



Office of the United Nations High Commissioner for Human Rights (OHCHR)

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CONTRIBUTION TO: Call for input: Analytical report on a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels (45/29)

<https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/CFI-Women-girls-humanitarian-situations.aspx> [1]

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Important Note: (1) Views presented below personal and not of the PERC, DLLE, SNDTWU (located at Mumbai, India) where the contributor was employed previously. (2) Some portion of the contribution is based on information retrieved from secondary sources (quoted in the text). (3) The contributor (Dr. Santosh Kumar Mishra) **indicates** and **confirms** that the **information (inputs) provided below can be made publicly available on the OHCHR website.**

Background

Pursuant to resolution 45/29, adopted by the Human Rights Council on 7 October 2020, the Office of the High Commissioner for Human Rights (OHCHR) is preparing “an analytical report on a comprehensive approach to promoting, protecting and respecting women’s and girls’ full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels”. The report will be submitted to the Human Rights Council at its forty-ninth session.

Key Inputs Sought

In this connection, we would like to kindly request your cooperation to provide information in response to the following questions, which will help prepare the report:

- 1. Please provide information on the enjoyment of human rights by women and girls in humanitarian situations, which include humanitarian emergencies, forced displacements, armed conflicts and natural disasters, including sudden-onset natural disasters and slow-onset events.**

Human rights conferred to women (and girls), as per the commitments by national governments as well as and by international bodies [such as the Office of the United Nations High Commissioner for Human Rights (OHCHR)], are not fully exercised in many regions of the globe. The fact remains is that human rights (including fundamental freedoms) should be birth rights among women and girls. Despite this, some countries fail to accord human rights to them. Non-compliance of human rights laws and legislations has resulted from multiple factors, including lack of political commitments and low levels of education and literacy among women and girls.

In this context, it is worth mentioning that women are often victims of human rights abuses and violations. More specifically, women’s human rights are violated when they cannot fully participate in decisions that affect their lives. As a result of this, they are denied several rights they are entitled to, including (adequate) denial in political participation and fair representation. Policy makers and human rights activists have, over the years, come across situations wherein women and girls (a) are prevented from going to school; (b) receiving required health care; (c) face discrimination in employment; (d) are denied equal rights to own land and property; (e) suffer from violence within their homes; and (f) are

subjected to harmful traditional practices, such as female genital mutilation (FGM), and honor killings [1].

The FGM comprises of all procedures that involve altering (or injuring) the female genitalia for non-medical reasons. In today's world, it is internationally recognized as a violation of the human rights of women and girls. The International Planned Parenthood Federation (IPPF) argues that the FGM is a human rights violation, and that it is a form of torture and an extreme form of violence and discrimination against girls and women. Reasons of this extremely unethical practice are rooted in harmful gender norms. The IPPF (with its headquarters at London, UK) also advocate that the continuation of the FGM sustains massive gender inequalities in practising societies. This is because of the fact that the FGM limits opportunities for women and girls to realize their full rights and potential. Eliminating the FGM is in the spotlight of the international developmental policy agenda. Also, It is part of the United Nations sustainable development goal (SDG) 5: to achieve gender equality and empower all women and girls, with a target to “eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation” [2].

1.1 Information on the enjoyment of human rights by women and girls in forced displacements:

Forced displacements (both within the country and between countries) pose a threat to basic human rights that women and girls are entitled to. In terms of number of people displaced globally, it has been found that more than 41 million people worldwide were living in a situation of internal displacement at the end of the year 2018. This internal displacement was caused by conflict and violence. According to the estimates of the Internal Displacement Monitoring Centre [(IDMC), Geneva, Switzerland], published in document “WOMEN AND GIRLS in internal displacement”, more than half of 41 million people (or nearly 21 million), who were displaced, were women and girls. It is pertinent to note that these estimated figures would be much higher if those displaced by disasters and climate change were included. There were at least 2.6 million internally displaced girls under five, 4.6 million between five and 14, 3.9 million between 15 and 24, 7.9 million between 25 and 59, and 1.7 million women over 60. *Further*, at the regional level, sub-Saharan Africa had the highest number of internally displaced women and girls, accounting for 8.2 million or 40% of the global figure. *Furthermore*, the Middle East and North Africa had 5.5 million, the Americas 3.4 million,

South Asia 1.8 million, Europe and Central Asia 1.5 million, and East Asia and the Pacific 400,000. There were nine countries with more than a million internally displaced women and girls as of the end of 2018. These countries include: (1) Syria, (2) Colombia, (3) the Democratic Republic of the Congo (DRC), (4) Somalia, (5) Afghanistan, (6) Yemen, (7) Nigeria, (8) Ethiopia, and (9) Sudan [3]. These trends depict the extent to which women and girls are faced with odd situations due to internal displacement. This phenomenon, in turn, leads to a situation wherein women are denied of human rights, as their mobility is restricted. It is similar to current COVID-19 pandemic situations (prevailing the world over), which restricts travel-related movement of people, *in general*, and of women and girls, *in particular*. Women and girls are the sections of the population who (a) are most vulnerable, and (b) cannot exercise their rights in meaningful manners.

