

***Policy Briefing on the CEDAW General Recommendation
on Women in Conflict and Post-conflict Situations
Permanent Mission of Switzerland to the UN; July 24, 2012***

**The Added Value of the CEDAW General Recommendation
on Women in Conflict and Post-conflict Situations to
Women, Peace and Security Policy Advocacy
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Thank you to His Excellency Ambassador Paul Seger for the introduction and to the Permanent Mission of Switzerland to the UN for co-sponsoring this policy briefing on the CEDAW General Recommendation (GR) on Women in Conflict and Post-conflict Situations. Special thanks to Ms. Pramila Patten and the members of the CEDAW Working Group on the General Recommendation on Women in Conflict and Post-conflict Situations and to all of you for joining us this afternoon.

The past decade has demonstrated rapid developments in international law that addresses women and peace and security issues. The UN Security Council Resolution 1325 on women, peace and Security, the landmark international legal framework addresses not only the disproportionate impact of war on women, but also the pivotal role women should and do play in conflict management, conflict resolution and peacebuilding. Since the adoption of UNSCR 1325 in October 2000, the Security Council has passed four additional resolutions on women and peace and security, namely UNSCR 1820 (June 2008); UNSCR 1888 (September 2009); UNSCR 1889 (October 2009); and UNSCR 1960 (December 2010). These resolutions cover a broad range of mechanisms related to improving the status of women in conflict affected communities, including preventing sexual violence, prosecution of perpetrators of sexual violence, developing indicators to measure progress on implementation of UNSCR 1325, strengthening the UN's commitment to engage women in peace negotiations; in governance and financing of post conflict recovery; and in peacebuilding initiatives, establishing monitoring, analysis and reporting arrangements on conflict-related sexual violence, and the yearly publication of a list of armed groups that target women for sexual abuse.

However, these resolutions do not include systematic mechanism for monitoring implementation so as to ensure accountability as well as their full and effective implementation. To address this gap, the Security Council under SCR 1889 requested the UN Secretary-General to submit a set of indicators for use at the global level to track implementation of UNSCR 1325, which could serve as a common basis for reporting by relevant United Nations entities, other international and regional organizations, and Member States, on the implementation of UNSCR 1325.

The indicators were subsequently presented to the Security Council in April 2010. The use of the indicators is voluntary and so far no Member State has volunteered to report using the indicators presented by the UN Secretary-General. The only monitoring that is being done on a systematic and regular basis is that of civil society. Our organization, the Global Network of Women Peacebuilders (GNWP) has been monitoring the implementation of 1325 since 2010. We are

now on our 3rd year of monitoring and while we have noted some gains in implementation, there are persistent gaps and a lot more needs to be done in order to see positive impacts of the resolutions particularly on those who are meant to benefit from them—women in local communities directly affected by the violent conflicts.

CEDAW and UNSCR 1325, 1820 and the supporting Women, Peace and Security Resolutions

In light of this reality, GNWP in partnership with a number of other civil society groups and academic institutions including the International Women's Rights Action Watch – Asia-Pacific, Women's International League for Peace and Freedom, the Sri Lanka Women and Media Collective and the University of California Berkeley Law School have been engaging with the CEDAW committee and providing support and contributing critical information as they work to adopt a GR on Women in Conflict and Post-conflict Situations. The GR brings several added values to women, peace and security policy advocacy and programming.

The CEDAW reporting mechanism recognizes the importance of civil society contributions. The revised Rules of Procedure adopted by the CEDAW Committee in January 2001 includes specific mention of the role of NGOs, thus giving more legitimacy to the presence of NGOs during review of state party reports. This was further reinforced in a recent meeting of Chairpersons of the treaty bodies where it was reiterated that a central practice of all treaty bodies is the legitimate and universally recognized role of NGOs in the treaty body implementation process.

One of the key features of the CEDAW reporting procedures is the NGO shadow reporting that allows for the presentation of civil society perspective on a broad range of women's rights and gender equality issues. It should also be noted that the CEDAW Committee reviews States even in absence of a State report. In such situations, NGO shadow reports become absolutely critical in providing the CEDAW Committee with information that would be useful in the review of the State. The CEDAW Committee also holds informal consultation meetings with civil society groups to obtain and clarify country-specific information.

