



combating **VIOLENCE**

against women in the south caucasus

Regional Consultation with the United Nations
Special Rapporteur on Violence Against Women

TBILISI, GEORGIA MAY 9-11, 2007

CONSULTATION MANUAL

40
years

equitas

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Introduction

Background

Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture, or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace. – UN Secretary General Kofi Annan, 1999

The South Caucasus (Armenia, Azerbaijan and Georgia) is a region plagued by unresolved ethno-political conflicts, political instability, and protracted economic crisis. Since the collapse of the Soviet Union, the people of the South Caucasus have lived through a painful transition period marked by political tensions, armed conflicts (in Karabakh, Abkhazia, and South Ossetia) and socio-economic upheavals which have left the region seriously affected by poverty, corruption, slow political and economic reforms, large refugee and IDP populations, grave environmental problems and scant respect for human rights and the rule of law. The South Caucasus region has also been at the centre of post-cold war geopolitical rivalries for political and economic influence. Women have been negatively impacted at different levels. The unresolved conflicts in Nagorno Karabakh and South Ossetia, and the potential for new conflicts, are indicative of the volatility of this region. The “War on Terror”, religious radicalism, economic migration, and trafficking in humans and drugs have all increased the insecurity of women in the region and contributed to gender-based violence. The collapse of the state social safety net has also exacerbated the vulnerability of women by increasing their numbers living in poverty.

While countries in the region have ratified most of the major international human rights treaties, including Convention on the Elimination on all Form of Discrimination against Women (CEDAW), Governments are not living up to these commitments. Practices assumed to be rooted in tradition and custom also impact negatively on the realization of gender equality. All of the factors mentioned heretofore, contribute as well to the widespread incidence of domestic violence. In light of the persistent seriousness of the security situation of women in the South Caucasus, the UN SR-VAW, Prof. Yakin Ertürk, has deemed it important to visit the region in order to build relationships with civil society organizations working to combat violence against women.

In this context, the empowerment of women and the strengthening of organizations promoting and defending women’s human rights are essential strategies to enable women to play effective roles in addressing current political and social security issues as well as the role of women in conflict and post-conflict situations.



This regional Consultation with the UN SR-VAW will provide representatives of civil society organizations in the region with a deeper understanding of the context in which they operate; increase their awareness of the mandate of the UN SR-VAW and of international mechanisms that can support their struggle to end violence against women, and share new ideas, strategies and relationships to increase the effectiveness of their efforts.

This Consultation is a second collaboration between Equitas and the UN SR-VAW, Prof. Yakin Ertürk. It follows a successful implementation of the Central Asia Regional Consultation with the UN SR-VAW which took place in Almaty, Kazakhstan, in December 2005.

Goal

The goal of this regional Consultation is to strengthen the protection of women in the South Caucasus (Armenia, Azerbaijan and Georgia) from violence, including violence rooted in conflict and post-conflict situations.

Objectives

- **To identify** the underlying causes and current trends of violence against women in the South Caucasus.
- **To strengthen** the capacity of targeted civil society organizations in the South Caucasus to use the mandate of the UN Special Rapporteur on Violence Against Women and other international human rights mechanisms in order to combat violence against women in the region.
- **To develop strategies** for greater promotion and protection of women's rights in conflict and post-conflict situations with a focus on the implementation of the United Nations Security Council Resolution 1325.
- **To promote** national and sub-regional collaboration and networking among targeted civil society organizations working on this issue.

Participants

The participants in this South Caucasus Regional Consultation are members of civil society organizations working on issues of violence against women in Armenia, Azerbaijan, and Georgia.

Methodology

The methodology for this Consultation is based on a participatory approach to learning. A basic assumption in this approach is that much of the content comes from the



participants and that the Consultation serves as the framework for drawing out this content.

The design model Equitas uses for this approach is the “learning spiral”, which is described below:

1. We start by having participants’ share their experience (i.e., knowledge, skills in a particular area, in this case on the issue of violence against women in the context of the country where they work);
2. As a group, they analyze these experiences in order to identify patterns, and commonalities;
3. New information/knowledge is added and created through the analysis as well as through the interventions of resource persons, who have expertise in the relevant subject areas, additional readings, etc.;
4. Participants then have the opportunity to practice the learning; and
5. Strategize for future action.

Evaluation is an essential part of the process.

About the Manual

This manual outlines the format of the Consultation, its objectives, descriptions of activities, and suggested time frame for each activity. Worksheets and Reference Sheets are provided for some activities.

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The Georgian Young Lawyers' Association (GYLA)

The Georgian Young Lawyers' Association (GYLA) is a professional, membership-based non-governmental organization dedicated to promoting human rights and the rule of law. It adheres to the Constitution of Georgia, legislation and its Statute on the whole territory of Georgia.

Goals:

- Promote the rule of law;
- Protect human rights and freedoms;
- Increase public legal awareness;
- Promote norms of professional ethics among lawyers;
- Develop the skills and competence of lawyers; and
- Develop legislative basis for the civil society and rule of law country.

Mission: The Rule of Law for Justice

GYLA started as a union of professional lawyers and was dedicated to reforming the poor reputation of the legal profession in Georgia. With pride in their professionalism and an eye on their objective, this intrepid union of lawyers spearheaded the development of Georgian legal practice by teaching legal skills, defending human rights, encouraging the growth of civil society and advancing the rule of law.

GYLA was founded on September 9, 1994 and was soon officially registered as a non-profit, non-governmental organization. Its current membership is nearly 600.

Over the years, GYLA has pursued several initiatives:

- Provide free legal aid system;
- Offer legal training and civil education;
- Draft and lobby Georgian legislation;
- Represent citizens in court and carry out strategic litigation;
- Develop lawyers' professional skills;
- Encourage a robust civil society; and



- Promote transparency and access to public information.

GYLA implements its activities in Tbilisi and other seven regions of Georgia: Telavi, Rustavi, Gori, Kutaisi, Batumi, Dushati and Ozurgeti.

Schedule

Wednesday, May 9, 2007

DAY 1: Comparative National Contexts of Violence against Women

Time	Activity	Title
10:00 – 10:30		Welcome The workshop organizers and the Special Rapporteur welcome the participants to the Consultation.
10:30 – 11:00	Activity 1	Getting to Know Participants and Their Expectations Participants, facilitators and resource persons will introduce themselves to each other. They will learn about each other's expectations for the Consultation, as well as the resources they have to offer.
11:00 – 11:15	Activity 2	Overview of the Consultation The facilitator will present the objectives and content of the Consultation and make the links to the expectations and resources expressed by participants during Activity 1.
11:15 – 11:45	Networking Break	
11:45 – 13:15	Activity 3	Current Situation of Violence against Women (VAW) in the South Caucasus Participants will work in country groups to identify the main issues, causes, and effects of VAW. They will also be asked to reflect on who are the actors and/or institutions in their country that prevent or facilitate redress of cases involving violence against women. Each group will present its findings to the whole group. (15 min per group).
13:15 – 14:30	Lunch	
14:30 – 16:30	Activity 3	(Continued) 1) Comments and Presentation by Resource Person: A resource person will comment on the information presented by participants. S/he will present a comparative overview of violence against women issues in the region and provide case examples of the existing national laws in the Caucasus that deal with cases of violence against women, identify best practices, challenges, etc. Participants will have the opportunity to comment and/or ask questions. 2) Presentation by the SR-VAW: The SR-VAW will put the issues identified by participants into the broader regional and international contexts.
16:30 – 17:00	Networking Break	
17:00 – 17:45		Preparing a Press Conference (for Day 3 of the Consultation) The participants and the SR-VAW will discuss a format of a press conference planned for the last day of the Consultation. An <i>ad hoc</i> committee will be set up to prepare a draft statement. The Special Rapporteur will participate in the Press Conference which will take place after the Consultation sessions on Day 3.
17:45 – 18:00	End of Day Evaluation	



Thursday, May 10, 2007

DAY 2: The UN System and the Mandate of the UN Special Rapporteur on VAW

<i>Time</i>	<i>Activity</i>	<i>Title</i>
10:00 – 11:30	Activity 4	Presentation: Overview of the UN Human Rights Protection System with Focus on Violence Against Women The Special Rapporteur and her assistant will provide an overview of the UN Human Rights system, focusing on international instruments (i.e., CEDAW, the Optional Protocol to CEDAW and the UN Security Council Resolution 1325) and entry points for NGOs dealing with violence against women.
11:30 – 11:45	Networking Break	
11:45 – 13:15	Activity 4	(Continued) Small Group Work and Presentations Participants will work in groups to review the major international instruments, country reporting (including shadow reports) and complaint mechanisms. Each group will prepare a presentation. Participants should be prepared to discuss their own experiences with using CEDAW, 1325 etc. in their work.
13:15 – 14:30	Lunch	
14:30 – 15:30	Activity 5	The Mandate of the UN Special Rapporteur on Violence Against Women, its Causes and Consequences In a presentation, the Special Rapporteur explains her mandate and role.
15:30 – 16:00	Networking Break	
16:00 – 17:45	Activity 6	Submitting Information to the UN SR-VAW and the CEDAW Optional Protocol A resource person provides an overview of the procedures to submit information and cases to the Special Rapporteur as well as the complaints procedure under the CEDAW Optional Protocol. Participants will then examine a case study and prepare a draft submission of an allegation of violations to the Special Rapporteur or to the CEDAW Optional Protocol. Participants will present their draft submissions to the large group.
17:45 – 18:00	End of Day Evaluation	



Friday, May 11, 2007

DAY 3: Devising Strategies and Strengthening Networks: Exploring Opportunities for Combating Violence against Women with The UN Special Rapporteur on Violence against Women

<i>Time</i>	<i>Activity</i>	<i>Title</i>
10:00 – 11:30	Activity 7	Strategies for Change: Identifying the Next Steps Participants will discuss ways in which they feel they can work together on a regional and/or national basis and work in collaboration with the Special Rapporteur on VAW. They will also explore the role of international organizations (including Equitas) in the process. Participants will identify priority areas and explore strategies to combat VAW with the UN Special Rapporteur.
11:30 – 12:00	Networking Break	
12:00 – 13:15	Activity 7	(Continued)
13:15 – 14:30	Lunch	
14:30 – 15:00	Activity 8	General Evaluation and Closing Remarks.
15:00 – 15:30	Networking Break	
15:30 – 17:00	Activity 9	Preparing and Holding a Press Conference with the Special Rapporteur and representatives of local media.
18:00 – 21:00	Diner and Closing Ceremony	



Welcome

Time

30 min

Description

The Consultation organizers, Equitas and GYLA, formally open the workshop by welcoming the participants and resource persons.

