty and security of person, the right to life and survival, the right to be free from inhuman and degrading treatment, the right to privacy, the right to marriage and family and the right to education.

**Educational Rights:** Girls are denied equal access to education in many countries. Of all children worldwide who receive less than four years of education, two-thirds are girls. Of the 60 percent of children worldwide who are not in school, girls are 60 percent. Illiteracy affects girls and women disproportionately—70 percent of the world's illiterate are women, and more than half of the world's women over the age of 15 cannot read or write.<sup>22</sup> Women's lack of education limits their political and economic opportunities.

Women's education rights are linked to other fundamental human rights, including the right to equality, the right to work, the right to an adequate standard of living and freedom of thought, conscience, religion and belief.

**Economic and Labour Rights:** Women are 70 percent of the world's poor and own only one percent of the world's wealth. Overall, women have less control than men over resources, including cash, credit, property, land and wealth in societies around the world.<sup>23</sup> Women in many countries around the world are denied legal rights to own, inherit or transfer property, land and wealth. These disparities affect women's full enjoyment of other human rights.

In the workplace, women have fewer job opportunities than men, they are paid less (30–40 percent less), and they work longer hours.<sup>24</sup> Women perform unpaid domestic labour and are relegated to lower-paid sectors of the economy. Women encounter discriminatory laws and practices in the workplace. In addition, they experience a high incidence of sexual harassment and workplace violence. Women in specific sectors, such as migrant work and domestic service, are particularly vulnerable to abuse.<sup>25</sup>

Women often face a double burden of domestic responsibilities in the home combined with employment outside the home. In post conflict

situations, this is compounded because women are often the sole breadwinners and heads of households, and may also be faced with the effects of displacement, destruction and lack of family labour. In addition, as widows, in many societies women are discriminated against and have limited rights to inheritance, property ownership or even custody of their children (see chapter on post conflict reconstruction).

**Parental and Marital Rights:** Lack of equality in marriage, including limited rights to divorce and child custody, not only results in a violation of women’s rights, but can also result in violence against women in the home (see chapter on constitutional law for more information).

**Civic and Political Rights:** In many countries, women are denied opportunities for civic and political participation through discriminatory laws, practices and views. In addition, women are faced with poverty, lack of education, endemic violence and other constraints that prevent them from becoming involved in public life. As a result, women are underrepresented in political organisations and parties, elected office and formal government structures. Women face specific challenges in the areas of voter registration and voting, campaigning for political office and representation in legislatures (see chapter on governance).

### 3. ADDRESSING HUMAN RIGHTS DURING CONFLICT: WHAT LAWS EXIST?

Over the centuries and across the world, attempts have been made to limit wartime behaviour and codify military conduct. The concept of war crimes is noted in Hindu codes dating back to 200 BC, while in 1625 the notion of “humanitarian treatment of civilians” was suggested.<sup>26</sup> However, significant development and change can be attributed to Henri Dunant, founder of the International Committee of the Red Cross, who played a critical role in drafting the first Geneva Convention to protect the sick and wounded in wartime. This convention, signed in 1864, was followed by a number of treaties between 1899 and 1925 relating to the use of poisonous gas and the practice of biological warfare. In the following decades, other conventions

emerged, addressing issues ranging from the treatment of prisoners of war in 1929 to four conventions on the protection of civilians and shipwreck victims in 1949. In 1977, two additional protocols to the 1949 conventions extended protection to civilians in civil war as well (see box). Together this body of legislation is known as **International Humanitarian Law (IHL)**.

#### The Geneva Conventions and Protocols

**Convention I** (1949) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

**Convention II** (1949) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked members of the armed forces at Sea.

**Convention III** (1949) relating to the Treatment of Prisoners of War.

**Convention IV** (1949) relating to the Protection of Civilians in Times of War.

**Protocol I** (1977) relating to the Protection of victims of International Armed Conflict extends protection to victims of wars against racist regimes, wars of self-determination and against alien oppression.

**Protocol II** (1977) relating to the Protection of Victims of Non-international Armed Conflict extends protection to victims of internal conflicts in which an armed opposition controls enough territory to enable them to carry out sustained military operations.

The basic protection and prohibitions stated in the four 1949 Conventions and Additional Protocols of 1977 include the following:

- **Distinctions between soldiers and civilians:** Combatants must be clearly distinguished from civilians by wearing uniforms and carrying weapons openly. Exceptions are made for medical and religious personnel, who may wear uniforms. Medical personnel may also carry small arms to use in self-defence against illegal attacks.

