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Panel discussion on conflict-related violence against women

Madam High Commissioner, Mr. President, Excellencies, Ladies and Gentlemen,

My presence of this panel today is recognition of the work that non-governmental organizations, including Amnesty International, have been doing on issues related to women's rights globally.

It is a privilege for me personally to be addressing this distinguished forum today, although I would have wished that a survivor of gender-based violence from some conflict or post-conflict country were speaking in my place. All that Amnesty International learns on the issue we are discussing is based on what women survivors of conflict tell us about their situation. In speaking to you today, I acknowledge their courage in sharing their stories, viewpoints and proposals for change.

The Security Council brought a lot of hope for women world-wide when it adopted resolution 1325. It demonstrated political will at the highest levels towards realising women's existing rights under international law. While the resolution was beyond any doubt a symbolic step forward in struggle for women's rights, the question that remains – now 10 years after its adoption - is, what impact has it had on women in post-conflict countries and – more importantly on their daily lives?

I had an opportunity to talk to women who survived rape and other gender-based violence during the 1992-1995 war in Bosnia and Herzegovina. I was struck to hear from so many of them that often those responsible for the gender-based violence which was perpetrated against them were still in power. Some of those men occupied high positions in the country's administration. The women felt that the perpetrators were still controlling their lives – in the same way as they did twenty years before. For example, 15 years after the war, some of the alleged perpetrators were in charge of deciding the amount of social benefits which the survivors were entitled to. Some others were obstructing investigation and prosecution of those crimes.

Despite the promise of Resolution 1325, according to academic research, in the past 10 years, only 16 per cent of all peace agreements make any reference to women at all.¹ Even fewer refer to women's participation in peace processes rather than their protection, and some of these actually restrict women rights rather than advancing them. For example, in the Chittagong Hills Tract Accord in Bangladesh, a quota was set for the number of women who could participate in the bodies of self-government. The Agreement limited women participants to a total of three out of 19, including the male chairman, in the decision-making process. Rather than advancing women's full participation, the Agreement actually limited it.

Resolution 1325 advocated for a more holistic approach to the protection of women's rights in conflict affected situations, recognising them as equal agents in conflict prevention, peacekeeping and post-conflict peace-building. Their participation is key to the success of the UN's efforts. I would like to ask the question – what is that women say they need in the process of post-conflict recovery?

Based on our research and consultation with women and the organizations representing them in a number of countries globally, Amnesty International believes that what is needed is women's active access to justice, truth and reparations.

Justice is crucial as there is no lasting peace without justice. Unacknowledged, unprosecuted, unpunished crimes have the tendency to fuel new conflicts, and encourage perpetrators to keep targeting women and girls.

Women are frequently targeted because of their gender, and especially for sexual violence, including rape. Women are also targeted for other crimes, and are victims of the crimes perpetrated against their beloved ones, especially when family members are killed, "disappeared" or tortured, or when their children are abducted.

But what does it take for women to seek justice?

In many countries cases of gender-based violence are not investigated and prosecuted because the male dominated society does not see them as "real crimes." Addressing those crimes receives very little priority. In most countries women, instead of being treated with dignity, are stigmatized when they report gender-based violence. They often face reprisals and are perceived as bringing shame on their families and husbands.

What is missing is a real understanding of rape. Rape is a most serious crime. It frequently amounts to crimes against humanity, war crimes and sometimes even genocide. As such, its perpetrators should be subject to the full force of the law and its survivors should be treated with the utmost dignity and seriousness.

Amnesty International has documented that gender-based violence – including rape - is not defined in line with current international standards in criminal codes of many countries. Among those countries is Croatia where only 2 cases of rape committed during the 1991-1995 war have been prosecuted so far. The absence of the definition of rape as a crime under international law is yet another barrier to justice allowing impunity for these crimes to prevail.

There is a lack of understanding of the needs of women as witnesses. Lack of support and protection prevents them from seeking justice in many countries. In the Democratic Republic of Congo, Amnesty International has documented cases where women survivors of rape were detained after reporting the crime because the authorities feared that they would escape or revoke their testimonies.

Also, despite the fact that many survivors suffer dire physical and psychological consequences of rape – including post-traumatic stress disorder - in most countries the lack of psychological and medical support is prevalent. This too prevents women from seeking justice.

¹ Christine Bell and Catherine O'Rourke, *UN Security Council 1325 and Peace Negotiations and Agreements*, Centre for Humanitarian Dialogue, March 2011.

Another important component of post-conflict recovery is access to truth. Survivors of gender-based violence have a right to learn the truth. This right should be addressed both by the criminal justice system as well as in the framework of broad reparation programmes. Truth is important for the victims and without it they are not able to rebuild their lives. It is also crucial for societies which need to reckon with the past. It is impossible to build peace and reconcile without truth.

In most countries reparation programmes either do not exist or they fail to consult with women or address their needs.

More priority is given to men, and the needs of women are not addressed because of sex discrimination and the fact that they are often stigmatized as survivors of crimes of sexual violence. For example, in Bosnia and Herzegovina, this discrimination is directly built in the law, which gives former combatants, who are mostly men, much greater access to compensation. Around the world, women claiming reparations are forced to undergo lengthy and inaccessible procedures to prove that they were victims of rape before they can access any kind of reparation. In the process they are often humiliated, treated as liars and stigmatized. The process itself is traumatizing.

So what needs to happen to address the needs of women and to make sure that they have access to truth, justice and reparation?

First, women have to be listened to. Many women organizations participated in the development of The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation which – if implemented – could significantly help to address their needs. Development of any reparation programme should be based on the needs of women and women should play the key role in developing these programs.

Second, women have to be included as key players in peace negotiations and in peace building processes. They constitute majority population of the world and their exclusion from those processes is nothing else but the most extreme example of discrimination.

Third, gender-based violence must be treated for what it is – a most serious crime. In every case, it must be met with a strong response from the criminal justice system.

Four, appropriate and effective witness protection and support is urgently needed. It must be gender sensitive and should be made a top priority in all countries. Without it survivors of gender-based violence will not be able to seek justice.

The common principle in these four recommendations - which is the one point I leave you with – is that women must not be silenced, they must be provided with effective opportunities to be heard, and to participate. Women's views must be heard about what is necessary in their situation to secure change, to secure their rightful place in decision-making.

Thank you for your attention.

Thank you Mr. President.