Prof. Yakin Ertürk, United Nations Special Rapporteur on Violence against Women, its Causes and Consequences (UN SR-VAW), will introduce herself, provide an overview of her experience working on the issue of violence against women, explain her interest in the South Caucasus, and express her expectations for this Consultation.



Activity 1 Getting to Know Participants and Their Expectations

Objectives

To get to know the participants and to examine individual expectations and available resources in the group.

Time

30 min

Description

This activity is divided into two parts.

In **Part A**, participants will introduce themselves to the members of the group.

In **Part B**, participants will examine their expectations and resources for the Consultation.

15 min

Part A Icebreaker

The facilitator leads the participants through an icebreaker activity. Participants introduce themselves by stating their name, organization, and their role in their organization.

15 min

Part B Expectations and Resources

1. Using small metacards, participants identify one expectation they have of this Consultation and one resource they can offer other participants.
2. Each participant presents their expectation and resource to the group and places their metacards on a flipchart version of the table on the next page.
3. The facilitator reviews the expectations and resources named by participants and maps out any connections between them. S/He also highlights expectations which may or may not necessarily be met during this Consultation.

Cont'd ▶ ▶ ▶



Activity 1 cont'd

Table. Expectations and Resources of the Group

Expectations	Resources

End of Activity ■



Activity 2 Overview of the Consultation

Objectives

To provide an overview of the Regional Consultation on Violence against Women in the South Caucasus and to set ground rules for working as a group.

Time

15 min

Description

This activity is divided into two parts.

In **Part A**, the facilitator will provide an overview of the Consultation.

In **Part B**, participants will establish ground rules for working as a group during the Consultation.

10 min

Part A Overview of the Consultation

The facilitator provides an overview of the Consultation, referring back to participants' expectations and resources expressed in Activity 1.

The basic framework for the Consultation is presented in **Reference Sheet 1**.

[Cont'd ▶ ▶ ▶](#)



Activity 3 Current Situation of Violence against Women in the South Caucasus

Objective

To identify the main issues, causes, and effects of violence against women in the region.

Time

3 hrs 30 min

Description

This activity is divided into four parts.

In **Part A**, participants will work in **country** groups to discuss the main issues of violence against women in their respective countries.

In **Part B**, participants will present their findings to the larger group.

In **Part C**, a resource person with regional expertise will provide comments and present a comparative overview of the issues of violence against women in the South Caucasus including existing national laws that deal with violence against women.

In **Part D**, the SR-VAW will situate the issues identified by participants into the broader regional and international contexts.

45 min

Part A Small Group Work

1. The facilitator will divide you into country groups.
2. Together with the members of your country group, identify what you consider to be five (5) main violence against women issues in your country. Record the information on **Worksheet 1a**.
3. Then for each of the 5 main issues you selected, identify some of the main actors/institutions/groups that **LIMIT** and/or **FACILITATE** redress of cases involving violence against women in your country. Also consider what steps or actions are being taken by each of the actors you identified and write these in the appropriate circles in the chart in **Worksheet 1b**.

Reference Sheet 2 is provided to help you identify the issues.

4. Prepare to present the results of your group discussion to the larger group in **Part B**.



60 min

Part B Group Presentations

The large group reconvenes. Each country group reports on the results of their discussion (15 min each). The facilitator synthesizes the common elements.

60 min

Part C Comments and Presentation by Resource Person

The resource person will begin by commenting on the information presented by participants. S/he presents a comparative overview of violence against women issues across the region as well as provides case examples of the existing national laws in the South Caucasus that deal with cases of violence against women. The presentation will include:

1. What regional laws support the prevention and redress of acts of violence against women, including in conflict or post-conflict situations?
2. State obligations to apply the due diligence standard to end violence against women. Refer to **Reference Sheet 3**.
3. How and with what efficiency are the laws to prevent violence against women implemented? What are the common challenges that limit or facilitate their implementation?
4. What are some of the best practices to deal with cases of violence against women?

Participants have the opportunity to comment and/or ask questions.

45 min

Part D Presentation by SR-VAW

The SR-VAW will comment on the issues identified in **Part B** and **Part C**, by putting these issues into the broader international context.

End of Activity ■

Preparing for a Press Conference (to be held on Day 3 of the Consultation)

45 min

The participants and the SR-VAW will discuss the format of a press conference. An ad-hoc committee could be set up to prepare a draft statement.

The SR-VAW will participate in the press conference which will take place at the end of Day 3.



Reference Sheet 2: Examples of Violence against Women Issues

Custodial violence against women

Women in detention or custodial centres, jails, prisons, etc. are victims of violence by the very people who are supposed to protect them -- members of the law enforcement and criminal justice systems. Women are physically or verbally abused; they also suffer sexual and physical torture.

Domestic violence

Physical abuse. Sexual abuse and rape in intimate relationships. Psychological and emotional abuse. Sexual abuse of children and adolescents. Physical abuse on children and adolescents. In many countries sexual assault by a husband on his wife is not considered to be a crime: a wife is expected to submit. It is thus very difficult in practice for a woman to prove that sexual assault has occurred unless she can demonstrate serious injury.

Dowry-related violence and early marriage

Failure to pay the dowry can lead to violence. Early marriage, especially without the consent of the girl, is another form of human rights violation. Early marriage followed by multiple pregnancies can affect the health of women for life.

Forced prostitution, sexual exploitation, and pornography

Women are forced into prostitution either by their parents, husbands or boyfriends -- or as a result of the difficult economic and social conditions in which they find themselves. It can lead to their virtual enslavement. Pornography represents a form of violence against women that glamorizes the degradation and maltreatment of women.

Sexual abuse and rape

Rape can occur anywhere, even in the family, where it can take the form of marital rape or incest. It occurs in the community, where a woman can fall prey to any abuser. It also occurs in situations of armed conflict and in refugee camps.

Son preference and femicide

Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education.

Trafficking in women and slavery

Women lured into prostitution or "virtual slavery", sometimes by "mail-order bride" agencies that promise to find them a husband or a job in a foreign country. Women are bought and sold as commodities by their parents, husbands, boyfriends or others.

Violence against women migrant workers

Appalling working conditions. Many become virtual slaves, subject to physical abuse and rape by their employers. Employers prevent women from escaping by seizing their passports or identity papers.

Violence against women in situations of armed conflict and post-conflict

Rape has been widely used as a weapon of war whenever armed conflicts arise between different parties. Women and girl children are frequently victims of gang rape committed by soldiers from all sides of a conflict. Such acts are done mainly to trample the dignity of the victims.

Violence against refugee and displaced women

In refugee camps, they are raped and abused by military and immigration personnel, bandit groups, male refugees and rival ethnic groups. They are also forced into prostitution.

Reference: Adapted from *Women and Violence*. United Nations Department of Public Information DPI/1772/HR--February 1996 <http://www.un.org/rights/dpi1772e.htm>

Reference Sheet 3 : The Standard of Due Diligence

Acts of Violence against Women are Human Rights Violations

The Declaration on the Elimination of Violence against Women and General Recommendation 19 of CEDAW “(...) state that acts of violence against women in the home, the community and perpetrated or condoned by the State are human rights violations”.

Reference: Statement by Ms. Radhika Coomaraswamy, SR-VAW to the 59th session of Commission on Human Rights, 9 April 2003.

Due Diligence and Violence against Women

“In 1993 the United Nations issued the **Declaration on the Elimination of Violence Against Women**. The Declaration states that, “States should exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or private persons”. It sets forth ways in which governments should act to prevent violence, and to protect and defend women's rights. These measures form the standard of due diligence that states are obligated to live up to.

The legal concept of **due diligence** describes the minimum acceptable level of effort which a state must undertake to fulfill its responsibility to protect individuals from abuses of their rights. Due diligence includes taking effective steps to:

- *prevent* abuses
- *investigate* them when they do occur
- *prosecute* the alleged perpetrator and bring him to justice in fair proceedings
- ensure adequate *reparation*, including compensation and redress

It also means ensuring that justice is upheld *without discrimination* of any kind.

The failure of a government to prohibit acts of violence against women, or to establish adequate legal protections against such acts, constitutes a failure of state protection. “**Acts of violence against women constitute torture when they are of the nature and severity envisaged by the concept of torture and the state has failed to provide effective protection.**”

Reference: “*Domestic Violence as Torture*” in Amnesty International USA, <http://www.amnestyusa.org/women/violence/domesticviolence.html>

The Scope of the Due Diligence Standard to end Violence against Women

“(i) States are obligated to exercise due diligence to *prevent* violence against women. This obligation requires States to ensure that – an adequate administrative, political and legal framework is in place to address VAW and that women are made aware of their rights in this regard. Ratification of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, is a basic minimum step towards prevention, but more is required. Effective awareness-raising campaigns must be developed to change societal values, norms and practices that perpetuate violence against women and girls. The obligation to prevent VAW requires sound policies guided by research, gender analysis and sex-disaggregated data to identify and eliminate obstacles to gender justice, including all discriminatory laws, practices and social conventions.

(ii) States are obligated to exercise due diligence to *protect* women from violence by passing criminal and civil laws specifically pertaining to VAW. States must also ensure that women and girls known to be at risk of violence receive adequate protection from law enforcement—thus the State must promote an environment in which women feel safe reporting cases of violence and confident that appropriate action will be taken in response to their complaints. When women report violence, the authorities must respond with immediate measures, such as protection orders. States must also ensure that women and girls who



have suffered violence have access to medical and social support services and to alternative housing or other safe havens. Police, medical and other staff having contact with women victims of violence must be trained to respond to such cases in a manner that respects the rights of the victim.

(iii) States are obligated to exercise due diligence to prosecute and *punish* perpetrators of violence against women and girls. States may not permit VAW to occur with impunity. When a perpetrator of violence is identified, the State is under an obligation to ensure that he is held accountable. Prosecution of perpetrators of violence against women and girls must not allow for any re-victimization of the woman through the procedural rules regarding evidence, testimony or other aspects of the proceeding. The State is also required in its response to punish VAW to send a strong message that such violence is a serious criminal act. Prosecutorial and judicial personnel must be trained to handle cases of violence against women and girls in a gender-sensitive manner.

(iv) States are obligated to provide *reparations* to women and girls who have been subjected to violence. This includes material compensation for any physical or mental injuries, lost opportunities in employment, education and social benefits, loss of earnings, harm to reputation and dignity, and any legal, medical or social costs incurred as a result of the violence. States may also be required to provide rehabilitation and support services to women victims of violence.”

