

Remarks

by

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at

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“ Synergy between CEDAW and Security Council Resolutions on
Women Peace and Security ”

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Excellencies, Fellow briefers, Ladies and Gentlemen

Let me begin by thanking H.E. Mr. Elbio Rosselli, Permanent Representative of the Permanent Mission of Uruguay to the United Nations for convening this Security Council Arria formula meeting on **the synergy between CEDAW and Security Council resolutions on WPS** .

I would also like to sincerely thank the Global Network of Women Peacebuilders (GNWP) and commend them for their active promotion of CEDAW and General Recommendation 30 on Women in Conflict Prevention, Conflict and Post-conflict Situations as a complementary monitoring, reporting and accountability instrument to UNSCR 1325 and other supporting resolutions on women and peace security.

Sixteen years since the adoption of resolution 1325, there has been significant normative developments and global, regional and national commitments in support of the implementation of the different aspects of the women, peace and security agenda.

Despite the existence of a strong normative framework, major challenges remain at the implementation level and in sustaining progress. The reality of conflict today is a catalogue of inhumanity and there are no signs of abating. Women and children continue to comprise the majority of casualties and to suffer the greatest harm. Harrowing reports continue to pour in about the extent and cruelty of acts of sexual violence committed against women and girls in diverse conflicts across regions, some of which have sent shock waves around the world. The increased incidence of sexual and gender-based violence in recent years and the failure to provide adequate protection to women and girls is a stark reminder that there are critical issues of accountability and implementation and that action on the ground remains seriously lacking.

My presentation will focus on another important framework, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the authoritative legal

instrument on women's human rights and a binding source of international law for its current 189 States Parties. I will address the synergy between CEDAW and resolution 1325 and advocate how both frameworks, important in their own right, can and should be used to reinforce each other and to enhance their implementation and impact.

More importantly, I will address the significance of GR 30 adopted by the CEDAW Committee on 18 October 2013 in enhancing that synergy and I will share with you how CEDAW's reporting procedure under its Article 18 is being used to enhance the implementation by States Parties of their Security Council commitments.

Adoption of GR 30

Concerned about the fact that the reports of some States parties did not provide any or adequate information on the application of the Convention to situations of women in conflict and post conflicts, the Committee adopted GR 30 in order to clarify the nature and scope of the provisions of the Convention and their application to situations of conflict and post conflict and to give normative content to the different provisions of the Convention.

GR 30 reaffirms that the Convention's preamble and its 16 substantive provisions establish the requisite normative framework for the full protection of women's human rights at all times, for advancing substantive gender equality before, during, and after conflict, and ensuring that women's diverse experiences are fully integrated into all peacebuilding, peacemaking and reconstruction processes.

Scope of application of CEDAW- GR 30 clarifies the broad scope of application of the Convention and stressed that its application goes beyond "armed conflict" as narrowly defined under international law and that the Convention is also applicable to conflict prevention, international and non-international armed conflicts, situations of foreign occupation, as well as a diverse range of other situations of concern, such as internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organized crime, in addition to the post-conflict phase. Indeed, the Committee has addressed a diverse range of situations such as communal violence in Gujarat, India; political violence in Kenya; political instability in Burundi; the current context of insecurity in Turkey; the deteriorating security situation in Lebanon, exacerbated by sectarian conflict amongst other situations.

Highlights of some issues addresses in GR 30

- The territorial and extraterritorial application of the Convention;

- Application of the Convention to State and non-State actors;
- Complementarity of CEDAW and international humanitarian, refugee and criminal law;
- Displacement, refugees and asylum seekers;
- Security sector reform and disarmament, demobilization and reintegration;
- Constitutional and electoral reform

GR 30 focuses on 4 main thematic areas, namely:

- Gender-based violence;
- Participation;
- Access to education, employment and health, and rural women; and
- Access to Justice

GR 30 gives normative content to several articles of the Convention as follows:

Sexual and gender-based violence- GR 30 spells out that all forms of gender-based violence, not only sexual violence, whether perpetrated by State or non-State actors, is discrimination within the meaning of article 1 of CEDAW. States parties are particularly obligated to adopt appropriate preventive and protective measures in situations where particular women and girls are at known risk of violence, such as with IDPs and refugees, women’s human rights defenders, women of diverse caste, ethnic or national identities who are often attacked as symbolic representatives of their community.

With regard to ***Participation***, GR 30 highlights how Articles 7 and 8 provide the normative framework for advancing women’s equal and meaningful participation in all processes related to conflict prevention, resolution and the maintenance and promotion of peace, and are central to ensuring that women participate in formal conflict resolution processes, that they are active participants in the drafting and adoption of peace agreements and the formation of the new government. The use of temporary special measures provided for in article 4(1) of CEDAW is presented as a potent tool which can be used by States parties to ensure the increased representation of women in institutions and mechanisms for the prevention, management and resolution of conflict.

