**Report on promoting and protecting the human rights of women and girls in**

**conflict and post-conflict situations on the occasion of the twentieth anniversary of**

**Security Council resolution 1325 (2000)**

Australia welcomes the opportunity to provide a submission in response to Human Rights Council (HRC) resolution 45/28. Our input is intended to assist the Office of the United Nations (UN) High Commissioner for Human Rights to prepare an analytical report on the ‘mainstreaming of the human rights of women and girls in conflict and post-conflict situations in the work of the Council’, to be submitted to the HRC at its forty-eighth session.

***Q1:******How does the*** ***work of the Human Rights Council and its mechanisms mainstream gender equality and the human rights of women and girls in displacement, conflict, and post conflict situations?***

Australia is committed to working with the international community to advance the rights of women and girls throughout the world. Australia actively supports the work of the HRC in mainstreaming gender equality and the rights of women and girls in displacement, conflict, and post conflict situations, through our steadfast support of the following mechanisms:

1. ***Legal and normative frameworks, policies and programmes to ensure the respect of the human rights of women in conflict prevention, conflict and post conflict, including participation in decision-making, the right to education, health, and to live free from violence and discrimination. Please provide information on the implementation of the UN Security Council agenda on women, peace and security (1325 and others)?***

As the main inter-governmental body within the UN system responsible for the promotion and protection of all human rights around the globe, the HRC has a responsibility to demonstrate leadership by establishing institutional norms that promote gender equality and support diversity. This requires accountability, transparency, tackling bias, and challenging gender norms and stereotypes. Australia defends international norms and standards on gender equality through our HRC engagement, at a time when these standards are increasingly being challenged. We have co-sponsored HRC resolutions on promoting and protecting the rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325(2000) (HRC45); elimination of discrimination against women (HRC44, HRC41, HRC38); elimination of female genital mutilation (HRC44, HRC38); trafficking in persons, especially women and children (HRC44, HRC35).

We continue to make statements at the HRC promoting and protecting the rights of women and girls in conflict and post-conflict situations. This year alone, Australia has already made statements during the Item 4 General Debate, 12 March 2021; the Interactive Dialogue on the Oral Update of the Group of Eminent Experts on Yemen, 25 February 2021; the Thematic Meeting on the Role of Poverty Alleviation, 26 February 2021; the Interactive Dialogue with the Special Rapporteur on the Sale and Sexual Exploitation of Children, 3 March 2021; the Clustered Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders, 3 March 2021; the Interactive dialogue with Special Rapporteur on Iran, 10 March 2021; the Interactive dialogue with Special Rapporteur on the situation in Myanmar, 10 March 2021; and we joined the statement for the Interactive Dialogue with the Special Representative of the Secretary-General for Children and Armed Conflict, 9 March 2021.

**Resolution 45/28:** The year 2020 marked the 20-year anniversary of *Security Council Resolution 1325* (UNSCR 1325). It coincided with one of the most profound challenges for the world - the COVID-19 pandemic. The pandemic has had an unprecedented impact, exacerbating pre-existing inequalities, in particular for women and girls facing multiple and intersecting forms of discrimination. Rapid research, localised accounts, and global responses to the pandemic have demonstrated the importance of the women, peace and security (WPS) agenda and highlighted the risks to WPS civil society organisations (CSO) and individuals. The HRC’s efforts to mainstream the rights of women and girls in conflict and post conflict situations in the work of the Council, particularly through resolution 45/28, have been integral to ensuring implementation of the WPS agenda as a cross cutting issue.

**Convention on the Elimination of All Forms of Discrimination against Women**: *The Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) General Recommendation No. 30 supports signatory States to meet their obligations under the convention before, during and after conflict, and supports and reinforces relevant UN Security Council resolutions, including UNSCR 1325. This is an established normative framework that the HRC and its mechanisms, can leverage to mainstream and ensure accountability for women and girl’s human rights in conflict and post-conflict settings. Australia is pleased to have been elected to the CEDAW Committee for a 2021-2024 term, the only representative from Oceania, as a sign of our commitment to promoting gender equality and women’s empowerment.

**Convention on the Rights of Persons with Disabilities**: The *Convention on the Rights of Persons with Disabilities* (CRPD) requires signatory States to recognise the particular situation of women and children with disability. States are to take measures to ensure the full development, advancement, and empowerment of women with disabilities. The CRPD specifically recognises the intersection between gender and disability and identifies that multiple forms of discrimination faced by women with disabilities, are not necessarily experienced as a homogenous group but, “rather, as individuals with multidimensional layers of identities”. The CRPD is an established normative framework that, like CEDAW, can be leveraged to mainstream and ensure accountability for the rights of women and girl’s, including in conflict and post-conflict settings.