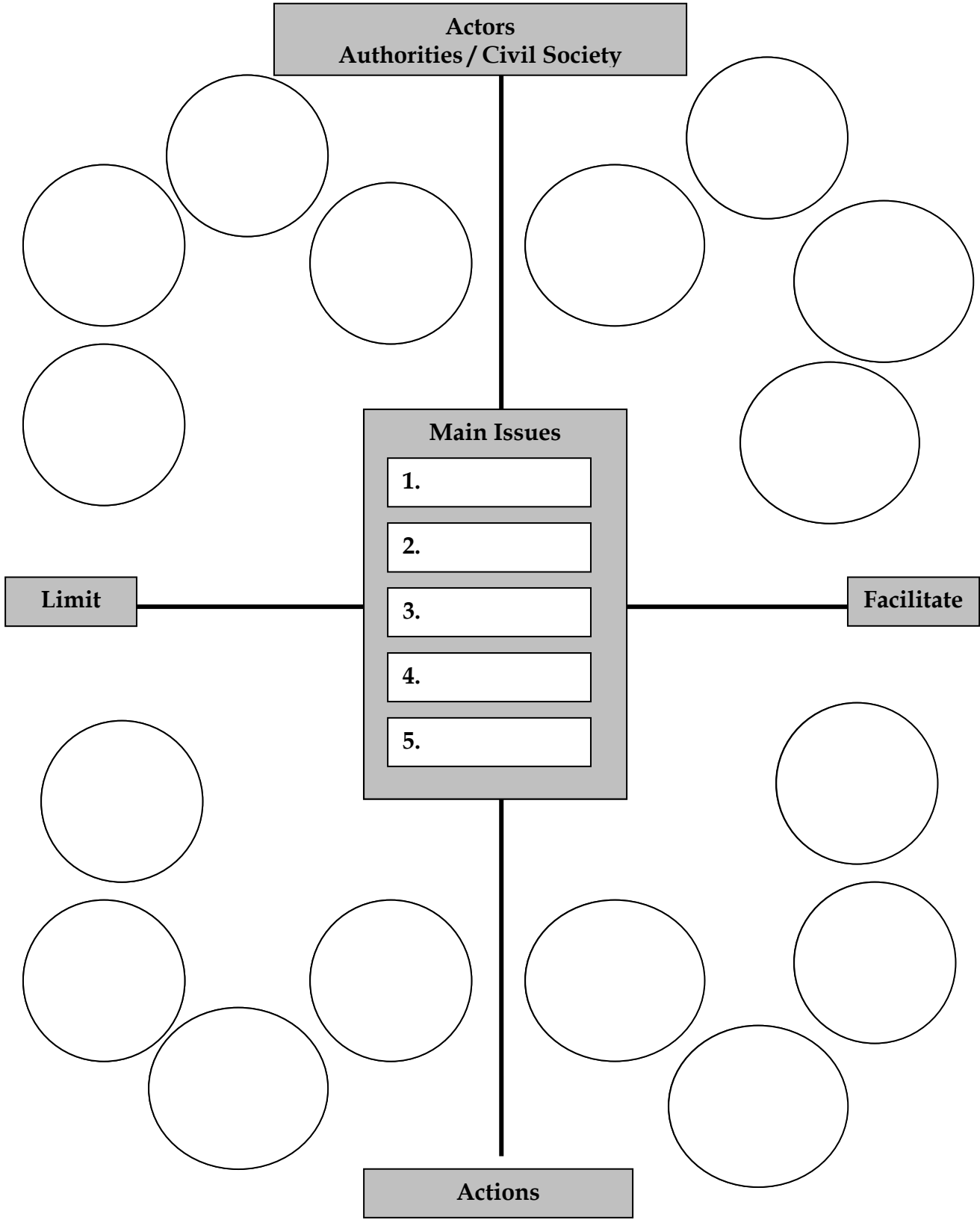
Reference: “*Challenges in Applying the Due Diligence Standard to End Violence against Women*” by Prof. Yakin Ertürk, UN SR-VAW.



Worksheet 1a: Examining Current Issues of Violence against Women

Issues	Victims	Perpetrators	Causes
<p>List the 5 main violence against women issues in your country. Some examples are provided in Reference Sheet 2.</p> <p>Explain why you selected these issues.</p>	<p>Who are the victims of violence against women?</p>	<p>Who are the perpetrators of violence against women?</p>	<p>List some underlying cultural, economic, political, legal and/or social factors leading to these human rights issues.</p>
<p>Violence against women issues specific to conflict and/or post conflict situations:</p>			

Worksheet 1b: Mapping of Connections: Addressing Violence against Women in South Caucasus





Activity 4 Overview of the United Nations Human Rights Protection System with Focus on Violence against Women.

Objective

To examine some of the international instruments and procedures that deal with issues of violence against women.

Time

3 hrs

Description

This activity is divided into three parts.

In Part A, the UN SR-VAW and her assistant will present an overview of the UN human rights system focusing on instruments and entry points for NGOs dealing with violence against women.

In Part B, participants will examine some of the international standards and instruments relating to the human rights of women and, more specifically, to the issue of violence against women.

In Part C, participants and the UN SR-VAW will examine how the main issues previously identified constitute human rights violations under CEDAW and other human rights instruments.

60 min

Part A Presentation

There are two resource persons for this presentation. The UN SR-VAW, Prof. Yakin Ertürk, will provide an overview of women's rights and the UN system and concrete examples of activists using the UN system at the national level to combat violence against women. The strengths and limitations of these examples will be discussed.

Her assistant, Mr. Jan Hessbruegge, will focus on the Special Rapporteur's Confidential Complaints Mechanisms, the CEDAW Optional Protocol, country reporting procedures and other points of entry/interaction with the UN for NGOs working on violence against women.

To prepare for this presentation, participants should review the relevant instruments, copies of which can be found in the References section at the back of this manual and Reference Sheet 4.



NOTE: Optional readings (in English) can be found on the accompanying CD-ROM which will be given to participants at the end of the workshop.

The resource person or facilitator will lead a discussion on the participants' experience with the UN human rights system. S/he could use the following questions to stimulate the discussion:

- How do (or could) you use the UN system in your work in combating violence against women?
- What are the benefits and limitations of using the UN system?

90 min

Part B Small Group Work

Participants will work in small groups to gain a familiarity with the international instruments. Each group will prepare a short presentation on one of the instruments listed below, according to the suggested guidelines.

Instruments (see References section at the back of this manual)

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Declaration on the Elimination of Violence against Women
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage

Guidelines

- Prepare a 5-minute presentation on the instrument assigned to your group. Use:
 - The text of the instrument
 - The experience of the members of the group (best practices)
- Use the suggested format for presentation on **Worksheet 2**
- Summarize the results of the group's discussion on a flipchart.
- Appoint a reporter who will present the findings to the large group.



30 min

Part C Large Group Discussion

The UN SR-VAW and her assistant will comment on the presentations and discuss how the main issues identified in Activity 3 constitute human rights violations under the instruments.

End of Activity ■

Reference Sheet 4: UN Security Council Resolution 1325 on Women, Peace & Security

Scope of the Resolution

The United Nations Security Council (UNSC) Resolution 1325 (the Resolution) is the first resolution which specifically targets the impact of conflict on women and the role women can and should play in peace, reconciliation and reconstruction. It is a political framework that provides a number of operational mandates with implications for the following actors: policy makers, decision-takers, programmers and funding components.

UNSC resolutions have moral and political force. All member States of the UN are expected under the UN Charter to uphold UNSC resolutions and work towards their implementation. This is in contrast to international conventions, such as CEDAW, which have direct legal force on ratifying States.

Once a year, the Secretary General (SG) reports on the implementation of the Resolution. UN agencies are generally given opportunities to provide inputs into this reporting process. The report is quite short but tries, where possible, to be country specific.

Content of the Resolution

A core principle of the Resolution is that women are not just victims of war, but that they should be/and are active players in bringing about a lasting and sustainable peace.

The Resolution calls on the United Nations to:

- increase women's participation at decision-making levels in conflict resolution and peace processes;
 - appoint more women at senior levels & involve more women in UN field missions as military observers, civilian police, human rights and humanitarian officers;
 - provide gender training guidelines and materials on the protection, rights and needs of women and girls; and
 - carry out a UN study on the impact of armed conflict on women and girls, the role of women in peace building, the gender dimensions of peace processes and conflict resolution ensure that all civilian personnel of peacekeeping operations receive gender sensitive training.
- take special measures to protect women and girls from gender-based violence;
 - pay attention to the needs of women and girls in times of conflict, peace and security; and
 - adopt measures to support local women's peace initiatives involve women in all stages of peace processes.

The Resolution calls on Member States to:

- increase women's representation at all decision-making levels
- fund and provide support for gender sensitive training, end impunity, and prosecute those responsible for genocide crimes and gender-based violence; and
- make HIV/AIDS awareness training programs available to military and civilian police.

The Resolution urges parties engaged in an armed conflict to:

- respect international law on the rights and protection of women and girls;

Relationship with CEDAW

Resolution extends CEDAW to all actors

The Resolution can be used to enlarge the scope of CEDAW, making it relevant to *all* participants, including non-state actors, which is particularly relevant in situations of unrecognised/de facto authorities.

For example, the Resolution requires that all actors engaged in every stage of conflict, peace negotiations and post-conflict reconstruction, to protect and respect women's human rights and are responsible and accountable to the international law applicable to the rights of women and girls. Through the Resolution, CEDAW can be applied to states that are not parties to CEDAW, as well as independent armed groups, militias, and paramilitaries.

CEDAW provides operational guidance

The Resolution sets specific goals but does not provide substantial normative or operational guidance to achieve those goals. CEDAW provides the legal weight to enforce the principles of the Resolution by

detailing the concrete strategies that need to be taken by governments and others to meet its requirements.

In this manner, the Resolution calls for all actors involved in a conflict to take into account the needs of women and ensure their participation during the repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction. CEDAW requires States to ensure rural women enjoy: adequate living conditions, including housing, sanitation and water supply; education and training; and equal access to health care services, etc.

How can the Resolution be used?

The Resolution provides a platform from which individuals, non-government organizations, governments and international institutions can advocate for the inclusion of women in all aspects of conflict, peace and security. The Resolution represents a commitment made by governments from around the world.

