

# Negotiation Kit for Beijing + 10

## Women and Armed Conflict

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### OVERARCHING CONCERN

Many of the commitments made in the BPFA and B+5 OD for this target population have yet to be fully implemented. In some cases, due to the increase in conflict in the region and the reaction to the threat of terrorist activity, (including an increased focus on national security over human security) violence and systematised sexual violence in situations of armed conflict appear to have escalated, and have put women at greater risk than before.

### GAINS

- The adoption of Security Council Resolution 1325 in October 2000 was a watershed in the evolution of international women's rights and peace and security issues. Security Resolution 1325 is the first formal and legal document from the Security Council that requires parties in a conflict to respect women's rights, to support their participation in peace negotiations and in post-conflict reconstruction.
- A new permanent Gender Advisor has been appointed in the UN Department of Peacekeeping Operations.
- Women's participation in the Truth and Reconciliation Committee in Timor Leste, the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the Transitional Justice for Bosnia and Herzegovina have highlighted the significant contribution women have made to the broader pursuit of justice and the advancement of international law. The critical testimonies on mass rape and impunity for sexual and gender based violence have led to some redress of sex crimes (perpetrated against women and men), and staff with gender expertise have improved court procedures for women who have been raped or sexually violated.

### GAPS

- Warfare in the Asia Pacific region is increasingly characterised by intra-state conflicts, the displacement and targeting of civilian populations and the destruction of entire communities. There is a need to recognise broader national and international economic and political interests in conflict – including increasing militarism, conservatism, fundamentalisms and globalisation and the so-called “war on terror” – and their impact on conflict escalation and consequent erosion of women's human rights in the region.
- During times of armed conflict, breaches of international humanitarian and human rights laws are commonplace. State and non-state actors continuously fail to adhere to international human rights laws with regard to the treatment of civilians in conflict. Gender-based violence, displacement, marginalisation and militarisation negatively impact on millions

of women across the Asia Pacific region. Women living in situations of armed conflict are frequently subjected to rape and sexual violence by armed forces. Systematic, organised military violation of human rights against women including women's human rights defenders and refugee and IDP women, occurs in various forms, including rape, sexual slavery, forced prostitution, forced 'marriage', forced pregnancy and forced sterilisation by both state and non-state actors.

- Despite Security Council Resolution 1325 (2000) being passed unanimously on 31 October, 2001 (S/RES/1325) many countries do not fully utilise this to protect women in conflict and post-conflict situations from violence, especially rape and sexual violence and to bring perpetrators of such crimes to justice. There is an urgent need to support women in building the long-term capacity for peace and for women to be fully and meaningfully integrated in decision-making for building peace with justice.
- Many states are not held accountable by the international community for these abuses, and victims/survivors of sexual violence under conflict situations do not have access to just remedies. Lack of treatment and support for torture and trauma for women in post-conflict situations impedes reconciliation and women's full participation in the reconstruction of communities. Women who become pregnant from rape do not have access to safe abortion.
- The so-called "war on terror" has escalated militarisation in a number of countries. This increases human rights violation of women and human rights defenders, destruction of community and environmental degradation. The deployment of US military forces and bases in the Asia-Pacific region also poses threats to women around those areas. Increasing military spending sacrifices funds for social development and other peaceful industries, and consequently increases the burden of women, especially the poor.
- The changing nature of armed conflict has a disproportionate impact on women civilians. Women and children constitute 80% of the world's refugees and displaced persons. Women and children are often taken hostage in conflict situations or become refugees or displaced persons to escape these situations. In all of these circumstances they are frequently raped and sexually tortured. The UN High Commissioner for Refugees estimates that the majority of refugee women and girls are raped as part of the refugee experience. Many countries however, do not recognise rape in these circumstances as torture or persecution, nor as an acceptable ground for the granting of refugee status. These countries therefore reject applications for entry from refugee women on this basis.
- At all levels of decision making in the area of conflict resolution women continue to be under-represented. Recent events have also seen the UN marginalised from conflict-resolution processes. We call for the full implementation of Security Resolution 1325 (2000) including strategies to enhance women's capacity to fully participate in the long term sustainable, peaceful development and reconstruction of their countries.

## RECOMMENDED LANGUAGE

Reference: E.1 para 142; E.3 para 144 & 145; and E.5 para 147 & 148

### *By Governments:*

- Reaffirm the commitments made in the BPFA and the B+5 OD to protect refugee and internally displaced women and women in conflict situations from the use of rape and sexual abuse as a strategy of war.
- Ensure the protection of women's human rights defenders.
- End impunity and prosecute the perpetrators of these crimes against women.
- Reaffirm Security Resolution 1325 (2000) and provide effective institutional arrangements to guarantee the protection of women and girls in conflict and post-conflict situations.
- Guarantee and support the full participation of women in decision making through all phases of peace building, reconciliation and long-term development and reconstruction of their countries.
- Honour obligations to provide international protection to refugees and formalise obligations by signing and ratifying the Refugee Convention and fully implementing its provisions.
- Allow the UNHCR and partner INGOs access to refugee/IDP populations. Such action will fulfil mandates to provide full and effective protection to all people displaced as a result of persecution by state and non-state actors and conflict both within and between states.
- Ensure the safety (physical and psychological), dignity, and privacy of victims and witnesses in seeking remedies to torture and trauma.

### *By Governments, the UN system and Civil Society:*

- Accelerate the implementation of the strategic objectives contained in the Beijing Platform for Action and the Beijing Platform for Action Outcomes Document.
- Promote the peaceful resolution of international and intra-national conflicts.
- Ensure that armed forces including peacekeeping forces comply with international humanitarian and human rights laws.
- Prosecute through international processes those responsible for breaches of humanitarian and human rights laws.
- In addition to the commitments made in the Refugee Convention, the UN and member states need to extend their international obligation to the protection of IDPs and people forced to migrate due to extreme poverty, dispossession, environmental issues, and civil conflict.
- Increase participation of women in peace-building, peace keeping and peace monitoring at all levels.
- Recognise the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard note the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693).

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