

Meeting  
Organised jointly by CSO and co-sponsored by the Permanent Mission of Bangladesh

**20th regular session of the UN Human Rights Council**

**Meeting**

**FIGHTING VIOLENCE AGAINST WOMEN THROUGH  
PROMOTING THE RIGHT TO PEACE**



**Geneva  
Palais des Nations  
27 June 2012  
15:00 - 17:00 p.m.  
Room XXIV**

**REPORT**

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#### 1. Introduction.

The Human Rights Council (HRC) is an inter-governmental body reporting to the General Assembly and made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The HR Council was established by the GA on 15 March 2006 with the additional purpose of addressing important issues of human rights and making recommendations that contribute to promoting and protecting human rights.

At its 20th session (June 2012) the HR Council was expected to take action on the (third) draft Declaration on the right to peace as submitted by the Advisory Committee. In addition, the HR Council had before it a new joint written statement entitled *A Working Group to Continue the Codification Process of the Human Right to Peace*<sup>2</sup>, in which 1.041 Civil Society Organizations (CSOs) and cities worldwide led by the IOHRP/SSIHRL requested the HR Council to establish an **"open-ended" working group on standard-setting** composed of representatives of States with a wide participation of civil society. It would be entrusted with drafting a Universal Declaration on the Human Right to Peace, taking into consideration both the AC (third) draft Declaration and the *Santiago Declaration*.

The supplementary event on the *Fighting Violence against Women through Promoting the Right to Peace* was held on 27 June 2012 at the Palais des Nations (Geneva). It was jointly organized by the Spanish Society for International Human Rights Law (SSIHRL), the International Observatory of the Human Right to Peace (IOHRP) and the Women's UN Report Network (WUNRN) with the support of the Worldwide Organization for Women (WOW) and the Japanese Committee on the Human Right to Peace and the sponsorship of the Permanent Mission of the People's Republic of Bangladesh to the United Nations in Geneva, at the occasion of the 20<sup>th</sup> regular session of the HR COUNCIL.

This was the second of a series of meetings on women and the human right to peace organised by CSOs in coordination with the Permanent Mission of the People's Republic of Bangladesh. The first meeting took place in the United Nations Headquarters (New York) on 24 February 2011. It was co-organized by the Spanish Society for International Human Rights Law (SSIHRL) and the Women's UN Report Network (WUNRN), and sponsored by the Permanent Mission of the People's Republic of Bangladesh to the United Nations in New York.

The main objectives of the second Expert Meeting (27 June 2012) were the following:

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<sup>2</sup>A/HRC/20/NGO/59 of 15 June 2012

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- To define the intersectionality between Violence Against Women and the Right to Peace;
- To share the *Santiago Declaration on the Human Right to Peace* with the European civil society representatives/organizations and academics;
- To introduce the Statutes of the *International Observatory of the Human Right to Peace* and extend an invitation to civil society organizations, and in particular women's organisations, to join the General Assembly of the Observatory;
- To examine the ongoing codification process of the right to peace at the Human Rights Council and its Advisory Committee;
- To study the actions to be taken by the HR Council at its 20<sup>o</sup> session, and in particular the establishment of an "open-ended" working group on standard-setting on the right to peace;
- To consider how the Human Right to Peace needs advocacy by women from high level to grass roots and the importance of women understanding and being engaged with the Human Right to Peace. Attention will be given to the role of the Human Right to Peace in preventing conflict, not only as a reaction after conflict, and in the complex efforts of reconstruction for peace and security of all;
- To analyze the linkage between the right to peace and women's contributions in the field of peace-building and their participation at all levels of decision-making;.
- To examine the General Assembly resolutions 3519 of 1975 and 3763 of 1982; and the Security Council resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009).

The supplementary event's working language was English. The two-hour Meeting included opening and closing remarks. Each speaker had 7 minutes for making her/his oral statement. There were 60 minutes allocated for the interactive dialogue among participants and panellists.

Ms. **Christina Papazoglou**, programme executive for human rights of the World Council of Churches, was the Moderator of the Meeting.

