

**Regional Consultation on the preparation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation (GR) on the protection of women's human rights in conflict and post-conflict context**

**Istanbul, Turkey, 11 May 2012**

The meeting was opened by Mrs **Zina Mounla**, UN Women ECA Geographical Chief (NY) and Mrs **Arbena Kuriu**, OHCHR Programme Specialist (Pristina). Both underlined the importance of CEDAW and its GRs in providing the State Parties with guidance to protect and promote women's human rights; highlighted links between mandates of their respective organizations and ongoing efforts of CEDAW Committee Working Group on GR on women in conflict and post-conflict situations; and expressed commitment of their organizations to provide continuous support to the process leading to adoption of the GR.

SG's Special Rapporteur for IDP', **Mr Chaloka Beyani**, took part in the consultations as an observer. In his speech he underscored importance of linking work of Special Rapporteurs with work of the CEDAW Committee, in order to ensure integration of a gender dimension in all reports to UN Treaty Bodies and the Special Procedures of the UN Human Rights Council. . His specific interest in the consultations was to collect first hand information and inputs from CSOs working with/for women in conflict situations, including those internally displaced. He expressed his commitment to reflect on women's experiences during conflict in his report on IDPs to be presented to the Human Rights Council in March 2013.

Chair of the CEDAW Committee Working Group **Mrs Pramila Patten** introduced the consultations – purpose and process. She highlighted the importance of the GR in providing guidance for State Parties in fulfilling their obligations to women's rights in conflict and post-conflict situations. She also pinpointed to the changing nature and diversity of conflicts which are no longer involving only armed groups. There are also an increased number of conflicts which are becoming protracted making a disproportionate impact on women and girls. The Chair further elaborated on women's multifaceted experience of conflicts: women in conflict and post-conflict situation do not present a homogeneous group and they are not necessarily only victims, but often active participants of conflict. Despite its negative nature, she said, conflicts should be also seen as an opportunity to empower women by giving tools and providing them with opportunities for active participation in conflict resolution and post-conflict reconstruction and decision making. The upcoming GR will build upon GR No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW which provided guidance on the continued obligations of States parties under the Convention in times of conflict. The Chairperson further stated that the Committee is tackling women's human rights in conflict and post-conflict

situations within four areas: (a) Violence against women, (b) Access to justice, (c) Participation, and (d) Empowerment.

Key focus of the consultations, she said, would be a diversity of conflicts in the region, roles of various actors in them and complexity of conflict impact on women and girls. In her view, despite the existence of relevant international legally binding frameworks, there has been need for CEDAW GR on women in conflict and post-conflict that would provide effective, practical and realistic guidance and will try to address the issue of applicability of CEDAW to non-State actors.

The Chair introduced a time-line, with the first draft of the GR expected to be ready in February 2013, offered for global discussion in July 2013, and aiming at adoption in July 2014 (at latest).

CEDAW Committee member **Feride Acar** underlined connections between CEDAW articles and GR recommendations related to the Council of Europe Convention on preventing and combating violence against women and domestic violence, and also reiterated that apart from negative impact of conflict on women and girls, the GR should also reflect on opportunities, especially after conflict and in conflict prevention.

CEDAW Committee member and a member of WG on GR on women in conflict and post-conflict situations Mrs. **Victoria Popescu** has focused on variety of conflicts in the region and their long-term impact on women. She highlighted the importance of formal and informal justice mechanisms in addressing human rights violations during conflicts. In addition, she stressed that transitional justice efforts should contribute to transformative justice in affected countries.

The consultations continued by **individual statements by representatives of women's organizations from Southeastern Europe and Central Asia**, who shared their experiences and provided inputs in the GR debate.

