



United Nations Entity for Gender Equality  
and the Empowerment of Women

## **Written Submission to the Committee on the Elimination of Discrimination against Women on the Theme of Women in Armed Conflict and Post-conflict Situations**

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### **Introduction**

UN Women welcomes the discussion on a General Recommendation on “the protection of women in conflict and post-conflict situations,” organized by the Committee on the Elimination of Discrimination against Women (CEDAW), and appreciates the opportunity to contribute to the discussion from its own programming and policy experience in various areas of its work, in particular its work on women, peace and security.

UN Women is the United Nations organisation dedicated to gender equality and the empowerment of women and girls. It works for, among other things, the elimination of discrimination against women and girls and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security. UN Women focuses on five priority areas: increasing women’s leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women’s economic empowerment; and making gender equality central to national development, planning and budgeting.<sup>1</sup>

There is widespread recognition of the differential and disproportionate impact of armed conflict on women and girls, as well as the vast underrepresentation of women in all areas of post-conflict peacebuilding and reconstruction. In addition to major international human rights treaties including CEDAW, there are other international policy frameworks, which make an important contribution to the comprehensive international regime of the protection and advancement of women’s human rights in conflict and post-conflict situations. Resolution 1325 (2000) was adopted by the Security Council to draw attention to and seek action to reverse the inhumane treatment of women and girls, the denial of their human rights and their exclusion from decision-making in situations of conflict and post-conflict. SCR 1325 focuses in particular on women’s rights in relation to prevention, participation, protection, and relief and recovery. Since the adoption of SCR 1325, the commitment of the Council to address these goals has intensified, as exemplified by the subsequent adoption of resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 1983 (2011), each contributing to strengthening the international legal framework on women, peace and security.

These resolutions, and the women and peace and security agenda itself, are largely premised on the implementation of CEDAW articles in situations of conflict and post-conflict. As such, they can offer

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<sup>1</sup> For further information on UN Women’s mandate, visit <http://www.unwomen.org/about-us/about-un-women/>

significant substantive guidance in the crafting of this General Recommendation. The Security Council resolutions are important political frameworks to be considered in the elaboration of the proposed general recommendation, particularly as reference is made to international legal obligations imposed on all parties to armed conflict. For instance, SCr 1325 OP PARA 9: *'Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under... the Convention on the Elimination of All Forms of Discrimination against Women of 1979'*.<sup>2</sup>

In addition, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, emphasized that *'violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law, and that all these forms of violations, particularly murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response'*.<sup>3</sup> The Beijing Declaration and Platform for Action (BPfA) explicitly address the impact of armed conflict and situations of foreign occupation and domination on women's lives.<sup>4</sup> Women and armed conflict is one of the critical areas of concern of the BPfA and in respect of which governments committed to implementing the six strategic objectives including *inter alia*, increasing the participation of women in conflict resolution at decision-making levels; protecting women living in situations of armed and other conflicts or under foreign occupation and providing protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.<sup>5</sup>

A significant contribution of the general recommendation to be adopted by the Committee will be to situate the above-mentioned global commitments relating to the protection of women in times of armed conflict and advancement of human rights in post-conflict situations within the broader context of equality and non-discrimination provided for in international human rights law. UN Women acknowledges and supports the Committee's work of developing comprehensive normative guidance for States Parties, which will take into account the various frameworks on women, peace and security as well as its own jurisprudence from concluding observations and previously adopted general recommendations. The Security Council resolutions and the Convention are, collectively, powerful tools which can be used to 'broaden, strengthen and operationalize gender equality in the context of conflict, peacebuilding and post-conflict reconstruction'.<sup>6</sup>

The following submission is organized by thematic area and covers: access to justice, women's participation in peacebuilding, violence against women, and women's economic opportunities. Within each thematic area, reference is made to the relevant CEDAW articles as well as to examples from UN Women and Member State experiences in relation to the fulfillment of women's rights in these contexts.

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<sup>2</sup> United Nations Security Council (2000). *Security Council resolution 1325*. S/RES/1325 (2000) para 9.

<sup>3</sup> United Nations General Assembly. (1993). *Vienna Declaration and Programme of Action*, A/CONF. 157/23 at para 38

<sup>4</sup> United Nations. (1995). *Beijing Declaration and Platform for Action*. Adopted at the 16<sup>th</sup> plenary meeting. Fourth World Conference on Women, Beijing.

<sup>5</sup> During its 48<sup>th</sup> session, the Commission on the Status of Women adopted agreed conclusions on "Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building." Available at <<http://www.un.org/womenwatch/daw/csw/csw48/ac-wp-auv.pdf>> which was reviewed during its 52<sup>nd</sup> session. Available at:

<<http://www.un.org/womenwatch/daw/csw/csw52/panels/summaries/Summary%202009%20theme%203%20March.pdf>>

<sup>6</sup> Women, Peace & Security *CEDAW and Security Council Resolution 1325: A quick guide* UNIFEM (2006) available at: <[http://www.unifem.org/attachments/products/CEDAWandUNSCR1325\\_eng.pdf](http://www.unifem.org/attachments/products/CEDAWandUNSCR1325_eng.pdf)>

Whilst a specific section deals with issues of protection and prevention of violence against women during conflict, the submission as a whole is premised on the assumption that protection and prevention efforts are necessary precursors to the enjoyment of all other rights and have particular importance during and after conflict. For example, forced displacement, just one consequence of conflict, affects women and men in markedly different ways. Flight, the separation of families, and the realities of camp life often shift family structures and gender roles. Traditional social support networks may be undermined or destroyed completely. At each point of displacement – flight, IDP camps, and reintegration - women are exposed to or are at greater risk of gender-based violence, including sexual violence. Humanitarian responses related to protection and assistance often fails to consider men and women’s different needs; in particular, women are generally less consulted than men, leading to the overlooking of their specific needs and concerns. Greater efforts are needed by international and national actors to ensure that in all humanitarian responses, conflict and post-conflict, women refugees and IDPs are provided the opportunity to participate equally in design, planning, management and decision-making.

Protection efforts must also extend to securing documentation for women, including birth registration, individual identity documentation, certification of marriages, family tracing and reunification and refugee determination documentation. Such documentation can pave the way for women to access schools and health care, repossess their land and houses, access asylum determination processes, and a variety of other critical needs during and after conflict.