Therefore, the Resolution can be used as a tool for:

- demanding political accountability and the protection of rights;
- advocacy and lobbying;
- influencing policy and policy maker;
- negotiation;
- leverage;
- education and promotion of women's rights; and
- inclusion and representation in peace processes.

Example 1 - "Coalition 1325"

"Coalition 1325" in Azerbaijan is a UNIFEM supported project that involves collaboration across many sectors.

"Coalition 1325 aims to:

- raise the awareness of the Azerbaijani society on the content of UNSC Resolution 1325;
- advocate for increasing the role of Azerbaijani women in decision-making with regard to conflict prevention and resolution at the national, regional and international levels;
- to involve women refugees and internally displaced persons in peace building process, to promote the culture of peace and establish cooperation with women coalitions working on similar issues abroad."

See: <http://www.un-az.org/unifem/>

Example 2 - 'Women and Men Working in Equal Partnership for the Future of Iraq': An Advocacy and Action Plan

PeaceWomen maintains a regularly updated list on recent civil society, UN and government initiatives to address women's participation in reconstruction in Iraq.

See:

<http://www.peacewomen.org/news/UKactionplan.html>

Limitations of the Resolution

It is noteworthy to be aware of some of the limitations of the Resolution:

- The language of the Resolution is relatively weak as compared to other UNSC resolutions (e.g. the Counter-

Terrorism Resolution 1373 uses "decides, directs, declares", while Resolution 1325 uses "express, emphasizes, requests").

- There are no quotas, time-bound targets for implementation (unlike the European Parliament Resolution on participation of women in peaceful conflict resolution).
- There is a lack of political will amongst some Member-States and within UN system itself. For example: in Georgia, only 1 of approximately 50 Special Representatives of the SG or Special Envoys on peacekeeping operations is a woman; and in the UN, the 30% quota target of women in the UN system set out for 2005 is not on track.

Sources:

- <http://www.peacewomen.org/un/sc/1325.html> - full text of the Resolution
- <http://www.1325australia.org.au/textdocuments/fact%20sheet1.pdf>
- www.glow-boell.de/media/en/txt_rubrik_2/UN_Council.ppt - Presentation
- *Advancing Gender Equality Using CEDAW and UN Security Council resolution 1325 – Training Module for Gender Equality Advocates*, UNIFEM Regional Project "Women for Conflict and Peace-Building in the Southern Caucasus."



Worksheet 2: Main Features of an International Human Rights Instrument

Name of Instrument:
1) Rights protected
2) Obligations imposed on the State
3) Limitations
4) Duties/responsibilities imposed on the public



Main Features of International Human Rights Instruments cont'd

<p>5) Mechanisms for monitoring compliance</p>
<p>6) Optional protocol(s) and purpose</p>
<p>7) Other special characteristics</p>



Activity 5 The Mandate of the UN Special Rapporteur on Violence against Women, its Causes and Consequences

Objective

To examine (to familiarize participants with) the mandate and role of the United Nations Special Rapporteur on Violence against Women.

Time

1 hr

Description

This is a one part activity.

60 min

Presentation

Prof. Yakin Ertürk, UN SR-VAW, will present her mandate. The Special Rapporteur will explain how her mandate reinforces but does not replace the CEDAW or the Optional Protocol to the CEDAW.

To prepare for this presentation, participants should read the following documents:

- *“Fact Sheet 27: Seventeen Frequently Asked Questions about United Nations Special Rapporteurs”* found in the references section at the back of this manual.
- **Reference Sheet 5:** Procedures under the Optional Protocol to the CEDAW Convention.
- **Reference Sheet 6:** Special Procedures of the Commission on Human Rights.

Participants will be able to comment or ask questions.

The facilitator will moderate the discussion.

End of Activity ■



Reference Sheet 5: Procedures under the Optional Protocol to the CEDAW Convention – Communications Procedure and Inquiry Procedure

In itself, the OP-CEDAW (Protocol) does not create new substantive rights. However, under the Protocol, the Committee on the Elimination of Discrimination against Women (Committee) can receive and consider complaints from individuals or groups within its jurisdiction or initiate its own investigation into violations. In either case, States must be party to the CEDAW Convention (Convention) and the Protocol.

It is important to note that from the moment the Committee receives a communication or initiates an inquiry, it works within a set of rigid Rules of Procedure.

Procedures under the Protocol

The Communications Procedure

This procedure allows *individual* or a *group of individuals* to submit to the Committee claims of *specific* violations of rights protected under the Convention which are guaranteed at the international level, and may have not been implemented or are not enforceable domestically. The procedure can be viewed as an extension of domestic legal procedures.

The Communications Procedure differs from many other CEDAW procedures (such as the consideration of States parties' reports or even the inquiry procedure) in that, rather than addressing the overall advancement of women within a

country, it applies to *particular* violations of *individual* rights.

A number of criteria must be met in order for the communication to be admitted for consideration by the Committee, including:

- that domestic remedies must have been exhausted. If domestic remedies have not been used, the Committee will want to know why;
- the communication must not be the same as that which is being or has been examined by another procedure of international investigation or settlement; and
- the complaint must be in writing, and it must not be anonymous.

The Inquiry Procedure

The Protocol enables the Committee to *initiate inquiries* into situations of grave or systematic violations of women's rights in countries that become States parties to the Protocol.

“Grave violations” includes severe abuses, for example, discrimination against women linked to violations of their rights to life, physical and mental integrity, and security of person. A single violation can be grave in nature and a single act can violate more than one right. The Committee may determine that an inquiry into a single grave violation is appropriate on the basis of the facts in a particular situation (e.g.

two hundred single mothers and their children being forcibly evicted from a public housing building).

The term “systematic” refers to the scale or prevalence of violations, or to existence of scheme or policy directing violations. Thus, violations not rising to the level of severity implied by “grave” may still be the focus of inquiry if there is pattern, or abuses are committed pursuant to a scheme or policy. Violations may be systematic in character without resulting from the direct intention of the States party (e.g. a government policy promoting population control in rural areas may have resulted in the sterilisation of a large group of indigenous women without due consent or information).

The inquiry procedure:

- is useful where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- allows the Committee to respond in a more timely way to serious violations that are in progress under the jurisdiction of a States party (e.g. the mass rape of women during riots or the disappearance and assassination of women's rights defenders.);
- gives the Committee an opportunity to make recommendations and issue comments regarding the structural causes of violations, and advance

issues such as equality between women and men.

Choosing a Procedure

One procedure does not preclude the other. The choice between the two procedures depends upon the circumstances (e.g. facts of violation, the desired results, and availability of resources). For example:

- Certain violations while impacting victims as individuals, may also give rise to wide-scale violations of a pattern that will be better understood and addressed by the Committee under the inquiry mechanism.
- Where the facts reveal violations which affect more than one victim but may not reveal a pattern of violations, or where individuals are seeking personal redress specific to their own circumstances, the Communications Procedure may be the more appropriate route.

How to submit a claim under Communications Procedure

(Please see the Model Form and the flowchart of the process in the Resources Section of the manual.)

What type of action can the Committee take?

At any stage of the Communication Procedure, the Committee, working group or rapporteur may request that the State party concerned “take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged

violation” where victims may be at risk of imminent harm (e.g. torture or execution). Interim measures simply mean taking whatever action is necessary to ensure the protection of the victim(s), such as offering the victim(s) police protection or relocating her/them to a safe environment. Interim measures are meant to be immediate and temporary in nature, to safeguard the victim(s) only until such time that the Communications Procedure is complete.

If the Committee concludes that a violation of the Convention has occurred, it will issue recommendations for action that the States party should take to remedy the violation.

Remedies available to individual victims include:

- Interim guidelines, instructions and steps to end continuing violations or prevent repetition of the violation(s).
- Restitution or actions necessary to restore the victim to the conditions she/they would have been in had the violation not occurred.
- Settlement, compensation and/or rehabilitation for the victim.
- Retrial.
- Enforcement of domestic court judgment establishing conditions to enable the victim(s) to exercise a right (e.g. women's inheritance rights).
- Recognition of the right(s) alleged to have been violated.
- Review of laws, administrative decisions and/or policies which are disputed in the case.

Remedies available to an individual victim but with a public interest component include:

- The adoption of measures and remedies to effectively prevent future violations or address similar violations.
- Action and measures to ensure the full recognition, enjoyment and exercise of rights contained in the Convention.
- General enactment, review or amendment of laws inconsistent with the provisions of the Convention.
- Adoption of temporary special measures in a particular field (e.g. quota system in parliament).
- Recognition of the justiciability of all the rights enshrined in the Convention.
- Steps towards the condemnation, sanctioning and regulation of discrimination by private and public actors.

Sources:

- *Confronting Discrimination: The Convention on the Elimination of All forms of Discrimination against Women and its Optional Protocol.* Handbook for parliamentarians. 2003. Inter-Parliamentary Union. p. 77
- <http://www.iwraw-ap.org/protocol.htm>
- <http://www.un.org/womenwatch/daw/ce-daw/protocol/>
- E-copy of the Model Form: <http://www.un.org/womenwatch/daw/ce-daw/opmodelform.html>
- Flowchart: <http://www.iwraw-ap.org/protocol/commchart.htm>



Reference Sheet 6: Special Procedures of the Commission on Human Rights: Urgent Appeals and Letters of Allegation on Human Rights Violations

Background of Special Procedure

The special procedures consist of a number of individual experts who bear different titles such as special rapporteurs, special representatives, independent experts or working groups and are appointed usually by the United Nations Commission on Human Rights. Although the titles of the special procedures vary, there are no major differences in their general responsibilities and methods of work.¹ The experts are entrusted with the mandate to examine, monitor, advise and publicly report on human rights situations in specific countries or on major human rights related themes worldwide.

The work of the special rapporteurs is usually organized around the following activities: submitting thematic reports to the Commission on Human Rights (and for some of them also to the General Assembly) at its annual session; undertaking country visits on which reports are submitted to the annual session of the Commission as addenda to the thematic reports; sending communications on alleged violations of human rights (urgent appeals and letters of allegation) to the Governments concerned; and issuing press releases on specific matters of grave concern.

¹ All special procedures are referred to here as either experts or special rapporteurs, although they bear different names.

Urgent appeals and letters of allegation

When does a special Rapporteur take action?

Admissibility criteria of information received

Some special rapporteurs are entrusted by their mandate to receive information from different sources: Governments, inter-governmental organizations, non-governmental organizations, alleged victims of human rights abuses, and witnesses. When they receive credible information that a human rights violation has occurred that comes within the scope of their mandate, some special rapporteurs intervene directly with Governments. The intervention can relate to a human rights violation that has already occurred, one that is ongoing, or one that will very likely take place if no action is taken. The decision to intervene is at the discretion of the special procedure mandate-holder and will depend on various criteria established by him or her.