### **Bosnia and Herzegovina (BiH)**

A representative of NGO **Medica Zenica** pinpointed the fact that BiH suffers from its political complexity, where *critical laws at state level to address post-conflict situation (war 1992-95) do not exist* (such is, for example the law on survivors of violence during war) or are difficult to execute/ implement. She also pointed out that – as a result of war and a very complex post conflict situation – *trafficking in human beings* (women and girls at the first place) is widespread. BiH is perceived as a country of origin and destination, with increasing number of juvenile nationals (girls). A serious problem has been women's *access to justice and reparations*, especially for women and girls raped or exposed to other forms of sexual violence during war (in addition stigma, isolation, lack of specialized services, etc.). Furthermore, victims of torture who are experiencing trauma do not receive adequate support before, during and after trial. *Low participation in legislature* (parliaments) *and decision making* is, according to MZ to (partly) blame for slow pace in addressing post-conflict situation in BiH. She also underlined lack/

*insufficiency of programmes/ measures that would enable women – victims of war – to engage in gainful work and (partly) overcome their war experiences. NGO Zene Zenama (a roof organization for many grassroots in BiH) in addition mentioned existing ethnic divide exacerbated by war that has especially negative impact on Roma women and girls that lack adequate access to education, employment, services and justice. VESTA NGO has focused their analysis and recommendation mostly on economic opportunities and participation of rural women in Federation of BiH (one of the entities) that lead to circle of poverty and social exclusion.*

### **Kosovo (under UNSCR 1244)**

Three women'organizations in Kosovo (**Kosovo Women's Network, the Kosovar Center for Gender Studies and NGO Community Building Mitrovica**) provided a joint statement, in which they have pinpointed *lack of response (justice) to war crimes in Kosovo in 1998-1999 and during immediate post-war period, such as to rape and sexual violence, loss of livelihoods, ethnic threats, denied access to education for local population, denied access to health care, lack of psychological and other services for victims of war crimes, including women exposed to sexual violence and rape.* They have also criticized ICTY and UNMIK for not paying enough attention to war crimes related to rape and sexual violence in Kosovo and they expressed their expectations that the GR will also touch upon the accountability of UN peacekeeping missions that should adequately respond to/ reflect on their role and responsibilities in conflict and post-conflict situations.

### **Serbia**

The antimilitaristic feminist organization **Women in Black** expects that the GR will reflect on *implementation of UNSCR 1325 (and follow up resolution on women, peace and security) in post-conflict settings.* Based on their observations, 1325 is implemented in militaristic setting (focus on women in security sector), while other aspects of the Resolution are usually ignored (role of grass root women's organizations in building peace and security). They also have pointed out that mechanisms and processes of *transitional justice* such as lustration, reparations, rehabilitation and reintegration programs, ending impunity for WHR violations during war and in post-conflict deserve more attention when post-conflict states report to CEDAW Committee. They also request to ensure that *trainings for peacekeepers from post-conflict countries* should include dealing with their own past and experiences of women (in their own country) affected by conflict. They observe that inclusion of women in formal peace building process is still very low and GR should address this gap. The **Belgrade Centre for Security Policy**, a think tank are on contrary of an opinion that more women in security sector and stronger gender responsive trainings for *security sector staff* are needed to be highlighted in the GR.

### **Croatia**

A representative of **the Centre for Women war victims (ROSA)** talked about *women's constructive role during Balkan wars, their active involvement in peace and trust*

building local initiatives among ethnically divided Croatia/ Yugoslavia, which is currently forgotten and „excluded from social memory“. In her view lack of recognition and silenced or repressed memories on women’s suffering as well as positive roles during conflict has become one of the major obstacles in social reconciliation. She also underlined the fact that women’s have not been remedied and did not receive justice or legal status compared to other victims of war and veterans. There is *lack of specialized services* for victims of trauma and war rape, no financial compensation/ *reparations*, no support to *get job*, access to *housing*, adequate *health care* and *psychological support*. In **B.a.B.e’s** statement focus was on *failure of justice system to prosecute war time crimes* (sexual crimes, rape camps) and provide appropriate reparations to women exposed to sexual violence during war. They asked the state to develop a *comprehensive strategy* to ensure that survivors of war crimes will receive reparations, including pensions, and assistance to access gainful jobs and adequate health care.