Protection and prevention needs do not decrease with the formal end to conflict, and in fact may increase during the transition period. Most post-conflict societies continue to experience high levels of violence which disproportionately affect and often directly target women and girls. Sustained levels of violence in the aftermath of conflict constitute a serious obstacle to women’s full participation in reconstruction and recovery efforts. The threat of violence hampers the ability of girls to access schools and education, prevents women’s access to justice and the institutions responsible for security, and impedes through fear their full participation in public life and post-conflict reconstruction efforts. In the political sphere, as we have seen in countries as diverse as Zimbabwe, DRC, Guatemala and Colombia, direct violence against women in politics prevents women’s equal participation in the post-conflict state – whether they are campaigning for public office or are simply exercising their right to vote. As such, efforts to protect women and girls from violence and insecurity are critical preconditions to the fulfillment of all other rights enshrined in CEDAW in contexts of conflict and post-conflict.

## **Section 1: Access to justice**

The experience of many women in the aftermath of conflict continues to be one of insecurity, violence and impunity. Justice systems that may have been weak, compromised or ineffective prior to the conflict, are often further undermined by the conflict itself. Few protections may exist in the law for women and the absence of effective legal frameworks reinforces inequalities and insecurities through the conflict and into the rebuilding of the new state. Commonly, the scale of human rights violations committed during the conflict are too overwhelming to deal with through an embryonic criminal justice system, and even where prosecutions are possible, retributive justice alone is unable to respond to the needs for comprehensive justice during this period. Rebuilding legislative and institutional frameworks however, as well as the creation of specific processes to deal with the legacy of past violations, all present unique opportunities to build a judicial system that is responsive to the priorities of women and girls. These mechanisms should offer means of ensuring accountability for widespread abuses and gross

violations of human rights perpetrated during armed conflict, deliver justice, closure and reparations to survivors, and deal with the root causes of the conflict so as to ensure non-repetition and build lasting peace.

The 2011 report of the *Special Rapporteur on the Independence of Judges and Lawyers* identified the factors that limit women's equality in the administration of justice as the feminization of poverty as well as laws, policies and practices that discriminate against women.<sup>7</sup> Each of these elements is aggravated during conflict, when pre-existing gender inequalities are exacerbated and deepened. Reflecting on the provisions of the Convention, in particular, Articles 1, 2(a) & (f) and 5 (a), the Special Rapporteur expressed grave concern that many jurisdictions still have legal frameworks that discriminate against women or are harmful to women in almost all areas of their lives, including in family law, education, property and inheritance.<sup>8</sup> For the effective realization of women's right to access justice, the report emphasizes, *inter alia*, the obligations imposed on States parties by Article 4(1) of the Convention on temporary special measures. In this regard, States are urged to utilize affirmative action measures in order to guarantee access to justice, including the provision of legal aid assistance to women.<sup>9</sup>

Focusing on the relationship between gender and the judiciary within the broader context of the administration of justice, the report concludes with specific recommendations to Governments designed to develop a gender-sensitive judiciary that advances women's human rights. The recommendations proposed by the Special Rapporteur which are most relevant to the protection of women's human rights in the immediate aftermath of conflict and post-conflict contexts include:

- a) *Review their national and regional laws and policies in order to harmonize them with the international legal framework on the protection of women, with particular attention to the goal of eliminating discrimination against women, and achieving gender equality, including representation of women and men in public office;*<sup>10</sup>
- b) .....
- c) ....
- d) .....
- e) *Promote the participation of women....from various segments of society, as key actors within the justice sector in their roles as judges, prosecutors, lawyers, legal counsel and court administrators;*<sup>11</sup>
- f) *Develop procedures, policies and practices that are gender-tailored to promote equal access to justice for all, in formal, informal and alternative justice systems, as well as in transitional justice mechanisms and other mechanisms to adjudicate rights;*<sup>12</sup>

Therefore, developing gender-sensitive administration of justice will involve legislative and institutional reform in all areas of the justice system, as well as the design of transitional justice mechanisms that promote rule of law and ensure accountability, equality and reparations for victims.

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<sup>7</sup> UN Commission on Human Rights. (2011). *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul*. A/HRC/17/30 (2011), para 19.

<sup>8</sup> *Ibid* para 29

<sup>9</sup> *Ibid* para 40

<sup>10</sup> *Ibid* para 87(b)

<sup>11</sup> *Ibid* para 87(e)

<sup>12</sup> *Ibid* para 87(f)

### Constitution Making

In post-conflict settings, the constitution-making process is a central site for laying the foundations of a new society and entrenching the equal rights of all. By the nature of the process used to negotiate the new law, it can also establish important democratic practices of consultation and norms of inclusion.

*Article 2(a) of CEDAW calls on State Parties to embody the principle of equality of men and women in their national constitutions or appropriate legislation to ensure, through law, the practical realization of this principle.*

The drafting of a new constitution also provides a unique opportunity to carve women's equal rights into the foundation stones of the country. In South Africa, for example, the constitution was drafted through a process of extensive consultation and input from citizens. The final document reflects this process and includes one of the most progressive Bill of Rights in any constitution to date, including specific measures aimed at achieving gender equality. Rwanda's 2003 Constitution commits to ensuring that women are granted at least 30 percent of posts in decision-making organs. In the 2008 elections, Rwanda's Parliament became the first in the world where women claimed the majority at 56 percent, including the speaker's chair.<sup>13</sup> One study found that among countries in sub-Saharan Africa, 91% of constitutions from post-conflict states included an anti-discrimination clause referring to gender, in contrast with only 63% of constitutions of non-post-conflict countries. The same study found that 21% of post-conflict constitutions mention violence against women – almost double the 10% of constitutions in countries that have not experienced conflict.<sup>14</sup>

States should therefore use the transition period to rebuild a country based on the realization of equal rights for all and should employ constitution-making processes which include women at the negotiation table. There should also be provisions for the widespread and targeted inclusion of inputs from across society, with specific measures to include the voices of those previously marginalized.

