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SPECIFIC HUMAN RIGHTS ISSUES

**Systematic rape, sexual slavery and slavery-like practices
during armed conflicts**

Report of the United Nations High Commissioner for Human Rights

Summary

The present report refers to new developments in the activities of treaty monitoring bodies and of human rights mechanisms and in international criminal, human rights and humanitarian law on the issue of systematic rape, sexual slavery and slavery-like practices in situations of armed conflict.

During situations of armed conflict, attacks are often directed against women and girls in the form of sexual violence, including rape, and are used as a weapon of war to humiliate and dominate the local population. In this regard, the international community through the United Nations has undertaken various steps which demonstrate that the impact of armed conflict on women is such that women must play a key role in peace-building and conflict resolution which could lead to international peace and security.

In taking measures with a view to reduce women's vulnerability during armed conflicts, it is important to consider the vulnerability and inequality of women during times of peace. It is clear that the position of women will not be improved as long as the underlying causes of men's violence against women in the domestic sphere, trafficking and forced labour, including forced sex labour and general discrimination against women are not effectively addressed. Hence, measures must be adopted through concrete and effective policies and programmes addressing prevailing gender relations and the persistence of gender-based stereotypes towards a real acceleration toward de facto equality between men and women.

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Introduction

1. At its fifty-first session, the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/16, called upon the High Commissioner for Human Rights to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur of the Sub-Commission on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict. She was also requested to submit an updated report to the Sub-Commission at its fifty-second session.

2. In compliance with those requests, the Special Rapporteur submitted her updated and final report (E/CN.4/Sub.2/2000/21) and the High Commissioner submitted her first report (E/CN.4/Sub.2/2000/20), which was based on the activities of treaty monitoring bodies, special rapporteurs and the Commission on Human Rights and provided information on specific conflict situations available from those sources. The High Commissioner submitted further reports in 2001 (E/CN.4/Sub.2/2001/29), 2002 (E/CN.4/Sub.2/2002/28) and 2003 (E/CN.4/Sub.2/2003/27).

3. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/26, called upon the High Commissioner to submit a report to the Sub-Commission at its fifty-sixth session on the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts.

4. The present report is submitted in accordance with that request and supplements the information contained in the High Commissioner's previous reports. The present report therefore refers to new developments in the activities of treaty monitoring bodies and of human rights mechanisms and in international criminal, human rights and humanitarian law on the issue of systematic rape, sexual slavery and slavery-like practices in situations of armed conflict.

Violence against women, systematic rape and sexual slavery as a weapon of war

5. As mentioned in last year's report (E/CN.4/Sub.2/2003/27, para. 5), the Vienna Declaration and Programme of Action and the proclamation by the General Assembly in its resolution 48/104 of the Declaration on the Elimination of Violence against Women, provide a backdrop against which it is possible to assess progress achieved since their adoption. In paragraph 28 of the Vienna Declaration, the World Conference on Human Rights strongly condemned the "abhorrent" practice of systematic rape of women in war situations. Discrimination and violence against women are aggravated in situations of armed conflict regardless of whether they are of an internal or international nature. Attacks directed against women and girls in the form of sexual violence including rape are often used as a weapon of war to humiliate and dominate the local population. Sexual violence is also used as part of widespread and systematic attacks against the civilian population not only to punish and dominate but also as a means to gain access to scarce resources.

6. It is well established under international law that rape and other forms of sexual violence may constitute forms of torture and cruel, inhuman and degrading treatment. The commission of such acts in situations of armed conflict amounts to outrages upon personal dignity and are prohibited under common article 3 of the Geneva Conventions, as they are considered war

crimes. Rape, sexual slavery, enforced prostitution, and forced pregnancy may constitute crimes against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.¹

7. As armed conflicts continue to cause severe human rights and humanitarian crises in various regions of the world, women continue to be the main victims of practices of rape and other forms of sexual violence. In particular armed conflicts, rape and sexual abuse directed to women and young girls are used as a weapon of war and are conducted in a widespread and systematic manner. Information received through interviews of victims indicate that such rapes are usually carried out by more than one man, while victims are restrained, often at gunpoint and are associated with additional severe violence including beating with guns and whipping. The destructive impact of systematic rape is not limited to the victims but expands to family members who often are forced to watch.

