



CONFRONTING
SEXUAL VIOLENCE
in CONFLICT
SITUATIONS

International Women's Tribune Centre

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The International Women's Tribune Centre (IWTC) is an international NGO that, working in collaboration with women's groups from the South, uses information, education, communication and organizing skills and strategies to convert research, policy and ideas into action. Women Ink., its book marketing and distribution project, offers 'one-stop shopping' for the latest and best books on gender and development from publishers worldwide.

A Word to Begin With...

'Confronting Sexual Violence in Conflict Situations' is an extract from IWTC's forthcoming handbook *Women Claiming Justice: Using International Law in Conflict and Post-Conflict Situations*. It has been developed to support the work of gender justice advocates working at community and national level in conflict-affected countries and to bring to their attention the potential of international laws and policies in their efforts to seek justice and advance women's rights during the peace-building process.

Sexual violence is one of four issues we will address in the handbook. The others are economic and social rights, refugees and internally displaced women, and special protection for girls. In addition to the issue sections, an important component of the handbook will be the Peace Builder's Action Toolkit containing charts, worksheets, handouts, resources and ideas for activists to use in mobilizing women to claim their rights.

One of the underlying assumptions of our work on this handbook is that relatively few people know about these international human rights and humanitarian conventions, and even fewer know how to use them. This is true even within the legal community. And not only is there limited knowledge and know-how, but for someone lacking a legal background, reading through these documents can be a long and arduous task. To provide women with more access to this law, we have extracted key points and presented them in a straightforward manner (including by providing the relevant article and paragraph numbers).

In war-torn countries, the challenge of re-building a seriously damaged and fragile justice system may seem daunting. Re-establishing the rule of law is an essential component of the reconstruction process, and we believe women activists can play a vital role. The handbook is intended to help them.

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1 Everyone has Rights under

FACT:

Every State that has ratified a human rights treaty must ensure that the human rights of its citizens are protected – meaning that the government commits not only to avoid and prohibit actions that violate human rights but also to take positive steps to ensure that such violations do not take place.

The Development of the Law

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all inter-related, interdependent and indivisible.

Office of the High Commissioner for Human Rights

After the horrors of World War II, the governments of the world agreed to work together to promote world peace and ensure that atrocities like genocide and crimes against humanity would “never again” take place. In order to prevent war and promote peace, they formed the United Nations (UN) in 1945. In addition, two main bodies of international law were developed and built upon: international human rights law and international humanitarian law.

International Human Rights Law

In the UN Charter, one of the main strategies adopted to achieve peace was to promote universal respect for individual human

international law recognized women’s right to enjoy all human rights on an equal basis with men, without discrimination.

In order to spell out the specific human rights protected by international law, a working group was formed to draft a declaration. It considered many submissions from around the world, held many long meetings, and eventually the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948.

The UDHR recognizes in its preamble that the “highest aspiration” of ordinary people is a world in which everyone enjoys “freedom of speech and belief and freedom from fear and want”. A very wide range of universal human rights are listed in the UDHR. They include civil and political rights, like the right to life and the right to participate in government, as well as economic, social and cultural rights, like the right to work and the right to enjoy an adequate standard of living. All of these rights must be equally enjoyed by women and men.

Since then, many human rights conventions (often also called covenants or treaties) have developed in much more detail the international law that protects individual human rights. Most important are the two covenants that build on the provisions of the UDHR: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Also very important for women is the Convention on the Elimination of All Forms of Discrimination against

“ In the UDHR, the United Nations stated in clear and simple terms rights that belong equally to every person. These rights belong to you.... ”

Amnesty International

rights and fundamental freedoms. This development was particularly important for women because it was the first time that

International Law

Women (CEDAW). For children and young people up to the age of 18, the Convention on the Rights of the Child (CRC) provides significant protections.

These and other international conventions are legally binding on those governments that have 'ratified' or 'acceded' to them. (Check the Glossary of Terms on page 26 for the meaning of any legal terms that are unfamiliar to you.)

International Humanitarian Law

At the same time as the UDHR was being drafted, governments were also developing international humanitarian law in order to provide better protection for civilians during armed conflict. This law is detailed in the four Geneva Conventions that were adopted in 1949. The first protects wounded and sick members of the armed forces on land; the second protects wounded, sick and shipwrecked members of the armed forces at sea; and the third deals with the humane treatment of prisoners of war.

The most important protections for civilians are set out in the fourth Geneva Convention (GC IV) and in Additional Protocols I and II to the Geneva Conventions that were adopted in 1977 (GC API and GC APII). This body of law details the protections that apply to all civilians, both women and men, and includes some specific protections that apply only, or particularly, to women.

Today, civilians are much more likely to be caught up in the midst of armed conflict than in the past. And as the vast majority of the

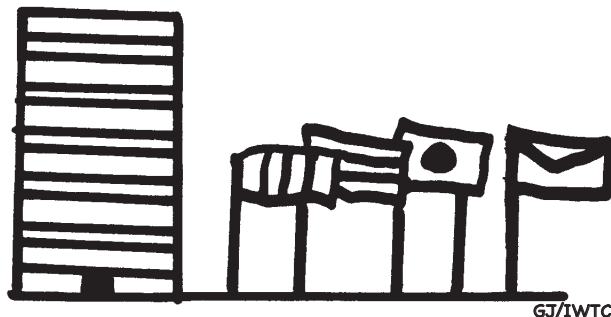
civilians affected by armed conflict are women and children, this area of law is very important for them. Increasingly it is accepted that international human rights law may also apply during armed conflict, which further strengthens the rights and protections available to women.

The Development of Policy to 'Fill the Gaps'

As the world changes and new forms of armed conflict and human rights abuses emerge, international law often lags behind. Therefore, it is common for international policies to be adopted to fill the gaps.

Since the end of the Cold War, women's peace groups and human rights non-government organizations (NGOs) have been increasingly active in lobbying governments and international institutions like the UN Security Council to adopt policies that address the many injuries that women suffer during armed conflict, including sexual violence and violations of their economic and social rights. As a result, the UN Security Council has adopted a number of Resolutions that urge better protections for civilians during armed conflict and stronger measures

**All
women
and men
are born
free and
equal in
dignity
and
rights**



GJ/IWTC



Everyone has rights...

to ensure respect for women's rights during post-conflict reconstruction. The UN Secretary-General has also promulgated a number of Bulletins in order to address rules of behaviour in post-conflict situations. Another example of international policy is the practice of the UN General Assembly to adopt declarations, like the UDHR, when the existing law is in need of development.

While these declarations, resolutions and bulletins do not produce binding international law, they are powerful ways of directing political attention to the problems that women face in conflict/post-conflict situations. Such international policies can be very influential in shaping the practices of governments because they are often an indication of how international law will develop in the near future. If the practices of most governments are consistent with these policies, and governments start to believe they are legally bound to act in this way, then the policies may become binding as customary international law (see Glossary).

Many other forums have produced international policies of importance to women and girls in conflict/post-conflict situations. The UN Fourth World Conference on Women, which was held in Beijing in 1995, is particularly significant. 'Women in Armed Conflict' was one of the critical areas of concern in the Beijing Platform for Action (BPFA), which was officially adopted by governments at the conference. Since then, this section of the Platform has been very influential in shaping further legal developments.

Using the Law as a Tool

While international laws and policies, and the international institutions that make and enforce them, can seem far removed from the everyday lives of most women, they can be very effective tools for changing community attitudes, applying pressure on politicians and others who hold positions of power, educating lawyers and other legal advocates, and working with local and international NGOs to use formal complaints mechanisms.

In conflict and post-conflict situations, national legal systems are likely to be functioning very poorly, if at all. It may be that local customary systems of dispute resolution are the only place for women to turn to seek a remedy for violations of their human rights, yet these systems often do not have a good track record in promoting women's equality. Therefore, the first task for women is likely to be to support the establishment of transitional justice mechanisms and work towards building strong national institutions and systems of justice, ensuring that women's rights are adequately recognized

FACT:

Ratification [of CEDAW] commits nations to take concrete action to improve the status of women and to reverse the tide of discrimination and end violence against women in their own country and around the world.

http://www.womens-treaty.org/facts_home.htm



Everyone has rights...

and protected and that effective remedies for violations are available and accessible to all women.

The international laws and policies in this booklet can help with such campaigns by providing clear guidance about what a new constitution, new national laws and policies, and reformed customary systems should contain in order to ensure that all women enjoy human rights and fundamental freedoms, on an equal basis with men.

Internationally supported systems of complaint may be the only viable option for a period of time. Increasingly, UN peace support operations are providing mechanisms for complaint about human rights violations that are perpetrated by members of those operations. Especially with respect to allegations of sexual exploitation and abuse, complaints mechanisms should be available to women in every country hosting a UN mission.

In a few countries, internationally supported criminal tribunals have been established to bring those who committed crimes during armed conflict to justice. These tribunals have included the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, the Special Court for Sierra Leone and the Cambodia Tribunal.

At the international level, while there is no comprehensive justice system, there are a number of bodies to whom women can make complaints, provided your government has ratified the relevant international conventions that make these mechanisms

available to you. (The Peace Builder's Action Toolkit at the end of this handbook will help you to work this out.)

For example, several of the expert committees established by human rights treaties, including the Committee on the Elimination of Discrimination against Women, can receive complaints from individuals. Any woman whose government has ratified both CEDAW and its Optional Protocol, which establishes this complaints procedure, is able to make a complaint in writing. It is often helpful to seek the assistance of an international NGO to do this. Unfortunately, it generally takes several years before your complaint is finalized.

“Women’s rights activists are using human rights instruments to combat violence against women and, in turn, the human rights movement is being enlarged and enriched by their approach.”

“Introduction: Violence Against Women”, Human Rights Dialogue 2.10,

Finally, there is the International Criminal Court (ICC), which began operation in 2003. The ICC has jurisdiction to try those who commit war crimes, genocide and crimes against humanity when national authorities are unable or unwilling to do so. Women cannot make complaints directly to the ICC, as only the Security Council, States parties to the ICC Statute and the Prosecutor of the ICC are able to refer cases to the Court. However, women can play an important role in drawing attention to atrocities that women have experienced during armed

FACT:

The Optional Protocol to CEDAW has two mechanisms: a communications procedure, which allows individual women or groups of women to submit, directly or through a representative, claims of rights violations under the CEDAW; and an inquiry procedure, through which the CEDAW Committee launches an investigation into grave or systemic violations.

Everyone has rights...

conflict, and collecting evidence that the Prosecutor and the Security Council may find useful. Moreover, when a case comes to trial, victims and witnesses can appear before the Court to give evidence.

While criminal courts and tribunals make decisions that are binding on States, many of the other international bodies that consider complaints about human rights abuses do

national legal obligations, is at least as important as seeking to enforce the law by making a formal complaint to the police, to local authorities or to international bodies. The ultimate goal is to have strong legal systems in every country that can be relied on to protect women's equality and rights.

How to Use the 'Law Sheet'

On the next page, to facilitate women's access to international law, we have extracted key points from the laws and policies referred to in this overview. Beneath each point, we have noted which convention or policy supports the statement, including the specific article or paragraph number. Knowing what international law says is a first step in beginning to use these conventions and hopefully in building bridges with the legal community working at country level. It also provides a starting point for strategies that can be developed to advocate, educate and claim rights. Later in the handbook, we develop these strategies in more detail in the 'Peace Builder's Action Kit'.