The admissibility criteria will generally relate to: the reliability of the source; the internal consistency of the information received; the precision of the factual details included in the information; and the scope of the mandate itself. However, it must be emphasized that the criteria and the procedure involved in responding to an individual complaint vary, so it is necessary to submit a complaint in accordance with the specific requirements established by each special Rapporteur.

What type of action can a special Rapporteur take?

Sending communications to Governments

When a special Rapporteur receives credible information on alleged human rights violations, s/he can send a communication, usually taking the form of a letter, transmitted through the Office of the High Commissioner for Human Rights, to the Government concerned requesting information and comments on the allegation and that preventive or investigatory action be taken. Communications may deal with individual cases, cases of groups or communities, general trends and patterns of human rights violations occurring in a particular country, or the content of draft or existing legislation considered to be a matter of concern.

Communications will usually take the form of either “urgent appeals” or “letters of allegation”. Special rapporteurs may send joint communications when cases fall under the scope of more than one mandate.

“**Urgent appeals**” are used to communicate information about a violation that is allegedly ongoing or about to occur. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a human rights violation.



“**Letters of allegation**” are used to communicate information about violations that are said to have already occurred and whose impact on the alleged victim can no longer be changed. This kind of letter is used, for example, in cases where information reaches the Special Rapporteur after the human rights abuse has already been committed.

In both types of letters, the special Rapporteur asks the Government concerned to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions. Depending on the response received, the Special Rapporteur may decide to inquire further or make recommendations.

Communications are not accusatory per se, cannot replace a judicial proceeding, and do not imply any kind of value judgement on the part of the special Rapporteur; rather they are a means of requesting clarification on alleged violations with a view to trying to ensure, along with the Government concerned, the protection of human rights.

All communications sent and received are confidential and remain so until the end of the reporting cycle, when the special Rapporteur submits an annual report to the Commission on Human Rights on communications sent and replies received from Governments on specific cases. The names of the alleged victims are reflected in the reports to the Commission, except in

the case of children or specific circumstances.

How to submit a complaint

The following minimum information must be provided to all special procedures in order for the complaint to be assessed:

- Identification of the person(s) or organization(s) submitting the communication;
- The full name of the alleged victim(s), their age, sex, and place of residence or origin;
- Identification of as many details as possible (name, age, sex, place of residence or origin) in cases involving a group or community;
- Date and place of incident (approximate, if exact date is not known);
- A detailed description of the circumstances of the incident in which the alleged violation occurred;
- Identification of the alleged perpetrator(s), name(s) if known and/or title/function, and suspected motive;
- Where relevant, specify if steps have been taken at the national level (e.g. have police been contacted, are other national authorities involved, the position - if any - of the Government);²
- Where relevant, specify if steps have been taken at the international level (e.g. if other international mechanisms have been activated).²

² The latter two are not required but may provide useful additional information.

It should be stressed that the identity of the source of information will be kept confidential.

Cases of alleged human rights violations can be submitted either by providing the above-mentioned information or by completing the relevant questionnaire available on the OHCHR web site:

<http://www.ohchr.org/english/bodies/chr/special/index.htm>.

The information or complaint form should be sent by fax to:
+41 22 917 90 06
by e-mail to: urgent-action@ohchr.org

or by postal mail to:
Quick Response Desk
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14 avenue de la Paix
1211 Geneva 10, Switzerland



Activity 6 Submitting Information to the UN SR-VAW and the CEDAW Optional Protocol.

Objectives

To examine the United Nations Special Procedures of the Human Rights Council.

To prepare a draft submission using either the UN SR-VAW or the CEDAW Optional Protocol procedure.

Time

1 hr 45 min

Description

This activity is divided into three parts.

In **Part A**, a resource person provides an overview of the procedures to submit information and cases to the Special Rapporteur as well as the complaints procedure under the CEDAW Optional Protocol.

In **Part B**, participants will prepare a draft submission of an allegation of violations either to the Special Rapporteur or the CEDAW Optional Protocol.

In **Part C**, participants will present their outline or draft to the large group.

40 min

Part A Presentation

The assistant to the SR-VAW will explain the procedures:

- Submitting appeals and letters of allegations of acts of violence against women to the office of the UN SR-VAW urgent.
- Using the complaints procedure under the CEDAW Optional Protocol.

S/he will explain the criteria and conditions for submitting information, as well as facts and information to be included.

S/he will also highlight advantages and disadvantages of using the special procedures as opposed to other UN or regional mechanisms.

Participants have the opportunity to comment and ask questions.

[Cont'd ▶ ▶ ▶](#)



Activity 7 cont'd

30 min

Part B Small Group Work

The facilitator will divide participants into country groups (same as in Activity 3) and will briefly explain the activity.

Using **Worksheets 3 or 4** as a template, each group will prepare either a draft submission of a case to the Special Rapporteur or a draft submission of a case using the CEDAW Optional Protocol.

Each group should focus on a single case or issue that one of the organizations in the group is actually hoping to address.

Each name should name a reporter to present its findings to the larger group (in a 5-minute presentation).

Reference Sheet 6 provides additional details regarding the special procedures.

35 min

Part C Plenary Work

The large group will reconvene and each group will report its findings. The resource person will comment on the presentations and make suggestions on ways to improve the draft submissions.

End of Activity ■



Work Sheet 3: Form for Submitting Urgent Appeals and Letters of Allegation on Human Rights Violations Using the Special Procedures of the Human Rights Council

**CONFIDENTIAL
VIOLENCE AGAINST WOMEN
INFORMATION FORM**

INFORMER: name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.

Name of person/organization:

Address: _____

Fax/Tel/E-mail: _____

VICTIM(S): information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.

Name: _____

Address: _____

Date of birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background, religious, social group (if relevant): _____

THE INCIDENT: including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.

Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by



private individuals or groups (rather than government officials) include any information, which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.

Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: _____ Time: _____ Location/country: _____

Number of assailants: _____ Are the assailant(s) known to the victim? _____

Name of assailant(s): _____

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship? _____

Description of the assailant(s) (include any identifiable features): _____

DESCRIPTION OF THE INCIDENT: _____



Does the victim believe she was specifically targeted because of gender? _____

If yes, why? _____

Has the incident been reported to the relevant State authorities? _____

If so, which authorities and when? _____

Have the authorities taken any action after the incident? _____

If so, which authorities? _____

What action? _____

When? _____

WITNESSES: Were there any witnesses? _____

Name/age/relationship/contact address: _____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
Fax: 00 41 22 917 9006, E-mail: csaunders.hchr@unog.ch



Profession: _____

Ethnic background, religious affiliation, social group (if relevant): _____

Present address: _____

Mailing address for confidential correspondence (if other than present address): _____

Fax/telephone/e-mail: _____

Indicate whether you are submitting the communication as (Alleged victim(s). If there is a group of individuals alleged to be victims, provide basic information about each individual): _____

Information concerning the alleged victim(s) (if other than the author)

Family name: _____

First name: _____

Date of birth: _____

Place of birth: _____

Nationality/citizenship: _____

Passport/identity card number (if available): _____

Sex: _____

Marital status/children: _____

Profession: _____

Ethnic background, religious affiliation, social group (if relevant): _____



Activity 7 Strategies for Change: Identifying the Next Steps

Objectives

To identify priority areas in the struggle to end violence against women in the South Caucasus.

To explore strategies for future collaboration between civil society organizations in the South Caucasus and the UN SR-VAW, as well as other international organizations including Equitas.

Time

2 hrs 45 min

Description

This activity is divided into three parts.

In **Part A**, participants will identify the necessary elements in a society free of violence against women.

In **Part B**, participants will examine the priority actions that are required to end violence against women in their respective countries.

In **Part C**, participants will present their findings and share ideas regarding possible next steps to the Consultation.

60 min

Part A Presentation and Discussion

The facilitator and/or a resource person will briefly summarize the activities and discussions that have taken place so far during the Consultation. Focusing on some of the main issues, they could examine three general aspects: the characteristics of main issues of violence against women in the South Caucasus, the actors and institutions that limit or favor the redress of violations, and the existing international mechanisms to promote and defend women's human rights and recourses to seek redress of violations. They should summarize the information in **Columns A** and **B** of a flipchart version of **Worksheet 5**.

Participants will validate the information provided in the summary.

The facilitator will then lead a brainstorming session to identify some of the basic elements of a society free of violence against women.

Cont'd ▶ ▶ ▶



Activity 7 cont'd

Participants will consider the following question:

- What would be the general characteristics of a society free of violence against women?

The facilitator writes the elements identified by participants on a flipchart.

30 min

Part B Small Group Work

The facilitator will divide participants into small groups. Each group will focus on one of the five main issues. Participants can use the following questions to guide their discussions:

- What changes need to occur in individual countries to resolve the issue and end violence against women in the region?
- Looking at the elements identified during the brainstorming, what actions are (still) needed to resolve this issue? What actions should be given priority?

Record your answers in **Column C** of **Worksheet 5**

75 min

Part C Group Presentations and Discussion

The large group will reconvene and each group will report on the results of their discussion (10 min each). The facilitator will summarize the common elements and will list the priorities identified. The UN SR-VAW, her assistant and Equitas representative will have the opportunity to comment and ask questions.

The facilitator will lead a discussion regarding the possible next steps to the Consultation. The following questions can guide the discussion:

- What should be the next steps for civil society organizations to combat violence against women in the South Caucasus?
- What role could the UN SR-VAW potentially play in supporting the work of civil society organizations in combating violence against women? What support could civil society organizations provide the UN SR-VAW to help her fulfill her mandate more effectively? What are some of the priorities?
- What role, if any, could Equitas play in supporting civil society organizations in the South Caucasus?

The Facilitator will record the answers in **Column D** of **Worksheet 5**.

End of Activity ■



Worksheet 5 : Identifying Areas of Priorities and Strategies for Change

A. What are the main factors contributing to this issue?	B. What actions are now taking place to address this issue? Who is involved in those actions?	C. What (realistic) actions are (still) needed to resolve this issue ?	D. If any, what are the areas of possible collaboration for: The UN SR-VAW Consultation participants Equitas
Political			
Legal			
Economic			
Social/ Cultural			
Individual/ Personal			

Issue _____



Activity 8 General Evaluation and Closing Remarks by the Special Rapporteur, Organizers and Consultation Participants

Objectives

To evaluate the activities of the Consultation and provide closing remarks.