- Mercenaries are combatants who are not nationals of any party to the conflict, are often paid more than soldiers and are not protected by the conventions.
  - A civilian shooting a soldier is liable for prosecution, but a soldier shooting another soldier is not.
  - A soldier that violates the rules of separation with civilians and endangers the life of civilians is no longer protected by the conventions.
- Civilians must not be subject to collective punishment or reprisals;
  - Civilians must not receive differential treatment based on race, religion, nationality or political allegiance; and
  - Warring parties must not use or develop biological or chemical weapons, and must not allow children under 15 to participate or be recruited into the armed forces.”<sup>29</sup>
- **Prisoners of War (POWs):** Prisoners of war must be treated humanely. Specifically they must not be subjected to torture, medical or scientific experiments of any kind. Violence toward or intimidation and public displays of POWs are illegal. POWs must not be used as human shields. They should not be exposed to danger. POWs cannot be punished for acts committed during fighting—unless the opposing side would punish its own soldiers for the same act.<sup>27</sup>
  - **Treatment of journalists:** In the first three conventions, journalists were considered civilian members of the military and were protected as combatants. For example, they did not have to respond to interrogation. Their status changed in the 1977 Protocols, which explicitly recognised them as civilians. As a result, journalists cannot be deliberately targeted, detained, questioned or mistreated any more than other civilians. But it also means that journalists must not wear military uniform or carry weapons.<sup>28</sup>
  - **Treatment of civilians:** The four 1949 Geneva Conventions and the 1977 additional protocols protect civilians in wartime. Specifically:
    - “Civilians are not to be attacked—either directly or indiscriminately in areas where they are present;
    - There is no destruction of property unless justified by military necessity;
    - Individuals and groups must not be deported, regardless of motive;
    - Civilians must not be taken hostages;
    - Civilians must not be subject to outrages on their dignity, and they must not be tortured, enslaved or raped;
- Since the 1977 protocols, efforts have been made to raise the minimum legal age to 18 for participation in hostilities and armed forces. This is recommended in the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**. Despite resistance on the part of many states, with the changes in the nature and conduct of war and in response to advocacy efforts of the human rights community, the international legal framework is evolving.
- In addition, the statutes of the International Criminal Court (ICC), and indictments emerging from the international tribunals for **Rwanda** and the former **Yugoslavia** (ICTR and ICTY) have broken new ground in the field of international law as it relates to war and the use of sexual violence. For example, as a result of rulings in cases against key commanders in the **Bosnian** conflict, notions of liability for rape have expanded so that individuals can be held responsible not only for committing the act, but also for planning, abetting or ordering it. They can also be held responsible for knowing that rape is taking place, but failing to stop it (see chapter on transitional justice).

## WOMEN'S HUMAN RIGHTS IN WAR AND CONFLICT

The onslaught of violence and war affects the security and human rights of men and women in society. In most instances, the basic social, economic or political rights of men and women are violated, as schools close, health care services diminish, the economy weakens and jobs are lost and militias and armed forces take over. In addition for men, enforced conscription into fighting forces, imprisonment and death are immediate dangers. Often there are greater restrictions placed on men than women in terms of travel or movement, for example.

For women, the circumstances vary. While they may not be in immediate danger of conscription, they are more vulnerable to attack within their homes and communities—from security forces or criminal gangs and looters. In **Iraq**, girls and working women in particular have been affected as violence on the streets and fear of kidnapping have increased.

Women and girls are often deliberately targeted for sexual abuse as a means of “dishonouring” their community or “demoralising” their male cohorts in liberation or ideological struggles. In **Nepal**, women from areas controlled by Maoists are often targets of abuse by state security forces. In **Iran**, in the immediate years after the 1979 revolution, young women with “leftist” tendencies were raped in jail prior to execution, as it was said that “virgins” go to heaven. Reports of rape and even the deliberate spread of HIV/AIDS as strategies of war have been commonplace in the **Democratic Republic of the Congo (DRC)** and elsewhere in **Africa**.