### **Montenegro**

A representative of NGO **Anima** echoed women’s experiences from other ex-Yugoslavia countries. She has highlighted *slow response of formal justice system* to war crimes, poor cooperation among prosecutors, judges and police and bad practice in *victimizing victims during trials*.

### **F.Y.R. Macedonia**

There is limited number of women’s NGOs in FYR Macedonia that would explicitly focus on women, peace and security agenda. Yet, there exist some at a local level. A representative of **Organization of Women of Municipality of Sveti Nikole** focused in her statement on the importance of women’s participation in decision making and in the development of security policies (including mediation) as an important factor of *conflict prevention*. She has referred to a short interethnic conflict in FYR Macedonia in 2001 and also to the recent ethnically motivated clashes between Albanian and Macedonian youth.

*Specific comments on the former Yugoslavia context:*

*There was a very low number of cases prosecuted for rape and and sexual violence; The importance of establishing cross-national truth seeking mechanisms across the former Yugoslavia territories; In addition, the importance for state-funded transitional justice mechanisms is of utmost importance because practice showed that mainly the civil society sector was concerned with the issue; Participation of women in transitional justice as well as peace negotiations, peace-making, and peace-building processes is an absolute imperative.*

### **Turkey**

Two important NGOs from Turkey, **KAMER** and **AMARGI** took part in the consultation process. An ongoing conflict between the Turkish state and the Kurdish armed forces in Eastern and Southeastern Anatolia regions have in past decades exposed women and girls to sexual harassment and rape, forced evacuation and internal displacement, poverty and starvation, deprived them from access to education, paid jobs, health care and other services. As a direct result of continuous conflict, increase of

domestic violence has been reaching alarming levels. In absence of proper structures to tackle these challenges/ problems the only mechanisms *helping women are grassroots organizations* that, in NGOs opinion, have to be supported, recognized and heard – as reliable source of information on women’s need in conflict situations as well as inevitable service providers. Turkey NGO representatives recommended that the GR should be clear about the concept of ‘gender’ and should include a definition of ‘equality’. In addition, it should contain special provisions for disabled women and rural women. Special attention should be given to women’s sexual and reproductive rights within the scope of the GR. Access to justice in conflict and post-conflict situations should be prioritized and gender sensitive interrogation measures should be encouraged. Women’s role as combatant and non-combatant needs to be recognized.

### **Armenia**

A representative of NGO, Ms. Natalia Martirosyan shared her concerns about persistent and increasing cases of ceasefire violation in the Nagorno-Karabakh conflict which greatly affects women and children living in border areas. She highlighted that it is important to include women’s issues into the agendas of formal peace talks mandatory to every peace/ceasefire agreement. Ms. Martirosyan told about the danger of so-called "frozen conflicts" and highlighted the importance of involving women in conflict zones, and consideration of their interests, regardless of the status of the territories according to the UN SCR 1325.

### **Azerbaijan**

A representative of NGO Ms. Rena Ibragimbekova pinpointed the fact that nearly one million civilians which constitute 1/8 of the population of Azerbaijan are refugees and IDPs; most of them are women, children and elderly. Despite the UN Security Council Resolutions which express grave concern about displacement of a large number of civilians, and despite efforts by different international organizations including the OSCE Minsk group, the armed conflict in Azerbaijan remains unresolved; consequences of the occupation continue to negatively affect the IDPs and refugees who had already gone through all types of violence starting from physical abuse to full economic loss. In addition, there is a clear pattern in increase of domestic violence as a consequence of conflicts. Ms. Ibragimbekova noted that according to the international experience (particularly, 12 CoE principles), preventing and combating violence should be based on the concept of general and comprehensive personal and public safety; the principles of sustainability and priority of preventive measures; the bilateral approach (work with both victims and perpetrators of violence); the professionalization and improvement of assistance provision; the policy of interdisciplinary and cross-country studies; the usage of international criteria and institutions for assisting States Parties, upon request, in the prevention and combating all forms of violence; and the systematic monitoring and evaluation of the situation, using special indicators.