The guest speakers specially invited to address the meeting were:

- H. E. **Maria Nazareth Farani Azevedo**, Ambassador, Permanent Representative of Brazil to the United Nations in Geneva
- Ms. **Nahida Sobhan**, Counsellor, Permanent Mission of the People's Republic of Bangladesh in Geneva

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- Prof. **Alfred de Zayas**, Independent expert on the promotion of a democratic and equitable international order
- Ms. **Nyaradzayi Gumbonzvanda**, Secretary General of the World Young Women's Christian Association (World YWCA), President of the NGO Committee on the Status of Women in Geneva and former Regional Director for the United Nations Development Fund for Women (UNIFEM) in Eastern and Horn Africa
- Ms. **Lois A. Herman**, Coordinator, Women's UN Report Network-WUNRN
- Mr. **David Fernandez Puyana**, representative of the SSIHRL and IOHRP in Geneva

All speakers congratulated the organizers for this initiative, gathering together both representatives of States and CSOs in the promotion of the right to peace and women's rights at the United Nations.

## 2. Presentations

The Moderator, Ms. **Christina Papazoglou**, programme executive for human rights of the World Council of Churches, opened the side event by acknowledging the role played by the CSOs in the organisation of this meeting and the co-sponsorship of the Permanent Mission of the People's Republic of Bangladesh in Geneva. In addition, she referred to the main objectives of the Meeting, in particular actions to be taken by the HR Council at its 20th session such as the establishment of an "open-ended" working group on standard-setting on the right to peace and the relationship between violence against women and the right to peace.

Next, H. E. **Maria Nazareth Farani Azevedo**, Ambassador, Permanent Representative of Brazil to the United Nations in Geneva, began her presentation by recalling that the Preamble of the Convention on the Elimination of All Forms of Discrimination against Women indicates that: "the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields." She added that civilians, and in particular children and women, are the main victims in conflicts and post-conflict situations, and they often are target of sexual violence. The resolution 1325 adopted by the Security Council in 2000 recognised for the first time the strong linkage between women, peace and security, and it stressed the need to address the gender-based violence and gender inequality in conflict and post-conflict situations. The importance of women in equal participation in all efforts to maintain and promote sustainable peace and security has been also highlighted in the resolution. This resolution represents both a celebration and the recognition that we have a lot of work to do in the field of women, peace and human rights. The essential contribution of women around the world should continue in order to maintain international peace and security, realize human rights, promote a sustainable development and eradicate poverty, hunger and disease. Nevertheless, challenges still remain.

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She said that Brazil believes that the way forward can be only achieved through empowerment of women in all fields. Speaking on women and empowerment, she recalled that they have a group of women's ambassadors in Geneva, whose purpose is to overcome the challenges from a realistic viewpoint. The main objective of this group is to promote events and ideas, such as the next meeting entitled "the power to empower women" to be held in the March session of the HRC in 2013. They have organised many meetings on the empowerment of women and women as victims of conflict or trafficking, but little about women as active actors of change in the field of business or the political arena.

In every region of the world there are real obstacles for the real political participation of women, even in countries which have been champions of women's rights for decades. She described her personal experience in Switzerland in 1997 when she wanted to buy a car and the seller demanded the signature of her husband. She stressed that problems on gender inequality and differences between men and women do not belong only to the developing countries; it can happen anywhere. One of the main difficulties for achieving true equality is the limited participation of women in conflict prevention, peace negotiation and institution-building in post-conflict situations. Women's participation should be substantive. It is not enough for them to be allowed to be in the room; they want to have their voice. They want their voices to be heard, and therefore, they should effectively participate in all decision-making processes. Their political participation is fundamental for democracy.