Time

30 min

Description

After completing the evaluation questionnaire, participants discuss as a group the benefits of the Regional Consultation with the UN SR-VAW.

Questions to keep in mind:

- What issues discussed do you feel are most relevant for the work of your organization?
- How will the knowledge and skills you've acquired during this Consultation be used or adapted for the needs of your organization?
- How will the “networking” activities be useful for your own work?
- In future consultations, what could be done differently? What could be improved?

Closing Remarks

Time

30 min

The SR-VAW , Prof. Ertürk, Consultation organizers and participants make closing remarks.

End of Activity ■



Activity 9 Holding a Press Conference with Local Media

Objectives

To prepare and hold a press conference with the Special Rapporteur on Violence against Women, Consultation participants and representatives of local media.

Time

1 hour 30 min

End of Activity ■



Resources

Fact Sheet 27: Seventeen Frequently Asked Questions about the United Nations Special Rapporteurs”

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Declaration on the Elimination of Violence against Women

Declaration on Protection of Women and Children in Emergency and Armed Conflict

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage

Resolution 1325



Fact Sheet No.27: Seventeen Frequently Asked Questions about United Nations Special Rapporteurs

INTRODUCTION

Millions of people around the world look to the United Nations to resolve problems that affect their daily lives. They expect the United Nations to work towards the improvement of their standard of living and enhance their enjoyment of fundamental rights and freedoms. The challenge of achieving universal respect for all human rights remains as daunting as ever.

The denial of human rights has been at the root of many conflicts. The change in the nature of conflicts from international to internal during the past decade has made the link between peace and security, economic and social affairs, democratization, development, good governance and humanitarian issues more obvious. In order to prevent internal conflicts, greater emphasis should be placed on early warning mechanisms in the human rights area as well as on strengthening national institutional capacities to address human rights concerns.

The United Nations human rights mechanisms contribute to the United Nations early warning system. Since its creation in 1945, the United Nations has worked diligently and systematically to promote and protect human rights. It has enabled the international community to organize its response to human rights violations. Since 1979, special mechanisms have been created by the United Nations to examine specific country situations or themes from a human rights perspective. The United Nations Commission on Human Rights has mandated experts to study particular human rights issues. These experts now constitute what are known as the United Nations human rights mechanisms or mandates, or the system of special procedures. Although the mandate-holders have different titles, such as special rapporteur, special representative or independent expert, each is considered as an expert on mission within the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. This is why they are all referred to here as experts.

The United Nations special procedures system has been able to bring the intergovernmental debate on human rights closer to the reality on the ground. During recent years, the United Nations human rights experts have brought to the attention of the international community many issues of concern, such as police brutality, summary executions, the killing of women in the name of honour, the suffering of street children, the persecution of ethnic minorities in many societies, the role of non-State actors in human rights violations, the link



In 1965, however, the Commission was faced with a number of individual petitions from South Africa and came under considerable pressure to deal with them. This forced it to grapple with the elaboration of procedures to deal with issues connected to racism. A taboo was broken in 1967 when the Commission established an ad hoc working group of experts to investigate the situation of human rights in southern Africa. The demand to act on the situation in southern Africa led to recognition of the need for public debate on specific countries.

In response to a request by the Commission on Human Rights, the Economic and Social Council adopted resolution 1236 (XLII) in 1967, allowing the examination of cases revealing a consistent pattern of human rights violations. In its resolution 1503 (XLVIII) , adopted in 1970, the Council established a procedure to deal confidentially with complaints relating to a consistent pattern of gross violations of human rights.

It took until 1975 before the Commission was able to deal with another situation, however. Following the 1973 coup in Chile against President Allende by General Augusto Pinochet, the Commission established in 1975 an ad hoc working group to inquire into the situation of human rights in Chile. In 1979, this working group was replaced by a special rapporteur and two experts to study the fate of the disappeared in Chile. In 1980, the Commission established the Working Group on Disappearances to deal with the question of enforced disappearances throughout the world. Since then, there has been less reluctance to establish expert mechanisms to deal with human rights challenges in various parts of the world. Such mechanisms were progressively applied in a more innovative manner and adapted to an increasing range of violations.

The Commission solicits the help of human rights experts to assist it in the task of examining specific situations. Over the years, the work of these experts has provided a much needed analysis on how human rights principles are applied in reality. It has formed the basis for an informed and substantive debate at the intergovernmental level. It has given a voice to the often silenced victims and offered a basis for dialogue with Governments on the concrete measures to be taken to enhance protection.

The work of the experts is debated during the annual session of the Commission on Human Rights. About one third of the experts also reports to the United Nations General Assembly in New York. Some experts have informally briefed the United Nations Security Council.



3. What do the mandates currently cover?

Over the years since they were first created, the United Nations human rights mechanisms have been expanded considerably. As of November 2000, 43 men and women are serving as United Nations experts in the field of human rights. They cover 36 mandates on a wide range of issues relating to civil, cultural, economic, political and social rights. All the mandates, except one, were created by the Commission on Human Rights. The General Assembly created the mandate on children in armed conflict.

Since its action on South Africa in 1967, the Commission has established a long tradition of dealing with specific country situations. Experts are currently in charge of 14 other country mandates. These country mandates are complemented by the thematic mandates. They cover 22 themes concerning a wide range of civil, political, economic, cultural and social rights. As was stated earlier, the oldest of the existing mandates is that on enforced disappearances, which was established in 1980. Thereafter, the Commission first focused on issues relating to civil and political rights. More recently, attention has been paid to economic, social and cultural rights. In fact, most mandates created since 1995 have been in the area of economic, social and cultural rights.

The mandates are usually entrusted to an individual expert. In some cases, however, because of the nature of the issue under consideration, the Commission establishes a working group of experts. Such working groups are commonly composed of five individuals, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe, and the Western group. Two such working groups are currently in operation, one on enforced disappearances and the other on arbitrary detention.

In recent years, several countries have been trying to focus human rights action on issues relating to development. Consequently, the right to development and structural adjustment issues are now receiving additional attention. In each of these cases there is a two-tiered mechanism comprising an independent expert and an intergovernmental working group. These working groups are open to all States, observers and non-governmental organizations.

4. Who are the experts?

The 43 experts are prominent human rights figures from various walks of life. They include current and former holders of high judicial office, academics, lawyers and economists, former and current members of non-governmental organizations, and former senior staff members of the United Nations. They



come from all regions. In more recent years, more effort has been made to select women experts. There are currently 10 women experts.

Although the emphasis of each mandate is different, what all the experts have in common is that they are selected on the basis that they are individuals of high standing who are willing to provide quality services to the United Nations without remuneration. They all enjoy the same legal status and fall within the same structure. Although their action may differ as it is tailored to respond to the specific issue under consideration, they mostly apply the same approach, as will be discussed below.

5. Why are the experts given different titles?

As was stated earlier, the Commission bestows varying titles on the experts. These include special rapporteurs, independent experts, representatives of the Secretary-General or representatives of the Commission. These different titles neither reflect a hierarchy, nor are they an indication of the powers entrusted to the expert. They are simply the result of political negotiations. The most important issue is the mandate given to the expert as it is formulated in the resolutions of the Commission on Human Rights. These mandates could focus on reporting on violations, or on analysing a problem, or on assisting in the provision of technical assistance or on a combination of one or more of these features.

6. Who selects the experts?

The intergovernmental resolution creating each mandate determines who selects the expert. Special rapporteurs and representatives of the Commission are typically selected by the Chairperson of the Commission. Although there is a tradition that the Chairperson consults with the Bureau of the Commission, the decision is ultimately that of the Chairperson. The Chairperson is normally a diplomat at the ambassadorial level. The chairmanship of the Commission rotates between the regional groups, which are all represented on its Bureau.

The representatives of the Secretary-General and some independent experts are selected by the United Nations Secretary-General upon the recommendation of the High Commissioner for Human Rights.

The choice of the expert is crucial to the credibility of the mandate. The experts are expected to be individuals of high standing and deep knowledge of human rights. In the selection of experts, it has been determined that consideration should be given to the professional and personal qualities of the individual



Most expert research and study issues of concern, carry out country visits, receive and consider complaints from victims of human rights violations, and intervene with Governments on their behalf. In some cases, the experts also recommend programmes of technical cooperation.

a). Urgent appeals

Intervening on behalf of victims of human rights violations is an essential element of human rights work. An indication that a violation has reached the attention of the United Nations or a mere inquiry by the United Nations about the circumstances of a case may often be sufficient to halt abuses.

Most experts receive information on specific allegations of human rights violations. In some cases, they send urgent appeals to a Government if a serious human rights violation appears to be imminent. Some experts send around one hundred interventions and appeals per year. They commonly report these communications to the Commission. In doing so, they follow principles of transparency and consistency. They attempt to provide equal opportunities to the sources of information and to the Government concerned. Some cases involve various types of violations relating to the mandates of several experts. In such cases, the experts are encouraged to coordinate their actions.

b). Country visits

It is a priority for experts with country mandates to visit the particular country concerned. Sometimes they are denied access, in which case they travel to other countries, including the neighbouring countries, to interview refugees and other relevant actors. The budget of the United Nations allows the experts to visit a country once or twice a year. Extra-budgetary arrangements are sometimes also made to allow for more frequent visits.

Experts with thematic mandates may decide to carry out visits to countries relevant to those mandates, on the basis of information received. The United Nations budget normally allows for two country visits for each expert. Experts charged with thematic mandates attempt to visit countries in all regions of the world. The requests for visits are either initiated by the experts themselves or by the Commission on Human Rights in specific resolutions.

The experts only carry out official missions. They do not go on mission to any country without the approval of the relevant authorities. The visits are normally organized in coordination with the United Nations team in the country concerned, led by the United Nations Resident Coordinator or the United Nations Information Office.



During these visits, the experts interact with both governmental and non-governmental actors. They require freedom of inquiry, including access to relevant facilities, such as prisons and detention centres, and contacts with representatives of non-governmental organizations. It is standard procedure for the experts to request assurances from the Government that no persons, official or private, who have been in contact with them will be subjected to threats, harassment, punishment or judicial proceedings. Indeed, planned visits have been called off when Governments were not ready to provide the experts with free access to places or to respect the independent nature of the experts work. Media coverage of the country visits often places the human rights issue at the centre of the public debate.

