

§3.2.i Women and Women's Rights

Women and women's rights issues are applicable to both R2P and POC. As well as the significance of the basic legal documents of IHL and IHRL, the importance of women's rights and empowerment with special respect to issues of peace, security, armed conflict and other situations of violence are reflected in:

- » Security Council Resolutions, including S/RES/1325 (2000); S/RES/1820 (2008); S/RES/1888 (2009); S/RES/1889.
- » The World Summit Outcome Document 2005, esp. paras 58-59, 116, 128.
- » General Assembly Resolutions; e.g. A/RES/49/205 (1995) on *Rape and abuse of women in the areas of armed conflict in the former Yugoslavia*.
- » The *Convention on the Elimination of All Forms of Discrimination against Women* of 1979 and the *Optional Protocol* of 1999.
- » The presence of sexual and sex-based crimes (including those of exclusive application to women, such as forced pregnancy) in the atrocity crimes listed by the *Rome Statute of the ICC* as War Crimes and Crimes against Humanity,⁹⁸ and of persecution on the basis of gender as a Crime against Humanity.⁹⁹

There are two broad (though inter-related) areas of significance arising from these documents.

Women as victims in situations of violence: In situations of armed conflict and violence, with the breakdown of traditional indigenous institutions of protection, women are especially vulnerable to physical violence and sex-based crimes. Some of these threats are specifically directed at women, including forced pregnancy, social ostracism of raped women and human trafficking in women. These violations can occur in

different contexts to other violence in situations of unrest, and can persist after the cessation of hostilities. For this reason, such threats can require different approaches and solutions by local and international protection actors. Women are vulnerable to:

Violence and coercion from local actors – including not only enemy armed forces and militia, regular state military and opportunistic criminal elements, but also from within the local community itself – such as from fellow members of IDP or refugee camps.

Violence and coercion from international actors – including peacekeepers and international police units, as well as intervening forces from foreign states.

Women as agents of protection in situations of violence: Women's engagement in civil society, political processes, peace initiatives and the development of peacebuilding capacities is increasingly recognised as vital not only for ensuring the proper protection of women and their rights, but also for the sustainable resolution of the larger conflict itself. Women play a key role as agents for change, stability, peace and development. Women are required both as:

Local agents. Experience has shown that the proper protection of women requires the involvement of those women. Effective long-term protection of rights and security cannot be grafted onto women who do not see themselves as rights-holders, and who do not play an active role in protection processes and institutions.

International agents: As well as offering their own perspectives and insights on matters on violence and peace, women peacekeepers and police officers are often better placed to engage with local women who are at risk or are already victims of sexual crimes.

UNSC Res. 1888 (2009)

“Welcoming the inclusion of women in peacekeeping missions in civil, military and police functions, and recognizing that women and children affected by armed conflict may feel more secure working with and reporting abuse to women in peacekeeping missions, and that the presence of women peacekeepers may encourage local women to participate in the national armed and security forces, thereby helping to build a security sector that is accessible and responsive to all, especially women...”

UNSC Res. 1889 (2009)

“Noting that women in situations of armed conflict and post-conflict situations continue to be often considered as victims and not as actors in addressing and resolving situations of armed conflict and stressing the need to focus not only on protection of women but also on their empowerment in peacebuilding...”

98 Art 7, 1(g); Art 8, 2(b)-2(e).

99 Art. 7, 1(h).