***b. Role of women’s groups, women human rights defenders, women humanitarian, women peacebuilders and girls; and, their meaningful participation in the prevention and resolution of conflicts and in peace building, confidence building, and economic recovery?*** The participation of civil society (CSOs) and National Human Rights institutions (NHRIs) in the HRC, as expressly guaranteed in *General Assembly Res. 60/251*, is fundamental in fostering an effective culture of accountability and ensuring strong representation and meaningful participation from women’s groups and women human rights defenders in the ongoing work of the HRC on the WPS agenda. Participation by CSOs adds value and ballast to international discussions, vital on-the-ground knowledge of challenging human rights situations, important expertise, and alternative perspectives on human rights policy and debate. Australia funds CSOs and NHRIs through our development program, including the Gender Equality Fund, in recognition of their work

***c. Prevention measures in place, guided by lessons learned to alert on crises, which might have a negative impact on the rights of women and girls?*** Australia sees the work of the High Commissioner, her office, and the activities of the UN Special Procedure mandate holders as playing an essential prevention role in identifying, highlighting, and developing responses to human rights challenges, in close collaboration with governments, the UN system and civil society. OHCHR has a crucial role within the UN System at country level to guide States towards the full implementation of their obligations under international human rights law. We know that human rights violations and abuses often stem from early identifiable identity-based triggers, such as hate speech, stigmatisation, racism, sexual and gender-based violence, and incitement to violence. UN member states are able to utilize updates and information produced by OHCHR and independent experts to assist in identifying warning signs of situations at risk, engage with the concerned country and the wider international community, on effective strategies to protect populations from atrocities.

Australia has participated in Responsibility to Protect annual debates in the UN General Assembly since their inception in 2009. We are funding UN Women to deliver activities focused on prevention, essential services and support for local women’s organisations to end violence against women and girls, particularly in response to the intensification of gender-based violence during and following the COVID-19 crisis. We are also contributing to kNOwVAWdata to strengthen regional and national capacity to measure violence against women. We have funded the Ending Violence is our Business: Workplace responses to intimate partner violence in Asia and the Pacific in 2019, which explored case studies from a range of private sector organisations to highlight seven areas for action to address intimate partner violence within the workplace and broader community.

***d. Measures of accountability implemented or planned to protect and provide remedies to women and girls victims and survivors of human rights violations, including genderbased violence, during and after conflicts by State and non-state actors?***
Australia acknowledges the importance of reports and oral updates by the High Commissioner and the role these play in garnishing international attention and accountability on issues or situations of concern. In particular, we note the High Commissioner’s work over the past year, in bringing to international attention the ongoing serious human rights violations and abuses that are occurring within the context of the devastating impact of the COVID-19 pandemic on vulnerable populations around the world.

Australia also emphasises the important function of the Council’s Universal Periodic Review (UPR) mechanism, which provides for regular consideration of the human rights records of all UN Member States. As the only universal mechanism to regularly review a State’s fulfilment of their human rights obligations, Australia believes the UPR can be better harnessed to consider the gendered aspects of human rights concerns in conflict and post conflict settings, and to address structural inequalities and discrimination, which continue to accelerate the pandemic's impact.

***e. Remedies and lifesaving services available to victims of conflict-related violence, measures taken to ensure accessibility to those remedies and services by all women and girls?***

***Q2: What are the promising practices, achievements, and challenges in ensuring the promotion and protection of women and girls in conflict and post-conflict settings that have been highlighted in the work of the Human Rights Council and its mechanisms (resolutions, UPR, Special procedures, and investigative bodies)?*** Gender equality is front-and-centre of Australia’s engagement across multilateral forums, including the HRC. Our work on gender equality is key to our support in implementing the Secretary-General’s Call to Action for Human Rights and mainstreaming human rights within the UN system. Gender equality was one of the five key pillars for Australia’s HRC membership [2018-2020], on which we made over 100 statements throughout our term. We delivered national statements which draw the critical link between gender equality and broader issues, including accountability for women and girls in humanitarian settings; trafficking in persons, especially women and girls; combatting violence against women journalists; protections for women in the conflict settings such as Syria, Myanmar, Burundi and for Rohingya populations.

Australia commends the Council for the adoption of historic resolution 45/28 and the formal noting of UNSCR 1325 by the HRC, despite the challenging nature of negotiations and hesitation by some member states to acknowledge the work of the Security Council within another UN forum. WPS is a cross cutting issue, as demonstrated by the complementary nature of CEDAW General Recommendation 30 and UNSCR 1325. Enhancing the existing work of the HRC and its mechanism, such as CEDAW, on WPS issues is a vital step in sustainably mainstreaming gender equality in the Council’s work. Australia is committed to the implementation of the WPS agenda by working to promote and advocate for international norms and standards, targeting support under Australia’s development program, and continuing with leadership and accountability efforts.