According to her, discrimination against women is not compatible with democracy. Brazil is concerned about women's rights in every part of the world as women continue to be largely marginalised in the decision-making process and often suffer from discriminatory laws, practices and attitudes. This is a problem which not only affects poor countries, but affects all countries. Because of the economic crisis, the situation of women in the feminization of poverty has been aggravated. The crisis is hitting more women than men. Therefore, combating the causes and consequences of the crisis is essential for the empowerment of women. It is crucial for them to have access to education and equal opportunities to achieve economic independence. If the political empowerment of women is fundamental for democracy, their economic empowerment is essential for development and sustainable peace.

She talked about the Brazilian campaign called "Brazil without Poverty" which has the purpose of training women in their capacity to be empowered in the economic and business fields. Brazil has adopted some laws in the protection of women and has established specialized police stations aimed at helping women victims of violence. The empowerment of women is central to overcome many of the challenges before us and to prevent violence against women. Since 2006, Brazil has implemented the "Maria da Penha law" which is aimed at tackling the problem of domestic violence against women. Recently the Supreme Court of Brazil has decided that any witness of violence against women can denounce the perpetrator before the court. In February 2011 Brazil donated one million of dollars to the OHCHR to create a reparation system for the women from Congo. The program was directed to promote the women's access to justice and to train police in appropriate measures to assist women who have suffered violence. She said that this program has the support from UN Women. In the area of peacekeeping, the Brazilian

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minister of defense and UN Women signed in December 2011 a memorandum to train the Brazilian peacekeepers in the prevention of conflict-related sexual violence. She finished by indicating that the work of the HRC, the General Assembly and the UN on the field of women require our support.

Ms. **Nahida Sobhan**, Counsellor, Permanent Mission of the People's Republic of Bangladesh in Geneva, began by thanking the august gathering and the panelists for their presence today. The concept of our discussion today stems from various international documents, GA resolutions, and the Security Council Resolution no 1325 adopted in 2000.

She views peace as an imperative for the survival of mankind. It represents the deepest aspirations of men and women throughout the world. In addition, guaranteeing peace and security is one of the essential components to protect the human rights of women, girls and children, as well as to eliminate all forms of violence against them and their use as a weapon of war.

Bangladesh believes that in order to have sustaining peace and development, it is essential to involve women in the decision-making process, and to have their perspective, full participation and ownership of the process. They have the right to a peaceful life and the right to participate in the promotion and in upholding peace. It is neither wise nor effective to leave women – who constitute half of the world's population, out of the decision-making process. We also believe that women are agents of development. Inspired by this perspective, Bangladesh, during its Presidency of the UN Security Council in 2000, was happy to be able to steer the adoption of the Security Council Resolution no 1325. The adoption of 1325 opened a much-awaited door of recognition and opportunity for women, who have shown time and again that they bring a qualitative improvement in structuring peace and in post-conflict architecture.

The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995 and the Security Council resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009) mandated women's participation at all levels of decision-making on peace, disarmament and security issues, as well as the need to perform a gender analysis and ensure gender justice in all situations of armed conflicts. In the UN General Assembly, Bangladesh tables its flagship resolution “International Decade for a Culture of Peace and non-violence for the Children of the World, 2001-2010” under the agenda item Culture of Peace every year. The resolution has been enjoying unanimous support of UN membership with the number of countries co-sponsoring the resolution ever increasing. The resolution is based on a theme that epitomizes the essence of the efforts to save humanity from the scourge of war and conflict through establishment of a culture of peace among societies, nations and countries.

In their national context, Bangladesh has been striving to translate into its actions, the commitments to champion women's empowerment through political leadership, strengthening women's political, social and economic roles, recorded achievement in equality and the attainment of MDG 3.

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While mentioning their efforts to uphold the importance Bangladesh attaches to women and the human right to peace, they acknowledge that they have much to do in the future. Despite their many limitations and varied challenges, including poverty, negative effects of climate change and resource constraints, Bangladesh is committed to the protection and promotion of human rights and peace as well as vulnerable populations like women and children worldwide. It is currently the largest contributor to UN Peacekeeping forces to uphold peace and stability, which includes a full contingent of female peacekeepers.