8. In some specific armed conflict situations, rape and other forms of sexual abuse are also used in furtherance of a State or organizational policy to intimidate and humiliate the female population and to prevent them from leaving the vicinity of their camps. Women caught in the midst of armed conflicts have reported that if they were to venture any further than 1½ kilometres away from their camps to collect wood or to tend their vegetable gardens in their home village, they would be kidnapped and raped.

9. In other armed conflicts involving several countries in one given region, rape is used extensively as a weapon of war against civilian women, men, girls and boys to subdue, punish, or take revenge upon entire communities. Acts of sexual and gender-based violence are manifested in random and systematic attacks involving individual rapes, sexual abuse, gang rapes, mutilation of genitalia, and rape-shooting or rape-stabbing combinations. These acts are committed with impunity by members of armies, militias and gangs implicated in the conflicts, including local bands and police forces that attack their own communities. The effects of the brutality which accompanies the rapes and mutilations contribute directly to the disintegration of the moral and social fabric in many localities.

10. The presence of the United Nations peacekeeping missions in regions with armed conflicts has served to bring concrete improvement to the security situation. Various humanitarian and development organizations also deploy much effort to provide support and address some of the problems associated with insecurity, displacement, and sexual violence. Despite these efforts, in particular armed conflict situations, the local population continues to experience attacks of sexual terrorism and pillaging.

11. The prevention of sexual terrorism depends on successful national political transitions. Engaging all warring parties in the participation of processes of disarmament, demobilization and reintegration promises to improve security, support regional governance and offer to communities some means with which to reduce the violence. While the repercussions of sexual violence can be addressed through initiatives aimed at providing medical, psychosocial, judicial, and socio-economic support to victims, the primary tool for the prevention of sexual violence can only be durable peace.

12. Security Council resolution 1325 (2000) on women, peace and security not only acknowledges the vulnerability of women and girls during armed conflicts, but also the role they

can play in peace-building and conflict resolution. This positive step shows that the assessment of the impact of armed conflict on women is key to international peace and security. This resolution demonstrates the recognition on the part of the international community of the need to address the issue seriously and carefully. Pursuant to the resolution, the Secretary-General submitted a report to the Security Council (S/2002/1154) which provides a study on the impact of armed conflict on women and girls. The implementation of the recommendations included in the report of the Secretary-General will serve to improve the protection of women and girls during and after armed conflicts and represents a key challenge for the coming years.

13. In furtherance of Security Council resolution 1325, the United Nations Development Fund for Women (UNIFEM) (2002) commissioned an expert study on women, war and peace.² According to the UNIFEM expert study on women, war and peace, violence against women during conflict should be considered as “one of history’s great silences”. The report notably described the massive scale of violations against women during armed conflict. During the 1994 Rwanda genocide at least 250,000 - perhaps as many as 500,000 - women were raped. Sexual violence, including rape, torture and sexual slavery as linked to various conflicts were also described in the report. The independent experts also noted the inextricable link between, on the one hand, armed conflict and on the other hand increased levels of men’s violence against women in the domestic sphere, trafficking and forced labour, including forced sex labour. It is expected that the implementation of the recommendations contained in this report will be conducted in conjunction with those of the Secretary-General’s report.

14. In recalling Security Council resolution 1325 during its forty-eighth session (1-12 March 2004), the Commission on the Status of Women stressed the importance of women’s equal participation in conflict prevention, conflict management and conflict resolution and in post-conflict peace-building. The Commission noted that women continue to be underrepresented in the processes, institutions and mechanisms dealing with these subjects. Consistent with this conclusion, the Commission stressed that the achievement of sustainable and durable peace demands the full and equal participation of women and girls and the integration of gender perspectives in all aspects of conflict prevention, management and conflict resolution and in post-conflict peace-building. According to the Commission, further efforts and adequate resources are needed to build and consolidate the capacity of women and women’s groups to participate fully in conflict resolution and peace-building and also in electoral processes in post-conflict situations. The Commission stressed that the development of gender-sensitive constitutional and legal frameworks is crucial and that gender equality has to be the normative basis for all such processes.

I. HUMAN RIGHTS TREATY BODIES

15. This section updates information included in previous reports. In reviewing country reports, treaty monitoring bodies are attentive as to whether the country concerned is facing a conflict; in such a case, treaty-monitoring bodies examine the impact of the conflict on the civilian population.