Australia’s Humanitarian Packages in response to conflict and post-conflict settings in Bangladesh, Myanmar, Syria, Lebanon, Jordan and Iraq continue to contribute to the protection and promotion of the human rights and leadership of women and girls in conflict, crisis and humanitarian settings. Comprehensive assistance includes support for protection services, sexual and reproductive health services, gender-based violence services, and education and skills development for women and girls.

For example, in Bangladesh Australia has been providing lifesaving humanitarian assistance for Rohingya refugees and impacted host communities since August 2017, including targeted assistance for women and girls. We are working in partnership with the United Nations Population Fund (UNFPA) supporting Gender Based Violence (GBV) and sexual and reproductive health (SRH) services being delivered in Women Friendly Spaces in Cox’s Bazar, and supporting UN Women’s work in providing gender technical advice, advocacy, analysis and capacity development to ensure gender equality commitments are central to COVID-19 preparedness and response in Cox’s Bazar. The Australian Humanitarian Partnership (AHP) includes the promotion of equal access to health, education and protection services for women and girls in Cox's Bazar through a number of consortium partners e.g. Save the Children’s education services for girls and adolescents in Cox Bazar.

Australia’s humanitarian support in response to the Syrian crisis prioritises protecting and empowering women. For example, in partnership with UN Women, Australia provided livelihoods opportunities to Syrian refugee women in Jordan, enhancing resilience and positively reshaping gender roles. In Lebanon, Australia’s work with Plan International and International Medical Corps helps address gender-based violence affecting Syrian and Lebanese communities, strengthening response services and preventative measures. Australia also supports Caritas in Lebanon to provide protection services including shelter, for violence affected and displaced women and children. Australia’s support to UNFPA in Syria helped prevent and respond to GBV, including through the operation of women and girls’ safe spaces, and to provide maternal and reproductive health services.

**Challenges:** Sexual and gender-based violence is the most extreme form of gender discrimination. By mandating the investigation and documentation of gender-based crimes in several conflicts, the HRC has discharged its responsibility in a pioneering fashion. As a result, atrocities committed against women and girls are now more documented than ever before in history, and this has eroded the culture of silence and impunity that compounds these crimes. But we still need to advance in putting in place effective instruments that address individual human rights violations and enhance accountability as a key element.

Australia encourages the HRC to identify additional measures aimed at promoting Sustainable Development Goal 5 on gender equality and Goal 16 on the promotion of peaceful, just and inclusive societies for sustainable development of the 2030 Agenda, as well as to contribute to implement the resolutions that constitute the WPS agenda. In particular, the Council should affirm the fundamental importance of the role of women in protection against Human Rights abuses and violations. Another important chapter is that of empowerment and education of women and girls, as well as the necessity of mainstreaming of gender and women’s participation in multilateral diplomacy, the United Nations, Regional Organizations, and Development Agencies. We must collectively do a lot more to translate the recommendations of human rights mechanisms, Special Procedures, Treaty Bodies, and the UPR into real change for women and girls in conflict and post-conflict situations.

Australia is a firm supporter of human rights defenders, and acknowledges the work of women defenders who consistently engage in advocacy despite the deeply rooted stereotypes, and systemic power imbalances that make them more vulnerable to reprisals. Women defenders continue to lead in long-standing international movements seeking truth, accountability and reparations for war crimes and crimes against humanity. They also relentlessly advocate for equal participation in peace negotiations and post-conflict processes and for the effective implementation of the WPS agenda.

Australia applauds the increased attention this issue has received in recent years, with UN Treaty Bodies working to address the situation of defenders in conflict and post-conflict settings, including when reviewing States’ compliance with their international obligations; work by Commissions of Inquiry and fact-finding missions calling for greater attention to be paid to defenders who have been identified as being among the most exposed to violations in certain contexts; and in-depth thematic reporting by OHCHR. However, we remain gravely concerned by reports from OHCHR and the Special Procedures’, of on the increasing rates of enforced disappearances, torture, arbitrary detention, acid attacks, sexual violence, and intimidation and killing of women defenders. We encourage more action in this space to tackle impunity and develop practical, on the ground, support and accountability mechanisms to better protect CSOs, human rights defenders, and whistle-blowers from violence, intimidation and reprisals. We would like to see developments in early warning mechanisms and accessible, affordable and holistic protection programmes. Australia also encourages the Council to continue active dialogue with CSOs, including those formally involved with the Council, when developing these measures.