But the emphasis on sexual violence against women and the depiction of women in conflict situations as passive, vulnerable victims detracts attention from other violations and challenges facing them. For example, in **Bosnia**, in the 1990s, many women did not want to draw attention to their own experiences of rape; instead they wanted to focus on the mass killings of their male relatives and the needs of the children and elderly. The focus on women as rape victims has the danger of stripping away their dignity and sense of agency. Similarly, in **Afghanistan**, while internationally the “burkha” was highlighted as the symbol of women’s subjugation, it was not a priority for Afghan women themselves. They were more concerned about addressing fundamental issues of survival such as access to health care, education, food and ensuring security in the streets.

By definition, refugees and internally displaced women have had their most basic rights to security violated and continue to face a range of other abuses on a daily basis (see chapter on refugees and internally displaced persons). In peace negotiations, women remain marginalised, and their concerns are often ignored or traded off (for more information see chapter on peace negotiations and agreements). Post conflict—a time when there is an opportunity to redress discrimination and initiate programmes and

policies that would uphold women’s rights—they remain either invisible or are addressed in token projects (see chapter on post conflict reconstruction).

#### 4. DEFENDING AND UPHOLDING HUMAN RIGHTS IN CONFLICT: WHAT IS BEING DONE?

Despite the existence of international laws and conventions codifying war, in reality, human rights violations take place regularly, and civilians have been increasingly caught in the crossfire. In World War I, civilian casualties accounted for an estimated 1.5 percent of casualties. In World War II they represented 65 percent, largely as a result of the bombing raids over cities. By the 1990s, civilians made up between 80 to 90 percent of casualties.<sup>30</sup> Violent conflict brings such devastation that survival and the protection of life become the key goals for those who are caught in the violence and for those who choose to help. In **Bosnia** and **Rwanda**, there were countless tales of neighbours hiding neighbours from security forces or mothers shielding their children from massacre. In **Central America** and elsewhere, the church as an institution was critical in protecting civilians. In **South Africa**, the leadership of the liberation movement played a critical role in not only promoting respect for the human rights of all, but also curbing the potential violence and violations that could have occurred.

On a global scale, governmental and non-governmental humanitarian organisations and agencies are at the front lines, providing food, shelter, medical care and some security away from the violence (although as noted above and elsewhere, women experience violence in camps as well). The **International Committee of the Red Cross (ICRC)** was a pioneer in this field, and remains one of the world’s leading movements committed to protecting the lives and dignity of victims of war and internal conflict and giving assistance.<sup>31</sup> In addition, as mandated in the Geneva Conventions, the ICRC is permitted to visit prisoners of war and civilian internees, monitor their treatment in accordance with international humanitarian laws, facilitate communication with their families and have confidential dialogues about their status with the authorities holding them.

In recent years, new initiatives have emerged. For example, **Peace Brigades International (PBI)** sends teams of volunteers into areas suffering from conflict and repression to accompany human rights activists and others threatened by political violence. Given that perpetrators of violence—particularly states—are sensitive to witnesses, PBI's presence can help stem the violations.<sup>32</sup> Similarly the **Non-violent Peaceforce**, composed of organisations and individual members, is dedicated to establishing a trained, civilian, non-violent peace force that is sent to areas of conflict to prevent human rights violations, death and destruction and to promote a space for non-violent interaction.<sup>33</sup> In 2002, some 130 peace force delegates from 47 countries went to **Sri Lanka** to launch their first project.

But the protection of social, economic, cultural or political human rights becomes either a secondary goal or impossible in times of conflict for the victims and for international actors. For example, despite the outcry against the humanitarian crisis in **Darfur, Sudan**, in 2004, the international community has not been able to stem the flow of people being forced out of their homes and villages. In the **Palestinian** territories, despite the Geneva Conventions stating that the destruction of property is illegal, thousands of homes and olive groves have been razed to the ground by occupying Israeli forces.

In the face of such overwhelming obstacles, activists often resort to documenting the abuses they witness and reporting on them. As international organisations such as **Amnesty International (AI)** or **Human Rights Watch (HRW)** state, they “investigate, and expose human rights violations and hold abusers accountable.”<sup>34</sup> By shedding light on the abusive practices of governments or those in power, they seek to hold them accountable to the international policy community and the public. This continuous monitoring and public reporting can be effective. For example, in 2004, reports by international organisations including the ICRC and HRW about abuses by US military personnel against civilians in detention in **Afghanistan** and **Iraq**, prompted public enquiries, punishment for some of the perpetrators and changes in practice towards other prisoners.