### Legislative reforms

State Parties must establish legal protection through competent national tribunals and other public institutions, and *take all appropriate measures* including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. Legislative reforms include the repeal of all gender-discriminatory legislation as well as the adoption of laws that protect and advance women's rights. Laws must be drafted to drive implementation, including clear mandates, procedures, funding and accountability mechanisms. Whilst laws alone are insufficient to guarantee women's protection, they do make a marked difference, including in shifting attitudes. It has been found that where there are laws in place on domestic violence, prevalence is lower and fewer people think that violence against women is justifiable.<sup>15</sup>

In many parts of the world, women face discrimination in the area of family law, custody, marriage and citizenship. For example, article 16 of CEDAW obliges States to take "appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations." Despite the almost universal ratification of CEDAW, 30 states have entered reservations to article 16 because family laws are often subject to plural legal provisions that can be discriminatory.<sup>16</sup> The denial of women's

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<sup>13</sup> McCrummen, S. "Women run the show in a recovering Rwanda." *Washington Post*. (October 27, 2008).

<sup>14</sup> UN Women. *Progress of the World's Women: In Pursuit of Justice* (2011-2012). New York: UN Women.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

rights in these areas limit women's exercise of other fundamental rights, including freedom of movement, right to permanent residence, as well as the right to access public services.

Moreover, the repeal of discriminatory laws must include all those that are based on seemingly gender-neutral criteria, but in actual effect have a detrimental impact on women. As outlined in CEDAW's General Recommendation No. 25 on temporary special measures, gender-neutral laws may perpetuate consequences of past discrimination if they fail to take into account aspects of women's life experiences which may differ from those of men.<sup>17</sup> In such cases, temporary special measures should be adopted to redress past inequalities and injustices, as well as structural barriers and constraints to women's participation in political processes.

#### Institutional reforms:

At the institutional core of systems based on the rule of law is a strong judiciary, which is independent and adequately empowered, financed, equipped and trained to uphold human rights in the administration of justice. Equally important are lawful police services, accessible legal assistance, humane prison services, fair prosecutions and responsive security sector personnel.<sup>18</sup> Justice and security sector reforms must include gender mainstreaming to ensure that the concerns of women are an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes so that women and men benefit equally. Reforms must also be made to increase women in the frontline of service delivery as judges, prosecutors, lawyers and police.

Security sector reform (SSR) opens a window of possibility to transform security policies, institutions and programmes, creating opportunities to integrate gender issues and ensure that security initiatives respond to the particular needs of women and girls.<sup>19</sup> The integration of gender issues into SSR processes, as mandated in SCr 1325, can be achieved through gender mainstreaming and the promotion of equal participation between men and women in decision-making of SSR and security in general. In turn, this enhances local ownership and effective service delivery by creating more representative security sector institutions and strengthening responses to gender-based violence.<sup>20</sup> SSR is particularly important where state forces have been used to perpetrate violations against civilians, particularly sexual and gender based crimes. Reforming these institutions to bring them under civilian oversight and shift definitions of security to include human security, and particularly women's security, is one step in establishing trust between the state and its citizens post-conflict.

Justice sector reform may require the adoption of special measures to increase women's access to justice. High levels of under-reporting of sexual violence and attrition, whereby cases are dropped before they come before a court, are common to most post-conflict contexts and are indicative of a system that is failing women. Special protection units and gender desks in police stations have proven to be effective in strengthening access to justice, and there is data to support a positive correlation between increased participation of women on the frontlines of law enforcement and reporting of sexual assault. In post-conflict Liberia, the presence of the all-women Indian police brigade increased the reporting of sexual violence and also boosted recruitment of women into the force.<sup>21</sup> Similarly in Haiti, training was provided to the national police and judges on various kinds of violence as well as domestic

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<sup>17</sup> CEDAW. *General Recommendation No. 25 on Temporary Special Measures*. (2004).

<sup>18</sup> United Nations Security Council. *Report of the Secretary General on Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*. (2004). S/2004/616.

<sup>19</sup> Valasek, Kristin. "Security Sector Reform and Gender." *UN Instraw and DCAF Gender and SSR Toolkit*. (2008). New York.

<sup>20</sup> Ibid.

<sup>21</sup> UN Women Progress Report note 14.

laws and international conventions ratified by the government of Haiti on women's rights. Vehicles were also allocated to police to ensure better mobility to intervene in cases of sexual violence. These efforts were aimed at fostering an environment of zero-tolerance for violence against women and increasing the reporting of these crimes. The absence of needed infrastructure – such as a separate section for the reporting of gender based crimes, shelters to protect women who report these crimes, legal assistance, and even basic measures such as paper to record dockets have all been found to be obstacles to the effective investigation and prosecution of these crimes, and priority investment should be made in the building of gender-responsive justice systems post-conflict.

Specialized courts, including mobile, domestic violence and family courts may also help to remove obstacles for women, ensure victim protection and safety by streamlining navigation of the system, and increase the expertise of judges and other personnel. Sensitizing judges, through targeted training and bringing them into contact with the women they serve, can help to eliminate biased decision-making and increase responsiveness to women. Female representation in the judiciary is also more likely to lead to a gender perspective on cases involving women's rights abuses.<sup>22</sup> Thus, women and dedicated gender expertise must be included in all areas of court staffing, from investigators to statement takers to outreach personnel.

Making justice systems work for women requires financial investment. Although governments spend a significant amount on justice aid, UN Women's 2011-2012 Progress Report reveals that targeted funding for gender equality remains low.<sup>23</sup> As just one example, in the area of public administration, law and justice, it was found that over the decade 2000 to 2010, the World Bank allocated \$126b to this sector, of which only \$7.3m was spent on the specific gender equality components – constituting less than 0.001% of total spending in this area. Access to justice underpins every aspect of women's lives and ability to exercise their rights, not least in their ability to access security, land and much needed social services. This is even more so in the aftermath of conflict. In order to catalyze legal reform, rebuild institutions and infrastructure and support legal aid, and provide training for judges and police and security sector personnel, there must be adequate funding for gender and rule of law programming post-conflict.

### Transitional Justice

The consolidation of peace in the immediate post-conflict period, as well as the maintenance of peace in the long term, cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures. In the 2011 World Development Report, it was noted that transitional justice processes - the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuse<sup>24</sup> – can serve as important 'signalling' mechanisms. In other words, genuine efforts to secure accountability, reparations and truth through these bodies sends a signal to society of a break with past practices of impunity, respect for the rule of law and the rights of all, including those who were marginalized or victimized in the past. Given the importance of these processes to both secure justice for past crimes as well as establish the foundations for a more just society going forward, there is a need to ensure that specific measures are undertaken to secure women's equal representation and effective access to justice through transitional justice mechanisms.<sup>25</sup>

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<sup>22</sup> UN Women Progress Report note 14.