Sometimes experts are requested by the Commission to carry out joint visits when the human rights problems in a specific situation are multidimensional. Such joint visits have been made in the context of the conflicts in East Timor and in the former Yugoslavia. Sometimes the experts themselves consider it useful to carry out joint missions. This form of coordination amongst the experts is to be welcomed.

c). Normative work

Some experts attempt to develop authoritative norms and standards for their work. The Representative of the Secretary-General on internally displaced persons worked with a team of international legal experts to prepare a compilation and analysis of the legal norms pertaining to internal displacement, on the basis of which he then developed Guiding Principles for the protection of the internally displaced. In April 1998, the Commission took note of these principles and of the decision of the Inter-Agency Standing Committee welcoming the Guiding Principles and encouraging its members to share them with their executive boards. These Principles are designed to provide guidance to the Representative, States, all other authorities, groups and persons, and intergovernmental and non-governmental organizations when addressing the issue of internal displacement.

The Working Group on Arbitrary Detention, which is composed of five experts, has also developed a framework for action. In its Deliberation No. 5 adopted in December 1999, for instance, the Group established criteria to govern cases of arbitrary detention of asylum-seekers. The work, which was undertaken in coordination with the Office of the United Nations High Commissioner for Refugees, was welcomed by a number of States and NGOs.



d). Follow-up

The experts hold dialogues with Governments on their findings and recommendations. The dialogue becomes more meaningful when Governments demonstrate the will to approach the concerns raised by an expert in a serious manner. For instance, during the September 1999 visit of the Special Rapporteur on the question of torture to Kenya, the Government assigned a high-ranking police officer to liaise with the Rapporteur. The officer accompanied the Rapporteur during the mission and, on several occasions, ordered immediate corrective action to redress a violation, such as immediate medical attention for certain detainees or the release of one individual who was arbitrarily detained. The Special Rapporteur publicly acknowledged this effective follow-up action.

The effectiveness of the system rests on adequate follow-up of the experts' conclusions and recommendations. The Special Rapporteur on religious intolerance, for instance, developed a matrix containing the recommendations formulated in his report. He routinely transmits these to Governments requesting them to provide him with their comments, as well as to indicate the measures they have taken or intend to take to implement, even progressively, the recommendations. Other experts have started to use similar techniques. The responses they receive from Governments are included in their reports.

e). Non-State actors

The experts do not only address States. Several mandates require their holders to deal with non-State entities. Between 1996 and 2000, the independent expert on the situation of human rights in Somalia reported on the violations committed by warlords and militia leaders in that country. She also addressed the actions taken by the United Nations agencies in the absence of a central government in Somalia. She devoted a major part of her 1998 report to allegations of violations committed by the international troops while in Somalia.

A growing number of mandates now address international institutions. Some of the mandates, particularly those on development and on structural adjustment and foreign debt, aim at considering the impact of the financial institutions policies, such as those of the World Bank and the International Monetary Fund, on human rights. Their value is in generating a debate about such issues.

f). The role of NGOs

International, regional and national non-governmental organizations provide invaluable support to the special procedures system. Human rights NGOs



have been at the forefront of the advocacy for the creation of specific mandates. They provide essential analysis and information on the human rights situation in many countries and with regard to many thematic issues. Such information is verified by the experts and often transmitted to Governments for their views. The NGOs disseminate the work of the experts to their local constituencies. The significant contribution that NGOs make to enhance the system is widely recognized by Governments, the experts and the United Nations. The establishment of a mandate on human rights defenders in 2000 constitutes a recognition not only of the indispensable contribution of NGOs, but also of the fact that many human rights defenders are harassed and intimidated for carrying out their human rights work and of their need for protection.

10. Does the work of experts have impact?

Through their reports to the Commission, the experts highlight situations of concern. Their reports often provide an invaluable analysis of the human rights situation in a specific country or on a specific theme. Some reports bring to the attention of the international community issues that are not adequately on the international agenda. Many reports name victims and describe the allegations of violations of their human rights. Throughout the year, many experts intervene on behalf of victims. While the work of experts is often a major driving force contributing to change, it is difficult to attribute concrete results in the field of human rights to one factor. Much depends on how Governments, the civil society in a particular country and the international community react to the violations and to the findings, conclusions and recommendations of experts.

The continuous examination of a particular situation, however, signals to victims that their plight is not forgotten by the international community and provides them with the opportunity to voice their grievances. The perpetrators of human rights violations know that they are being watched. The authorities concerned know that the assessment of their human rights record will have an impact on political, developmental and humanitarian considerations. This sometimes brings improved accountability and therefore change for the better.

The experts reports often serve as an important early warning. For instance, before the genocide in Rwanda took place, the Special Rapporteur on extrajudicial, summary or arbitrary executions visited the country and reported on the serious ethnic violence that was occurring. The international community did not provide an adequate response to this significant early warning.

There are many examples of concrete results being achieved by the experts. During their country visits, many of them succeed in obtaining relief for victims.



In January 1992, for example, the Special Rapporteur on the situation of human rights in Afghanistan succeeded in obtaining a presidential decision from then President Najibullah to commute the death sentences of some 114 persons into 20-year prison terms.

11. What is the relationship between the experts and the various United Nations bodies?

The experts are asked to fulfil specific tasks that are outlined in specific United Nations resolutions. They are expected to remain within their mandate and carry out their duties with full independence from any governmental or non-governmental influence. This independence is highly prized by victims, Governments and NGOs. It is a sine qua non for the successful fulfilment of the mandates. As was stated on behalf of the United Nations Secretary-General before the International Court of Justice, in the absence of complete independence, human rights mandate holders and special rapporteurs would hesitate to speak out against and report violations of international human rights standards.

This independence does not, however, militate against coordination and dialogue with other actors, particularly within the United Nations system. Dialogue is very much encouraged by United Nations resolutions, as well as tradition. In resolutions establishing mandates the Secretary-General is typically requested to provide support for the work of the experts. This is mainly viewed as political support as well as financial support from the regular budget of the United Nations and the assistance provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR) . The various United Nations agencies are also requested to provide support for the work of the experts.

The work of the experts is facilitated by OHCHR and, while they are on mission, by the senior United Nations official in the country. Many experts also hold regular consultations with the United Nations Secretariat in New York and with the various specialized agencies. Without the support of the United Nations country teams, the work of the United Nations human rights experts would suffer seriously. For instance, on 4 March 1998 OHCHR concluded a Memorandum of Understanding with the United Nations Development Programme (UNDP) , according to which UNDP and OHCHR shall cooperate closely with a view to implementing aspects of mandates of country and thematic special procedures and working groups. The cooperation between UNDP and OHCHR endeavours to enhance the effectiveness and efficiency of human rights fact-finding missions. Local UNDP offices extend both substantive and logistical support before and during missions. UNDP also makes available relevant UNDP reports and evaluation papers regarding countries to be visited.



12. What is the experts' legal status?

The experts carrying out United Nations human rights mandates are legally classified as experts on mission in the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. While they are working on their mandates, the experts enjoy functional privileges and immunities that are specified *inter alia* in article VI, section 22 of the Convention. These include:

- a). Immunity from personal arrest and detention and from seizure of their personal baggage;
- b). In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity is to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- c). Inviolability for all papers and documents;
- d). For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- e). The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- f). The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

The privileges and immunities of the Commission's experts recently became the subject of a binding advisory opinion by the International Court of Justice (ICJ). On 29 April 1999, ICJ gave its opinion in the case of Dato Param Cumaraswamy, the Special Rapporteur on the independence of judges and lawyers. Dato Cumaraswamy has been the subject of several defamation suits in Malaysia for damages amounting to US\$ 112, 000. ICJ held that article VI, section 22, of the Convention on Privileges and Immunities of the United Nations was applicable in the case of Mr. Cumaraswamy¹⁵ and stated that he was entitled to immunity from legal process of every kind for the words spoken by him during an interview published in the November 1995 issue of *International Commercial Litigation*. The Court also stated that Mr. Cumaraswamy should be held financially harmless for any costs imposed upon him by the Malaysian courts, in particular taxed costs. The Court found that the Government of Malaysia was under the obligation to communicate the advisory opinion to the Malaysian courts, in order that Malaysia's international obligations be given effect and Mr. Cumaraswamy's immunity be respected.



13. Is there any oversight on the work of the experts?

Human rights experts deal with issues that have a political dimension. It is thus hardly surprising that the objectivity and the quality of the work of some experts are sometimes questioned. The Commission on Human Rights exercises oversight over the work of the experts while keeping in mind that the experts are irremovable, independent and are immune from legal process. It examines their reports and passes resolutions either welcoming or criticizing the work of the expert, or simply takes note of their action. During 1999-2000, the Commission undertook a general review of the work of the experts.

As a result, it adopted a number of resolutions in April 2000 aimed at enhancing the effectiveness of the work of the experts. The adopted measures included the establishment of the above-mentioned time limit for mandate holders and reaffirmation that the independence of the experts constitutes a main criterion for their selection.

Moreover, the United Nations General Assembly is also currently debating a draft code of conduct that will apply to all experts on mission, including the United Nations human rights experts.¹⁷ The experts' main concern with respect to the draft code is that it does not adequately take into account that they are unpaid independent actors, rather than paid consultants who receive instructions. Their function requires them to act in accordance with the mandate entrusted to them, their conscience, and on the basis of facts and human rights law.

The experts also exercise a degree of self-regulation. Since 1993, they meet annually to deliberate amongst themselves on issues relating to their mandates. During these meetings, they consider matters of common interest, such as their methods of work. They also have discussions with the High Commissioner for Human Rights, the Bureau of the Commission on Human Rights, the Chairpersons of the United Nations human rights treaty bodies established under the six core United Nations human rights treaties¹⁸ and NGOs. The meetings provide a forum for airing problems in an effort to find solutions.

14. What resources are available to experts?

As the experts are professionals with full-time jobs who render their services to the United Nations on a part-time basis, the quality of their output depends to a large extent on the quality of support they receive from OHCHR and the amount of time staff invest in this work. Currently, the Office can provide a staff member to assist each mandate for an equivalent of approximately three full-time months a year only.

Most States are conscious of the need not to overload the system. However, human rights situations sometimes dictate the creation of new mandates. The




The Sub-Commission is composed of 26 independent experts. They meet annually for three weeks in August in Geneva to deliberate on human rights issues. State and NGO representatives also make statements before the Sub-Commission, whose meetings are generally open to the public. The Sub-Commission recommends to the Commission topics that require further consideration. The Sub-Commission studies are aimed at enhancing the understanding of a topic and recommending to the Commission how to address it. Some of these studies may lead to a standard-setting exercise. Others may lead to the establishment of new mechanisms.