**Journalists and the media** also play a critical role. For example, reports from a United Kingdom (UK)-based newspaper prompted investigations into allegations of

abuse against local women and young girls by UN peacekeepers in the **DRC**. In 1994, a New York-based newspaper was the first to report on the “rape camps” in **Bosnia**. These reports played a significant role in persuading the UN system to establish war crimes tribunals.<sup>35</sup>

**Local groups** including NGOs are also key actors. Often they have access to areas in conflict and through their networks and ties with communities are able to gather information without putting their contacts in danger. They are also often trusted more locally and are thus able to elicit more information. In **South Asia**, for example, the South Asia Forum for Human Rights brings together human rights and peace activists in public dialogues. The organisation works with local media to build their capacities in reporting on the war and issues of human rights abuse. They also conduct “peace audits” to monitor governments’ commitments to peace processes. A different approach was taken by the women of Las Madres de la Plaza de Mayo in **Argentina**. Throughout the worst years of the military dictatorship in the 1970s and 1980s, they held vigils and peaceful protests, carrying poster-size portraits of their missing children and relatives, which exposed the rampant human rights abuses of the regime.

Many groups advocate for justice, redress and an end to impunity for crimes committed during war. Lawyers often form associations to advocate for human rights legislation. They also can become champions of human rights in court, taking on critical cases. For example, the 2003 Nobel Laureate, Shirin Ebadi, is renowned for not only fighting for women’s and children’s legal rights, but also seeking to frame these rights in the context of Islamic law.

The documentation of abuses serves as the basis for their claims (see chapter on transitional justice). In addition, in **Bosnia**, for example, local women’s organisations provided counselling to victims and assisted their preparations for appearances as witnesses at the international tribunal.<sup>36</sup>

In many instances, organisations also develop human rights training programmes targeting key governmental security and legal personnel. This has a dual purpose. On the one hand they raise awareness and understanding of human rights law among entities that



are often accused of abusing rights. On the other hand, training sessions can provide a venue for interactions that lead to increased governmental/civil society cooperation on the development of policies, legislation and increased support for human rights principles.

## 5. ADDRESSING CLAIMS AND ENFORCING LAWS: WHAT MECHANISMS EXIST?

### INTERNATIONAL LEVEL

Internationally, and within the UN system, a number of mechanisms exist through which NGOs and other groups or individuals can report human rights violations. Key institutions at the international level include:

**UN Commission on Human Rights:** This commission consists of 53 member states elected by the **UN Economic and Social Council (ECOSOC)**. It conducts fact-finding studies and discussions about human rights issues in countries that come to its attention, without requiring the approval of the related government. Under a specific procedure created by ECOSOC, the Commission can consider cases of massive violations of human rights that are brought to attention by individuals or groups. If the Commission decides to consider the case, the accused government is invited to participate in the proceedings. The proceedings are otherwise confidential, and there is no communication with the author of the complaint.

**UN Human Rights Committee:** This committee of 18 independent experts was established to monitor implementation of the ICCPR. The Committee examines progress reports from states, considers state complaints against other states and addresses individual complaints by victims. The Committee can consider individual complaints against states that have ratified the ICCPR and the first Protocol to the ICCPR. The Committee makes factual and legal findings and produces non-binding recommendations.

**UN Committee on Economic, Social and Cultural Rights:** This Committee receives formal NGO submissions and oral statements and organises discussions with experts relating to human rights embodied in the ICESCR. The Committee does not accept individual complaints.

**UN Commission on the Status of Women:** The purpose of this Commission is to promote implementation of the principle of equal rights. The Commission prepares recommendations and reports to ECOSOC on promoting women's rights in political, economic, civil, social and educational fields.

**UN Committee on the Elimination of All Forms of Discrimination Against Women:** This UN Committee reports on and monitors the implementation of CEDAW. Signatory governments are required to submit reports on their progress. NGOs can communicate with the Committee and can submit "shadow reports" on countries' compliance with CEDAW. Under the CEDAW Optional Protocol, the Committee can accept individual complaints, but enforcement is weak.

**UN Committee Against Torture:** This UN Committee accepts individual complaints and communications under certain circumstances. It issues general comments on themes relating to the right to be free from torture and cruel, inhuman and degrading treatment and punishment.