<sup>23</sup> Ibid.

<sup>24</sup> UN Security Council note 18.

<sup>25</sup> UN Women (2010). *A Window of Opportunity? Making Transitional Justice Work for Women*. New York: UN Women.

International law prohibits the granting of amnesties for serious crimes, and the Rome Statute, establishing the International Criminal Court, the most progressive legal framework on sexual and gender crimes, recognizes that “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity”<sup>26</sup> can constitute a war crime, a crime against humanity, or a constituent act of genocide. As such, State parties must ensure that no amnesties are granted for serious violations of international law in peace agreements. Equally, efforts must be made towards the fulfillment of the positive obligation to prosecute these crimes.

Whilst prosecutions and convictions of perpetrators play a large role in the attainment of justice for women, there must also be a balance between punishing those guilty and repairing the harm done to victims. The international community must view justice as extending beyond the courtroom to include reparations that are transformative and deal with the root causes of conflict so as to ensure non-repetition and build lasting peace.<sup>27</sup>

Article 2(c) of CEDAW calls on State parties to *establish legal protection through competent national tribunals and other public institutions to ensure the effective protection of women against any act of discrimination*. The obligation to provide reparations to women subjected to violence is further spelled out in the Declaration on the Elimination of Violence against Women, as well as other international instruments including the ICCPR and the Rome Statute, which place a duty upon the State to both punish and redress wrongs caused to women who are subjected to violence.<sup>28</sup> For women, reparations programs can provide acknowledgement of their rights as equal citizens, a measure of justice, as well as crucial resources of recovery, and thus reparations are a vital component of transformative justice.<sup>29</sup>

The obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies, as well as state administrative reparations programmes, and the establishment of effective protection, support and rehabilitation services for survivors of violence. The notion of reparations must also include the need to address pre-existing inequalities, injustices, prejudices and biases or other societal perceptions and practices that enabled violations to occur, including discrimination against women and girls.<sup>30</sup>

### Legal Pluralism and Justice Post-Conflict

In many post-conflict settings, traditional or local justice systems may be the only systems of justice and conflict resolution available, as formal systems may have been destroyed or are inaccessible due to location, cost, or other barriers. On the one hand, local sites of justice may have unique value to communities in terms of relevance, proximity, access, and familiarity. Many however present particular challenges to women. The mechanisms may exclude women from participation or may enforce gender discriminatory norms. UN Women’s own experiences in a number of post-conflict settings finds a common practice of ‘resolving’ rape cases by forcing the victim to marry their rapist. In these ways, such sites of justice may in fact perpetrate new injustices.

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<sup>26</sup> UN General Assembly. *Rome Statute of the International Criminal Court*. (1998). A/CONF.183/9.

<sup>27</sup> UN Women (2010). *Gender and Transitional Justice Programming: A Review of Peru, Sierra Leone and Rwanda*. New York: UN Women; UN Women (2010). *A Window of Opportunity? Making Transitional Justice Work for Women*. New York: UN Women.

<sup>28</sup> UN Human Rights Council. (2010). *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (A/HRC/14/22)*.

<sup>29</sup> UN Security Council note 18.

<sup>30</sup> UN Human Rights Council note 28.



While international law recognizes the right of all communities to determine their own systems of law and justice, states have a responsibility to ensure that compliance with human rights standards extends to traditional or informal justice processes in order to protect women's rights and access to justice.<sup>31</sup> For example, in South Africa, the constitution permits certain powers to be held by traditional leaders, but these must be exercised in line with constitutional principles, including gender equality.<sup>32</sup> In the immediate aftermath of conflict, communities are often left to their own devices to reintegrate victims, former combatants, and displaced persons and rebuild and reconcile. Support must be given at the local level to ensure that reintegration and reconciliation initiatives are underpinned by accountability mechanisms that build upon local justice processes but are in line with international human rights norms, and in particular which respect and further women's rights to justice.

## **Section 2: Women's Participation in the Peacebuilding Process**

Articles 7 and 8 of the Convention call on State Parties *to take all appropriate measures to ensure that women, on equal terms with men, have the right to vote in all elections, to participate in the formulation of government policy, and to participate in non-governmental organizations and associations concerned with the public and political life of the country.*<sup>33</sup>

In the post-conflict period, women's participation in political processes must be secured from the very beginning of peace negotiations, where it is established who will yield power and how it will be exercised. The exclusion of women from the process of designing peace agreements and recovery frameworks means that often, insufficient attention is paid to redressing gender inequalities and providing for women's insecurity; as a result, women's needs go unmet and their capacities remain underutilized.<sup>34</sup> To illustrate this, a 2010 UN Women review of Post-Conflict Needs Assessments in six post-conflict countries found that gender concerns were less evident in the results frameworks than would have been predicted from a reading of the narratives from which they were ostensibly derived. Despite adequate language on gender equality in the text describing sectoral needs and approaches, on average just 2.9% percent of proposed budgets were allocated to outcomes and activities that address women's needs or advance gender equality.

Similarly, a study of 585 peace agreements concluded between 1990 and 2010 found that just 16 percent contained references to women.<sup>35</sup> Many mention women — along with children, the disabled and refugees — merely as a group requiring special assistance of an unspecified variety.<sup>36</sup> In assessing the nature and extent of Convention obligations imposed on States parties, it is important to emphasize that women are not a homogenous group and that to lump together their experiences of armed conflict and post-conflict situations ignores the stratifying effects of race, class, religion, nationality and other forms of difference that create hierarchies of power and privilege. In utilizing the Convention to frame and design recommendations on legislative, policy and other measures to protect women, in all their diversity, from violence and discrimination to ensuring their access to remedies, it is critical to assess how the intersection of identities results in the experience of severe vulnerability, compounded

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<sup>31</sup> United Nations Security Council note 18.

<sup>32</sup> Ibid.

<sup>33</sup> UN General Assembly. (1979). *Convention on the Elimination of Discrimination against Women*.

<sup>34</sup> UN Security Council. (2010). *Report of the Secretary General on Women and peace and security*. S/2010/498.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

discrimination, exclusion and ultimately invisibility for certain groups of women. This can only be achieved by ensuring that women's voices are heard at the peace table.