Human Rights Committee

16. In considering State party reports, the Human Rights Committee relies on the normative content of its general comment No. 28 (on article 3 of the International Covenant on Civil and

Political Rights (ICCPR)) entitled “equality of rights between men and women”; and its general comment No. 29 (on article 4 of the ICCPR) entitled “states of emergency”.³ General comment No. 28 provides for the removal of obstacles through the adoption of positive measures toward achieving equal enjoyment by women of certain specified rights. Pursuant to this comment, the human rights of women are to be protected during a state of emergency and during times of internal and international armed conflict particularly in light of the vulnerability of women. Under general comment No. 29, the Committee provides some guidelines as regards the protection of the human rights of women during a state of emergency amounting to a threat to the life of the nation justifying derogable measures, as strictly required by the exigencies of the situation. The Committee considers that, although the principle of non-discrimination is not listed under article 4 as a non-derogable right, the Committee is of the view that this right contains elements from which there can be no derogation in any circumstances. Consequently, gender-based violations cannot be invoked as a necessary and legitimate measure required during a state of emergency threatening the life of the nation.

Committee on the Elimination of Discrimination against Women

17. The work of the Committee is guided by the content of its general recommendation No. 19, on violence against women, which serves as its basic document of reference.⁴

18. During its thirtieth session (12-30 January 2004) the Committee issued its general recommendation No. 25, on temporary special measures (article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women). This general comment is guided by the consideration that since women and men do not enjoy equal status in any society, and that violence and discrimination against women are exacerbated during armed conflicts, efforts to reduce the vulnerability of women should begin prior to the armed conflict stage by establishing special measures designed to increase the role of women in decision-making.

19. The interpretation of special measures under general recommendation No. 25 provides clarification to the substantive content of article 4, paragraph 1, in order to facilitate and ensure its application at the national level by States parties. In meeting the obligations that are central to States parties’ efforts to eliminate discrimination against women, the Committee expresses the view that States must extend their efforts beyond a purely formal legal obligation of equal treatment of women with men, as such an approach is not sufficient to achieve women’s de facto equality with men. Instead, women must be given an equal start and thereby be empowered by an enabling environment to achieve equality of results. It is within this context that temporary special measures can serve as an effective strategy to overcome underrepresentation of women and a redistribution of resources and power between men and women.

20. Since the position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed, measures must be adopted towards a real transformation. Hence, temporary special measures establish the legal framework for accelerating de facto equality between men and women and shall not be considered discriminatory as they are to be discontinued when the objectives of equality of

opportunity and treatment have been achieved. Such results are to be measured through statistical data concerning the situation of women which reveal the achievement of progress towards women's de facto or substantive equality and the effectiveness of temporary special measures.

21. As regards the forthcoming activities of the Committee, the latter will be considering Angola's report at its thirty-first session (6 to 23 July 2004). In Angola's combined initial, second and third periodic report to the Committee (CEDAW/C/AGO/1), the State party described how women were victimized during the prolonged armed conflict. In the report it is noted that during the war, which lasted until the cessation of hostilities in March 2002, women were raped by soldiers, forced to do manual labour (including domestic work and farm work), identified as "witches" and then burned at the stake, and also used as wartime "couriers".

Committee against Torture

22. In reviewing the third periodic report of Colombia during its thirty-first session (CAT/C/CR/31/1, paras. 9-10), the Committee against Torture expressed concern over inadequate protection against rape and other forms of sexual violence, which are allegedly frequently used as forms of torture or ill-treatment and also about the fact that the new Military Penal Code of Colombia does not expressly exclude sexual offences from the jurisdiction of the military courts. The Committee recommended that the State party investigate, prosecute and punish those responsible for rape and other forms of sexual violence that occur within the framework of operations against illegal armed groups.

II. THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES

23. At its sixtieth session, the Commission on Human Rights considered the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts in its resolutions on the elimination of violence against women (2004/46), on the abduction of children in Africa (2004/47) and on the rights of the child (2004/48).

24. In resolution 2004/46 (paras. 16 and 18-19), the Commission strongly condemned violence against women committed in situations of armed conflict, such as murder, rape, systematic rape, sexual slavery and forced pregnancy, and called for effective responses to these violations of international human rights and humanitarian law. The Commission also stressed the importance of efforts to eliminate impunity for violence against women and girls in situations of armed conflict, including by prosecuting gender-related crimes and crimes of sexual violence by providing protective measures, counselling and other appropriate assistance, to victims and witnesses in international and internationally-supported courts and tribunals, by integrating a gender perspective into all efforts to eliminate impunity, including into commissions of inquiry and commissions for achieving truth and reconciliation. Furthermore, the Commission acknowledged the listing of gender-related crimes under the Rome Statute of the International Criminal Court as they amount to the most serious crimes of concern to the international community as a whole.