### REGIONAL LEVEL

Regional mechanisms for reporting human rights violations include:

**The Inter-American Commission on Human Rights:** The Commission is part of the **Organization of American States (OAS)** and was created by the **American Convention on Human Rights**. It receives individual, group and NGO petitions, observes human rights situations, publishes reports, conducts on-site visits, organises conferences and meetings and recommends various measures to governments. The procedure for submitting an individual complaint is as follows: the state that is the subject of the complaint must be a member of the OAS. The petitioner must have exhausted all domestic remedies. The petitioner must submit the complaint within six months after the final decision in the country. The Commission issues a report with conclusions and recommendations and has the option of referring the case to the **Inter-American Court of Human Rights**.

**The Inter-American Commission of Women (CIM):** This commission is the advisory body to the OAS in all matters relevant to women in the Western

## Accessing and Using International and Regional Mechanisms

To use the international and regional institutions effectively, it is essential for civil society groups to understand how they work and what can be done to strengthen their capacities to promote and protect women's human rights. Questions to ask before embarking on any communication with these bodies include:

- What is the mandate of the committee and procedure for reporting?
- Is it available to individuals and/or states?
- What do activists need to do to use the procedure?
- How does it work?
- What are the remedies available?
- What are the advantages and disadvantages of using the mechanism?

At all levels—local, national, regional, international—advocacy for human rights, including women's rights, involves coalition building, education and publicity. It is useful to identify advocacy groups that engage with the committees on a regular basis to seek advice on how to raise awareness and support for the issues among officials. Publicity of women's human rights situations, specific cases of violations and reform efforts help advocates expand support and inform the public on women's human rights issues.

Hemisphere and reports to the governments and offers recommendations. Cases can be submitted directly to the CIM.

**The African Commission on Human and People's Rights:** The Commission considers complaints by individuals and groups against states as well as complaints by one state against another. The Commission can only issue recommendations to governments, not binding decisions.

**The European Court of Human Rights:** The process for submitting a complaint is as follows: an individual can file a case, the Court determines if it is admissible, the Court seeks a settlement; if no settlement is reached, the Court makes a decision on the merits of the case. The Court allows human rights advocates to initiate cases, inform the Court and play a role in settlements.

**The European Committee for the Prevention of Torture:** Any citizen (not limited to victims) of the Council of Europe can invoke the **Convention on Torture**.

Recent justice mechanisms established in post conflict situations including the **International Criminal Tribunal for the former Yugoslavia (ICTY)** and the **International Criminal Tribunal for Rwanda (ICTR)**—

and the mixed international and national mechanisms created in places such as **East Timor, Sierra Leone, Cambodia** and **Iraq**—have been important in bringing accountability to major perpetrators of war crimes, crimes against humanity and genocide. The **International Criminal Court (ICC)**, which came into effect in 2002 as a permanent international judicial mechanism for addressing these types of crimes committed by individuals, is also a milestone. But these mechanisms cannot and do not provide redress for all victims. Nor do they appear to prevent other atrocities (see chapter on transitional justice).

As a 2004 Human Rights Watch World Report notes, there is still a lack of political will and systematic follow up to hold violators accountable. Consequently, there remains “an extraordinary and awful gap between existing international legal standards and practice.”<sup>37</sup>

## 6. PROMOTING A CULTURE OF HUMAN RIGHTS: WHAT OPPORTUNITIES EXIST IN POST CONFLICT SOCIETIES?

In societies where the abuse of human rights—be it political persecution or general oppression of the public

or particular sectors—has been normal practice, change takes time. In many instances, there is no understanding or acceptance that certain practices are abusive. This is particularly true when it relates to violations against women—whether domestic violence or public harassment. Creating change and building the foundations of understanding and respect for human rights is a long and multifaceted process. It requires political leadership, strong legislation and effective enforcement mechanisms, together with extensive education and public awareness-raising in community and religious institutions, schools, the workplace, as well as through the media.

While the challenges are great, in the aftermath of war and conflict, societies and political leaders often have the opportunity not only to reflect on the devastation caused by war and human rights violations, but may be committed to pursuing policies and values that would prevent the resurgence of atrocities. Civil society groups too are often mobilised and committed to righting past wrongs. International attention and financial and technical support are also available to initiate changes ranging from the adoption of new policies, legislation and programmes that promote human rights ideals to the establishment of mechanisms to monitor adherence.

At the national level, state institutions with the mandates, capabilities and willingness to ensure respect for human rights can be created. Legislative and judicial systems can be designed and given the task of protecting human rights and women's rights.