“Women ... around the world are looking to the ICC to prosecute, with purpose and vision, those most responsible for the commission of gender-based crimes..”

Brigid Inder, Executive Director, Women's Initiatives for Gender Justice

not. Instead, it is hoped that their findings will 'shame' the State into changing its practices so that victims of human rights abuses are provided with effective remedies by the domestic legal system. Therefore, shaming governments through local, national and international political campaigns, and demanding that they honour their inter-

FACT:

One of the great innovations of the Statute of the International Criminal Court and its Rules of Procedure and Evidence is the series of rights granted to victims. For the first time in the history of international criminal justice, victims have the possibility under the Statute to present their views and observations before the Court.

<http://www.icc-cpi.int/victimissues.html>



YOUR BASIC RIGHTS UNDER INTERNATIONAL LAW

All women and all men are born free and equal in dignity and rights.

UDHR art 1

Everyone has the right to live life in freedom and safety.

UDHR arts 3, 4, 5 • ICCPR arts 6, 7, 8

Everyone has the right to enjoy human rights and fundamental freedoms without discrimination of any kind, including on the basis of race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

UNC art 1(3) • UDHR art 2(1) • ICCPR art 2(1) • ICESCR art 2(2)

Women shall not be discriminated against on the basis of sex, regardless of whether they are married or not.

CEDAW art 1

Women's rights are an integral part of universal human rights.

BPFA para 213

During armed conflict, all civilians must be treated humanely and protected from all forms of violence and humiliating treatment.

GC IV art 3(1) • SCR 1674 para 3 • DPWC para 1

All protections accorded to civilians during armed conflict must be provided without discrimination based on sex.

GC IV art 3(1) and 27 • GC API art 9(1) and 75(1) • GC APII art 2(1)

In post-conflict situations, military personnel in UN peace operations must continue to respect all the rights and protections that apply to civilians during armed conflict.

SGB 1999

When a State fails to protect its populations from massive human rights violations, like genocide, war crimes, ethnic cleansing and crimes against humanity, the international community, through the UN, has a responsibility to protect those populations using peaceful means, and as a last resort, the use of collective force through the Security Council.

WSO para 139

Peace is inextricably linked to equality between women and men.

PFA para 131

Women and men have equal rights to participate in all UN bodies.

UNC art 8

CONVENTIONS & PROTOCOLS

United Nations Charter (**UNC**)

International Covenant on Civil and Political Rights (**ICCPR**)

International Covenant on Economic, Social and Cultural Rights (**ICESCR**)

Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**)

Geneva Convention IV Relating to the Protection of Civilians in Time of War (**GC IV**)

Geneva Conventions: Additional Protocol I Relating to the Protection of Victims of International Armed Conflicts (**GC API**)

Geneva Conventions: Additional Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts (**GC APII**)

International Policy

Documents

Universal Declaration of Human Rights (**UDHR**)

Security Council Resolution 1674 on the Protection of Civilians in Armed Conflict (**SCR 1674**)

Secretary-General's Bulletin on the Application of International Humanitarian Law in UN Peace Operations (**SGB 1999**)

Beijing Declaration and Platform for Action, Fourth World Conference on Women (**BPFA**)

Declaration on the Protection of Women and Children in Emergency and Armed Conflict (**DPWC**)

General Assembly, 2005 World Summit Outcome (**WSO**)



2 Confronting Sexual

The Problem of Sexual Violence in Conflict and Post-Conflict Situations

Two soldiers caught me and took me to an area beyond the village where they raped me. Once they had finished, they half-strangled me but then left. Other girls were also raped. After the rape, we all fled to Goma... Our village is abandoned now.

Anita, aged 17

in 'No End to War on Women and Children'
Amnesty International, 2008

**You
have the
right to
a life
that is
free
from
violence**

Most of the casualties in today's conflicts are not soldiers but civilians – and, increasingly, they are women. While there has always been sexual violence during warfare, recent conflicts have seen it being used more and more as a specific tactic by military and militia alike. For example, an estimated 200,000 women and girls have reportedly been sexually violated over the past 12 years in the Democratic Republic of the Congo (DRC), where such violence is taking place on an unprecedented scale. They have been subjected not only to rape by individuals or gangs of men but also to torture, mutilation and other brutal acts. Men have often been forced to watch their wives being violated or to rape their own children. Young girls are also abducted and kept as sex slaves by groups of soldiers. In addition, young men may be kidnapped, forced to become combatants and then pressured to 'prove' themselves through committing sexual atrocities, including on people from their own communities.

Sexual violence has a devastating and corrosive effect on society, intimidating and terrorizing the victims, their families and entire communities. Women who have been

attacked may be traumatized physically and/ or emotionally and unable to take up their normal lives again; others in the community may be too afraid to go about their daily tasks. Families and villages may fall apart, with husbands abandoning wives and people fleeing their homes for what they hope will be safer places, often only to be attacked again along the way.

Violence against women has also reached what the UN Secretary-General has called "unspeakable and pandemic proportions" in some societies attempting to recover from conflict. Large numbers of ex-combatants, returning refugees and displaced people, combined with a general breakdown of society and lack of economic opportunity, all contribute to increased levels of sexual violence. In many cases where rape has been widespread and gone unpunished during a conflict, men come to consider it the norm. Women without husbands or sons are often singled out because there is less risk of revenge. When there is no functioning judicial system and there are high levels of corruption, as is commonly the case in a post-conflict situation, those committing these crimes are unlikely to be prosecuted.

In addition, despite its prevalence, sexual violence continues to be a taboo subject. Most women find it very difficult to talk about their experiences, whether they have been violated by foreign troops, local militias, neighbours or family members. All victims of sexual violence are likely to feel deeply ashamed about what has happened to them because such violence is a very intimate form of abuse that destroys a person's sense of self-worth and dignity.

This difficulty is made many times worse by family and community attitudes that often,

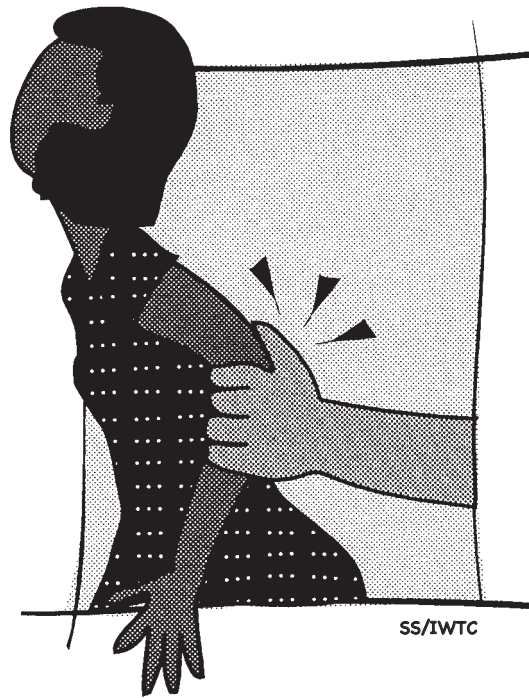
Violence

completely unfairly, blame the woman herself or treat her as an outcast. The result is that she is victimized a second time. These attitudes reflect women's inequality in the family and society and may be embedded in cultural and religious traditions, which makes them very hard to change. Young girls who have been raped may no longer be seen as marriageable. In some societies, women who have been the victims of sexual violence may be at risk of being killed by relatives for the sake of family 'honour'. Children born out of rape may be shunned. These factors often prevent women and girls from reporting incidents to the authorities, even where that is possible.

Sexual violence takes many forms. In order to look more closely at the crimes and the international laws that deal with them, we discuss them here under four headings (although of course these are not mutually exclusive): rape and sexual abuse; domestic violence; sexual exploitation; and trafficking.

Rape and sexual abuse

Women have been raped and sexually abused by men in all forms of combat, whether wars between nations or internal conflicts, and by men from all sides, both enemy forces and their own troops – even by members of UN peacekeeping forces. Rape may be used to degrade women, to force them to bear children that may be identified with the enemy, to destroy their ability to have children, or to intentionally spread sexually transmitted diseases like HIV and AIDS. It may be used to humiliate and dehumanize the 'other side' in the conflict. While the reasons vary, rape and sexual abuse have increasingly been used as a specific tactic of armed conflict, designed to crush the spirit that keeps families, communities and nations bound together.



Domestic violence

Domestic violence – abuse of a woman by a present or former intimate male partner – affects countless women and includes physical battery and forced sex. It may start or worsen in conflict situations due to increased tensions, traumatic experiences and greater availability of weapons. After conflict ends, domestic violence commonly increases when men who have been fighting return to their communities with a more aggressive idea of masculinity. They may strike out at women because they feel angry or frustrated by the lack of jobs and basic services, or by changes in family roles that have occurred in their absence. Violence in the family is less likely to be taken seriously when rape and other forms of violence have been widespread and continue to go unpunished.

Sexual exploitation

Sexual exploitation includes forced prostitution and sexual slavery. In conflict situations, women may be kidnapped and forced to become prostitutes (like the so-called 'Comfort Women' in World War II) or sex slaves (as, for example, in the DRC and Sierra Leone). Women may also be sexually exploited in situations where they are forced to

FACT:

Of 1,575 Burundian women surveyed by the United Nations Population Fund (UNFPA) in 2004, 19 per cent had been raped; 40 per cent had heard about or had witnessed the rape of a minor.

UNFPA Press Release, 'Survey of Sexual Violence in Burundi', 2005.



Confronting sexual violence

barter the only asset they have – their bodies – in exchange for food or protection (sometimes referred to as ‘transactional’ or ‘survival’ sex). This may happen where men control the food rations in refugee camps, for example. An unstable post-conflict economy is particularly hard for single women and those who have lost their husband during the conflict, especially in countries where women lack inheritance and property rights. Survivors of sexual violence are also at risk of turning to exploitative forms of prostitution because of rejection by their families and lack of other economic possibilities.

Trafficking

Women in conflict situations, especially displaced women and girls who have been abducted by armed groups, are very vulnerable

“It is now more dangerous to be a woman than a soldier in modern wars.”

*Major General Patrick Cammaert,
former Deputy Force Commander, MONUC*

to being trafficked (defined as being transported across national borders to another country for the purposes of exploitation by means of the threat or use of force or other forms of coercion). Contributing factors include impunity, lawlessness, unstable state institutions and corrupt border officials as well as the generally high level of violence during wars. After conflict ends, former militia may take up human trafficking to compensate for profits lost from other sources, such as illegal mining. Women who had been abducted during the conflict and who are not included in reconstruction processes risk being re-victimized. Trafficking for the purposes of forced prostitution has often worsened with an increase in the number of international peacekeepers and aid workers.

Starting to Confront Sexual Violence

Thanks to well-organized campaigns by women’s rights activists, and the efforts of supportive States, international laws and policies make it very clear that all forms of sexual violence – including rape, domestic violence, sexual exploitation and trafficking for the purposes of sexual exploitation – are serious violations of women’s human rights and are grave crimes. In circumstances where sexual violence is widespread and organized as a strategy or tactic of war, it may constitute the most serious of international crimes: genocide or a crime against humanity. Although the early international laws of war condemned sexual violence as a violation of ‘family honour and rights’, rather than as a violation of women’s rights to physical and mental integrity – and references to ‘honour’ and ‘outrages upon personal dignity’ can still sometimes be found in international legal instruments when referring to sexual violence – this language must be interpreted so that it is consistent with current laws.