25. In resolution 2004/47 (paras. 1-2), the Commission condemned the practice of abduction of children for various purposes, such as soldiers or workers, for purposes of sexual exploitation

and/or paedophilia, and for the purposes of trade in human organs. The Commission also condemned the abduction of children from camps of refugees and internally displaced persons by armed groups, and their subjection of children to forced conscription, torture, killing and rape.

26. In resolution 2004/48 (paras. 6 and 32), the Commission called upon States parties to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice, and not grant amnesties for these crimes. The Commission also called upon States parties to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation.

27. Information on gender-based violence examined by special rapporteurs is summarized thematically below.

28. In her report on violence against women (E/CN.4/2004/66 and Add.1-2), the Special Rapporteur on violence against women, its causes and consequences, emphasized the *universality* of violence against women, the *multiplicity* of its forms and the *intersectionality* of diverse kinds of discrimination against women and its linkage to a system of patriarchal domination that is based on gender inequality and on the subordination of women by men. The Special Rapporteur also expanded the concept of violence against women to capture the wide spectrum of violence ranging “from the domicile to the transnational arena”. The Special Rapporteur noted that transnational corporations have responsibilities for promoting and securing human rights, established under the “Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights”, adopted in 2003 by the Sub-Commission on the Promotion and Protection of Human Rights.

29. The Special Rapporteur identified the interconnection between HIV/AIDS and women’s human rights as a major area of concern. HIV/AIDS and other sexually transmitted diseases, early pregnancies, community rejection of raped women and women forced into prostitution are only a few of the consequences of rape and of men’s sexual violence against women and girls during conflicts.

30. In her report, the Special Rapporteur also paid particular attention to the human rights situation in Afghanistan. She urged the Government to take steps to tackle impunity for perpetrators of violence against women, while at the same time establishing the rule of law throughout the country. In this regard, the Special Rapporteur emphasized the need for legal and judicial reform, in line with international standards, in order to promote and protect the rights of women and girls. She noted that the drafting of a new constitution provides a valuable opportunity to guarantee the principle of equality of rights for women and men and to prohibit all forms of discrimination against women.

Armed conflicts, internal displacement and sexual violence

31. Armed conflict often results in the internal displacement of civilian populations. Living in camps as internally displaced or as refugees, women's vulnerability to violence, especially sexual violence, increases. The Special Rapporteur on violence against women and the Representative of the Secretary-General on internally displaced persons have reported allegations of rape and other sexual violence, perpetrated either during a conflict or in its aftermath, against internally displaced and refugee women and girls.

32. The independent expert on the situation of human rights in Liberia noted in this year's report (E/CN.4/2004/113, paras. 7-8) that the intensification of the conflict in 2003 was accompanied by increased human rights abuses, including all forms of violence against women and rape. The independent expert also took note of several reports of women and girls who have been raped, gang-raped and subjected to other forms of sexual violence by the Anti-Terrorist Unit (ATU) and other former Government-allied militia. There have been reports of alleged abduction and rape of women and girls within IDP camps in Montserrado County by the then Government-allied militia. There have also been alleged cases of abduction and rape of young girls and women at checkpoints by rebels.

33. In his report to the Commission on Human Rights on the situation of human rights in Colombia (E/CN.4/2004/13, para. 94) the High Commissioner for Human Rights noted that the diverse forms of violence perpetrated against women, in the context of the armed conflict, continue to affect their rights. The office in Colombia received complaints of rapes by paramilitary groups and members of the security forces, as well as complaints of sexual enslavement on the part of the guerrilla groups. Of special concern are the rape cases currently under the jurisdiction of the military/criminal justice system.

34. In referring to the UNICEF report, *From Perception to Reality: A Study on Child Protection in Somalia*, the independent expert on the situation of human rights in Somalia (E/CN.4/2004/103, para. 24) noted that gender-based violence is a problem of concern in Somalia, despite a widespread culture of denial. Women and girls in IDP camps are especially vulnerable - the study notes that "nearly a third of all displaced children (31 per cent) reported rape as a problem within their family, compared to 17 per cent of children in the general population".