1.2 Information on the enjoyment of human rights by women and girls in armed conflicts:

The enjoyment of human rights by women and girls in armed conflicts situations is restricted due to obvious reasons. In this context, the author of this contribution [submitted in response to Call for input: Analytical report on a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels (45/29)] makes a specific point that knowing how many women and girls are displaced due to armed conflict, how old they are and the conditions they live in is essential for policy makers and other stakeholders (involved with addressing internal and international migration). This aspect gains increased significance if they (displaced women and girls) are to be provided with the right resources to meet their specific human right needs in varying contexts). Importantly, displacement reinforces pre-existing discrimination and socioeconomic disadvantages. Also, it is in this context that gender discrimination plays a significant role. Women and girls, for instance, often face greater challenges than men in securing a decent livelihood in displacement, with repercussions on their ability to find shelter and security and to access education and healthcare. They also tend to be less able to make their voices heard or participate in decisions on matters that affect them. Again, they are often more likely to flee in the face of conflict, violence, disasters and climate change. They are, thus, at greater risk of displacement [3].

1.3 Information on the enjoyment of human rights by women and girls in natural disasters:

Women and girls need to be at the core of disaster risk reduction in view of the fact that they often bear the brunt of climate change and hazards. Such climate change and hazards include: (a) ‘*storms*’, and (b) ‘*floods*’. More specifically, women and girls are greatly affected by disasters, and more precise information and disaggregated data on the impact of disasters are needed to take better correction measures. *Further*, climate change exacerbates weather-related hazards and at least 90% of disasters are linked to natural hazards. *Furthermore*, disasters affect men and women, and boys and girls, differently for a range of reasons. Gender inequalities, for example, can constrain the influence and control of women and girls over decisions governing their lives (as well as their access to resources, thus, side-lining them from planning on how to curb disaster risk). Due to socio-economic, demographic, environmental considerations, cultural beliefs, and traditional practices, women and girls are more likely to be affected if a hazard strikes. The fact remains is that they are faced with (a) increased loss of livelihoods, (b) gender-based violence, and (c) even loss of life during, and in the aftermath of, disasters. This situation makes it imperative a case to make for (a) “*empowerment of women and girls*” a critical ingredient in building disaster resilience, and (b) making meaningful efforts to ensure that they (women and girls) enjoy human rights, they are constitutionally entitled for, in all parts of the globe [4].

Important note by the contributor (Dr. Santosh Kumar Mishra): In response to point one (**Please provide information on the enjoyment of human rights by women and girls in humanitarian situations, which include humanitarian emergencies, forced displacements, armed conflicts and natural disasters, including sudden-onset natural disasters and slow-onset events**) on which key inputs are being sought, the contributor specifically states that answers to all three aspects (of the question) will be almost the same. In fact, the sub-questions are overlapping in nature. This is because of the fact that resulting scenario from three situations [(a) forced displacements, (b) armed conflicts, and (c) natural disasters] for women and girls (who are displaced) will remain unchanged. The three overlapping sub-questions pertain to:

- a) Information on the enjoyment of human rights by women and girls in forced displacements,

- b) Information on the enjoyment of human rights by women and girls in armed conflicts, and
- c) Information on the enjoyment of human rights by women and girls in natural disasters.

2. Please provide information on patterns and structures of discrimination and inequalities exacerbated or created by humanitarian settings, which undermine access to health-care services and information, housing, water, sanitation, education and employment, and disrupt protection systems for women and girls.

Situations resulting from emergency humanitarian settings cause hardship for women and girls in various. They do not have adequate access to health-care services, especially menstrual and reproductive and information (and services). Addressing menstrual health and hygiene during displacement related emergency situations becomes challenging for the health care providers, the worst being witnessed if the situations is confronted with COVID-19 pandemic, restricting movements of women and girls. Also, access to housing, water, sanitation, education and employment are other areas of concern. No or inadequate access to these basic amenities put them to increased risk of being confronted with nutrition and health related complications. Despite commitments to human rights and providing minimum levels of amenities to women and girls, it has been found that every day, in war- and conflict-torn countries in the world; women are confronted by discrimination and inequality of several types. In addition to denial to housing, water, sanitation, education and employment opportunities, they face violence, domestic abuse, and unequal treatment: both at home and at work. They are subjected to odd situations in their wider communities, and surrounding areas (neighbourhood). *Further*, often they are denied opportunities to learn, to earn and to lead decent, dignified and meaningful life. *Furthermore*, women and girls form the majority of those living in poverty and sub-standard living conditions. Because of denial to human rights and basic amenities for decent living, they have (a) fewer resources, (b) less power, and (c) less influence compared to men. It is pertinent to note that they can experience further inequality because of their class, ethnicity, age, as well as other socio-economic and demographic considerations. The bottom line is that “*gender inequality*” is a key factor of poverty, including fundamental denial of women’s human rights [5].