International laws and policies place the blame for sexual violence where it belongs: with the individual who committed the offence and with the government officials, police, military commanders and others in positions of authority who organize or condone sexual violence, or turn a blind eye when they know it is happening. There are no exceptions based on cultural or religious beliefs, and ideas like ‘men cannot help themselves’ or ‘combatants can have sex with whomever they please’ are completely unacceptable. Such attitudes and beliefs are inconsistent with international human rights and international humanitarian law as well as the many policies that have been adopted to ‘fill the gaps’ in these laws.

FACT:

An estimated 80 per cent of the 600,000-800,000 people trafficked across international borders each year are female, and 70 per cent of those females are trafficked for sexual exploitation.

<http://www.state.gov/g/tip/rls/tiprpt/2004/>

Confronting sexual violence

All human rights conventions recognize rights that will help to protect women from sexual violence, but the most important are the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). An Optional Protocol to the CRC specifically prohibits the sale of children, child prostitution and child pornography (CRC OP SC).

The most important international humanitarian laws related to women and war are Geneva Convention IV, adopted in 1949, which requires that parties to armed conflicts must ensure that civilians are protected, and the two Additional Protocols to the Geneva Conventions, adopted in 1977, which strengthen the protections in the earlier conventions.

The number of international policies that protect women's right to be free from sexual violence in conflict and post-conflict situations has rapidly increased in recent years as women's peace and human rights NGOs have worked hard to draw attention to the high levels of conflict-related sexual violence that occurs. The Beijing Platform for Action, mentioned earlier, included a section that recognized the devastating impact of armed conflict on women and called for women's equality and rights to be respected during armed conflict and in the post-conflict period.

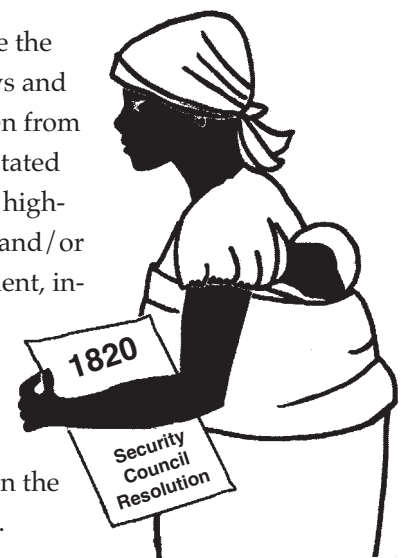
Women's human rights advocates also ensured that the International Criminal Tribunals set up for Yugoslavia and Rwanda would prosecute crimes of sexual violence and that a broad array of sex crimes was included in the Statute of the International Criminal Court (ICC).

More recently, women's lobbying has been particularly effective with the Security Council and the UN Secretary-General. The Security Council has adopted a number of resolutions that make it clear that sexual violence is prohibited during armed conflict and that its use as a tactic of war must be immediately halted; and in 2003, a Secretary-General's Bulletin established procedures to address sexual exploitation and abuse occurring in peace support operations.

All this focus on the issue is having results: for example, at the international level, the Tribunals for Yugoslavia and Rwanda handed out sentences for sexual violence as a war crime, a crime against humanity, torture and genocide. The ICC has charged a former vice-president of the DRC – arrested in Belgium – with committing war crimes and crimes against humanity, specifically including rape, in the Central African Republic. And at the national level, army soldiers in the DRC were recently sentenced to life imprisonment for crimes against humanity stemming from mass rapes.

Using the 'Law Sheets'

The next two pages outline the main provisions in the laws and policies that protect women from sexual violence. We have stated the specific right and then highlighted which convention and/or policy supports the statement, including the specific article or paragraph number. You'll find ideas on using the conventions (and where to get the full text) in the Peace Builder's Action Kit.



ASW/IWTC

FACT:

The International Criminal Tribunal for Rwanda (ICTR) created a historic precedent in 1998 when it found a defendant charged with instigating rapes guilty of genocide.

International Covenant on Civil and Political Rights (**ICCPR**)

International Covenant on Economic, Social and Cultural Rights (**ICESCR**)

Geneva Convention IV Relating to the Protection of Civilians in Time of War (**GC IV**)

Geneva Conventions: Additional Protocol I Relating to the Protection of Victims of International Armed Conflicts (**GC API**)

Geneva Conventions: Additional Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts (**GC APII**)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**CAT**)

Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**)

Convention on the Rights of the Child (**CRC**)

CRC, Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (**OP CRC SC**)

Protocol to Prevent, Suppress and Punish Trafficking in Persons (**PPSPT**)

Statute of the International Criminal Court (**ICC**)

(cont. on opposite page)

Rape and Sexual Abuse

Rape and sexual abuse is prohibited by international law at all times, including during armed conflict.

GC VI arts 3(1)(a) and 27 • GC API art 76(1) • GC AP II art 4(2)(e) • CEDAW art 1 • DEVAW

Rape and sexual abuse of comparable gravity may be a war crime, a crime against humanity, or a constitutive element of genocide.

ICC art 7.1(g) and art 8.2(b)(xxii) • SCR 1325 para 11 • SCR 1820 paras 1, 4

Rape and sexual abuse by peacekeepers in peace support operations is prohibited and constitutes serious misconduct that will lead to disciplinary measures and possibly dismissal.

SGB 2003 paras 2.2, 3.1, 3.2(a) • SCR 1820 para 7 • SCR 1612 para 11

All parties to armed conflict must immediately cease to use sexual violence against civilians.

SCR 1820 para 2 • SCR 1674 para 5

Stopping the use of sexual violence as a tactic of war in order to deliberately target civilians will make an important contribution to international peace and security.

SCR 1820 para 1

Torture and cruel, inhuman or degrading treatment, including rape and sexual abuse, is prohibited at all times, including during armed conflict.

ICCPR art 7, General Comment 28 • CAT arts 1 and 15 • GC IV art 3(1)(a) and (c) • GC API art 76(1) • BPFA para 132

States are obligated to take special measures and adopt laws that protect women from rape, sexual abuse and other forms of violence, prevent torture and end impunity by punishing those who commit such crimes.

CAT art 2 • GC API art 76(1) • GC AP II art 4(2)(e) • DEVAW arts 4(c) and 4(d) • BPFA paras 131, 122 • SCR 1325 para 10 • SCR 1820 para 3 • SCR 1325 art 11

States must take special measures to protect children from sexual abuse, including during armed conflict.

CRC arts 34 and 38 • GC API art 77(1)

Domestic Violence

Violence against women in the family, including physical, sexual and psychological violence, is prohibited by international law at all times.

CEDAW art 1(1) and 5 and General Comment 28 • CAT arts 1&4 • DEVAW art 2

Respect and mutual consent in matters of sexual relations is a fundamental human right.

BPFA para 96

Victims of domestic violence should be provided with access to safe housing, and help for physical, mental and emotional damage.

ICESCR art 10, General Comment 16

Domestic violence is a violation of women's right to health and impairs their ability to participate in family life and public life on the basis of equality.

CEDAW art 16 • ICCPR art 23 • ICESCR art 12

AND THE LAWS THAT PROTECT THEM

Sexual Exploitation (including enforced prostitution, sexual servitude, sexual slavery, forced pregnancy and enforced sterilization)

Everyone has the right to liberty and security and no one shall be held in slavery or servitude.

ICCPR arts 7, 8 & 9

Women must be protected from enforced prostitution and any other form of indecent assault during armed conflict.

GC IV art 27 • GC AP I art 76(1) • GC AP II art 4(2)(e)

Sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity may be considered a war crime, a crime against humanity or a constituent element of genocide.

ICC art 7.1(g) and 8.2(b)(xxii)

Countries must develop policies that ensure protection and take into consideration the needs of women and children who have been sexually abused and exploited including but not exclusive of situations of armed conflict.

BPFA para 132 • CRC arts 34, 39

UN forces are prohibited from committing acts of sexual exploitation and such acts are subject to disciplinary measures and dismissal. Particular care should be directed towards women and children.

SCR 1820 para 7 • SCR 1612 para 11 • SGB 2003 para 2.2, art 3.1 para 3.2(a)

Countries should put an end to violence against women, including trafficking and forced prostitution.

DEVAW art 2

Children must be protected from sexual exploitation of all kinds, including the sale of children, child prostitution and child pornography.

CRC 34 • CRC OP SC art 1

Trafficking

Trafficking in persons, especially women and children, for the purpose of sexual exploitation and forced prostitution is a crime and prohibited by international law at all times.

PPSPT art 5 • CEDAW art 6 • CRC art 35

Trafficking of persons, especially women and children, by military, police and civilian personnel involved in UN peace operations is prohibited.

SCR 1674 art 20

Countries must take measures to prevent trafficking and to protect the victims of trafficking, especially women and children.

PPSPT art 2, 5, 6 and 9.1 (a,b) • CRC art 35 • DEVAW art 4

Countries must work together to put an end to human trafficking, especially of women and children.

PPSPT art 9.5 • DEVAW art 4 • CRC art 35 • SCR 1674 art 5

International Policy

Documents

Beijing Declaration and Platform for Action, Fourth World Conference on Women (**BPFA**)

Declaration on the Elimination of Violence Against Women (**DEVAW**)

General Comment 19 (**CEDAW**)

General Comment 16 (**ICESCR**)

General Comment 28 (**ICCPR**)

Secretary-General's Bulletin on Sexual Exploitation and Abuse in UN Peace Support Operations (**SGB 2003**)

Security Council Resolution 1325 on women, peace and security (**SCR 1325**)

Security Council Resolution 1612 on children and armed conflict (**SCR 1612**)

Security Council Resolution 1674 on the protection of civilians in armed conflict (**SCR 1674**)

Security Council Resolution 1820 on widespread or systematic violence in armed conflict (**SCR 1820**)

3 Peace Builder's Action Toolkit



This section is intended to give you, the gender justice advocate, a variety of tools, ideas and resources in using international law to make a difference at the national level. In the larger handbook, this section will include further handouts, worksheets, check lists and 'think sheets', as well as the convention ratification charts, glossary of terms and annotated guide to the international human rights and humanitarian conventions used in the handbook, and more action ideas with which women can advocate, educate and claim their rights.

We have included here a sampling of what this toolkit will include – and we would welcome your contribution to this effort. The following excerpted section includes:

- Some ideas for NGOs to **take action**, collected under three headings: Advocate, Educate and Claim Your Rights.
- Selected **resources** – books and websites where you can find further information.
- Key **contacts** – the UN organizations and NGOs that monitor compliance with international instruments.
- A **glossary** of some of the terms used in the publication with which you may be unfamiliar.
- An **annotated guide** to international conventions and policy documents, which includes the websites where you can find the complete documents.
- **Charts** showing which countries have ratified the conventions discussed in this extract from the handbook.

Take Action: Advocate, Educate, Claim Your Rights*

TAKE ACTION: ADVOCATE

International laws and policies on sexual violence can be effective tools for lobbying governments to publicly condemn all forms of such violence and to ensure that these are treated as crimes. You will want to develop your own compelling arguments for hard-to-reach audiences (whether individuals or groups) about why taking action to eliminate sexual violence is important for community and national well-being.