She said that their discourses on the nexus between fighting violence against women and the right to peace is based on the conviction that it is an attempt to respond to the challenges of the globalized, interconnected and interdependent world. From this perspective, they welcome the proposals contained in the Santiago Declaration on the Human Right to Peace as well as the previous Declarations approved in Lueca, Bilbao and Barcelona. Bangladesh believes this discourse has the potential to transform our world of seven billion people into one where our future generations may prosper and live in happiness.

Their engagement in peace is based on the premise that peace is constituted not merely in an absence of war or conflict, but it involves a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation. Flourishing the right to peace and nonviolence will generate a mindset that is the prerequisite for development, stability, and reason. It will provide the bedrock to support a stable, progressing, and prospering world—a world that is at peace with itself. She do not believe anyone can have the intention to contradict peace. Peace must be nurtured by all of us—individually and collectively—so that our future generations can flourish in a peaceful world.

Prof. **Alfred de Zayas**, independent expert on the promotion of a democratic and equitable international order, recalled the work performed by Verta Von Suttner and Eleanor Roosevelt in the promotion of the women's rights and gender equality. He mentioned article 3 and 26 of the International Covenant on Civil and Political Rights on gender equality and prohibition of discrimination on the ground of gender. He also cited some cases of the Human Rights Committee concerning women noting that women are involved in peaceful campaigns. He mentioned the comedy *Isistrata* written by Aristofanes to point out the role of women in the Peloponnesian War. Both the Santiago Declaration on the Human Right to Peace and the AC draft Declaration on the Right to Peace often refer to the gender approach to the right to peace. He informed that he will present his report at the HRC in its 21<sup>o</sup> session (September 2012) and at the General Assembly in August, and that he wanted to organise an Open Consultation with civil society on 10th July in order to receive their suggestions and proposals. He referred to the Constitution of Peru which recognises the equal rights between men and women, and the equality before the law. He supported the system of Universal Periodical Review as there is a dialogue between governments, civil society and the UN Secretariat. He recommend the book "Making Peoples Heard", which came out last year and in which there is an entire section on the right to peace.

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After, Ms. **Nyaradzayi Gumbonzvanda**, Secretary General of the World Young Women's Christian Association (World YWCA) and President of the NGO Committee on the Status of Women in Geneva, began by saying that it is a great pleasure to participate in this panel and to listen to different opinions from governments, independent experts and civil society organisations. After more than 20 years of professional life working in countries in conflict, she said that in her life she has had the opportunity to participate in peace talks, to cry together with women and to be in the corridors of power. Nevertheless, after this long experience she expressed that her feeling was frustration. As President of the NGO Committee on the Status of Women in Geneva, which has 28 accredited NGOs, she recalled that the NGO's work has as their purpose to strengthen the linkages between governments and civil society organisations in the field of women's rights. The United Nations was founded after the experience of the second world war and its main purpose was to promote security and peace. For this reason, she showed her surprise that the right to peace had not yet been recognised, taking into account that it is based in the UN Charter. She asked the Member States of the United Nations what the real causes were for not accepting the human right to peace.

She explained her experience in the adoption of the resolution 1325 on women, peace and security by the UN Security Council. In addition, she demanded a joint session of the Security Council and the Human Rights Council to address the matter of violence against women and the human right to peace. Bearing in mind that armed conflict and war by their nature generate violence, we should empower the human right to peace as a means to promote the culture of peace. War and violent conflict have as their consequence the violation of women's rights. It also fractures the possibility to protect their fundamental human rights and freedoms. She recalled that women met in Mexico, Copenhagen and Beijing to recognise the linkage between equality, peace and development. For her, now it is the time for accountability, remedies, democracy and the human right to peace.

Ms **Lois Herman**, Coordinator, Women's UN Report Network-WUNRN, took the floor next and expressed her utmost respect for what is being done, in particular she described the effects of war on women. She showed a powerful powerpoint on women in the frontlines of war, in which appeared many faces of women, demonstrating how the fundamental rights and freedoms of women are violated during or after an armed conflict. She focused her attention on widows, a gas attack in Afghanistan against girls in the school, the mothers and grandmothers of the May Square in Argentina, girl child soldiers, missing family members in Chechnya, the cases of women in Burma pending at International Criminal Court, the situation of women in the refugee camps or in Somalia, Iraq, Sudan and Congo. She calls upon States to promote and respect the Security Council resolutions 1325, 1888 and 1889 on women, peace and security.