Similarly, GR 30 spells out that CEDAW contains comprehensive provisions to address women’s ***access to education, employment, health*** in situation of armed conflict and post-conflict.

Synergy between CEDAW and UNSCRs on WPS

More specifically, GR 30 addresses the convergence between the Convention and the Security Council agenda on women, peace and security.

GR 30 recognizes SCR 1325 and the WPS agenda as a “crucial political framework” for advancing advocacy regarding women, peace and security and reaffirms the need for a concerted and integrated approach that places the implementation of the Council’s WPS agenda into the broader framework of the implementation of the Convention and its Optional Protocol.

GR 30 recommends that States Parties ensure that the implementation of Security Council commitments reflects a model of substantive equality and takes into account the impact of conflict and post-conflict contexts on all rights enshrined in the Convention, in addition to those violations concerning conflict-related sexual and gender-based violence. It also specifically recommended that States ensure that national action plans and strategies to implement resolution [1325 \(2000\)](#) and subsequent resolutions are compliant with the Convention, and that adequate budgets are allocated for their implementation.

Monitoring and Reporting- GR 20 makes some bold recommendations as to how its reporting procedure could be used effectively to consolidate the Convention and the Council’s agenda. In a specific section on “Monitoring and Reporting”, it recommends that States Parties:

- provide information on the implementation of the Security Council agenda on women, peace and security, in particular resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013), including by specifically reporting on compliance with any agreed United Nations benchmarks or indicators developed as part of that agenda; and
- report on the legal framework, policies and programmes that they have implemented to ensure the human rights of women in conflict prevention, conflict and post-conflict.

In GR 30, the Committee also invited UN specialized agencies and relevant UN missions involved in the administration of foreign territories to submit reports on the implementation of the Convention in conflict prevention, conflict and post-conflict settings.

I am happy to report that since the adoption of GR 30, we are increasingly receiving information from States Parties on the implementation of the SC Agenda on WPS. Whenever the report is silent, issues of WPS are raised in the List of Issues and Questions sent to States Parties in advance of the examination of their report and information is finally provided in the Responses to the List of Issues and Questions. Similarly, shadow reports from NGOs and confidential UNCT reports are increasingly addressing issues of WPS.

Concluding Observations since the adoption of GR 30- Since the adoption of GR 30, the Committee has examined the reports of no less than 25 States Parties that are in conflict or post conflict situations including Syria, Iraq, Afghanistan, Colombia, Mali, Central African Republic.....to name a few.

The Committee is also now much more consistent in addressing issues of women peace and security in its List of Issues and Questions sent to States Parties before the examination of their reports; during its constructive dialogue with them and in its Concluding Observations to States Parties. Concluding observations regularly include specific paragraphs entitled:

- Women Peace and Security
- Women in post-conflict situations
- Gender-based violence against women in conflict-affected areas
- Refugees, returnees and internally displaced women and girls
- Participation of women in the peace process
- Employment and economic opportunities for women affected by conflict
- Transitional justice
- Disadvantaged groups of women such as widows, former women war combatants and women war victims..... amongst others.

Concluding Observations- recommendations related to NAP ON SCR 1325

The Committee is regularly urging States parties that do not yet have a NAP on SCR 1325 to establish a clear time frame to develop and adopt a national action plan to implement Security Council resolution 1325 (2000), in cooperation with representatives of women's organizations; to address all areas of concern in order to ensure durable peace in the State party; to take into consideration the full spectrum of the Security Council's agenda on women and peace and security; to "incorporates a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women's life and addresses the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subjected"[Iraq-2014]

The Committee also regularly scrutinises NAPs which are to be renewed, highlighting gaps identified in the implementation of their previous national action plan, and recommending that new NAPs be allocated with sufficient resources; be elaborated with the participation of CSOs; [Mali-2016]; that "effective accountability mechanisms be in place in countries where the State party is supporting the implementation of Security Council resolution 1325 (2000) such as to ensure full participation of women in

peace negotiations and reconstruction processes”- [**Canada-2016**]; that capacity-building programmes be developed for women seeking to participate in such processes (**Burundi-2016**); that a roadmap be established with a clear time frame, benchmarks and a dedicated budget to implement the renewed National Action Plan; that indicators be developed for regular monitoring of its implementation and ensuring that the NAP provide for accountability mechanisms.