Some suggested advocacy points might be:

- Sexual violence in all its forms should be denounced by the government.
- Those who committed sexual violence during armed conflict should be punished, with no amnesties or exceptions that allow for traditional, religious or cultural beliefs.
- The government should ratify relevant international conventions that address sexual violence and be accountable for its international commitments.
- National laws should be introduced or amended in line with provisions in international human rights and humanitarian law.
- All other laws that discriminate against women, including family and employment laws, should be brought into line with international standards.
- The justice system should be rebuilt and international law used as a key ingredient in developing professional and paraprofessional judicial assistance programmes.
- The evidence provided by victims must be treated with all due respect, and mechanisms for victim and witness protection should be established and made available as required.
- Specific and comprehensive health programmes should be set up for the victims of sexual violence.

* Some of these actions are adapted from recommendations made by Janine de Vries in 'Sexual Violence against Women in Congo: Obstacles and Remedies for Judicial Assistance', Leiden: Stichting NJCM-Boekerij, 2007.



TAKE ACTION: EDUCATE

Educate yourselves:

- Organize training – for your organization and other groups working on the issues – on international law and policies that prohibit sexual violence.
- Find out which international conventions relevant to sexual violence your country has ratified (see page 32), and put together a national ratification chart.
- Find out how your national laws relate to international laws and develop a handbook specific to your country on the legal aspects of sexual violence (see page 17).
- Decide whether you want to document human rights violations; if so, be sure there are trained people to interview traumatized victims and correctly gather and document evidence.
- Strategize on whose attitudes need changing and how to do this, understanding – and encouraging others to understand – how simple phrases can have a devastating impact (see the framework concerning myths and their implications on page 18).

Educate the community:

- Use international laws in your local community as a starting point for women to learn about their rights.
- Make information widely available on the laws that protect women against sexual violence and distribute it at schools, public meetings and through radio programmes.



- Work with local community or religious leaders and encourage them to denounce sexual violence and call for those who committed sexual crimes to be prosecuted.
- Help local NGOs to improve their understanding of the effects of sexual violence on women's lives and to define community needs (e.g., gathering and documenting evidence of sexual violence, or strengthening contacts with supportive police and judicial authorities concerned with justice for women).
- Support women's groups that are providing services identified by the community - e.g., medical attention for survivors, bringing attackers to justice or developing livelihood options.

Educate legal professionals:

- Provide information to lawyers at the national level, who may have little experience of international law and policies about sexual violence, and raise awareness about the problems and limitations of domestic laws for addressing sexual violence. Make the specific paragraphs in the conventions available to them.

Note: Some, if not all of the international law on sexual violence may already be binding on the State and, if so, this can be used in domestic courts to advocate for the rights of victims of sexual violence.

Depending on the legal system, international law may be used to inform the interpretation of domestic laws in various ways, and may sometimes be used to fill gaps when domestic laws do not exist or are inadequate.

- Be prepared to suggest relevant websites or groups that will support legal advocacy at community and court level.
- Have the more experienced human rights lawyers organize workshops for their colleagues and for NGOs who have less developed skills. They should especially make use of the knowledge and experience of female lawyers.

EDUCATE: My country and international/national law

Use this worksheet to see where your country stands on the international conventions related to sexual violence. Give 3 points for ratification and 1 for signature. Then indicate on a scale of 1–5 under the next two columns whether laws exist or need to be changed (5 = all necessary laws exist/no laws need to be changed and 1 = no laws exist/all need to be changed). Put the total at the bottom.

International		National	
Convention	Ratified	National laws exist	National laws to be changed
United Nations Charter			
International Covenant on Civil and Political Rights			
International Covenant on Economic, Social and Cultural Rights			
Convention on the Elimination of All Forms of Discrimination against Women			
Convention on the Rights of the Child			
Convention on the Rights of the Child, Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography			
Convention on the Rights of the Child, Optional Protocol on the Involvement of Children in Armed Conflict			
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment			
Geneva Convention IV Relating to the Protection of Civilians in Time of War			
Geneva Conventions: Additional Protocol I Relating to the Protection of Victims of International Armed Conflicts			
Geneva Conventions: Additional Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts			
Rome Statute of the International Criminal Court (ICC Statute)			
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children			
Convention Relating to the Status of Refugees			

TOTAL: out of a possible 182



EDUCATE: Understand the impact of myths

This chart explores the way myths operate in relation to violence against women in armed conflict, the community values and attitudes towards victims of this violence, and the impact these have on victims and survivors of violence. It can be used with community groups to generate discussion.

Myth:	“Soldiers have a right to rape women.”
Implication:	<ul style="list-style-type: none"> • Women’s bodies are legitimate battlegrounds in conflict.
Value Statement:	<ul style="list-style-type: none"> • Women are property and not viewed as equal and sentient. • Women are considered extensions of a male power base.
Effect:	<ul style="list-style-type: none"> • More women are raped. • Women increasingly become a target for gender-based crimes. • Pre-existing gender inequalities and violence against women are reinforced.
Patterns:	<ul style="list-style-type: none"> • As conflict increases, brutality towards women increases. • As communities fragment, protection of women and children decreases, resulting in more violence towards women. • As social structures crumble, violence against women becomes invisible and justice disappears for crimes of gender and sexual violence. • Women and children are dehumanized.
Other myths:	<ul style="list-style-type: none"> • Men can’t help it; it’s their natural sex drive. • Men do not get raped or sexually assaulted. • The problem with rape is it is non-marital sex, not an act of violence.



GJ/IWTC

The MIVSEP framework (myths, implications, value statements, effect, patterns) was developed by Vivien Clear for the Women’s Initiative for Gender Justice (WIGJ); this example was developed by WIGJ Gender Training for the Office of the Prosecutor, ICC, 2005.

EDUCATE: Know what Security Council Resolution (SCR) 1820 mandates

- ✧ Sexual violence against civilians by any parties to armed conflict should stop immediately.
- ✧ All parties to armed conflict should immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence. For example:
 - enforce appropriate military disciplinary measures;
 - train troops that all forms of sexual violence against civilians are prohibited;
 - debunk myths that fuel sexual violence;
 - vet armed forces for past actions of rape and other forms of sexual violence;
 - evacuate women and children under imminent threat of sexual violence to safety.
- ✧ Rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act of genocide. Sexual violence crimes should therefore not be part of amnesty provisions, and those responsible for such acts should be prosecuted.
- ✧ Effective steps to prevent and respond to acts of sexual violence can significantly contribute to the maintenance of international peace and security.
- ✧ The Council will consider the appropriateness of sanctions against parties to armed conflict who commit rape and other forms of sexual violence against women and girls.
- ✧ The Secretary-General should strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in UN peacekeeping operations. Training should help peacekeeping and humanitarian personnel better prevent, recognize and respond to sexual violence.
- ✧ Troop- and police-contributing countries should ensure such personnel are aware of their responsibility to protect civilians, including women and children, and prevent sexual violence against women and girls (including by deploying more women peacekeepers or police).
- ✧ The Secretary-General should develop effective guidelines and strategies so UN peacekeeping operations can better protect civilians, including women and girls, from all forms of sexual violence. Information on this should be in his [or her] written reports to the Council on conflict situations.
- ✧ Effective mechanisms should be developed to protect women and girls from violence, particularly sexual violence, both in and around UN-managed refugee and internally displaced persons camps as well as in all disarmament, demobilization, and reintegration processes.
- ✧ The Peacebuilding Commission should include ways to address sexual violence in its advice and recommendations for post-conflict peacebuilding strategies.
- ✧ All parties concerned, including member States, UN entities and financial institutions, are urged to help develop and strengthen national institutions, in particular judicial and health systems, and local civil society networks in order to assist victims of sexual violence in armed conflict and post-conflict situations.
- ✧ The Secretary-General should submit a report to the Council on implementation by 30 June

EDUCATE: Know the value-added of SCR 1820 to SCR 1325

SCR 1325

- ◆ First SCR to link women to the peace and security agenda: addressing the impact of war on women and their contribution to conflict resolution and sustainable peace
- ◆ Avoid amnesty “where feasible” [art 11]
- ◆ Training on protection rights and needs of women [art 6]
- ◆ Need to maintain civilian character of refugee/IDP camps and design them in a way that helps prevent sexual violence [art 12]
- ◆ No reference to sanctions for perpetrators; mentions impact of sanctions on women [art 14]
- ◆ No strategy for improving information-flow to the Council
- ◆ “Special measures” to protect women and girls from sexual violence [art 10]
- ◆ No mention of coordination
- ◆ No reference to root causes of war-time rape
- ◆ No reference to Peacebuilding Commission (est. 2005)

SCR 1820

- ◆ First SCR to recognize sexual violence as a self-standing security issue, linked with reconciliation and durable peace
- ◆ Exclusion of sexual violence crimes from amnesty provisions [art 4]
- ◆ Specific training of troops on categorical prohibition of sexual violence [art 3; 6; 7]
- ◆ Develop mechanism for protecting women/girls in/around UN-managed camps [art 10]
- ◆ Sexual violence relevant to country-specific sanctions regimes [art 5]
- ◆ Global report due 30 June 2009 [art 15]
- ◆ Itemizes measures that can concretely improve protection and assistance [art 13]
- ◆ Welcomes coordination efforts of UN Action Against Sexual Violence in Conflict [pp xiv]
- ◆ Scope for addressing root causes: “debunking myths that fuel sexual violence” [art 3]
- ◆ Peacebuilding Commission to advise on ways to address sexual violence [art 11]

Adapted from ‘Security Council Resolution 1820: Women, Peace and Security’, UNIFEM and STOP RAPE NOW, available at http://www.womenwarpeace.org/webfm_send/1657.

TAKE ACTION: CLAIM YOUR RIGHTS

Knowledge of international law and policies about sexual violence is essential for anyone wishing to make a formal legal complaint about sexual violence that took place during or after an armed conflict.

The first step is to establish which complaints mechanisms are available to the particular victim/survivor.

During armed conflict

While armed conflict is taking place, it is unlikely that the domestic legal system will be functioning. If it is, however, the first option is to complain to the police or a local prosecutor.

In most cases of armed conflict, international complaints mechanisms are more likely to be effective, even though they are often poorly resourced and hard to access. If possible, make contact with the International Committee for the Red Cross (ICRC) or another international NGO (see Key Contacts on page 25).

If your government has ratified the relevant international human rights convention, you may be able to make an individual complaint to a human rights treaty committee. (Check the Charts on page 32 to see which conventions your government has ratified, and the Key Contacts).

For example:

- The Committee on the Elimination of Discrimination Against Women will consider complaints about sexual violence as a form of discrimination against women.
- The Human Rights Committee, which monitors the International Covenant on Civil and Political Rights (ICCPR), will consider complaints about sexual violence as a threat to the right to life or as a form of torture or cruel, inhuman or degrading treatment.

- The Prosecutor for the International Criminal Court (ICC) may investigate the most severe cases of sexual violence, or these may be referred to the ICC by the Security Council.

In all these cases, it is important to gather and send information that is as detailed as possible.

After conflict has ended

In the post-conflict period, there are likely to be additional options for making a complaint. Transitional justice mechanisms may have been established, like a truth and justice commission, or a court or tribunal, in order to deal with the crimes and human rights abuses that took place during the armed conflict. Particularly if these mechanisms have made special arrangements for victims of sexual violence to provide testimonies, they may provide a very good channel for women survivors to seek justice, including possibly reparations.