A fundamental requirement for the protection of human rights is **judicial independence**. The judiciary must be mandated and equipped to provide legal redress for victims of women's human rights abuses.<sup>38</sup> Judicial mechanisms can be used to enforce women's human rights. For example, international human rights standards can be brought into the courts through individual cases—litigation is a valuable tool to force changes to the legal system. In addition, civil society can advocate for the establishment of human rights commissions or offices to monitor implementation of human rights and women's rights.

Training programmes can be developed to ensure that staff understand and accept human rights and women's rights principles. In addition, other

mechanisms can be established to monitor human rights and provide redress for victims of violations. In some countries, **human rights commissions** are addressing the issues.<sup>39</sup> They can be given a broad mandate to review law and practice, educate people about the importance of human rights, advise governments, litigate human rights issues by supporting individual applicants, take cases to court and intervene in cases.<sup>40</sup> In **South Africa**, a Human Rights Commission was established in accordance with the 1996 constitution. Its objectives include awareness-raising and providing human rights education, making recommendations to the state regarding the implementation of human rights laws, undertaking studies regarding human rights issues and violations for parliament and investigating complaints and seeking redress in cases where human rights have been violated.<sup>41</sup>

Such mechanisms must come together with not only extensive public understanding of basic human rights, but also changes in social and cultural attitudes. One of the greatest challenges is to nurture and establish a culture of governmental and state accountability regarding respect for human rights

NGOs and other civil society organisations, such as trade unions or professional associations, play a key role in advocating for, and monitoring adherence to, international human rights standards and women's rights. For example, Amnesty International has run human rights awareness training programmes in **Somaliland** and elsewhere for civil society and government representatives. The aim was to build knowledge of general human rights issues—from political and civil rights to cultural and development-related rights—in different fields and activities.<sup>42</sup>

The Institute of War and Peace Reporting (IWPR) focuses on intensive trainings for journalists in conflict-affected societies to raise standards of journalism as well as awareness of human rights. In the South and North **Caucuses**, IWPR has worked with journalists, not only building their capacities, but also improving communication across a region that is rife with misunderstanding and distrust.<sup>43</sup> In Central Asia, Freedom House—an international NGO promoting political and economic freedom—is supporting and strengthening the work of human rights defenders in **Uzbekistan, Tajikistan, Kyrgyzstan**



and **Kazakhstan**. In Algeria, the organisation is supporting human rights groups working on issues relating to people still missing and “disappeared” in the aftermath of Algeria’s bloody civil war.

Human rights education is another means of gradually building understanding and support for human rights. The Human Rights Education Association (HREA) operates internationally, training activists, assisting in the development of curricula and teaching materials, supporting institutional development and strengthening networks of human rights activists.

For example in **Croatia**, HREA helped develop human rights teaching materials aimed at elementary and secondary schools. Human rights education can also be integrated into cultural events, theatre and media. For example, in 2004 in the **UK** and **US**, the “documentary theatre” piece “Guantanamo, Honour Bound to Defend Freedom” was performed, drawing on spoken evidence from the US base where hundreds of detainees in the “war on terror” are kept.<sup>44</sup> It is a powerful means of bringing wider public attention to the experiences of individuals caught in the system. Across **Africa**, particularly in war-torn countries, local and traditional theatre is used to convey messages of human rights. In **South Africa**, for example, a travelling theatre company performs short plays in secondary schools depicting social pressures that force teenagers into having unsafe sex. Through interaction with students the performance conveys messages of HIV prevention, as well as self-dignity and notions of reproductive rights (see chapter on HIV/AIDS).<sup>45</sup>

### FOCUSING ON WOMEN’S HUMAN RIGHTS

Human rights advocates use constitutional guarantees and international laws, norms and mechanisms to hold governments accountable for respecting human rights, to broaden the conception of human rights and to improve monitoring and enforcement of human rights standards.<sup>46</sup> Women’s human rights advocacy uses similar strategies to improve respect for women’s human rights. Advocacy may focus on laws and policies that affect women, on national, regional and international institutions that are involved in enforcing human rights and on prevalent attitudes in society.<sup>47</sup> Women’s rights advocacy involves a number of steps:

- identifying the issues through research, fact finding and consultation;
- addressing the rights and needs through practical programmes and projects;
- gaining acceptance of the right in the law through political action, awareness-raising and education; and
- enforcing rights through monitoring and litigation.<sup>48</sup>