The Committee is also giving visibility to the recommendations of the Global Study on the implementation of the Security Council resolution 1325 (2000) such as on “Financing” by making reference to it in its concluding observations. With regard to a number of reports examined at the last session, it recommended an increase in the financial resources allocated to its Women, Peace and Security agenda and its National Action Plan, in line with the Global Study. [**Canada-2016**]

Recommendations related to participation of women in peace processes

The Committee regularly recommends that States Parties:

- a) Fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with resolution 1325 (2000), and take into consideration the full spectrum of the Security Council’s women and peace and security agenda, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015) as well as in general recommendation No. 30; [**Myanmar-2016**]
- b) Ensure the participation of women as negotiators and mediators in all peace negotiation efforts, including those initiated by third-party States participating in conflict-resolution processes, either individually or as members of international organizations; [**Azerbaijan-2014**];
- c) To take all measures necessary to promote the meaningful inclusion and participation of women in peace negotiations and in the prevention, management and resolution of conflicts, in line with Security Council resolution 1325 and GR 30. [**Russian Federation-2016**]
- d) To provide leadership training to women in order to ensure their effective participation in conflict resolution and post-conflict political processes.

Recommendations on violence against women in conflict

[I will just share the recommendations we made to Syria in 2014, to give you an idea of how comprehensive the CEDAW recommendations can be].

- Prohibit and undertake efforts to prevent all forms of violence against women, in particular sexual violence by Government forces and affiliated militias and non-State armed groups;

- Amend its Penal Code so as to incorporate provisions on sexual violence, in particular rape as a war crime, in line with international standards;
- Investigate, prosecute and punish all cases of violence against women, including cases of sexual violence perpetrated by Government forces and affiliated militia and non-State armed groups;
- Immediately issue command orders to the Government forces prohibiting sexual violence and hold perpetrators in their ranks accountable, in compliance with Security Council resolution 2106 (2013); and abolish legislative provisions that grant state officials immunity from prosecution, in particular Decrees 14/1969 and 69/2008;
- Ensure access by women victims of sexual violence to comprehensive medical treatment, mental health care and psychosocial support provided by health professionals who are appropriately trained to detect sexual violence and to treat its consequences as well as access to forensic testing; and seek the assistance of relevant United Nations agencies and bodies in this regard;
- Provide victims with transformative reparation measures which respond to women's specific needs and address structural inequities under-pinning violence against women, in particular sexual violence and prevent the recurrence of such violence;
- Ensure that sexual violence concerns are raised early and consistently in the peace process and, ultimately, that they are adequately reflected in a peace agreement; and continue rejecting amnesties for gender-based crimes, in particular sexual violence.
- In line with its General Recommendation No. 30 (2013), the Committee recommends that non-State armed groups commit themselves to abiding by codes of conduct on the protection of women's rights and the prohibition of all forms of gender-based violence, in particular sexual violence.

Recommendations on access to justice include the need:

- To remove all barriers that women may face in access to justice;
- Adopt gender-sensitive procedures to investigate sexual violence; conduct training and adopt gender-sensitive codes of conduct and protocols for the police and military; and build the capacity of the judiciary so as to ensure its independence, impartiality and integrity;
- Enhance women's legal literacy and awareness of their rights, including their right to seek legal redress in court.

Internally displaced women and girls

Regular recommendations include the need to:

- Address the specific risks and particular needs of different groups of internally displaced women and girls who are subjected to multiple forms of discrimination, including, widows, women with disabilities and older women; [Syria]
- Ensure the security of internally displaced women and girls and adopt measures for their protection, in particular in cases of violence, place more emphasis on the prevention of violence against internally displaced women and girls and prosecute perpetrators;
- Allocate adequate resources to meet their needs, in particular their access to adequate income-generating and education opportunities for themselves and their children;
- Ensure their adequate access to health-care services, education and freedom of movement.

Future reports

The Committee systematically recommends that States Parties include in their next periodic report information on their legal framework, policies and programmes for ensuring the human rights of women in conflict prevention, conflict and post-conflict situations, and to provide additional information on its implementation of the Security Council's agenda on women and peace and security, in line with general recommendation No. 30. [Myanmar-July 2016]

Extra-territorial obligations-

The Committee has recently addressed the impact on women of some cooperation programmes in post-conflict areas, such as India's housing project in the north-east of Sri Lanka and the Lakshmanpur dam project in Nepal.

At its last session, the Committee recommended to the Government of Netherlands to conduct **comprehensive and transparent assessments of the impact of arms exports on women's rights before approving export licenses. It also recommended the involvement of women in the design of economic recovery strategies and programmes.**

Similarly while commending Switzerland for its important role in humanitarian and development operations, the Committee expressed concern about:

- (a) The limited participation and inclusion of women in peace processes;

- (b) The lack of gender perspective in strategies to prevent violent extremism and counter terrorism; and
- (c) The negative impact on women of the small arms trade and the export of arms and munitions to conflict zones, as well as the inadequate monitoring of arms producing corporations on the use of their arms and violence against women, in line with their obligations under the Arms Trade Treaty 2014.

In conclusion, I would like to make a strong case for the need to unlock this great potential of CEDAW. The impact that CEDAW and SCRs on women, peace and security, can have when they are brought together, that neither standard could have alone, is significant.