Mr. **David Fernandez Puyana**, representative of the SSIHRL and IOHRP in Geneva, explained that the SSIHRL World Campaign on the Human Right to Peace successfully culminated the consultation process with international civil society organizing the *International Congress on the Human Right to Peace*, which took place in Santiago de Compostela (Spain) on 9 and 10 December 2010 in the context of the World Social Forum on Education for Peace. On 10 December 2010 two important resolutions were approved by consensus, namely:



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Firstly, the *Santiago Declaration on the Human Right to Peace*, which represents the aspirations of the international civil society aiming at the codification of the human right to peace. It was the end of a fruitful international legislative initiative started on 30 October 2006 when the *Luarca Declaration on the Human Right to Peace*, which was drafted by a Committee of 15 independent experts, was adopted.

The SSIHRL has developed its four-year World Campaign on the Human Right to Peace organizing workshops and expert meetings on the human right to peace in all regions of the world, sharing the content of the Luarca Declaration, and receiving inputs from different cultural sensibilities. This process has included voices of women in all levels. As noted by the UN Security Council, women and girls are the highest numbers of casualties in situations of armed conflict.

Secondly, the Santiago Congress adopted the Statutes of the *International Observatory of the Human Right to Peace (IOHRP)*, which is operative since 10 March 2011 as a part of the SSIHRL, benefiting from the wide experience accumulated throughout its five-year World Campaign on the human right to peace. This campaign has received the support of some 2.000 CSOs, as well as of numerous public institutions and the 22 Member States of the Ibero American Summit.

The Santiago Declaration acknowledged in its Preamble the contribution of women to peace processes and emphasized the importance of their participation at all levels of decision making. This contribution has been recognised by the General Assembly in its resolutions 3519 of 1975 and 3763 of 1982, and by the Security Council in its resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009). It also emphasised the full and effective implementation of the resolution 1325 on women and peace and security.

In addition, the Preamble of the Santiago Declaration affirms that the human right to peace cannot be achieved without the realization of the equality of rights and respect for gender-based differences. Furthermore, article 12.3 stated that States, International Organizations, in particular the United Nations, and civil society shall facilitate the specific contribution of women to the prevention, management and peaceful settlement of disputes, and promote their contribution to building, consolidating and maintaining peace after conflicts. To this end, the increased representation of women shall be promoted at all levels of decision-making in national, regional and international institutions and mechanisms in these areas.

At its 20th session (June 2012) the HR Council will be expected to take action on the (third) draft Declaration on the right to peace prepared by the AC. CSO submitted a new joint written statement with the support of more than 1.000 CSO and cities worldwide inviting again the HR Council to establish an "open-ended" working group on standard-setting to continue the codification process of the right to peace with the purpose of submitting to the General Assembly a draft *Universal Declaration on the Human Right to Peace*.

The role of the women's peace movements to the future OEWG is really important, notably when war and conflict situations have been increasing. Without doubt, these

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movements to wage peace have been able to accomplish significant and historical inroads in impacting public opinion. For instance, Security Council resolutions bringing a gender perspective into peace negotiations is an evident outcome of this movement.

### 3. Debate

After the presentations, Ms. **Christina Papazoglou** open the floor for general comments and questions addressed to the panellists.

Prof. **Carlos Villán Durán**, President of the Spanish Society for International Human Rights Law and representative of the International Observatory of the Human Right to Peace, explained that pursuant to HR Council resolution 17/16 of 17 June 2011 and Advisory Committee (AC) recommendation 8/4 of 24 February 2012, the AC submitted to the HR Council its (third) draft declaration on the right to peace.