The global Women’s Initiative for Gender Justice (formerly the Gender Justice Caucus) operates through a network of groups and individuals committed to strengthening women’s human rights and building capacities among women and institutions to use international mechanisms ranging from the ICC to CEDAW and others. Founded in 1997, the group has also been effective at raising awareness and support for women’s human rights among mainstream human rights organisations, government and UN personnel.<sup>49</sup>

Other international women’s NGOs such as *Madre*, which are active in conflict-affected areas, address human rights issues through support of grassroots organisations and the implementation of practical programmes. *Madre* addresses “sustainable development; community improvement and women’s health; violence and war; discrimination and racism; self-determination and collective rights; women’s leadership development; and human rights education.”<sup>50</sup> Similarly the UK-based NGO *Womankind Worldwide* educates women on human rights issues through practical programmes within their “four literacies” model:<sup>51</sup>

- body literacy—building women’s knowledge of their physical and mental health needs, addressing taboos and making decisions based on facts not fears;
- civil literacy—deepening understanding and knowledge of political and civil rights and promoting participation in decision-making;
- word literacy—supporting women’s education, encouraging reading, writing and creativity; and
- money literacy—building numeric skills and understanding of basic economics and encouraging entrepreneurship.

Women's Learning Partnership for Rights, Development and Peace (WLP) also works globally and in partnership with local organisations. Its primary focus is to build women's leadership capacities and to bridge the digital divide by providing women with alternative means of communication and interaction. Across Asia, Africa and the Middle East, WLP has worked with national partners to promote understanding of women's human rights and develop strategies to overcome discrimination and address gender-based violence.

At the national level, too, women's rights advocates focus on legislative, policy and programmatic issues. In **South Africa**, for example, during the transition from apartheid to democracy, over 90 organisations from across the political spectrum came together to form the Women's National Coalition. Over two years, they consulted some three million women and emerged with a twelve-point Women's Charter. By virtue of being extensive, the process proved that women's rights advocates had a strong national constituency whose demands had to be addressed. The Charter was drawn on during the drafting of the constitution.

In **Afghanistan**, in spite of the security risks, the Afghan Women's Network mobilised support across ethnic lines and among rural and urban communities in 2003 to draft a 16-point Women's Bill of Rights. The bill addresses a wide range of issues affecting women from their lack of political participation to their demands for equal rights in inheritance and the right to seek divorce.<sup>52</sup> While attaining all of these rights may be a long-term goal and ideal, articulating and presenting them as the result of an extensive consultation helps to raise awareness and discussion about the issues and to have at least some key points incorporated into legislation. This in turn provides a legal framework upon which future advocacy efforts can be built.

Often in grassroots communities, women are unaware of their human rights and do not understand how human rights are directly relevant to their lives. NGOs can combine practical assistance with human rights training and awareness. For example in **Colombia**, the NGO Limpal assists internally displaced women by running income-generating projects, providing education on women's constitutional rights and advocating on behalf of the internally displaced. In **Rwanda**, women's groups such as Benimpuhwe have built homes for female-headed households, launched

projects to provide communities with accessible potable water and initiated training programmes in agriculture for women. Through these practical efforts the organisation has reached grassroots groups and raised awareness about a range of human rights issues, including health, nutrition and reproductive rights.

Effective advocacy for women's human rights at the local level also requires an understanding of local laws and practices as they affect women, so that context-specific approaches can be developed.<sup>53</sup> For example, NGOs in **Egypt** found that it was more effective to educate local communities about the harmful effects of FGM than to teach the International Bill on Human Rights in the abstract.<sup>54</sup> Elsewhere, NGOs have targeted community members (usually respected elder women) who perform FGM, informed them of the long-term damage that is caused, and enlisted them in advocacy efforts.

The struggle to attain equal rights at the risk of cultural and political backlash is a common challenge for women's rights advocates worldwide. Groups have taken different approaches. For example, across the Arab world, with support from the United Nations Development Fund for Women (UNIFEM), women's groups have engaged religious leaders in the debate on CEDAW and its compatibility with Islamic Sharia law. The goal of such efforts is to gain acceptance of the principles enshrined in CEDAW within the local cultural and political arena. In this way resistance to its ratification is limited, and at the point of implementation, advocates can draw on a wider base for support. Ultimately, the struggle for women's human rights cannot be undertaken either in a vacuum, removed from society at large or merely at the margins. Raising awareness among and mobilising women is one important step. Building support among men and leaders is another.