Reporting Procedure -CEDAW contains a sophisticated reporting procedure which represents an important accountability mechanism. States Parties are obliged to submit for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention a year after ratification and thereafter at least every four years and further whenever the Committee so requests. The Committee meets 3 times per year and examines a total of 28 reports- 8 reports of States Parties during its February and July sessions and 12 during its October session.

Exceptional reports-The Committee also request “exceptional reports” from States Parties under Article 18(1)(b) where there is a special cause for concern about actual or potential violations of women’s human rights. Since the early 1990’s, exceptional reports has been requested mainly to address violations of women’s human rights in conflict and post-conflict situations. It has been used for Rwanda (1993); Serbia and Montenegro; Bosnia and Herzegovina (1994); Democratic Republic of Congo (2004). More recently, it was used in 2010 to address communal violence in Gujarat, India and their impact on women or sexual violence which occurred during the Conakry Massacre in the stadium on 28 October 2009. It is noteworthy that the Global Study on SCR 1325 has acknowledged the significance of the “exceptional reports” and has recommended that CEDAW examines one or two exceptional reports every year.

Follow up procedure- CEDAW contains a follow up procedure whereby it selects 2 most critical recommendations and request the State Party to submit information on their implementation within a year or two and this procedure has been regularly used to address issues relating to women, peace and security.

Sources of information- Despite the growing recognition of the importance of civil society engagement at the policy-level, there is little systematic engagement between them and the Security Council. On the other hand, when examining States Parties’ reports, the CEDAW Committee receives pertinent data and information from women’s rights organizations through the submission of shadow reports to the Committee. The Committee also receives

information from NHRIs; Specialised UN agencies; Special procedures of the Human Rights Council.

Focus on sexual violence versus gender-based violence- Although the significance of SCR 1820 should in no way, be underestimated as it was the very first resolution to bring sexual violence under the radar of national, regional and international security institutions and to position sexual violence as a self-standing security concern which calls for a security response, the new trends in the forms of gender-based violence being inflicted on women and girls- the increase in the number of kidnapping, abduction, selling off of women and girls to fighters as the spoils of war, forced marriage to combatants, forced labour and sexual slavery, forced impregnation, trafficking amongst others, it is clear that the focus can no longer be only on sexual violence especially rape . Unlike the Security Council, CEDAW addresses all forms of gender-based violence.

CEDAW and intersectionality- Whereas all resolutions of the Security Council on women, peace and security deals with the ‘general’ situation of women in armed conflict and post conflict settings, GR 30 recognizes that particular groups of women may be subject to specific forms of discrimination based on both their sex and on other characteristics and requires States Parties to legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. Accordingly, the Committee systematically addresses the situation of vulnerable groups of women such as refugees and IDPs, persons with disabilities, older women, widows, women in detention, religious and ethnic minorities, heads of household amongst others and requests States Parties for information on their specific situation.

Optional protocol- Under Article 8 of the Optional Protocol, the Committee can also conduct inquiries upon receipt of reliable information indicating grave or systematic violations of any of the rights set out in the Convention.

CONCLUSION

The call of the Security Council in its resolution 2122 (2013) for “consistent implementation” of resolution 1325 (2000), the expression of the need to monitor progress in implementation, to address challenges linked to the lack and quality of information and analysis on the impact of armed conflict on women and girls and the reaffirmation by the Security Council that sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, rule of law and justice activities, is significant.

I would like to end my presentation by positioning CEDAW as an important instrument to be used in the “ implementation shift” called for in resolution 2122(2014).

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Some suggested recommendations (if time permits)

The CEDAW Committee has a wealth of pertinent country-specific information on women, peace and security issues to share. I would like to humbly make some recommendations on how the information could be shared.

Arria-formula meetings and open debates- A better use of Arria-formula meetings and open debates and briefings to raise women, peace and security concerns and solicit concrete recommendations could further be used to promote a flow of information from CEDAW to the Council. Such events could bring together the CEDAW Committee, other treaty bodies and Special mandate holders to provide gender analysis of the situation of women in conflict and post-conflict situations based on examination of States parties' reports, country missions, commissions of inquiry and Fact-Finding missions.

From CEDAW to the Office of the Special Representative on Sexual Violence in Conflict

Given the important work of the CEDAW Committee in addressing all forms of gender based violence against women and girls and the work of the Office of the Special Representative on Sexual Violence in Conflict which focus on sexual violence, it is regrettable that up to now, both entities have worked in a completely isolated fashion. The need for a systematic linkage between the two is not only desirable but has become a necessity. A mechanism, albeit a less formal one could be designed to ensure a regular exchange of information between the CEDAW Committee and the Office of the Special Representative on Sexual Violence in Conflict.