Increasing women's participation in peacebuilding requires the development of capacity, through training and workshops, as well as the development of tools and manuals, to enable women to make technical proposals relevant to various aspects of peace agreements. In the Doha peace talks on Darfur, UN Women ensured the mainstreaming of gender issues by engaging 300 women in skills-building workshops on leadership and peacebuilding and through the participation of its gender advisers in the Consultative Committee of International Experts to the Mediators.<sup>37</sup> Inclusion can signal a new rights-based regime based on equal citizenship and rule of law. At a minimum, women's groups must have observer status at the peace table and should be adequately supported to coalesce around common peace agendas.

Activities to promote gender equality and women's empowerment in post-conflict and peacebuilding contexts require financial support and at present, funding remains dismally low. Indicative data on funding can be drawn from UN post-conflict funding patterns. The application of a 'gender marker' to projects has allowed for the tracking of funding. The preliminary data emerging from these efforts are sobering. In one agency, just 4 percent of funding was budgeted for projects whose "principal objective" was gender equality. These are projects in which almost the entire budget consisted of activities that advance gender equality — for instance, shelters for sexual violence survivors or microgrants for women entrepreneurs. Another 31 percent of the agency's funding was budgeted for projects that contributed "significantly" to gender equality. The proportion of such projects' budgets devoted to gender-related activities, however, is unknown. An indication of the gender-equality funding gap can be found in the results of a background study carried out for the present report that analysed 394 project budgets in multi-donor trust funds and joint programmes in six post-conflict countries. Just 5.7 percent of total resources were allocated to activities directly related to advancing gender equality.

To address these challenges (and those mentioned in other sections of this background report) the Secretary-General, in his report on Women's Participation in Peacebuilding,<sup>38</sup> committed the UN to addressing women's under-representation in peacemaking and peacebuilding. The report holds at its core a 7-point action plan, made up of commitments endorsed by all UN entities working in peacemaking and peacebuilding. The commitments aim to ensure that:

1. Women are fully engaged in, and timely gender expertise is provided to, **all peace talks**;
2. **Post-conflict planning** processes, including donor conferences, involve women substantively and apply methods that result in comprehensive attention to gender equality;
3. **Adequate financing** – targeted and mainstreamed – is provided to address women's specific needs, advance gender equality and promote women's empowerment. A target of 15% was set in the report;
4. **Deployed civilians** possess specialized skills, including expertise in rebuilding state institutions to make them more accessible to women;
5. Women can participate fully in **post-conflict governance**, as civic actors, elected representatives and decision-makers in public institutions, including through temporary special measures such as quotas;

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<sup>37</sup> UN Security Council note 34.

<sup>38</sup> Ibid.

6. **Rule of law initiatives** encourage women's participation in seeking redress for injustices committed against them and in improving the capacity of security actors to prevent and respond to violations of women's rights; and
7. **Economic recovery** prioritizes women's engagement in employment-creation schemes, community-development programmes and the delivery of frontline services.

The 7 point action plan builds upon and establishes a plan for the implementation of SCr 1325 which calls for equal participation by women in the public and political life of the country, and for the mainstreaming of gender perspectives in all post-conflict reconstruction. To do so, State parties may be required to establish temporary special measures to accelerate de facto equality and facilitate women's participation in all governance processes in the post-conflict context, as stipulated in Article 4 of CEDAW.<sup>39</sup> After the electoral violence in Kenya an interim electoral commission was formed that stipulated 30% of commissioners must be women and special measures have also been applied by member states to increase women's participation in governance institutions and transitional justice mechanisms (Columbia, Liberia), electoral commissions (Indonesia, Kenya) and public administration (Rwanda).

In General Recommendation No. 25 on article 4 of CEDAW, the Committee wrote that substantive equality calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women.<sup>40</sup> These measures are particularly important in post-conflict contexts when pre-existing gender inequalities may have been aggravated by cuts in social spending, destruction of civilian infrastructure, militarization of society and increased levels of violence in all spheres of society. Temporary special measures may include electoral quotas, preferential treatment and quota-based systems. Where necessary, such measures should be directed at women subjected to multiple types of discrimination, including rural women.<sup>41</sup>

In many post-conflict countries, women have used temporary special measures to reshape their society and advance women's rights. The SG's 2010 7-point Action Plan (S/2010/466) highlights the effectiveness of using special measures and builds on the strong existing international normative commitments<sup>42</sup> to implementing temporary special measures where appropriate. Increasing evidence shows that post-conflict countries with legislated temporary special measures have made more progress than others towards reaching and exceeding the MDG 3 goal of 30% women in parliament. Countries with TSMs, such as Rwanda, Mozambique, Angola, Uganda, FYR Macedonia, Burundi, and Timor-Leste have between 30-56% women in parliament as opposed to countries with no special measures, which averaged approximately 10% women in parliament (Liberia, DRC, Haiti, Mali, and Georgia).

### **Section 3: Violence against Women**

In a statement by the President of the Security Council on "Women and peace and security," the Security Council reiterated its demand to all parties to armed conflict to immediately and completely

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<sup>39</sup> UN General Assembly. (1979). *Convention on the Elimination of Discrimination against Women*.

<sup>40</sup> UN CEDAW. *General Recommendation No. 25 on Temporary Special Measures*. (2004).

<sup>41</sup> Ibid.

<sup>42</sup> Convention to Eliminate Discrimination against Women Article 4, the Beijing Platform for Action article 190(a), Southern African Development Community Protocol on Gender and Development Article 5 and Protocol to the African Charter on Human Rights on Rights of Women, Article 9.

cease all forms of violence against women and girls.<sup>43</sup> Women's justice and protection needs are most acute during and after conflict, just at the moment when the State is least able to deliver.<sup>44</sup> Elevated levels of sexual violence and other forms of gender-based violence accompany almost all conflicts and continue into the post-conflict period. In some conflicts, sexual violence is used systematically as a tactic of war. The continuing pattern of rape in the eastern provinces of the Democratic Republic of the Congo over the past twelve years is only one example of the severity of abuse of the human rights of women and girls. Other forms of violence against women, from intimate partner violence, to the targeted assassination of women's human rights defenders and activists, to child abuse and forced early marriage, may become more widespread in conflict and post-conflict contexts.

The Rome Statute, establishing the International Criminal Court, recognizes that sexual violence can constitute a war crime, a crime against humanity, or a constituent act of genocide. Article 2(e)<sup>45</sup> of CEDAW calls on State Parties *to eliminate discrimination against women by any person, organization or enterprise, which means that national systems effectively respond to women's experiences of violence to achieve both protection and prevention*. This involves the institutionalization of independent courts, protective laws, policies and penal provisions for violence against women, a functionary security sector and access to health care services.