The Human Rights Council had also before it a new joint CSO written statement entitled *A Working Group to Continue the Codification Process of the Human Right to Peace*<sup>3</sup>, sponsored by 1.041 CSOs and cities worldwide, in which they request the HR Council to welcome the AC draft Declaration and acknowledge the CSO contribution to the codification of the human right to peace, i.e., the *Santiago Declaration on the Human Right to Peace* of 10 December 2010.

In addition, the CSOs request the HR Council to establish an **"open-ended" working group** to continue the codification process of the human right to peace, taking duly into account all preparatory work. Moreover, CSOs invite the future working group to consider the following amendments to the AC draft Declaration on the right to peace in order to recover the 15% of the legal standards proposed by the *Santiago Declaration*, which were not accepted by the AC, namely:

1. The draft Declaration should be titled "human right to peace" to include *minorities and humankind* as additional right-holders of the right to peace;

2. The Preamble should be completed following the Preamble of the *Santiago Declaration on the Human Right to Peace* (2010) since it includes relevant universal and regional legal instruments providing background to the codification of the right to peace;

3. The concept of "right" should be added in the title of the articles 2 ("human security"), 3 ("disarmament"), 4 ("education and training in peace"), 5 ("disobedience and conscientious objection") and 9 ("development");

4. Article 3.3 should include an invitation to States to consider the establishment and promotion of Peace Zones and Nuclear Weapons Free Zones and to progressively phase out foreign military bases;

5. Article 5 should include the right not to participate in scientific research for the manufacture or development of arms of any kind; the right to oppose taxation for military expenditures; and the right to be protected in the effective exercise of the right to disobedience and conscientious objection;

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<sup>3</sup>A/HRC/20/NGO/59, of 15 June 2012

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6. Article 8 (peacekeeping) should add a new paragraph in the sense that all UN peace-keeping operations should integrate unarmed civilian forces to the appropriate protection of civilians.

7. Article 11 should be completed with specific reference to persons belonging to vulnerable groups such as persons arrested or detained and disappeared.

8. Article 12 should recognise the individual right to freedom of movement and to emigrate if his/her right to human security or to live in a safe and healthy environment, as stipulated in this Declaration, is seriously threatened.

9. Art. 13 should be entitled "Obligations for the realization of the human right to peace" and completed in accordance with paragraph 4, 6, 7 and 8 of article 13 of the *Santiago Declaration*. And,

10. Article 13.6 ("implementation") should be replaced by articles 14 and 15 of the Santiago Declaration, which proposes the establishment by the General Assembly of a Working Group on the Human Right to Peace, composed of ten independent experts and equipped with functions equivalent to those of the best practices developed by the special procedures of the Human Rights Council.

Ms. **Afton Beutler**, President of the Worldwide Organization for Women (WOW), suggested that the solutions regarding to the right to peace have to be found in the grassroots. She asked to the panellists which is the most effective way to encourage the grassroot organisations, and in particular women without economic empowerment, in the field of peace and gender equality.

In her turn, Ms. **Nyaradzayi Gumbonzvanda** stressed that the NGO Committee on the Status of Women in Geneva is composed of 28 civil society organisations, which work in the field of human rights and peace matters. She agreed with Mr. Carlos Villan about the linkage between the human right to peace and the reform of the United Nations. In addition, she proposed to include the campaign on the human right to peace in all events related to the anniversary of the adoption of the 1325 UN resolution.

After, Ms. **Nahida Sobhan** said that countries sometimes cannot agree on particular issues and their final positions depend on many factors, including their national positions. However, many countries, including Bangladesh, always intend to work collectively. In addition, she stressed that respect of the victims' rights should be more important than the principle of national interest. In her personal viewpoint, the right to peace is based on the respect of others.

Next, Prof. **Alfred de Zayas** reminded the OHCHR report about the workshop on the right of peoples to peace which occurred on 9-10 December 2009, and in particular the paragraph about the linkage between gender equality and the elimination of structural violence and the possibility of victims to claim the respect of the right to peace. In addition, he recalled Ms. Fatimata Dah's proposal in the workshop about the establishment of an "Open-Ended" Working Group on the codification of the right to peace. After, he referred to the section on obligations and implementation contained in the Declaration on the right to peace elaborated by the Advisory Committee.