35. In the addendum to his report (E/CN.4/2004/77/Add.1, paras. 25, 27, 33, 42 and 57) the Representative of the Secretary-General on internally displaced persons noted that during his mission to Uganda he was made aware of the vulnerability of the country's internally displaced population. The Representative called upon the Government of Uganda to ensure the physical protection of the displaced hosted in camps, who remained vulnerable to rebel attacks and abductions, as well as to provide adequate protection and assistance to the so-called "night commuters", approximately 25,000 persons - mostly children - who came to sleep in the urban centres in the north of the country out of fear of attacks and abduction by armed rebel groups, especially the so-called Lord's Resistance Army (LRA). The Representative noted a number of cases of forced recruitment, abduction of children and the use of children as sex slaves by the rebel LRA movement.

III. DEVELOPMENTS IN INTERNATIONAL CRIMINAL, HUMAN RIGHTS AND HUMANITARIAN LAW

36. The relevance of the statutes and jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR), as well as the Rome Statute of the International Criminal Court (ICC), to preventing and prosecuting gender-based sexual violence during armed conflicts was considered in the previous reports of the High Commissioner. They contribute not only to the international recognition and consideration of women as victims of conflicts, but also to ensuring social survival and promoting reconciliation and reconstruction.

37. Rape in time of war is specifically prohibited by treaty law: the Geneva Conventions of 1949, Additional Protocols I and II of 1977. Other serious sexual assaults are expressly or implicitly prohibited in various provisions of the same treaties. The prosecution of rape is explicitly provided for under the statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the Rome Statute. The crime of rape may be prosecuted accordingly under these statutes as a crime against humanity, a grave breach of the Geneva Conventions, a violation of the laws or customs of war or an act of genocide, if the requisite elements are proven.

38. On 11 March 2004, the ICTY rendered its Sentencing Judgement in the case *Prosecutor v. Ranko Cesic* (IT-95-10/1 “Brcko”). The Accused pleaded guilty to all 12 counts with which he was charged, including that of sexual assault as a crime against humanity, in the form of rape. Being satisfied that the plea was voluntary, informed, unequivocal and that there was a sufficient factual basis for the crime and for Ranko Cesic’s participation in it, the Trial Chamber, entered a finding of guilt on the same day.

39. Ranko Cesic admitted that, he intentionally forced, at gunpoint, two Muslim brothers detained at Luka Camp to perform fellatio on each other in the presence of others. The Trial Chamber found in this case that the family relationship and the fact that they were watched by others make the offence of humiliating and degrading treatment particularly serious. The violation of the moral and physical integrity of the victims justifies that the rape be considered particularly serious as well. On this basis, the Trial Chamber convicted Ranko Cesic of inter alia one count of sexual assault, constituting the crime against humanity of rape. Ranko Cesic was sentenced to a single sentence of 18 years of imprisonment.

40. As regards the ICTR, on 22 January 2004, the Tribunal rendered its judgement in the case *Prosecutor v. Jean de Dieu Kamuhanda* (ICTR-99-54) charged with, inter alia, rape as a crime against humanity. Having analysed all the evidence presented, the Chamber finds that although the testimonies of the relevant witnesses are credible, the hearsay nature of the evidence adduced is insufficient to sustain a rape charge against the accused. However, the accused was convicted of genocide or extermination as a Crime against Humanity.

41. The Special Court for Sierra Leone (SCSL) was established jointly by the Government of Sierra Leone and the United Nations and mandated to prosecute under international humanitarian law and national law, persons charged with serious violations committed in the territory of Sierra Leone since 30 November 1996. Such crimes include crimes against humanity, war crimes and other serious violations of international humanitarian law. Eleven persons associated

with all three of the country's former warring factions stand indicted by SCSL. They are charged with crimes against humanity, war crimes and other serious violations of international humanitarian law. Specifically, the charges include murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force, and attacks on United Nations peacekeepers and humanitarian workers, among others. Indictments against two other persons were withdrawn in December 2003 due to the deaths of the accused.

42. In 10 of the SCSL cases, indictments include allegations of rape; sexual slavery and any other forms of sexual violence; conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities; and enslavement.

43. On 7 May 2004 the Trial Chamber of SCSL approved a motion by prosecutors to add the new count of "forced marriage" under the category of "sexual violence", to indictments against six defendants. The approval by the Trial Chamber of this count under the indictments marks an important achievement as regards the prosecution of forced marriage as a crime against humanity under international humanitarian law.