Peace support operations

If the sexual violence took place during the post-conflict period, and was carried out by someone associated with UN peace support operations, like a peacekeeper or a UN employee or contractor, there should be a focal point within the operation established specifically to receive and investigate complaints about sexual exploitation and abuse. When the domestic legal system has been rebuilt, there may also be special procedures to help victims of sexual violence come forward with a complaint.



Selected Resources



Publications

Afghanistan: Women Still Under Attack: A Systematic Failure to Protect

Examines the environment in which violence against women is occurring; reviews Afghanistan's obligations as a signatory to CEDAW; and includes extensive interviews with Afghan women. **Amnesty International, 2005**
<http://www.amnesty.org/en/library/asset/ASA11/007/2005/en/dom-ASA110072005en.html>

Armed Conflict and Trafficking in Women: Desk Study. Sonja Wölte

Looks at prevalent forms of trafficking in women during armed conflicts and in post-conflict situations.

Eschborn: GTZ Sector Project against Trafficking in Women, 2004
<http://www2.gtz.de/dokumente/bib/04-5304.pdf>

*Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones.***

R. Charli Carpenter, ed.
A multi-faceted view of the human rights of children born of wartime rape and sexual slavery in conflict zones worldwide. **Bloomfield, CT: Kumarian Press, Inc, 2007**

Ending Violence Against Women: From Words to Action – Study of the Secretary General

Sets out the broad context of violence against women; summarizes its extent and prevalence; discusses States' responsibility for preventing and addressing it; identifies promising strategies;

and makes recommendations for governments.

United Nations, 2006

Gender in Practice: Guidelines & Methods to Address Gender-Based Crime in Armed Conflict.

Women's Initiatives for Gender Justice
Training handbook intended to assist in working with women affected by sexual violence and gender-based crime in times of armed conflict and war.
http://www.iccwomen.org/whatwedo/training/docs/Gender_Training_Handbook.pdf

*Gender Mainstreaming in Conflict Transformation: Building Sustainable Peace.***

Rawwida Baksh, Linda Etchart, Elsie Onubogu & Tina Johnson, eds.
Includes sections on masculine identity and violence and on war and women's bodies, as well as personal experiences from several war zones.

London: Commonwealth Secretariat, 2005

*Gender-based Violence in Conflict-Affected Settings.***

America Refugee Committee International
Four booklets and a CD-Rom designed to help communities and humanitarian workers implement comprehensive and multi-sectoral programmes to address gender-based violence in conflict-affected settings.

America Refugee Committee International, 2005

In-Depth: The Shame of War: Sexual Violence against Women and Girls in Conflict.

IRIN
A reference book and photo essay of portraits and testi-

monies of survivors of sexual violence that aims "to inform, to shock and to join the voices saying 'Enough!'"

UN Office for the Coordination of Humanitarian Affairs, 2007
<http://www.irinnews.org/InDepthMain.aspx?InDepthId=53&ReportId=71974>

Intensification of Efforts to Eliminate All Forms of Violence Against Women: Report of the Secretary-General

Summarizes both UN initiatives to address violence against women and efforts at collaboration among agencies.

New York: United Nations, 2007
<http://www.un.org/womenwatch/daw/documents/ga62.htm>

Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations. Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE)

Includes key points of debate regarding proposals relating to the challenges in ending impunity and achieving justice for women. **FRIDE Conference Report, 2008**
http://www.peacewomen.org/resources/Justice/Justice_for_Women.pdf

*Men, Militarism and UN Peacekeeping: A Gendered Analysis.*** Sandra Whitworth

Explores some of the realities of military interventions under the UN flag and the need to challenge traditional realities of militaries, conflict and women.

Boulder, CO: Lynne Reiner Publishers, 2004

** Starred publications are available from Women, Ink. at <http://www.womenink.org/> or at the IWTC address on the inside cover.

Resources

No End to War on Women and Children: North Kivu, Democratic Republic of the Congo
Describes the continuing crimes – including unlawful killings, rape, torture and the recruitment of child soldiers – being committed by all sides in DRC despite a peace treaty.

Amnesty International, 2008
<http://www.amnesty.org/en/library/info/AFR62/005/2008/en>

No Justice for Sexual Violence in Darfur

Documents the widespread prevalence of sexual violence throughout Darfur and shows how the Government of Sudan has failed to rein in the abuse, much of which is carried out by its own soldiers and allied militia.

Human Rights Watch, 2008
http://www.hrw.org/sites/default/files/reports/darfur0408_1.pdf

*Our Rights Are Not Optional! Advocating for the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women through its Optional Protocol.***

International Women's Rights Action Watch (IWRAP) Asia Pacific
Easy-to-use resource guide providing information and materials for strengthening efforts by women's rights advocates and governments to promote effective implementation of CEDAW at national level.

Kuala Lumpur: IWRAP Asia Pacific, 2005

*Realising Our Rights: Holding the State Accountable for Violence Against Women in the Asia Pacific Region.*** *Asia Pacific Forum on Women, Law and Development (APWLD)*

Reports on a regional consultation with the UN Special Rapporteur on violence against

women to discuss ways of holding the state accountable for violence against women by non-state actors.

APWLD, 2005

Seeking Justice: The Prosecution of Sexual Violence in the Congo War

Documents how the Government of the DRC has taken insufficient steps to prosecute those responsible for wartime rape; and calls for urgent steps to reform the national justice system.

Human Rights Watch, 2005
<http://www.hrw.org/sites/default/files/reports/drc0305.pdf>

Sexual Violence: Weapon of War, Impediment to Peace. Forced Migration Review, Issue 27

Special issue explores the challenges and opportunities for combating sexual violence in conflict, post-conflict and development recovery contexts, highlighting good practices.

Refugee Studies Centre and UNFPA, 2007

http://www.peacewomen.org/resources/Human_Rights/Forced_Migration_SV.pdf

Sexual Violence against Women and Children in Armed Conflict. Bureau for Crisis Prevention and Recovery, United Nations Development Programme.

Background document for the 2008 UN Parliamentary Hearing that provides basic facts, outlines challenges, and makes key recommendations.

<http://www.ipu.org/splz-e/unga08/s2.pdf>

Sexual Violence against Women and Girls in War and its Aftermath: Realities, Responses and Required Resources. Jeanne Ward & Mendy Marsh

Briefing paper prepared for a

Symposium on Sexual Violence in Conflict and Beyond that provides an issue overview, assesses gaps in programming, and calls for a multi-sectoral response.

New York: UNFPA, 2006
<http://www.unfpa.org/emergencies/symposium06/docs/finalbrusselsbriefingpaper.pdf>

Sexual Violence against Women in Congo: Obstacles and Remedies for Judicial Assistance.

Janine de Vries

Outlines the appalling levels of sexual violence in the conflict in the DRC, reviews the relevant international human rights and humanitarian laws, and suggests the role of local NGOs.

Leiden: Stichting NJCM-Boekerij 44, 2007

Security Council Resolution 1820: Women, Peace and Security. UNIFEM and STOP RAPE NOW

Includes a background on sexual violence against women in war, information on the Resolution's purpose and key elements, and material on reactions and arising issues of concern.

http://www.womenwarpeace.org/webfm_send/1657

Women and War. International Committee of the Red Cross (ICRC)

Looks at how women can be affected by conflict and the actions taken by the ICRC to take their needs into account. It also promotes the rules of international humanitarian law that specifically protect women in war.

ICRC, 2008
[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0944/\\$File/ICRC_002_0944.PDF](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0944/$File/ICRC_002_0944.PDF)

Resources



Women and Human Rights: The Basic Documents. Mary Lesley Carson & Paul J. Martin, eds. Brings together the relevant human rights conventions in one (slim) volume.
New York: Center for the Study of Human Rights, Columbia University, 1996

Women Building Peace and Preventing Sexual Violence in Conflict-Affected Contexts. Annalise Moser
Review of community-based peace-building initiatives that examines the barriers women face, with examples of women's successful engagement in peace-building at the local level.
New York: UNIFEM, 2007
http://www.peacewomen.org/resources/Human_Rights/SGBV-Peacebuilding.pdf

Women in an Insecure World: Violence Against Women: Facts, Figures and Analysis. Marie Vlachova & Lea Biason, eds.
Extensive resource of good practices to prevent and respond to violence against women at local and international levels.
Geneva: Centre for the Democratic Control of Armed Forces (DCAF), 2005
http://www.dcaf.ch/women/bk_vlachova_biason_women.cfm?navsub1=11&navsub2=3 &nav1=3

Women, War and Peace: Progress of the World's Women 2002. Volume 1. ** Elisabeth Rehn & Ellen Johnson Sirleaf
Based on interviews with women in conflict-affect countries, this report brings out the gender dimensions of conflict and displacement.
New York: UNIFEM, 2002

Websites

Amnesty International

AI is running a campaign to stop violence against women, and the site has recent news plus articles on several countries.
<http://www.amnesty.org/en/campaigns/stop-violence-against-women>

Coalition for Women's Rights in Conflict Situations

Established to address the abuse of women's rights in conflict situations, condemn the practice of rape and other forms of sexual violence against women as deliberate tactics of war, and end impunity.
http://www.womensrightscoalition.org/site/main_en.php

Crimes of War Project

A collaboration of journalists, lawyers and scholars dedicated to raising public awareness of the laws of war and their application to situations of conflict. The site has an A-Z guide to the relevant laws and a number of other resources.
<http://www.crimesofwar.org/>

Global Justice Center

GJC works with women leaders on the strategic and timely legal enforcement of international equality guarantees. Research, links, publications.
<http://www.globaljusticecenter.net/about/>

Human Rights Watch

The Women's Rights section of the site has a number of publications. Two recent reports, one on sexual violence in the DRC and the other on Darfur, are particularly useful (see above).
<http://www.hrw.org/en/category/topic/women's-rights>

PeaceWomen

The site works towards full and rapid implementation of SCR 1325. It is a fount of information on all issues related to armed conflict and peace processes and offers a number of resources.
<http://www.peacewomen.org/resources/resourcesindex.html>

STOP RAPE NOW (UN Action Against Sexual Violence in Conflict)

Unites the work of 12 UN entities to prevent all forms of gender-based violence. Testimonies, action ideas, advocacy resources, NGO links.
<http://www.stoprapenow.org/>

Women's Initiatives for Gender Justice

International NGO advocating gender-inclusive justice and working towards an effective and independent International Criminal Court (ICC). News, gender training resources, campaigns.
<http://www.iccwomen.org/>

WomenWarPeace.org

A UNIFEM portal that tracks progress on the implementation of Resolution 1325, and provides information to encourage researchers, policy makers, analysts and NGOs to routinely seek and contribute more information and analysis on women, war and peace.
<http://www.womenwarpeace.org/>

Working with the System: Key Contacts

The following are some useful addresses if you are thinking about filing a complaint, or want to report on your country's adherence to a convention it has ratified.