Efforts to prevent and respond to violence against women in conflict and post-conflict are varied, though rarely implemented in a consistent manner. Commonly used strategies include mobile courts and mobile clinics; one-stop shops housing medical, legal, and psychosocial services for sexual violence survivors and multi-purpose community centers to link immediate assistance to economic and social empowerment and reintegration; tailored trainings of police, military (including peacekeepers), lawyers, magistrates, psychologists, and medical personnel; sensitization and awareness campaigns; provision of legal aid and support to local, national, and international justice efforts; provision of solar lights, lamps, water carriers, fuel efficient and solar cookers in camps to mitigate women's exposure to sexual and gender-based violence while collecting water or firewood; patrolling by security forces that is responsive to the timing and location of increased violence against women; the development and dissemination of standard operating procedures and referral pathways to link security actors with service providers in the context of gender-based violence; the standardization of data collection methods to obtain better estimates of incidence and prevalence of such violations; the involvement of women and the incorporation of gender-sensitive indicators in early warning systems; the explicit mention of violence against women the mandates of peacekeeping missions, the national security strategies of individual governments, the text of peace agreements, and post-conflict planning processes; and the empowerment of women as a longer-term, but effective, measure.

#### Access to health care

CEDAW Article 12(1) *requires States parties to take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality with men and women, access to health care services, including those related to family planning*. In general recommendation 15 on HIV/AIDS, the Committee recommended that programmes to combat HIV/AIDS give special attention to the factors relating to women's productive and their subordinate social position which make them specifically vulnerable to HIV infection and in general recommendation 24 on women and health, the

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<sup>43</sup> UN Security Council note 34.

<sup>44</sup> UN Women note 14.

<sup>45</sup> UN General Assembly. (1979). *Convention on the Elimination of Discrimination against Women*.

Committee recommended that State parties implement comprehensive national strategies to promote women's health, and specifically extends the obligation to protect women's health in situations of armed conflict.

Conflict increases women and girls' vulnerability to physical and mental health harms. Destruction of civilian infrastructure, the flight of professional medical care workers and the absence of basic medicines and health care supplies are just some of the impacts on health care systems. At the same time, conflict adds to the dire needs of the population for health care services through the direct impacts of the violence as well as the secondary and psycho-social impacts. HIV, with its reinforcing relationship to poverty, violence and inequality, is one area in need of specific attention post-conflict when violence may have significantly increased infections whilst weakening the structures in place to prevent and treat infections.

On 7 June 2011, the eve of the 2011 High Level Meeting on AIDS,<sup>46</sup> the Security Council adopted Resolution 1983 in terms of which it calls for effective coordinated action at local, national, regional and international levels to curb the impact of the HIV epidemic in conflict and post-conflict situations and recognizes that women and girls are particularly affected by HIV.<sup>47</sup> Ending conflict-related sexual and gender-based violence and putting in place measures that empower women in order to reduce their risk of exposure to HIV are emphasized as critical actions for addressing the disproportionate impact of HIV on women and girls in conflict and post-conflict contexts. These priorities are echoed in SCr 1325: OP 6 which: *'...invites Member States to incorporate these elements **as well as HIV/AIDS awareness training** into their national training programmes for military and civilian personnel in preparation for deployment, and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training'*.

Building on this, SCr 1983 calls for the inclusion of HIV prevention, treatment, care and support in implementing peacekeeping mandates. Specifically, OP 3: "Notes that the disproportionate burden of HIV and AIDS on women is one of the persistent obstacles and challenges to gender equality and empowerment of women, and urges Member States, United Nations entities, international financial institutions and other relevant stakeholders, to support the development and strengthening of capacities of national health systems and civil society networks in order to provide sustainable assistance to women living with or affected by HIV in conflict and post-conflict situations;" and OP 6: "Requests the Secretary-General to consider HIV-related needs of people living with, affected by and vulnerable to HIV, including women and girls, in his activities pertinent to the prevention and resolution of conflict, the maintenance of international peace and security, the prevention and response to sexual violence related to conflict, and post-conflict peacebuilding."

State parties should ensure mandatory gender analysis and specific strategies for meeting the needs of women and girls and should seek to prevent infection and increase access to treatment, care and support.<sup>48</sup> Equally, HIV/AIDS prevention must be a part of pre-deployment training of peace keepers, and clear guidelines should be established for HIV/AIDS prevention in peacekeeping operations. All troop contributing countries should make available voluntary and confidential HIV/AIDS testing for their

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<sup>46</sup> United Nations General Assembly. (2011). *2011 High Level Meeting on AIDS*. Available at: <<http://www.un.org/en/ga/president/65/issues/hivaids.shtml>>

<sup>47</sup> UN Security Council. (2011). *Security Council Resolution 1983*. S/RES/1983 (2011).

<sup>48</sup> Women, War, Peace. (2003). "The Independent Expert's Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding." *Progress of the World's Women 2002*. p 60, para 2

peacekeeping personnel, and HIV prevention as well as gender training should be provided in all missions to all personnel.<sup>49</sup>

#### **Section 4: Women's Economic Opportunities in the Post-conflict Context**

During conflict, women's lives are often drastically altered, as families and support structures weaken and gender roles shift. High numbers of woman-headed households are a common legacy of conflict, making large parts of the population dependent on women as the primary source of family income and support. Nevertheless, after conflict, women tend to be neglected in formal economic reconstruction activities, which reinforces gender disparities and violates women's rights and contributions to economic growth. Post-conflict reconstruction programs must prevent further entrenching discrimination by providing equal opportunities to men and women and ensure more equitable distribution of post-conflict resources.

Article 11 calls on State Parties to *take all appropriate measures to eliminate discrimination against women in the field of employment to ensure a basis of equality between men and women.*<sup>50</sup> This includes the right to free choice of profession and employment, as well as the right to equal remuneration, social security, and the protection of health and safety in working conditions. Such rights are also enshrined in other international human rights instruments, such as article 7 of the Convention on Economic, Social and Cultural Rights.<sup>51</sup>

The 2011 World Development Report has generated a renewed focus on the positive impact job generation can have on conflict prevention, and on the role the state can play in supporting job creation in the post-conflict moment.<sup>52</sup> In 2011 UNDP created approximately 12 million work days<sup>53</sup>, and 2012 is likely to witness the piloting of partnerships on job creation amongst the World Bank, the UN and national governments in post-conflict countries. These initiatives must go beyond harnessing the capacities of youth and ex-combatants. UN Policy for Post-Conflict Employment Creation, Income Generation and Reintegration, calls for a balance between prioritizing security concerns and equality considerations, with particular attention to employing unemployed women in order to ensure that employment programmes do not further entrench existing patterns of poverty, ill-will and distrust between communities.