### **Georgia**

A chair person of the IDP Women Association "Consent", Ms. Julia Kharashvili pinpointed the fact that there are over 260 000 IDPs in Georgia, the majority of whom are women. She noted that it is very important to encourage states parties to make a clause on women's inclusion in formal peace processes, to elaborate a mechanism for inclusion of women's issues in the agendas of formal peace talks, and to encourage states parties to involve women public officials in the country delegations to formal peace talks. She noted that thanks to the efforts of UN Women, civil activists and Parliamentary GEC in Georgia there are 4 women involved into Geneva Talks, but there is not a single woman among international mediators which makes it more difficult to bring women's voice to official negotiations. Ms. Kharashvili also highlighted the importance of local women's initiatives for peace, and the necessity to support them. In conclusion, Ms. Kharashvili reminded that Georgia adopted the NAP on implementation of the UN SCR 1325 and highlighted the government's commitment to provide financial support.

### **Kyrgyzstan**

A representative of the **National Security Committee** of Kyrgyzstan, Ms. Gulsara Alieva pinpointed that creation of favorable conditions for full and equal participation of women in the process of development of the country's security policy documents at all levels of decision-making is one of the mechanisms of ensuring gender aspects in security and taking into account special needs of women and girls. She also noted that states should take measures to increase capacity of security and law enforcement agencies as well as the judicial system to effectively prevent and respond to violence against women and provide victims of sexual violence with full access to justice. Strengthening the role of women staff of law enforcement agencies as well as creation of the specialized units to combat violence against women should be considered by States as one of the most effective security strategies.

### **Moldova**

A representative of NGO Promo-LEX Association, Ms. Olga Manole reminded that Moldova has marked 20 years since the armed conflict in the Transnistrian region which has become a "vacuum" territory where human rights are totally disregarded and the "frozen conflict" status has a "freezing" effect on the development of women's rights in the region. Ms Manole highlighted that it would be beneficial if the GR could provide an interpretation on the issue of women's human rights accountability in such situations that can last for very long period of time. Ms. Manole noted that while Moldova is gradually aligning its legislation to international human rights standards in relation to women's rights, the Transnistrian region continues to operate with a soviet type "legislation" which lacks definitions of "domestic violence", "sexual harassment", etc. Moreover, in the region, domestic violence is still perceived as a private matter rather than a social problem and a human rights violation whereas one in four women in the region is subject to domestic violence. It is also important for women to have greater representation in formal negotiations format 5+2 on conflict resolution. Parties to negotiations must include women in all phases of conflict resolution so that women are equally represented and have their say in a decision making process. It is also important to increase women's capacity building in participating in conflict prevention and resolution.

## Tajikistan

Director of the **Women's Peace Corp** of Tajikistan, Ms. Musaeva highlighted that participation and contribution of women to peacebuilding after the civil confrontation in the 1990s made Tajikistan experience in achieving national reconciliation and consent unique and successful. However there are many other unresolved problems in Tajikistan such as “feminization of poverty”, high maternal and infant mortality rates, increasing number of divorces and early marriages, problems with migrants’ families, violence against women, and underrepresentation of women in the political life of the country. Ms. Dilbar Turakhanova representing **Human Rights Centre** of Tajikistan stated that access of women and girls to justice in cases of GBV and SGBV raises particular concerns among NGOs working in the area of access to justice and protection of human rights. Gaps in Tajik criminal procedural legislation, weak judiciary, corruption, poor gender mainstreaming in security sector, neglect of violation of women’s rights during the conflict, lack of effective legal remedies and reparation mechanisms limit women’s access to justice and create the sense of impunity for perpetrators not only in the times of conflict, but in post-conflict times. Ms. Musaeva stressed that the GR should include guidance on access to justice including legal aid, remedies and reparations. In addition she highlighted the importance of including violence against women in peace agreements. She also emphasized the issue of UN’s accountability on women’s human rights.

*Participants from Eastern Europe and Central Asia shared their inputs for the new General Recommendation in written prior to the meeting.*



Summary of  
recommendations for