## 7. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Design and initiate training and education programmes in human rights and gender equality for all branches of government and ministries, departments and offices, including members of the military establishment, the security forces, the police and the judiciary.

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- Expand education and training on women's human rights into other sectors where women experience discrimination.
  - Teach women's human rights to civil society organisations and to community and religious leaders.
2. Build support among local leaders, parliamentarians and government officials to integrate human rights protections for women into all policies and legislation.
  3. Advocate for the ratification of regional and international human rights instruments, including CEDAW.
  4. Press for investigations and prosecutions in cases of human rights abuses.
    - Engage in dialogue with government representatives about specific human rights issues and cases.
    - Form alliances with human rights organisations and other civil society groups at the international, regional and national levels to pool resources and reach a wider audience with your message.
  5. Propose new laws or amendments to existing laws to eliminate discrimination against women.
    - Support judicial independence and legal authority to consider human rights violations against women.
    - Use the domestic court system, regional and international commissions and courts and other available mechanisms to adjudicate individual cases of human rights violations against women.
  6. Analyse government actions regarding women's human rights and highlight areas where improvement is needed.
    - Track human rights practices over time.
    - Gather evidence of gross violations of human rights.
  7. Provide information to human rights commissions or offices in your country and to regional and international bodies about government progress in supporting women's human rights.
  8. Utilise various forms of media—print, radio and television—to inform the public in your country about women's human rights issues and cases.
  9. Initiate letter-writing campaigns and circulate petitions.

## WHERE CAN YOU FIND MORE INFORMATION?

Amnesty International, Women’s Human Rights, <[www.amnestyusa.org/women](http://www.amnestyusa.org/women)>.  
 Freedom House, <<http://www.freedomhouse.org>>.  
 Human Rights Education Association (HREA), <<http://www.hrea.org/programmes.html>>.  
 Human Rights Watch, Women’s Human Rights, <<http://hrw.org/women.html>>.  
 Institute of War and Peace Reporting, <[http://www.iwpr.net/training\\_index1.html](http://www.iwpr.net/training_index1.html)>.  
 People’s Movement for Human Rights Education (PDHRE), The Human Right of Education, <[www.pdhre.org/rights/education.html](http://www.pdhre.org/rights/education.html)>.  
 UN Commission on Human Rights, <<http://www.unhchr.ch/html/menu2/2/chr.htm>>.  
 UN Human Rights Committee, <<http://www.unhchr.ch/html/menu2/6/hrc.htm>>.  
 UN Commission on the Status of Women, <<http://www.un.org/womenwatch/daw/csw/>>.  
 UN Committee Against Torture, <<http://www.unhchr.ch/html/menu2/6/cat/>>.  
 UN Committee on Economic, Social, and Cultural Rights <<http://www.unhchr.ch/html/menu2/6/cescr.htm>>.  
 Women’s Learning Partnership, Facts and Figures, Human Rights, <<http://learningpartnership.org/facts/human.phtml>>.

## ACRONYMS

AI	Amnesty International
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIM	Inter-American Commission of Women of the Organization of American States
DRC	Democratic Republic of the Congo
ECOSOC	United Nations Economic and Social Council
FGM	Female Genital Mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HREA	Human Rights Education Association
HRW	Human Rights Watch
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IWPR	Institute of War and Peace Reporting
IHL	International Humanitarian Law
ILO	International Labour Organization
NGO	Non-Governmental Organisation
OAS	Organization of American States
PBI	Peace Brigades International
POW	Prisoners of War
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNIFEM	United Nations Development Fund for Women
US	United States
WLP	Women’s Learning Partnership for Rights, Development and Peace

## ENDNOTES

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10. Carter, Barry and Phillip Trimble. *International Law*. p. 899.
11. University of Minnesota, Human Rights Education Series, "From Concept to Convention: How Human Rights Law Evolves," available at <[www1.umn.edu/humants/edumat/hreduseries/hereandnow/Part-1/from-concept.htm](http://www1.umn.edu/humants/edumat/hreduseries/hereandnow/Part-1/from-concept.htm)>.
12. See Vienna Convention on the Law of Treaties, Article 26. However, states can make reservations to treaties and conventions. Reservations are exceptions to full adherence to a treaty; they allow a state party to accept most but not all of the provisions. Reservations can be placed on specific provisions, but they cannot undermine the fundamental purpose or meaning of the treaty.
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