Ms **Lois Herman** proposed to elaborate a questionnaire which explores the most important issues related to the human right to peace and its relationship with women.

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To conclude, Ms. **Christina Papazoglou**, moderator, thanked the panellists and participants for their commitment to peace, and to the organizers for the excellent organization of the meeting.

### 4. Legal analysis between violence against women and the right to peace

In accordance with the concept paper previously distributed among all participants, women's peace movements have raised major issues related to war around the world, notably when war and conflict situations have been on the increase. Without doubt, these movements to wage peace have been able to accomplish significant and historical inroads in impacting public opinion. For instance, Security Council resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009) bringing a gender perspective into peace negotiations are an evident outcome of these movements.

At the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in July 1985, the issue of violence against women was only raised as an afterthought to issues of discrimination, health and economic and social issues.

In addition, paragraph 258 of the Nairobi Forward-Looking Strategies for the Advancement of Women, adopted by the World Conference, stated as follows:

"Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance".

The landmark Convention on the Elimination of Discrimination against Women is considered the primary document for women's human rights. Yet, it did not directly address violence against women. Nevertheless, it should be noted that the CEDAW Committee created the General Recommendation No. 12 on violence against women in its eighth session in 1989 as a component of Member State Reports to the CEDAW Committee.

The UN Security Council 1325 covers a broad spectrum of violence against women and girls in conflict and specifically notes the following terms:

- *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,

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- *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,

As stated by Ms. **Radhika Coomaraswamy**, former Special Rapporteur on violence against women, its causes and consequences, basic rights, such as to food, shelter, education, employment, a sustainable living and peace have been denied to a large percentage of the world's population, of which women comprise a large portion<sup>4</sup>. In addition, she stated that the family has been traditionally considered as a retreat, a place where individuals are able to find security and shelter. The family has been romanticized as the "private haven" where peace and harmony prevail. Recent research, however, points to the fact that the family may be a "cradle of violence" and that females within the home are often subjected to violence in the family<sup>5</sup>. Therefore, she suggested that formal education in schools can be used to eliminate stereotypical attitudes; the subject of family violence should be part of the curriculum and peaceful methods of conflict resolution explored<sup>6</sup>.

In accordance with Ms. **Yakin Ertürk**, former Special Rapporteur on violence against women, its causes and consequences, violence against women by intimate partners in the home, or by strangers outside, increases the risk of HIV infection for women and of further violence<sup>7</sup>.

Ms. **Rashida Manjoo**, Special Rapporteur on violence against women, its causes and consequences, stressed in her annual report submitted to the Human Rights Council in 2011<sup>8</sup> that if a woman experiences violence in her home and is then denied security and protection by the legal system, she is encountering more than one form of violence. In addition, she indicated that the response required to ensure that women's lives are free of violence must occur on multiple levels, from the individual to the institutional, from the local to the transnational, and in times of peace to times of post-conflict. Furthermore, she pointed out that many regions in the world are currently experiencing violence, both public and private – be it in actual military conflict and combat zones, or in the aftermath of conflicts, or during periods of supposed "peacetime". Conflict and post-conflict situations often exacerbate an environment of violence against women including sexual violence, trafficking and forced prostitution.

It should be noted that the first thematic report submitted to the Human Rights Council by Ms. **Rashida Manjoo**, Special Rapporteur on violence against women, its causes and consequences<sup>9</sup>, focused on the topic of reparations to women who have been subjected to violence in contexts of both peace and post-conflict. Section II.B of the report analysed the

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<sup>4</sup>Paragraph 56, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women, submitted in accordance with Commission on Human Rights resolution 1997/44, E/CN.4/2000/68, 29 February 2000

<sup>5</sup>Paragraph 117, Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45, E/CN.4/1995/42, 22 November 1994

<sup>6</sup>Paragraph 142, *ibidem* 117

<sup>7</sup>Paragraph 26, Integration of the human rights of women and the gender perspective: violence against women intersections of violence against women and HIV/AIDS, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, E/CN.4/2005/72, 17 January 2005

<sup>8</sup>Paragraphs 66 and 88, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/17/26, 2 May 2011

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procedural and substantive considerations emerging in reparations initiatives responding to violence in conflict, post-conflict and authoritarian settings. Section II.C examined reparations to women and girls in contexts of “peace” or consolidated democracies, by looking first at discriminatory practices against certain groups of women.