Human Rights Law

Human rights conventions and their treaty monitoring bodies fall under:

Office of the High Commissioner for Human Rights (OHCHR)

Palais des Nations
CH-1211 Geneva 10, Switzerland

General inquiries:

Tel: 41-22-917-90-00

Email: InfoDesk@ohchr.org

NGO Liaison:

Tel: 41-22-917-9656

Email: civilsocietyunit@ohchr.org

ohchr.org

The *Committee on the Elimination of Discrimination against Women*, which monitors CEDAW, encourages national and international NGOs to provide country-specific information on States parties whose reports are before it. Instructions from OHCHR on how to do this are available at:

http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation_EN.pdf

Reports and other information related to CEDAW can also be sent to:

IWRAW Asia-Pacific

80-B, Jalan Bangsar

59200 Kuala Lumpur, Malaysia

Tel: 60-3-2282-2255

Fax: 60-3-2283-2552

Email: iwraw-ap@iwraw-ap.org;

iwraw_ap@yahoo.com

<http://www.iwraw-ap.org/>

For matters related to refugees:

United Nations High Commissioner for Refugees

Case Postale 2500

CH-1211 Genève 2 Dépôt

Switzerland

Tel: 41-22-739-8111 (automatic

switchboard).

International Humanitarian Law

The International Committee of the Red Cross (ICRC) has a permanent mandate under international law to take impartial action for prisoners, the wounded and sick, and civilians affected by conflict.

International Committee of the Red Cross

19 avenue de la Paix

CH 1202 Geneva, Switzerland

Tel: 41-22-734-6001

Fax: 41-22-733-2057

<http://www.icrc.org/Eng/ihl>

International Criminal Court

As noted earlier, women cannot make complaints directly to the ICC. However, the following NGOs work on various issues related to gender and the Court:

Women's Initiatives for Gender Justice

Anna Paulownastraat 103

2518 BC The Hague

The Netherlands

Tel: 31-70-302-9911

Fax: 31-70-392-5270

Email: info@iccwomen.org

<http://www.iccwomen.org/>

Coalition for the International Criminal Court

c/o WFM, 708 3rd Avenue, 24th Floor

New York, NY 10017, USA

Tel: 1-212-687-2863

Fax: 1-212-599-1332

E-mail: cicc@iccnw.org

<http://www.iccnw.org/>

OR

Bezuidenhoutseweg 99a

2594 AC The Hague

The Netherlands

Tel: 31-70-363-4484

Fax: 31-70-364-0259

Security Council Resolutions

It is not possible for NGOs to contact the Security Council directly. Instead, contact:

NGO Working Group on Women, Peace and Security

(Sarah Taylor, Coordinator)

777 United Nations Plaza, 8th Floor

New York, NY 10017, USA

Tel: 1-212-682-3633, ext. 3121

Fax: 1-212-682-5354

Email: [NGOWGCoordinator@](mailto:NGOWGCoordinator@peacewomen.org)

peacewomen.org

Special Rapporteurs

Unlike the complaints mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies to act.

Special Rapporteur on violence against women, its causes and consequences

Ms Yakin Ertürk

OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: 41-22-917-9006

E-mail: urgent-action@ohchr.org

Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment

Mr. Manfred Nowak

OHCHR (address above)

E-mail: urgent-action@ohchr.org

Special Rapporteur on Contemporary forms of slavery, its causes and consequences

Ms Gulnara Shahinian

OHCHR (address above)

Fax: 41-22-917-9006

Email: srslavery@ohchr.org

Glossary of Terms

Accede/Accession: The act whereby a State becomes a party to a treaty already negotiated and signed by other States. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force.

Bulletin (Secretary-General's): Sets out binding rules or codes of conduct for UN staff and contractors and urges States and organizations that work with the UN in peace support operations and other projects to adopt similar rules and codes.

Convention: An international treaty that is legally binding on all the States that have ratified it. When a State ratifies a convention, it becomes a 'party' to that convention. Usually, all States have the choice to ratify international conventions, as is the case with the ones referred to in this handbook. However, some conventions apply only to a limited number of States.

Covenant: Another term for a convention or international treaty.

Crimes against Humanity: Crimes against humanity include murder, extermination, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other inhumane acts of comparable gravity that are committed as part of a widespread or systematic attack on a civilian population, with knowledge of that attack. All States have the duty to prosecute or extradite persons accused of such crimes, and Heads of State are not immune to prosecution.

Customary International Law: International law is usually found in international conventions. However, it can also be created by the customary practices of States, if many States act in the same way and believe they have a legal obligation to do so. An example of customary international law is the prohibition against genocide. Since this type of law may not be written down, it is hard to know exactly what it requires States to do.

Declaration: Declarations are very influential

international instruments that are usually adopted by general agreement between States. They are not legally binding when they are adopted and, unlike conventions, cannot be ratified. However, a declaration may, over time, become so influential that it becomes accepted as customary international law and hence legally binding.

Entry into Force: A convention becomes legally binding on those States that are parties to it once the required number of ratifications, specified in the text, has been obtained.

Ethnic Cleansing: The use of force, often involving mass torture, rape, murder and destruction of property, to remove people of a certain ethnic or religious group from an area.

General Assembly: One of the international bodies established by the UN Charter in 1945. All States parties to the Charter are members, and every member has an equal right to participate in its work and to vote on its resolutions. The General Assembly is able to deal with any matter of concern to the international community, except where this is being dealt with by the Security Council.

General Comment/General Recommendation: These instruments provide a detailed interpretation of some of the obligations in human rights treaties. They are not legally binding, but they are very persuasive because they are adopted by the expert members of human rights treaty bodies.

Genocide: The commission of acts, such as killing members of a group, perpetrating sexual violence or imposing measures to prevent births, with the intention to destroy an ethnic, racial, religious or national group, in whole or in part.

Impunity: This term refers to situations where individuals who commit human rights abuses, or are responsible for crimes, are not held accountable for their actions. Impunity can occur in conflict/post-conflict situations because the State has no effective justice system or because politicians and local

Glossary

leaders do not wish to punish offenders. Some offenders may be granted amnesty during peace negotiations, which also spreads a 'culture of impunity'.

International Humanitarian Law: This body of law can be found in the four Geneva Conventions of 1949 and their Additional Protocols. It protects people during armed conflict who are not – or are no longer – participating in the hostilities, including combatants who have been wounded, prisoners of war and civilians. It also restricts the means and methods of warfare.

International Human Rights Law: This body of law is largely found in international human rights conventions. It protects the individual human rights of everyone by requiring States to respect, protect and fulfil human rights.

International Law: International law mainly regulates relations between States. Most international law can be found in conventions or treaties. Some international law comes into being because of consistent practices and beliefs of many States, and is known as customary international law. Today, international law has many branches including laws on the use of armed force, humanitarian law, human rights law, environmental law, economic and trade law, and many others.

Optional Protocol: Sometimes called an additional protocol, this is a treaty that is attached to an already existing convention. It may clarify articles in the convention, establish new obligations related to the convention, or set up new procedures to hold States parties to the convention accountable for their obligations. States parties to the original convention have to ratify the optional protocol before it is binding on them.

Ratify/Ratification: The legal act by which a State that has signed a convention agrees to be bound by its provisions. Usually, this requires that the national legislative body agree to the convention. A certain number of ratifications, stipulated in the convention, are needed before it enters into force.

Reservation: A reservation is a formal statement made by a State when it ratifies a convention that it does not accept certain obligations in the convention. However, reservations must not be incompatible with the object and purpose of the treaty.

Security Council (Resolutions): The UN Security Council was established by the UN Charter and has "primary responsibility for the maintenance of international peace and security". It has 15 members: 5 permanent (China, France, Russian Federation, United Kingdom and United States) who have the power to veto resolutions, and 10 members who are elected every two years.

Signature: When a State signs a convention, it creates an obligation to refrain, in good faith, from acts that would defeat the object and purpose of the treaty; however, the State is not legally bound until it has taken the further step of ratification or accession.

States Parties: The name given to those States that have ratified or acceded to a convention. The terms of a convention are binding on States parties.

Succession: When a newly formed State has agreed to assume the treaty obligations of its predecessor.

Transitional Justice: This is the name generally given to attempts to address past human rights abuses in countries 'transitioning' from one stage (e.g., a dictatorship or a conflict situation) to another (a democracy or post-conflict). It may include criminal prosecutions, truth commissions and/or reparations programmes.

Treaty: Another term for an international convention or covenant.

War Crimes: Crimes committed during armed conflict that are grave breaches of the Geneva Conventions, including wilful killing, extermination, torture and the taking of hostages, as well as other serious violations of the laws and customs of war.

Annotated Guide to International Conventions and Policy Documents

International Conventions

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (CAT)

This Convention bans torture under all circumstances and also prohibits other forms of cruel, inhuman or degrading treatment or punishment. The Convention is important for women because sexual violence and abuse may sometimes constitute torture, while in most circumstances it will be certainly be cruel, humiliating or degrading treatment. *Monitoring body:* Committee Against Torture. *Reporting:* States parties report every four years. The Committee can also consider individual complaints if the State party has agreed to the optional procedure in article 22.

<http://www2.ohchr.org/english/law/cat.htm>

Convention on the Elimination of All Forms of Discrimination against Women (1981) (CEDAW)

This is the most important human rights convention for women. States parties are required to eliminate all forms of discrimination against women in all fields of life, including politics, education, health and family life. To achieve this, States must adopt a policy, introduce legislation and take all the other measures that are necessary to achieve women's enjoyment of all human rights on the basis of equality with men. *Monitoring body:* CEDAW Committee. *Reporting:* every five years.

<http://www2.ohchr.org/english/law/cedaw.htm>

CEDAW Optional Protocol (1998) (CEDAW OP)

The Optional Protocol to CEDAW establishes a procedure that enables individual women to make a complaint to the CEDAW Committee if they are victims of violations of CEDAW by their State. Complainants must first have sought any available remedies in their domestic legal systems, and the State must have ratified both CEDAW and its Optional Protocol.

<http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

Convention on the Rights of the Child (1989) (CRC)

This Convention sets out all the rights that chil-

dren, both girls and boys, must enjoy. A child is defined as everyone under the age of 18. Children have rights that are somewhat different to those enjoyed by adults because of their particular vulnerabilities and emerging capacities. The CRC requires that the 'best interests of the child' must be the primary consideration in all decisions that affect the child. *Monitoring body:* CRC Committee. *Reporting:* every four years.

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

CRC, Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000) (OP CRC SC)

This Optional Protocol to the CRC provides detailed definitions of the named activities, requires their comprehensive criminalization, and requires international cooperation and assistance in connection with investigations or criminal or extradition proceedings.

<http://www2.ohchr.org/english/law/crc-sale.htm>

CRC, Optional Protocol on the Involvement of Children in Armed Conflict (2000) (OP CRC AC)

This Optional Protocol to the CRC requires States parties to take all feasible measures to ensure that children and young people who have not attained the age of 18 years do not take a direct part in hostilities, whether as members of the State's armed forces or as members of other armed groups operating within the State.

<http://www2.ohchr.org/english/law/crc-conflict.htm>

Convention Relating to the Status of Refugees (CSR)

This Convention is the key legal document for defining who are refugees, what rights they should enjoy and the legal obligations of States to protect their rights. It also defines the obligations of refugees to the host government. A Protocol to the CSR in 1967 removed the geographic and time limits of the Convention, which meant that it had only applied to refugees from World War II in Europe.

Monitoring body: UN High Commissioner for Refugees (UNHCR).

http://www.unhchr.ch/html/menu3/b/o_c_ref.htm

Annotated guide

Geneva Convention IV Relating to the Protection of Civilians in Time of War (1949) (GC IV)

This is one of the four Geneva Conventions that were adopted in 1949 to provide stronger protection for certain categories of people, called ‘protected persons’ during armed conflict. It applies to civilians.