Data from the West Bank highlights significant differences between the prevalence of food insecurity levels in male-headed and female-headed households, linked to the prevalence of employment opportunities: 30% of female headed households are food insecure, compared to 22% of male-headed households. This is a direct consequence of fewer job opportunities and lower salaries for women.<sup>54</sup> Where female headed households are food insecure, children – girls and boys – are more likely to search for employment opportunities (including illegal employment). Additionally, it is well proven that women allocate greater proportions of their income to family-centered spending, in particular, food, health and education, and the correlation between education and social progress is well demonstrated.

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<sup>49</sup> Women, War, Peace note 48 para 4

<sup>50</sup> UN General Assembly. (1979). *Convention on the Elimination of Discrimination against Women.*

<sup>51</sup> UN General Assembly. (1966). *International Covenant on Economic, Social and Cultural Rights.*

<sup>52</sup> World Bank. (2011). *World Development Report.* Washington: World Bank.

<sup>53</sup> Ibid.

<sup>54</sup> SEFSec 2010

The SG's report on women's participation in peacebuilding therefore committed the UN to applying a range-of-parity principle to all post-conflict temporary employment programmes to ensure that neither sex receives more than 60 percent of employment person-days generated. It also called for governments and international partners to support the promotion of women as front-line service delivery workers. Progress towards these goals and to integrating women into job creation programming more broadly, is slow. Certainly women do benefit from economic recovery programming. However many economic recovery initiatives targeting women tend to support opportunities for employment in the informal economy, where wages are typically lower and protections from abuse are absent.

#### Access to Land

Access to property is particularly critical post-conflict, as housing and land can be crucial to recovery efforts for individuals and families.<sup>55</sup> In many legal systems around the world, women are not afforded equal property rights and are dependent upon their husbands or male relatives to provide housing. Women's limited access to property becomes especially damaging in post-conflict situations, when displaced women who have lost husbands or close male relatives return to their homes to find that they have no legal title to their land, and as a result no means to support their families.

Control over land is the basis for the economic rights and livelihoods of millions of rural women. Women's secured property rights are essential to their economic and physical survival, particularly in developing countries where livelihoods depend upon subsistence agriculture. This is especially true in female-headed households, where women can utilize the economic benefits of property rights to improve the welfare of their household. Property rights have been shown to provide women with better sources of credit and to improve land use and productivity.<sup>56</sup>

International human rights instruments such as the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights require member states to secure the recognition of property rights,<sup>57</sup> an adequate standard of living,<sup>58</sup> and provide for equal protection of the law.<sup>59</sup> In addition, article 15(2)<sup>60</sup> of CEDAW states that women, in civil matters, are afforded a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, State Parties *shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*

Nevertheless, these provisions do not necessarily translate into implementation, particularly within the context of social conventions and customs that are premised on the inferiority of women. For example, many land titling programmes in Sub-Saharan Africa require that individually-owned parcels of land be registered in the name of the male head of household. Divorced or widowed women thus find themselves without any legal title to property and are especially vulnerable to poverty.

Therefore, in order for article 15(2) to have substantive meaning, all aspects of the legal system must function to advance substantive equality between men and women, and efforts to advance economic

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<sup>55</sup> Mohan, S. "The Battle After the War: Gender Discrimination in Property Rights and Post-Conflict Property Restitution." (2011). *The Yale Journal of International Law*. Vol. 36: 461-495.

<sup>56</sup> *Ibid.*

<sup>57</sup> UN General Assembly. (1948). *Universal Declaration of Human Rights*, Article 17.

<sup>58</sup> *Ibid.*, Article 22.

<sup>59</sup> UN General Assembly (1966). *International Covenant on Civil and Political Rights*.

<sup>60</sup> UN General Assembly. (1979). *Convention on the Elimination of Discrimination against Women*.

opportunities for women must target cultural and social patterns that undermine women's status in society. In Rwanda, the Forum of Women Parliamentarians brought women together to develop strategies for change. Working with the Women's Ministry and women's civil society organizations, the Forum pushed through the 1999 Law on Matrimonial Regimes, Liberalities and Successions, which established women's right to inherit land for the first time.<sup>61</sup> The legislation includes the principle that women may own and inherit property on an equal basis with their brothers, and requires that couples registering their marriage make a joint commitment to shared ownership of marital property. The 2004 National Land Policy and the 2005 Organic Land Law further entrenched women's land rights by introducing land titling, stipulating that women and men have equal access.<sup>62</sup>

## **Conclusion**

Positive realization of women's rights in the context of conflict and post-conflict necessitates additional and specific efforts that encompass but move beyond the measures required to secure women's enjoyment of their rights during peace time. Pre-existing inequalities are aggravated by violent conflict, and the destruction of infrastructure, widespread impunity, weak institutions and governance, and ongoing insecurity are just some of the obstacles which must be overcome during this period. But the post-conflict period also presents unique opportunities to build a new, inclusive, and equal society.

The obligations of State parties to take necessary measures to ensure the realization of women's rights should extend to the planning and budgeting processes especially to ensure that those instruments provide the services necessary to protect and empower women in post-conflict situations and make available the necessary financial resources. This entails women's participation in shaping these national policies and budgets and that State parties ensure that these policy frameworks and budgets are designed to guarantee substantive equality, non-discrimination and lead to women's empowerment. In this regard, State parties' obligations should pertain to all parties involved in the design and financing of those instruments.

Monitoring and reporting procedures must also take into account set of indicators to track implementation of Security Council resolution 1325 (2000), developed at the request of Security Council resolution 1889 (2009, OP 17) and presented in October 2010 (S/20120/498). This set of indicators aim to provide a consistent means of assessing progress towards achievement of the objectives of 1325 and related resolutions, to highlight good practices and to indicate where concrete action should be taken to improve progress. They are intended to help us understand the status of current implementation, trends and patterns, and distance from proposed targets. They can also help signal risk factors or phenomena that might prevent attainment of results. As such, adoption of the indicators by States parties will provide a substantive framework for much of the reporting requirements of CEDAW in contexts of conflict and post-conflict.