IV. CONCLUSIONS

44. **Despite legal achievements at the international level, exemplified by the latest judgements from ICTY and ICTR, the work of SCSL and the provisions of the Rome Statute of the International Criminal Court, acknowledging that rape and sexual enslavement, committed as part of a widespread or systematic attack directed against any civilian population, constitute crimes against humanity, and that perpetrators should be held accountable and punished for such crimes, sexual gender-based violence, systematic rape and various forms of enslavement are still widespread during armed conflicts.**

45. **Armed conflicts exacerbate violence against women and illustrate its linkage to a system of patriarchal domination, based on gender inequality and on the subordination of women by men. Recent reports from the United Nations human rights mechanisms reveal that in armed conflict women and girls face widespread sexual gender-based violations in the form of, but not limited to, rape, sexual violence, sexual slavery and forced marriage. Related violations range from the enslavement of civilian populations, especially of women and girls, to the abduction of children for use as child soldiers or workers. In post-conflict situations women and girls often continue to be targeted because of an ongoing increased vulnerability, either in refugee camps, at home or on the road back to their homes. Moreover, even if women are increasingly becoming combatants, they continue to be underrepresented or altogether absent from the negotiating table and in the peace process.**

46. **As a landmark document, Security Council resolution 1325 (2000) on women, peace and security retains a vital role in the efforts to strengthen the protection of the human rights of women and girls during and after armed conflicts and in acknowledging that sexual violence against women during armed conflicts has a major negative impact on international peace and security.**

47. **Moreover, the scope covered by Security Council resolution 1325 is not limited to the connection between peace and security and human rights of women. In addition, it provides clearly that women have a vital role to play in the prevention and resolution of**

conflicts and in peace-building which can only be put into practice if women's full and equal participation in all decision-making forums is ensured and gender perspectives are integrated into all aspects and at all stages of conflict prevention and conflict resolution.

48. Hence, considerable efforts have been deployed by relevant parts of the United Nations system, to implement Security Council resolution 1325. This approach includes a focus on achieving gender balance in peace-building, demobilization, disarmament, and reintegration processes, peacekeeping operations, humanitarian activities and reconstruction and rehabilitation programmes. It is within this context that the Department of Political Affairs has developed an action plan for the implementation of Council resolution 1325. Moreover, the Division for the Advancement of Women is exploring methods and means through which Council resolution 1325 can be implemented with regard to the structure and design of peace agreements.

49. Despite these achievements a number of constraints to the effective participation of women remain to be addressed. These include women's poor representation at the decision-making levels where they could make the most impact; the persistence of violence against women, which hinders many women from reaching their full potential; lack of access to resources, including finances and information; and persistent stereotypes on the roles and expected behaviour of women, including in government institutions and society in general.

50. It is in light of these hindrances that CEDAW general recommendation 25 is important as it establishes guidelines on the adoption of "temporary special measures" as a means of addressing the under-representation of women in all areas of the work of the United Nations, including on peace and security. Security Council resolution 1325 and recommendation 25 are clearly complementary and of utmost importance, as they set the necessary standards to achieve gender equality.

51. In considering grave violations, especially of the human rights of women and girls during armed conflict, a key challenge today is the enhanced de facto implementation of Security Council resolution 1325 and of CEDAW general recommendation 25. The situation of women can only be improved through concrete and effective policies and programmes addressing prevailing gender relations and the persistence of gender-based stereotypes.

52. In order to bring an end to the cycle of violence and prevent armed conflicts, the equal rights of women to fully participate in all aspects of social, political, economic and cultural life must be promoted and protected. Only with the full equality and participation of women will measures taken to prevent systematic rape, sexual violence and enslavement of women during armed conflicts be truly successful.

Notes

¹ Article 7.1 of the Rome Statute of the International Criminal Court.

² “Women, War and Peace, The Independent Experts’ Assessment”, by Elisabeth Rehn and Ellen Johnson Sirleaf, *Progress of the World’s Women 2002, Volume 1*.

³ While general comment No. 29 does not specifically address the protection of women against gender-based abuse in armed conflicts, it contains references to the need for respect for the general principle of non-discrimination in a state of emergency, and gender-based abuse against women would be an example of such discrimination. In adopting this general comment, the Human Rights Committee has clarified the content of article 4 of ICCPR, clarifying the necessity of respecting the principle of non-discrimination in a state of emergency, including on the basis of gender. Any derogation from the provisions of the Covenant by States parties in internal crisis situations would be subject to scrutiny by the Committee to ensure that the conditions for lawful derogation are fulfilled.

⁴ CEDAW acknowledged that wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures (para. 16).