<http://www.unhchr.ch/html/menu3/b/92.htm>

Geneva Conventions: Additional Protocol I Relating to the Protection of Victims of International Armed Conflicts (1977) (GC API)

This Protocol extends the protections provided by the earlier conventions to all victims of international armed conflicts taking place between two or more States, including conflicts where people are fighting in the exercise of their right to self-determination.

<http://www.unhchr.ch/html/menu3/b/93.htm>

Geneva Conventions: Additional Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts (1977) (GC APII)

This Protocol extends the protections provided by the earlier conventions to all victims of non-international armed conflicts taking place within a State. In giving further protection to civilians, it takes into account newer means of warfare and the increased likelihood that civilians will be victims of, and may even be targeted by, armed conflict.

<http://www.unhchr.ch/html/menu3/b/94.htm>

International Covenant on Civil and Political Rights (1966) (ICCPR)

This Covenant recognizes a wide range of civil and political rights that States parties must immediately implement in their domestic law. It includes the right to life and to be free from torture and slavery, the right to liberty and security and to privacy, the right to vote, the equal rights of women and men in the family, and many freedoms including freedom of opinion and belief, and freedom of movement and association. The Covenant specifically requires that women and men enjoy equal protection of the law in the enjoyment of all human rights. *Monitoring body:* Human Rights Committee. *Reporting:* periodic.

<http://www2.ohchr.org/english/law/ccpr.htm>

ICCPR Optional Protocol (1966) (ICCPR OP)

This Protocol establishes a procedure that enables individuals to make a complaint to the Human Rights Committee if they are victims of violations of the ICCPR by their State. Complainants must first have sought any available remedies in their domestic legal systems, and the State must have ratified both ICCPR and the Optional Protocol.

<http://www2.ohchr.org/english/law/ccpr-one.htm>

International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR)

This Covenant recognizes a wide range of economic, social and cultural rights, some of which must be immediately implemented by States parties, while others must be progressively achieved over time, as resources allow. It includes the right to work and to just and favourable working conditions, the right to education, to social security, to the highest attainable standard of health and to an adequate standard of living, including adequate housing. *Monitoring body:* ICESCR Committee.

Reporting: periodic.

http://www.unhchr.ch/html/menu3/b/a_cescr.htm

ICESCR Optional Protocol (2008) (ICESCR OP)

The Optional Protocol establishes a procedure that enables individuals to make a complaint to the ICESCR Committee if they are victims of violations of ICESCR by their State. Complainants must first have sought any available remedies in their domestic legal systems, and the State must have ratified both ICESCR and the Optional Protocol.

<http://www2.ohchr.org/english/issues/escr/intro.htm>

Rome Statute of the International Criminal Court (1998) (ICC Statute)

The Rome Statute establishes a permanent International Criminal Court, which began operating in The Hague in 2003. The Court is able to prosecute individual offenders who are accused of the most serious crimes of international concern: genocide, crimes against humanity and war crimes. Proceedings before the Court may be initiated by a State Party, by the ICC Prosecutor or by the Security Council. The Court will only act when countries themselves are unable or unwilling to investigate or prosecute these crimes.

<http://untreaty.un.org/cod/icc/statute/romefra.htm>

Annotated guide

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) (PPSPT)

This Protocol supplements the UN Convention against Transnational Organized Crime, which was adopted in 2000. It defines the crime of trafficking in persons as the transport of persons across national borders, by means of coercion or deception, for the purpose of exploitation such as forced labour or prostitution. It provides for the criminal prosecution of persons found guilty of trafficking and provides protections for the victims of trafficking, especially women and children.

http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

United Nations Charter (1945) (UNC)

The United Nations Charter is the most important international treaty. Adopted at the end of World War II, it established the United Nations, an inter-governmental body that aims to promote and maintain world peace. The main institutions established by the UNC are the General Assembly, the Security Council and the Secretariat. The UNC was the first international instrument to recognize universal human rights, and it limited the allowable use of force by States to situations of self-defence or where authorized by the Security Council.

<http://www.un.org/aboutun/charter/pdf/uncharter.pdf>

International Policy Documents

Beijing Declaration and Platform for Action, Fourth World Conference on Women (1995) (BPFA)

The BPFA, adopted by 189 governments at the UN Fourth World Conference on Women, seeks the removal of all obstacles to women's equal and active participation in all spheres of public and private life. It promotes women's full enjoyment of all human rights and fundamental freedoms throughout their life cycle and calls on governments to take action in 12 critical areas of concern, including women and armed conflict and violence against women.

<http://www.un.org/womenwatch/daw/beijing/platform/index.html>

Declaration on the Elimination of Violence Against Women (1993) (DEVAW)

This Declaration, adopted by the UN General Assembly, provides a comprehensive definition of violence against women and identifies a wide range of measures that should be adopted by States to eliminate such violence.

<http://www.un.org/documents/ga/res/48/a48r104.htm>

Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974) (DPWC)

This Declaration, adopted by the UN General Assembly, expresses deep concern over the sufferings of women and children in the civilian population during periods of emergency and armed conflict related to struggles for peace, self-determination, national liberation and independence and calls for the strict observance of the Geneva Conventions and other protective instruments.

<http://www.unhchr.ch/html/menu3/b/24.htm>

General Assembly, 2005 World Summit Outcome (WSO)

The Outcome Document of the 60th Session of the General Assembly strongly condemns all violations of the human rights of women and girls in situations of armed conflict and the use of sexual exploitation, violence and abuse. It commits the UN to elaborating and implementing strategies to report on, prevent and punish gender-based violence as well as to taking action when national authorities fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It stresses the important role of women in the prevention and resolution of conflicts and in peace-building, and establishes the Peacebuilding Commission.

<http://www.unep.org/greenroom/documents/outcome.pdf>

Secretary-General's Bulletin on the Application of International Humanitarian Law in UN Peace Operations (1999) (SGB 1999)

SGB 1999 applies the fundamental principles and rules of international humanitarian law to UN forces conducting operations under UN command and control. It notes that women shall be especially protected against any attack, in particular against rape, enforced prostitution or any other form of indecent assault.

http://www.un.org/peace/st_sgb_1999_13.pdf

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Secretary-General's Bulletin on Sexual Exploitation and Abuse in UN Peace Support Operations (2003) (SGB 2003)

The Bulletin, which applies to all UN staff, specifically prohibits all types of sexually exploitative or sexually abusive behaviour; charges heads of departments, offices and missions with taking preventive action and investigating allegations; and calls for the setting up of focal points "at a sufficiently high level" to receive reports of cases. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SE%20ST%20SGB%202003%2013.pdf>

Security Council Resolution 1325 on women, peace and security (2000) (SCR 1325)

SCR 1325 is the first resolution passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. In addition to urging States to include more women in decision-making at all levels of conflict resolution, it calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence and emphasizes States' responsibilities to put an end to impunity. <http://daccessdds.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

Security Council Resolution on children and armed conflict (2005) (SCR 1612)

SCR 1612 strongly condemns the recruitment and use of child soldiers by parties to armed conflict, in violation of international obligations applicable to them, and all other violations and abuses committed against children in situations of armed conflict. It emphasizes the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children. This builds on earlier Resolutions on children and armed conflict including SCR 1261, 1314, 1379, 1460 and 1539. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CPR%20S%20RES%201625.pdf>

Security Council Resolution 1674 on the protection of civilians in armed conflict (2006) (SCR 1674)

SCR 1674 strongly condemns all acts of violence or abuses committed against civilians in situations of armed conflict, in violation of applicable international obligations, including torture and other prohibited treatment, gender-based and sexual violence and trafficking in humans. The Council undertakes to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place. This builds on earlier Resolutions on civilians in armed conflict including SCR 1265 and 1296.

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement>

Security Council Resolution 1820 on widespread or systematic sexual violence in armed conflict (2008) (SCR 1820)

SCR 1820 demands that all parties to armed conflict immediately cease acts of sexual violence against civilians and take appropriate measures to protect civilians from such violence. Noting that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide – and stressing the importance of ending impunity – it calls for member States to comply with their obligations to prosecute those who take part in sexual crimes. It also requests the Secretary-General to submit a report on implementation by 30 June 2009.

<http://daccessdds.un.org/doc/UNDOC/GEN/N08/391/44/PDF/N0839144.pdf?OpenElement>

Universal Declaration of Human Rights (UDHR)

The UDHR, adopted by the UN General Assembly on 10 December 1948, is the first comprehensive enumeration of universal human rights. It includes civil and political rights, such as the right to life and the right to participate in government, as well as economic, social and cultural rights, such as the right to work and the right to enjoy an adequate standard of living. All these rights must be enjoyed without discrimination of any kind.

<http://un.org/Overview/rights.html>

Ratification Charts - Key Conventions

This section provides an overview of which conventions mentioned in this publication have been ratified by which countries. It uses the abbreviations in the Annotated Guide on pp. 30-32.

AFRICA

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Algeria	R	R*	R	R	R			R	R	R	R		R	R
Angola	R	R*	R	R*	R				R	R				R
Benin	R	R*	R	R	R	S	S	R	R	R	R	R	R	R
Botswana	R	R		R*	R	R	S	R	R	R	R	R	R	R
Burkina Faso	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Burundi	R	R	R	R	R		S	R	R	R	R	R	S	R
Cameroon	R	R*	R	R*	R	S	S	R	R	R	R		R	R
Cape Verde	R	R*	R	R	R	R	R	R	R	R	R		R	R
Central African Republic	R	R*	R	R	R				R	R	R	R	R	R
Chad	R	R*	R	R	R	R	R	R	R	R	R	R		R
Comoros	R	S	S	R	R			S	R	R	R	R		
Congo	R	R*	R	R	R			R	R	R	R	R	S	R
Congo, Dem. Rep. of	R	R*	R	R	R	R	R	R	R	R	R	R	R	R
Côte d'Ivoire	R	R*	R	R	R			R	R	R	R			R
Djibouti	R	R	R	R	R			R	R	R	R	R	R	R
Egypt	R	R*	R	R	R	R		R	R	R	R		R	R
Eritrea	R	R	R	R	R				R					
Equatorial Guinea	R	R*	R	R	R	R		R	R	R	R		R	R
Ethiopia	R	R	R	R	R			R	R	R	R			R
Gabon	R	R	R	R*	R	S	S	R	R	R	R			R
Gambia	R	R*	R	R	R	S	S	S	R	R	R		R	R
Ghana	R	R*	R	R	R	S	S	R	R	R	R			R
Guinea	R	R*	R	R	R			R	R	R	R		R	R
Guinea-Bissau	R	S	R	R	R	S	S	S	R	R	R		R	R
Kenya	R	R	R	R	R	S	R	R	R	R	R	R	R	R
Lesotho	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Liberia	R	R	R	R	R			R	R	R	R	R	R	R
Libyan Arab Jamahiriya	R	R*	R	R*	R			R	R	R	R		R	
Madagascar	R	R*	R	R	R	S	S	R	R	R	R	R	R	
Malawi	R	R*	R	R	R	S	S	R	R	R	R	R	R	R
Mali	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Mauritania	R	R	R	R	R			R	R	R	R		R	R
Mauritius	R	R*	R	R	R	S	S	R	R	R	R	R	R	
Morocco	R	R	R	R	R	R	R	R	R					R
Mozambique	R	R		R	R	R		R	R	R	R		R	R
Namibia	R	R*	R	R*	R	R	R	R	R	R	R	R	R	
Niger	R	R*	R	R*	R	S		R	R	R	R	R	R	R
Nigeria	R	R	R	R*	R	S	S	R	R	R	R	R	R	R
Rwanda	R	R	R	R	R	R	R	R	R	R	R		R	R

R = Ratification, accession or succession; S = Signed but not ratified; * = Also ratified the optional/ additional protocol that allows for individual complaint. Highlighted countries are those on the Security Council Agenda.