17. Does the work of the Sub-Commission's experts differ from the work of the Commission's experts?

Like the experts of the Commission, the experts of the Sub-Commission are experts on mission within the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. This was affirmed by the International Court of Justice in an advisory opinion rendered on 15 December 1989 in a case known as the *Mazilu* case.

The Sub-Commission experts mainly conduct studies. They do not usually take up individual cases and do not send urgent appeals to Governments. They do not carry out fact-finding missions. The work of experts is publicly and extensively debated during the three-week session of the Sub-Commission. Every topic is usually studied by one or more special rapporteurs of the Sub-Commission for at least three years. The expert entrusted with the study normally submits a working paper, a preliminary report, a progress report and a final report.

The Sub-Commission is currently studying a wide range of issues. These are studies by special rapporteurs on the rights of non-citizens; the concept and practice of affirmative action; globalization and its impact on the full enjoyment of human rights; the elimination of traditional practices affecting the health of women and girls; indigenous peoples and their relationship to land; and terrorism and human rights; as well as the preparation of working papers on discrimination based on work and descent; measures provided in the various international human rights instruments for the promotion and consolidation of democracy; the consequences of the working methods and activities of transnational corporations (TNCs) as well as the responsibility of States and TNCs with regard to violations of all human rights; procedures for the implementation of standards on the human rights conduct of companies; the administration of justice through military tribunals and exceptional jurisdiction; domestic implementation in practice of the obligation to provide effective remedies; discrimination in the criminal justice system; and the privatization of



prisons. In addition, the Sub-Commission requested the Commission in 2000 to approve four new studies. These are: the human rights problems and protections of the Roma; the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water; human rights and human responsibilities; and reservations to human rights treaties.

The experts of the Sub-Commission are often academics, lawyers, judges or, in some cases, representatives of their Governments. They are expected to conduct their work on the Sub-Commission, how-ever, independently of any governmental or non-governmental influence.

As independent experts, the experts are not subject to the over-sight of the United Nations Secretariat. While they are assisted by OHCHR, the experts carry out their research independently of the Secretariat. Owing to the limited Secretariat resources available, as mentioned above, the experts often rely on their own resources to support their research.

CONCLUSION

The United Nations human rights experts play a vital role in working towards the universal achievement of freedom from fear and want. They are not paid. Their reward is the satisfaction of working towards the realization of human rights, as the highest aspiration of the common people as the Universal Declaration of Human Rights proclaimed.

The system remains seriously under-resourced and has yet to achieve its full potential, however. Efforts are continuing to be made to strengthen the system to enable it to achieve the goal of universal respect for all human rights. With the cooperation of various actors, in particular Governments, United Nations bodies, and the non-govern-mental sector, its effectiveness could be considerably enhanced.

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Convention on the Elimination of All Forms of Discrimination against Women

Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979

**Entry into force 3 September 1981, in accordance with article 27(1)
The States Parties to the present Convention,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,



Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields, Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,



Have agreed on the following:

PART I


Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a). To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b). To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c). To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d). To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e). To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f). To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

- 
- g). To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- a). To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b). To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II



Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a). To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b). To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c). To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.



PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a). The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b). Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c). The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d). The same opportunities to benefit from scholarships and other study grants;
- e). The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f). The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g). The same Opportunities to participate actively in sports and physical education;
- h). Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.



Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a). The right to work as an inalienable right of all human beings;
- b). The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- c). The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- d). The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- e). The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- f). The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
- g). 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - h). To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - i). To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - j). To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;



equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- a). To participate in the elaboration and implementation of development planning at all levels;
- b). To have access to adequate health care facilities, including information, counselling and services in family planning;
- c). To benefit directly from social security programmes;
- d). To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- e). To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- f). To participate in all community activities;
- g). To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h). To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- a). The same right to enter into marriage;
- b). (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c). The same rights and responsibilities during marriage and at its dissolution;
- d). The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e). The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- f). The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g). The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- h). The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.



PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional

members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- a). Within one year after the entry into force for the State concerned;
- b). Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure. 2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.



2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.



PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a). In the legislation of a State Party; or
- b). In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27



1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.



Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.



Declaration on the Elimination of Violence against Women

General Assembly resolution 48/104 of 20 December 1993

The General Assembly,

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights, 2/ the Convention on the Elimination of All Forms of Discrimination against Women 3/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4/

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 34/180, annex.

4/ Resolution 39/46, annex.

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, 5/ in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to



forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

(a) The right to life;^[6]

(b) The right to equality;^[7]



- (c) The right to liberty and security of person;[8]
- (d) The right to equal protection under the law; [7]
- (e) The right to be free from all forms of discrimination; [7]
- (f) The right to the highest standard attainable of physical and mental health; [9]
- (g) The right to just and favourable conditions of work;[10]
- (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. [11]

[6] Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 6.

[7] International Covenant on Civil and Political Rights, article 26.

[8] Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 9.

[9] International Covenant on Economic, Social and Cultural Rights, article 12.

[10] Universal Declaration of Human Rights, article 23; and International Covenant on Economic, Social and Cultural Rights, articles 6 and 7.

[11] Universal Declaration of Human Rights, article 5; International Covenant on Civil and Political Rights, article 7; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.


Article 4

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- a). Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;



- b). Refrain from engaging in violence against women;
- c). Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- d). Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- e). Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
- f). Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;
- g). Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
- h). Include in government budgets adequate resources for their activities related to the elimination of violence against women;
- i). Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;

- 
- j). Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
 - k). Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;
 - l). Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;
 - m). Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;
 - n). Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;
 - o). Recognize the important role of the women's movement and non-governmental organizations world wide in raising awareness and alleviating the problem of violence against women;
 - p). Facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels;
 - q). Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration and, to this end, should, inter alia:



- a). Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;
- b). Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issue of the elimination of violence against women;
- c). Foster coordination and exchange within the United Nations system between human rights treaty bodies to address the issue of violence against women effectively;
- d). Include in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;
- e). Encourage coordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence;
- f). Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration;
- g). Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;
- h). Cooperate with non-governmental organizations in addressing the issue of violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State.



Declaration on the Protection of Women and Children in Emergency and Armed Conflict

**Proclaimed by General Assembly resolution 3318(XXIX) of 14
December 1974**

The General Assembly,

Having considered the recommendation of the Economic and Social Council contained in its resolution 1861 (LVI) of 16 May 1974,

Expressing its deep concern over the sufferings of women and children belonging to the civilian population who in periods of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence are too often the victims of inhuman acts and consequently suffer serious harm,

Aware of the suffering of women and children in many areas of the world, especially in those areas subject to suppression, aggression, colonialism, racism, alien domination and foreign subjugation,

Deeply concerned by the fact that, despite general and unequivocal condemnation, colonialism, racism and alien and foreign domination continue to subject many peoples under their yoke, cruelly suppressing the national liberation movements and inflicting heavy losses and incalculable sufferings on the populations under their domination, including women and children,

Deploring the fact that grave attacks are still being made on fundamental freedoms and the dignity of the human person and that colonial and racist foreign domination Powers continue to violate international humanitarian law,

Recalling the relevant provisions contained in the instruments of international humanitarian law relative to the protection of women and children in time of peace and war,

Recalling, among other important documents, its resolutions 2444 (XXIII) of 19 December 1968, 2597 (XXIV) of 16 December 1969 and 2674 (XXV) and 2675 (XXV) of 9 December 1970, on respect for human rights and on basic principles for the protection of civilian populations in armed conflicts, as well as Economic and Social Council resolution 1515 (XLVIII) of 28 May 1970 in which the Council requested the General Assembly to consider the possibility of drafting a declaration on the protection of women and children in emergency or wartime,

Conscious of its responsibility for the destiny of the rising generation and for

the destiny of mothers, who play an important role in society, in the family and particularly in the upbringing of children, Bearing in mind the need to provide special protection of women and children belonging to the civilian population,

Solemnly proclaims this Declaration on the Protection of Women and Children in Emergency and Armed Conflict and calls for the strict observance of the Declaration by all Member States:

- a). Attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned.
- b). The use of chemical and bacteriological weapons in the course of military operations constitutes one of the most flagrant violations of the Geneva Protocol of 1925, the Geneva Conventions of 1949 and the principles of international humanitarian law and inflicts heavy losses on civilian populations, including defenceless women and children, and shall be severely condemned.
- c). All States shall abide fully by their obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949, as well as other instruments of international law relative to respect for human rights in armed conflicts, which offer important guarantees for the protection of women and children.
- d). All efforts shall be made by States involved in armed conflicts, military operations in foreign territories or military operations in territories still under colonial domination to spare women and children from the ravages of war. All the necessary steps shall be taken to ensure the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence, particularly against that part of the civilian population that consists of women and children.
- e). All forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.
- f). Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid



or other inalienable rights, in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of the Rights of the Child or other instruments of international law.



Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Opened for signature and ratification by General Assembly resolution 1763 A (XVII) of 7 November 1962
entry into force 9 December 1964, in accordance with article 6 [status of ratifications, reservations and declarations](#)

The Contracting States,

Desiring, in conformity with the Charter of the United Nations, to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling that article 16 of the Universal Declaration of Human Rights states that:

- a). Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- b). Marriage shall be entered into only with the free and full consent of the intending spouses,

Recalling further that the General Assembly of the United Nations declared, by resolution 843 (IX) of 17 December 1954, that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Reaffirming that all States, including those which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories until their achievement of independence, should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded,

Hereby agree as hereinafter provided:

Article 1



1. The present Convention shall come into force on the ninetieth day following the date of deposit of the eighth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the eighth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article 7

Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than eight becomes effective.

Article 8

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of all the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

Article 9

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in article 4, paragraph 1, of the present Convention of the following:

- a). Signatures and instruments of ratification received in accordance with article 4;
- b). Instruments of accession received in accordance with article 5;
- c). The date upon which the Convention enters into force in accordance with article 6;
- d). Notific
- e). ations of denunciation received in accordance with article 7, paragraph 1;
- f). Abrogation in accordance with article 7, paragraph 2.

Article 10

The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-member States contemplated in article 4, paragraph 1.



Resolution 1325

Adopted by the Security Council at its 4213th meeting, on 31 October 2000

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President, and recalling also the statement of its President to the press on the occasion of the United Nations Day for Women's Rights and International Peace (International Women's Day) of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,
Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decisionmaking levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations, and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training



guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;

8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;

(b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;

(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions;

12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;

13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. Decides to remain actively seized of the matter

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