- 3. Please provide examples of concrete measures taken by your Government or organization to respect, protect and fulfill the human rights of women and girls in humanitarian settings. In the context of the humanitarian programme cycle, please provide examples of measures taken to ensure protection of the human rights of women and girls in the different stages of programming (design, implementation, monitoring and evaluation).**

The contributor of this e-discussion was previously employed with the organization, Population Education Resource Centre (PERC), Department of Lifelong Learning and Extension (DLLE), S. N. D. T. Women's University (SNDTWU), located at Mumbai in India (retired on June 30, 2020). The PERC is (and was) not involved with any initiative aimed at enabling women and girls realize their human rights in humanitarian settings. Nevertheless, the PERC [a project on population and development education, jointly sponsored by the University Grants Commission (UGC), Ministry of Human Resource Development (HRD); and the United Nations Fund for Population Activities (UNFPA)] implemented advocacy efforts at college and community levels. Such advocacy initiatives aimed to raise awareness about pertaining to population and development related issues, such as preserving environment and ecology from further degradation, pollution, global warming, importance of education of girl child, etc. This knowledge input, in turn, enabled them to bring in positive changes in the lives of students of the SNDTWU. Also, the DLLE (previously known as the Department of Continuing & Adult Education & Extension Work) organized a workshop on "Rights of the Child). It was small duration event that aimed to sensitize the workshop participants [drawn of universities, colleges, and non-governmental organizations (NGOs), located in and around Mumbai] about significance of rights of the children.

- 4. What challenges does your Government or organization face in promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations? Please elaborate on the nature of these challenges and steps taken to address them.**

In response to this question, the contributor presents brief description on challenges faced in promoting, protecting and respecting women's and girls' full enjoyment of human rights in India (the contributor is citizen of). As outlined above the organisation (the PERC, DLLE, SNDTWU, Mumbai) the contributor was associated with in the past, is not directly involved with promoting or furthering human rights projects among women and girls. Some programmes are undertaken by the SNDTWU in this direction

through both formal and non-formal channels of education (in the form of community outreach events, seminars, workshops, training and orientation programmes, etc.).

In India, traditional practices like female infanticide, dowry deaths, honour killings domestic violence and sexual abuse are some of the prominent factors that prohibit or prevent women and girls from enjoyment of human rights. Violence against women can be curbed and eliminated if cultural norms and attitudes towards the women are changed. Beliefs and perceptions about gender issues are still deeply rooted in cultures of some so cities of the country. It is the educational input that can ensure gender equality and women's empowerment. Progress has taken place in this matter through educational intervention and awareness initiatives, both by governmental agencies and the NGO-sector, including citizens' groups. But lot more needs to be done. Low level of literacy and education and lack of awareness are other two challenges for the policy makers of the Government of India.

With regards to humanitarian and emergency situations resulting from war, conflict, and natural disasters, there does not seem to be much scientific data to suggest that large volume of people, including women and girls, have been displaced. Nevertheless, in case of displacements due to due to natural calamities (like flooding, massive fire, and earthquakes); there is government mechanism in place to address the situation. Preparedness and response to the occurrence of events (either from natural or man-made causes) are part of the response that enable coping capacity of the affected community. There National Policy on Disaster Management (NPDM) of the Government of India.

5. Please provide information on international cooperation, technical assistance and humanitarian support provided by the international community, including Member States, and by relevant United Nations agencies and humanitarian actors, to address the human rights of women and girls in humanitarian situations, with a focus on good practices, challenges and lessons learned.

Close collaboration among national governments, women's organizations, academia and other actors has enabled further promote initiatives aimed ensuring human rights among women and girls, across the regions of the globe. Several inter-governmental agencies have made difference. One such agency is the United Nations (UN). The UN has set a

strong agenda for gender equality which, in turn, has enabled made Much has been achieved in these sixty years and the gains make advances in the area of human rights for all, *in general*, and for women and girls, *in particular*. The efforts made by the UN and other associated organizations [such as the Office of the United Nations High Commissioner for Human Rights (OHCHR)] are indicative of the fact that the goals of equality between women and men and women's empowerment are achievable, at all times, and in all countries. In more specific terms, achieving these goals will require international cooperation (including helping hand of all involved stakeholders). From programme management point of view, further progress requires (a) explicit commitment, (b) concerted action, (c) adequate resources, and (d) clear accountability for results. All these contributing factors together can help international community ensure that women and girls placed in situations resulting from displacement enjoy their human rights. Importantly, concerted efforts are needed to close the gap between the international standards, norms and policies and their implementation at the national level, for the benefit of all women and girls [6].