On the ground, there is a strong ownership of CEDAW. In many countries, women's groups have formed CEDAW Watch or CEDAW monitoring groups that are not only active in preparing shadow reports but also in monitoring the enforcement and response to the CEDAW committee's concluding comments and recommendations. This illustrates that there are constituencies of women at the national level that use CEDAW to invoke their rights and push for national level action by their governments.

Another potential added value of the CEDAW GR on Women in Conflict and Post-conflict Situations is the recognition of the dynamics of diverse conflict and impact on women and girls. The ongoing discussions on the GR have pointed out that in reality the scope of conflict that needed to be acknowledged is much wider than provided for currently. There is a need to acknowledge the diversity of conflicts, the continuum of conflict (imminent, protracted conflict, transition and post-conflict), the range of actors involved (State, non-state, the armed forces and

other members of the security sector, private security contractors, private militia, transnational corporations such as those engaged in extractive industries) and the various ways that such diversity might impact different groups of women. Issues of extra-territoriality are also being raised in discussions on the GR along with concerns that the invocation of customary laws are potentially discriminatory and not transformative for women. The GR will also provide more clarity on State accountability for prevention of specific violations and promotion of human rights and security. This follows from its most recent GR on State obligation where it was clarified that the role of the State Party to protect women continues even after conflict.

CEDAW and the SC resolutions are founded on common principles and standards of women's rights. They demand that equality between women and men are reflected in laws and policies and that these laws and policies result in substantive equality and social justice for women. They call for the elimination of violence against women and recognize that States need to rigorously address the distinctive burden of systematic and historical discrimination to ensure an equal playing field for women. They demand women's participation in decision making at all levels in all fields and require that women's experiences, needs and perspectives are incorporated into the political, legal and social decisions that determine the achievement of just and lasting peace.

Thus another added value of the CEDAW review process and the GR to the 1325 and 1820 resolutions is that the CEDAW system will provide a framework for monitoring, reviewing and drawing accountability from States and non-state actors for violations of women's human rights during and after conflict. The CEDAW system provides the opportunity to seek effective action based on its timelines for reporting, capacity for highlighting and fast-tracking specific priority issues through its new Concluding Observations follow-up procedure.

Moreover, the CEDAW GR discussions also stress that the Security Council Resolutions do not exist in a legal vacuum. They are part of the legal framework of international humanitarian law and human rights law. There is a need to situate SCR 1325, 1820 and the other women, peace and security resolutions within this broader legal context. There is a need to define the synergy between the women, peace and security resolutions and CEDAW.

The CEDAW GR proposes to expand the definition of actors in relation to conflict and post conflict, and intend to expand the State obligation as explained by the Committee in its GR 28 on Art 2, to include extra-territorial accountability of donor States, inter-governmental and international development organizations, bi-lateral agencies and financial institutions like the World Bank, the International Monetary Fund and regional development banks as well as non-state and private actors like militia, private armed forces, private security contractors and transnational corporations. The CEDAW Committee is expected to monitor the integration of gender equality through implementation of UNSCR 1325 and 1820. We request the CEDAW Committee to consider specific reporting by these agencies and State parties on how CEDAW framework is applied to fulfill their obligations under the Security Council Resolutions and in projects and programs that they fund towards effective implementation of UNSCR 1325, 1820 and the supporting resolutions. It is our hope that the CEDAW Committee will mandate all State parties in their periodic reporting to include a separate section on the UN Security Council

Resolutions and their implementation, and provide evidence-based rationale for delay in adoption of National Action Plans on UNSCR 1325 and 1820 based on CEDAW framework.

CEDAW, which is also referred to as The International Bill of Women's Rights is a treaty body that has achieved nearly universal ratification with a total of 187 State Parties. Thus, it can serve as an exceptionally powerful mechanism that compels States Parties to comply with the three-fold obligation to respect, protect and fulfill women's human rights, including the implementation of international legal mechanisms such as UNSCR 1325 and 1820.