The multilateral system allows us to address collective global issues beyond any one State’s means of control. However, without the voices of women, we only hear half the story. A robust and effective multilateral system requires the equal status and full participation of women and girls. There is strong evidence that diversity among decision-makers leads to better outcomes for human rights, conflict resolution, peacebuilding, and social and economic development. The barriers to women’s participation are often invisible, underpinned by gender stereotypes, cultural practices and longstanding structural, social and economic inequalities. Dismantling such barriers requires strong policy commitments and a willingness to challenge the status quo. Australia actively works to dismantle barriers to women’s participation. The creation of Australia’s global Ambassador for Women and Girls position, which has evolved into the Ambassador for Gender Equality, seeks to place a particular focus on the experience of women and girls and actively promote their voices across multilateral, regional and bilateral for a- including advocating for women and girls’ meaningful participation and leadership in responding to the COVID-19 pandemic.

We are pleased that this year’s Commission on the Status of Women’s priority theme was women's full and effective participation and decision-making in public life. The only effective recovery from the pandemic is a gender-responsive recovery – Australia emphasised this through our side event with young women across the Pacific – from Tonga, Samoa and Australia – and World YWCA which called on the region to draw on the skills of all to build back better. In this spirit, we also commend the organization of the Generation Equality Forum this year, convened by UN-Women and co-chaired by France and Mexico. Australia will continue to push for the HRC mechanism and states to work together to ensure the full, equal and meaningful participation of women at all levels of decision making.
 ***Q3: What measures would you recommend to help ensure sustainable, comprehensive, and consistent attention to gender equality and the human rights of women in conflict and post conflict settings in the work of the Human Rights Council and its mechanisms, such as resolutions, UPR recommendations, Special procedures country visit reports, and the work of investigative bodies?*** The integration of the WPS agenda within the Council is a strong acknowledgment that WPS is a cross cutting issue. This awareness and action must continue throughout the Council’s work in order to ensure the human rights of women and girls in conflict and post conflict settings and build on the strong foundation set in HRC resolution 45/28. The Geneva-based human rights mechanisms – including Special Procedures, the UPR and Treaty Bodies – can contribute to strengthening atrocity prevention and response. HRC-mandated investigative mechanisms are not only vital for accountability for past atrocities but may also have a deterrent effect on the future commission of atrocity crimes. Through the work of these mechanisms, governments can identify gaps and challenges in their domestic atrocity prevention efforts and develop strategies to strengthen national resilience. We must however, become better at utilizing the vast information that is at our hand to respond to early warning signs and prevent atrocities before they occur.

Australia would like to see the Council continue to build awareness of and encourage action on the rights of women and girls in conflict and post conflict settings by consistently integrating the WPS agenda through all its mechanisms. We encourage the Council to systematise gender provisions including through specific references to the rights of women and girls in any Special Procedure country reports or directions to investigative bodies. We recommend integrating gender equality into all humanitarian programs in conflict and post-conflict settings, with specific attention to Gender based violence and SRHR and encourage states to include gender specific recommendations as part of their UPR engagement strategies.

Human rights accountability goes beyond criminal justice and includes principles of participation, transparency, empowerment, sustainability, international assistance and non-discrimination. It enables a survivor-focused approach and puts women and girls themselves at the centre of all interventions, emphasizing their agency. All humanitarian actors must foster change and accountability to ensure that every humanitarian effort prevents and mitigates gender based violence risks, especially violence against women and girls. As a founding member of the Call to Action on Protection from Gender Based Violence in Emergencies, Australia amplifies the Call to Action’s efforts to accelerate gender equality and to challenge and transform the way gender based violence is addressed in humanitarian settings. Call to Action partners highlight the following essential elements of humanitarian responses:

* + Specialised GBV services for survivors accessible to anyone affected by GBV and are in place from the onset of an emergency.
	+ Integrate and implement actions to prevent GBV and mitigate GBV risks across all levels and sectors of humanitarian response from the earliest stages of an emergency and throughout the program cycle.
	+ Mainstream gender equality and the empowerment of women and girls throughout humanitarian action.

Fostering gender-responsive humanitarian assistance contributes to sustainable solutions, builds the resilience of communities, and draws on the multiple strengths and capacities of women and girls. Australia urges the HRC to incorporate and mainstream the issue of accountability for human rights violations and abuses, against women and girls in humanitarian settings in its agenda and to address structural inequalities by including conflict, gender, and age analysis in its work in humanitarian settings, including in the mandates of Commissions of Inquiry and fact-finding missions.