AFRICA (cont.)

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Sao Tome & Principe	R	S	S	R	R			S	R	R	R		R	R
Senegal	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Seychelles	R	R*	R	R	R	S	S	R	R	R	R		R	R
Sierra Leone	R	R*	R	R	R	R	R	R	R	R	R	R	S	R
Somalia	R	R*	R		S	R		R	R					R
South Africa	R	R*	S	R*	R		S	R	R	R	R		R	R
Sudan	R	R	R		R		S	S	R	R	R	R		R
Swaziland	R	R	R	R	R	S		R	R	R	R		S	R
Togo	R	R*	R	R	R	R	S	R	R	R	R		S	R
Tunisia	R	R	R	R	R	R	R	R	R	R	R		R	R
Uganda	R	R*	R	R	R	R	R	R	R	R	R		S	R
United Rep. of Tanzania	R	R	R	R*	R				R	R	R	R	R	R
Zambia	R	R*	R	R	R			R	R	R	R	R	R	R
Zimbabwe	R	R	R	R	R				R	R	R	R		R

ASIA

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Afghanistan	R	R	R	R	R	R	R	R	R			R		
Bangladesh	R	R	R	R*	R	R	R	R	R	R	R			
Bhutan	R			R	R				R					
Cambodia	R	R	R	R	R	R	S		R	R	R	R	R	R
China	R	S	R	R	R	R	S	R	R	R	R			R
Dem. Rep. of Korea	R	R	R	R	R				R	R	R			
India	R	R	R	R	R			S	R				S	
Indonesia	R	R	R	R	R	S	S	R	R				S	
Iran, Islamic Rep. of	R	R	R		R				R					R
Japan	R	R	R	R	R	S	S	R	R	R	R	R	S	R
Lao People's Dem. Rep.	R	S	R	R	R				R	R	R		R	
Malaysia	R			R	R				R					
Maldives	R	R	R	R*	R	R	S	R	R	R	R			
Mongolia	R	R*	R	R*	R	R	S	R	R	R	R	R	R	
Myanmar	R			R	R				R				R	
Nepal	R	R*	R	R*	R	S	S	R	R					
Pakistan	R	S	R	R	R	S	S	S	R					
Philippines	R	R*	R	R*	R	R	R	R	R		R		R	R
Republic of Korea	R	R*	R	R*	R	S	S	R				R	S	R
Singapore	R			R	R		S		R					
Sri Lanka	R	R*	R	R*	R	S	R	R	R				S	
Thailand	R	R	R	R*	R			R	R				S	
Timor Leste	R	R	R	R*	R	R		R	R	R	R	R		
Viet Nam	R	R	R	R	R	R	R		R	R				

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Ratification Charts

CARIBBEAN

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Antigua and Barbuda	R			R*	R	R		R	R	R	R	R		R
Bahamas	R	R	R	R	R			R	R	R	R		R	R
Barbados	R	R*	R	R	R				R	R	R	R	S	
Belize	R	R	S	R*	R	S	S	R	R	R	R	R	R	R
Cuba	R	S	S	R	R	R	S	R	R	R	R			
Dominica	R	R	R	R	R	R	R		R	R	R	R		R
Dominican Republic	R	R*	R	R*	R		S	S	R	R	R	R	R	R
Grenada	R	R	R	R	R				R	R	R		R	
Guyana	R	R*	R	R	R			R	R	R	R		R	
Haiti	R	R		R	R	S	S		R	R	R		S	R
Jamaica	R	R	R	R	R	S	R		R	R	R		R	R
St. Kitts & Nevis	R			R*	R				R	R	R		R	
St. Lucia	R			R	R				R	R	R			
St. Vincent & the Grenadines	R	R*	R	R	R			R	R	R	R	R	S	
Suriname	R	R*	R	R	R	S	S		R	R	R	R	R	R
Trinidad and Tobago	R	R	R	R	R				R	R	R	R	R	R

PACIFIC

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Australia	R	R*	R	R	R	S	S	R	R	R	R	R	R	R
Cook Islands ¹				R*	R				R	R	R	R		
Fiji	R			R	R				R	R	R	R		R
Kiribati	R			R	R				R				R	
Marshal Islands	R			R	R				R			R		
Micronesia, Fed. States of	R			R	R	S	S		R	R	R			
Nauru	R	S			R	S	S	S	R	R	R	R	S	
New Zealand	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Palau	R				R				R	R	R			
Papua New Guinea	R	R	R	R	R				R					R
Samoa	R	R		R	R				R	R	R	R		R
Solomon Islands	R		R	R*	R				R	R	R			R
Tonga	R				R				R	R	R			
Tuvalu	R			R	R				R					R
Vanuatu	R	R		R*	R				R	R	R			

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EUROPE

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Albania	R	R	R	R*	R			R	R	R	R	R	R	R
Andorra	R	R		R*	R	R	R	R	R			R		
Armenia	R	R*	R	R*	R	S	S	R	R	R	R		R	R
Austria	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Azerbaijan	R	R*	R	R*	R	R	R	R	R				R	R
Belarus	R	R*	R	R*	R	R		R	R	R	R		R	R
Belgium	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Bosnia & Herzegovina	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Bulgaria	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Croatia	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Cyprus	R	R*	R	R*	R	S		R	R	R	R	R	R	R
Czech Republic	R	R*	R	R*	R		R	R	R	R	R		S	R
Denmark	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Estonia	R	R*	R	R	R	S	S	R	R	R	R	R	R	R
Finland	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
France	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Georgia	R	R*	R	R*	R			R	R	R	R		R	R
Germany	R	R*	R	R*	R	S	S	R	R	R	R		R	R
Greece	R	R*	R	R*	R	S	R	R	R	R	R		S	R
Holy See ²					R	R	R	R	R	R	R			R
Hungary	R	R*	R	R*	R	S	S	R	R	R	R		R	R
Iceland	R	R*	R	R*	R	R	R	R	R	R	R	R	S	R
Ireland	R	R*	R	R*	R	S	R	R	R	R	R	R	S	R
Italy	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Kazakhstan	R	R	R	R*	R	R	R	R	R	R	R		R	R
Kyrgyzstan	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Latvia	R	R*	R	R	R	S	S	R	R	R	R	R	R	R
Liechtenstein	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Lithuania	R	R*	R	R*	R		R	R	R	R	R	R	R	R
Luxemburg	R	R*	R	R*	R	S	S	R	R	R	R	R	S	R
Malta	R	R*	R	R	R	S	R	R	R	R	R	R	R	R
Monaco	R	R	R	R	R	S	R	R	R	R	R		R	
Montenegro	R	R*	R	R*		R	R	R	R	R	R	R	R	
Netherlands	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Norway	R	R*	R	R*	R	R	S	R	R	R	R	R	R	R
Poland	R	R*	R	R*	R	S	S	R	R	R	R		R	R
Portugal	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Rep. of Moldova	R	R	R	R*	R	S	S	R	R	R	R		R	R
Romania	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Russian Federation	R	R*	R	R*	R		S	R	R	R	R		R	R
San Marino	R	R*	R	R*	R	S	S	R	R	R	R	R	S	
Serbia	R	R*	R	R*	R	R	R	R	R	R	R	R	R	

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Ratification Charts

EUROPE (cont.)

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Slovakia	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Slovenia	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Spain	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Sweden	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Switzerland	R	R	R	R	R	S	R	R	R	R	R	R	R	R
Tajikistan	R	R*	R	R	R	R	R	R	R	R	R	R	R	R
The Former Yugoslav Rep. of Macedonia	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Turkey	R	R	R	R*	R	S	R	R	R				R	R
Turkmenistan	R	R*	R	R	R			R	R	R	R		R	R
Ukraine	R	R*	R	R*	R	R	S	R	R	R	R		R	
United Kingdom	R	R	R	R*	R	S	R	R	R	R	R	R	R	R
Uzbekistan	R	R*	R	R	R			R	R	R	R		R	

WESTERN ASIA

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Bahrain	R	R	R	R	R			R	R	R	R		R	
Brunei Darussalam	R			R	R				R	R	R			
Iraq	R	R	R	R	R				R					
Israel	R	R	R	R	R	S	S	R	R				R	R
Jordan	R	R	R	R	R	S	S	R	R	R	R	R		
Kuwait	R	R	R	R	R			R	R	R	R		R	
Lebanon	R	R	R	R	R	S	S	R	R	R	R		R	
Oman	R			R	R				R	R	R		R	
Palestine ³														
Qatar	R				R	R	R	R	R	R	R			
Saudi Arabia	R			R	R			R	R	R	R		R	
Syrian Arab Republic	R	R	R	R	R	R	R	R	R	R			S	
United Arab Emirates	R			R	R				R	R	R			
Yemen	R	R	R	R	R			R	R	R	R			R

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THE AMERICAS

	UNC	ICCPR	ICESCR	CEDAW	CRC	CRCOPI	CRCOPII	CAT	GCIV	GCAPI	GCAPII	ICC	PPSPT	CSR
Argentina	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Bolivia	R	R*	R	R*	R	R		R	R	R	R	R	R	R
Brazil	R	R	R	R*	R	S	S	R	R	R	R	R	R	R
Canada	R	R*	R	R*	R	S	R	R	R	R	R	R	R	R
Chile	R	R*	R	R	R	R	R	R	R	R	R		R	R
Colombia	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
Costa Rica	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Ecuador	R	R*	R	R*	R	S	S	R	R	R	R	R	R	R
El Salvador	R	R*	R	R	R	S	R	R	R	R	R		R	R
Guatemala	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Honduras	R	R	R	R	R	R	R	R	R	R	R		R	R
Mexico	R	R*	R	R*	R	R	R	R	R	R		R	R	R
Nicaragua	R	R*	R	R	R			R	R	R	R		R	R
Panama	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Paraguay	R	R*	R	R*	R	R	R	R	R	R	R		R	R
Peru	R	R*	R	R*	R	R	R	R	R	R	R		R	R
United States of America	R	R	S	S		R	R	R	R				R	R
Uruguay	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R
Venezuela	R	R*	R	R*	R	R	R	R	R	R	R	R	R	R

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'Confronting Sexual Violence in Conflict Situations' provides comprehensive information on international laws and global policies related to sexual violence in both conflict and post-conflict situations, and promotes their use as tools that women can utilize in organizing with others to claim their rights. It also contains selected resources, key contacts, an annotated guide to international conventions and policy documents, and charts showing which countries have ratified the different conventions.

The handbook is extracted from a longer publication entitled *Women Claiming Justice: Using International Law in Conflict and Post-Conflict Situations* (forthcoming). This covers several other areas that are important to women who are experiencing conflict or involved in rebuilding their societies after conflict: economic and social rights, refugees and internally displaced women, and special protection for girls.



International Women's Tribune Centre