With regards to reporting, it is recommended that:

- Reports of State parties submitted to the Committee under Article 18 of the Convention should reflect both the *de facto* and *de jure* position of women – specifically including the impact of laws, policies and programmes introduced in the post-conflict setting;
- Reports should recognise and reflect both the differentiated impact of armed conflict on women and men, as well as the intersectionality of women's multiple identities. States parties should be

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<sup>61</sup> UN Women, note 14.

<sup>62</sup> *Ibid.*



encouraged to provide data disaggregated according to gender and other grounds of discrimination, including but not limited to: race, colour, ethnicity, national origin, age, disability and immigration status.

- State parties should recognize that the communications (Article 2) and inquiry (Article 8) procedures of the Optional Protocol are important tools for ensuring compliance with the provisions of Convention, urge the Committee to encourage States that have not ratified the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women to do so.

**Select Concluding Observations from Conflict/ Post-Conflict State Party Reports with Particular Reference to Security Council resolution 1325 (2000)**

**Rwanda –CEDAW/C/RWA/CO/6 (2009)<sup>63</sup>**

24. “The Committee calls upon the State party to take all necessary measures, as emphasized in United Nations Security Council resolutions 1325 (2000) and 1820 (2008), and in conformity with the Convention and the Beijing Platform for Action, in order to ensure women’s equal participation and full involvement in the reconstruction and socio-economic development of the country.” The Committee also urges the State party to continue to ensure appropriate protection, support and equal access to justice for the women victims of sexual violence during the genocide.”

34. “The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25. It recommends that the State party pay particular attention to the conditions of women workers in the informal sector, in particular in agriculture, with a view to ensuring their access to social benefits.”

**Colombia - CEDAW/C/COL/CO/6 (2007)<sup>64</sup>**

11. “The committee urges the State party to address the root causes of violence against women and to enhance victims’ access to justice and to protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken on the full implementation of the provisions of the Convention.”

26. “While recognizing the efforts made to increase the representation of women in public administration at the national and local levels, including through the Quota Act, the Committee is concerned about the underrepresentation of women, including indigenous and afro descendent women, in elected bodies at all levels, and in particular about the recent decline in women’s representation in Parliament and in the Judiciary.”

**Democratic Republic of Congo - CEDAW/C/COD/CO/5 (2006)<sup>65</sup>**

9. “The Committee is concerned that in the post-war transition period, the promotion of women’s human rights and gender equality is not seen as a priority, in particular in efforts to address the consequences of the armed conflict and in the peacebuilding and reconstruction processes. It is also concerned about the small number of women in leadership positions in the transition process.”

10. “...It further urges the State party to give serious attention to the specific needs of women in the post-conflict period and ensure women’s equal participation in decision-making, in conformity with Security Council resolution 1325 (2000) on women, peace and security, with direct relevance to article 3, article 4 paragraph 1, and article 7 of the Convention.”

<sup>63</sup> CEDAW. (2009). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Rwanda*. CEDAW/C/RWA/CO/6.

<sup>64</sup> CEDAW. (2007). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Colombia*. CEDAW/C/COL/CO/6.

<sup>65</sup> CEDAW. (2006). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Democratic Republic of Congo*. CEDAW/C/COD/CO/5.

35. "...the Committee is concerned about the highly negative impact on maternal mortality and morbidity rates of the protracted armed conflict, which resulted in lack of access to obstetric care, dilapidated clinics and lack of utilization of existing services during pregnancy and childbirth, limited access to adequate sexual and reproductive health services for women, especially women in rural areas and the low level of education. The Committee is also concerned about the scant information provided about women and HIV/AIDS."

**Timor-Leste - CEDAW/C/TLS/CO/1(2009)<sup>66</sup>**

14. It further urges the State party to devote serious attention to the specific needs of women in the post-conflict period and ensure women's equal participation in decision-making, in conformity with Security Council resolution 1325 (2000) on women and peace and security..."

43. "The Committee expresses concern about the precarious living conditions of women returnees who have been displaced by violence and conflict and have been reintegrated into their homes. It is concerned in particular that women returnees who have been victims of sexual and other forms of violence do not have immediate means of redress."

44. "The Committee requests the State party to pay particular attention to the needs of women returnees through the adoption of a national policy in line with Security Council resolution 1325 (2000) and 1820 (2008) and the formulation and implementation of gender-sensitive plans and programmes for social reintegration, capacity-building and the training of women returnees. The Committee requests the State party to ensure that women returnees who have been victims of violence, including sexual violence, have access to immediate redress."

**Sri Lanka - CEDAW/C/LKA/CO/7 (2011)<sup>67</sup>**

40. "...The Committee is particularly concerned about reports of sexual violence allegedly perpetrated also by the armed forces, the police and militant groups. The Committee is also deeply concerned about reports on the inadequate infrastructure and the limited availability of basic services such as shelter, health facilities, water and sanitation."

41. The Committee urges the State party to:

- (a) Protect the women affected by the prolonged conflict, including internally displaced women and female ex-combatants from any form of human rights violations;
- (b) Promptly investigate, prosecute and punish all acts of violence including acts of sexual violence perpetrated by private actors as well as by the armed forces, the Police and militant groups;
- (c) Establish counselling centres for women to address the traumatic experiences, specifically with regard to sexual violence;
- (d) Provide adequate infrastructure for women IDPs and returnees especially housing and health facilities, water and sanitation;
- (e) Include provision for economic and social rights in post-conflict reconstruction including through the adoption of temporary special measures;

<sup>66</sup> CEDAW. (2009). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Timor-Leste*. CEDAW/C/TLS/CO/1.

<sup>67</sup> CEDAW. (2011). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Sri Lanka*. CEDAW/C/LKA/CO/7.

- (f) Ensure the freedom of movement of internally displaced women, wider access of international organizations to the conflict-affected population in the North of the country and the population's access to humanitarian aid;
- (g) Consider having an independent international accountability mechanism, in accordance with recent proposal of the UN High Commissioner for Human Rights, mandated to investigate the cases of serious violations of human rights, including women's rights, which have arisen in the last stages of the fighting in the State party;
- (h) Include women in the country's post conflict, reconstruction and peace building process.