As indicated by Ms. **Radhika Coomaraswamy**, former Special Rapporteur on violence against women, its causes and consequences<sup>10</sup>, when a peace agreement has been reached and the conflict brought to an end, women often face an escalation in certain gender-based violence, including domestic violence, rape, and trafficking into forced prostitution. Unfortunately many of the peace agreements and the processes of reconstruction after the conflict do not take note of these considerations. In addition, she noted that women may also be exposed to violence by the international authorities or forces assigned to protect them. There have been a growing number of reports of rape and other sexual abuse being committed by United Nations peacekeeping forces and staff. She proposed that the United Nations should ensure that women are represented in all ceasefire and peace negotiations, and that gender issues are an integral part of these processes. Special efforts should be made to engage local women’s NGOs in the peace negotiations.

The role of men and boys is indispensable in achieving both gender equality in economic, social and cultural rights and the right to peace. The Charter of the United Nations was the first international instrument to recognize women’s equal rights with men and has created the impulse in providing a legal codification of these rights in the international human rights treaties and national laws. It follows that a transformed partnership based on equality between women and men is needed as a condition for people-centred sustainable development and world peace.

Unfortunately, inequality is particularly gendered in war and conflict which severely compromises women’s right to sustainable development. Even though women provide the unpaid service in times of peace such as the search for water, the preparation of food and energy conservation, inequality is intensified during conflict since the peacekeeping infrastructure is often destroyed.

Along with the deepening violence women experience during war, the long-term effects of conflict and militarization create a culture of violence that renders women especially vulnerable after war, because institutions of governance and law are weakened and social fragmentation is pronounced. The maintenance of peace and security is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war<sup>11</sup>.

The interest of women and girls in the peace processes often stems from their experiences of armed conflicts, whether primarily as victims or as armed participants. They are aware of the potentials for transformation and reform in periods of peacemaking. As the Platform for Action of Beijing indicated “the girl child of today is the woman of tomorrow.

<sup>9</sup>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/14/22, 23 April 2010

<sup>10</sup>Paragraphs 57, 58 and 117, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45, Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000), E/CN.4/2001/73, 23 January 2001

<sup>11</sup>The United Nations Fourth World Conference on Women, Action for Equality, Development and Peace, Beijing, China, 1995, paragraph 12.

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The skills, ideas and energy of the girl child are vital for full attainment of the goals of equality, development and peace<sup>12</sup>.

Women have a unique opportunity to become organized in peace movements to focus on shared social experiences. Women across different cultures face common barriers based on gender inequality and thus can create networks of solidarity that are able to cross invisible borders. The Forward-looking Strategies on Equality, Development and Peace of Nairobi states that women should be completely integrated into the development process in order to strengthen peace and security in the world. Thus, the realization of equal rights for women at all levels and in all areas of life contributes to the achievement of a just and lasting peace<sup>13</sup>.

The most critical deterrent to the right to peace and the gender inequality, however, is the prejudice and bias that remains in the mental attitudes and behaviour of many men that perpetuate the notion of power that deprives women of the enjoyment of their basic human rights and human dignity. It follows that equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. As stated by the preamble of the Convention on the Elimination of All Forms of Discrimination against Women “the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.”

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<sup>12</sup>The United Nations Fourth World Conference on Women, supra n. 7, paragraph 39.

<sup>13</sup>Decade for women: Equality, Development and Peace, Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, A/RES/40/108, 13 December 1985, UN General Assembly.