- 6. Please provide information on the barriers women and girls face in reporting and seeking justice, as well as protection for violations of their human rights in humanitarian settings, including women and girls who face intersecting forms of discrimination? Please also provide information on mechanisms that operate in your context to ensure access to justice and remedies for human rights violations and abuses that women and girls may experience, thus ensuring accountability. (E.g. judicial and non-judicial mechanisms; truth-seeking initiatives; community-based initiatives; investigative and independent monitoring and/or reporting bodies, community complaint mechanisms; parliamentary-led oversight etc.).**

Despite the significant legislative progress, legal obstacles to women's access to justice and human rights persist. Specific barriers include discrimination of women, such as protective labour legislation that restricts women's access to certain professions and types of work, or gaps in the anti-discrimination legislative frameworks. While national laws uphold equality on the basis of sex, women rarely invoke these laws in court to protect their rights. The standards of proof and the legal mechanisms that are necessary to prove indirect discrimination are not well developed, while this is arguably the more prevalent manifestation of gender inequality [7].

7. What steps has your Government or organization taken to ensure women’s and girls’ meaningful participation, empowerment and leadership, including that of survivors and victims, in efforts to prevent, reduce the risk of, prepare for, resolve and rebuild from humanitarian emergencies. Please elaborate on any lessons learned, good practices as well as challenges faced.

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. From the Fifth Five Year Plan (1974-78) onwards has been a marked shift in the approach to women’s issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels [8].

Note: Due to limitation of 5-7 pages, contributor (Dr. Santosh Kumar Mishra) could not present more information in response to the above seven questions.

References:

[1] Haarr, Robin N. (Year of publication not mentioned). “*Chapter 9: Human Rights of Women, Overview*” (Accessed on July 09, 2021 from: <https://opentextbc.ca/womenintheworld/chapter/chapter-9-human-rights-of-women/>).

[2] Wendoh, Seri. (February, 2018). “*Female genital mutilation (FGM) is a human rights violation*”. London, United Kingdom: International Planned Parenthood Federation (IPPF) (Accessed on July 09, 2021 from: <https://www.ippf.org/blogs/female-genital-mutilation-fgm-human-rights-violation>).

[3] Cazabat, Christelle (Lead Author). (March, 2020). "*WOMEN AND GIRLS in internal displacement*". Geneva, Switzerland: The Internal Displacement Monitoring Centre (IDMC) (Accessed on July 09, 2021 from: <https://www.internal-displacement.org/sites/default/files/publications/documents/202003-twice-invisible-internally-displaced-women.pdf>).

[4] United Nations (UN). (Year of publication not mentioned). "*Women and girls should be at core of disaster risk reduction, UN human rights monitors told*". New York, USA: UN (Accessed on July 09, 2021 from: <https://news.un.org/en/story/2016/02/523272-women-and-girls-should-be-core-disaster-risk-reduction-un-human-rights-monitors>).

[5] Oxfam International. (2021). "*Gender justice and women's rights*". Nairobi: Kenya: Oxfam International (Accessed on July 09, 2021 from: <https://www.oxfam.org/en/what-we-do/issues/gender-justice-and-womens-rights>).

[6] Presentation by Carolyn Hannan, Director, United Nations Division for the Advancement of Women on "*United Nations efforts in promoting women's human rights*" at Conference on: "*Human Rights, An Endangered Concept: The United Nations and the Advancement of Human Rights*" (organized by the United Nations Association of USA, North Carolina at the North Carolina State University Campus on April 14, 2007, Saturday (Accessed on July 11, 2021 from: <https://www.un.org/womenwatch/daw//news/speech2007/North%20Carolina%20Womens%20Human%20Rights%20Conference%20April%202007%20rev.pdf>).

[7] Council of Europe. (Year of publication not mentioned). "*Barriers, Remedies and Good Practices for Women's Access to Justice in Five Eastern Partnership Countries*". Strasbourg, France: Council of Europe (Accessed on July 11, 2021 from: <https://rm.coe.int/16806b0f41>).

[8] Ministry of Women and Child Development, Government of India (GOI). (July, 2021). "*National Policy for the Empowerment of Women (2001)*". New Delhi, India: Ministry of Women and Child Development, GOI (Accessed on July 11, 2021 from: <https://wcd.nic.in/womendevelopment/national-policy-women-empowerment>).